Compendium of School Discipline Laws and Regulations for the 50 States, District of Columbia and the U.S. Territories

Compiled January 31, 2020

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Safe Supportive Learning
Engagement | Safety | Environment
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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List of states/jurisdictions in order of appearance in this volume

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53. Guam
54. Northern Mariana Islands
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* A Spanish version of the Puerto Rico compilation is available via the online Discipline Laws and Regulations Compendium.
Alabama
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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General Provisions

Authority to develop and establish rules of conduct

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(e)(1) [...] The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(h). Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to
school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions.

16-1-27. Use of electronic communication devices on school property.
(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

16-6B-5. Local boards; safety and discipline accountability.
In addition to providing quality instruction in classrooms and fiscal soundness, all local boards of education shall be accountable for compliance with statutes and regulations regarding school safety and discipline. The State Department of Education shall send to all local boards of education and all local superintendents of education, on or before August 1 of each year, a manual containing all acts of the Legislature and all regulations promulgated by the State Board of Education which pertain to school safety and discipline. Within thirty (30) days of receipt of this manual, each local board of education shall provide to the State Board of Education a report, in the form prescribed by the State Department of Education, describing its compliance with these acts and regulations. If a local board of education is determined by the State Board of Education to have failed to comply in any material respect with these acts and regulations, the State Department of Education shall provide assistance to obtain compliance. If after one year, the State Board of Education determines that a local board of education refuses or fails to come into compliance with these acts and regulations, the State Superintendent of Education shall intervene in and assume the direct management and day-to-day operation of the local board of education for such period of time as the State Board of Education deems necessary to bring that local board of education into compliance with these acts and regulations.

16-28-2.1. Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.
The Legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the State of Alabama. The State Board of Education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

16-28-12. Person in loco parentis responsible for child’s school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.
(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he
or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28A-1. Legislative findings.

It is the finding of the Alabama Legislature that the people of Alabama have two basic expectations of their public schools: (1) that students be allowed to learn in a safe classroom setting where order and discipline are maintained; and (2) that students learn at the level of their capabilities and achieve accordingly. The Legislature finds further that every child in Alabama is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline. Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

16-28A-3. Local boards of education required to develop and disseminate student discipline and behavior policies.

To fully implement the provisions of this chapter, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the...
State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-9. Adoption of local policies.
Each local board shall establish a policy in compliance with this chapter on or before July 1, 2010. Each local policy or model policy adopted by a local board or the department, respectively, shall be consistent with this chapter.

REGULATIONS

290-3-1-.02. Regulations governing public schools.
(b) Effective with the 1995-96 school year and thereafter, local boards of education must:
1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.
3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

Scope

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.
(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:
(1) Incident. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
   a. On school property; or
   b. During school activities, on or off school property; or
   c. At any other times when such incident can be reasonably related to school functions.
Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.
16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.
(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

16-28B-4. Prohibited behavior; complaints; school plans or programs.
(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

16-1-24. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable, case law, and state and federal constitutional provisions.
(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following: (1) Specific grounds for disciplinary action, (2) Procedures to be followed for acts requiring discipline, (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution,
receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

16-28A-3. Local boards of education required to develop and disseminate student discipline and behavior policies.
To fully implement the provisions of this chapter, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

16-28B-5. Model policy.
The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.
(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

16-28B-5. Model policy.
The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.
Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-10-5. Dismissal of pupils.
No teacher shall dismiss pupils during school hours or close the school during school hours, except in an emergency, without the consent of the board of school trustees or the county superintendent of education.

REGULATIONS
No relevant regulations found.
Alternatives to suspension

LAWS


(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars ($225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

   a. The operation of alternative fund schools as defined below:

      1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

         (i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

         (ii) The local board of education shall provide suitable facilities for housing alternative school programs.

         (iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

         (iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

            A. Remedial education where necessary.

            B. Counseling, including sessions on conflict resolution.

            C. Social skills development.

         (v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

         (vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

         (vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.
2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:
   (i) The number of children served in each tier of the program.
   (ii) The improvement in academic achievement.
   (iii) The improvement in behavior.
   (iv) The improvement in parental involvement.
   (v) Financial accounting for the state and local monies expended.

3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

16-1-23. Hazing prohibited; penalty.
(c) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

16-28A-1. Legislative findings.
Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education.

16-28A-2. Exemption of teachers and other employees from application of Title 26.
The provisions of Title 26 shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.
16-28A-5. Immunity for other authorized school personnel.

It is the intent of the Legislature to include under the provisions of this chapter, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-1-27. Use of electronic communication devices on school property.

(a) A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, when such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

(b) Any pupil found in violation of this section shall be subject to suspension by the board of education.

(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

16-28-12. Person in loco parentis responsible for child’s school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.
(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-40A-3. Minimum contents to be included in drug education program or curriculum.

(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:

(1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.

(2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.

(3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.

(4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.
16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.
(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

16-1-27. Use of electronic communication devices on school property.
(a) A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, when such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.
(b) Any pupil found in violation of this section shall be subject to suspension by the board of education.
(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

REGULATIONS
No relevant regulations found.

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

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(b) [...] The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.
16-10-5. Dismissal of pupils.
No teacher shall dismiss pupils during school hours or close the school during school hours, except in an emergency, without the consent of the board of school trustees or the county superintendent of education.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) […] The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case
basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS


(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to

   (iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.
Use of restraint and seclusion

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

REGULATIONS

290-3-1-.02. Regulations governing public schools.


(f) Seclusion and Restraint for ALL Students.

1. Definitions.

(i) Chemical Restraint. Any medication that is used to control violent physical behavior or restrict the student’s freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition. Use of chemical restraint is prohibited in Alabama public schools and educational programs.

(ii) Mechanical Restraint. The use of any device or material attached to or adjacent to a student’s body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation. Use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iii) Physical Restraint. Direct physical contact from an adult that prevents or significantly restricts a student’s movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

(iv) Physical Restraint that restricts the flow of air to the student’s lungs- Any method (face-down, face-up, or on your side) of physical restraint in which physical pressure is applied to the student’s
body that restricts the flow of air into the student’s lungs. Use of this type of restraint is prohibited in Alabama public schools and educational programs.

(v) Seclusion. A procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1.) (vi) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. Use of seclusion is prohibited in Alabama public schools and educational programs.

(vi) Time-out. A behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

(I) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.

(II) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.

(III) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.

(IV) The time-out space is free of objects that unreasonably expose the student or others to harm.

2. Requirements.

(i) The use of seclusion is prohibited in Alabama public schools and educational programs.

(ii) The use of any method of physical restraint that restricts the flow of air to a student’s lungs is prohibited in Alabama public schools and educational programs.

(iii) The use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iv) The use of chemical restraint is prohibited in Alabama public schools and educational programs.

(v) The use of physical restraint is prohibited in Alabama public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Notwithstanding the foregoing, physical restraint is prohibited in Alabama public schools and educational programs when used as a form of discipline or punishment.

(vi) All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

(vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program’s policies governing the use of physical restraint. The written policies must include the following provisions:

(I) Staff and faculty training on the use of physical restraint and the school or program’s policy and procedures,

(II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,
(III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,

(IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.)(vii)(III),

(V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,

(VI) The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

(VII) The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(ix) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee’s authority to utilize time-out as defined in paragraph (1.)(vi) of this rule or any other classroom management technique or approach, including a student’s removal from the classroom, that is not specifically addressed in this rule.

(x) Nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Ala. 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Ala. 1975, §16-28-12.

(xi) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to diffuse or break up a student fight or altercation.

(xii) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

(xiii) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.
Alternative placements

LAWS

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

16-6B-3. Assistance programs.
(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars ($100) per student so identified to be expended on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars ($100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:
   (1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
   (2) Programs to identify at-risk students in the first grade.
   (3) Programs to ensure strict enforcement of truancy laws.
   (4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
   (5) Programs to encourage parental involvement of parents of at-risk children.
   (6) Programs to encourage literacy of parents of at-risk children.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars ($225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.
(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

   1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

      (i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

      (ii) The local board of education shall provide suitable facilities for housing alternative school programs.

      (iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

      (iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

         A. Remedial education where necessary.

         B. Counseling, including sessions on conflict resolution.

         C. Social skills development.

      (v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

      (vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

      (vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

   (i) The number of children served in each tier of the program.

   (ii) The improvement in academic achievement.

   (iii) The improvement in behavior.

   (iv) The improvement in parental involvement.

   (v) Financial accounting for the state and local monies expended.
3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

13A-11-61.1. Discharging into a school bus or school building.
(a) No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.
(b) A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty of a Class B felony.
(c) A person who shoots or discharges a firearm into an unoccupied school bus or school building shall be guilty of a Class C felony.
(d) This section shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this section is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

13A-11-61.2. Possession of firearms in certain places.
(a) In addition to any other place limited or prohibited by state or federal law, a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not knowingly possess or carry a firearm in any of the following places without the express permission of a person or entity with authority over the premises:
   (5) Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

13A-11-72. Certain persons forbidden to possess pistol.
(a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence, misdemeanor offense of domestic violence, violent offense as listed in Section 12-25-32(15), anyone who is subject to a valid protection order for domestic abuse, or anyone of unsound mind shall own a firearm or have one in his or her possession or under his or her control.
(b) No person who is a minor, except under the circumstances provided in this section, a drug addict, or an habitual drunkard shall own a pistol or have one in his or her possession or under his or her control.
(c) Subject to the exceptions provided by Section 13A-11-74, no person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school.
(d) Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school in violation of subsection (c) of this section is a Class C felony.
(e) School security personnel and school resource officers qualified under subsection (a) of Section 16-1-44.1, employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty are exempt from subsection (c) of this section. Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from subsection (c) of this section.
(f) A person shall not be in violation of Section 13A-11-57 or 13A-11-76 and a minor shall not be in violation of this section if the minor has permission to possess a pistol from a parent or legal guardian who is not prohibited from possessing a firearm under state or federal law, and any of the following are satisfied:

1. The minor is attending a hunter education course or a firearms safety course under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law.
2. The minor is engaging in practice in the use of a firearm or target shooting at an established range under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law.
3. The minor is engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 26 U.S.C. § 501(c)(3) which uses firearms as part of the performance.
4. The minor is hunting or fishing pursuant to a valid license, if required, and the person has the license in his or her possession; has written permission of the owner or legal possessor of the land on which the activities are being conducted; and the pistol, when loaded, is carried only in a manner discernible by ordinary observation.
5. The minor is on real property under the control of the minor's parent, legal guardian, or grandparent.
6. The minor is a member of the armed services or National Guard and the minor is acting in the line of duty.
7. The minor is traveling by motor vehicle to any of the locations or activities listed in subdivisions (1) through (6), has written permission to possess the pistol by his or her parent or legal guardian, and the pistol is unloaded, locked in a compartment or container that is in or affixed securely to the motor vehicle and is out of reach of the driver and any passenger in the motor vehicle.

(g) This section does not apply to a minor who uses a pistol while acting in self-defense of himself or herself or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

(h) The term "school resource officer" as used in this section means an Alabama Peace Officers' Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.

(i) The term "public school" as used in this section applies only to a school composed of grades K-12 and shall include a school bus used for grades K-12.

(j) The term "deadly weapon" as used in this section means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and such term includes, but is not limited to, a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, blackjack, bludgeon, or metal knuckles.

(k)(1) The term "convicted" as used in this section requires that the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case if required by law, and either the case was tried before a judge, tried by a jury, or the person knowingly and intelligently waived the right to have the case tried, by guilty plea or otherwise.

2. A person may not be considered to have been convicted for the purposes of this section if the person is not considered to have been convicted in the jurisdiction in which the proceedings were held or the conviction has been expunged, set aside, or is of an offense for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
(l) The term "misdemeanor offense of domestic violence" as used in this section means a misdemeanor offense that has, as its elements, the use or attempted use of physical force or the threatened use of a dangerous instrument or deadly weapon, and the victim is a current or former spouse, parent, child, person with whom the defendant has a child in common, or a present or former household member.

(m) The term "valid protection order" as used in this section means an order issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate, that does any of the following:

(1) Restrains the person from harassing, stalking, or threatening a qualified individual or child of the qualified individual or person or engaging in other conduct that would place a qualified individual in reasonable fear of bodily injury to the individual or child and that includes a finding that the person represents a credible threat to the physical safety of the qualified individual or child.

(2) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the qualified individual or child that would reasonably be expected to cause bodily injury.

(n) The term "qualified individual" as used in subsection (m), means a spouse or former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabited with the person.

(o) The term "unsound mind" as used in this section includes any person who is subject to any of the findings listed below, and who has not had his or her rights to possess a firearm reinstated by operation of law or legal process:

(1) Found by a court, board, commission, or other lawful authority that, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease, is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs.

(2) Found to be insane, not guilty by reason of mental disease or defect, found mentally incompetent to stand trial, or found not guilty by a reason of lack of mental responsibility by a court in a criminal case, to include state, federal and military courts.

(3) Involuntarily committed for a final commitment for inpatient treatment to the Department of Mental Health or a Veterans' Administration hospital by a court after a hearing.

**16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.**

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical
harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:
   a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.
   b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.
   c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a
code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

1. Specific grounds for disciplinary action.
2. Procedures to be followed for acts requiring discipline.
3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

**16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.**

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

(c) When there are violations of the prohibition on firearms being brought to school or the possession of firearms by students, the school principal shall notify the appropriate law enforcement authority which may include city police, county sheriffs, and the local district attorney. In addition to notification of law enforcement officials, the school principal shall notify the parents of students who violate the firearm-free school environment provided for in this section.

Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

1. An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.
2. A description of the circumstances surrounding an expulsion imposed under this section including:
   a. The name of the school concerned.
b. The number of students expelled.

c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.

(e)(1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180-day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.


   (a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

   (b) Effective with the 1995-96 school year and thereafter, local boards of education must:

      1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words “transfer option school,” “TOS,” or “TOS school” shall mean a “persistently dangerous school” as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a “violent criminal offense” shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other “unknown weapons” as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student’s parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

   (i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

   (ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

   (iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA’s receipt of status.

   (iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.
Other weapons

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:
a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

REGULATIONS

290-3-1-.02. Regulations governing public schools.


(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:
1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words “transfer option school,” “TOS,” or “TOS school” shall mean a “persistently dangerous school” as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a “violent criminal offense” shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other “unknown weapons” as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

   (i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

   (ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

   (iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA’s receipt of status.

   (iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2)
Students with chronic disciplinary issues

LAWS

In case any child becomes an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school which he is attending or should attend, and the parent, guardian or other person files a written statement in court as provided in Section 16-28-13, stating that he is unable to control such child, the attendance officer must file a complaint before the judge of the juvenile court of the county, alleging the facts, whereupon such child must be proceeded against in the juvenile court for the purpose of ascertaining whether such child is a dependent, neglected or delinquent child.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-6B-3. Assistance programs.
(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars ($100) per student so identified to be expended on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars ($100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:
(1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
(2) Programs to identify at-risk students in the first grade.
(3) Programs to ensure strict enforcement of truancy laws.
(4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
(5) Programs to encourage parental involvement of parents of at-risk children.
(6) Programs to encourage literacy of parents of at-risk children.

(b) School strategy. The State Board of Education shall develop an assistance program for a school in need of assistance. A school in need of assistance shall mean any school which has a majority of its students scoring one or more grade levels below the prescribed norm on the state adopted student assessments. Local superintendents and local boards of education will be expected to make the effort and commit the resources necessary to improve the instructional program for a school in need of assistance and shall be required to budget all funds earned by that school in the cost calculations of the Foundation Program. Local superintendents and local boards of education are encouraged to use assistance from the State Department of Education, colleges of education, accrediting agencies and other sources.

The State Board of Education’s plan for an assistance program shall consist of the following components:

1. The faculty and staff of each school in need of assistance shall engage in a self-study to examine the problem of low achievement within that school and shall develop steps which may be taken to improve student achievement. Parents of students in the schools shall be consulted as part of this self-study.

2. If, after two years, student achievement has not improved, the State Superintendent of Education shall designate a team of practicing professionals to visit the school, conduct a study, consult with parents of students in the school, analyze causes of poor student achievement, and make specific recommendations which shall become a part of a school improvement plan for the succeeding year.

3. As a final step, when insufficient or no improvement as determined by the State Board of Education is evident from the implementation of steps one and two above, the State Superintendent of Education is required to intervene and to appoint a person or persons to run the day-to-day operation of the school. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each school.

(c) School system strategy. The State Board of Education shall develop an assistance program for a local board of education identified as being in need of assistance. A local board of education in need of assistance shall mean any local board of education which has a majority of its schools, or a majority of the students in a system, in which the students are scoring one or more grade levels below the prescribed norm.

The State Board of Education shall require a local board of education in need of assistance to do the following:

1. The local board of education and the local superintendent with input from other administrators, teachers, staff, parents of students in the school, and the local community shall engage in a self-study to examine the problem of low achievement within the system and to develop steps which may be taken to improve student achievement.
(2) If, after two years, student achievement has not improved, the state superintendent shall develop a system-wide school improvement plan in consultation with teachers, parents of students in the school, and the local community. This school improvement plan shall become a part of the local board of education's program and financial operations for the succeeding year.

(3) If, after the implementation of the school improvement plan, student achievement has not sufficiently improved, relative to the previous year's performance, the State Board of Education shall require the State Superintendent of Education to intervene and assume the direct management and day-to-day operation of the local board of education for such period of time as may be necessary for student achievement to improve. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each system.

(d) It is the intent of the Legislature that intervention is not to occur when a school or school system scores below the prescribed average. Intervention by the State Board of Education is to occur only after the three-year period provided in this chapter during which a school or school system fails to show improvement. So long as improvement is being shown, the State Board of Education shall not intervene but shall continue to encourage the school to improve.

16-28-2.1. Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.

The Legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the State of Alabama. The State Board of Education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

(1) Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.

(2) Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.

(3) Increased availability of advanced placement courses.

(4) Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.

(5) Flexible programs for older students who are currently not enrolled.

(6) Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
(7) Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.

(8) Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

(1) The total number of high school suspensions related to truancy.
(2) The total number of students enrolled in alternative education programs.
(3) The total number of students who have been reenrolled in programs with flexible schedules or community college programs.
(4) The total number of students who have failed Algebra I or ninth grade reading or math.
(5) The total number of students who are repeating the ninth grade.
(6) The total number of students receiving remedial assistance in the ninth grade.

(d) The department shall prepare and submit to the Legislature a written report that documents all of the following:

(1) The outcomes of the dropout prevention strategies to date, at the local school system level.
(2) Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by
the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28-15. Absence must be explained.
Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child.

16-28-16. Cases of nonenrollment and nonattendance; withdrawal of enrollment.
(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

(b) Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current minimum compulsory attendance age.

16-28-17. When child may be taken into custody.
It shall be the duty of the attendance officer, probation officer or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. If such child is an habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.
16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.

(a) The Department of Public Safety shall deny a driver’s license or a learner’s license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school that would extend the age of eligibility for the student to apply for a driver’s license; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status and disciplinary points on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver’s license or a learner’s license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver’s license or learner’s license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver’s license or a learner’s license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e)(1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent
or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver’s license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver’s license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver’s license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180-day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(c) Truancy Definition. A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education’s current School Attendance Manual. Seven unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy status of any student as follows:

1. First truancy/unexcused absence (warning)
   (i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.
   (ii) Parent/guardian shall also be provided with a copy of Alabama’s compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.

2. No earlier than the fifth unexcused absence (conference)
   (i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.
(ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.

(iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under Code of Ala. 1975, § 16-28-12(c) (failure to cooperate), or a truancy against the child, whichever is appropriate.

3. No earlier than seventh unexcused absence, but within ten (10) school days (court)
   (i) File complaint/petition against the child and/or parent/guardian, if appropriate.

4. Child under probation
   (i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, Code of Ala. 1975, § 12-15-100 and 105.
   (ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.

5. Any local education agency may adopt a policy more rigorous than the State policy.

Substance use

LAWS

16-1-10. Selling, etc., alcoholic beverages to school children; keeping on school premises.
Any person, firm, corporation or association that knowingly sells, gives or dispenses any alcoholic beverage to any school student under the age of 18 years, or keeps or has in possession any alcoholic beverage in or on the campus or premises of any school building of any public secondary or grade school is guilty of a felony and, upon conviction thereof, shall be imprisoned in the state penitentiary for a period of from one to three years.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of
Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

   a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

   b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

   c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by
the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.
(2) Procedures to be followed for acts requiring discipline.
(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

16-40A-1. Legislative findings; purpose of chapter.
(a) The Legislature finds that:
(2) Drug and alcohol abuse diminish the strength and vitality of the young people of our nation and state; an increasing number of substances, both legal and illegal, are being abused by increasing numbers of school children, even at the grade school level; abuse of any substance causes human behavior that influences many forces, including school, family, church, community, media, and peer groups. Prevention and early intervention in such behavior requires cooperation and coordination involving strategies designed to respond to carefully defined problems in which the education system of the state can play an important role.
(b) The purposes of this chapter are:
(2) To encourage the prevention of alcohol and drug abuse among children in the public schools; to stimulate the development of improved approaches to the prevention of alcohol and drug abuse; to demonstrate the use of such approaches in model educational programs and to evaluate the effectiveness thereof; to disseminate successful approaches and significant information for use in educational programs throughout the public schools; and to provide training programs for school administrators, teachers, and counselors.

16-40A-3. Minimum contents to be included in drug education program or curriculum.
(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:
(1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.
(2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.
(3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.

(4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

16-40A-4. Illegal conduct not to be encouraged or proposed to public school children.
Conduct that is illegal under state or federal law, including but not limited to, illegal use or distribution of controlled substances, under-age alcohol use or distribution, sexual intercourse imposed by means of force, or sexual actions which are otherwise illegal, shall not be encouraged or proposed to public school children in such a manner as to indicate that they have a legitimate right to decide or choose illegal conduct.

16-41-1. Short title.
This chapter shall be known and may be cited as "The Drug Abuse Education Act of 1971."

As used in this chapter, the term "drug" shall include barbiturates, central nervous system stimulants, hallucinogens, and all other drugs to which the narcotic and drug abuse laws of the United States apply. It shall also include alcoholic and intoxicating liquor and beverages and tobacco.

16-41-3. Purpose; legislative intent.
The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.
(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;

2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;
(3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;

(4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and

(5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.

16-41-5. Exclusion of teacher or administrator employed by nonpublic school from participation in institutes or programs.

No teacher or school administrator employed by a nonpublic school shall be excluded from participating in in-service teacher education institutes or curriculum development programs conducted pursuant to this chapter.

16-41-6. Exemption by parents.

Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment and the use of instructional aids and materials of such subjects conflict with the religious teachings of his church shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.

16-41-7. Adoption of regulations by state board; scheduling of drug abuse education courses.

The state board shall adopt regulations to insure the teaching of drug abuse education to all pupils. Every county and city school system shall schedule drug abuse education courses as part of the curriculum of every school, K-12.

16-41-9. Combining of funds from various sources.

In implementing this chapter, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.


The State Superintendent of Education shall, at least 30 days prior to the 1973 Regular Session and each regular session thereafter, transmit to the members of the state board, the President of the Senate, the Speaker of the House, the Chairman of the Senate and the Chairman of the House Education Committees a report as to the status of the drug abuse education program together with any recommendations for further improvement or modification.

22-15A-4. Prohibition against smoking in public place; exceptions.

(a) No person shall smoke in a public place or at a public meeting except as otherwise provided in this subsection and in Section 22-15A-7. This prohibition does not apply in any of the following places:

   (1) Bars and lounges.
   (2) Retail tobacco stores and tobacco businesses.
   (3) Limousines used under private hire by an individual or corporation.
   (4) Hotel and motel rooms rented to guests, except for those rooms designated by the hotels and motels as "no smoking" rooms.
(b) Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.

22-15A-6. Designation of smoking areas; requirements; nonsmoking policies.
(a) Pursuant to this section, the person in charge of a public place may designate an area for the use of smokers. Notwithstanding the foregoing, a smoking area may not be designated and no person may smoke in any of the following unless the area is enclosed and well ventilated:

2. Hospitals, health care clinics, doctors' offices, physical therapy facilities, and dentists' offices.
3. Elevators.
4. Buses, taxicabs, and other means of public conveyance.
5. Government buildings, except private offices.
6. Restrooms.
7. Service lines.
8. Public areas of aquariums, galleries, libraries, and museums.
9. Lobbies, hallways, and other common areas in apartment buildings, senior citizen residences, nursing homes, and other multiple-unit residential facilities.
11. Schools or other school facilities or enclosed school sponsored events for grades K-12.
12. Retail establishments, excluding restaurants, except areas in retail establishments not open to the public.
13. Lobbies, hallways, and other common areas in multiple-unit commercial facilities.

(b) If a smoking area is designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke, and no more than one-fourth of the total square footage in any public place within a single enclosed area shall be reserved and designated for smokers unless clientele dictates otherwise. No area designated as a smoking area shall contain common facilities which are expected to be used by the public.

(c) Nothing in this section shall be construed to prevent any owner, operator, manager, or other person who controls any establishment or facility from declaring and enforcing a nonsmoking policy in the entire establishment or facility.

(d) Notwithstanding any other provision of this section or this chapter, if any restaurant is deemed by its owner as being too small to have a designated smoking area, it shall be left up to the discretion of the owner if the facility will be a "smoking" or a "nonsmoking" facility.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:
1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

(16) Drug Education. In accordance with Code of Ala. 1975, Chapter 41, the State Superintendent of Education shall administer the rules adopted by the State Board of Education pertaining to a program of drug, narcotic, alcohol, and tobacco education for the schools of the state.

(a) All students, Grades K-12, shall be taught the adverse and dangerous effects of drugs on the human mind and body.

(b) An interdisciplinary drug education curriculum has been developed by the Alabama State Department of Education to assist schools in complying with these rules and the Alabama Drug Abuse Education Act. Copies may be obtained from Division of Instruction, State Department of Education, Montgomery, AL 36130.

Bullying, harassment, or hazing

LAWS

16-1-23. Hazing prohibited; penalty.

(a) Hazing is defined as follows:

(1) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(2) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(3) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(c) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.

(d) Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.

(e) Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be
conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

16-28B-1. Short title.
This chapter shall be known and may be cited as the Jamari Terrell Williams Student Bullying Prevention Act.

16-28B-2. Legislative intent.
It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

The following terms have the following meanings:

(1) Bullying. A continuous pattern of intentional behavior that takes place on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board, and implemented at each school. To constitute bullying, a pattern of behavior may do any of the following:

a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.

c. Have the effect of substantially disrupting or interfering with the orderly operation of the school, whether the conduct occurs on or off school property, online, or electronically.

d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.

e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(2) Department. The State Department of Education.

(3) Hostile Environment. The perception by an affected student or victim that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

(4) Local Board. A city or county board of education.
(5) School. Each public school, grades prekindergarten through 12, the Alabama Institute for Deaf and Blind, the Alabama High School of Mathematics and Science, and the Alabama School of Fine Arts.

(6) School System. The schools under the jurisdiction of a local board.

(7) Threat. A statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(1) A statement prohibiting bullying, violence, and threats of violence.

(2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.

(3) A description of the behavior expected of each student.

(4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

(5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.
(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.

(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

(11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.

(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

16-28B-6. Duties of schools.

Each school shall do all of the following:

(1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.

(2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.

(3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.
16-28B-7. Freedoms of speech and expression.
This chapter shall not affect the freedom of speech and freedom of expression guaranteed each student under the Constitution of the United States and the Constitution of Alabama of 1901, and other applicable statutory law provided in the Code of Alabama 1975.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.
(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:
   (1) Foster individual, family, and group counseling services related to suicide prevention.
   (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
   (3) Foster training for school personnel who are responsible for counseling and supervising students.
   (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
   (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
   (6) Inform students of available community suicide prevention services.
   (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
   (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
   (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
   (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
   (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
   (12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
   (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

16-28B-9. Adoption of local policies.
Each local board shall establish a policy in compliance with this chapter on or before July 1, 2010. Each local policy or model policy adopted by a local board or the department, respectively, shall be consistent with this chapter.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

16-1-24.2. Department of Education to develop statewide violence prevention program.
(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.
(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

1. Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.
2. Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.
3. Increased availability of advanced placement courses.
4. Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.
5. Flexible programs for older students who are currently not enrolled.
6. Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
7. Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.
8. Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

1. The total number of high school suspensions related to truancy.
(2) The total number of students enrolled in alternative education programs.

(3) The total number of students who have been reenrolled in programs with flexible schedules or community college programs.

(4) The total number of students who have failed Algebra I or ninth grade reading or math.

(5) The total number of students who are repeating the ninth grade.

(6) The total number of students receiving remedial assistance in the ninth grade.

(d) The department shall prepare and submit to the Legislature a written report that documents all of the following:

1. The outcomes of the dropout prevention strategies to date, at the local school system level.

2. Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-6. Duties of schools.

Each school shall do all of the following:

1. Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.

2. Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.

3. Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.
16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(1) Foster individual, family, and group counseling services related to suicide prevention.
(2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
(3) Foster training for school personnel who are responsible for counseling and supervising students.
(4) Increase student awareness of the relationship between drug and alcohol use and suicide.
(5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
(6) Inform students of available community suicide prevention services.
(7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
(9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
(10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
(12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:
   a. The School Superintendents of Alabama.
   b. The Council for Leaders in Alabama Schools.
   c. The Alabama Education Association.
   d. The Alabama Association of School Boards.
   e. The Jennifer Claire Moore Foundation.
   f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:
   a. Training materials that are currently being used by a local school system.
b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.

c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-40A-3. Minimum contents to be included in drug education program or curriculum.

(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:

(1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.

(2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.

(3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.

(4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

16-41-3. Purpose; legislative intent.

The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

(1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual
performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;

(2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;

(3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;

(4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and

(5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.

16-41-7. Adoption of regulations by state board; scheduling of drug abuse education courses.
The state board shall adopt regulations to insure the teaching of drug abuse education to all pupils. Every county and city school system shall schedule drug abuse education courses as part of the curriculum of every school, K-12.

2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:

(i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.
(ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.
(iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.
(iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.
(v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.
(vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.
(vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.

REGULATIONS
No relevant regulations found.
Behavioral interventions and student support services

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e)(1) A copy of the school system’s discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:
a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-6B-3. Assistance programs.

(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars ($100) per student so identified to be expended on tutorial assistance programs.
including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars ($100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:

1. Programs to encourage at-risk five-year olds to attend an approved preschool program.
2. Programs to identify at-risk students in the first grade.
3. Programs to ensure strict enforcement of truancy laws.
4. Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
5. Programs to encourage parental involvement of parents of at-risk children.
6. Programs to encourage literacy of parents of at-risk children.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

1. Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.
2. Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.
3. Increased availability of advanced placement courses.
4. Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.
5. Flexible programs for older students who are currently not enrolled.
6. Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
7. Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.
8. Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.
(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

1. The total number of high school suspensions related to truancy.
2. The total number of students enrolled in alternative education programs.
3. The total number of students who have been reenrolled in programs with flexible schedules or community college programs.
4. The total number of students who have failed Algebra I or ninth grade reading or math.
5. The total number of students who are repeating the ninth grade.
6. The total number of students receiving remedial assistance in the ninth grade.

(d) The department shall prepare and submit to the Legislature a written report that documents all of the following:

1. The outcomes of the dropout prevention strategies to date, at the local school system level.
2. Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-6. Duties of schools.

Each school shall do all of the following:

1. Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.
2. Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.
(3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(1) Foster individual, family, and group counseling services related to suicide prevention.

(2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.

(3) Foster training for school personnel who are responsible for counseling and supervising students.

(4) Increase student awareness of the relationship between drug and alcohol use and suicide.

(5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.

(6) Inform students of available community suicide prevention services.

(7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.

(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.

(9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.

(10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.

(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.

(12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.

(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

a. The School Superintendents of Alabama.

b. The Council for Leaders in Alabama Schools.

c. The Alabama Education Association.

d. The Alabama Association of School Boards.

e. The Jennifer Claire Moore Foundation.

f. Other pertinent mental health and suicide prevention organizations as determined by the department.
(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:
   a. Training materials that are currently being used by a local school system.
   b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
   c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:
   (1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;
   (2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;
   (3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;
   (4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and
   (5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.


(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars ($225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.
(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

  a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

   (i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

   (ii) The local board of education shall provide suitable facilities for housing alternative school programs.

   (iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

   (iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

   A. Remedial education where necessary.

   B. Counseling, including sessions on conflict resolution.

   C. Social skills development.

   (v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

   (vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

   (vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

   (i) The number of children served in each tier of the program.

   (ii) The improvement in academic achievement.

   (iii) The improvement in behavior.

   (iv) The improvement in parental involvement.

   (v) Financial accounting for the state and local monies expended.
3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

b. 1. The School Safety Enhancement Program. The amount of monies available to each local board of education shall be determined by the State Board of Education based upon the second month enrollment of the preceding school year. To be eligible to initially receive a portion of the monies, each local board of education shall submit a grant application pursuant to guidelines promulgated by the State Board of Education with provisions for annual renewal of the grants. Provisions for program evaluation in order to determine effectiveness and financial accountability shall be included in the guidelines. The guidelines shall include all of the following:

(i) A component to enhance parental participation in school activities and promote parental responsibility for the performance and behavior of their children.

(ii) A requirement for a local 25 percent match of funds for school safety activities, excluding pre-kindergarten programs for at-risk children listed in item (ii) of subparagraph 2.

(iii) Sufficient safeguards implemented to ensure that the new monies will increase and not supplant or decrease existing local support.

2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:

(i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.

(ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.

(iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.

(iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.

(v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.

(vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.

(vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.

3. The State Board of Education shall review the programs of each local board of education which receive monies from the fund and annually submit a report to the council by July 1. This report shall include all of the following:

(i) The number of children served.

(ii) The improvement in academic achievement.

(iii) The improvement in behavior.

(iv) The improvement in parental involvement.
(v) Financial accounting for the state and local monies expended.

4. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

c. Any other children's services provided by the State Board of Education.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(19) Problem Solving Teams (PST). By August 15, 2011, all public schools in Alabama will be required to implement the PST model.

(a) Definitions.

(1) The Problem Solving Teams (PST) is a model to guide general education intervention services for all students who have academic and/or behavioral difficulties. The PST is central to the school’s successful implementation of the Response to Instruction (RtI) framework.

(2) Response to instruction (RtI). Response to instruction (RtI) refers to an instructional framework that promotes a well-integrated system connecting general, gifted, supplemental, and special education services in providing high-quality, standards-based instruction and intervention that is matched to students’ academic, social-emotional, and behavioral needs. RtI combines core instruction, assessment, and intervention with a multi-tiered system to increase student achievement and reduce behavior problems.

(b) Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students’ progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided.

(c) The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia.

(d) The documentation requirements for a referral to special education found in the Alabama Administrative Code, Chapter 290-8-9.01(2) and (4) (Child Identification) and Chapter 290-8-9.03(10) (b)1. (10)(c)2.(ii), (10)(d)2.(I)(II)(ii) and (10)(d)4 (Disability Definitions, Criteria, and Minimum Required Evaluative Components) must be collected and provided by the PST to rule out the lack of appropriate instruction in reading or math including the essential components of reading instruction or Limited English Proficiency (LEP), as the determining factor in the eligibility decision.

(e) Any student who is reevaluated and determined not eligible for special education services must be referred to the PST to determine the appropriate supplemental services to facilitate successful transition in the general education program.

Professional development

LAWS

16-1-24.2. Department of Education to develop statewide violence prevention program.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.
16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(3) Foster training for school personnel who are responsible for counseling and supervising students.

(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.

(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

a. The School Superintendents of Alabama.
b. The Council for Leaders in Alabama Schools.
c. The Alabama Education Association.
d. The Alabama Association of School Boards.
e. The Jennifer Claire Moore Foundation.
f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

a. Training materials that are currently being used by a local school system.
b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
c. Training materials that may be completed through self-review.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

(1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;
16-41-5. Exclusion of teacher or administrator employed by nonpublic school from participation in institutes or programs.
No teacher or school administrator employed by a nonpublic school shall be excluded from participating in in-service teacher education institutes or curriculum development programs conducted pursuant to this chapter.

REGULATIONS

290-3-1-.02. Regulations governing public schools.
   (f) Seclusion and Restraint for ALL Students.
   2. Requirements.
      (viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

(1) Incident. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
   a. On school property; or
   b. During school activities, on or off school property; or
   c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(2) Principal. The principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(3) Superintendent of Education. The superintendent of the county or city board of education in the county in which the school is located.

(4) Report. A written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(5) Teacher and Other School Employee. An employee of any public elementary, junior or senior high school at which the incident occurred.

(6) School Board. The board of education.

(7) County Sheriff. The sheriff of the county in which the public school is located.

(b) It is the intention of the Legislature by passage of the section to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

(c) Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

(d) Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under subsection (c) of this section.
(e) Any superintendent of education, principal, teacher, or employee who violates the provisions of this section by failure to file a required report shall be guilty of a Class C misdemeanor.

16-1-24.3. **Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.**

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

(1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.

(2) A description of the circumstances surrounding an expulsion imposed under this section including:
   a. The name of the school concerned.
   b. The number of students expelled.
   c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28-3.1. **Guidelines and procedures for withdrawal from school; dropout prevention program.**

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in: (1) The total number of high school suspensions related to truancy.

16-28-12. **Person in loco parentis responsible for child’s school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.**

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall
be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; denial of application if requisite status not shown; role of school attendance official; effect of withdrawal from school; effect of conviction for certain pistol offenses on driving privileges.

(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e)(1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be
considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180 day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be
available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-5. Model policy.
The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(1) A statement prohibiting bullying, violence, and threats of violence.

(2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.

(3) A description of the behavior expected of each student.

(4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

(5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.

(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.

(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

(11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.
(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

16-28B-6. Duties of schools.
Each school shall do all of the following:

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

REGULATIONS

290-3-1-.02. Regulations governing public schools.
  (f) Seclusion and Restraint for ALL Students.
    2. Requirements.

    (vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program’s policies governing the use of physical restraint. The written policies must include the following provisions:

      (I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

      (II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

      (III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,

      (IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.) (vii)(III),

      (V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.) (vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,

      (VI) The documentation described in paragraph (2.) (vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

      (VII) The written policies described in paragraph (2.) (vii)(I and II) are to be included in each local education agencies’ code of conduct and/or the student handbook.
(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(ix) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee’s authority to utilize time-out as defined in paragraph (1.)(vi) of this rule or any other classroom management technique or approach, including a student’s removal from the classroom, that is not specifically addressed in this rule.

(x) Nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Ala. 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Ala. 1975, §16-28-12.

(xi) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to diffuse or break up a student fight or altercation.

(xii) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

(xiii) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Parental notification

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(e)(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.
16-28-16. Cases of nonenrollment and nonattendance; withdrawal of enrollment.

(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

(b) Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current minimum compulsory attendance age.

REGULATIONS

290-3-1-.02. Regulations governing public schools.


(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words “transfer option school,” “TOS,” or “TOS school” shall mean a “persistently dangerous school” as those words are used in the No
Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a “violent criminal offense” shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other “unknown weapons” as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student’s parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

   (i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

   (ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

   (iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA’s receipt of status.

   (iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

(f) Seclusion and Restraint for ALL Students.

2. Requirements.

   (vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program’s policies governing the use of physical restraint. The written policies must include the following provisions:

   (I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

   (II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

   (III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,

   (IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.)(vii)(III),

   (V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,
(VI) The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

(VII) The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies’ code of conduct and/or the student handbook.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Reporting and referrals between schools and law enforcement

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

(1) Incident. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
   a. On school property; or
   b. During school activities, on or off school property; or
   c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(2) Principal. The principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(3) Superintendent of Education. The superintendent of the county or city board of education in the county in which the school is located.

(4) Report. A written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(5) Teacher and Other School Employee. An employee of any public elementary, junior or senior high school at which the incident occurred.
(6) School Board. The board of education.
(7) County Sheriff. The sheriff of the county in which the public school is located.
(b) It is the intention of the Legislature by passage of the section to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.
(c) Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.
(d) Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under subsection (c) of this section.
(e) Any superintendent of education, principal, teacher, or employee who violates the provisions of this section by failure to file a required report shall be guilty of a Class C misdemeanor.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
(c) Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.
(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more
than one hundred dollars ($100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; denial of application if requisite status not shown; role of school attendance official; effect of withdrawal from school; effect of conviction for certain pistol offenses on driving privileges.

(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the
student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e)(1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180 day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.


(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.
3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words “transfer option school,” “TOS,” or “TOS school” shall mean a “persistently dangerous school” as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a “violent criminal offense” shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student’s parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA’s receipt of status.

(iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

(f) Seclusion and Restraint for ALL Students.

2. Requirements.
(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Disclosure of school records

LAWS
No relevant laws found.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(4) Student Records from Existing Schools.

(a) Permanent records are to remain in a school or in another location designated by the local superintendent indefinitely for all students who have attended the school. A duplicate shall be filed in the local superintendent's office or some storage place other than the school which the student attends. Transcripts and disciplinary records with respect to suspension (in- and out-of school) and expulsion may be sent to another school.

(b) Student Records must contain:
   1. Legal names.
   2. Social Security Numbers.
      (i) Each child enrolled in an Alabama public school Grades Kindergarten through 12 shall have a Social Security Number and a valid Social Security Card to be presented to school official(s) at pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each student who is otherwise entitled to admittance but does not have a Social Security Number, the local superintendent or agency shall assign a temporary number in accordance with the directions as specified by the State Department of Education. The temporary identification number shall be uniquely assigned as follows:
         (I) Must be nine numeric digits (the same number of digits as the Social Security Number).
         (II) Reading from left to right, position 1 must be a 9.
         (III) Position 2 must be the last digit of the calendar year; for example, this is 1998 and therefore position 2 is 8.
         (IV) Positions 3, 4, and 5 represent the unique 3-digit system number assigned by the State Department of Education; for example, Montgomery County is 051 and Huntsville City is 159.
         (V) Positions 6, 7, 8, and 9 represent a sequential number beginning with 0001 each January 1. This allows 9,999 temporary numbers to be assigned each year by each local education agency.
   3. Each local board of education and each agency reporting to the State Department of Education shall use the Unique State Student Identifier (SSID) as the official identification of each child/student in all record keeping systems and shall make such data available by SSID upon request by the State Superintendent of Education.
   (c) All transcripts shall be transferred directly from one school official to the other.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(e)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable, case law, and state and federal constitutional provisions.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

(1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools,

(2) A description of the circumstances surrounding an expulsion imposed under this section including:

a. The name of the school concerned,

b. The number of students expelled,

c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-6B-7. Accountability reports to the public.

(a) The local board of education shall prepare an annual accountability report for each school and area vocational/technical center under its jurisdiction, and for itself, to be provided to the public under regulations promulgated by the State Board of Education. Such accountability reports shall include, but not be limited to, all of the following:

(3) A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about safety and discipline in each school.

(b) These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the schools covered in each report, and the State Superintendent of Education. These reports shall be made available to the public upon request on or before ninety (90) days after the end of the fiscal year.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-
based research, are data-driven, and show continuous improvement in: (1) The total number of high school suspensions related to truancy.

16-28-18. Record kept by attendance officer.
The attendance officer whose appointment is by this article provided for shall keep an accurate record of all notices served, all cases prosecuted and all other services performed and shall make an annual report of the same to the county board of education or to the city board of education by whom he is employed.

16-28B-6. Duties of schools.
Each school shall do all of the following:

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

The State Superintendent of Education shall, at least 30 days prior to the 1973 Regular Session and each regular session thereafter, transmit to the members of the state board, the President of the Senate, the Speaker of the House, the Chairman of the Senate and the Chairman of the House Education Committees a report as to the status of the drug abuse education program together with any recommendations for further improvement or modification.

REGULATIONS

290-4-1-.01. Education accountability.
(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/ incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

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3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

16-28-17. When child may be taken into custody.
It shall be the duty of the attendance officer, probation officer or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. If such child is an habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

16-1-44.1. School security personnel and school resource officers.
(a) As used in this section, the following terms have the following meanings:

(1) Retired law enforcement officer. A person who was a law enforcement officer and retired in good standing from a federal, state, or local law enforcement agency with at least 20 years of law enforcement experience.

(2) School resource officer. A person who is certified by the Alabama Peace Officers’ Standards and Training Commission as a law enforcement officer, whose certification is in good standing, and who has the power of arrest.

(b) A local board of education may employ persons as school security personnel or contract with a local chief of police or sheriff to employ school resource officers. A local board of education may allow any person employed by the board as school security personnel or as a school resource officer to carry a firearm while on duty if the employee satisfies all of the following qualifications:

(1) He or she is certified by the Alabama Peace Officers’ Standards and Training Commission as a law enforcement officer whose certification is in good standing or he or she is a retired law enforcement officer.

(2) He or she has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency.

(3) He or she annually completes and passes the firearm requalification required of law enforcement officers by the Alabama Peace Officers’ Standards and Training Commission.

(4) While on duty, he or she carries a non-lethal weapon and is trained in the appropriate use of that non-lethal weapon.
(c) Nothing in this section confers upon any individual the power of arrest.

(d) The State Department of Education shall adopt any necessary rules to provide for the implementation of this section including, but not limited to, rules providing additional qualifications for employment as school security personnel or school resource officers.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

13A-11-72. Certain persons forbidden to possess pistol.
(e) School security personnel and school resource officers qualified under subsection (a) of Section 16-1-44.1, employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty are exempt from subsection (c) of this section. Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from subsection (c) of this section.

(h) The term “school resource officer” as used in this section means an Alabama Peace Officers’ Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.

16-1-44.1. School security personnel and school resource officers.
(a) As used in this section, the following terms have the following meanings:

(1) Retired law enforcement officer. A person who was a law enforcement officer and retired in good standing from a federal, state, or local law enforcement agency with at least 20 years of law enforcement experience.

(2) School resource officer. A person who is certified by the Alabama Peace Officers’ Standards and Training Commission as a law enforcement officer, whose certification is in good standing, and who has the power of arrest.

(b) A local board of education may employ persons as school security personnel or contract with a local chief of police or sheriff to employ school resource officers. A local board of education may allow any person employed by the board as school security personnel or as a school resource officer to carry a firearm while on duty if the employee satisfies all of the following qualifications:

(1) He or she is certified by the Alabama Peace Officers’ Standards and Training Commission as a law enforcement officer whose certification is in good standing or he or she is a retired law enforcement officer.

(2) He or she has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency.

(3) He or she annually completes and passes the firearm requalification required of law enforcement officers by the Alabama Peace Officers’ Standards and Training Commission.

(4) While on duty, he or she carries a non-lethal weapon and is trained in the appropriate use of that non-lethal weapon.

(c) Nothing in this section confers upon any individual the power of arrest.
(d) The State Department of Education shall adopt any necessary rules to provide for the implementation of this section including, but not limited to, rules providing additional qualifications for employment as school security personnel or school resource officers.

The attendance officers who are employed by the county or city board of education shall be paid by the respective boards of education such salaries as may be required to secure efficient service. Said attendance officer shall be paid as other employees of the county or city boards of education are paid, but no attendance officer shall receive any compensation under the provisions of this title until he shall have filed such reports as are required by the State Board of Education and by the board of education of the county or city employing him.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(1) A statement prohibiting bullying, violence, and threats of violence.

(2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.

(3) A description of the behavior expected of each student.

(4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

(5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.

(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.

(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.
(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

(11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.

(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

REGULATIONS

290-4-1-.01. Education accountability.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/ incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school incidents.
safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

290-4-1-.02. Educational intervention.

(1) The State Board of Education may intervene in the educational operations of a city or county board of education as provided by the Educational Accountability and Intervention Act of 2013.

(2) After approval of educational intervention by the State Board of Education, the State Superintendent shall exercise control over the decision making and operational functions of the city or county board of education.

(3) The State Superintendent of Education or designee shall have the power and authority to act for and on behalf of the city or county board of education and its superintendent in all matters for all purposes under state laws while the city or county board of education is operating under educational intervention.

Funding appropriations

LAWS

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.
(c) When there are violations of the prohibition on firearms being brought to school or the possession of firearms by students, the school principal shall notify the appropriate law enforcement authority which may include city police, county sheriffs, and the local district attorney. In addition to notification of law enforcement officials, the school principal shall notify the parents of students who violate the firearm-free school environment provided for in this section.

Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

(1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.

(2) A description of the circumstances surrounding an expulsion imposed under this section including:
   a. The name of the school concerned.
   b. The number of students expelled.
   c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(1) Foster individual, family, and group counseling services related to suicide prevention.
(2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
(3) Foster training for school personnel who are responsible for counseling and supervising students.
(4) Increase student awareness of the relationship between drug and alcohol use and suicide.
(5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
(6) Inform students of available community suicide prevention services.
(7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
(9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
(10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
(12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.
(b)(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:
   a. The School Superintendents of Alabama.
   b. The Council for Leaders in Alabama Schools.
   c. The Alabama Education Association.
   d. The Alabama Association of School Boards.
   e. The Jennifer Claire Moore Foundation.
   f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:
   a. Training materials that are currently being used by a local school system.
   b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
   c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-9. Combining of funds from various sources.
In implementing this chapter, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars ($225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:
   a. The operation of alternative schools as defined below:
      1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:
(i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

(ii) The local board of education shall provide suitable facilities for housing alternative school programs.

(iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, “in-school suspension,” a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

(iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

   A. Remedial education where necessary.
   B. Counseling, including sessions on conflict resolution.
   C. Social skills development.

(v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

(vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

(vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

   (i) The number of children served in each tier of the program.
   (ii) The improvement in academic achievement.
   (iii) The improvement in behavior.
   (iv) The improvement in parental involvement.
   (v) Financial accounting for the state and local monies expended.

3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

b. 1. The School Safety Enhancement Program. The amount of monies available to each local board of education shall be determined by the State Board of Education based upon the second month enrollment of the preceding school year. To be eligible to initially receive a portion of the monies, each local board of education shall submit a grant application pursuant to guidelines promulgated by the State Board of Education with provisions for annual renewal of the grants. Provisions for program evaluation in order to determine effectiveness and financial accountability shall be included in the guidelines. The guidelines shall include all of the following:
(i) A component to enhance parental participation in school activities and promote parental responsibility for the performance and behavior of their children.

(ii) A requirement for a local 25 percent match of funds for school safety activities, excluding pre-kindergarten programs for at-risk children listed in item (ii) of subparagraph 2.

(iii) Sufficient safeguards implemented to ensure that the new monies will increase and not supplant or decrease existing local support.

2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:

   (i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.

   (ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.

   (iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.

   (iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.

   (v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.

   (vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.

   (vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.

3. The State Board of Education shall review the programs of each local board of education which receive monies from the fund and annually submit a report to the council by July 1. This report shall include all of the following:

   (i) The number of children served.

   (ii) The improvement in academic achievement.

   (iii) The improvement in behavior.

   (iv) The improvement in parental involvement.

   (v) Financial accounting for the state and local monies expended.

4. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

c. Any other children's services provided by the State Board of Education.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

16-28A-1. Legislative findings.

Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

16-28A-2. Exemption of teachers and other employees from application of Title 26.

The provisions of Title 26 shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.


A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

16-28A-5. Immunity for other authorized school personnel.

It is the intent of the Legislature to include under the provisions of this chapter, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education.
REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

16-1-24.1. Safe school and drug-free school policy: treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following: (1) Specific grounds for disciplinary action, (2) Procedures to be followed for acts requiring discipline, (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-1-24.2. Department of Education to develop statewide violence prevention program.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(1) Foster individual, family, and group counseling services related to suicide prevention.
(2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
(3) Foster training for school personnel who are responsible for counseling and supervising students.
(4) Increase student awareness of the relationship between drug and alcohol use and suicide.
(5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
(6) Inform students of available community suicide prevention services.
(7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
(9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
(10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.

(12) Develop a process for discussing with student’s local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.

(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

a. The School Superintendents of Alabama.
b. The Council for Leaders in Alabama Schools.
c. The Alabama Education Association.
d. The Alabama Association of School Boards.
e. The Jennifer Claire Moore Foundation.
f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

a. Training materials that are currently being used by a local school system.
b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-3. Purpose; legislative intent.

The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Alabama provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<td>PBIS - Handbooks, Alabama State Department of Education (ALSDE)</td>
<td>Provides links to handbooks, presentations, and other related resources to support school implementation of the Positive Behavior Intervention and Support (PBIS) Framework.</td>
<td><a href="http://www.alsde.edu/sec/pss/Pages/positivebehavior-all.aspx?navtext=PBIS">http://www.alsde.edu/sec/pss/Pages/positivebehavior-all.aspx?navtext=PBIS</a></td>
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<td>Prevention and Support Services, ALSDE</td>
<td>Provides links to information and resources to assist school systems and schools with alcohol and drug prevention, attendance, bullying prevention, character education, positive behavior supports, discipline, seclusion and restraint, school safety and related issues.</td>
<td><a href="http://www.alsde.edu/sec/pss/Pages/home.aspx">http://www.alsde.edu/sec/pss/Pages/home.aspx</a></td>
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<td>Stop Bullying in Alabama, ALSDE</td>
<td>Provides information on bullying forms, laws, resources, and frequently asked questions.</td>
<td><a href="https://www.alsde.edu/sec/pss/Pages/stopbullying-all.aspx#">https://www.alsde.edu/sec/pss/Pages/stopbullying-all.aspx#</a></td>
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<tr>
<td>Seclusion and Restraint Guidance (2014), ALSDE</td>
<td>Guidance document to assist school staff, families and other stakeholders in implementing Rule 290-3-1-.02(1)(f) to prohibit the use of seclusion and limit the use of restraint to those situations in which students are a danger to themselves or other and provide support to school districts, schools, school employees, and the general public.</td>
<td><a href="http://www.alsde.edu/sec/pss/Seclusion%20and%20Restraint/Guidance%20Seclusion%20and%20Restraint%20AL%20Guide.pdf">http://www.alsde.edu/sec/pss/Seclusion%20and%20Restraint/Guidance%20Seclusion%20and%20Restraint%20AL%20Guide.pdf</a></td>
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<td>Addressing Disproportionality in Alabama Schools Professional Development Guidelines, Alabama State Personnel Development Grant (ALSPDG)</td>
<td>Professional development resources covering three required training components that must be conducted annually for all newly hired teachers, administrators, evaluators and others, as appropriate. 1. Addressing Disproportionality in Alabama Public Schools Presentation 2. Positive Behavior Support (PBS) 3. Makes Sense Strategies (MSS) Training</td>
<td><a href="http://www.alspdg.org/Addressing_Disproportionality.html">http://www.alspdg.org/Addressing_Disproportionality.html</a></td>
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<td>Discipline Reports, ALSDE</td>
<td>Annual report compiling discipline incident data by school system, school building, incident type, student grade, victim or participant status, and referrals to law enforcement.</td>
<td><a href="https://www.alsde.edu/dept/data/Pages/discipline-all.aspx">https://www.alsde.edu/dept/data/Pages/discipline-all.aspx</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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11.61.210. Misconduct involving weapons in the fourth degree

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Article 1. General Administration

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4 AAC 06.230. Victim of a violent criminal offense
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Chapter 07. Student Rights and Responsibilities

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General Provisions

Authority to develop and establish rules of conduct

LAWS

The governing body of a school district, including a regional educational attendance area, shall establish procedures to prevent and reduce truancy.

14.33.100. Required school crisis response planning.
(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include

(1) the person in charge and a designated substitute;
(2) the names of the crisis response team members and their specific job functions relating to a crisis;
(3) a communication plan;
(4) protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
(5) disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
(6) crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
(7) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

14.33.110. Purpose of school disciplinary and safety program.
The purpose of AS 14.33.110 - 14.33.140 is to:

(1) implement and maintain community-based standards of school behavior that are developed by students, parents, teachers, school administrators, and the community;
(2) facilitate the creation of a standard of school behavior and safety by local communities for the schools in those communities;
(3) protect and support teachers who enforce standards of student behavior and safety in the classroom established under AS 14.33.120; and
(4) ensure that all schools and school districts receiving state funds, that may not have already done so, implement and maintain an effective school disciplinary and safety program.
14.33.120. School disciplinary and safety program.
(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
(2) standards relating to when a teacher is authorized to remove a student from the classroom for
   (A) failure to follow student behavior and safety standards; or
   (B) behavior described under AS 14.30.045(1) or (2);
(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);
(4) standards relating to when a teacher, teacher’s assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);
(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
(8) procedures for periodic review and revision of the school disciplinary and safety program.
(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.
(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

REGULATIONS
No relevant regulations found.

Scope

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS
No relevant laws found.
REGULATIONS

4 AAC 07.030. Distribution of district policies.
Each district shall make available to students, parents, and all staff persons who deal with students, up-to-date copies of the adopted district student rights and responsibilities policies at the start of each school year. Additionally, throughout the school year, copies of these policies must be posted in accessible locations within school facilities (e.g., bulletin board, teachers' lounges, office, etc.).

4 AAC 07.040. Mandatory instruction.
Each school district shall provide instruction in student rights and responsibilities to students in grades 1 through 12.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

(a) The use of force upon another person that would otherwise constitute an offense is justified under any of the following circumstances:

(1) When and to the extent reasonably necessary and appropriate to promote the welfare of the child or incompetent person, a parent, guardian, or other person entrusted with the care and supervision of a child under 18 years of age or an incompetent person may use reasonable and appropriate nondeadly force upon that child or incompetent person.

(2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students, a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force upon a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.

(3) When and to the extent reasonably necessary and appropriate to maintain order, a person responsible for the maintenance of order in a common carrier of passengers, or a person acting under that person's direction, may use reasonable and appropriate nondeadly force.

(4) When and to the extent reasonably necessary to prevent a suicide, a person who reasonably believes that another is imminently about to commit suicide may use reasonable and appropriate nondeadly force upon that person.

(5) A licensed physician, licensed mobile intensive care paramedic, or registered nurse; or a person acting under the direction of a licensed physician, licensed mobile intensive care paramedic, or registered nurse; or any person who renders emergency care at the scene of an emergency, may use reasonable and appropriate nondeadly force for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the patient if

(A) the treatment is administered with the consent of the patient or, if the patient is a child under 18 years of age or an incompetent person, with the consent of the parent, guardian, or other person entrusted with care and supervision of the child or incompetent person; or
(B) the treatment is administered in an emergency if the person administering the treatment reasonably believes that no one competent to consent can be consulted under the circumstances and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(b) A person who raises a defense under (a)(1) of this section and claims that the person upon whom force was used was an incompetent person has the burden of establishing by a preponderance of the evidence that, at the time force was used, the person upon whom the force was used was an incompetent person.

14.33.120. School disciplinary and safety program.

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for

(A) failure to follow student behavior and safety standards; or

(B) behavior described under AS 14.30.045 (1) or (2);

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310 (b);

(4) standards relating to when a teacher, teacher’s assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430 (a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program.

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.
REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS

4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.
(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:
   (1) routine discipline case procedure; and
   (2) chronic or serious discipline case procedure.
(b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.
(c) The use of corporal punishment in Alaska public schools is prohibited.

4 AAC 07.900. Definition.
As used in this chapter, “corporal punishment” means the application of physical force to the body of a student for disciplinary purposes. It does not include the use of reasonable and necessary physical restraint of a student to protect the student, or others, from physical injury, to obtain possession of a weapon or other dangerous object from a student, to maintain reasonable order in the classroom, or on school grounds, or to protect property from serious damage or destruction.

Use of student and locker searches

LAWS

14.03.105. Search of school lockers.
(a) Subject to (b) of this section, a locker or other container provided in a school by the school or the school district may be searched and examined with the permission of the chief administrative officer of the school or the school district or the designee of the chief administrative officer to determine compliance with school regulations, school district regulations, and local, state, and federal laws. A search or examination under this section may not be more intrusive than reasonably necessary to meet the objectives of the search.
(b) Notices in letters at least two inches high stating the right and the intention of school and school district officers to permit searches and examinations under (a) of this section shall be posted in prominent locations throughout a school.
(c) Nothing in this section limits the ability of a peace officer, chief administrative officer, or other appropriate person, acting in compliance with local, state, or federal laws, to search a locker or other container provided in a public or private school by the school district.
REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Grounds for possible suspension or expulsion

LAWS

14.30.045. Grounds for suspension or denial of admission.
A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

1. continued willful disobedience or open and persistent defiance of reasonable school authority;
2. behavior that is inimicable to the welfare, safety, or morals of other pupils or a person employed or volunteering at the school;
3. a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
4. a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;
5. conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils.

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district’s policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district’s Internet website for further information.
REGULATIONS

4 AAC 06.060. Suspension or denial of admission.
(a) In a public school, the superintendent or principal may suspend a pupil under the provisions of AS 14.30.045, and the pupil may be reinstated by the superintendent or principal or by the school board. A child who is diagnosed as having acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV) does not have a condition which "will cause the attendance of the child to be inimical of the welfare of other pupils," within the meaning of AS 14.30.045(4), unless the child has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team made up of the child's physician, public health personnel, the child's parent or guardian, and school personnel associated with the child's educational placement, substantially increases the risk of transmission of HIV to other pupils.
(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.
(c) A pupil suspended or expelled under this section may appeal to the district board.

Grounds for mandatory suspension or expulsion

LAWS

14.03.160. Suspension or expulsion of students for possessing weapons.
(a) Notwithstanding any other provision of law, a school district shall
   (1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;
   (2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.
(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.
(f) In this section,
   (1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]
(2) behavior that is inimicable to the welfare, safety, or morals of other pupils or a person employed or volunteering at the school;

(3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

(4) a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;

(5) conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils.

REGULATIONS

4 AAC 06.060. Suspension or denial of admission.

(a) In a public school, the superintendent or principal may suspend a pupil under the provisions of AS 14.30.045, and the pupil may be reinstated by the superintendent or principal or by the school board. A child who is diagnosed as having acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV) does not have a condition which "will cause the attendance of the child to be inimical of the welfare of other pupils," within the meaning of AS 14.30.045(4), unless the child has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team made up of the child's physician, public health personnel, the child's parent or guardian, and school personnel associated with the child's educational placement, substantially increases the risk of transmission of HIV to other pupils.

(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

(c) A pupil suspended or expelled under this section may appeal to the district board.

Administrative procedures related to suspension and expulsion

LAWS

No relevant laws found.

REGULATIONS

4 AAC 06.060. Suspension or denial of admission.

(a) In a public school, the superintendent or principal may suspend a pupil under the provisions of AS 14.30.045, and the pupil may be reinstated by the superintendent or principal or by the school board. A child who is diagnosed as having acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV) does not have a condition which "will cause the attendance of the child to be inimical of the welfare of other pupils," within the meaning of AS 14.30.045(4), unless the child has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team made up of the child's physician, public health personnel, the child's parent or guardian, and school personnel associated with the child's educational placement, substantially increases the risk of transmission of HIV to other pupils.

(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

(c) A pupil suspended or expelled under this section may appeal to the district board.
4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.

(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:

   (1) routine discipline case procedure; and
   (2) chronic or serious discipline case procedure.

(b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.

(c) The use of corporal punishment in Alaska public schools is prohibited.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

14.30.047. Admission or readmission when cause no longer exists.

(a) A child who has been suspended from or denied admittance to a school under AS 14.30.045(3) or (4) shall be permitted to attend school when the child is obviously recovered or presents to the governing body a statement in writing from a competent medical authority that the child is no longer afflicted with, or suffering from, the physical or mental condition to the extent that it is a cause for suspension or denial of admission under AS 14.30.045(3) or (4).

(b) A child who has been suspended from or denied admittance to a school for any other cause provided by AS 14.30.045 shall be permitted to attend school when it reasonably appears that the cause has been remedied.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

14.33.120. School disciplinary and safety program.

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written
(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for
   (A) failure to follow student behavior and safety standards; or
   (B) behavior described under AS 14.30.045(1) or (2);

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);

(4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program.

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

14.33.125. Student restraint or seclusion; limitations.

(a) A public school disciplinary and safety program must
   (1) prohibit restraint or seclusion of a student except as provided in (b) of this section;
   (2) be annually reviewed with school personnel;
   (3) include a written report of each incident that is maintained in the student's record as described in (d) of this section; and
   (4) include a review of each incident in which restraint or seclusion is used as provided in (e) of this section.

(b) A teacher, teacher's assistant, or other person responsible for students may physically restrain or seclude a student only if
   (1) the student's behavior poses an imminent danger of physical injury to the student or another person;
   (2) less restrictive interventions would be ineffective to stop the imminent danger to the student or another person;
   (3) the person continuously monitors the student in face-to-face contact or, if face-to-face contact is unsafe, by continuous direct visual contact with the student;
   (4) the person has received training in crisis intervention and de-escalation and restraint techniques that has been approved by the department under AS 14.33.127, unless a trained person is not immediately available, and the circumstances are rare and present an unavoidable and unforeseen emergency; and
(5) the restraint or seclusion is discontinued immediately when the student no longer poses an imminent
danger of physical injury to the student or another person or when a less restrictive intervention is
effective to stop the danger of physical injury.

(c) A teacher, teacher's assistant, or other person responsible for students may not

(1) use chemical restraint;

(2) use mechanical restraint; or

(3) physically restrain a student by placing the student on the student's back or stomach or in a manner
that restricts the student's breathing.

(d) School personnel who restrain or seclude a student shall provide a written report of the incident to the
school administrator. A school shall provide a copy of the report to the student's parents or legal

(1) the date and time of the incident;

(2) the names and job titles of school personnel who participated in or supervised the incident;

(3) a description of the activity that preceded the incident, including efforts and strategies used with the
student before the incident;

(4) a description of the incident, including the type and duration of the intervention used;

(5) a description of how the incident ended, including any further action taken.

(e) A school district shall ensure that a review process is established and conducted for each incident that
involves restraint or seclusion of a student. The review must be conducted as soon as practicable after
the event and include

(1) staff review of the incident;

(2) follow-up communication with the student and the student's parent or legal guardian;

(3) review of and recommendations for adjusting or amending procedures, strategies, accommodations,
individualized education plans, or other student behavior plans, or for additional staff training.

(f) Each school district shall annually report to the department, on a form acceptable to the department,
the total number of incidents involving the restraint or seclusion of a student. The report must specify

(1) the number of incidents that resulted in injury or death of students or personnel;

(2) the number of incidents in which school personnel involved in the restraint or seclusion were not
trained in an approved crisis intervention training program as described in AS 14.33.127(b); and

(3) the number of incidents involving the restraint or seclusion of a child with a disability under AS
14.30.350; the report must also include the category of the disability of the child involved in each
incident.

(g) In this section,

(1) "chemical restraint" means a psychopharmacologic drug that is used on a student for discipline or
convenience and that is not required to treat a medical symptom;

(2) "mechanical restraint" means the use of a device that is not a medical device or protective
equipment prescribed by a qualified health care professional to restrict a student's freedom of
movement;

(3) "physically restrain" or "physical restraint" means a personal restriction that immobilizes or reduces
the ability of a student to move the student's arms, legs, or head freely;

(4) "restraint" means physical restraint, chemical restraint, mechanical restraint, or other aversive
behavioral interventions that compromise health and safety;
(5) “seclusion” means the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving; "seclusion" does not include a classroom timeout, supervised detention, or suspension from school under AS 14.30.045.

(a) The department shall approve crisis intervention training programs for schools, which shall include training in
   (1) evidenced-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;
   (2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;
   (3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;
   (4) first aid and cardiopulmonary resuscitation; and
   (5) applicable policies and procedures.
(b) The governing body of a school shall ensure that a sufficient number of school employees receives periodic training in an approved crisis intervention program to meet the needs of the school population.
(c) In this section,
   (1) "restraint" has the meaning given in AS 14.33.125;
   (2) "seclusion" has the meaning given in AS 14.33.125.

REGULATIONS

4 AAC 06.175. Reporting restraint and seclusion incidents.
Annually, not later than June 30, a governing body shall provide a report to the department that includes all data required under AS 14.33.125(f). The governing body shall file the required report electronically in a format prescribed by the department, unless the governing body determines that the district does not have the capability of filing the report electronically in that format.

4 AAC 06.177. Crisis intervention training programs.
(a) The department will maintain a list of approved crisis intervention training programs. An approved program must
   (1) include training in all areas required under AS 14.33.127(a);
   (2) have a clear record of success in the prevention and safe use of physical restraint and seclusion;
   (3) have undergone a peer-review process or have otherwise been the subject of scholarly research; and
   (4) adequately address AS 14.33.127(a)(1) - (3).
(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program
   (1) cautions against the use of mechanical or chemical restraint except as authorized by licensed and qualified medical personnel;
   (2) limits the use of restraint and seclusion to situations where the student’s behavior poses imminent danger of serious physical harm to self or others;
   (3) requires discontinuation of restraint and seclusion as soon as the risk of serious harm dissipates;
(4) includes policies restricting the use of restraint and seclusion for all students, regardless of whether a student has a disability;
(5) emphasizes students' rights to be treated with dignity and be free from abuse;
(6) forbids the use of restraint or seclusion as a punishment or disciplinary technique;
(7) forbids the use of restraint or seclusion that restricts a student's breathing or otherwise harms the student;
(8) requires that the repeated use of restraint and seclusion by one individual or in a particular classroom will trigger an automatic review;
(9) requires the use of behavioral strategies that address the underlying cause or purpose of dangerous behavior;
(10) requires that instances of restraint and seclusion be visually monitored to ensure the appropriateness of the intervention and the safety of the student and school staff;
(11) requires notification of a student's parent or legal guardian regarding the governing body's restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student's parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and
(12) provides for the regular review of the governing body's restraint and seclusion policies and requires written documentation.

(c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.

Alternative placements

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person […]
(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess
   (A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;
   (B) a defensive weapon;
   (C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, “rural” means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or
   (8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.
(b) [Repealed, Sec. 4 ch 63 SLA 1990].
(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer’s employment.
(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

14.03.160. Suspension or expulsion of students for possessing weapons.
(a) Notwithstanding any other provision of law, a school district shall
   (1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;
(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(f) In this section,

(1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

14.03.160. Suspension or expulsion of students for possessing weapons.
(a) Notwithstanding any other provision of law, a school district shall

(1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;

(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(f) In this section,

(1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.
(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:

(1) routine discipline case procedure; and

(2) chronic or serious discipline case procedure.
(b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.

(c) The use of corporal punishment in Alaska public schools is prohibited.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

The governing body of a school district, including a regional educational attendance area, shall establish procedures to prevent and reduce truancy.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

14.33.120. School disciplinary and safety program.
(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for failure to follow student behavior and safety standards; or

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);

(4) standards relating to when a teacher, teacher’s assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
(8) procedures for periodic review and revision of the school disciplinary and safety program.

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS


(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district’s policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.


Beginning with the 2007 - 2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate.

14.33.220. Reporting; no reprisals.

(a) A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.
(b) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.

(c) This section does not prohibit discipline or other adverse action taken in compliance with school district policies against a person who falsely and in bad faith accuses a person of engaging in harassment, intimidation, or bullying or who intentionally provides false information in connection with an investigation of an alleged incident of harassment, intimidation, or bullying.

A school employee, student, or volunteer who reports an incident of harassment, intimidation, or bullying to a school official and who makes this report in good faith is immune from a cause of action for damages arising from a failure to remedy the reported incident or for making the report.

In AS 14.33.200 - 14.33.250,

(1) "district" has the meaning given in AS 14.17.990;

(2) "harassment, intimidation, or bullying" means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and
   (A) physically harms the student or damages the student's property;
   (B) has the effect of substantially interfering with the student's education;
   (C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
   (D) has the effect of substantially disrupting the orderly operation of the school;

(3) "school official" means an employee of a school, including a teacher, administrator, or noncertificated support staff or paraprofessional.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

(a) The governing body of each school district shall adopt and implement a policy, establish a training program for employees and students, and provide parent notices relating to sexual abuse and sexual assault awareness and prevention for students enrolled in grades kindergarten through 12.
(b) The policy, training, and notices adopted under this section must include
   (1) age-appropriate information;
   (2) warning signs of sexual abuse of a child;
   (3) referral and resource information;
   (4) available student counseling and educational support;
   (5) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children;
   (6) actions that a child may take to prevent and report sexual abuse or sexual assault; and
   (7) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.
(c) The training required for teachers under this section may be provided as a part of the continuing education required under AS 18.66.310.
(d) In this section,
   (1) "school district" has the meaning given in AS 14.30.350;
   (2) "sexual abuse" or "sexual assault" has the meaning given to "sexual abuse" in AS 47.10.990.

14.30.356. Teen dating violence and abuse awareness and prevention program; training and notices.
(a) The department, in consultation with school districts, shall develop and approve a program relating to teen dating violence and abuse awareness and prevention for grades seven through 12. The program must
   (1) include training for employees and students;
   (2) provide parent notices; and
   (3) be reviewed periodically by a qualified individual or committee for consistency with generally accepted standards for a teen dating violence and abuse awareness and prevention program.
(b) The training, notices, and instruction adopted under this section must include
   (1) age-appropriate information;
   (2) the warning signs of dating violence and abusive behavior;
   (3) characteristics of healthy relationships;
   (4) measures to prevent and stop dating violence and abuse;
   (5) community resources available to victims of dating violence and abuse; and
(6) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.

(c) The training required for teachers under this section may be provided as a part of the continuing education required under AS 18.66.310.

(d) In this section,

(1) “dating violence and abuse” means a pattern of behavior in which one person threatens to use, or actually uses, physical, sexual, verbal, emotional, or psychological abuse to control the person’s dating partner;

(2) “school district” has the meaning given in AS 14.30.350.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

14.30.176. List of community resources.
(a) Notwithstanding AS 14.30.171(a)(4), a school district may make available to an interested parent or guardian a list of community resources, including mental health services if the list conspicuously states the following: “This list is provided as a resource to you. The school neither recommends nor requires that you use this list or any of the services provided by individuals or entities on the list. It is for you to decide what services, if any, to use and from whom you wish to obtain them.”

(b) A list provided under (a) of this section must include the name, specialty, and credential of each mental health service provider listed.

REGULATIONS

4 AAC 06.872. State system of support and intervention.
(b) A district will be designated

(1) as tier III if it has at least one school designated for comprehensive support and improvement under 4 AAC 06.840(a)(1);

(2) as tier II if

(A) at least 25 percent of the schools in the district are designated for comprehensive support and improvement or targeted support and improvement under 4 AAC 06.840(a) or (b);

(B) at least 25 percent of the students in the district attend a school designated for targeted support and improvement under 4 AAC 06.840(b);

(C) an instructional or desk audit at the district or schools in the district demonstrates significant deficiencies in the domains identified in 4 AAC 06.845(b); or

(D) an instructional or desk audit at the district shows that one or more subgroups in the district is not making progress toward the subgroup's long-term goals or measures of interim progress under 4 AAC 06.815.

(f) The state level of support and oversight provided by the department to a tier II or tier III district will be tailored to the needs of the district or a school. The department will assist a tier III district regarding the
implementation of the district improvement plan at a school in the district, unless the commissioner
determines that assistance is not required. The department may assist a tier II district…

Professional development

LAWS

(a) A school district or regional educational attendance area shall train each teacher, administrator,
counselor, and specialist on the needs of individual students who have alcohol or drug related disabilities.
The training must utilize the best available educational technology and include an overview of medical
and psychological characteristics associated with alcohol or drug related disabilities, family issues, and
the specific educational needs of students with alcohol or drug related disabilities.
(b) A school district or regional educational attendance area shall provide the training required under (a)
of this section on a schedule adopted by the governing body of a school district or regional educational
attendance area.

(a) The governing body of each school district shall adopt and implement a policy, establish a training
program for employees and students, and provide parent notices relating to sexual abuse and sexual
assault awareness and prevention for students enrolled in grades kindergarten through 12.
(b) The policy, training, and notices adopted under this section must include
   (1) age-appropriate information;
   (2) warning signs of sexual abuse of a child;
   (3) referral and resource information;
   (4) available student counseling and educational support;
   (5) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of
       children;
   (6) actions that a child may take to prevent and report sexual abuse or sexual assault; and
   (7) a procedure allowing a student to be excused from participating in training or from receiving notices
       under this section at the written request of a parent or guardian of the student, or of the student if the
       student is emancipated or 18 years of age or older.
(c) The training required for teachers under this section may be provided as a part of the continuing
    education required under AS 18.66.310.
(d) In this section,
   (1) "school district" has the meaning given in AS 14.30.350;
   (2) "sexual abuse" or "sexual assault" has the meaning given to "sexual abuse" in AS 47.10.990.

14.30.356. Teen dating violence and abuse awareness and prevention program; training and
    notices.
(a) The department, in consultation with school districts, shall develop and approve a program relating to
    teen dating violence and abuse awareness and prevention for grades seven through 12. The program
    must
    (1) include training for employees and students;
    (2) provide parent notices; and
(3) be reviewed periodically by a qualified individual or committee for consistency with generally accepted standards for a teen dating violence and abuse awareness and prevention program.

(b) The training, notices, and instruction adopted under this section must include

(1) age-appropriate information;
(2) the warning signs of dating violence and abusive behavior;
(3) characteristics of healthy relationships;
(4) measures to prevent and stop dating violence and abuse;
(5) community resources available to victims of dating violence and abuse; and
(6) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.

(c) The training required for teachers under this section may be provided as a part of the continuing education required under AS 18.66.310.

(d) In this section,
(1) “dating violence and abuse” means a pattern of behavior in which one person threatens to use, or actually uses, physical, sexual, verbal, emotional, or psychological abuse to control the person’s dating partner;
(2) “school district” has the meaning given in AS 14.30.350.


(a) A school district and the department shall provide youth suicide awareness and prevention training approved by the commissioner to each teacher, administrator, counselor, and specialist who is employed by the district or department to provide services to students in a public school in the state at no cost to the teacher, administrator, counselor, or specialist.

(b) The commissioner shall approve youth suicide awareness and prevention training provided under this section if the training meets standards for professional continuing education credit in the state and is periodically reviewed by a qualified person or committee for consistency with generally accepted principles of youth suicide awareness and prevention. The training may be offered through videoconferencing or an individual program of study of designated materials.

(c) A person may not bring a civil action for damages against the state or a school district, or an officer, agent, or employee of the state or a school district, for a death, personal injury, or property damage that results from an act or omission in performing or failing to perform activities or duties authorized under this section. This subsection does not apply to a civil action for damages as a result of intentional misconduct with complete disregard for the safety and property of others.

(d) The training under this section shall be provided according to the schedule adopted by the governing body of a school district.

(e) The training provided or the failure to provide training under this section may not be construed to impose a specific duty of care on any person.

14.33.100. Required school crisis response planning.

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.
(a) The department shall approve crisis intervention training programs for schools, which shall include training in
   (1) evidenced-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;
   (2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;
   (3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;
   (4) first aid and cardiopulmonary resuscitation; and
   (5) applicable policies and procedures.
(b) The governing body of a school shall ensure that a sufficient number of school employees receive periodic training in an approved crisis intervention program to meet the needs of the school population.
(c) In this section,
   (1) "restraint" has the meaning given in AS 14.33.125;
   (2) "seclusion" has the meaning given in AS 14.33.125.

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.
(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.
(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

REGULATIONS

4 AAC 06.177. Crisis intervention training programs.
(a) The department will maintain a list of approved crisis intervention training programs. An approved program must
   (1) include training in all areas required under AS 14.33.127(a);
   (2) have a clear record of success in the prevention and safe use of physical restraint and seclusion;
(3) have undergone a peer-review process or have otherwise been the subject of scholarly research; and
(4) adequately address AS 14.33.127(a)(1) - (3).

(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program

(1) cautions against the use of mechanical or chemical restraint except as authorized by licensed and qualified medical personnel;
(2) limits the use of restraint and seclusion to situations where the student’s behavior poses imminent danger of serious physical harm to self or others;
(3) requires discontinuation of restraint and seclusion as soon as the risk of serious harm dissipates;
(4) includes policies restricting the use of restraint and seclusion for all students, regardless of whether a student has a disability;
(5) emphasizes students’ rights to be treated with dignity and be free from abuse;
(6) forbids the use of restraint or seclusion as a punishment or disciplinary technique;
(7) forbids the use of restraint or seclusion that restricts a student’s breathing or otherwise harms the student;
(8) requires that the repeated use of restraint and seclusion by one individual or in a particular classroom will trigger an automatic review;
(9) requires the use of behavioral strategies that address the underlying cause or purpose of dangerous behavior;
(10) requires that instances of restraint and seclusion be visually monitored to ensure the appropriateness of the intervention and the safety of the student and school staff;
(11) requires notification of a student’s parent or legal guardian regarding the governing body’s restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student’s parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and
(12) provides for the regular review of the governing body’s restraint and seclusion policies and requires written documentation.

(c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

14.33.120. School disciplinary and safety program.
(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for
   (A) failure to follow student behavior and safety standards; or
   (B) behavior described under AS 14.30.045(1) or (2);

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);

(4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

14.33.125. Student restraint or seclusion; limitations.
(d) School personnel who restrain or seclude a student shall provide a written report of the incident to the school administrator. A school shall provide a copy of the report to the student's parents or legal guardians. The report must include

(1) the date and time of the incident;

(2) the names and job titles of school personnel who participated in or supervised the incident;

(3) a description of the activity that preceded the incident, including efforts and strategies used with the student before the incident;
(4) a description of the incident, including the type and duration of the intervention used;
(5) a description of how the incident ended, including any further action taken.

(e) A school district shall ensure that a review process is established and conducted for each incident that involves restraint or seclusion of a student. The review must be conducted as soon as practicable after the event and include
   (1) staff review of the incident;
   (2) follow-up communication with the student and the student's parent or legal guardian;
   (3) review of and recommendations for adjusting or amending procedures, strategies, accommodations, individualized education plans, or other student behavior plans, or for additional staff training.

Beginning with the 2007 - 2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate.

14.33.220. Reporting; no reprisals.
(a) A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.
(b) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.
(c) This section does not prohibit discipline or other adverse action taken in compliance with school district policies against a person who falsely and in bad faith accuses a person of engaging in harassment, intimidation, or bullying or who intentionally provides false information in connection with an investigation of an alleged incident of harassment, intimidation, or bullying.

REGULATIONS

4 AAC 06.172. Reporting of school disciplinary and safety programs.
(a) A governing body of a school board shall report to the department information relating to the school district disciplinary and safety program required by AS 14.33.120. The report shall be submitted annually with the school report required by AS 14.03.120 (a).
(b) To meet the requirements of AS 14.33.120 (a)(1) for collaboration at each school in development and review of the standards, the report must provide a description of the procedures used to develop the community-based standards of school behavior and safety contained in the school safety and discipline program, including
   (1) the persons who were involved in developing the standards;
   (2) the parameters for evaluation to assess the effectiveness of the standards; and
   (3) the period of review and evaluation of the standards.
(c) The report must also include a description of the annual number of incidents by school of disruptive or violent student behavior, including the number of students suspended or expelled for
   (1) under AS 14.03.160, possession of deadly weapons; and
   (2) discipline violations not specified in (1) of this subsection.
Parental notification

LAWS
No relevant laws found.

REGULATIONS

4 AAC 06.177. Crisis intervention training programs.
(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program
(11) requires notification of a student’s parent or legal guardian regarding the governing body’s restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student’s parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and

Reporting and referrals between schools and law enforcement

LAWS

14.03.160. Suspension or expulsion of students for possessing weapons.
(a) Notwithstanding any other provision of law, a school district shall
(1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;
(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210 (a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.
(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.
(c) A prior conviction, or adjudication of delinquency or child in need of aid, for violation of AS 11.61.210 (a)(8) is not necessary for a school board to suspend or expel a student under this section.
(d) Each school district shall adopt a policy providing for the
(1) referral to law enforcement authorities of students who violate AS 11.61.210 (a)(8);
(2) identification of procedures and conditions for early reinstatement of students suspended or expelled under this section.
(e) Annually on a date set by the department, each school district shall report to the department the number of students expelled under this section and the types of weapons involved.
(f) In this section,
(1) "deadly weapon" has the meaning given in AS 11.81.900 ;
(2) "district" has the meaning given in AS 14.17.990 .

14.33.100. Required school crisis response planning.
(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member
of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

14.33.130. Enforcement of approved program; additional safety obligations.
(a) A teacher, a teacher's assistant, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of an approved school disciplinary and safety program, including behavior standards, adopted under AS 14.33.120. (b) A teacher, a teacher's assistant, a principal, or another person responsible for students who (1) receives information about a student under AS 47.12.310(b) or receives information that may affect the safety of students or staff shall notify the student's teacher or a school administrator; and (2) in the course of employment, observes a student committing a crime shall report the crime to the local law enforcement agency; in this paragraph, "crime" has the meaning given in AS 11.81.900.

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.
(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.
(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

(a) Nothing in AS 14.30.171 may be construed to prohibit school personnel from
   (1) consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation
for special education or related services as long as school personnel do not make an assertion or recommendation that violates AS 14.30.171; or

(2) exercising their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of a school disciplinary and safety program adopted under AS 14.03.160, AS 14.30.045, or AS 14.33.110 - 14.33.140.

(b) Nothing in AS 14.30.171 may be construed to prevent teachers or other school personnel from complying with the requirements of AS 47.17.020(a) or (b) or from filing a report to authorities if a child poses a serious and imminent risk to the child's or another person's safety.

47.12.310. Agency records.

(a) Except as specified in AS 47.12.315, 47.12.320, and (b) - (g) and (i) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee shall disclose

(1) information regarding a case to a federal, state, or municipal law enforcement agency for a specific investigation being conducted by that agency;

(2) appropriate information regarding a case to

(A) a guardian ad litem appointed by the court;

(B) a person or an agency requested by the department or the minor's legal custodian to provide consultation or services for a minor who is subject to the jurisdiction of the court under this chapter as necessary to enable the provision of the consultation or services;

(C) school officials as may be necessary to protect the safety of the minor who is the subject of the case and the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

(D) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a minor;

(E) a law enforcement agency of this state or another jurisdiction as may be necessary for the protection, rehabilitation, or supervision of any minor or for actions by that agency to protect the public safety;

(F) a victim or to the victim's insurance company as may be necessary to inform the victim or the insurance company about the arrest of the minor, including the minor's name and the names of the minor's parents, copies of reports, or the disposition or resolution of a case involving a minor;

(G) the state medical examiner under AS 12.65 as may be necessary to perform the duties of the state medical examiner;

(H) foster parents or relatives with whom the child is placed by the department as may be necessary to enable the foster parents or relatives to provide appropriate care for the child who is the subject of the case, to protect the safety of the child who is the subject of the case, and to protect the safety and property of family members and visitors of the foster parents or relatives;

(I) the Department of Law or its agent for use and subsequent release if necessary for collection of an order of restitution on behalf of the recipient

(J) the Violent Crimes Compensation Board established in AS 18.67.020 for use in awarding compensation under AS 18.67.080;
(K) a state, municipal, or federal agency of this state or another jurisdiction that has the authority to license adult or children's facilities and services;

(L) a child placement agency licensed under AS 47.32 as necessary to provide services for a minor who is subject to the jurisdiction of the court under this chapter; and

(M) a state or municipal agency of this state or another jurisdiction that is responsible for child protection services, as may be necessary for the administration of services, protection, rehabilitation, or supervision of a minor or for actions by the agency to protect the public safety; and

(3) to the University of Alaska under the Alaska higher education savings program for children established under AS 47.14.400 information that is necessary to support the program, but only if the information released is maintained as a confidential record by the University of Alaska.

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under this chapter;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

(5) may disclose to a victim or to the victim's insurance company information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

(d) Upon request of a victim, the department shall make every reasonable effort to notify the victim as soon as practicable, by telephone or in writing, when a delinquent minor is to be released from placement in a juvenile facility under AS 47.12.120(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

(e) A person may authorize the department to release information to the military or to a prospective employer about the existence of a delinquency adjudication against that person under this chapter and the offense on which it was based.

(f) The department may release to a person with a legitimate interest information relating to a minor subject to the jurisdiction of the department under this chapter. The department shall adopt regulations under AS 44.62 to implement this subsection, including regulations governing the release of information and standards for identifying a legitimate interest in the information.

(g) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of information to school officials under (b)(2)(C) and (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonably practicable.

(h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement agency is not required to notify the appropriate school official of a school district or school under (c) of this section if the agency determines that notice would jeopardize an ongoing investigation.

(i) A state or municipal agency, other than a state or municipal law enforcement agency, or authorized employee may disclose to the public information regarding a case as may be necessary to protect the safety of the public provided the disclosure is authorized by regulations adopted by the department.
(j) In this section, “school” means a public or private elementary or secondary school.

(k) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor.

REGULATIONS
No relevant regulations found.

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

LAWS

14.33.100. Required school crisis response planning.
(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include:

1. the person in charge and a designated substitute;
2. the names of the crisis response team members and their specific job functions relating to a crisis;
3. a communication plan;
4. protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
5. disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
6. crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
7. policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

(c) Each district shall annually review and update as appropriate each school's crisis response plan. A copy of each school's crisis response plan, as annually updated, shall be retained by the district and a copy provided to each local agency that has a role in the plan. Notice of completion of the annual review and update and the location of a school's crisis response plan shall be posted at each school in the district. A school crisis response plan shall be printed and available for inspection by the public.

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.

(e) In this section,
(1) “crisis” includes a traumatic event or emergency condition that creates distress, hardship, fear, or grief;
(2) “district” has the meaning given in AS 14.17.990.

14.33.120. School disciplinary and safety program.
(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written
(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
(2) standards relating to when a teacher is authorized to remove a student from the classroom for
(A) failure to follow student behavior and safety standards; or
(B) behavior described under AS 14.30.045 (1) or (2);
(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310 (b);
(4) standards relating to when a teacher, teacher’s assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430 (a)(2);
(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
(8) procedures for periodic review and revision of the school disciplinary and safety program.
(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.
(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

14.33.125. Student restraint or seclusion; limitations.
(a) A public school disciplinary and safety program must
(1) prohibit restraint or seclusion of a student except as provided in (b) of this section;
(2) be annually reviewed with school personnel;
(3) include a written report of each incident that is maintained in the student’s record as described in (d) of this section; and
(4) include a review of each incident in which restraint or seclusion is used as provided in (e) of this section.
(f) Each school district shall annually report to the department, on a form acceptable to the department, the total number of incidents involving the restraint or seclusion of a student. The report must specify
(1) the number of incidents that resulted in injury or death of students or personnel;
(2) the number of incidents in which school personnel involved in the restraint or seclusion were not trained in an approved crisis intervention training program as described in AS 14.33.127(b); and
(3) the number of incidents involving the restraint or seclusion of a child with a disability under AS 14.30.350; the report must also include the category of the disability of the child involved in each incident.

REGULATIONS

4 AAC 06.175. Reporting restraint and seclusion incidents.
Annually, not later than June 30, a governing body shall provide a report to the department that includes all data required under AS 14.33.125(f). The governing body shall file the required report electronically in a format prescribed by the department, unless the governing body determines that the district does not have the capability of filing the report electronically in that format.

4 AAC 06.177. Crisis intervention training programs.
(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program
(12) provides for the regular review of the governing body’s restraint and seclusion policies and requires written documentation.
(c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.

4 AAC 06.250. Reporting.
(a) A district shall provide to the department a report on or before June 30 of each year that describes for each school in the district during the school year the number of
(1) infractions involving violence against a person at the school;
(2) infractions involving a weapon at the school;
(3) days students were suspended for infractions involving violence against a person or infractions involving a weapon at each school;
(4) expulsions for infractions involving violence against a person or infractions involving a weapon at a school;
(5) transfers requested and provided under 4 AAC 06.210 or 4 AAC 06.240;
(6) victims of violent criminal offenses as determined under 4 AAC 06.230; and
(7) truancies at schools in the district, as determined by the district under its procedures established under AS 14.30.030.
(b) A district shall file the report required in (a) of this section electronically in a format required by the department, unless the department determines in writing that the district does not have the capability of filing the report electronically in that format.

4 AAC 07.050. Review of policies.
Since student rights and responsibilities in the public schools are recognized as an ever changing and constantly developing area, each district shall review its policies and make such revisions as statutes,
regulations or court decisions make necessary. District reviews shall be accomplished at least once every three years.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS


(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

**14.30.362. Suicide awareness and prevention training.**
(c) A person may not bring a civil action for damages against the state or a school district, or an officer, agent, or employee of the state or a school district, for a death, personal injury, or property damage that results from an act or omission in performing or failing to perform activities or duties authorized under this section. This subsection does not apply to a civil action for damages as a result of intentional misconduct with complete disregard for the safety and property of others.

**14.33.130. Enforcement of approved program; additional safety obligations.**
(a) A teacher, a teacher's assistant, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of an approved school disciplinary and safety program, including behavior standards, adopted under AS 14.33.120.
(b) A teacher, a teacher’s assistant, a principal, or another person responsible for students who

1. receives information about a student under AS 47.12.310(b) or receives information that may affect the safety of students or staff shall notify the student's teacher or a school administrator; and

2. in the course of employment, observes a student committing a crime shall report the crime to the local law enforcement agency; in this paragraph, “crime” has the meaning given in AS 11.81.900.

**14.33.140. Civil liability for enforcing disciplinary and safety program.**
A teacher, a teacher's assistant, a principal, or another person responsible for students is not liable for civil damage resulting from an act or omission (1) arising out of enforcement of an approved school disciplinary and safety program adopted under AS 14.33.120; and (2) arising out of and in the course of employment unless the act or omission constitutes gross negligence or reckless or intentional misconduct.

**14.33.230. Immunity from suit.**
A school employee, student, or volunteer who reports an incident of harassment, intimidation, or bullying to a school official and who makes this report in good faith is immune from a cause of action for damages arising from a failure to remedy the reported incident or for making the report.

**REGULATIONS**
No relevant regulations found.

**Community input or involvement**

**LAWS**

**14.33.100. Required school crisis response planning.**
(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school...
staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include

(1) the person in charge and a designated substitute;
(2) the names of the crisis response team members and their specific job functions relating to a crisis;
(3) a communication plan;
(4) protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
(5) disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
(6) crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
(7) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

(c) Each district shall annually review and update as appropriate each school's crisis response plan. A copy of each school's crisis response plan, as annually updated, shall be retained by the district and a copy provided to each local agency that has a role in the plan. Notice of completion of the annual review and update and the location of a school's crisis response plan shall be posted at each school in the district. A school crisis response plan shall be printed and available for inspection by the public.

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.

(e) In this section,

(1) "crisis" includes a traumatic event or emergency condition that creates distress, hardship, fear, or grief;
(2) "district" has the meaning given in AS 14.17.990.

14.33.120. School disciplinary and safety program.

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
(2) standards relating to when a teacher is authorized to remove a student from the classroom for

(A) failure to follow student behavior and safety standards; or
(B) behavior described under AS 14.30.045(1) or (2);
(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);
(4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);
(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
(8) procedures for periodic review and revision of the school disciplinary and safety program.
(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.
(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.
(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.
REGULATIONS

4 AAC 06.230. Victim of a violent criminal offense.
(a) Within 10 days after an incident in which a student is a victim of a violent criminal offense on the grounds of the school attended by the student, a district shall notify the parents of the student that the parents may, within 30 days after the notice is sent, elect to have the student transferred to the parent's choice of one of two or more safe schools within the district. If a parent timely requests a transfer under this section, the district shall provide the transfer within 30 days after receiving the request.
(b) Within 10 days after receiving notice that an incident of violence on school grounds may have occurred, a district shall determine whether substantial evidence indicates that a student was a victim of a violent criminal offense. A district shall consider a student eligible for a transfer under this section if substantial evidence indicates that the student was a victim of a violent criminal offense on the grounds of the school attended by the student. If a district refuses to offer to transfer a student whom the student's parent believes was the victim of a violent criminal offense, the parent may appeal to the commissioner within 30 days after receipt of the refusal. The commissioner or the commissioner's designee may use the existing record or may hear additional evidence to determine whether the student is eligible for a transfer under (a) of this section. Nothing in this section gives a determination by the district or the commissioner under this section preclusive effect in any other legal proceeding. A decision by the commissioner or the commissioner's designee is a final decision for purposes of judicial review.
(c) A district is not required to provide the notice or transfer option required under (a) of this section to a student who attends a youth detention center but shall notify the parents of the incident.
(d) A district that has only one public school of the appropriate grade level is not required to create an additional public school in order to comply with (a) of this section.
(e) In this section, "violent criminal offense" means an incident, regardless of whether it was the subject of a criminal charge, that would establish the elements of an offense under
   (1) AS 11.41 (Offenses Against the Person);
   (2) AS 11.61.160 (Recruiting a Gang Member in the First Degree); or
   (3) AS 11.61.195 (Misconduct Involving Weapons in the First Degree).

4 AAC 06.240. Parent's options.
A parent who requests a transfer under 4 AAC 06.210 or 4 AAC 06.230 may also request that the student remain in the receiving school until the student completes the highest grade level offered by that school. The district shall grant the request.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Alaska provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

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<tr>
<th>Title</th>
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<td><strong>Website</strong></td>
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<tr>
<td>Alaska Schoolwide Positive Behavior Supports, Alaska Department of Education &amp; Early Development</td>
<td>Provides schools and districts with resources to implement Schoolwide Positive Behavior Supports.</td>
<td><a href="https://education.alaska.gov/swpbss">https://education.alaska.gov/swpbss</a></td>
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<tr>
<td>Bullying, Alaska Department of Education &amp; Early Development</td>
<td>Provides links to bullying information and resources, including state statutes addressing harassment, intimidation, and bullying, the state model bullying policy, Youth Risk Behavior Survey (YRBS) data measuring exposure to bullying in schools, and eLearning modules and national resources.</td>
<td><a href="https://education.alaska.gov/safeschools/bullying">https://education.alaska.gov/safeschools/bullying</a></td>
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<tr>
<td>School Health, Safety, and Alternative Education, Alaska Department of Education &amp; Early Development</td>
<td>Provides links to information and resources related to school climate, school health and wellness, and alternative education.</td>
<td><a href="https://education.alaska.gov/SafeSchools">https://education.alaska.gov/SafeSchools</a></td>
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<td><strong>Documents</strong></td>
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<tr>
<td>Crisis Intervention Training Programs, Alaska Department of Education &amp; Early Development</td>
<td>Crisis Intervention training programs for school personnel to complete along with CPR and First Aid training to meet the Restraint and Seclusion training requirements in compliance with statutes 14.33.125 and 14.33.127.</td>
<td><a href="http://www.eed.state.ak.us/tls/schoolsafety/restraint.html">http://www.eed.state.ak.us/tls/schoolsafety/restraint.html</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Article 4. Special Education

R7-2-401. Special education standards for public agencies providing educational services
General Provisions

Authority to develop and establish rules of conduct

LAWS

15-153. Crime reporting; policies and procedures; notification; discipline.
A. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures for school personnel to report any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to an employee, student or other person on the school property. The policies shall dictate a process for employees to document and report the conduct, including specifying the employees responsible for making a report to the local law enforcement agency pursuant to section 15-341, subsection A, paragraph 30. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to policies adopted pursuant to section 15-341, subsection A, paragraph 36.
B. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described in subsection A of this section, subject to the requirements of federal law.
C. On or before January 1, 2020, each school district or charter school shall post the policies and procedures prescribed by this section on its website. If the school district or charter school maintains an online manual of policies and procedures, the school district or charter school may post a link to that manual with a reference to the appropriate policies and procedures.
D. A person who violates subsection A of this section may be disciplined for violating the policies of the school district governing board or charter school governing body pursuant to section 15-341, subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341, subsection A, paragraphs 21 and 22, may be subject to dismissal. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to maintain a record on any person who is disciplined pursuant to this subsection and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.
E. By July 1, 2020, the department of education shall develop a process to verify that each school district and charter school has adopted the policies and procedures required by this section.
F. Beginning January 21, 2020, a school district or charter school that has not adopted the policies and procedures required by this section is not eligible to apply for school safety program grants pursuant to section 15-154.

15-341. General powers and duties; immunity; delegation.
A. The governing board shall:
  12. Hold pupils to strict account for disorderly conduct on school property.
  13. Discipline students for disorderly conduct on the way to and from school.

15-342. Discretionary powers.
The governing board may:
1. Expel pupils for misconduct.

2. Exclude from grades one through eight children under six years of age.

3. Make such separation of groups of pupils as it deems advisable.

20. Establish alternative educational programs that are consistent with the laws of this state to educate pupils, including pupils who have been reassigned pursuant to section 15-841, subsection E or F.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

15-843. Pupil disciplinary proceedings.

B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

1. Penalties for excessive pupil absenteeism pursuant to section 15-803, including failure in a subject, failure to pass a grade, suspension or expulsion.

2. Procedures for the use of corporal punishment if allowed by the governing board.

3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

4. Procedures for dealing with pupils who have committed or who are believed to have committed a crime.

5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.

6. Procedures and conditions for readmission of a pupil who has been expelled or suspended for more than ten days.

7. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.

8. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F of this section at the time the board considers the recommendation.

9. Beginning in school year 2013-2014, Disciplinary policies for the confinement of pupils left alone in an enclosed space. These policies shall include the following:

   (a) A process for prior written parental notification that confinement may be used for disciplinary purposes AND that is included in the pupil's enrollment packet or admission form.

   (b) A process for prior written parental consent before confinement is allowed for any pupil in the school district. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

10. Procedures that require the school district to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this
information and annually post the information on its website. The information shall comply with the family educational rights and privacy act of 1974 (p.l. 93-380; 88 stat. 57; 20 United States code section 1232g) and not include personally identifiable information and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

REGULATIONS
No relevant regulations found.

Scope

LAWS

15-341. General powers and duties; immunity; delegation.
A. The governing board shall:
   12. Hold pupils to strict account for disorderly conduct on school property.
   13. Discipline students for disorderly conduct on the way to and from school.

15-342. Discretionary powers.
The governing board may:
   1. Expel pupils for misconduct.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

15-153. Crime reporting; policies and procedures; notification; discipline.
A. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures for school personnel to report any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to an employee, student or other person on the school property. The policies shall dictate a process for employees to document and report the conduct, including specifying the employees responsible for making a report to the local law enforcement agency pursuant to section 15-341, subsection A, paragraph 30. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to policies adopted pursuant to section 15-341, subsection A, paragraph 36.
B. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described in subsection A of this section, subject to the requirements of federal law.
C. On or before January 1, 2020, each school district or charter school shall post the policies and procedures prescribed by this section on its website. If the school district or charter school maintains an online manual of policies and procedures, the school district or charter school may post a link to that manual with a reference to the appropriate policies and procedures.
D. A person who violates subsection A of this section may be disciplined for violating the policies of the school district governing board or charter school governing body pursuant to section 15-341, subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341, subsection A, paragraphs 21 and 22, may be subject to dismissal. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to maintain a record on any person who is disciplined pursuant to this subsection and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.

E. By July 1, 2020, the department of education shall develop a process to verify that each school district and charter school has adopted the policies and procedures required by this section.

F. Beginning January 21, 2020, a school district or charter school that has not adopted the policies and procedures required by this section is not eligible to apply for school safety program grants pursuant to section 15-154.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
A. Pupils shall comply with the rules, pursue the required course of study and submit to the authority of the teachers, the administrators and the governing board. A teacher may send a pupil to the principal’s office in order to maintain effective discipline in the classroom. If a pupil is sent to the principal's office pursuant to this subsection, the principal shall employ appropriate discipline management techniques that are consistent with rules adopted by the school district governing board. A teacher may remove a pupil from the classroom if either of the following conditions exists:
   1. The teacher has documented that the pupil has repeatedly interfered with the teacher’s ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.
   2. The teacher has determined that the pupil's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

15-843. Pupil disciplinary proceedings.
D. The governing board shall:
   3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if the pupil does not meet the requirements for participation in the
alternative to suspension program prescribed in subsection H of this section and if good cause exists for expulsion or for a long-term suspension.

H. A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in section 13-2911, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat.

I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers. The school district governing board shall adopt policies to determine the requirements for participation in the alternative to suspension program. Pupils who would otherwise be subject to suspension pursuant to this article and who meet the school district's requirements for participation in the alternative to suspension program shall be transferred to a location on school premises that is isolated from other pupils or transferred to a location that is not on school premises. The alternative to suspension program shall be discipline intensive and require academic work, and may require community service, grounds keeping and litter control, parent supervision, and evaluation or other appropriate activities. The community service, grounds keeping and litter control, and other appropriate activities may be performed on school grounds or at any other designated area.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

2. Procedures for the use of corporal punishment if allowed by the governing board.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Grounds for possible suspension or expulsion

**LAWS**

15-342. Discretionary powers.
The governing board may:
1. Expel pupils for misconduct.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

15-842. Damage to school property; suspension or expulsion of pupil; liability of parent.
A. A pupil who cuts, defaces or otherwise injures any school property may be suspended or expelled.

**REGULATIONS**

No relevant regulations found.

Grounds for mandatory suspension or expulsion

**LAWS**

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:
1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.
2. "Firearm" means a firearm as defined in 18 United States Code section 921.

H. A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in section 13-2911, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400...
through 1420). A school district may reassign a pupil who is subject to expulsion pursuant to this subsection to an alternative education program pursuant to subsection E of this section if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the threat. A school district or charter school may require the pupil's parent or guardian to participate in mediation, community service, restitution or other programs in which the parent or guardian takes responsibility with the pupil for the threat. For the purposes of this subsection, "threatened an educational institution" means to interfere with or disrupt an educational institution by doing any of the following:

1. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause physical injury to any employee of an educational institution or any person attending an educational institution.

2. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause damage to any educational institution, the property of any educational institution, the property of any employee of an educational institution or the property of any person attending an educational institution.

3. Going on or remaining on the property of any educational institution for the purpose of interfering with or disrupting the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.

4. Refusing to obey a lawful order to leave the property of an educational institution.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
B. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802.

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

C. Penalties adopted pursuant to subsection B, paragraph 1 of this section for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person who is licensed pursuant to title 32, chapter 7, 13, 15 or 17.

L. Rules pertaining to the discipline, suspension and expulsion of pupils shall not be based on race, color, religion, sex, national origin or ancestry. If the department of education, the auditor general or the attorney general determines that a school district is substantially and deliberately not in compliance with
this subsection and if the school district has failed to correct the deficiency within ninety days after receiving notice from the department of education, the superintendent of public instruction may withhold the monies the school district would otherwise be entitled to receive from the date of the determination of noncompliance until the department of education determines that the school district is in compliance with this subsection.

REGULATIONS

R7-2-401. Special education standards for public agencies providing educational services.

B. Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:

26. “Suspension” means a disciplinary removal from a child’s current placement that results in a failure to provide services to the extent necessary to enable the child to progress appropriately in the general curriculum and advance toward achieving the goals set out in the child’s IEP. The term does not include disciplinary actions or changes in placement through the IEP process if the child continues to receive the services described above. The term does include actions such as “in-school” and “going home for the rest of the day” removals if the child does not receive the services described above.

P. Suspension and expulsion.

1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for the suspension and expulsion of students with disabilities.

2. Each public education agency shall require all school based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.

3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and regulations, and state statutes.

Administrative procedures related to suspension and expulsion

LAWS


In this article, unless the context otherwise requires:

1. "Expulsion" means the permanent withdrawal of the privilege of attending a school unless the governing board reinstates the privilege of attending the school.

2. "Suspension" means the temporary withdrawal of the privilege of attending a school for a specified period of time.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

J. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher’s consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be
composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

15-843. Pupil disciplinary proceedings.

A. An action concerning discipline, suspension or expulsion of a pupil is not subject to title 38, chapter 3, article 3.1, except that the governing board of a school district shall post regular notice and shall take minutes of any hearing held by the governing board concerning the discipline, suspension or expulsion of a pupil.

B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

1. Penalties for excessive pupil absenteeism pursuant to section 15-803, including failure in a subject, failure to pass a grade, suspension or expulsion.
2. Procedures for the use of corporal punishment if allowed by the governing board.
3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.
4. Procedures for dealing with pupils who have committed or who are believed to have committed a crime.
5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.
6. Procedures and conditions for readmission of a pupil who has been expelled or suspended for more than ten days.
7. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.
8. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F of this section at the time the board considers the recommendation.
9. Disciplinary policies for the confinement of pupils left alone in an enclosed space. These policies shall include the following:
   (a) A process for prior written parental notification that confinement may be used for disciplinary purposes AND that is included in the pupil's enrollment packet or admission form.
   (b) A process for prior written parental consent before confinement is allowed for any pupil in the school district. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.
10. Procedures that require the school district to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this information and annually post the information on its website. The information shall comply with the family educational rights and privacy act of 1974 (p.l. 93-380; 88 stat. 57; 20 United States code section
1232g) and not include personally identifiable information and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

C. Penalties adopted pursuant to subsection B, paragraph 1 of this section for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person who is licensed pursuant to title 32, chapter 7, 13, 15 or 17.

D. The governing board shall:
1. Support and assist teachers in the implementation and enforcement of the rules prescribed pursuant to subsection B of this section.
2. Develop procedures allowing teachers and principals to recommend the suspension or expulsion of pupils.
3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.
4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.

E. If a pupil withdraws from school after receiving notice of possible action concerning discipline, expulsion or suspension, the governing board may continue with the action after the withdrawal and may record the results of such action in the pupil's permanent file.

F. In all action concerning the expulsion of a pupil, the governing board of a school district shall:
1. Be notified of the intended action.
2. Either:
   (a) Decide, in executive session, whether to hold a hearing or to designate one or more hearing officers to hold a hearing to hear the evidence, prepare a record and bring a recommendation to the board for action and whether the hearing shall be held in executive session.
   (b) Provide by policy or vote at its annual organizational meeting that all hearings concerning the expulsion of a pupil conducted pursuant to this section will be conducted before a hearing officer selected from a list of hearing officers approved by the governing board.
3. Give written notice, at least five working days before the hearing by the governing board or the hearing officer or officers designated by the governing board, to all pupils subject to expulsion and their parents or guardians of the date, time and place of the hearing. If the governing board decides that the hearing is to be held in executive session, the written notice shall include a statement of the right of the parents or guardians of an emancipated pupil who is subject to expulsion to object to the governing board's decision to have the hearing held in executive session. Objections shall be made in writing to the governing board.

G. If a parent or guardian or an emancipated pupil who is subject to expulsion disagrees that the hearing should be held in executive session, it shall be held in an open meeting unless:
1. If only one pupil is subject to expulsion and disagreement exists between that pupil's parents or guardians, the governing board, after consultations with the pupil's parents or guardians or the emancipated pupil, shall decide in executive session whether the hearing will be in executive session.
2. If more than one pupil is subject to expulsion and disagreement exists between the parents or guardians of different pupils, separate hearings shall be held subject to this section.

H. This section does not prevent the pupil who is subject to expulsion or suspension, and the pupil's parents or guardians and legal counsel, from attending any executive session pertaining to the proposed disciplinary action, from having access to the minutes and testimony of the executive session or from recording the session at the parent's or guardian's expense.
I. In schools employing a superintendent or a principal, the authority to suspend a pupil from school is
vested in the superintendent, principal or other school officials granted this power by the governing board
of the school district.

J. In schools that do not have a superintendent or principal, a teacher may suspend a pupil from school.

K. In all cases of suspension, it shall be for good cause and shall be reported within five days to the
governing board by the superintendent or the person imposing the suspension.

L. Rules pertaining to the discipline, suspension and expulsion of pupils shall not be based on race, color,
religion, sex, national origin or ancestry. If the department of education, the auditor general or the
attorney general determines that a school district is substantially and deliberately not in compliance with
this subsection and if the school district has failed to correct the deficiency within ninety days after
receiving notice from the department of education, the superintendent of public instruction may withhold
the monies the school district would otherwise be entitled to receive from the date of the determination of
noncompliance until the department of education determines that the school district is in compliance with
this subsection.

M. The principal of each school shall ensure that a copy of all rules pertaining to discipline, suspension
and expulsion of pupils is distributed to the parents of each pupil at the time the pupil is enrolled in school.

N. The principal of each school shall ensure that all rules pertaining to the discipline, suspension and
expulsion of pupils are communicated to students at the beginning of each school year, and to transfer
students at the time of their enrollment in the school.

O. School districts may refer a pupil who has been subject to discipline, suspension or expulsion pursuant
to this section to a career and college readiness program for at-risk students established pursuant to
section 15-707.

15-844. Suspension and expulsion proceedings for children with disabilities.
Notwithstanding sections 15-841 and 15-842, the suspension or expulsion of children with disabilities, as
declared in section 15-761, shall be in accordance with the individuals with disabilities education act (20
United States Code sections 1410 through 1485) and federal regulations issued pursuant to the
individuals with disabilities education act.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

8-371. Educational rehabilitation; definition.

A. Juveniles who are subject to the supervision of a probation officer pursuant to an order of the juvenile court, or who are otherwise eligible for absolute discharge or conditional liberty from the department of juvenile corrections in accordance with section 41-2816, shall, as a condition of probation or liberty, be required to do one of the following:

1. Attend school in order to obtain vocational training or to achieve an appropriate educational level as prescribed in consultation with the school the juvenile attends by the juvenile’s probation officer or by the department of juvenile corrections. If the juvenile fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined in consultation with the school by the probation officer or department of juvenile corrections as specified in subsection C of this section and the juvenile does not meet the requirements of paragraph 2 of this subsection:

   (a) If the juvenile court retains jurisdiction, the juvenile court shall take appropriate action to enforce, modify or revoke its order granting probation.

   (b) If the department of juvenile corrections retains jurisdiction, the department shall act to enforce, modify or revoke its order granting conditional liberty.

C. If the juvenile chooses to meet the requirements of subsection A of this section by attending a public school:

1. If the juvenile had previously been expelled from school, prior to readmission of that juvenile to the school, school officials shall meet with the appropriate juvenile court probation officer or department of juvenile corrections case manager and assist in developing conditions of probation or conditional liberty that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational objectives that must be achieved. If the juvenile is under the jurisdiction of the juvenile court, the court shall review the conditions of probation for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. If the juvenile is under the jurisdiction of the department of juvenile corrections, the department shall review the terms of conditional liberty for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. The governing board may expel the juvenile for subsequent actions as provided in title 15, chapter 8, article 3.

2. The juvenile shall on release be screened by the school to which the juvenile is admitted for possible disabilities as provided in section 15-761, paragraph 2 and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

D. The school district of residence and the juvenile court or the department of juvenile corrections may establish education, counseling or other programs in order to improve the behavior and educational performance of juveniles covered by this section.

E. For the purposes of this section, “child” or “juvenile” includes a person who is under eighteen years of age or, if the juvenile court has retained jurisdiction over the person pursuant to section 8-202, subsection H, under nineteen years of age.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.
J. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

6. Procedures and conditions for readmission of a pupil who has been expelled or suspended for more than ten days.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

15-105. Use of restraint and seclusion techniques; requirements; definitions.
A. A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

1. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.
2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

B. If a restraint or seclusion technique is used on a pupil:

1. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.
2. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.
3. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
4. The restraint technique employed may not impede the pupil's ability to breathe.
5. The restraint technique may not be out of proportion to the pupil's age or physical condition.

C. Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.
D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.

2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

F. This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph 3.

G. For the purposes of this section:

1. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

   (a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

   (b) The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.

   (c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.

   (d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

2. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona state schools for the deaf and the blind and a private school.

3. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.
15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

1. Penalties for excessive pupil absenteeism pursuant to section 15-803, including failure in a subject, failure to pass a grade, suspension or expulsion.
2. Procedures for the use of corporal punishment if allowed by the governing board.
3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

15-342. Discretionary powers.
The governing board may:

3. Make such separation of groups of pupils as it deems advisable.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.
H. A school district may reassign a pupil who is subject to expulsion pursuant to this subsection to an alternative education program pursuant to subsection E of this section if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the threat.
I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers. The school district governing board shall adopt policies to determine the requirements for participation in the alternative to suspension program. Pupils who would otherwise be subject to suspension pursuant to this article and who meet the school district's requirements for participation in the alternative to suspension program shall be transferred to a location on school premises that is isolated from other pupils or transferred to a location that is not on school premises. The alternative to suspension program shall be discipline intensive and require academic work, and may require community service, grounds keeping and litter control, parent supervision, and evaluation or other appropriate activities. The community service, grounds keeping and litter control, and other appropriate activities may be performed on school grounds or at any other designated area.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

13-3102. Misconduct involving weapons; defenses; classification; definitions.
A. A person commits misconduct involving weapons by knowingly:
   12. Possessing a deadly weapon on school grounds;
C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section shall not apply to:
   1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or
   2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or
   3. A warden, deputy warden, community correctional officer, detention officer, special investigator or correctional officer of the state department of corrections or the department of juvenile corrections; or
   4. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.
H. Subsection A, paragraph 12 of this section shall not apply to the possession of a:
   1. Firearm that is not loaded and that is carried within a means of transportation under the control of an adult provided that if the adult leaves the means of transportation the firearm shall not be visible from the outside of the means of transportation and the means of transportation shall be locked.
   2. Firearm for use on the school grounds in a program approved by a school.
   3. Firearm by a person who possesses a certificate of firearms proficiency pursuant to section 13-3112, subsection T and who is authorized to carry a concealed firearm pursuant to the law enforcement officer’s safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C).
L. Misconduct involving weapons under [...] subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates section 13-2308 [...].
M. For the purposes of this section:
   1. "Contacted by a law enforcement officer" means a lawful traffic or criminal investigation, arrest or detention or an investigatory stop by a law enforcement officer that is based on reasonable suspicion that an offense has been or is about to be committed.
   2. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.
   3. "Public event" means a specifically named or sponsored event of limited duration that is either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.
   4. "School" means a public or nonpublic kindergarten program, common school or high school.
   5. "School grounds" means in, or on the grounds of, a school.
15-515. Duty to report violations occurring on school premises.
All school personnel who observe a violation of section 13-3102, subsection A, paragraph 12 or section 13-3111 on school premises shall immediately report the violation to the school administrator. The administrator shall immediately report the violation to a peace officer. The peace officer shall report this violation to the department of public safety for inclusion in the statewide and federal uniform crime reports prescribed in section 41-1750, subsection A, paragraph 2.

15-713. Training in use of bows or firearms; instruction materials; certification of instructors; cooperating agencies.
A. The Arizona game and fish department may provide training in the safe handling and use of bows or firearms and safe hunting practices, in conjunction with the common schools and high schools of the state when the schools request the training.
B. The Arizona game and fish department may prescribe courses of study, approve instruction materials, certify instructors for training programs conducted by private organizations or public agencies and issue certificates of completion of the required course of study.
C. To carry out the purposes of the training program authorized by this section and section 15-714, the Arizona game and fish department may cooperate with other agencies and private organizations.

15-714. Eligibility for training in use of bows or firearms.
A. Training courses may be offered on a voluntary basis pursuant to section 17-245.
B. The courses held for students in the common schools and high schools shall be elective only, and attendance in such classes shall not be considered in computing a school district's student count.

15-714.01. Arizona gun safety program course.
A. In addition to the voluntary training in the use of bows and firearms prescribed in sections 15-713 and 15-714, any school district or charter school may offer as an elective course a one semester, one credit course in firearm marksmanship that shall be designated as the Arizona gun safety program course.
B. A pupil shall be deemed to have satisfactorily completed the Arizona gun safety program course by demonstrating that the pupil has the ability to safely discharge a firearm as defined in section 13-3101.
C. The course of instruction prescribed in this section shall be jointly developed by the Arizona game and fish commission, the department of public safety and private firearms organizations and may include materials provided by private youth organizations. At a minimum, the Arizona gun safety program course shall include each of the following:
   1. Instruction on the rules of firearm safety.
   2. Instruction on the basic operation of firearms.
   3. Instruction on the history of firearms and marksmanship.
   4. Instruction on the role of firearms in preserving peace and freedom.
   5. Instruction on the constitutional roots of the right to keep and bear arms.
   6. Instruction on the use of clay targets.
   7. Practice time at a shooting range.
   8. Actual demonstration by the pupil of competence with a firearm as defined in section 13-3101 by safely discharging the firearm at one or more targets.
D. School districts and charter schools shall arrange for adequate use of shooting range time by pupils in the Arizona gun safety program course at any established shooting range.
E. Pupils who satisfactorily complete the Arizona gun safety program course shall receive a certificate of accomplishment.

F. A person who is currently certified as a firearms safety instructor by the Arizona game and fish department, the national rifle association, a federal, state or local law enforcement agency, a branch of the United States military, a federal agency, the reserve officer training corps, the junior reserve officer training corps or the civilian marksmanship program is qualified to teach the Arizona gun safety program course.

G. Nothing in this section shall be construed to limit or expand the liability of any person under other provisions of law.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:

1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.

2. "Firearm" means a firearm as defined in 18 United States Code section 921.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

15-713. Training in use of bows or firearms; instruction materials; certification of instructors; cooperating agencies.

A. The Arizona game and fish department may provide training in the safe handling and use of bows or firearms and safe hunting practices, in conjunction with the common schools and high schools of the state when the schools request the training.

B. The Arizona game and fish department may prescribe courses of study, approve instruction materials, certify instructors for training programs conducted by private organizations or public agencies and issue certificates of completion of the required course of study.

C. To carry out the purposes of the training program authorized by this section and section 15-714, the Arizona game and fish department may cooperate with other agencies and private organizations.

15-714. Eligibility for training in use of bows or firearms.

A. Training courses may be offered on a voluntary basis pursuant to section 17-245.
B. The courses held for students in the common schools and high schools shall be elective only, and attendance in such classes shall not be considered in computing a school district's student count.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

15-802. School instruction; exceptions; violations; classification; definitions.

A. Every child between the ages of six and sixteen years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science. The person who has custody of the child shall choose a public, private or charter school or a homeschool as defined in this section to provide instruction or shall sign a contract to participate in an Arizona empowerment scholarship account pursuant to section 15-2402.

B. The parent or person who has custody shall do the following:

1. If the child will attend a public, private or charter school, enroll the child in and ensure that the child attends a public, private or charter school for the full time school is in session. In accordance with guidelines adopted by the department of education, school districts and charter schools shall require and maintain verifiable documentation of residency in this state for pupils who enroll in the school district or charter school. If a child attends a school that is operated on a year-round basis, the child shall regularly attend during school sessions that total not less than one hundred eighty school days or two hundred school days, as applicable, or the equivalent as approved by the superintendent of public instruction.

2. If the child will attend a private school or homeschool, file an affidavit of intent with the county school superintendent stating that the child is attending a regularly organized private school or is being provided with instruction in a homeschool. The affidavit of intent shall include:

   (a) The child's name.
   (b) The child's date of birth.
   (c) The current address of the school the child is attending.
(d) The names, telephone numbers and addresses of the persons who currently have custody of the child.

3. If the child will attend homeschool, the child has not reached eight years of age by September 1 of the school year and the person who has custody of the child does not desire to begin home instruction until the child has reached eight years of age, file an affidavit of intent pursuant to paragraph 2 of this subsection stating that the person who has custody of the child does not desire to begin homeschool instruction.

C. An affidavit of intent shall be filed within thirty days from the time the child begins to attend a private school or homeschool and is not required thereafter unless the private school or the homeschool instruction is terminated and then resumed. The person who has custody of the child shall notify the county school superintendent within thirty days of the termination that the child is no longer being instructed at a private school or a homeschool. If the private school or homeschool instruction is resumed, the person who has custody of the child shall file another affidavit of intent with the county school superintendent within thirty days.

D. A person is excused from the duties prescribed by subsection A or B of this section if any of the following is shown to the satisfaction of the school principal or the school principal's designee:

1. The child is in such physical or mental condition that instruction is inexpedient or impracticable.

2. The child has completed the high school course of study necessary for completion of grade ten as prescribed by the state board of education.

3. The child has presented reasons for nonattendance at a public school that are satisfactory to the school principal or the school principal's designee. For the purposes of this paragraph, the principal's designee may be the school district governing board.

4. The child is over fourteen years of age and is employed, with the consent of the person who has custody of the child, at some lawful wage earning occupation.

5. The child is enrolled in a work training, career education, career and technical education, vocational education or manual training program that meets the educational standards established and approved by the department of education.

6. The child was either:

   (a) Suspended and not directed to participate in an alternative education program.

   (b) Expelled from a public school as provided in article 3 of this chapter.

7. The child is enrolled in an education program provided by a state educational or other institution.

E. Unless otherwise exempted in this section or section 15-803, a parent of a child between six and sixteen years of age or a person who has custody of a child, who does not provide instruction in a homeschool and who fails to enroll or fails to ensure that the child attends a public, private or charter school pursuant to this section or fails to sign a contract to participate in an empowerment scholarship account pursuant to section 15-2402 is guilty of a class 3 misdemeanor. A parent who fails to comply with the duty to file an affidavit of intent to provide instruction in a homeschool is guilty of a petty offense.

F. If a child will be educated pursuant to an empowerment scholarship account pursuant to section 15-2402, the department of education shall provide a list of students participating in empowerment scholarship accounts to the school superintendent of the county where the pupil resides.

G. For the purposes of this section:

1. "Educated pursuant to an empowerment scholarship account" means a child whose parent has signed a contract pursuant to section 15-2402 to educate the child outside of any school district or charter school and in which the parent may but is not required to enroll the child in a private school or to educate the child through any of the methods specified in section 15-2402.
2. "Homeschool" means a nonpublic school conducted primarily by the parent, guardian or other person who has custody of the child or nonpublic instruction provided in the child's home.

3. "Private school" means a nonpublic institution, other than the child's home, where academic instruction is provided for at least the same number of days and hours each year as a public school.

15-803. School attendance; exemptions; definitions.
B. A child who is habitually truant or who has excessive absences may be adjudicated an incorrigible child as defined in section 8-201. Absences may be considered excessive when the number of absent days exceeds ten per cent of the number of required attendance days prescribed in section 15-802, subsection B, paragraph 1.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
B. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802.

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:
   1. Penalties for excessive pupil absenteeism pursuant to section 15-803, including failure in a subject, failure to pass a grade, suspension or expulsion.
C. Penalties adopted pursuant to subsection B, paragraph 1 of this section for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person who is licensed pursuant to title 32, chapter 7, 13, 15 or 17.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

13-3411. Possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs or narcotic drugs or manufacture of dangerous drugs in a drug free school zone; violation; classification; definitions.
A. It is unlawful for a person to do any of the following:
   1. Intentionally be present in a drug free school zone to sell or transfer marijuana, peyote, prescription-only drugs, dangerous drugs or narcotic drugs.
   2. Possess or use marijuana, peyote, dangerous drugs or narcotic drugs in a drug free school zone.
   3. Manufacture dangerous drugs in a drug free school zone.
B. A person who violates subsection A of this section is guilty of the same class of felony that the person would otherwise be guilty of had the violation not occurred within a drug free school zone, except that the presumptive, minimum and maximum sentence shall be increased by one year. The additional sentence imposed under this subsection is in addition to any enhanced punishment that may be applicable under section 13-703, section 13-704, section 13-708, subsection D or any provision in this chapter. A person is
not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except pursuant to section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.

C. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of this section to pay a fine of not less than two thousand dollars or three times the value as determined by the court of the drugs involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

D. Each school district's governing board or its designee, or the chief administrative officer in the case of a nonpublic school, shall place and maintain permanently affixed signs located in a visible manner at the main entrance of each school that identifies the school and its accompanying grounds as a drug free school zone.

E. The drug free school zone map prepared pursuant to title 15 shall constitute an official record as to the location and boundaries of each drug free school zone. The school district's governing board or its designee, or the chief administrative officer in the case of any nonpublic school, shall promptly notify the county attorney of any changes in the location and boundaries of any school property and shall file with the county recorder the original map prepared pursuant to title 15.

F. All school personnel who observe a violation of this section shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer. It is unlawful for any school personnel or school administrator to fail to report a violation as prescribed in this section.

G. School personnel having custody or control of school records of a student involved in an alleged violation of this section shall make the records available to a peace officer upon written request signed by a magistrate. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding. A person furnishing records required under this subsection or a person participating in a judicial or administrative proceeding or investigation resulting from the furnishing of records required under this subsection is immune from civil or criminal liability by reason of such action unless the person acted with malice.

H. A person who violates subsection F of this section is guilty of a class 3 misdemeanor.

I. For the purposes of this section:
   1. "Drug free school zone" means the area within three hundred feet of a school or its accompanying grounds, any public property within one thousand feet of a school or its accompanying grounds, a school bus stop or on any school bus or bus contracted to transport pupils to any school.
   2. "School" means any public or nonpublic kindergarten program, common school or high school.

15-108. Medical marijuana; school campuses; prohibition; definition.
A. In addition to the limitations prescribed in section 36-2802, subsection B, a person, including a cardholder as defined in section 36-2801, may not lawfully possess or use marijuana on the campus of any public university, college, community college or postsecondary educational institution.
B. A person may not lawfully possess or use marijuana on the campus of any high school, junior high school, middle school, common school or preschool in this state.

15-345. Chemical abuse prevention policies and procedures.
The school district governing board may adopt chemical abuse prevention policies and procedures in consultation with pupils, school district personnel and members of the community, including parents and local law enforcement agencies.
36-798.03. Tobacco products prohibition at schools and school-related areas; exception; violation; classification.

A. Tobacco products are prohibited on school grounds, inside school buildings, in school parking lots or playing fields, in school buses or vehicles or at off-campus school sponsored events. For purposes of this subsection, "school" means any public, charter or private school where children attend classes in kindergarten programs or grades one through twelve.

B. Subsection A of this section does not apply to an adult who employs tobacco products as a necessary component of a school sanctioned tobacco prevention or cessation program established pursuant to section 15-712.

C. A person who violates this section is guilty of a petty offense.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

15-186.01. Parental notification; immunity.
A. In addition to the notification requirements prescribed in section 15-186, each charter school governing body shall prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening, or intimidating conduct against that pupil. A charter school and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence or wanton or willful neglect.

B. A person commits threatening or intimidating if the person threatens or intimidates by word or conduct to cause physical injury to another person or serious damage to the property of another on school grounds. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telephonic or written means in a manner that harasses on school grounds or substantially disrupts the school environment.

15-341. General powers and duties; immunity; delegation.
A. The governing board shall:

36. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school-sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components:

(a) A procedure for pupils, parents and school district employees to confidentially report to school officials incidents of harassment, intimidation or bullying. The school shall make available written forms designed to provide a full and detailed description of the incident and any other relevant information about the incident.

(b) A requirement that school district employees report in writing suspected incidents of harassment, intimidation or bullying to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.
(c) A requirement that, at the beginning of each school year, school officials provide all pupils with a written copy of the rights, protections and support services available to a pupil who is an alleged victim of an incident reported pursuant to this paragraph.

(d) If an incident is reported pursuant to this paragraph, a requirement that school officials provide a pupil who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that pupil.

(e) A formal process for the documentation of reported incidents of harassment, intimidation or bullying and for the confidentiality, maintenance and disposition of this documentation. School districts shall maintain documentation of all incidents reported pursuant to this paragraph for at least six years. The school shall not use that documentation to impose disciplinary action unless the appropriate school official has investigated and determined that the reported incidents of harassment, intimidation or bullying occurred. If a school provides documentation of reported incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

(f) A formal process for the investigation by the appropriate school officials of suspected incidents of harassment, intimidation or bullying, including procedures for notifying the alleged victim and the alleged victim's parent or guardian when a school official or employee becomes aware of the suspected incident of harassment, intimidation or bullying.

(g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.

(h) A procedure that sets forth consequences for submitting false reports of incidents of harassment, intimidation or bullying.

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

15-2301. Hazing prevention policies; definitions.
A. Every public educational institution in this state shall adopt, post and enforce a hazing prevention policy. The hazing prevention policy shall be printed in every student handbook for distribution to parents and students. Each hazing prevention policy shall include:

1. A definition of hazing pursuant to subsection C, paragraph 2 of this section.

2. A statement that hazing is prohibited.

3. A statement that any solicitation to engage in hazing is prohibited.

4. A statement that aiding and abetting another person who is engaged in hazing is prohibited.

5. A statement that it is not a defense to a violation of the hazing prevention policy if the hazing victim consented to or acquiesced in the hazing activity.

6. A statement that all students, teachers and staff shall take reasonable measures within the scope of their individual authority to prevent violations of the hazing prevention policy.

7. A description of the procedures for students, teachers and staff to report violations of the hazing prevention policy and the procedures to file a complaint for a violation of the hazing prevention policy.

8. Procedures to investigate reports of violations of the hazing prevention policy and to investigate complaints for a violation of the hazing prevention policy.

9. A description of the circumstances under which a violation of the hazing prevention policy shall be reported to the appropriate law enforcement agency.
10. A description of appropriate penalties, sanctions and appeals mechanisms for persons and organizations that violate the hazing prevention policy. The sanctions shall include the revocation or suspension of an organization's permission to conduct operations at the educational institution if the organization knowingly permitted, authorized or condoned the hazing activity. Any teacher or staff who knowingly permitted, authorized or condoned the hazing activity is subject to disciplinary action by the educational institution.

B. Violations of hazing prevention policies adopted pursuant to this section do not include either of the following:

1. Customary athletic events, contests or competitions that are sponsored by an educational institution.
2. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program.

C. For purposes of this section:

1. "Educational institution" means any of the following:
   (a) A public school that provides instruction to pupils in any combination of kindergarten programs and grades one through twelve.
   (b) A public community college or a vocational education program that provides academic instruction or training not exceeding two years' duration in the arts, sciences and humanities beyond the twelfth grade of the public or private high school course of study.
   (c) Any public college or university that provides academic instruction beyond the twelfth grade of the public or private high school course of study and that offers any combination of baccalaureate, master's or doctoral degrees to students that complete specified academic requirements.

2. "Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:
   (a) The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution.
   (b) The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation.

3. "Organization" means an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution.

4. "Student" means any person who is enrolled at an educational institution, any person who has been promoted or accepted for enrollment at an educational institution or any person who intends to enroll at or be promoted to an educational institution within the next twelve calendar months. The hazing prevention policy of the educational institution where a person has been accepted for or promoted to enrollment, or where a person intends to enroll or be promoted to within the next twelve calendar months, shall be the effective policy. A person who meets the definition of a student for purposes of this paragraph shall continue to be defined as a student for purposes of this section until the person graduates, transfers, is promoted or withdraws from the educational institution.

REGULATIONS
No relevant regulations found.
Other special infractions or conditions

LAWS

15-342.02. Dating abuse policies.
A school district governing board may prescribe and enforce policies and procedures to address incidents of dating abuse involving students at school that may be based on a model dating abuse policy.

15-507. Abuse of teacher or school employee in school; classification.
A person who knowingly abuses a teacher or other school employee on school grounds or while the teacher or employee is engaged in the performance of his duties is guilty of a class 3 misdemeanor.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

15-345. Chemical abuse prevention policies and procedures.
The school district governing board may adopt chemical abuse prevention policies and procedures in consultation with pupils, school district personnel and members of the community, including parents and local law enforcement agencies.

15-712. Instruction on alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs; chemical abuse prevention programs; definitions.
A. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on the human system and instruction on the laws related to the control of these substances and the nonuse and prevention of use and abuse of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs may be included in the courses of study in common and high schools, with emphasis on grades four through nine. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on a human fetus may be included in the courses of study in grades six through twelve. The instruction may be integrated into existing health, science, citizenship or similar studies and shall meet the criteria for chemical abuse prevention education programs developed pursuant to subsection C of this section.
B. At the request of a school district, the department of education shall provide technical assistance to school districts that choose to implement programs to prevent chemical abuse.

Legislative Intent
It is the intent of the legislature that training under this Act be provided without the need for appropriation of additional state funding for that purpose.

Mandatory Youth Suicide Awareness and Prevention Training; Immunity.
(a) A school district, regional educational attendance area, and the department shall annually provide youth suicide awareness and prevention training approved by the commissioner to each teacher, administrator, counselor, and specialist who is employed by the district, regional educational attendance area, or department to provide services to students in grades seven through 12 in a public school in the state at no cost to the teacher, administrator, counselor, or specialist.
(b) The commissioner shall approve youth suicide awareness and prevention training provided under this section if the training is not less than two hours each year, meets standards for professional continuing education credit in the state, and is periodically reviewed by a qualified person or committee for consistency with generally accepted principles of youth suicide awareness and prevention. The training may be offered through videoconferencing or an individual program of study of designated materials.
(c) A person may not bring a civil action for damages against the state or a school district, or an officer, agent, or employee of the state or a school district, for a death, personal injury, or property damage that results from an act or omission in performing or failing to perform activities or duties authorized under this section. This subsection does not apply to a civil action for damages as a result of intentional
misconduct with complete disregard for the safety and property of others. In this subsection, "school district" has the meaning given "district" in AS 14.17.990.

(d) The training provided or the failure to provide training under this section may not be construed to impose a specific duty of care on any person.

15-712.01. Instruction on dating abuse; definitions.
A. A school district that provides instruction in grades seven through twelve may incorporate dating abuse information that is age appropriate into the school district's existing health curriculum for pupils in grades seven through twelve that includes the following components:

1. A definition of dating abuse.
2. The recognition of dating abuse warning signs.
3. The characteristics of healthy relationships.

B. On written request to the principal of the school where a child is enrolled, the parent or guardian of a pupil who is under eighteen years of age shall be permitted to review the dating abuse information instructional materials within a reasonable time after submitting the written request.

C. For the purposes of this section:

1. "Dating abuse" means a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal or emotional abuse to control the person's dating partner.
2. "Dating partner" means any person who is involved in an intimate association with another person that is primarily characterized by the expectation of affectionate involvement and that includes casual, serious and long-term dating partners.

15-719. Character education program instruction; fund.
A. Each common, high and unified school district and charter school may provide instruction to kindergarten programs through the twelfth grade on character development.

B. Each district may develop its own course of study for each grade. At a minimum, the character education program must include:

1. Instruction in the definition and application of at least six of the following character traits: truthfulness, responsibility, compassion, diligence, sincerity, trustworthiness, respect, attentiveness, obedience, orderliness, forgiveness, virtue, fairness, caring, citizenship and integrity.
2. The use of activities, discussions and visual media and literacy presentations to illustrate and reinforce the application of the character traits.
3. Presentations by teachers or mentors who demonstrate the character traits.

C. At the request of the school district or charter school, the department of education may certify that the school district or charter school has a character development instruction program that meets all of the requirements in subsection B of this section.

D. Parents may elect for their child not to participate in the program.

E. The school district or charter school may accept donations or charge fees for the program if the program is not offered during regular school hours.

F. A character education special plate fund is established consisting of monies received pursuant to section 28-2421. The department of education shall administer the fund. Not more than ten per cent of monies deposited in the fund annually shall be used for the cost of administering the fund. Monies in the fund are continuously appropriated. Monies from the fund shall be annually distributed by the department by July 1.
G. The character education and development division at the department of education shall allocate monies through at least two but no more than four private character education foundations that are incorporated nonprofit corporations in this state and that are qualified under section 501(c)(3) of the United States internal revenue code for federal income tax purposes. The director of the character education and development division at the department of education shall select private character education foundations that provide character education programs that demonstrate proven and effective research based curriculum and training to receive monies from the character education special plate fund.

H. On notice from the department of education, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

I. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

8-371. Educational rehabilitation; definition.

A. Juveniles who are subject to the supervision of a probation officer pursuant to an order of the juvenile court, or who are otherwise eligible for absolute discharge or conditional liberty from the department of juvenile corrections in accordance with section 41-2816, shall, as a condition of probation or liberty, be required to do one of the following:

1. Attend school in order to obtain vocational training or to achieve an appropriate educational level as prescribed in consultation with the school the juvenile attends by the juvenile’s probation officer or by the department of juvenile corrections. If the juvenile fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined in consultation with the school by the probation officer or department of juvenile corrections as specified in subsection C of this section and the juvenile does not meet the requirements of paragraph 2 of this subsection:

   (a) If the juvenile court retains jurisdiction, the juvenile court shall take appropriate action to enforce, modify or revoke its order granting probation.

   (b) If the department of juvenile corrections retains jurisdiction, the department shall act to enforce, modify or revoke its order granting conditional liberty.

C. If the juvenile chooses to meet the requirements of subsection A of this section by attending a public school:

1. If the juvenile had previously been expelled from school, prior to readmission of that juvenile to the school, school officials shall meet with the appropriate juvenile court probation officer or department of juvenile corrections case manager and assist in developing conditions of probation or conditional liberty that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational objectives that must be achieved. If the juvenile is under the jurisdiction of the juvenile court, the court shall review the conditions of probation for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. If the juvenile is under the jurisdiction of the department of juvenile corrections, the department shall review the terms of conditional liberty for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. The governing board may expel the juvenile for subsequent actions as provided in title 15, chapter 8, article 3.
2. The juvenile shall on release be screened by the school to which the juvenile is admitted for possible disabilities as provided in section 15-761, paragraph 2 and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

D. The school district of residence and the juvenile court or the department of juvenile corrections may establish education, counseling or other programs in order to improve the behavior and educational performance of juveniles covered by this section.

E. For the purposes of this section, “child” or “juvenile” includes a person who is under eighteen years of age or, if the juvenile court has retained jurisdiction over the person pursuant to section 8-202, subsection H, under nineteen years of age.

15-104. Mental health screening; consent; form; exemption.
A. Before it conducts a mental health screening on any pupil, defined as a survey, analysis or evaluation created by a governmental or private third party pursuant to the protection of pupil rights amendment (20 United States Code section 1232h; 34 Code of Federal Regulations part 98), a school district or charter school must have obtained the written consent of the pupil's parent or legal guardian. The written consent must satisfy all of the following requirements:

1. Contain language that clearly explains the nature of the screening program and when and where the screening will take place.
2. Be signed by the pupil's parent or legal guardian.
3. Provide notice that a copy of the actual survey, analysis or evaluation questions to be asked of the student is available for inspection upon request by the parent or legal guardian.

B. The chemical abuse and related gang activity survey conducted by the Arizona criminal justice commission pursuant to section 41-2416 is exempt from the provisions of this section if the survey does not include questions related to depression or religiosity.

15-707. College and career readiness program for at-risk students; requirements; annual report; program termination; definition.
A. A school district or charter school that provides high school instruction may establish a career and college readiness program for at-risk students. A program established pursuant to this section shall meet the following requirements:

1. Consist of at least nine consecutive months of academic support, including tutoring and remediation, to ensure that participating students meet the academic standards adopted by the state board of education.
2. Consist of comprehensive instruction on workplace skills as adopted by the state board of education.
3. Consist of instruction on leadership and civic duty.
4. Require students who participate in the program to earn credits toward graduation from high school.
5. Require students who participate in the program to perform volunteer activities or community service.
6. Require students who participate in the program to continue to participate in the program for twelve months after graduation from high school, during which time the school district or charter school shall provide follow-up assistance that is designed to assist the student's transition to postsecondary education, vocational or job training, military service or employment. A participating school district or charter school may develop a dual enrollment course program in order to meet the requirements of this paragraph.
7. Be administered through a private entity selected by the department of education.
B. School districts and charter schools that participate in the program shall annually report the following information to the department of education:

1. The percentage of students who participate in the program and who graduate from high school or obtain a general equivalency degree on or within twelve months after the scheduled graduation date for that student's classmates.

2. The percentage of students who participate in the program, who graduate from high school or obtain a general equivalency degree and who begin participation in postsecondary education, employment, vocational or job training or military service within twelve months after the scheduled graduation date for that student's classmates.

3. The percentage of students who participate in the program and who are either enrolled full time at a postsecondary education institution, employed full time, enrolled in a full-time vocational or job training program or on active duty in the armed forces of the united states, or any combination of these activities that in totality amounts to full-time activity, within twelve months after the scheduled graduation date for that student's classmates.

4. The percentage of students who participate in the program and their achievement scores on the statewide assessment adopted by the state board of education prescribed in section 15-741.

C. On or before September 15 of each year, the department of education shall submit an annual report to the governor, the president of the senate and the speaker of the house of representatives that summarizes the information submitted pursuant to subsection b of this section. The department of education shall provide a copy of the annual report to the secretary of state.

D. The program established by this section ends on July 1, 2027 pursuant to section 41-3102.

E. For the purposes of this section, "at-risk student" means a pupil in grade eleven or twelve who either:

1. Is likely to drop out of high school without graduating.

2. Has documented academic, personal or vocational barriers to success in high school and the workplace including having been subject to discipline, suspension or expulsion pursuant to 15-843.

### 15-843. Pupil disciplinary proceedings.

O. School districts may refer a pupil who has been subject to discipline, suspension or expulsion pursuant to this section to a career and college readiness program for at-risk students established pursuant to section 15-707.

#### REGULATIONS

No relevant regulations found.

### Professional development

#### LAWS

**15-218. Suicide awareness and prevention training; child abuse and sexual abuse prevention and training; continuing education.**

A. The state board of education shall adopt rules to allow certificated teachers and administrators to count suicide awareness and prevention training programs as continuing education credits.

B. The state board of education shall adopt rules to allow certificated teachers and administrators to count awareness and prevention training on issues concerning child abuse and the sexual abuse of children, including warning signs that a child may be a victim of child abuse or sexual abuse, as continuing education credits.
C. Any rules regarding continuing education credits adopted by the state board of education pursuant to this section shall include a reasonable limit of credits that may count towards certification renewal requirements.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

13-3411. Possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs or narcotic drugs or manufacture of dangerous drugs in a drug free school zone; violation; classification; definitions.

A. It is unlawful for a person to do any of the following:
   1. Intentionally be present in a drug free school zone to sell or transfer marijuana, peyote, prescription-only drugs, dangerous drugs or narcotic drugs.
   2. Possess or use marijuana, peyote, dangerous drugs or narcotic drugs in a drug free school zone.
   3. Manufacture dangerous drugs in a drug free school zone.

F. All school personnel who observe a violation of this section shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer. It is unlawful for any school personnel or school administrator to fail to report a violation as prescribed in this section.

15-105. Use of restraint and seclusion techniques; requirements; definitions.

D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:
   1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
   2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
   3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

15-153. Crime reporting; policies and procedures; notification; discipline.

A. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures for school personnel to report any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous
instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to an employee, student or other person on the school property. The policies shall dictate a process for employees to document and report the conduct, including specifying the employees responsible for making a report to the local law enforcement agency pursuant to section 15-341, subsection A, paragraph 30. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to policies adopted pursuant to section 15-341, subsection A, paragraph 36.

B. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described in subsection A of this section, subject to the requirements of federal law.

C. On or before January 1, 2020, each school district or charter school shall post the policies and procedures prescribed by this section on its website. If the school district or charter school maintains an online manual of policies and procedures, the school district or charter school may post a link to that manual with a reference to the appropriate policies and procedures.

D. A person who violates subsection A of this section may be disciplined for violating the policies of the school district governing board or charter school governing body pursuant to section 15-341, subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341, subsection A, paragraphs 21 and 22, may be subject to dismissal. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to maintain a record on any person who is disciplined pursuant to this subsection and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.

E. By July 1, 2020, the department of education shall develop a process to verify that each school district and charter school has adopted the policies and procedures required by this section.

F. Beginning January 21, 2020, a school district or charter school that has not adopted the policies and procedures required by this section is not eligible to apply for school safety program grants pursuant to section 15-154.

15-341. General powers and duties; immunity; delegation.

A. The governing board shall:

36. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school-sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components:

(a) A procedure for pupils, parents and school district employees to confidentially report to school officials incidents of harassment, intimidation or bullying. The school shall make available written forms designed to provide a full and detailed description of the incident and any other relevant information about the incident.

(b) A requirement that school district employees report in writing suspected incidents of harassment, intimidation or bullying to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.

REGULATIONS

No relevant regulations found.
Parental notification

LAWS

15-104. Mental health screening; consent; form; exemption.
A. Before it conducts a mental health screening on any pupil, defined as a survey, analysis or evaluation created by a governmental or private third party pursuant to the protection of pupil rights amendment (20 United States Code section 1232h; 34 Code of Federal Regulations part 98), a school district or charter school must have obtained the written consent of the pupil's parent or legal guardian. The written consent must satisfy all of the following requirements:
   1. Contain language that clearly explains the nature of the screening program and when and where the screening will take place.
   2. Be signed by the pupil's parent or legal guardian.
   3. Provide notice that a copy of the actual survey, analysis or evaluation questions to be asked of the student is available for inspection upon request by the parent or legal guardian.

B. The chemical abuse and related gang activity survey conducted by the Arizona criminal justice commission pursuant to section 41-2416 is exempt from the provisions of this section if the survey does not include questions related to depression or religiosity.

15-105. Use of restraint and seclusion techniques; requirements; definitions.
D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:
   1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
   2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

15-153. Crime reporting; policies and procedures; notification; discipline.
A. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures for school personnel to report any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to an employee, student or other person on the school property. The policies shall dictate a process for employees to document and report the conduct, including specifying the employees responsible for making a report to the local law enforcement agency pursuant to section 15-341, subsection A, paragraph 30. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to policies adopted pursuant to section 15-341, subsection A, paragraph 36.
B. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described in subsection A of this section, subject to the requirements of federal law.
C. On or before January 1, 2020, each school district or charter school shall post the policies and procedures prescribed by this section on its website. If the school district or charter school maintains an
online manual of policies and procedures, the school district or charter school may post a link to that manual with a reference to the appropriate policies and procedures.

D. A person who violates subsection A of this section may be disciplined for violating the policies of the school district governing board or charter school governing body pursuant to section 15-341, subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341, subsection A, paragraphs 21 and 22, may be subject to dismissal. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to maintain a record on any person who is disciplined pursuant to this subsection and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.

E. By July 1, 2020, the department of education shall develop a process to verify that each school district and charter school has adopted the policies and procedures required by this section.

F. Beginning January 21, 2020, a school district or charter school that has not adopted the policies and procedures required by this section is not eligible to apply for school safety program grants pursuant to section 15-154.

15-186.01. Parental notification; immunity.
A. In addition to the notification requirements prescribed in section 15-186, each charter school governing body shall prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening, or intimidating conduct against that pupil. A charter school and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence or wanton or willful neglect.

15-807. Absence from school; notification of parent or person having custody of pupil; immunity.
A. If a pupil in a kindergarten program or grades one through eight is absent from school without excuse as provided in this article or without notice to the school in which the pupil is enrolled of authorization of the absence by the parent or other person who has custody of the pupil, the school in which the pupil is enrolled shall make a reasonable effort to promptly telephone and notify the parent or other person who has custody of the pupil of the pupil's absence from school:
   1. Within two hours after the first class in which the pupil is absent for a pupil in kindergarten or grades one through six.
   2. Within two hours after the first class in which the pupil is absent for a pupil in grade seven or eight if the first class in which the pupil is absent is the pupil's first class of the school day.
   3. Within five hours after the first class in which the pupil is absent for a pupil in grade seven or eight if the first class in which the pupil is absent is after the pupil's first class of the school day.
B. On or before the enrollment of a pupil in a kindergarten program or grades one through eight, the school district shall notify parents or other persons who have custody of a pupil of their responsibility to authorize any absence of the pupil from school and to notify the school in which the pupil is enrolled in advance or at the time of any absence and that the school district requires that at least one telephone number, if available, be given for purposes of this section. The school district shall require that the telephone number, if available, be given at the time of enrollment of the pupil in school and that the school of enrollment be promptly notified of any change in the telephone number.
C. A school district, governing board members of a school district and employees or agents of a school district are not liable for failure to notify the parent or other person who has custody of a pupil of the pupil's absence from school as provided in this section.
15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.

H. A school district or charter school may require the pupil's parent or guardian to participate in mediation, community service, restitution or other programs in which the parent or guardian takes responsibility with the pupil for the threat.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

13-3411. Possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs or narcotic drugs or manufacture of dangerous drugs in a drug free school zone; violation; classification; definitions.
A. It is unlawful for a person to do any of the following:
   1. Intentionally be present in a drug free school zone to sell or transfer marijuana, peyote, prescription-only drugs, dangerous drugs or narcotic drugs.
   2. Possess or use marijuana, peyote, dangerous drugs or narcotic drugs in a drug free school zone.
   3. Manufacture dangerous drugs in a drug free school zone.
F. All school personnel who observe a violation of this section shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer. It is unlawful for any school personnel or school administrator to fail to report a violation as prescribed in this section.
G. School personnel having custody or control of school records of a student involved in an alleged violation of this section shall make the records available to a peace officer upon written request signed by a magistrate. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding. A person furnishing records required under this subsection or a person participating in a judicial or administrative proceeding or investigation resulting from the furnishing of records required under this subsection is immune from civil or criminal liability by reason of such action unless the person acted with malice.

15-105. Use of restraint and seclusion techniques; requirements; definitions.
E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

15-341. General powers and duties; immunity; delegation
A. The governing board shall:
   30. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other
than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.

15-515. Duty to report violations occurring on school premises.
All school personnel who observe a violation of section 13-3102, subsection A, paragraph 12 or section 13-3111 on school premises shall immediately report the violation to the school administrator. The administrator shall immediately report the violation to a peace officer. The peace officer shall report this violation to the department of public safety for inclusion in the statewide and federal uniform crime reports prescribed in section 41-1750, subsection A, paragraph 2.

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

4. Procedures for dealing with pupils who have committed or who are believed to have committed a crime.

Disclosure of school records

LAWS

15-141. Educational records; injunction; special action.
C. Notwithstanding any financial debt owed by the pupil, the governing board of a school district shall release to the department of juvenile corrections all educational records relating to a pupil who is awarded to the department of juvenile corrections within ten working days after the date the request is received.

E. A school district may release pupil attendance, disciplinary and other educational records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement among the school district, law enforcement agency, county attorney and other state, local or tribal government agencies to create a local or tribal governmental juvenile justice network for the purpose of:

1. Providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
2. Providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
3. Increasing the safety and security of the community and its children by reducing juvenile crime.

F. Educational records provided pursuant to an intergovernmental agreement entered into pursuant to subsection E shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

15-142. Access to directory information relating to pupils and to school property; violation.
A. If the governing board of a school district or the governing body of a charter school permits the release of directory information relating to pupils or permits access to school buildings, school grounds or other school property to persons who inform pupils of educational or occupational opportunities, the governing board or governing body shall provide access to directory information relating to pupils and to school
property on the same basis for official recruiting representatives of the militia of this state and the armed
services of the United States for the purpose of informing pupils of educational and occupational
opportunities available in the militia and the armed services. If the school district or charter school permits
the release of directory information relating to pupils, the information shall be released on or before
October 31 of each year. The department of education shall design and provide to school districts and
charter schools a form to allow pupils to request that directory information not be released pursuant to the
elementary and secondary education act as reauthorized by the no child left behind act of 2001. School
districts and charter schools shall distribute the form to pupils each year separate from any other form. If a
school district or charter school distributes materials to pupils through electronic communication or on an
internet website, the form may be distributed in the same manner. A person who is wrongfully denied
access to directory information or access to school buildings, school grounds or other school property
may notify the department of education, which shall report the alleged violation to the United States
department of education.

B. Notwithstanding subsection A of this section, pupil transcripts shall not be released to representatives
of postsecondary institutions, the militia of this state or the armed services of the United States unless the
pupil consents in writing to the release of the pupil’s transcript. The governing board of the school district
or the governing body of the charter school shall provide the pupil with a transcript release form that
allows the pupil to designate in separate check boxes whether the transcript is to be released to
postsecondary institutions, the militia of this state or the armed services of the United States, or to any
combination of these entities.

C. This section shall not be construed to authorize school districts or charter schools to release
information that would violate the family educational rights and privacy act of 1974 (20 United States
Code section 1232g). Any person who suspects that a school district or charter school has knowingly
violated the family educational rights and privacy act may notify the principal of the charter school or the
superintendent of the school district. If the matter is not satisfactorily resolved by the principal of the
charter school or the superintendent of the school district within sixty days after the notice, the person
may file a complaint with the superintendent of public instruction. If the superintendent of public
instruction determines that a school district or charter school is knowingly in violation of the family
educational rights and privacy act, the superintendent of public instruction shall notify the school district or
charter school that it is in violation of the family educational rights and privacy act. If the superintendent of
public instruction determines that the school district or charter school has failed to correct the violation
within sixty days after a notice has been issued pursuant to this subsection, the superintendent of public
instruction may inform the family policy compliance office of the United States department of education of
a possible violation of the family educational rights and privacy act.

15-1041. Student accountability information system.
The student accountability information system is established to enable school districts, career technical
education districts and charter schools to transmit student level data and school finance data
electronically through the internet to the department of education for the purposes of complying with the
statutory obligations of the department of education and the state board of education.

15-1042. Student level data; timeline for submittal; confidentiality; definition.
A. The department of education shall notify school districts, career technical education districts and
charter schools of electronic data submission procedures and shall distribute a list of the specific student
level data elements, including the statutory or regulatory reference for each data element, that school
districts, career technical education districts and charter schools are required to submit. The department
of education shall not make any changes to the student level data elements to be collected unless the
A student level data element has been reviewed and adopted by the data governance commission established by section 15-249.01.

B. Each school district, career technical education district and charter school shall submit electronic data on a school-by-school basis, including student level data, to the department of education in order for the school district, career technical education district or charter school to receive monies for the cost of educating students pursuant to this title.

C. The department of education shall grant a school district, career technical education district or charter school an extension to the deadline for the submission of student level data or may provide for an alternative method for the submission of student level data if the school district, career technical education district or charter school proves that good cause exists for the extension, and the school district, career technical education district or charter school shall continue to receive monies for the cost of educating students pursuant to this title. The request for an extension of the deadline for the submission of student level data pursuant to this subsection shall include a justification for the extension and the status of current efforts toward complying with the submission of student level data.

D. A pupil or the parent or guardian of a pupil shall not be required to submit data that does not relate to the provision of educational services or assistance to the pupil.

E. Unless otherwise prescribed, school districts, career technical education districts and charter schools shall begin to report new data elements on July 1 of the year that follows the effective date of the law that requires the collection of the data.

F. Student level data items submitted to the department of education by school districts, career technical education districts and charter schools pursuant to this section shall not be used to adjust funding levels or calculate the average daily membership for the purpose of funding school districts at any time other than the fortieth, one hundredth and two hundredth days of the school year.

G. A school district, career technical education district or charter school is not required to submit student level data to the department of education more often than once every twenty school days.

H. Notwithstanding subsection J of this section, the student level data shall include reasons for the withdrawal if reasons are provided by the withdrawing pupil or the pupil's parent or guardian. For the purposes of this subsection, the department of education shall include in the specific student level data elements that school districts, career technical education districts and charter schools are required to submit data relating to students who withdraw from school because the student is pregnant or because the student is the biological parent of a child.

I. All student level data collected pursuant to this section is confidential and is not a public record. The data collected may be used for aggregate research and reporting and for providing access of student level data to school districts, career technical education districts, charter schools, community colleges and universities under the jurisdiction of the Arizona board of regents.

J. For the purposes of this section, "student level data" means all data elements that are compiled and submitted for each student in this state and that are necessary for the completion of the statutory requirements of the department of education and the state board of education relating to the calculation of funding for public education, the determination of student academic progress as measured by student testing programs in this state, state and federal reporting requirements and other duties prescribed to the department of education or the state board of education by law. Student level data does not include data elements related to student behavior, discipline, criminal history, medical history, religious affiliation, personal physical descriptors or family information not authorized by the parent or guardian of the pupil or otherwise required by law.
15-1043. Student level data; allowable disclosure; policies.

A. Any disclosure of educational records compiled by the department of education pursuant to this article shall comply with the family educational rights and privacy act (20 United States Code section 1232g).

B. Student level data may not be updated unless the change is authorized by the school district, career technical education district or charter school.

C. The department of education shall adopt policies and procedures to allow access of student level data for currently enrolled students to school districts, career technical education districts and charter schools.

15-1045. Education database; pupil privacy.

A. Any collection, maintenance or disclosure of pupil educational records compiled by the department of education in an education database of pupil records shall comply with the family educational rights and privacy act (20 United States Code section 1232g).

B. The department of education shall maintain the database in the following manner:
   1. The use of the information is limited to comply with statutory obligations.
   2. Personally identifiable information is confidential and is not public record.
   3. Proper security measures are employed to ensure the confidentiality and integrity of the education database.
   4. Data is secured from breaches and identity theft through implementation of protections and standards.

C. The pupil identifier in the education database is unique, not identifiable by anyone other than officials maintaining the education database and shall not be the pupil's social security number or any variation of the pupil's social security number.

15-1046. Student data privacy; definitions.

A. An operator may not knowingly do any of the following:
   1. Engage in targeted advertising on the operator's site, service or application or on any other site, service or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service or application for school purposes.
   2. Use information, including persistent unique identifiers, created or gathered by the operator's site, service or application to amass a profile about a student except in furtherance of school purposes. This paragraph does not apply to the collection and retention of account information that remains under the control of the student, the student's parent or guardian or the public school.
   3. Sell or rent a student's information, including covered information. This paragraph does not apply to the purchase, merger or other type of acquisition of an operator by another entity if the operator or successor entity complies with this section regarding previously acquired student information, or to national assessment providers if the provider secures the express written consent of the student's parent or guardian or the student that is given in response to a clear and conspicuous notice, solely to provide access to employment, educational scholarships or financial aid or postsecondary educational opportunities.
   4. Except as otherwise provided in paragraph 3 of this subsection, disclose or use covered information unless the disclosure or use is made for any of the following purposes:
      (a) in furtherance of the school purpose of the site, service or application if the recipient of the disclosed covered information does not further disclose the information except to allow or improve operability and functionality of the operator's site, service or application.
(b) to ensure legal and regulatory compliance or protect against liability.
(c) to respond to or participate in the judicial process.
(d) to protect the safety or integrity of users of the site, service or application or others or the security of the site, service or application.
(e) for a school, educational or employment purpose requested by the student or the student's parent or guardian if the information is not used or further disclosed for any other purpose.
(f) to a third party if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain reasonable security procedures and practices.

B. This section does not prohibit the operator's use of information for maintaining, developing, supporting, improving or diagnosing the operator's site, service or application. An operator may use student data, including covered information, for adaptive or customized student learning. This subsection does not allow an operator to disclose or use student data, including covered information, in violation of subsection a of this section.

C. An operator shall do all of the following:

1. Implement and maintain reasonable security procedures and practices that are appropriate to the nature of the covered information and that are designed to protect that covered information from unauthorized access, destruction, use, modification or disclosure.
2. Delete, within a reasonable time period, a student's covered information if the public school requests deletion of covered information under the control of the public school, unless the student or the student's parent or guardian consents to the maintenance of the covered information.
3. Provide prominent notice before making material changes to its privacy policies.

D. An operator may use or disclose covered information of a student under the following circumstances:

1. Federal or state law requires the operator to disclose the information and the operator complies with the requirements of federal and state law in protecting and disclosing that information.
2. The covered information is not used for advertising or to amass a profile on the student for purposes other than school purposes, for legitimate research purposes as required by state or federal law and subject to the restrictions under applicable state and federal law, or as allowed by state or federal law and in furtherance of school purposes.
3. To a state or local educational agency for school purposes as permitted by state or federal law.

E. This section does not prohibit an operator from doing any of the following:

1. Using covered information to improve educational products if that information is not associated with an identified student within the operator's site, service or application or other sites, services or applications owned by the operator.
2. Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in the operator's marketing.
3. Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services or applications.
4. Using recommendation engines to recommend to a student either of the following:
   (a) additional content relating to an educational, other learning or employment opportunity purpose within an online site, service or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
(b) additional services relating to an educational, other learning or employment opportunity purpose within an online site, service or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

5. Responding to a student's request for information or feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

F. This section does not:

1. Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.

2. Apply to general audience internet websites, general audience online services, general audience online applications or general audience mobile applications, even if login credentials created for an operator's site, service or application may be used to access those general audience sites, services or applications.

3. Limit service providers from providing internet connectivity to schools, students and families.

4. Prohibit an operator of an internet website, online service, online application or mobile application from marketing educational products directly to parents if the marketing does not result from the use of covered information obtained by the operator by providing services covered under this section.

5. Impose a duty on a provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

6. Impose a duty on a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.

7. Prohibit students from downloading, exporting, transferring, saving or maintaining student data or documents.

G. In addition to any enforcement or regulatory action authorized by state or federal law, a violation of this section constitutes an unlawful practice under section 44-1522, and the attorney general may investigate and take appropriate action under title 44, chapter 10, article 7.

H. A local education agency shall adopt policies regarding the use of technology and the internet while at school. The policy shall include notifying a parent of the adopted policies and the parent's ability to prohibit the student from the use of technology and the internet while at school in which covered information may be shared with an operator. This subsection does not apply to software or technology that is used for the daily operations or administration of a local education agency or Arizona online instruction programs authorized pursuant to section 15-808.

I. For the purposes of this section:

1. "covered information" means personally identifiable information or material or information that is linked to personally identifiable information or material, in any medium or format that is not publicly available and that is any of the following:

   (a) created by or provided to an operator by a student or the student's parent or legal guardian in the course of the student's, parent's or legal guardian's use of the operator's site, service or application for school purposes.

   (b) created by or provided to an operator by an employee or agent of a public school for school purposes.

   (c) gathered by an operator through the operation of the operator's site, service or application for school purposes and that personally identifies a student, including information in the student's educational record or e-mail or information relating to the student's first and last name, home address, telephone number, e-mail address or other information that allows physical or online contact,
discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings or geographic information.

2. "interactive computer service" has the same meaning prescribed in 47 United States Code section 230.

3. "operator" means, to the extent that it is being operated in this capacity, the operator of an internet website, online service, online application or mobile application with actual knowledge that the site, service or application is used primarily for school purposes and was designed and marketed for school purposes.

4. "school purposes" means purposes that are directed by or customarily take place at the direction of a public school or teacher or that aid in the administration of school activities, including instruction in the classroom, instruction at home, administrative activities and collaboration between students, school personnel or parents, or that are otherwise for the use and benefit of the school.

5. "service provider" means a person or entity that provides a service that enables users to access content, information, e-mail or other services offered over the internet or a computer network.

6. "targeted advertising" means advertisements that are presented to a student and that are selected based on information obtained or inferred over time from that student's online behavior, usage of applications or covered information. Targeted advertising does not include advertising to a student at an online location based on that student's current visit to that location or in response to that student's request for information or feedback if there is no retention of that student's online activities or requests over time for the purpose of targeting subsequent advertisements.

REGULATIONS

No relevant regulations found.

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

LAWS

15-186. Pupil disciplinary procedures; notification.
Each charter school governing body shall develop procedures that require the charter school to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this information and annually post the information on its website. The information shall not include personally identifiable information, shall comply with the family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat. 57; 20 United States code section 1232g) and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

15-231.03. School safety survey report.
On or before September 15, 2007, and every four years thereafter, the department of education shall conduct a random survey of school districts on school safety and submit a written report that summarizes
the results to the governor, the president of the senate and the speaker of the house of representatives and submit a copy of this report to the Arizona state library, archives and public records.

A. Each school shall distribute an annual report card that contains at least the following information:

5. The total number of incidents that occurred on the school grounds, at school bus stops, on school buses and at school-sponsored events and that required the contact of a local, county, tribal, state or federal law enforcement officer pursuant to section 13-3411, subsection F, section 13-3620, section 15-341, subsection A, paragraph 30 or section 15-515. The total number of incidents reported shall only include reports that law enforcement officers report to the school are supported by probable cause. For the purposes of this paragraph, a certified peace officer who serves as a school resource officer is a law enforcement officer. A school may provide clarifying information if the school has a school resource officer on campus.

15-843. Pupil disciplinary proceedings.
B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

10. Procedures that require the school district to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this information and annually post the information on its website. The information shall comply with the family educational rights and privacy act of 1974 (p.l. 93-380; 88 stat. 57; 20 United States code section 1232g) and not include personally identifiable information and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

REGULATIONS
No relevant regulations found.
**School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers**

**Authority and power to implement school arrest**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Certification or training**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**MOUs, authorization, and/or funding**

**LAWS**

**15-105. Use of restraint and seclusion techniques; requirements; definitions.**

E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

**15-154. School safety, program; purpose; proposals; requirements; annual report; program.**

A. The school safety program is established within the department of education to support, promote and enhance safe and effective learning environments for all students by supporting the costs of placing school resource officers, juvenile probation officers, school counselors and school social workers on school campuses. A school district or charter school may apply to participate in the school safety program as provided in this section for up to three fiscal years by submitting by April 15 a program proposal to the department of education. A school district or charter school that receives approval for a three-year program under this subsection may annually submit a modified spending plan for its approved program.

B. A program proposal submitted by a school district or charter school for supporting the costs of placing school resource officers or juvenile probation officers, or both, on a school campus shall contain:

1. A detailed description of the school safety needs of the charter school or school district.
2. A plan for implementing a law-related education program or a plan that demonstrates the existence of a law-related education program as a school safety prevention strategy.
3. A plan to use trained school resource officers or juvenile probation officers in the school, or both.
4. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent grant.

C. A program proposal submitted by a school district or charter school for supporting the costs of placing school counselors or school social workers, or both, on a school campus shall contain:

1. A detailed description of the school safety needs of the charter school or school district.

2. A plan for implementing a school guidance and counseling program that includes the following:
   (a) A detailed description of the relationship between the school counselor or the social worker, or both, and local community resources.
   (b) A plan for using school counselor and school social worker services in the school, or both.
   (c) A detailed description of the methods for evaluating the effectiveness of the school guidance and counseling plan.
   (d) Policies on confidentiality under the school guidance and counseling plan.
   (e) Policies on notifying parents and other family members of issues or concerns as identified in the school guidance and counseling plan.
   (f) A detailed description of the school's, school district's or charter school's referral procedures to the appropriate community entities and state agencies.

3. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent approved program proposal.

D. The department of education shall review and administer the school resource officers and juvenile probation officers program proposals in cooperation with the courts, law enforcement agencies and law-related education providers awarded a contract pursuant to section 41-2534, subject to review and approval by the state board of education. The department of education shall use relevant crime statistics to assess the needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals. The department of education shall contract to provide guidelines, curricula and support resources for school resource officers and juvenile probation officers to use in implementing a law-related education program.

E. The department of education shall review and administer the school counselors and school social workers program proposals in cooperation with school administrators, principals, teachers, parents and community mental health professionals. The department of education shall use relevant school-level academic, social and emotional statistics to assess the needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals.

F. The department of education, subject to the review and approval of the state board of education, shall distribute monies to the school districts and charter schools that are in compliance with program requirements and whose program proposals have been approved by the state board of education.

G. The department of education shall review program proposals submitted by school districts and charter schools for participation in the school safety program and shall select school sites that are eligible to receive funding based on school safety needs pursuant to this section. The department of education may prioritize program proposals for school resource officer and juvenile probation officer grants to school districts and charter schools that have agreements to share the cost of the school resource officer or juvenile probation officer with a law enforcement agency or the courts.

H. The department of education shall evaluate the effectiveness of all the approved program proposals submitted pursuant to subsections B and C of this section within the school safety program and report on the activities of the program and the participants in the school safety program to the president of the
senate, the speaker of the house of representatives and the governor on or before November 1 of each year and shall provide a copy of this report to the secretary of state. The evaluation and report shall include survey results from participating schools and data from participating schools on the impact of participating in the school safety program. The department shall establish data guidelines for school safety program participants to follow in reporting pursuant to this subsection.

I. The school safety program established by this section shall include a school safety program guidance manual adopted by the department of education that requires a dispute resolution process to be included in the service agreement between a school district or charter school that submitted a program proposal and received a school resource officer grant from the school safety program and the law enforcement agency that provides services to the school district or charter school.

J. Any appropriations that are made to the department of education for the approved program proposals within the school safety program are exempt from the provisions of section 35-190 relating to the lapsing of appropriations. All monies that are not used for an approved program proposal within the school safety program during the fiscal year for which the monies were appropriated revert to the department of education for distribution to the program in the following fiscal year.

K. Monies received by a school district or charter school under the program shall be spent to implement the approved program proposals.

L. The program established by this section ends on July 1, 2025 pursuant to section 41-3102. The auditor general shall include the school safety program as part of its ongoing sunset review of agencies and programs.

M. For the purposes of this section:

1. "Law-related education" means interactive education to equip children and youth with knowledge and skills pertaining to the law, school safety and effective citizenship.

2. "Law-related education program" means a program designed to provide children and youth with knowledge, skills and activities pertaining to the law and legal process and to promote law-abiding behavior with the purpose of preventing children and youth from engaging in delinquency or violence and enabling them to become productive citizens.

3. "School counselor" means a professional educator who holds a valid school counselor certificate issued by the department of education.

4. "School guidance and counseling program" means a counseling program that supports, promotes and enhances the academic, personal, social, emotional and career development of all students.

5. "School resource officer" means a peace officer or a full-authority reserve peace officer who is certified by the Arizona peace officer standards and training board.

6. "School social worker" means a professional educator who holds a valid school social worker certificate issued by the department of education.

15-155. School safety program; funding.

A. The department of education shall cooperate with the county school superintendent, the county sheriff and the local chief of police to allow a law enforcement agency, with the consent of the school, to assign a peace officer or a full authority Arizona peace officer standards and training board certified reserve peace officer to participate in the school safety program in each school in the county. The cost of the peace officer is a state charge that is funded by the department of education, except for agreements to share the cost of the school resource officer pursuant to section 15-154, subsection G.

B. In cooperation with the department of education and the county school superintendent and with the consent of the school, the presiding judge of the juvenile court may assign juvenile probation officers to participate in the school safety program in each school in the county. The cost of juvenile probation
officers is a state charge that is funded by the department of education, except for agreements to share the cost of the juvenile probation officer pursuant to section 15-154, subsection G.

15-804. Attendance officer; appointment; salary.
A. The governing board of a school district may appoint an attendance officer for the school district. The salary of the attendance officer shall be fixed by the governing board and paid from the funds of the school district.
B. If in the opinion of the governing boards of two or more school districts one officer will adequately serve such districts, such officer may be appointed by the districts jointly. His salary may be apportioned as the governing boards provide and shall be paid from the funds of the school districts.

15-805. Attendance officer; powers and duties.
A. The attendance officer may enforce the law relating to:
   1. School attendance of children between the ages of six and sixteen years.
   3. Employment of children between the ages of six and sixteen years.
B. The attendance officer may:
   1. Issue a citation to an adult or child who is alleged to be in violation of laws specified in subsection A of this section to appear before a court of competent jurisdiction and shall advise the person to whom the citation is issued that failure to appear at the time and place specified in the citation may result in the issuance of a warrant for the person's arrest. A citation that is issued to a child under eighteen years of age shall require the child's parent or person having custody to appear with the child at the time and place specified in the citation. The attendance officer shall notify the child's parent or person having custody that the citation was issued and that the parent or person having custody is required to appear in court with the child and shall give proof of the notice to the court.
   2. Issue a citation on an Arizona traffic ticket and complaint form for any violation of laws specified in subsection A of this section.
   3. Report a violation of a law specified in subsection A of this section to the local law enforcement agency and request an investigation of the violation. The law enforcement agency shall, when sufficient cause exists, refer the matter for prosecution.
   4. Enter all places where children may be employed to investigate and enforce the law.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

15-154. School safety, program; purpose; proposals; requirements; annual report; program.
A. The school safety program is established within the department of education to support, promote and enhance safe and effective learning environments for all students by supporting the costs of placing school resource officers, juvenile probation officers, school counselors and school social workers on school campuses. A school district or charter school may apply to participate in the school safety program as provided in this section for up to three fiscal years by submitting by April 15 a program proposal to the department of education. A school district or charter school that receives approval for a three-year program under this subsection may annually submit a modified spending plan for its approved program.
B. A program proposal submitted by a school district or charter school for supporting the costs of placing school resource officers or juvenile probation officers, or both, on a school campus shall contain:
   1. A detailed description of the school safety needs of the charter school or school district.
   2. A plan for implementing a law-related education program or a plan that demonstrates the existence of a law-related education program as a school safety prevention strategy.
   3. A plan to use trained school resource officers or juvenile probation officers in the school, or both.
   4. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent grant.
C. A program proposal submitted by a school district or charter school for supporting the costs of placing school counselors or school social workers, or both, on a school campus shall contain:
   1. A detailed description of the school safety needs of the charter school or school district.
   2. A plan for implementing a school guidance and counseling program that includes the following:
      (a) A detailed description of the relationship between the school counselor or the social worker, or both, and local community resources.
      (b) A plan for using school counselor and school social worker services in the school, or both.
      (c) A detailed description of the methods for evaluating the effectiveness of the school guidance and counseling plan.
      (d) Policies on confidentiality under the school guidance and counseling plan.
      (e) Policies on notifying parents and other family members of issues or concerns as identified in the school guidance and counseling plan.
(f) A detailed description of the school's, school district's or charter school's referral procedures to the appropriate community entities and state agencies.

3. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent approved program proposal.

D. The department of education shall review and administer the school resource officers and juvenile probation officers program proposals in cooperation with the courts, law enforcement agencies and law-related education providers awarded a contract pursuant to section 41-2534, subject to review and approval by the state board of education. The department of education shall use relevant crime statistics to assess the needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals. The department of education shall contract to provide guidelines, curricula and support resources for school resource officers and juvenile probation officers to use in implementing a law-related education program.

E. The department of education shall review and administer the school counselors and school social workers program proposals in cooperation with school administrators, principals, teachers, parents and community mental health professionals. The department of education shall use relevant school-level academic, social and emotional statistics to assess the needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals.

F. The department of education, subject to the review and approval of the state board of education, shall distribute monies to the school districts and charter schools that are in compliance with program requirements and whose program proposals have been approved by the state board of education.

G. The department of education shall review program proposals submitted by school districts and charter schools for participation in the school safety program and shall select school sites that are eligible to receive funding based on school safety needs pursuant to this section. The department of education may prioritize program proposals for school resource officer and juvenile probation officer grants to school districts and charter schools that have agreements to share the cost of the school resource officer or juvenile probation officer with a law enforcement agency or the courts.

H. The department of education shall evaluate the effectiveness of all the approved program proposals submitted pursuant to subsections B and C of this section within the school safety program and report on the activities of the program and the participants in the school safety program to the president of the senate, the speaker of the house of representatives and the governor on or before November 1 of each year and shall provide a copy of this report to the secretary of state. The evaluation and report shall include survey results from participating schools and data from participating schools on the impact of participating in the school safety program. The department shall establish data guidelines for school safety program participants to follow in reporting pursuant to this subsection.

I. The school safety program established by this section shall include a school safety program guidance manual adopted by the department of education that requires a dispute resolution process to be included in the service agreement between a school district or charter school that submitted a program proposal and received a school resource officer grant from the school safety program and the law enforcement agency that provides services to the school district or charter school.

J. Any appropriations that are made to the department of education for the approved program proposals within the school safety program are exempt from the provisions of section 35-190 relating to the lapsing of appropriations. All monies that are not used for an approved program proposal within the school safety program during the fiscal year for which the monies were appropriated revert to the department of education for distribution to the program in the following fiscal year.
K. Monies received by a school district or charter school under the program shall be spent to implement the approved program proposals.

L. The program established by this section ends on July 1, 2025 pursuant to section 41-3102. The auditor general shall include the school safety program as part of its ongoing sunset review of agencies and programs.

M. For the purposes of this section:
   1. "Law-related education" means interactive education to equip children and youth with knowledge and skills pertaining to the law, school safety and effective citizenship.
   2. "Law-related education program" means a program designed to provide children and youth with knowledge, skills and activities pertaining to the law and legal process and to promote law-abiding behavior with the purpose of preventing children and youth from engaging in delinquency or violence and enabling them to become productive citizens.
   3. "School counselor" means a professional educator who holds a valid school counselor certificate issued by the department of education.
   4. "School guidance and counseling program" means a counseling program that supports, promotes and enhances the academic, personal, social, emotional and career development of all students.
   5. "School resource officer" means a peace officer or a full-authority reserve peace officer who is certified by the Arizona peace officer standards and training board.
   6. "School social worker" means a professional educator who holds a valid school social worker certificate issued by the department of education.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

15-186.01. Parental notification; immunity.
A. In addition to the notification requirements prescribed in section 15-186, each charter school governing body shall prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening, or intimidating conduct against that pupil. A charter school and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence or wanton or willful neglect.

15-514. Reports of immoral or unprofessional conduct; immunity.
A. Any certificated person or governing board member who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 shall report or cause reports to be made to the department of education in writing as soon as is reasonably practicable but not later than three business days after the person first suspects or receives an allegation of the conduct.
B. The superintendent of a school district or the chief administrator of a charter school who reasonably suspects or receives a reasonable allegation that an act of immoral or unprofessional conduct that would constitute grounds for dismissal or criminal charges by a certificated person has occurred shall report the conduct to the department of education.
C. A person who reports or provides information pursuant to this section regarding the immoral or unprofessional conduct of a certificated person in good faith is not subject to an action for civil damages as a result.
D. A governing board or school or school district employee who has control over personnel decisions shall not take unlawful reprisal against an employee because the employee reports in good faith information as required by this section. For the purposes of this subsection "unlawful reprisal" means an action that is taken by a governing board as a direct result of a lawful report pursuant to this section and, with respect to the employee, results in one or more of the following:
   1. Disciplinary action.
   2. Transfer or reassignment.
   3. Suspension, demotion or dismissal.
   5. Other significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification.
E. Failure to report information as required by this section by a certificated person constitutes grounds for disciplinary action by the state board of education.
F. A governing board or school district employee who has control over personnel decisions and who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 and this article shall not accept the resignation of the certificate holder until these suspicions or allegations have been reported to the state board of education.

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15-807. Absence from school; notification of parent or person having custody of pupil; immunity.
A. If a pupil in a kindergarten program or grades one through eight is absent from school without excuse as provided in this article or without notice to the school in which the pupil is enrolled of authorization of the absence by the parent or other person who has custody of the pupil, the school in which the pupil is enrolled shall make a reasonable effort to promptly telephone and notify the parent or other person who has custody of the pupil of the pupil's absence from school:
   1. Within two hours after the first class in which the pupil is absent for a pupil in kindergarten or grades one through six.
   2. Within two hours after the first class in which the pupil is absent for a pupil in grade seven or eight if the first class in which the pupil is absent is the pupil's first class of the school day.
   3. Within five hours after the first class in which the pupil is absent for a pupil in grade seven or eight if the first class in which the pupil is absent is after the pupil's first class of the school day.
B. On or before the enrollment of a pupil in a kindergarten program or grades one through eight, the school district shall notify parents or other persons who have custody of a pupil of their responsibility to authorize any absence of the pupil from school and to notify the school in which the pupil is enrolled in advance or at the time of any absence and that the school district requires that at least one telephone number, if available, be given for purposes of this section. The school district shall require that the telephone number, if available, be given at the time of enrollment of the pupil in school and that the school of enrollment be promptly notified of any change in the telephone number.
C. A school district, governing board members of a school district and employees or agents of a school district are not liable for failure to notify the parent or other person who has custody of a pupil of the pupil's absence from school as provided in this section.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

15-345. Chemical abuse prevention policies and procedures.
The school district governing board may adopt chemical abuse prevention policies and procedures in consultation with pupils, school district personnel and members of the community, including parents and local law enforcement agencies.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee.
I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Arizona provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
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<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Safe &amp; Healthy Students, Arizona Department of Education</td>
<td>Provides an overview of the Officer of Safe and Healthy students and links guidance documents for schools and resources addressing social emotional learning, school climate and discipline, bullying, and youth violence.</td>
<td><a href="https://www.azed.gov/safeandhealthy/">https://www.azed.gov/safeandhealthy/</a></td>
</tr>
<tr>
<td>School Safety &amp; Social Wellness, Arizona Department of Education</td>
<td>Provides information and resources addressing school safety, bullying, and other related programs and resources.</td>
<td><a href="http://www.azed.gov/shs/">http://www.azed.gov/shs/</a></td>
</tr>
<tr>
<td>School Safety Program, Arizona Department of Education</td>
<td>Provides links to information and resources related to the School Safety Program, a state-funded grant that places School Resource Officers and Juvenile Probation Officers in selected schools. Includes tools and resources, references to laws, training materials, FAQs, and contact information.</td>
<td><a href="http://www.azed.gov/shs/ssp/">http://www.azed.gov/shs/ssp/</a></td>
</tr>
<tr>
<td>Other Programs &amp; Resources, Arizona Department of Education</td>
<td>Provides links to state data, model programs and strategies, and other resources addressing Positive Behavioral Interventions and Supports (PBIS), bullying, alcohol and other drug prevention, and other content areas. Includes lists of funding opportunities for schools.</td>
<td><a href="http://www.azed.gov/shs/other/">http://www.azed.gov/shs/other/</a></td>
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<tr>
<td>School Safety Program Guidance Manual (July 2017), Arizona Department of education</td>
<td>Guidance manual provides information on the intent of the state funded grant, the responsibilities of all parties, requirements for grant compliance, assistance with administrative, and the elements of an effective School Safety Program.</td>
<td><a href="https://cms.azed.gov/home/GetDocumentFile?id=5e065c1703e2b316dced2667">https://cms.azed.gov/home/GetDocumentFile?id=5e065c1703e2b316dced2667</a></td>
</tr>
</tbody>
</table>

**Other Resources**

No relevant resources found.
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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The State of Arkansas contracts with LexisNexis to provide free public access to the Arkansas Code (http://www.lexisnexis.com/hottopics/arcode/). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, Or Welfare
Chapter 71. Riots, Disorderly Conduct, Etc.
Subchapter 2. Offenses Generally
A.C.A. § 5-71-217. Cyberbullying

Chapter 73. Weapons
Subchapter 1. Possession and Use Generally
A.C.A. § 5-73-119. Handguns - Possession by minor or possession on school property

Title 6. Education
Chapter 5. Miscellaneous Provisions Relating to Elementary, Secondary, and Higher Education
Subchapter 2. Hazing
A.C.A. § 6-5-201. Definition
A.C.A. § 6-5-202. Prohibitions
Subchapter 9. The Positive Youth Development Grant Program
A.C.A. § 6-5-901. Legislative intent - Findings
A.C.A. § 6-5-902. Definitions
A.C.A. § 6-5-903. Establishment - Participation
A.C.A. § 6-5-904. Applications process - Allocation of funding
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A.C.A. § 6-5-906. Evaluation

Subtitle 2. Elementary and Secondary Education Generally
A.C.A. § 6-10-128. School resource officers
Chapter 11. Education
Subchapter 2. Career Education and Workforce Development Board
A.C.A. § 6-11-209. Additional truancy officers - Definition
Chapter 13. School Districts
Subchapter 6. School Districts Boards of Directors Generally
A.C.A. § 6-13-629. Training and instruction - Reimbursement

Chapter 15. Educational Standards and Quality Generally
Subchapter 10. Arkansas Public Education Act of 1997
A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools

Subchapter 13. Safe Schools Committee
A.C.A. § 6-15-1303. Safe Schools Initiative Act

Chapter 16. Curriculum
A.C.A. § 6-16-1406. Digital learning courses

Chapter 17. Personnel
A.C.A. § 6-17-112. Corporal punishment - Immunity from liability
A.C.A. § 6-17-113. Duty to report and investigate student criminal acts - Definitions

Subchapter 7. Professional Development
A.C.A. § 6-17-711. Bullying prevention - Professional development

Chapter 18. Students
A.C.A. §6-18-110. Reports by mandated reporters - Failure to notify by mandated reporter - Making a false report
A.C.A. §6-18-111. School safety and crisis line
A.C.A. §6-18-112. School safety and crisis line fund - Report

Subchapter 2. Attendance
A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences
A.C.A. § 6-18-220. Additional absences granted for participation in FFA, FHA, and 4-H programs - Equal treatment
A.C.A. § 6-18-221. Cooperation of Law Enforcement Agencies
A.C.A. § 6-18-222. Penalty for unexcused absences - Revocation of driving privilege

Subchapter 5. Discipline
A.C.A. § 6-18-501. Duty of teachers, classified school employees, and volunteers
A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies
A.C.A. § 6-18-503. Written student discipline policies required
A.C.A. § 6-18-507. Suspension - Expulsion - Definitions
A.C.A. § 6-18-510. Enrollment during expulsion - School policy
A.C.A. § 6-18-511. Removal by teacher
A.C.A. § 6-18-512. Seizure of hand-held laser pointers
A.C.A. § 6-18-513. Parental notification
A.C.A. § 6-18-514. Antibullying policies - Definitions
A.C.A. § 6-18-515. Use of personal electronic devices - Definition
A.C.A. § 6-18-516. Effective school discipline - Definition

Subchapter 6. Fraternities, Sororities, Etc.
A.C.A. § 6-18-603. Unlawful organizations
A.C.A. § 6-18-604. Exclusions
A.C.A. § 6-18-605. Suspension or expulsion of members

Subchapter 9. Student Records
A.C.A. § 6-18-901. Maintenance of permanent student records

Subchapter 11. Insurance
A.C.A. § 6-17-1113. School Worker Defense Program

Subchapter 20. School Counseling Improvement Act of 2019
A.C.A. § 6-18-2001. Title
A.C.A. § 6-18-2003. Comprehensive school counseling program and plan framework
A.C.A. § 6-18-2005. Monitoring and support

Chapter 21. School Property and Supplies
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A.C.A. § 6-21-608. Concealment of guns and drugs - Definitions
A.C.A. § 6-21-609. Prohibition against smoking, the use of tobacco or tobacco products, or the use of e-cigarettes - Definition

Subtitle 3. Special Educational Programs
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Procedural Requirements and Program Standards

Section 1 to 30 of Procedural Requirements and Program Standards

20.00 Time-Out Seclusion Room

20.01. General
20.02. Definition
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General Provisions

Authority to develop and establish rules of conduct

LAWS


(b)(1) The school climate will promote student achievement.

(2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.


(a) Every teacher shall seek to exercise wholesome discipline in his or her school and endeavor by precept and otherwise to instill and cultivate in the pupils good morals and gentle manners.

(b) Classified school employees and volunteers shall have as a minimum the responsibility to appropriately assist and support teachers in these efforts.


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:
(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-503. Written student discipline policies required.

(a)(1)(A) Each school district in this state shall develop written student discipline policies in compliance with the rules established by the Division of Elementary and Secondary Education and shall file the policies with the division.
(B) The rules required under subdivision (a)(1)(A) of this section may include minimum standards of quality, experimentation with innovative programs, and a system to judge the effectiveness of the program.

(C) The discipline policy required under subdivision (a)(1)(A) of this section shall include provisions for:

(i) Placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a physical or mental impairment or disability in an alternative learning environment provided by the district; and

(ii) Procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(2) Behavioral problems include being at risk of not satisfactorily completing a high school education.

(b)(1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or school administrator employed by the school district.

(2) As used in this subchapter, “teacher or school administrator” means:

(A) A person employed by a school district and required to hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board of Education; and

(B) An unlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

(3) A school district that authorizes use of corporal punishment under subdivision (b)(1) of this section shall not:

(A) Use corporal punishment on a child who is intellectually disabled, nonambulatory, nonverbal, or autistic; or

(B) Include in its written student discipline policy a provision to allow the use of corporal punishment on a child who is intellectually disabled, nonambulatory, nonverbal, or autistic.

c)(1) A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and at school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female.

(2) Subdivision (c)(1) of this section shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

(3) A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of subdivision (c)(1) of this section.

(4) Subdivision (c)(1) of this section shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the rules established by the division.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the division within thirty (30) days after the adoption of such amendment or revision.
Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS
No relevant regulations found.

Scope

LAWS

(b)(1) The school climate will promote student achievement.
  (2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.
    (B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.
  (3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.
  (4) Every school and school district will have in place a policy on addressing disruptive students.
  (5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.
    (B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.
  (c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

(b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:
  (1) On school property;
  (2) At an after-school activity; or
  (3) At a school-related function.
  (c) The policy may, without limitation:
    (1) Allow or restrict the possession and use of a personal electronic device;
    (2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;
    (3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;
    (4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;
(5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;

(6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and

(7) Include other relevant provisions deemed appropriate and necessary by the school district.

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(a) As used in this section:

(2) “School-owned property” means any property located among premises owned in whole or in part by the state or any city, district, or county within the state, including but not limited to any desk, locker, file, or other tangible property assigned to, for the use of, or on loan to any student or other person using the property for his or her own use;

(3) “School premises” means any locale upon which is situated any school building; and

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS


(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district’s student discipline policies and for documentation of the receipt of the policies by all parents and students.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

(a) Consistent with state and federal law, a teacher may remove a student from class and send him or her to the principal's or principal's designee's office in order to maintain effective discipline in the classroom.
(b) A teacher may remove from class a student:
   (1) Who has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn; or
   (2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.
(c) If a teacher removes a student from class in accordance with subsection (b) of this section, the principal or his or her designee may:
   (1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment, so long as such placement is consistent with the school district's written student discipline policy;
   (2) Return the student to the class; or
   (3) Take other appropriate action consistent with the school district's discipline policy, state law, and federal law.
(d)(1) If a teacher removes a student from class two (2) times during any nine-week grading period or its equivalent as determined by the Division of Elementary and Secondary Education, the principal or the principal's designee may not return the student to the teacher's class unless a conference is held for the purpose of determining the causes of the problem and possible solutions, with the following individuals present:
   (A) The principal or the principal's designee;
   (B) The teacher;
   (C) The school counselor;
   (D) The parents, guardians, or persons in loco parentis; and
   (E) The student, if appropriate.
(2) The failure of the parents, guardians, or persons in loco parentis to attend the conference provided for in this subsection shall not prevent the conference from being held nor prevent any action from being taken as a result of that conference.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.
(a) The board of directors of each school district in this state shall adopt student attendance policies.
(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.
(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

As used in this chapter:
(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.
(ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
(B) An alternative learning environment is not a punitive environment but one that is conducive to learning.
(C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and
(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.
(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
(A) Establishes and operates an alternative learning environment;
(B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;
(C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or
(D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

(1) Information on race and gender of the students educated in the alternative learning environment;

(2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and

(3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

(a) An alternative learning environment shall:

(1) Assess a student either before or upon entry into the alternative learning environment; and

(2) Provide intervention services designed to address a student's specific educational needs.

(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

(2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

(1)(A) The criteria for distributing state funding for alternative learning environment programs.

(B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

(C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

(i) Leaves the school district to transfer to another alternative learning environment; or

(ii) Is placed in a residential treatment program;

(2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:

(i) In-service training in classroom management; and

(ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

(B) The division shall award professional development credit for the training under this subdivision (a)(2); and

(3) Measures of effectiveness for alternative learning environments that measure:

(A) For the students educated in the alternative learning environment the effect on the students':

(i) School performance;

(ii) Need for intervention; and

(iii) School attendance and dropout rate; and

(B) Any other characteristic of alternative learning environments deemed necessary by the division.
(b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

(A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

(1) The information reported to it under § 6-48-102; and

(2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

A.C.A. § 6-17-112. Corporal punishment - Immunity from liability - Definition.

(a)(1) Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district's written student disciplinary policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

A.C.A. § 6-18-503. Written student discipline policies required.

(b)(1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or school administrator employed by the school district.

(2) As used in this subchapter, "teacher or school administrator" means:

(A) A person employed by a school district and required to hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board of Education; and
(B) A nonlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

(3) A school district that authorizes use of corporal punishment under subdivision (b)(1) of this section shall not:

(A) Use corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic; or

(B) Include in its written student discipline policy a provision to allow the use of corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(c)(1) A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and at school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female.

(2) Subdivision (c)(1) of this section shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

(3) A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of subdivision (c)(1) of this section.

(4) Subdivision (c)(1) of this section shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the rules established by the department.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.11. A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.

4.11.1. “Teachers and administrators” means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

4.11.2. Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district’s written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district’s written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.
Use of student and locker searches

LAWS

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.
(b) It shall be unlawful for any student or any other person using school-owned property to conceal any gun, drug, or any other contraband in any desk, locker, or other school-owned property in this state.
(c)(1) Any school official employed in a supervisory capacity over students or other persons on school premises, upon receipt of information that guns, drugs, or other contraband are concealed in school-owned property, shall have the authority to investigate and search any school-owned property for any drugs, guns, or other contraband that may be concealed in the school-owned property, without the necessity of obtaining a search warrant from local authorities.
(2) In the event that contraband is discovered, it shall be seized and held by the supervisor of the school premises until appropriate action, as described in subsection (d) of this section, is taken.
(d)(1) Whenever a school official discovers any illegal drugs or other contraband in any school-owned property assigned to the use of an identifiable student or any other identifiable person, appropriate action for discipline, expulsion, discharge, or prosecution shall be within the discretion of the supervisor of the premises.
(2)(A) In the event that prosecution by local authorities is pursued, the supervisor shall release the contraband to the local prosecuting authorities to be used as evidence in court.
(B) Any evidence obtained by use of the procedure as defined in this section shall be legally admissible in any court in this state.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-605. Suspension or expulsion of members.

It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:

(1) Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;

(2) Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(d)(1) Whenever a school official discovers any illegal drugs or other contraband in any school-owned property assigned to the use of an identifiable student or any other identifiable person, appropriate action for discipline, expulsion, discharge, or prosecution shall be within the discretion of the supervisor of the premises.

(2)(A) In the event that prosecution by local authorities is pursued, the supervisor shall release the contraband to the local prosecuting authorities to be used as evidence in court.

(B) Any evidence obtained by use of the procedure as defined in this section shall be legally admissible in any court in this state.

(e)(1)(A) Whenever a school official discovers any gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for a period of not less than one (1) year.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

(2) In the event that prosecution by local authorities is pursued, the gun or other firearm shall be released to the local prosecuting authorities to be used as evidence in court and shall be legally admissible in any court in this state.
REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.03 Student discipline policies shall include, but not be limited to, the following offenses:

4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.

4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.

4.04 The school discipline policies shall:

4.04.1 Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

4.04.2 Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

4.04.4 Include prevention, intervention, and conflict resolution provisions; and

4.04.5 Set forth the role and authority of public school employees and volunteers.

Grounds for mandatory suspension or expulsion

LAWS


(a) A student, alumnus, or volunteer or employee of a fraternal organization of a school, college, university, or other educational institution in Arkansas shall not knowingly engage in hazing or encourage, aid, or assist any other student, alumnus, or volunteer or employee of a fraternal organization in hazing.

(b)(1) A person shall not knowingly permit, encourage, aid, or assist another person in committing the offense of hazing, or knowingly acquiesce in the commission of the offense of hazing, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence
and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) An act of omission or commission is hazing under this subsection.

(c) A violation of this section is a Class B misdemeanor.

(d) In addition to any penalty provided by this section, a student convicted of hazing shall be expelled from the school, college, university, or other educational institution that he or she is attending.


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

   (i) The school district's student discipline policies; and

   (ii) State and district discipline data.

   (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

   (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

   (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

   (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

   (D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

   (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

   (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district’s student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.


(a) As used in this section:

(1) “Course time” means the number of hours of instruction devoted to a single subject during the school week;

(2) “Expulsion” means dismissal from school for a period of time that exceeds ten (10) days;

(3) “Nontraditional scheduling” means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and

(4) “Suspension” means dismissal from school for a period of time that does not exceed ten (10) days.

(b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.

(2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

(A) Poses a physical risk to himself or herself or to others; or

(B) Causes a serious disruption that cannot be addressed through other means.

(c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.

(B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.

(2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

(d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.
(2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

(B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e)(1) [Repealed.]

(2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.

(B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

(4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:

(A) (i) A primary call number.

(ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

(B) An email address if the parent or legal guardian does not have a telephone; or

(C) A current mailing address if the parent or legal guardian does not have a telephone or email address.

(3) The contact required in this subsection is sufficient if made by:

(A) Direct contact with the parent or legal guardian at the primary call number or in person;

(B) Leaving a voice mail at the primary call number;

(C) Sending a text message to the primary call number;

(D) Email if the school is unable to make contact through the primary call number; or
(E) Regular first-class mail if the school is unable to make contact through the primary call number or email.

(4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

(h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

**A.C.A. § 6-18-605. Suspension or expulsion of members.**

It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:

1. Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;
2. Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.

**REGULATIONS**

No relevant regulations found.

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

**LAWS**

**A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.**

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

1. Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
2. (A) The school district's committee on personnel policies shall review annually:
   - (i) The school district's student discipline policies; and
   - (ii) State and district discipline data.
3. (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
4. (3) Student discipline policies shall include without limitation the following offenses:
   - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
   - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
   - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.


(a) As used in this section:

(1) “Course time” means the number of hours of instruction devoted to a single subject during the school week;

(2) “Expulsion” means dismissal from school for a period of time that exceeds ten (10) days;

(3) “Nontraditional scheduling” means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and

(4) “Suspension” means dismissal from school for a period of time that does not exceed ten (10) days.
(b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.

(2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

   (A) Poses a physical risk to himself or herself or to others; or
   (B) Causes a serious disruption that cannot be addressed through other means.

(c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.

   (B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.

(2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

(d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.

(2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

   (B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e)(1) [Repealed.]

(2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.

   (B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

   (B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

   (C) The expulsion shall be noted on the student's permanent school record.

   (D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.
(4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:
   (A)(i) A primary call number.
   (ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;
   (B) An email address if the parent or legal guardian does not have a telephone; or
   (C) A current mailing address if the parent or legal guardian does not have a telephone or email address.

(3) The contact required in this subsection is sufficient if made by:
   (A) Direct contact with the parent or legal guardian at the primary call number or in person;
   (B) Leaving a voice mail at the primary call number;
   (C) Sending a text message to the primary call number;
   (D) Email if the school is unable to make contact through the primary call number; or
   (E) Regular first-class mail if the school is unable to make contact through the primary call number or email.

(4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

(h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:
   (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
   (2)(A) The school district's committee on personnel policies shall review annually:
      (i) The school district's student discipline policies; and
      (ii) State and district discipline data.
   (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.


(a) As used in this section:
(1) “Course time” means the number of hours of instruction devoted to a single subject during the school week;

(2) “Expulsion” means dismissal from school for a period of time that exceeds ten (10) days;

(3) “Nontraditional scheduling” means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and

(4) “Suspension” means dismissal from school for a period of time that does not exceed ten (10) days.

(b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.

(2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

(A) Poses a physical risk to himself or herself or to others; or

(B) Causes a serious disruption that cannot be addressed through other means.

(c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.

(B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.

(2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

(d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.

(2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

(B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e)(1) [Repealed.]

(2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.

(B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.
(B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

(4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:
   (A)(i) A primary call number.
   (ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;
   (B) An email address if the parent or legal guardian does not have a telephone; or
   (C) A current mailing address if the parent or legal guardian does not have a telephone or email address.

(3) The contact required in this subsection is sufficient if made by:
   (A) Direct contact with the parent or legal guardian at the primary call number or in person;
   (B) Leaving a voice mail at the primary call number;
   (C) Sending a text message to the primary call number;
   (D) Email if the school is unable to make contact through the primary call number; or
   (E) Regular first-class mail if the school is unable to make contact through the primary call number or email.

(4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

(h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

   4.01 Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.

   4.01.1 School districts should strive to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.
4.01.2 School districts may elect to have separate policies for different organizational levels and may have policy development teams for each organizational level or use one team for all organizational levels.

4.04 The school discipline policies shall:

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

In-school suspension

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.
(a) The board of directors of each school district in this state shall adopt student attendance policies.
(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.
(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

The board of directors of any school district may adopt a policy that any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person's expulsion has expired, provided that the receiving school district board of directors affords the student the opportunity for a hearing at the time the student is seeking enrollment.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS

20.01. General.
1. The time-out seclusion room is an extension of such techniques as turning a chair away from a group or placing a student in a corner or in the hallway.
2. Time-out is only effective if the classroom environment from which the student is removed is more reinforcing than the isolation area in which he is placed.

20.02. Definition.
1. Time-out As used in these regulations, time-out is defined as the removal of the opportunity to engage in reinforced behavior.

20.03. Restrictions on the use of a time-out seclusion room.
1. Time-out seclusion should be used only for behaviors that are destructive to property, aggressive toward others or severely disruptive to the class environment. General noncompliance, self-stimulation, academic refusal, etc., can be responded to with less stringent and restrictive techniques.
2. The time-out seclusion room should be used only as a last resort if and when less restrictive means of controlling behavior have proven ineffective.
3. The necessity of using physical force to place a student in a timeout seclusion room is inappropriate beyond that reasonably managed by the classroom teacher.
   3.1 Involuntary time-out must not be used with such students and, in general, time-out is not an appropriate intervention for classroom use with any students older than 12 unless they have made a contractual agreement for its use.
   3.2 It is important that teachers realistically evaluate their ability to physically remove a student to the time-out room.
   3.3 If there is a reasonable doubt concerning the capability of the teacher to physically remove the resistant student, the teacher should not begin to attempt the time-out procedure. In such a case, an alternative strategy should be implemented.
4. Time-out seclusion rooms must meet structural guidelines and provide for continuous monitoring, visually and auditorily, of the student's behavior by an adult. (Refer to § 20.04.9 of this part for structural guidelines.)

20.04. Guidelines for appropriate use of a time-out seclusion room.
1. The teacher or behavioral specialist should have documentation that milder forms of time-out or other reduction techniques have proven ineffective in suppressing the inappropriate behavior.
2. The use of seclusion time-out and the behaviors which will result in its use must be explicitly stated in the student’s IEP. Parent consent for the use of a time-out seclusion procedure should be documented.
3. Time-out must be paired with a behavioral plan to provide positive reinforcement for appropriate behaviors. This must also be included in the student’s IEP.
4. Written procedures must be developed and followed for each student whose IEP includes the use of time-out.
5. The following guidelines should be adhered to for effective use of the timeout seclusion room.
   5.1. Avoid lengthy verbal explanations. Behaviors resulting in time-out should be clearly explained prior to implementing the time-out program. Explanations provided during use of time-out should be brief, but should adequately inform the student of his/her misbehavior, such as, “Because you _____________, you must go to time-out for ________ minutes.” All other verbal interaction should be avoided.
   5.2. To maximize opportunities to exercise self-control, students should be given the opportunity to take their own time-out after receiving instructions from the teacher. However, if students refuse to take their own time-out, or if they fail to respond to the teacher’s instructions within a reasonable time interval (5 to 10 seconds), the teacher should physically remove them to the time-out area. (Refer to § 20.03.3 of these regulations regarding physically removing the child to the time-out area.)
5.3. For high intensity behavior (e.g., kicking, screaming), the student should immediately be escorted to the time-out room.

6. Time Spent In Time-Out Seclusion Room

6.1. Length of time spent in the time-out seclusion room must be documented and kept within the specified time limits -
   
   A. Preschool - no more than 5 minutes for each exclusion.
   
   B. Lower elementary - no more than 15 minutes for each exclusion.
   
   C. Middle/upper elementary - no more than 20 minutes for each exclusion.

6.2. At the end of the prescribed time, the student should be offered the opportunity to rejoin the class. If the student chooses to stay in time-out, the door must be left open at this time. When a student consistently chooses to stay in the time-out seclusion room beyond the prescribed time limit, the use of this procedure must be reviewed. The time-out room may be providing more reinforcement than the environment from which the student was removed.

6.3. Should there be a need for a time-out period to extend past the prescribed time limits, the appropriateness of continuing the time-out procedure should be evaluated immediately by knowledgeable professionals (i.e., principal, counselor, special education staff).

6.4. Careful consideration must be taken in extending the prescribed length of the time-out seclusion. The effectiveness of the time-out procedure is the result of its consistent use, rather than the length of stay in the timeout seclusion room.

7. Records Must Be Kept Of Each Occasion When Time-Out Seclusion Is Used. The Records Should Include -

7.1. The student’s name;

7.2. The behavior for which time-out is being used, as specified in the IEP; and

7.3. The time of day the student was placed in and released from time-out.

8. When the use of time-out seclusion is included in a student’s IEP, it is recommended that the use of time-out to address specific student behaviors be reviewed by a knowledgeable professional(s) twice monthly.

8.1. The use of the time-out seclusion procedure shall be altered or discontinued as a behavioral management technique if data do not support its effectiveness.

8.2. The continued and/or frequent need for this type of behavioral intervention could indicate that behavioral objectives, management techniques or other factors affecting the learning environment are not appropriately matched with the student’s needs and behaviors.

9. If A Time-Out Room Is To Be Employed, The Time-Out Room Should -

9.1. Be at least 4’ X 4’ and no larger than 6’ X 6’ in size;

9.2. Be properly lighted (preferably recessed lighting, with switches outside the room). Lighting should remain on at all times;

9.3. Be properly ventilated;

9.4. Be free of objects and fixtures;

9.5. Provide the means by which an adult can continuously monitor, visually and auditorily, the student’s behavior;

9.6. The door should be such that it cannot be locked; and

9.7. Meet state and county fire and safety codes.
10. In addition, it is necessary that all personnel involved in designing and implementing behavioral management procedures, including the use of timeout seclusion, be adequately trained and supervised. It is imperative that these persons have attained levels of skill and competency so that their qualifications correspond to their responsibilities.

**Alternative placements**

**LAWS**

**A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools.**

(b)(1) The school climate will promote student achievement.

(2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

**A.C.A. § 6-16-1406. Digital learning courses.**

(g) A public school district or open-enrollment public charter school that expels a student under § 6-18-507 shall offer to the expelled public school student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled public school student may have received if he or she was still enrolled in his or her assigned public school or open-enrollment public charter school immediately before he or she was expelled.

**A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.**

(a) The board of directors of each school district in this state shall adopt student attendance policies.

(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

**A.C.A. § 6-48-101. Definitions.**

As used in this chapter:
(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.

   (ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

(B) An alternative learning environment is not a punitive environment but one that is conducive to learning.

(C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.


(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.

(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

   (A) Establishes and operates an alternative learning environment;

   (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;

   (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or

   (D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

   (1) Information on race and gender of the students educated in the alternative learning environment;

   (2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and

   (3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

(a) An alternative learning environment shall:

   (1) Assess a student either before or upon entry into the alternative learning environment; and

   (2) Provide intervention services designed to address a student’s specific educational needs.

(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

   (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:
(1)(A) The criteria for distributing state funding for alternative learning environment programs.

(B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

(C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

(i) Leaves the school district to transfer to another alternative learning environment; or

(ii) Is placed in a residential treatment program;

(2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:

(i) In-service training in classroom management; and

(ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

(B) The division shall award professional development credit for the training under this subdivision (a)(2); and

(3) Measures of effectiveness for alternative learning environments that measure:

(A) For the students educated in the alternative learning environment the effect on the students':

(i) School performance;

(ii) Need for intervention; and

(iii) School attendance and dropout rate; and

(B) Any other characteristic of alternative learning environments deemed necessary by the division.

(b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

(A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

(1) The information reported to it under § 6-48-102; and

(2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

A.C.A. § 5-73-119. Handguns - Possession by minor or possession on school property.
(a)(1) No person in this state under eighteen (18) years of age shall possess a handgun.
(2)(A) A violation of subdivision (a)(1) of this section is a Class A misdemeanor.
   (B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:
      (i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;
      (ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or
      (iii) Plead guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.

(b)(1) No person in this state shall possess a firearm:
   (A) Upon the developed property of a public or private school, K-12;
   (B) In or upon any school bus; or
   (C) At a designated bus stop as identified on the route list published by a school district each year.
(2)(A) A violation of subdivision (b)(1) of this section is a Class D felony.
   (B) No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.

(c)(1) Except as provided in § 5-73-322, a person in this state shall not possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.
   (2) A violation of subdivision (c)(1) of this section is a Class D felony.

(d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.

(e) It is permissible to carry a handgun under this section if at the time of the act of possessing a handgun or firearm:
   (1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;
   (2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;
   (3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;
   (4) The person is a registered commissioned security guard acting in the course and scope of his or her duties;
(5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;

(6)(A) The person is a certified law enforcement officer, either on-duty or off-duty.

(B) If the person is an off-duty law enforcement officer, he or she may be required by a public school or publicly supported institution of higher education to be in physical possession of a valid identification identifying the person as a law enforcement officer;

(7) The person is on a journey beyond the county in which the person lives, unless the person is eighteen (18) years of age or less;

(8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;

(9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms;

(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis or is traveling to or from a lawful marksmanship competition or practice or other lawful recreational shooting with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis;

(11) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun on the developed property of:

(A) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:

(i) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;

(ii) Allows the person to carry a concealed handgun into the church or other place of worship under § 5-73-306; and

(iii) Allows the person to possess a concealed handgun on the developed property of the kindergarten through grade twelve (K-12) private school; or

(B) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school; or

(12)(A) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.

(B)(i) As used in this subdivision (e)(12), "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at a school.

(ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Division of Correction or Division of Community Correction.

(a) As used in this section:
(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:
   (A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or
   (B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:
   (A) Whether the investigation into the reported incident is ongoing;
   (B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and
   (C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
(c) The school discipline policies shall:

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

**A.C.A. § 6-18-507. Suspension - Expulsion - Definitions.**

(e)(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the department the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

**A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.**

(e)(1)(A) Whenever a school official discovers any gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for a period of not less than one (1) year.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

(2) In the event that prosecution by local authorities is pursued, the gun or other firearm shall be released to the local prosecuting authorities to be used as evidence in court and shall be legally admissible in any court in this state.

**REGULATIONS**

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.03 Student discipline policies shall include, but not be limited to, the following offenses:

4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.

4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.
Other weapons

LAWS

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

As used in this chapter:
(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.
   (ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
(B) An alternative learning environment is not a punitive environment but one that is conducive to learning.
(C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and
(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.
(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
   (A) Establishes and operates an alternative learning environment;
   (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;
   (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or
   (D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).
(b) Annually, a school district shall submit to the division:
(1) Information on race and gender of the students educated in the alternative learning environment;
(2) Any other information regarding students educated in alternative learning environments that the
division requires by rule; and
(3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.
(a) An alternative learning environment shall:
   (1) Assess a student either before or upon entry into the alternative learning environment; and
   (2) Provide intervention services designed to address a student's specific educational needs.
(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive
intervention services designed to address the student's behavioral needs.
   (2) The intervention services shall not be punitive in nature but shall be designed for long-term
   improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.
(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this
chapter, including without limitation rules that establish:
   (1)(A) The criteria for distributing state funding for alternative learning environment programs.
      (B) The criteria shall identify the characteristics of students who may be counted for the purpose of
      funding an alternative learning environment program including without limitation that a student is
      educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
      (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days,
      the division may provide funding to a school district based on the actual number of days the student is
      educated in the alternative learning environment if the student:
         (i) Leaves the school district to transfer to another alternative learning environment; or
         (ii) Is placed in a residential treatment program;
   (2)(A) The criteria for teacher training for teachers in alternative learning environments, including
      without limitation:
      (i) In-service training in classroom management; and
      (ii) Training in additional areas related to the specific needs and characteristics of students who are
      educated in alternative learning environments.
      (B) The division shall award professional development credit for the training under this subdivision
(b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the
department shall evaluate each alternative learning environment to ensure that the alternative learning
environment is:
   (A) Established and operated in compliance with this chapter; and
(B) Effective under the measurements established by the division under this section.
(2) The department shall identify a school district's noncompliance with this chapter on the school
district's annual report card.
(c) The division shall identify information concerning best practices for educating students in alternative
learning environments and disseminate that information to teachers and administrators working in
alternative learning environments.
(d) Annually by September 15, the division shall provide to the House Interim Committee on Education
and the Senate Interim Committee on Education a report on:
   (1) The information reported to it under § 6-48-102; and
   (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.
(a) The board of directors of each school district in this state shall adopt student attendance policies.
(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting
maximum student attendance, including, but not limited to, the use of alternative classrooms and in-
school suspensions in lieu of suspension from school.
(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of
promotion or graduation.

A.C.A. § 6-18-220. Additional absences granted for participation in FFA, FHA, and 4-H programs -
Equal treatment.
(a) The General Assembly finds and declares that:
   (1) The FFA, FHA, and 4-H programs in the state involve an education and learning process that is not
otherwise available in the regular curriculum of secondary education in Arkansas;
   (2) The principles and practices learned by school students in the FFA, FHA, and 4-H programs are
highly beneficial to students;
   (3) Participation in such programs should be encouraged; and
   (4) One method of encouraging participation in such programs is to grant additional excused absences
to students who participate in officially sanctioned activities of those organizations.
(b) Therefore, it is the purpose and intent of this section to assure that class absences of students who
are participating in sanctioned FFA, FHA, and 4-H activities are excused to such extent as may be
determined by the boards of directors of the respective districts, with the participants in the three (3)
programs being treated equally with respect to such absences.
(c) Any school district that grants additional excused absences of FFA member students who attend
officially sanctioned FFA activities shall afford equal treatment to FHA and 4-H member students who
attend the same or similar officially sanctioned activities.

(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e)(1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

(2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.


(a)(1)(A)(i) The board of directors of each school district in this state shall adopt a student attendance policy, as provided for in § 6-18-209, which shall include a certain number of unexcused absences that may be used as a basis for denial of course credit, promotion, or graduation.

(ii) However, unexcused absences shall not be a basis for expulsion or dismissal of a student.

(B) The legislative intent is that a student having unexcused absences because of illness, accident, or other unavoidable reasons should be given assistance in obtaining credit for the courses.

(2) The State Board of Career Education shall adopt a student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an adult education program. The policy shall require a minimum attendance of ten (10) hours per week to remain in the program.

(3) A copy of the school district's student attendance policy or the State Board of Career Education's student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in adult education shall be provided to the parent, guardian, or person in loco parentis of each student enrolled in an adult education program at the beginning of the school year or upon enrollment, whichever event first occurs.

(4)(A)(i) A student's parent, guardian, or person in loco parentis and the community truancy board, if the community truancy board has been created, shall be notified when the student has accumulated unexcused absences equal to one-half (1/2) the total number of absences permitted per semester under the school district's or the State Board of Career Education's student attendance policy.

(ii) Notice shall be by telephonic contact with the student's parent, guardian, or person in loco parentis by the end of the school day in which the absence occurred or by regular mail with a return address on the envelope sent no later than the following school day.

(iii) Notice to the community truancy board, if the community truancy board has been created, shall be by letter to the chair of the community truancy board.
(B) If a community truancy board has been created, the community truancy board shall schedule a conference with the parent, guardian, or person in loco parentis to establish a plan to take steps to eliminate or reduce the student's absences.

(C) If the community truancy board has scheduled a conference and the student's parent, guardian, or person in loco parentis does not attend the conference, the conference may be conducted with the student and a school official. However, the parent, guardian, or person in loco parentis shall be notified of the steps to be taken to eliminate or reduce the student's absences.

(D)(i) Before a student accumulates the maximum number of unexcused absences allowed in a school district's student attendance policy, the student or the student's parent, guardian, or person in loco parentis may petition the school administration or school district administration for special arrangements to address the student's unexcused absences.

(ii) If special arrangements are granted by the school administration or the school district administration, the arrangements will be formalized into a written agreement to include the conditions of the agreement and the consequences for failing to fulfill the requirements of the agreement.

(iii) The agreement shall be signed by the:

(a) Designee of the school administration or of the school district administration;

(b) Student's parent, guardian, or person in loco parentis; and

(c) Student.

(5)(A) When a student exceeds the number of unexcused absences provided for in the district's or the State Board of Career Education's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars ($500) plus costs of court and any reasonable fees assessed by the court.

(B) The penalty shall be forwarded by the court to the school or the adult education program attended by the student.

(6)(A)(i) Upon notification by the school district or the adult education program to the prosecuting authority, the prosecuting authority shall file in circuit court a family in need of services petition pursuant to § 9-27-310 or enter into a diversion agreement with the student pursuant to § 9-27-323.

(ii) For any action filed in circuit court to impose the civil penalty set forth in subdivision (a)(5) of this section, the prosecuting authority shall be exempt from all filing fees and shall take whatever action is necessary to collect the penalty provided for in subdivision (a)(5) of this section.

(B) Municipal attorneys may practice in circuit court for the limited purpose of filing petitions or entering into diversion agreements as authorized by this subdivision (a)(6)(B) if agreed upon by all of the parties pursuant to subdivision (a)(6)(A) of this section.

(7)(A) The purpose of the penalty set forth in this subsection is to impress upon the parents, guardians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.

(B)(i) When assessing penalties, the court shall be aware of any available programs designed to improve the parent-child relationship or parenting skills.

(ii) When practicable and appropriate, the court may utilize mandatory attendance at the programs as well as community service requirements in lieu of monetary penalties.
(8) As used in this section, "prosecuting authority" means:
(A) The elected district prosecuting attorney or his or her appointed deputy for schools located in unincorporated areas of the county or within cities not having a district court; and
(B) The prosecuting attorney of the city for schools located within the city limits of cities having or a district court in which a city prosecutor represents the city for violations of city ordinances or traffic violations.

(9) In any instance in which it is found that the school district, the adult education program, or the prosecuting authority is not complying with the provisions of this section, the State Board of Education may petition the circuit court to issue a writ of mandamus.

(b)(1)(A) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.
(B) Each adult education program shall notify the department whenever a student sixteen (16) or seventeen (17) years of age has left the program without receiving a high school equivalency certificate.

(2)(A) Upon receipt of notification, the department shall notify the licensee by certified mail, return receipt requested, that his or her motor vehicle operator's license will be suspended unless a hearing is requested in writing within thirty (30) days from the date of notice.
(B) The licensee shall be entitled to retain or regain his or her license by providing the department with adequate evidence that:
   (i) The licensee is eighteen (18) years of age;
   (ii) The licensee is attending school or an adult education program; or
   (iii) The licensee has obtained a high school diploma or its equivalent.
(C)(i) In cases in which demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the department may grant exceptions only to the extent necessary to ameliorate the hardship.
   (ii) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(3) The department shall have the power to promulgate rules to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules adopted under this section.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
(b) Such rules shall include without limitation the following requirements:
   (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
   (2)(A) The school district's committee on personnel policies shall review annually:
(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-21-609. Prohibition against smoking, the use of tobacco or tobacco products, or the use of e-cigarettes - Definition.

(a) As used in this section, “e-cigarette” means an electronic oral device that provides a vapor of nicotine or another substance that, when used or inhaled simulates smoking, including without limitation a device that:

(1) Is composed of a heating element, battery, or electronic circuit, or a combination of heating element, battery, and electronic circuit;
(2) Works in combination with a liquid nicotine delivery device composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes; and
(3) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor.

(b) Smoking tobacco, the use of tobacco or tobacco products, or the use of e-cigarettes is prohibited:

(1) In or on real property owned or leased by a public school district, including a public charter school; or
(2) In or on personal property, including without limitation school buses, owned or leased by a public school district, including a public charter school.

(c) A copy of this statute shall be posted in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport public school students.

(d) A person who violates this section commits a violation punishable by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100).

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS


(a) As used in this section:

(1) “Communication” means the electronic communication of person without change in the form or content of the information as sent and received; and
(2) “Electronic means” means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service.; And
(3) “School employee” means a person who is employed full time or part time at a school that serves students in any of the grades kindergarten through grade twelve (K-12), including without limitation a:

(A) Public school operated by a school district;
(B) Public school operated by a state agency or institution of higher education;
(C) Public charter school; or
(D) Private school.
(b) A person commits the offense of cyberbullying if:

(1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, or harass, another person; and

(2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.

c) The offense of cyberbullying may be prosecuted in the county where SB123 8 01-22-2015 16:20:02 BPG066 the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

d)(1) Cyberbullying is a Class B misdemeanor.

(2)(A) Cyberbullying of a school employee is a Class A misdemeanor if the victim is a school employee.

(B) As used in this subdivision

A.C.A. § 6-5-201. Definition.

(a) As used in this subchapter, "hazing" means:

(1) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare him or her;

(3) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

(a) As used in this subchapter, "hazing" means:

(1) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others upon another student to frighten or scare him or her;

(3) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

A.C.A. § 6-17-711. Bullying prevention - Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.
(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

(A) A public school district's obligations under § 6-18-514;

(B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and

(C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.


(a) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(b) As used in this section:

(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

(2)(A) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(i) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(ii) Substantial interference with a student's education or with a public school employee's role in education;

(iii) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

(iv) Substantial disruption of the orderly operation of the public school or educational environment.

(B) "Bullying" includes cyberbullying as defined in this section;

(3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

(5) "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying:

(A) Necessary cessation of instruction or educational activities;

(B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
(D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(c) Bullying of a public school student or a public school employee is prohibited.

(d) If an alleged incident of bullying occurs during school hours, a public school principal or his or her designee who receives a credible report or complaint of bullying shall:

(1) As soon as reasonably practicable:
   (A) Report to a parent or legal guardian of a student believed to be the victim of an incident of bullying that his or her child is the victim in a credible report of complaint or bullying; and
   (B) Prepare a written report of the alleged incident of bullying;

(2)(A) Promptly investigate the credible report or complaint.
   (B)(i) The investigation conducted under subdivision (d)(2)(A) of this section shall be completed as soon as possible but not later than five (5) school days from the date of the written report of the alleged incident of bullying as required under subdivision (d)(1)(B) of this section.
   (ii) Following the completion of the investigation into the alleged incident of bullying conducted under subdivision (d)(2)(A) of this section, an individual licensed as a public school district building-level administrator or his or her designee may without limitation:
       (a) Provide intervention services;
       (b) Establish training programs to reduce bullying;
       (c) Impose discipline on any of the parties involved in the incident of bullying;
       (d) Recommend counseling for any of the parties involved in the incident of bullying; or
       (e) Take or recommend other appropriate action;

(3)(A) Notify the parent or legal guardian of the student who is determined to have been the perpetrator of the incident of bullying:
   (i) Upon completion of the investigation under subdivision (d)(2)(A) of this section; and
   (ii) Regarding the consequences of continued incidents of bullying.

(B) A parent or legal guardian of a student who is a party to an investigation of an incident of bullying conducted under subdivision (d)(2)(A) of this section is entitled within five (5) school days after the completion of the investigation, and in accordance with federal and state law, to receive information about the investigation, including without limitation:
   (i) That a credible report or complaint of bullying exists;
   (ii) Whether the credible report or complaint of bullying was found to be true based on the investigation;
   (iii) Whether action was taken upon the conclusion of the investigation of the alleged incident of bullying; and
   (iv) Information regarding the reporting of another incident of bullying;

(4)(A) Make a written record of the investigation and any action taken as a result of the investigation.
   (B) The written record of the investigation shall include a detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying; and

(5) Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

(e) One (1) time each school year, the superintendent of a public school district shall report to the public school district board of directors at a public hearing data regarding discipline in the public school district,
including without limitation the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

(f)(1) Each public school district board of directors shall adopt policies to prevent bullying.

(2) The policies shall:

(A) (i) Clearly define conduct that constitutes bullying.

(ii) The definition under subdivision (f)(2)(A)(i) of this section shall include without limitation the definition contained in subsection (b) of this section;

(B) Prohibit:

(i) Bullying while in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events; or

(ii) (a) Cyberbullying that results in the substantial disruption of the orderly operation of the school or educational environment.

(b) This section applies to cyberbullying whether or not the cyberbullying originated on school property or with school equipment if the cyberbullying is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose;

(C) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;

(D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of an incident of bullying as defined by the public school district shall report the incident to the principal as soon as possible;

(E) Require that any person who files a credible report or makes a complaint of bullying shall not be subject to retaliation or reprisal in any form;

(F) Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district;

(G) (i) Require that copies of the notice of what constitutes bullying, the prohibition of bullying, and the consequences of engaging in bullying be provided to parents and legal guardians, students, school volunteers, and employees of the public school annually.

(ii) Each policy shall require that a full copy of the policy be made available upon request;

(H) Describe the procedures for reporting an incident of bullying and the steps school employees may take in order to address a report of an alleged incident of bullying as described in this section; and

(I) Include information on how to make an anonymous report to the school safety and crisis line under § 6-18-111.

(3) A notice of the public school district's policies shall appear in any:

(A) Publication of the public school district that sets forth the comprehensive rules, procedures, and standards of conduct for public schools within the public school district; and

(B) Student handbook.

(4) The public school district shall, to the extent required, annually conduct a reevaluation, reassessment, and review of its policies regarding the prohibition of bullying and make any necessary revisions and additions.

(g) A public school district shall provide training on compliance with the anti-bullying policies to all public school district employees responsible for reporting or investigating bullying under this section.
(h) A public school employee who has reported violations under the public school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident of bullying.

(i) The public school district board of directors may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by the public school district's policies.

(j) The public school district shall provide the Division of Elementary and Secondary Education with the website address at which a copy of the policies adopted in compliance with this section may be found.

(k) This section is not intended to:

1. Restrict a public school district from adopting and implementing policies against bullying and school violence or policies to promote civility and student dignity that are more inclusive than the policies prohibiting bullying required under this section;

2. Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly;

3. Affect the provisions of any collective bargaining agreement or individual contract of employment in effect on the effective date of this act; or

4. Alter or reduce the rights of a student with a disability with regard to disciplinary action or to general or special educational services and support.

(l)(1) Nonpublic schools are encouraged to comply with the provisions of this section.

(2) In the case of a faith-based nonpublic school, this section shall not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of any faith by the religious organization operating the school or by the school's faculty, staff, or student body.

(m) "Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

1. Harass, intimidate, humiliate, ridicule, defame, or threaten a student, public school employee, or person with whom the other student or public school employee is associated; or

2. Incite violence to a student, public school employee, or person with whom the other student or public school employee is associated.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.18 The board of directors of every school district shall adopt policies to prevent bullying and file such policies with the Department of Education. Such policies may be a part of the school district's student discipline policies. The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the State Board of Education determines that the policies need improvement.

Other special infractions or conditions

LAWS


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:
   (i) The school district's student discipline policies; and
   (ii) State and district discipline data.
   (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:
   (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
   (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
   (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
   (D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:
(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.
   (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
   (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

(a) As used in this section, "personal electronic device" means without limitation a:
   (1) Cellular telephone;
   (2) Paging device;
   (3) Beeper;
   (4) Mobile telephone that offers advanced computing and Internet accessibility;
   (5) Digital media player;
   (6) Portable game console;
   (7) Tablet, notebook, or laptop computer;
   (8) Digital camera; and
   (9) Digital video or audio recorder.
(b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:
   (1) On school property;
   (2) At an after-school activity; or
   (3) At a school-related function.
(c) The policy may, without limitation:
   (1) Allow or restrict the possession and use of a personal electronic device;
   (2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;
   (3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;
   (4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;
   (5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;
   (6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and
   (7) Include other relevant provisions deemed appropriate and necessary by the school district.
Any public school fraternity, sorority, or secret society or organization as defined in this subchapter is declared to be inimical to public free schools and therefore unlawful.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.
(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs, including without limitation:

(1) School-based and school-linked afterschool and summer programs;
(2) 21st Century Community Learning Centers;
(3) Boys and Girls Clubs of America;
(4) YMCAs;
(5) 4-H clubs; and
(6) School-age care programs.

(b) The General Assembly finds that:
(1) Positive youth development programs:
   (A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;
   (B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;
   (C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and
   (D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and
(2) Students participating in positive youth development programs:
   (A) Have higher daily school attendance;
   (B) Report higher aspirations toward finishing school and going to college;
   (C) Have fewer discipline problems;
   (D) Show significant gains in standardized test scores;
   (E) Are more likely to have a positive view of themselves and their hope for the future;
   (F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and
   (G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

As used in this subchapter:
(1) "Grant" means a Positive Youth Development Grant;
(2) “Positive youth development program” means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(3) “Program” means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

A.C.A. § 6-5-903. Establishment - Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;

(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;
(2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been identified to receive Level 5 - Intensive support from the department.

(e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including without limitation:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;

(B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;

(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;

(D) Activities that address cultural diversity and inclusion;

(E) Service learning or community service experiences;

(F) Workforce development activities that link academic curriculum to actual work experiences;

(G) Leadership development, mentoring, and other services to disconnected youth;

(H) Enrichment activities not otherwise provided during the school day; and

(I) Family and community engagement.

A.C.A. § 6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

(1) A positive youth development program available in the community where the child resides; and

(2) Available space for the child to attend the program.
(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.


(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

(2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

(2) Outcome measures shall include without limitation:

(A) Student achievement and academic skills;

(B) School engagement;

(C) Social, emotional, and behavioral development;

(D) Health and wellness; and

(E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year, the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

A.C.A. § 6-17-711. Bullying prevention - Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:
(A) A public school district’s obligations under § 6-18-514;
(B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and
(C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(c) The school discipline policies shall:

(4) Include prevention, intervention, and conflict resolution provisions;

Behavioral interventions and student support services

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.

(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor’s Task Force on Best Practices for After-School and Summer Programs, including without limitation:

(1) School-based and school-linked afterschool and summer programs;
(2) 21st Century Community Learning Centers;
(3) Boys and Girls Clubs of America;
(4) YMCAs;
(5) 4-H clubs; and
(6) School-age care programs.

(b) The General Assembly finds that:

(1) Positive youth development programs:

(A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;
(B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;
(C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and
(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and
(2) Students participating in positive youth development programs:
(A) Have higher daily school attendance;
(B) Report higher aspirations toward finishing school and going to college;
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(D) Show significant gains in standardized test scores;
(E) Are more likely to have a positive view of themselves and their hope for the future;
(F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and
(G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.


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(1) "Grant" means a Positive Youth Development Grant;
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(3) "Program" means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

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(2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.
(b) Participation in a positive youth development program shall be voluntary for:
(1) Public school districts; and
(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.
(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.
(b) Each applicant for a positive youth development grant shall:
(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;
(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and
(3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been identified to receive Level 5 Intensive support from the department.

(e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including without limitation:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;

(B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;

(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;

(D) Activities that address cultural diversity and inclusion;

(E) Service learning or community service experiences;
(F) Workforce development activities that link academic curriculum to actual work experiences;
(G) Leadership development, mentoring, and other services to disconnected youth;
(H) Enrichment activities not otherwise provided during the school day; and
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A.C.A. § 6-5-905. Criteria for need-based funding.
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gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are
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(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early
Childhood Education may develop a fee schedule and establish eligibility based on family income for
children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of
this section.
(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early
Childhood Education shall review criteria for identifying and targeting the areas of the state with the
greatest need for programs.
(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early
Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through
nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the
impacts of the Positive Youth Development Grant Program.
(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program
monitoring, and professional development.
(2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth
Development Grant Program for this purpose.
(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award
procedure rules adopted by the division.
(2) Outcome measures shall include without limitation:
   (A) Student achievement and academic skills;
   (B) School engagement;
   (C) Social, emotional, and behavioral development;
   (D) Health and wellness; and
   (E) Reduced contact with the judicial system.
(d) A minimum of one (1) time each year, the division shall report its findings and recommendations
concerning the Positive Youth Development Grant Program and technical assistance provided to the
Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the
House Committee on Education, and the Senate Committee on Education.

This subchapter shall be known and may be cited as the "School Counseling Improvement Act of 2019".

As used in this subchapter:

(1) “Administrative activities” means activities that are not directly related to the comprehensive school counseling plan and are absent of any direct student services or interaction;

(2) “Direct services” means services that are provided through face-to-face contact with students, including without limitation:

(A) Regular classroom guidance limited to forty-minute class sessions, not to exceed three (3) class sessions per day and not to exceed ten (10) class sessions per week;

(B) Individual and group counseling;

(C) Responsive services on behalf of students whose immediate personal concerns and problems put the student’s academic, career, or social and emotional development at risk, including the administration of a risk-assessment; and

(D) Interventions for students that are:

(i) At risk of dropping out of school; or

(ii) Exhibiting dangerous behaviors, such as drug use, self-harm, or gang activity; and

(3) “Indirect services” means consultations between a student, a parent or legal guardian, school staff, and community agencies concerning a student’s academic, career, and social and emotional needs.


(a) Each public school district shall:

(1) Develop and implement a comprehensive school counseling program that ensures student services are coordinated in a manner that provides comprehensive support to all students; and

(2) Have a written plan for a comprehensive school counseling program that:

(A) Is implemented by an Arkansas-certified school counselor, a counselor serving under an additional licensure plan, or a school employee acting as a school counselor under a waiver granted under § 6-15-103(c);

(B) Utilizes state and nationally recognized counselor frameworks;

(C) Is reviewed annually and updated as needed by the school counselor in collaboration with the building administrator and other stakeholders;

(D) Is systemically aligned to kindergarten through grade twelve (K-12) within the public school district; and

(E) Contains the following four (4) components of a comprehensive school counseling program:

(i) Foundation, which includes without limitation:

(a) Vision statements;

(b) Mission statements; and

(c) Program goals;

(ii) Management, which utilizes assessments and other data to develop, implement, and evaluate a comprehensive school counseling program;

(iii) Delivery, which focuses on direct and indirect services through the implementation of a comprehensive school counseling program; and

(iv) Accountability, which ensures regular analysis of the comprehensive school counseling program that is provided.

(b) The comprehensive school counseling program required under subsection (a) of this section shall:
(1) Guide students in academic pursuits, career planning, and social and emotional learning;
(2) Follow the comprehensive school counseling program guidance provided by the Department of Education;
(3) Include goals that are developed annually based on the vision and mission statements that are shared by stakeholders to ensure equitable access to opportunities for all students; and
(4) Identify student needs through a multilevel school data review that includes without limitation:
   (A) Data analysis;
   (B) Use-of-time data review;
   (C) Program results data; and
   (D) Communication and contact with administrators, parents, students, and stakeholders.

(a) Sufficient time at each public school shall be allotted for the school counselor to carry out the duties stated in the comprehensive school counseling plan required under § 6-18-2003.
(b)(1) A school counselor shall spend at least ninety percent (90%) of his or her working time during student contact days providing direct and indirect services to students.
(2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:
   (A) Intervening with students who are at risk of dropping out of school to determine if there is a way to keep at-risk students in school;
   (B) Following-up with high school graduates;
   (C) Providing orientation programs for new students and transferring students at each level of education;
   (D) Providing academic advisement services, including without limitation:
      (i) Developing an individual planning system to guide a student to access and monitor the student's own educational, career, and social and emotional progress;
      (ii) Guiding a student along the pathways to graduation;
      (iii) Guiding a student in goal-setting experiences and course selection aligned with the student's post-secondary goals;
      (iv) Addressing accelerated learning opportunities;
      (v) Addressing academic deficits and the accessibility of resources;
      (vi) Providing student assessment reviews, interest inventories, or academic results needed to develop, review, and revise a student's plan of study; and
      (vii) Providing support for students who show potential so they are more likely to engage in rigorous coursework and take advantage of post-secondary opportunities;
   (E) Providing a career planning process that includes without limitation:
      (i) Guidance in understanding the relationship between classroom performance and success in school and beyond;
      (ii) The provision of resources to identify career interests and aptitudes to assist a student in age-appropriate college and career planning;
      (iii) Guidance in understanding the advantages of completing career certifications and internships;
      (iv) Interpretation of augmented, criterion-referenced, or norm-referenced assessments for students and parents;
(v) The provision of information to a parent or legal guardian, such as through workshops on preparing for college, financial aid, and career opportunities; and

(vi) Encouragement to a parent or legal guardian to support partnerships in his or her student’s learning and career planning processes;

(F) Providing social and emotional skills designed to support students, including without limitation programs:

(i) To promote cultural and social awareness, positive communication and relationship skills, collaboration with others, and responsible decision making;

(ii) To improve culture and climate in the school so that all students can feel that they are in a safe and supportive environment;

(iii) To develop conflict-resolution skills;

(iv) To prevent bullying that include without limitation:

(a) Training programs for school employees regarding how to recognize bullying behaviors;

(b) Protocols for responding to bullying that is occurring in the school;

(c) Strategies that support a student who is being bullied; and

(d) Strategies that help a bystander speak out against bullying; and

(v) To address age-appropriate suicide awareness and prevention through:

(a) Strategies that help identify a student who is at risk for suicide;

(b) Strategies and protocols that help a student who is at risk for suicide; and

(c) Protocols for responding to a suicide death; and

(G) Serving as a contributing member of decision-making teams, which include without limitation:

(i) Teams that are convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs; and

(vi) Advanced placement and gifted and talented programs.

(c)(1) Administrative activities performed by a school counselor shall not exceed more than ten percent (10%) of the school counselor’s time spent working during student contact days.

(2) Administrative activities provided by a school counselor in collaboration with other school personnel include without limitation:

(A) Coordinating state assessments, cognitive achievement assessments, advanced placement programs, and language acquisition testing programs;

(B) Developing master schedules;

(C) Coordinating of:

(i) Teams convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs;

Arkansas Compilation of School Discipline Laws and Regulations
(vi) Data entry; and
(vii) Advanced placement and gifted and talented programs; and
(D) Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines.

**A.C.A. § 6-18-2005. Monitoring and support.**

(a) Each public school district is responsible for posting its annual comprehensive school counseling plan on the district website under state required information.

(b)(1) Beginning with the 2020-2021 school year, the Department of Education shall monitor each public school district to ensure implementation and compliance with this subchapter.

   (2) Failure by a public school district to comply with this subchapter is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(c) The department shall:
   (1) Employ at least one (1) individual who is certified as a school counselor;
   (2) Provide a multilevel system of support to public school districts to assist in complying with the requirements of this subchapter; and
   (3) Provide guidance and technical assistance to public school districts in order to support equitable access to public school counseling services.

**A.C.A. § 6-48-101. Definitions.**

As used in this chapter:

(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.

   (ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

   (B) An alternative learning environment is not a punitive environment but one that is conducive to learning.

   (C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

**A.C.A. § 6-48-102. Alternative learning environment required - Reporting.**

(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.

   (2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

   (A) Establishes and operates an alternative learning environment;

   (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;

   (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or
(D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

(1) Information on race and gender of the students educated in the alternative learning environment;
(2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and
(3) An assurance statement that the school district is in compliance with this chapter.

**A.C.A. § 6-48-103. Assessment and intervention services.**

(a) An alternative learning environment shall:

(1) Assess a student either before or upon entry into the alternative learning environment; and
(2) Provide intervention services designed to address a student's specific educational needs.

(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

(2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

**A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.**

(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

(1)(A) The criteria for distributing state funding for alternative learning environment programs.

   (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

   (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

   (i) Leaves the school district to transfer to another alternative learning environment; or
   (ii) Is placed in a residential treatment program;

(2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:

   (i) In-service training in classroom management; and
   (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

   (B) The division shall award professional development credit for the training under this subdivision (a)(2); and

(3) Measures of effectiveness for alternative learning environments that measure:

   (A) For the students educated in the alternative learning environment the effect on the students':

   (i) School performance;
   (ii) Need for intervention; and
   (iii) School attendance and dropout rate; and

   (B) Any other characteristic of alternative learning environments deemed necessary by the division.
(b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

(A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

(1) The information reported to it under § 6-48-102; and

(2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

**005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.**

Section 4.00 General Guidelines and Minimum Requirements.

4.04 The school discipline policies shall:

4.04.4 Include prevention, intervention, and conflict resolution provisions; and…

**005.15.12-008. ADE 096: Rules governing public school student services.**

4.02 Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, without limitation:

4.02.1 Behavioral contracting;

4.02.2 Dispute resolution;

4.02.3 Classroom meetings;

4.02.4 Logistical consequences;

4.02.5 Assertive discipline;

4.02.6 Behavior modification; and

4.02.7 Career and academic counseling.

**Professional development**

**LAWS**

**A.C.A. § 6-13-629. Training and instruction - Reimbursement.**

(a)(1)(A) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year…

(3)(A) The training and instruction required under this section shall include:

(i) Topics relevant to school laws and school operations;
(ii) The powers, duties, and responsibilities of the members of the board of directors, including without limitation:

(a) Legal requirements, including without limitation:
   (1) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and
   (2) Other financial laws, rules, or federal regulations designated by the Division of Elementary and Secondary Education;
(b) Role differentiation;
(c) Financial management, including without limitation how to read and interpret an audit report; and
(d) Improving student achievement; and

(iii) Information regarding school safety and student discipline.

(c)(2)(C) The Safe Schools Initiative training also may include without limitation the training and education needed to assist a public school in:

(ii) Delivering education to students and faculty on public safety and legal topics such as drugs and alcohol abuse, sexual assault, bullying and cyber-bullying, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;

A.C.A. § 6-17-711. Bullying prevention - Professional development.
(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

   (1) Bullying prevention; and
   (2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

   (2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

      (A) A public school district's obligations under § 6-18-514;
      (B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and
      (C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

   (3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.07 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS


(a) As used in this section:

(1) “Act of violence” means any violation of Arkansas law where a person purposely or knowingly
causes or threatens to cause death or serious physical injury to another person;

(2) “Deadly weapon” means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or
serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious
physical injury; and

(3) “Firearm” means any device designed, made, or adapted to expel a projectile by the action of an
explosive or any device readily convertible to that use, including such a device that is not loaded
or

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has
received information leading to a reasonable belief that any person has committed or has threatened to
commit an act of violence or any crime involving a deadly weapon on school property or while under
school supervision, the principal or the person in charge shall immediately report the incident or threat to
the superintendent of the school district and the appropriate local law enforcement agency. The report
shall be by telephone or in person immediately after the incident or threat and shall be followed by a
written report within three (3) business days. The principal shall notify any school employee or other
person who initially reported the incident that a report has been made to the appropriate law enforcement
agency. The superintendent or his designee shall notify the local school board of directors of any report
made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of
this section, that officer shall immediately report the incident to the office of the prosecuting attorney and
shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be
referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30)
calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the
principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court
as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school
employee or any other person who initially reported the incident that a report has been received from
the prosecuting attorney.
(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.17 The principal of each school shall report within a week to the Department of Education the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

4.17.1 The expulsion shall be noted on the student's permanent school record.

4.17.2 Nothing in Section 4.17 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.

4.17.3 The Department of Education shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence. The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state, so long as the provision of such information does not otherwise violate state or federal law.

Parental notification

LAWS


(a) The Division of Elementary and Secondary Education shall establish guidelines for the development of school district student discipline policies.

(c) The school discipline policies shall:

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;


(a) A school or school district shall comply with subsection (b) of this section if the school or school district with respect to a student under the age of eighteen (18):

(1) Makes a report to any law enforcement agency concerning student misconduct;

(2) Grants law enforcement personnel other than a school resource officer acting in the normal course and scope of his or her assigned duties access to a student; or

(3) Knows that a student has been taken into custody by law enforcement personnel during the school day or while under school supervision.

(b)(1) The principal or, in the principal's absence, the principal's designee shall make a reasonable, good faith effort to notify the student's parent, legal guardian, or other person having lawful control of the
student by court order or person acting in loco parentis listed on student enrollment forms of the occurrence of any of the events in subsection (a) of this section.

(2) The principal or the principal's designee shall notify the student's parent, legal guardian, or other person having lawful control of the student under an order of court or person acting in loco parentis that the student has been reported to, interviewed by, or taken into custody by law enforcement personnel.

(3) If the principal or the principal's designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call either the principal or the principal's designee and leave both a day and an after-hours telephone number.

(c) Notification required by subsection (b) of this section is not required if school personnel make a report or file a complaint based on suspected child maltreatment as required under § 12-18-401 et seq. or if a law enforcement officer, investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or Department of Human Services investigator or personnel member interviews a student during the course of an investigation of suspected child maltreatment.

(d)(1) The principal or the principal's designee shall not provide notification under subsection (b) of this section if a request is made to interview a student during the course of an investigation of suspected child maltreatment and a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender.

(2) The investigator shall provide the school with documentation that notification to the parent, guardian, custodian, or person standing in loco parentis is prohibited.

(e) Subsection (d) of this section shall only apply to interview requests made by:

(1) A law enforcement officer;

(2) An investigator of the Crimes Against Children Division of the Department of Arkansas State Police; or

(3) An investigator or employee of the Department of Human Services.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.04 The school discipline policies shall:

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

4.06 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

Reporting and referrals between schools and law enforcement

LAWS


(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;
(2) “Deadly weapon” means:
   (A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or
   (B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) “Firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.
   (2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.
   (3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:
      (A) Whether the investigation into the reported incident is ongoing;
      (B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and
      (C) The disposition of the case.
   (4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reported - Making a false report.

(a) Each of the following persons shall notify law enforcement if he or she has a good faith belief that there is a serious and imminent threat to the public based on a threat made by an individual regarding violence in or targeted at a school that has been communicated to the person in the course of his or her professional duties:
(22) A public or private school counselor;
(23) A school official;
(24) A social worker;
(26) A teacher;
(b) A person listed as a mandated reporter under subsection (a) of this section shall:
   (1) Make every attempt to immediately notify law enforcement of the serious and imminent threat to the public; and
   (2) Notify law enforcement within twenty-four (24) hours of learning of the serious and imminent threat to the public.

A.C.A. § 6-18-111. School safety and crisis line.
(a)(1) The University of Arkansas for Medical Sciences Psychiatric Research Institute shall establish and operate a pilot program that creates a school safety and crisis line to be known as “ARSafeSchools” that can be accessed by the following means, including without limitation:
   (A) Telephone;
   (B) Text message; and
   (C) Smartphone application.
   (2) Participation in the pilot program established under subdivision (a)(1) of this section shall be voluntary for public schools in this state.
(b) The school safety and crisis line under this section shall:
   (1) Provide a means for a student to anonymously report:
      (A) Unsafe, violent, or criminal activities or the threat of unsafe, violent, or criminal activities at, near, or concerning a public school;
      (B) Incidents of bullying, harassment, or hazing, including without limitation conduct described in § 6-18-514;
      (C) Incidents of physical or sexual abuse committed against a student by:
         (i) Another student;
         (ii) A school employee;
         (iii) A school volunteer; or
         (iv) Any other person if the physical or sexual abuse occurred at a public school or a school-sponsored event;
      (D) Thoughts of suicide experienced by the student or by another individual whom the student knows;
      (E) Feelings experienced by the student of:
         (i) Stress;
         (ii) Depression; or
         (iii) Anxiety;
      (F) Issues involving drug abuse or alcohol abuse, or both, regarding the student or another individual whom the student knows;
      (G) Issues with addiction faced by the student or another individual whom the student knows;
      (H) Domestic violence experienced by the student or by another individual whom the student knows;
      (I) Infliction of self-harm by the student or by another individual whom the student knows;
      (J) Feelings of grief or loss, or both; and
(K) Other behaviors, incidents, actions, or threats that the University of Arkansas for Medical Sciences Psychiatric Research Institute may determine are important for a student to report under this section;

(2) Provide crisis intervention, including without limitation suicide prevention services, to students experiencing emotional or psychiatric distress;

(3) Operate twenty-four (24) hours per day, seven (7) days per week; and

(4) Begin operation at a time and in phases determined by the University of Arkansas for Medical Sciences Psychiatric Research Institute to allow time for the establishment of the school safety and crisis line and the training of personnel to carry out the operations of the school safety and crisis line under this section.

(c)(1) Personnel operating the school safety and crisis line shall, when necessary or as required by law, promptly forward a report received under subsection (b) of this section to appropriate:

   (A) School officials; or
   
   (B) Law enforcement agencies.


(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e)(1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

   (2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.

REGULATIONS

No relevant regulations found.
Disclosure of school records

LAWS

(a) The Division of Elementary and Secondary Education, at the direction of the State Board of Education and in cooperation with any other appropriate state agencies, shall develop and publish an itemized listing of all information to be maintained in a student's permanent record during enrollment in a school district in this state.
(b) The permanent student record shall include all information concerning educational programming including statewide student assessments required under the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.
(c) Each school district shall maintain a permanent student record for each student.
(d)(1)(A) A copy of the permanent student record shall be provided to the receiving school district upon the transfer of a student to another district.
   (B) The school district shall provide the copy of the student's permanent student record to the receiving school district within ten (10) school days after the date a request from the receiving school district is received.
   (C) The school district shall not fail or refuse to provide a copy of the student's permanent student record to the receiving school district because the student owes money to the school district for school-related charges, including without limitation charges for:
      (i) Food services;
      (ii) Unreturned library books; or
      (iii) Fees.
   (2) Upon request by the Division of Youth Services of the Department of Human Services, a copy of the education record, as defined by rules promulgated by the Division of Elementary and Secondary Education, shall be transmitted to the Division of Youth Services division within ten (10) school days.
(e) The permanent student record shall be maintained by each school district until the student receives a high school diploma or its equivalent or is beyond the age for compulsory attendance under § 6-18-201.
(f) Nothing in this section shall be construed to prevent the maintenance of a permanent student record by electronic database provided that a copy of the record can be produced for transmittal to another district upon the transfer of the student.

REGULATIONS
No relevant regulations found.

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

LAWS

A.C.A. § 6-18-503. Written student discipline policies required.
(a)(1)(A) Each school district in this state shall develop written student discipline policies in compliance with the rules established by the Division of Elementary and Secondary Education and shall file the policies with the division.
(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

**A.C.A. § 6-18-504. Compliance with §§ 6-18-502 and 6-18-503.**

(a) The Division of Elementary and Secondary Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules for the administration of the requirements thereof.

(b) Any school district failing to file with the division disciplinary policies that meet the requirements of this subchapter shall have all state aid funds withheld until such disciplinary policies are filed with the division.

(c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

**A.C.A. § 6-18-516. Effective school discipline - Definition.**

(a) As used in this section, “exclusionary disciplinary actions” means out-of-school suspension and expulsion.

(b)(1) Annually, the Division of Elementary and Secondary Education shall report at the school, school district, and state level the following data concerning exclusionary disciplinary actions, in-school suspensions, and corporal punishment:

   (A) Number per one hundred (100) students for the entire population;
   (B) Number per one hundred (100) students for any racial or ethnic subgroup required for accountability by the Every Student Succeeds Act, Pub. L. No. 114-95;
   (C) Number per one hundred (100) students for economically disadvantaged students; and
   (D) Number per one hundred (100) students for students with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

(2) The division shall report exclusionary disciplinary actions by both:

   (A) Combining out-of-school suspensions and expulsions; and
   (B) Separately listing out-of-school suspensions and expulsions.

(c) The division shall report the data required in subsection (b) of this section:

   (1) On the website of the division to the extent that publication is consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; and
   (2) In a manner that reflects historical trends and allows for the comparison of schools and school districts.

(d) The division shall:

   (1) Provide school districts with resources for the best practices in effective school discipline; and
   (2) Annually communicate to school districts:

      (A) The availability of and how to access the data listed in subsection (b) of this section; and
      (B) How to access the resources listed in subdivision (d)(1) of this section.

(e) The division, or researcher identified by the division, shall provide an annual report to the State Board of Education analyzing disciplinary infractions, disciplinary actions, and disciplinary disparities existing throughout the state.
REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.13 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law and shall be submitted to the Department of Education within thirty (30) days after the adoption of such amendment or revision.

4.14 The Department of Education shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file the disciplinary policies required by Ark. Code Ann. § 6-15-503 and Section 4.09 of these rules with the Department of Education shall have all state aid funds withheld until such disciplinary policy is filed with the Department of Education.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

A.C.A. § 6-11-209. Additional truancy officers - Definition.
(a) As used in this section, "school district with a high dropout rate" means an Arkansas school district:
   (1) That has the most statistically significant rate of dropouts;
   (2) From which students may enroll in a regional community alternative learning environment center; and
   (3) That is contiguous to other school districts that meet the criteria under subdivisions (a)(1) and (2) of this section.
(b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.
(c) An education service cooperative may employ under this section:
   (1) One (1) truancy officer for each school district with a high dropout rate in its service area that has a student population of one thousand (1,000) or fewer students; and
   (2) Two (2) truancy officers for each school district with a high dropout rate in its service area that:
       (A) Is a countywide school district; or
       (B) Has a student population of more than one thousand (1,000) students.
(d) A truancy officer hired under this section shall complete:
   (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
   (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

A.C.A. § 6-11-209. Additional truancy officers - Definition.
(d) A truancy officer hired under this section shall complete:
   (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
   (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

(a) The Criminal Justice Institute, an educational entity, was created for the purpose of providing management education and training, technical assistance, practical research and evaluation, a clearinghouse, and computer and forensic education and training for Arkansas law enforcement and national law enforcement.

(b) The initiatives developed by the Criminal Justice Institute are applicable on a national level, and this application for conceptualization and practice will be through the National Center for Rural Law Enforcement.

(c)(1) The General Assembly recognizes the importance of providing management, education, and training to law enforcement and, through the initiatives developed by the Criminal Justice Institute, the citizens of the State of Arkansas will be better served.

(2) These initiatives further the enhancement of the workforce through the developmental process of continuing education by which skills are upgraded and capabilities increased.

(3) This process will assist law enforcement ability to adapt to an ever-changing environment.

(d)(1) The General Assembly further recognizes that:

(A) Law enforcement plays a significant role in preventing and responding to acts of violence, terrorism, and natural disasters that occur on public school campuses; and

(B) Matters of public school campus safety require specialized education and training for law enforcement officers, school resource officers, and other school personnel who respond to incidents on school campuses:

(i) To develop and maintain strong partnerships between school personnel and law enforcement in preventing and responding to acts of violence, terrorism, and natural disaster that occur on public school campuses; and

(ii) For law enforcement officers to operate effectively in a school setting.

(2) Initiatives of the Criminal Justice Institute for specialized education and training on public school campus safety will enhance citizen cooperation and understanding of law enforcement in these areas and other issues of crime and violence against school children.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

A.C.A. § 6-10-128. School resource officers.

(a) A school district board of directors may accept from a local law enforcement agency with jurisdiction a school resource officer to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency.

(b) A school resource officer shall be a certified law enforcement officer and shall have statewide jurisdiction as described under § 16-81-118.
A.C.A. § 6-11-209. Additional truancy officers - Definition.
(b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS


(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assauling or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
(6) Include programs, measures, or alternative means and methods to continue student engagement
and access to education during periods of suspension or expulsion; and
(7) Establish procedures for responding to reports received through the school safety and crisis line
under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and
regulations by which the school is governed and will be made aware of the behavior that will call for
disciplinary action and the types of corrective actions that may be imposed.
(e) Each school district shall develop a procedure for written notification to all parents and students of the
district's student discipline policies and for documentation of the receipt of the policies by all parents and
students.
(f) Teachers and administrators, classified school employees, and volunteers shall be provided with
appropriate student discipline, behavioral intervention, and classroom management training and support.
(g) If a school employee believes that any action taken by the school district to discipline a student
referred by that employee does not follow school district discipline policies, the school employee may
appeal under the district's grievance procedure as provided under § 6-17-208.
(h) In developing the state rules for school district discipline policies, the division shall involve parents,
students, teachers, and administrators.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.
(a) It is the intent of the General Assembly to expand the availability of positive youth development
programs that incorporate the standards and recommendations of the Governor’s Task Force on Best
Practices for After-School and Summer Programs, including without limitation:
   (1) School-based and school-linked afterschool and summer programs;
   (2) 21st Century Community Learning Centers;
   (3) Boys and Girls Clubs of America;
   (4) YMCAs;
   (5) 4-H clubs; and
   (6) School-age care programs.
(b) The General Assembly finds that:
   (1) Positive youth development programs:
       (A) Support working families by ensuring their children and youth are safe and productive during out-
of-school time;
       (B) Build strong communities by involving students, parents, business leaders, and adult volunteers in
the lives of young people in positive and productive activities, including tutoring, games, and activities
designed to improve math and literacy skills;
       (C) May include community-based service and other experiences that offer rich and varied academic
support and build workforce skills critical to employment and future economic success; and
(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:
   (A) Have higher daily school attendance;
   (B) Report higher aspirations toward finishing school and going to college;
   (C) Have fewer discipline problems;
   (D) Show significant gains in standardized test scores;
   (E) Are more likely to have a positive view of themselves and their hope for the future;
   (F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and
   (G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.


As used in this subchapter:
   (1) “Grant” means a Positive Youth Development Grant;
   (2) “Positive youth development program” means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and
   (3) “Program” means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

A.C.A. § 6-5-903. Establishment - Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.
   (2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:
   (1) Public school districts; and
   (2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.
   (2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:
   (1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;
(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been identified to receive Level 5 - Intensive support from the department.

e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including without limitation:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;
(B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;
(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;
(D) Activities that address cultural diversity and inclusion;
(E) Service learning or community service experiences;
(F) Workforce development activities that link academic curriculum to actual work experiences;
(G) Leadership development, mentoring, and other services to disconnected youth;
(H) Enrichment activities not otherwise provided during the school day; and
(I) Family and community engagement.

Arkansas § 6-5-905. Criteria for need-based funding.
(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:
   (1) A positive youth development program available in the community where the child resides; and
   (2) Available space for the child to attend the program.
(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.
(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.
(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.

Arkansas § 6-5-906. Evaluation.
(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.
(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.
   (2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.
(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.
   (2) Outcome measures shall include without limitation:
      (A) Student achievement and academic skills;
      (B) School engagement;
      (C) Social, emotional, and behavioral development;
      (D) Health and wellness; and
      (E) Reduced contact with the judicial system.
(d) A minimum of one (1) time each year, the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the
Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “ARSafeSchools Fund”.
(b) The fund shall consist of:
   (1) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and
   (2) Any other funds authorized or provided by law.
(c) The fund shall be used by the University of Arkansas for Medical Sciences Psychiatric Research Institute solely to create and maintain the ARSafeSchools school safety and crisis line under § 6-18-111.
(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.
(e) The University of Arkansas for Medical Sciences Psychiatric Research Institute is not required to implement provisions of this section if the ARSafeSchools school safety and crisis line under § 6-18-111 is not funded.

(a) The Division of Elementary and Secondary Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules for the administration of the requirements thereof.
(b) Any school district failing to file with the division disciplinary policies that meet the requirements of this subchapter shall have all state aid funds withheld until such disciplinary policies are filed with the division.
(c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

A.C.A. § 6-17-112. Corporal punishment - Immunity from liability - Definition.
(a) Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district’s written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district’s written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district’s written student disciplinary policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

A.C.A. § 6-17-1113. School Worker Defense Program.
(a)(1) The Division of Elementary and Secondary Education shall establish a School Worker Defense Program for the protection under subdivision (a)(2) of this section of:

(A) Education service cooperatives;
(B) Education service cooperative board members;
(C) School districts;
(D) Public charter schools;
(E) School district board members;
(F) School treasurers and bookkeepers;
(G) School nurses;
(H) School secretaries;
(I) Substitute teachers;
(J) Authorized volunteers;
(K) Volunteers in a registered volunteers program;
(L) School custodians;
(M) Food service workers employed by public schools;
(N) Bus drivers and mechanics employed by public schools;
(O) Maintenance personnel employed by public schools;
(P) Each employee of the following who is required to hold an educator license issued by the division:
   (i) A public school district;
   (ii) The Arkansas School for Mathematics, Sciences, and the Arts;
   (iii) The Arkansas School for the Deaf; and
(iv) The Arkansas School for the Blind;
(Q) A public charter school teacher;
(R) Each teacher's aide and each student teacher:
   (i) In a public school district;
   (ii) In a public charter school;
   (iii) In the Arkansas School for Mathematics, Sciences, and the Arts;
   (iv) In the Arkansas School for the Deaf; and
   (v) In the Arkansas School for the Blind; and
(S) Each member of the dormitory staff of:
   (i) The Arkansas School for Mathematics, Sciences, and the Arts;
   (ii) The Arkansas School for the Deaf; and
   (iii) The Arkansas School for the Blind.

(2)(A) This section provides protection against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including without limitation civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars ($250,000) for incidents that occurred before July 1, 1999, and one hundred fifty thousand dollars ($150,000) for each incident that occurs after June 30, 1999.

(B) An employee or volunteer who administers corporal punishment to a child who is intellectually disabled, nonambulatory, nonverbal, or autistic is not subject to the protection against civil liability, attorney's fees, and costs of defense under subdivision (a)(2)(A) of this section.

(b)(1) The program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars ($5,000) for attorney's fees and costs for the defense of criminal charges if the covered person is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless:
   (A) Withdrawal or dismissal of the criminal charges is conditioned upon termination of employment or surrender of a professional license; or
   (B) The covered person enters a plea of guilty or nolo contendere to the criminal charges.

(2) The School Worker Defense Program Advisory Board may authorize reimbursement under this subsection in excess of five thousand dollars ($5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs.

(c)(1) The cost of the program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.

(2) Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the division or the School Worker Defense Program shall be deemed a proper expenditure of state funds.

(d) The investigation of any incident or the defense of any protected person does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

(e)(1) The defense fund and protection program authorized in this section shall be a part of and administered by the division.

(2) The division shall adopt appropriate rules necessary to carry out the purposes of this section.

(f) Any person entitled to payment under the program may appeal the decision of the division to the advisory board.
A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reported - Making a false report.

(g) A person who notifies law enforcement, in good faith, of a serious and imminent threat of violence in or targeted at a school that has been communicated to him or her in the course of his or her professional duties is immune from civil or criminal liability.

A.C.A. § 6-18-111. School safety and crisis line.

(c)(1) Personnel operating the school safety and crisis line shall, when necessary or as required by law, promptly forward a report received under subsection (b) of this section to appropriate:

(A) School officials; or
(B) Law enforcement agencies.

(2) An individual who acts in good faith under this section while operating the school safety and crisis line so long as the act or omission does not constitute gross negligence or willful misconduct.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS


(b)(1) The school climate will promote student achievement.

(2) (A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.


(a) The local school district boards of directors may create a community truancy board or may use other boards that exist or are created such as diversion boards. However, a diversion or other existing board must agree before it is used as a community truancy board.
(b) Members of the community truancy board shall be selected from representatives of the community.

(c) Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

**A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.**

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

1. Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

2. (A) The school district's committee on personnel policies shall review annually:

   (i) The school district's student discipline policies; and

   (ii) State and district discipline data.

   (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

3. Student discipline policies shall include without limitation the following offenses:

   (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

   (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

   (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

   (D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

1. (A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

   (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

2. (A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

   (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

LAWS


(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

REGULATIONS

No relevant regulations found.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Arkansas provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
<th>Title</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Family and Community Engagement Toolkit, Arkansas Division of Elementary &amp; Secondary Education</td>
<td>Provides guidance and information on fostering and developing community engagement within schools.</td>
<td><a href="http://dese.ade.arkansas.gov/im-looking-for/administrators">http://dese.ade.arkansas.gov/im-looking-for/administrators</a></td>
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<tr>
<td>School Safety, ADE</td>
<td>Provides links to resources addressing cyber safety, anti-bullying and violence prevention, and training for educators and law enforcement professionals.</td>
<td><a href="http://www.arkansased.gov/divisions/communications/safety">http://www.arkansased.gov/divisions/communications/safety</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>Arkansas Campaign for Grade-Level Reading, Leading Attendance in Arkansas</td>
<td>Toolkit for school administrators to help improve student attendance and reduce chronic absence rates.</td>
<td><a href="http://www.leadingattendanceargarlr.net/#intro">http://www.leadingattendanceargarlr.net/#intro</a></td>
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<tr>
<td>Arkansas School Performance Report Cards, ADE</td>
<td>Education data dashboard with searchable district and school report cards presenting data on range of educational indicators including test performance, teacher qualification, retention, and discipline.</td>
<td><a href="https://adesrc.arkansas.gov/">https://adesrc.arkansas.gov/</a></td>
</tr>
<tr>
<td>School Attendance Tracking Tool (SATT)</td>
<td>Data tool for use in analyzing school attendance data to determine needs for additional support.</td>
<td><a href="http://www.leadingattendance.ar-glr.net/analyze-data/">http://www.leadingattendance.ar-glr.net/analyze-data/</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

EDC 221.1.
The State Board of Education shall adopt regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, commonly referred to as the rulemaking provisions of the Administrative Procedure Act, to implement this chapter.

EDC 32280.
The intent of the Legislature is that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, classified employees, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. It is also the intent of the Legislature that all school staff be trained on the comprehensive school safety plan. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For the purposes of this section, a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school EDC 32281.

(a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency, a fire department, and other first responder entities in the writing and development of the comprehensive school safety plan. The comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency, the fire department, and the other first responder entities.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) This article does not limit or take away the authority of school boards as guaranteed under this code.
(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, “small school district” means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a comprehensive school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, “tactical responses to criminal incidents” means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) This subdivision does not preclude the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) This subdivision does not reduce or eliminate the requirements of Section 32282.

**EDC 33031.**

The board shall adopt rules and regulations not inconsistent with the laws of this state (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and (d) for the government of other schools, excepting the University of California, the California State University, and the California Community Colleges, as may receive in whole or in part financial support from the state.
The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

**EDC 35291.5.**

(a) On or before December 1, 1987, and at least every four years thereafter, each public school may, at its discretion, adopt rules and procedures on school discipline applicable to the school. For schools that choose to adopt rules pursuant to this article, the school discipline rules and procedures shall be consistent with any applicable policies adopted by the governing board and state statutes governing school discipline. In developing these rules and procedures, each school shall solicit the participation, views, and advice of one representative selected by each of the following groups:

1. Parents.
2. Teachers.
3. School administrators.
4. School security personnel, if any.
5. For junior high schools and high schools, pupils enrolled in the school.

Meetings for the development of the rules and procedures should be developed and held within the school's existing resources, during nonclassroom hours, and on normal schooldays.

The final version of the rules and procedures on school discipline with attendant regulations may be adopted by a panel comprised of the principal of the school, or his or her designee, and a representative selected by classroom teachers employed at the school.

It shall be the duty of each employee of the school to enforce the rules and procedures on school discipline adopted under this section.

(b) The governing board of each school district may prescribe procedures to provide written notice to continuing pupils at the beginning of each school year and to transfer pupils at the time of their enrollment in the school and to their parents or guardians regarding the school discipline rules and procedures adopted pursuant to subdivision (a).

(c) Each school may file a copy of its school discipline rules and procedures with the district superintendent of schools and governing board on or before January 1, 1988.

(d) The governing board may review, at an open meeting, the approved school discipline rules and procedures for consistency with governing board policy and state statutes.

**EDC 48904.**

(a)(1) Notwithstanding Section 1714.1 of the Civil Code, the parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by, or performing volunteer services for, a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed ten thousand dollars ($10,000), adjusted annually for inflation. The parent or guardian shall also be liable for the amount of any reward not exceeding ten thousand dollars ($10,000), adjusted annually for inflation, paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall be liable to a school district or private school for all property belonging to the school district or private school loaned to the minor and not returned upon demand of an employee of the school district or private school authorized to make the demand.

(b)(3) The governing board of each school district or governing body of each private school shall establish rules and regulations governing procedures for the implementation of this subdivision. The procedures
shall conform to, but are not necessarily limited to, those procedures established in this code for the expulsion of pupils.

EDC 48914.
Each school district is authorized to establish a policy that permits school officials to conduct a meeting with the parent or guardian of a suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.

EDC 48918.
The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils.

EDC 48926.
Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.
The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.
Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

EDC 49335.
On or before April 1, 2001, the Superintendent of Public Instruction shall adopt a system that will shield the identity and provide protection to pupils who report the presence of injurious objects on school campuses that offer instruction in kindergarten and any of grades 1 to 12, inclusive.

REGULATIONS
No relevant regulations found.

Scope

LAWS

EDC 44807.
Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:
(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period whether on or off the campus.
4. During, or while going to or coming from, a school-sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

EDC 48915.

(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

A. Causing serious physical injury to another person, except in self-defense.
B. Possession of any knife or other dangerous object of no reasonable use to the pupil.
C. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
   i. The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
   ii. The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
D. Robbery or extortion.
E. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

EDC 56521.

(a) This chapter applies to any individual with exceptional needs who is in a public school program, including a state school for the disabled pursuant to Part 32 (commencing with Section 59000), or who is placed in a nonpublic school program pursuant to Sections 56365 to 56366.5, inclusive.
(b) The Superintendent of Public Instruction shall monitor and supervise the implementation of this chapter.

REGULATIONS

5 CCR § 4916. Sexual harassment definitions.

(e) “Educational environment” includes, but is not limited to, the following:
   (1) The campus or school grounds of the local agency.
   (2) Properties controlled or owned by the local agency.
   (3) Off-campus, if such activity is sponsored by the local agency, or is conducted by organizations sponsored by or under the jurisdiction of the local agency.

Communication of policy

LAWS

EDC 234.2.

(a) The department shall display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, as defined in Section 48900, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 on the California Healthy Kids Resource Center Internet Web site and other appropriate department Internet Web sites where information about discrimination, harassment, intimidation, cyber sexual bullying, and bullying is posted.
(b) The department shall annually inform school districts of the information on the California Healthy Kids Resource Center Internet Web site and other appropriate department Internet Web sites where information about cyber sexual bullying is posted pursuant to subdivision (a). The department may use electronic mail to inform school districts of this information.
(c) School districts are encouraged to inform pupils regarding the available information and resources on the department’s Internet Web sites regarding the dangers and consequences of cyber sexual bullying to help reduce the instances of cyber sexual bullying.

EDC 234.5.

(a) The Superintendent shall post, and annually update, on the department’s Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying, including school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity.
(b) The department’s Internet Web site shall also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

EDC 234.6.

(a) For purposes of this article, “local educational agency” means a county office of education, school district, state special school, or charter school.

(b) Commencing with the 2020-21 academic year, each local educational agency shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing internet website in a manner that is easily accessible to parents or guardians and pupils:

1. The local educational agency’s policy on pupil suicide prevention in grades 7 to 12, inclusive, adopted pursuant to Section 215.

2. The local educational agency’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, adopted pursuant to Section 215, including reference to the age appropriateness of that policy.

3. The definition of discrimination and harassment based on sex as described in Section 230. This shall include the rights set forth in Section 221.8.

4. The Title IX information included on a local educational agency’s internet website pursuant to Section 221.61.

5. A link to the Title IX information included on the department’s internet website pursuant to Section 221.6.

6. The local educational agency’s written policy on sexual harassment, as it pertains to pupils, prepared pursuant to Section 231.5.

7. The local educational agency’s policy, if it exists, on preventing and responding to hate violence as described in Section 233.

8. The local educational agency’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies as described in Section 234.1.

9. The local educational agency’s anti-cyberbullying procedures adopted pursuant to Section 234.4.

10. A section on social media bullying that includes all of the following references to possible forums for social media bullying:

   (A) Internet websites with free registration and ease of registration.

   (B) Internet websites offering peer-to-peer instant messaging.

   (C) Internet websites offering comment forums or sections.

   (D) Internet websites offering image or video posting platforms.

11. A link to statewide resources, including community-based organizations, compiled by the department pursuant to Section 234.5.

12. Any additional information a local educational agency deems important for preventing bullying and harassment.

EDC 32288.

(a) (1) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

   (2) The department shall develop and post on its Internet Web site best practices for reviewing and approving school safety plans.
(b)(1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.
(B) A representative of the local school employee organization.
(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.
(D) A representative of each teacher organization at the schoolsite.
(E) A representative of the student body government.
(F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.
(B) Local civic leaders.
(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the department by October 15 of any schools that have not complied with Section 32281.

**EDC 33031.**

The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

**EDC 35291.**

The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. The governing board of each school district which maintains any of grades 1 through 12, inclusive, may, at the time and in the manner prescribed by Sections 48980 and 48981, notify the parent or guardian of all pupils registered in schools of the district of the availability of rules of the district pertaining to student discipline.

**EDC 48900.1.**

(a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900, to attend a portion of a schoolday in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.

(b) The policy shall be adopted pursuant to the procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom.
REGULATIONS

5 CCR § 4917. Notification requirements.
Local agencies are required to notify students, employees, and parents of their written policy prohibiting sexual harassment pursuant to Education Code sections 231.5 and 48980(h), and in accordance with Education Code section 48985. These policies shall include information as to where to obtain specific procedures for reporting charges of sexual harassment and available remedies.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

EDC 48910.
(a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the schoolsite, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
(c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:
(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.
(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.
EDC 48900.5.

(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil’s record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil’s presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

1. A conference between school personnel, the pupil’s parent or guardian, and the pupil.
2. Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
3. Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil’s parents.
4. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
5. Enrollment in a program for teaching prosocial behavior or anger management.
6. Participation in a restorative justice program.
7. A positive behavior support approach with tiered interventions that occur during the school day on campus.
8. After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
9. Any of the alternatives described in Section 48900.6.

EDC 48900.6.

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal’s designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil’s nonschool hours. For the purposes of this section, “community service” may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

EDC 48911.1.

(a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal’s designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.
(b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the schoolsite for the period of suspension in a separate classroom, building, or site for pupils under suspension.

EDC 48911.2.
(a) If the number of pupils suspended from school during the prior school year exceeded 30 percent of the school’s enrollment, the school should consider doing at least one of the following:

(1) Implement the supervised suspension program described in Section 48911.1.

(2) Implement an alternative to the school’s off-campus suspension program, which involves a progressive discipline approach that occurs during the schoolday on campus, using any of the following activities:

(A) Conferences between the school staff, parents, and pupils.

(B) Referral to the school counselor, psychologist, child welfare attendance personnel, or other school support service staff.

(C) Detention.

(D) Study teams, guidance teams, resource panel teams, or other assessment-related teams.

(b) At the end of the academic year, the school may report to the district superintendent in charge of school support services, or other comparable administrator if that position does not exist, on the rate of reduction in the school’s off-campus suspensions and the plan or activities used to comply with subdivision (a).

(c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site.

EDC 48917.
(a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil’s parent or guardian in his or her child’s education in ways that are specified in the rehabilitation program. A parent or guardian’s refusal to participate in the rehabilitation program shall not be considered in the governing board’s determination as to whether the pupil has satisfactorily completed the rehabilitation program.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

CIV 1708.9.
(a) It is unlawful for any person, except a parent or guardian acting toward his or her minor child, to commit any of the following acts:
(1) By force, threat of force, or physical obstruction that is a crime of violence, to intentionally injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with, any person attempting to enter or exit a facility.

(2) By nonviolent physical obstruction, to intentionally injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with, any person attempting to enter or exit a facility.

(b) For purposes of this section:

(1) “Facility” means any public or private school grounds, as described in subdivision (a) of Section 626.8 of the Penal Code, or any health facility, as described in Section 1250 of the Health and Safety Code.

(2) To “interfere” means to restrict a person’s freedom of movement.

(3) To “intimidate” means to place a person in reasonable apprehension of bodily harm to himself, herself, or another person.

(4) “Nonviolent” means conduct that would not constitute a crime of violence.

(5) “Physical obstruction” means rendering ingress to or egress from a facility impassable to another person, or rendering passage to or from a facility unreasonably difficult or hazardous to another person.

(c) A person aggrieved by a violation of subdivision (a) may bring a civil action to enjoin the violation, for compensatory and punitive damages, for injunctive relief, and for the cost of suit and reasonable attorney’s and expert witness’ fees. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of a final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of five thousand dollars ($5,000) per violation of paragraph (1) of subdivision (a), and one thousand dollars ($1,000) per violation of paragraph (2) of subdivision (a).

(d) The Attorney General, a district attorney, or a city attorney may bring a civil action to enjoin a violation of subdivision (a), for compensatory damages to persons or entities aggrieved by the violation, and for the imposition of a civil penalty against each respondent. The civil penalty for a violation of paragraph (1) of subdivision (a) shall not exceed fifteen thousand dollars ($15,000), or twenty-five thousand dollars ($25,000) for a second or subsequent violation. The civil penalty for a violation of paragraph (2) of subdivision (a) shall not exceed five thousand dollars ($5,000), or twenty-five thousand dollars ($25,000) for a second or subsequent violation.

(e) This section shall not be construed to impair the right to engage in any constitutionally protected activity, including, but not limited to, speech, protest, or assembly.

(f) The adoption of the act that added this section is an exercise of the police power of the state for purposes of protecting the health, safety, and welfare of the people of California, and this section shall be liberally construed to effectuate that purpose.

(g) This section shall not be construed to restrict, inhibit, prevent, or bring a chilling effect upon any actions by a person that are reasonable under the circumstances to protect, secure, provide safety to, or prevent illness in any child or adult in a facility.

**EDC 11165.4.**

As used in this article, “unlawful corporal punishment or injury” means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, as authorized by Section 49001 of the Education Code. It also does not include the exercise of the degree of physical control authorized by Section 44807 of the Education Code.
It also does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

EDC 44807.
Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000.

EDC 49000.
The Legislature finds and declares that the protection against corporal punishment, which extends to other citizens in other walks of life, should include children while they are under the control of the public schools. Children of school age are at the most vulnerable and impressionable period of their lives and it is wholly reasonable that the safeguards to the integrity and sanctity of their bodies should be, at this tender age, at least equal to that afforded to other citizens.

EDC 49001.
(a) For the purposes of this section “corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a pupil. An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this section. Physical pain or discomfort caused by athletic competition or other such recreational activity, voluntarily engaged in by the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this section.

(b) No person employed by or engaged in a public school shall inflict, or cause to be inflicted corporal punishment upon a pupil. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing the infliction of corporal punishment upon a pupil attending a public school is void and unenforceable.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

EDC 49050.
No school employee shall conduct a search that involves:

(a) Conducting a body cavity search of a pupil manually or with an instrument.

(b) Removing or arranging any or all of the clothing of a pupil to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the pupil.
REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
   (2) Willfully used force or violence upon the person of another, except in self-defense.
(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
(e) Committed or attempted to commit robbery or extortion.
(f) Caused or attempted to cause damage to school property or private property.
(g) Stole or attempted to steal school property or private property.
(h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
(i) Committed an obscene act or engaged in habitual profanity or vulgarity.
(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
(k)(1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
   (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
(l) Knowingly received stolen school property or private property.
(m) Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

   (1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

       (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

       (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

       (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

       (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

   (2)(A) “Electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

       (i) A message, text, sound, video, or image.

       (ii) A post on a social network Internet Web site, including, but not limited to:

           (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

           (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii)(I) An act of cyber sexual bullying.

(II) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.
(2) While going to or coming from school.
(3) During the lunch period whether on or off the campus.
(4) During, or while going to or coming from, a school-sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.
EDC 48900.2.
In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

EDC 48900.3.
In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

EDC 48900.4.
In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

EDC 48900.7.
(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

EDC 48915.
(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

    (A) Causing serious physical injury to another person, except in self-defense.
(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

   (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

   (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

   (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

   (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

   (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

   (2) Brandishing a knife at another person.

   (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

   (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

   (5) Possession of an explosive.

(d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

   (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

   (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
(3) Is not housed at the schoolsite attended by the pupil at the time of suspension.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

REGULATIONS

5 CCR § 4965. Disciplinary action.
Harassment on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability is a form of discrimination, and as such, may result in disciplinary or other action taken by the local agency. In the case of an employee, such disciplinary action may include termination. For students in Grades K-12, the disciplinary consequences shall depend on the ages of the students and the factual circumstances of the incident(s).

Grounds for mandatory suspension or expulsion

LAWS

EDC 48915.
(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section
48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

REGULATIONS

5 CCR § 305. Pupil responsible for care of property.
A pupil who defaces, damages, or destroys any school property or willfully or negligently injures another pupil or school employee is liable to suspension or expulsion, according to the nature of the offense.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

EDC 48900.2.
For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

EDC 48903.
(a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.
(b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.

EDC 48911.

(a) The principal of the school, the principal’s designee, or the district superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.

EDC 48911.5.

The site principal of a contracting nonpublic, nonsectarian school providing services to individuals with exceptional needs under Sections 56365 and 56366, shall have the same duties and responsibilities with respect to the suspension of pupils with previously identified exceptional needs prescribed for the suspension of pupils under Section 48911.

EDC 48912.5.

The governing board of a school district may suspend a pupil enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts enumerated in Section 48900 occurred. The suspension shall meet the requirements of Section 48915.

EDC 48915.01.

If the governing board of a school district has established a community day school pursuant to Section 48661 on the same site as a comprehensive middle, junior, or senior high school, or at any elementary school, the governing board does not have to meet the condition in paragraph (2) of subdivision (d) of Section 48915 when the board, pursuant to subdivision (f) of Section 48915, refers a pupil to a program of study and that program of study is at the community day school. All the other conditions of subdivision (d) of Section 48915 are applicable to the referral as required by subdivision (f) of Section 48915.

EDC 48915.5.

(a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, the discipline provisions contained in Sections 300.530 to 300.537, inclusive, of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.

(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.

(c) If an individual with exceptional needs is excluded from schoolbus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil’s individualized education program.

(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.
(e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

REGULATIONS

5 CCR § 352. Detention during recess or noon intermission.
A pupil shall not be required to remain in school during the intermission at noon, or during any recess.

5 CCR § 353. Detention after school.
A pupil shall not be detained in school for disciplinary or other reasons for more than one hour after the close of the maximum school day, except as otherwise provided in Section 307.

Administrative procedures related to suspension and expulsion

LAWS

EDC 35146.
Notwithstanding the provisions of Section 35145 of this code and Section 54950 of the Government Code, the governing body of a school district shall, unless a request by the parent has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action except expulsion in connection with any pupil of the school district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Article 5 (commencing with Section 49073) of Chapter 6.5 of Part 27 of this code.

Before calling such closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his or her parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such closed session. Unless the pupil, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters shall be conducted by the governing board in closed session. If such written request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting or on behalf of whom such meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

EDC 48201.
(a) Except for pupils exempt from compulsory school attendance under Section 48231, any parent, guardian, or other person having control or charge of any minor between the ages of 6 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current
school term, shall enroll the minor in a public full-time day school of the city, city and county, or school
district to which the minor is removed.

(b)(1) Upon a pupil’s transfer from one school district to another, the school district into which the pupil is
transferring shall request that the school district in which the pupil was last enrolled provide any records
that the district maintains in its ordinary course of business or receives from a law enforcement agency
regarding acts committed by the transferring pupil that resulted in the pupil’s suspension from school or
expulsion from the school district. Upon receipt of this information, the receiving school district shall
inform any teacher of the pupil that the pupil was suspended from school or expelled from the school
district and shall inform the teacher of the act that resulted in that action.

EDC 48911.

(a) The principal of the school, the principal’s designee, or the district superintendent of schools may
suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to
Section 48900.5, for no more than five consecutive school days.

(b) Suspension by the principal, the principal’s designee, or the district superintendent of schools shall be
preceded by an informal conference conducted by the principal, the principal’s designee, or the district
superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or
school employee who referred the pupil to the principal, the principal’s designee, or the district
superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary
action, including the other means of correction that were attempted before the suspension as required
under Section 48900.5, and the evidence against him or her, and shall be given the opportunity to present
his or her version and evidence in his or her defense.

(c) A principal, the principal’s designee, or the district superintendent of schools may suspend a pupil
without affording the pupil an opportunity for a conference only if the principal, the principal’s designee, or
the district superintendent of schools determines that an emergency situation exists. “Emergency
situation,” as used in this article, means a situation determined by the principal, the principal’s designee,
or the district superintendent of schools to constitute a clear and present danger to the life, safety, or
health of pupils or school personnel. If a pupil is suspended without a conference before suspension, both
the parent and the pupil shall be notified of the pupil’s right to a conference and the pupil’s right to return
to school for the purpose of a conference. The conference shall be held within two school days, unless the
pupil waives this right or is physically unable to attend for any reason, including, but not limited to,
incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able
to return to school for the conference.

(d) At the time of suspension, a school employee shall make a reasonable effort to contact the pupil’s
parent or guardian in person or by telephone. If a pupil is suspended from school, the parent or guardian
shall be notified in writing of the suspension.

(e) A school employee shall report the suspension of the pupil, including the cause for the suspension, to
the governing board of the school district or to the district superintendent of schools in accordance with
the regulations of the governing board of the school district.

(f)(1) The parent or guardian of a pupil shall respond without delay to a request from school officials to
attend a conference regarding his or her child’s behavior.

(2) No penalties shall be imposed on a pupil for failure of the pupil’s parent or guardian to attend a
conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon
attendance by the pupil’s parent or guardian at the conference.

(g) In a case where expulsion from a school or suspension for the balance of the semester from
continuation school is being processed by the governing board of the school district, the district
superintendent of schools or other person designated by the district superintendent of schools in writing
may extend the suspension until the governing board of the school district has rendered a decision in the action. However, an extension may be granted only if the district superintendent of schools or the district superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil is a foster child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent's designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

(h)(1) For purposes of this section, a “principal’s designee” is one or more administrators at the schoolsite specifically designated by the principal, in writing, to assist with disciplinary procedures.

(2) In the event that there is not an administrator in addition to the principal at the schoolsite, a certificated person at the schoolsite may be specifically designated by the principal, in writing, as a “principal’s designee,” to assist with disciplinary procedures. The principal may designate only one person at a time as the principal’s primary designee for the school year.

(3) An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for purposes of this article when both the principal and the principal’s primary designee are absent from the schoolsite. The name of the person, and the names of any person or persons designated as “principal’s designee,” shall be on file in the principal’s office.

(i) This section is not an exception to, nor does it place any limitation on, Section 48903.

EDC 48911.5.

The site principal of a contracting nonpublic, nonsectarian school providing services to individuals with exceptional needs under Sections 56365 and 56366, shall have the same duties and responsibilities with respect to the suspension of pupils with previously identified exceptional needs prescribed for the suspension of pupils under Section 48911.

EDC 48912.

(a) The governing board may suspend a pupil from school for any of the acts enumerated in Section 48900 for any number of school days within the limits prescribed by Section 48903.

(b) Notwithstanding the provisions of Section 35145 of this code and Section 54950 of the Government Code, the governing board of a school district shall, unless a request has been made to the contrary, hold closed sessions if the board is considering the suspension of, disciplinary action against, or any other action against, except expulsion, any pupil, if a public hearing upon that question would lead to the giving out of information concerning a school pupil which would be in violation of Article 5 (commencing with Section 49073) of Chapter 6.5.

(c) Before calling a closed session to consider these matters, the governing board shall, in writing, by registered or certified mail or by personal service, notify the pupil and the pupil’s parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board to call and hold a closed session. Unless the pupil or the pupil’s parent or guardian shall, in writing, within 48 hours after receipt of the written notice of the board’s intention, request that the hearing be held as a public meeting, the hearing to consider these matters shall be conducted by the governing board in closed session. In the event that a written request is served upon the clerk or secretary of the governing board, the meeting shall be public,
except that any discussion at that meeting which may be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting, shall be in closed session.

**EDC 48915.01.**

If the governing board of a school district has established a community day school pursuant to Section 48661 on the same site as a comprehensive middle, junior, or senior high school, or at any elementary school, the governing board does not have to meet the condition in paragraph (2) of subdivision (d) of Section 48915 when the board, pursuant to subdivision (f) of Section 48915, refers a pupil to a program of study and that program of study is at the community day school. All the other conditions of subdivision (d) of Section 48915 are applicable to the referral as required by subdivision (f) of Section 48915.

**EDC 48915.1.**

(a) If the governing board of a school district receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the pupils or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of pupils as described in Section 48918. A school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.

(b) If a pupil has been expelled from his or her previous school for an act other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or pupil, if the pupil is emancipated or otherwise legally of age, shall, upon enrollment, inform the receiving school district of his or her status with the previous school district. If this information is not provided to the school district and the school district later determines the pupil was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to subdivision (a).

(c) The governing board of a school district may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the pupils or employees of the school district.

(d) The governing board of a school district, when making its determination whether to enroll an individual who has been expelled from another school district for these acts, may consider the following options:

1. Deny enrollment.
2. Permit enrollment.
3. Permit conditional enrollment in a regular school program or another educational program.

(e) Notwithstanding any other provision of law, the governing board of a school district, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600).
EDC 48916.
(a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. If an expulsion is ordered during summer session or the intersession period of a year-round program the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis.
(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order,
(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.
(e) The governing board shall provide written notice to the expelled pupil and the pupil’s parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program.

EDC 48917.
(b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.
(c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.
(d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district’s rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
(e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.
(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

EDC 48918.
The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:
(a)(1) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of
schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board of the school district.

(2) Within 10 schooldays after the conclusion of the hearing, the governing board of the school district shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the governing board of the school district does not meet on a weekly basis, the governing board of the school district shall decide whether to expel the pupil within 40 schooldays after the date of the pupil’s removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent of schools, unless the pupil requests in writing that the decision be postponed.

(3) If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable during the regular school year, the superintendent of schools or the superintendent’s designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48925, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days before the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

(1) The date and place of the hearing.

(2) A statement of the specific facts and charges upon which the proposed expulsion is based.

(3) A copy of the disciplinary rules of the school district that relate to the alleged violation.

(4) A notice of the parent, guardian, or pupil’s obligation pursuant to subdivision (b) of Section 48915.1.

(5) Notice of the opportunity for the pupil or the pupil’s parent or guardian to appear in person or to be represented by legal counsel or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil’s behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days’ notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is
disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing. This section does not require a pupil or the pupil’s parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

(A) For purposes of this section, “legal counsel” means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

(B) For purposes of this section, “nonattorney adviser” means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil’s parent or guardian to provide assistance at the hearing.

(c)(1) Notwithstanding Section 35145, the governing board of the school district shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board of the school district may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

(2) If the governing board of the school district or the hearing officer or administrative panel appointed under subdivision (d) to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

(3) If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

(d) Instead of conducting an expulsion hearing itself, the governing board of the school district may contract with the county hearing officer, or with the Office of Administrative Hearings pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207 of this code, for a hearing officer to conduct the hearing. The governing board of the school district may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the governing board of the school district or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three schooldays after the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board of the school district. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made, unless the parent, guardian, or responsible adult of the pupil requests another school placement in writing. Before the placement decision is made by the parent, guardian, or responsible adult, the superintendent of schools or the superintendent’s designee shall consult with school district personnel, including the pupil’s teachers, and the parent, guardian, or responsible adult regarding any other school placement options for the pupil in addition to the option to return to his or her classroom instructional program from which the expulsion referral was made. If the hearing officer or administrative panel finds that the pupil committed any of the acts specified in subdivision (c) of Section 48915, but does not recommend
expulsion, the pupil shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or, pursuant to the procedures set forth in Section 48432.5, a continuation school of the school district. The decision not to recommend expulsion shall be final.

(f)(1) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board of the school district. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board of the school district accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the governing board of the school district may order.

(2) The decision of the governing board of the school district to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely upon hearsay evidence. The governing board of the school district or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the governing board of the school district or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

(g) A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

(h)(1) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board of the school district to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900.

(2) In hearings that include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness’ prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness’ prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

(i)(1) Before the hearing has commenced, the governing board of the school district may issue subpoenas at the request of either the superintendent of schools or the superintendent’s designee or the pupil, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board of the school district or the hearing officer or administrative panel may, upon request of either the county superintendent of schools or the superintendent’s designee or the pupil, issue subpoenas. All subpoenas shall be issued in accordance with Sections 1985, 1985.1,

(2) Any objection raised by the superintendent of schools or the superintendent’s designee or the pupil to the issuance of subpoenas may be considered by the governing board of the school district in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the governing board of the school district in response to an objection to the issuance of subpoenas shall be final and binding.

(3) If the governing board of the school district, hearing officer, or administrative panel determines, in accordance with subdivision (f), that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).

(4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision of the state, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

(j) Whether an expulsion hearing is conducted by the governing board of the school district or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board of the school district in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil’s parent or guardian and shall be accompanied by all of the following:

(1) Notice of the right to appeal the expulsion to the county board of education.
(2) Notice of the education alternative placement to be provided to the pupil during the time of expulsion.
(3) Notice of the obligation of the parent, guardian, or pupil under subdivision (b) of Section 48915.1, upon the pupil’s enrollment in a new school district, to inform that school district of the pupil’s expulsion.

(k)(1) The governing board of the school district shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be nonprivileged, disclosable public records.

(2) The expulsion order and the causes for the expulsion shall be recorded in the pupil’s mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil’s school records.

EDC 48918.1.

(a)(1) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil’s attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(2) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide notice of the expulsion hearing to the pupil’s attorney and an appropriate representative of the county child welfare agency at least 10
calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(b)(1) If the decision to recommend expulsion is a discretionary act and the pupil is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district shall provide notice of the expulsion hearing to the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(2) If a recommendation of expulsion is required and the pupil is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district may provide notice of the expulsion hearing to the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

EDC 48918.5.
In expulsion hearings involving allegations brought pursuant to subdivision (n) of Section 48900, the governing board of each school district shall establish rules and regulations governing procedures. The procedures shall include, but are not limited to, all of the following:

(a) At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing, (2) have up to two adult support persons of his or her choosing, present in the hearing at the time he or she testifies; and (3) to have the hearing closed during the time they testify pursuant to subdivision (c) of Section 48918.

(b) An expulsion hearing may be postponed for one schoolday in order to accommodate the special physical, mental, or emotional needs of a pupil who is the complaining witness where the allegations arise under subdivision (n) of Section 48900.

(c) The district shall provide a nonthreatening environment for a complaining witness in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. Each school district shall provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. In the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness’s support persons to accompany him or her to the witness stand.

(d) Whenever any allegation is made of conduct violative of subdivision (n) of Section 48900, complaining witnesses and accused pupils are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.
EDC 48918.6.  
In addition to any other immunity that may exist, any testimony provided by a pupil witness in an expulsion hearing conducted pursuant to this article is expressly deemed to be a communication protected by subdivision (b) of Section 47 of the Civil Code.

EDC 48919.  
If a pupil is expelled from school, the pupil or the pupil's parent or guardian may, within 30 days following the decision of the governing board to expel, file an appeal to the county board of education which shall hold a hearing thereon and render its decision.

The county board of education, or in a class 1 or class 2 county a hearing officer or impartial administrative panel, shall hold the hearing within 20 schooldays following the filing of a formal request under this section. If the county board of education hears the appeal without a hearing conducted pursuant to Section 48919.5, then the board shall render a decision within three schooldays of the hearing conducted pursuant to Section 48920, unless the pupil requests a postponement.

The period within which an appeal is to be filed shall be determined from the date a governing board votes to expel even if enforcement of the expulsion action is suspended and the pupil is placed on probation pursuant to Section 48917. A pupil who fails to appeal the original action of the board within the prescribed time may not subsequently appeal a decision of the board to revoke probation and impose the original order of expulsion.

The county board of education shall adopt rules and regulations establishing procedures for expulsion appeals conducted under this section. If the county board of education in a class 1 or class 2 county elects to use the procedures in Section 48919.5, then the board shall adopt rules and regulations establishing procedures for expulsion appeals conducted under Section 48919.5. The adopted rules and regulations shall include, but need not be limited to, the requirements for filing a notice of appeal, the setting of a hearing date, the furnishing of notice to the pupil and the governing board regarding the appeal, the furnishing of a copy of the expulsion hearing record to the county board of education, procedures for the conduct of the hearing, and the preservation of the record of the appeal.

The pupil shall submit a written request for a copy of the written transcripts and supporting documents from the school district simultaneously with the filing of the notice of appeal with the county board of education. The school district shall provide the pupil with the transcriptions, supporting documents, and records within 10 schooldays following the pupil's written request. Upon receipt of the records, the pupil shall immediately file suitable copies of these records with the county board of education.

EDC 48919.5.  
(a) A county board of education in a class 1 or class 2 county may have a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Title 3 of the Government Code, or an impartial administrative panel of three or more certificated persons appointed by the county board of education, hear appeals filed pursuant to Section 48919. The members of the impartial administrative panel shall not be members of the governing board of the school district nor employees of the school district, from which the pupil filing the appeal was expelled. Neither the hearing officer, nor any member of the administrative panel, hearing a pupil's appeal shall have been the hearing officer or a member of the administrative panel that conducted the pupil's expulsion hearing.

(b) A hearing conducted pursuant to this section shall not issue a final order of the county board. The hearing officer or impartial administrative panel shall prepare a recommended decision, including any findings or conclusions required for that decision, and shall submit that recommendation and the record to the county board of education within three schooldays of hearing the appeal.
(c) Sections 48919, 48920, 48921, 48922, 48923, and 48925 are applicable to a hearing conducted pursuant to this section.

(d) Within 10 schooldays of receiving the recommended decision and record from the hearing officer or the impartial administrative panel, the county board of education shall review the recommended decision and record and render a final order of the board.

(e) For purposes of this article, the following definitions shall apply:

1) “Countywide ADA” means the aggregate number of annual units of regular average daily attendance for the fiscal year in all school districts within the county.

2) “Class 1 county” means a county with 1994/95 countywide ADA of more than 500,000.

3) “Class 2 county” means a county with 1994/95 countywide ADA of at least 180,000 but less than 500,000.

EDC 48920.
Notwithstanding the provisions of Section 54950 of the Government Code and Section 35145 of this code, the county board of education shall hear an appeal of an expulsion order in closed session, unless the pupil requests, in writing, at least five days prior to the date of the hearing, that the hearing be conducted in a public meeting. Upon the timely submission of a request for a public meeting, the county board of education shall be required to honor the request. Whether the hearing is conducted in closed or public session, the county board may meet in closed session for the purpose of deliberations. If the county board admits any representative of the pupil or the school district, the board shall, at the same time, admit representatives from the opposing party.

EDC 48921.
The county board of education shall determine the appeal from a pupil expulsion upon the record of the hearing before the district governing board, together with such applicable documentation or regulations as may be ordered. No evidence other than that contained in the record of the proceedings of the school board may be heard unless a de novo proceeding is granted as provided in Section 48923. The cost of the transcript shall be borne by the pupil except in either of the following situations:

1) Where the pupil’s parent or guardian certifies to the school district that he or she cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both.

2) In a case in which the county board reverses the decision of the local governing board, the county board shall require that the local board reimburse the pupil for the cost of such transcription.

EDC 48922.
(a) The review by the county board of education of the decision of the governing board shall be limited to the following questions:

1) Whether the governing board acted without or in excess of its jurisdiction.

2) Whether there was a fair hearing before the governing board.

3) Whether there was a prejudicial abuse of discretion in the hearing.

4) Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

(b) As used in this section, a proceeding without or in excess of jurisdiction includes, but is not limited to, a situation where an expulsion hearing is not commenced within the time periods prescribed by this
article, a situation where an expulsion order is not based upon the acts enumerated in Section 48900, or a situation involving acts not related to school activity or attendance.

(c) For purposes of this section, an abuse of discretion is established in any of the following situations:

1. If school officials have not met the procedural requirements of this article.
2. If the decision to expel a pupil is not supported by the findings prescribed by Section 48915.
3. If the findings are not supported by the evidence.

A county board of education may not reverse the decision of a governing board to expel a pupil based upon a finding of an abuse of discretion unless the county board of education also determines that the abuse of discretion was prejudicial.

EDC 48923.
The decision of the county board shall be limited as follows:

(a) If the county board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board, it may do either of the following:

1. Remand the matter to the governing board for reconsideration and may in addition order the pupil reinstated pending the reconsideration.
2. Grant a hearing de novo upon reasonable notice thereof to the pupil and to the governing board. The hearing shall be conducted in conformance with the rules and regulations adopted by the county board under Section 48919.

(b) If the county board determines that the decision of the governing board is not supported by the findings required to be made by Section 48915, but evidence supporting the required findings exists in the record of the proceedings, the county board shall remand the matter to the governing board for adoption of the required findings. This remand for the adoption and inclusion of the required findings shall not result in an additional hearing pursuant to Section 48918, except that final action to expel the pupil based on the revised findings of fact shall meet all requirements of subdivisions (j) and (k) of Section 48918.

(c) In all other cases, the county board shall enter an order either affirming or reversing the decision of the governing board. In any case in which the county board enters a decision reversing the local board, the county board may direct the local board to expunge the record of the pupil and the records of the district of any references to the expulsion action and the expulsion shall be deemed not to have occurred.

EDC 48924.
The decision of the county board of education shall be final and binding upon the pupil and upon the governing board of the school district. The pupil and the governing board shall be notified of the final order of the county board, in writing, either by personal service or by certified mail. The order shall become final when rendered.

EDC 48925.
As used in this article:

(a) “Day” means a calendar day unless otherwise specifically provided.
(b) “Expulsion” means removal of a pupil from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in Section 46300.
(c) “Schoolday” means a day upon which the schools of the district are in session or weekdays during the summer recess.
(d) “Suspension” means removal of a pupil from ongoing instruction for adjustment purposes. However, “suspension” does not mean any of the following:

1. Reassignment to another education program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed by the governing board for pupils of the same grade level.

2. Referral to a certificated employee designated by the principal to advise pupils.

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the pupil to the principal or the principal’s designee as provided in Section 48910. Removal from a particular class shall not occur more than once every five schooldays.

(e) “Pupil” includes a pupil’s parent or guardian or legal counsel.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

EDC 48910.
(a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the schoolsite, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

(b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.

EDC 48911.1.
(a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal’s designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.

(b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the schoolsite for the period of suspension in a separate classroom, building, or site for pupils under suspension.

(c) School districts may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:

1. The supervised suspension classroom is staffed as otherwise provided by law.
(2) Each pupil has access to appropriate counseling services.

(3) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.

(4) Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.

(d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil’s parent or guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil’s parent or guardian.

(e) This section does not place any limitation on a school district’s ability to transfer a pupil to an opportunity school or class or a continuation education school or class.

(f) Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section.

EDC 48911.2.

(a) If the number of pupils suspended from school during the prior school year exceeded 30 percent of the school’s enrollment, the school should consider doing at least one of the following:

    (1) Implement the supervised suspension program described in Section 48911.1.

(c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

EDC 48913.

The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension.

EDC 48915.1.

(a) If the governing board of a school district receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the pupils or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of pupils as described in Section 48918. A school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.
(b) If a pupil has been expelled from his or her previous school for an act other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or pupil, if the pupil is emancipated or otherwise legally of age, shall, upon enrollment, inform the receiving school district of his or her status with the previous school district. If this information is not provided to the school district and the school district later determines the pupil was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to subdivision (a).

(c) The governing board of a school district may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the pupils or employees of the school district.

(d) The governing board of a school district, when making its determination whether to enroll an individual who has been expelled from another school district for these acts, may consider the following options:

1. Deny enrollment.
2. Permit enrollment.
3. Permit conditional enrollment in a regular school program or another educational program.

(e) Notwithstanding any other provision of law, the governing board of a school district, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600).

EDC 48915.2.

(a) A pupil expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school pursuant to subdivision (c) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.

(b) After a determination has been made, pursuant to a hearing under Section 48918, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, the governing board of a school district may permit the individual to enroll in the school district after the term of expulsion, subject to one of the following conditions:

1. He or she has established legal residence in the school district, pursuant to Section 48200.
2. He or she is enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

EDC 48916.

(a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. If an expulsion is ordered during summer session or the intersession period of a year-round
program the governing board shall set a date, not later than the last day of the semester following the
summer session or intersession period in which the expulsion occurred, when the pupil shall be reviewed
for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil
who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date
of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a
school maintained by the district, except that the governing board may set an earlier date for readmission
on a case-by-case basis.

(c) The governing board of each school district shall adopt rules and regulations establishing a procedure
for the filing and processing of requests for readmission and the process for the required review of all
expelled pupils for readmission. Upon completion of the readmission process, the governing board shall
readmit the pupil, unless the governing board makes a finding that the pupil has not met the conditions of
the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of
the school district. A description of the procedure shall be made available to the pupil and the pupil’s
parent or guardian at the time the expulsion order is entered.

EDC 48916.5.
The governing board may require a pupil who is expelled from school for reasons relating to controlled
substances, as defined in Sections 11054 to 11058, inclusive, of the Health and Safety Code, or alcohol,
prior to returning to school to enroll in a county-supported drug rehabilitation program. No pupil shall be
required to enroll in a rehabilitation program pursuant to this section without the consent of his or her
parent or guardian.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

EDC 49001.
(a) For the purposes of this section “corporal punishment” means the willful infliction of, or willfully causing
the infliction of, physical pain on a pupil. An amount of force that is reasonable and necessary for a
person employed by or engaged in a public school to quell a disturbance threatening physical injury to
persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other
dangerous objects within the control of the pupil, is not and shall not be construed to be corporal
punishment within the meaning and intent of this section. Physical pain or discomfort caused by athletic
competition or other such recreational activity, voluntarily engaged in by the pupil, is not and shall not be
construed to be corporal punishment within the meaning and intent of this section.

(b) No person employed by or engaged in a public school shall inflict, or cause to be inflicted corporal
punishment upon a pupil. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or
authorizing the infliction of corporal punishment upon a pupil attending a public school is void and
unenforceable.

EDC 49005.
The Legislature finds and declares all of the following:

(a) While it is appropriate to intervene in an emergency to prevent a student from imminent risk of
serious physical self-harm or harm of others, restraint and seclusion are dangerous interventions, with
certain known practices posing a great risk to child health and safety.
California Compilation of School Discipline Laws and Regulations

(b) United States Department of Education guidelines specify that the use of restraint and seclusion must be consistent with the child’s right to be treated with dignity and to be free from abuse.

(c) Restraint and seclusion should only be used as a safety measure of last resort and should never be used as punishment or discipline or for staff convenience.

(d) Restraint and seclusion may cause serious injury or long lasting trauma and death, even when done safely and correctly.

(e) There is no evidence that restraint or seclusion is effective in reducing the problem behaviors that frequently precipitate the use of those techniques.

(f) Students with disabilities and students of color, especially African American boys, are disproportionately subject to restraint and seclusion.

(g) Well-established California law already regulates restraint techniques in a number of settings, including general acute care hospitals, acute psychiatric hospitals, psychiatric health facilities, crisis stabilization units, community treatment facilities, group homes, skilled nursing facilities, intermediate care facilities, community care facilities, and mental health rehabilitation centers. These minimal protections should be provided to all students in schools.

(h) It is the intent of the Legislature to ensure that schools foster learning in a safe and healthy environment and provide adequate safeguards to prevent harm, and even death, to children in school.

(i) This article is intended to be read to be consistent with, and does not change any requirements, limitations, or protections in, existing law pertaining to students with exceptional needs.

(j) It is the intent of the Legislature to prohibit dangerous practices. Restraint and seclusion, as described in this article, do not further a child’s education. At the same time, the Legislature recognizes that if an emergency situation arises, the ability of education personnel to act in that emergency to safeguard a student or others from imminent physical harm should not be restricted.

EDC 49005.1.
The following definitions apply to this article:

(a) “Behavioral restraint” means “mechanical restraint” or “physical restraint,” as defined in this section, used as an intervention when a pupil presents an immediate danger to self or to others. “Behavioral restraint” does not include postural restraints or devices used to improve a pupil’s mobility and independent functioning rather than to restrict movement.

(b) “Educational provider” means a person who provides educational or related services, support, or other assistance to a pupil enrolled in an educational program provided by a local educational agency or a nonpublic school or agency.

(c) “Local educational agency” means a school district, county office of education, charter school, the California Schools for the Deaf, and the California School for the Blind.

(d) (1) “Mechanical restraint” means the use of a device or equipment to restrict a pupil’s freedom of movement.

(2) (A) “Mechanical restraint” does not include the use of devices by peace officers or security personnel for detention or for public safety purposes.

(B) “Mechanical restraint” does not include the use of devices by trained school personnel, or by a pupil, prescribed by an appropriate medical or related services professional, if the device is used for the specific and approved purpose for which the device or equipment was prescribed, which shall include, but not be limited to, all of the following:
(1) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.

(2) Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.

(3) Restraints for medical immobilization.

(4) Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

(e) “Nonpublic school or agency” means any nonpublic school or nonpublic agency, including both in-state and out-of-state nonpublic schools and nonpublic agencies.

(f) (1) “Physical restraint” means a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely. “Physical restraint” does not include a physical escort, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil who is acting out to walk to a safe location.

(2) “Physical restraint” does not include the use of force by peace officers or security personnel for detention or for public safety purposes.

(g) “Prone restraint” means the application of a behavioral restraint on a pupil in a facedown position.

(h) “Pupil” means a pupil enrolled in preschool, kindergarten, or any of grades 1 to 12, inclusive, and receiving educational services from an educational provider.

(i) “Seclusion” means the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving. “Seclusion” does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a nonlocked setting, and is implemented for the purpose of calming.

EDC 49005.2.

A pupil has the right to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff. This right includes, but is not limited to, the right to be free from the use of a drug administered to the pupil in order to control the pupil’s behavior or to restrict the pupil’s freedom of movement, if that drug is not a standard treatment for the pupil’s medical or psychiatric condition.

EDC 49005.4.

An educational provider may use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.

EDC 49005.6.

An educational provider shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques.

EDC 49005.8.

(a) An educational provider shall not do any of the following:

(1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.

(2) Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
(3) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

(4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.

(5) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.

(6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.

(b) An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.

(c) An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.

(d) If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

EDC 49006.

(a) A local educational agency that meets the definition of a "local educational agency" specified in Section 300.28 of Title 34 of the Code of Federal Regulations shall collect and, no later than three months after the end of a school year, report to the department annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the local educational agency for all or part of the prior school year.

(b) The report required pursuant to subdivision (a) shall include all of the following information, disaggregated by race or ethnicity, and gender:

(1) The number of pupils subjected to mechanical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(2) The number of pupils subjected to physical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(3) The number of pupils subjected to seclusion, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(4) The number of times mechanical restraint was used on pupils, with separate counts for the number of times mechanical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
(5) The number of times physical restraint was used on pupils, with separate counts for the number of times physical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(6) The number of times seclusion was used on pupils, with separate counts for the number of times seclusion was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

(c) Notwithstanding any other law, the data collected and reported pursuant to this section shall be available as a public record pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(d) No later than three months after the report is due to the department pursuant to subdivision (a), the department shall post the data from the report annually on its Internet Web site.

EDC 49006.2.
Notwithstanding Section 49006, the data collection and reporting requirements contained in this article shall be conducted in compliance with the requirements of the Civil Rights Data Collection of the United States Department of Education’s Office for Civil Rights imposed pursuant to Sections 100.6(b) and 104.61 of Title 34 of the Code of Federal Regulations, and shall not be construed to impose a new program or higher level of service on local educational agencies or nonpublic schools or agencies.

EDC 49006.4.
(a) This article applies with regard to all pupils, including individuals with exceptional needs. For an individual with exceptional needs, if a behavioral restraint or seclusion is used, the procedures for follow-up contained in subdivisions (e), (f), (g) and (h) of Section 56521.1 shall also apply.

(b) For purposes of this section, “individual with exceptional needs” has the same meaning specified in Section 56026.

EDC 56520.
(a) The Legislature finds and declares all of the following:

1. That the state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions.

2. That some schoolage individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of other pupils, or both.

3. That Section 1400(c)(5)(F) of Title 20 of the United States Code states that research and experience demonstrate that the education of children with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports to address the learning and behavioral needs of those children.

4. That procedures for the elimination of maladaptive behaviors shall not include those deemed unacceptable under Section 49001 or those that cause pain or trauma.

(b) It is the intent of the Legislature:
(1) That children exhibiting serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing regulations.

(2) That assessments and positive behavioral interventions and supports be developed and implemented in a manner informed by guidance from the United States Department of Education and technical assistance centers sponsored by the Office of Special Education Programs of the United States Department of Education.

(3) That when behavioral interventions, supports, and other strategies are used, they be used in consideration of the pupil's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a pupil's right to placement in the least restrictive educational environment.

(4) That behavioral intervention plans be developed and used, to the extent possible, in a consistent manner when the pupil is also the responsibility of another agency for residential care or related services.

(5) That training programs be developed and implemented in institutions of higher education that train teachers and that in-service training programs be made available as necessary in school districts and county offices of education to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.

EDC 56521.

(a) This chapter applies to any individual with exceptional needs who is in a public school program, including a state school for the disabled pursuant to Part 32 (commencing with Section 59000), or who is placed in a nonpublic school program pursuant to Sections 56365 to 56366.5, inclusive.

(b) The Superintendent of Public Instruction shall monitor and supervise the implementation of this chapter.

EDC 56521.1.

(a) Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

(b) Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

(c) No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the schoolsite administrator or law enforcement agency, as applicable to the situation.

(d) Emergency interventions shall not include:

(1) Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(2) Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.

(3) An amount of force that exceeds that which is reasonable and necessary under the circumstances.

(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one schoolday if an emergency intervention is used or serious property damage occurs. A behavioral
emergency report shall immediately be completed and maintained in the file of the individual with exceptional needs. The behavioral emergency report shall include all of the following:

1. The name and age of the individual with exceptional needs.
2. The setting and location of the incident.
3. The name of the staff or other persons involved.
4. A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
5. Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.

All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.

If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

EDC 56521.2.

A local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs pursuant to Sections 56365 and 56366, shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

1. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
2. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
3. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. An intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
5. Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention.
6. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
7. An intervention that precludes adequate supervision of the individual.
8. An intervention that deprives the individual of one or more of his or her senses.

In the case of a child whose behavior impedes the child’s learning or that of others, the individualized education program team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations.
EDC 56523.

(a) The Superintendent shall repeal those regulations governing the use of behavioral interventions with individuals with exceptional needs receiving special education and related services that are no longer supported by statute, including Section 3052 and subdivisions (d), (e), (f), (g), and (ab) of Section 3001 of Title 5 of the California Code of Regulations, as those provisions existed on January 10, 2013.

(b) This chapter is necessary to implement the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and associated federal regulations. This chapter is intended to provide the clarity, definition, and specificity necessary for local educational agencies to comply with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and shall be implemented by local educational agencies without the development by the Superintendent and adoption by the state board of any additional regulations.

(c) Pursuant to Section 1401(9) of Title 20 of the United States Code, special education and related services must meet the standards of the department.

(d) As a condition of receiving funding from the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), a local educational agency shall agree to adhere to this chapter and implementing federal regulations set forth in this chapter.

(e) The Superintendent may monitor local educational agency compliance with this chapter and may take appropriate action, including fiscal repercussions, if either of the following is found:

1. The local educational agency failed to comply with this chapter and failed to comply substantially with corrective action orders issued by the department resulting from monitoring findings or complaint investigations.

2. The local educational agency failed to implement the decision of a due process hearing officer based on noncompliance with this part, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the federal implementing regulations, wherein noncompliance resulted in the denial of, or impeded the delivery of, a free appropriate public education for an individual with exceptional needs.

(f) Commencing with the 2010-11 fiscal year, if any activities authorized pursuant to this chapter and implementing regulations are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, state funding provided for purposes of special education pursuant to Item 6110-161-0001 of Section 2.00 of the annual Budget Act shall first be used to directly offset any mandated costs.

(g) The Legislature hereby requests the Department of Finance on or before December 31, 2013, to exercise its authority pursuant to subdivision (d) of Section 17557 of the Government Code to file a request with the Commission on State Mandates for the purpose of amending the parameters and guidelines of CSM-4464 to delete any reimbursable activities that have been repealed by statute or executive order and to update offsetting revenues that apply to the mandated program.

EDC 56524.

The superintendent shall explore with representatives of institutions of higher education and the Commission on Teacher Credentialing, the current training requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions for people entering the field of education.

REGULATIONS

No relevant regulations found.
Alternative placements

LAWs

EDC 1980.
A county board of education may establish and maintain one or more community schools.

EDC 1981.
The county board of education may enroll pupils in a county community school who are any of the following:

(a) Expelled from a school district for any reason other than those specified in subdivision (a) or (c) of Section 48915.

(b)(1) Referred to a county community school by a school district as a result of the recommendation by a school attendance review board. A pupil shall not be referred to a county community school by a school district pursuant to this subdivision unless the school district and the county office of education determine all of the following:

(A) The county community school has space available to enroll the pupil.

(B) The county community school meets the educational needs of the pupil.

(C)(i) The parent, guardian, or responsible adult of the pupil has not expressly objected to the referral based on one or more of the following reasons:

(I) Reasonable concerns related to the pupil's safety.

(II) Geographic accessibility.

(III) Inability to transport.

(IV) The school does not meet the pupil's educational needs.

(ii) The school district may require the objection to be in writing if it has advised the parent, guardian, or responsible adult that they may object, in writing, for one of these reasons.

(2) If the county community school recommended pursuant to paragraph (1) is not geographically accessible to the pupil, the school attendance review board shall also include in its recommendation a school option for the pupil that is geographically accessible to the pupil and meets the criteria specified in paragraph (1).

(3) If the parent, guardian, or responsible adult of the pupil objects for any of the reasons described in subclauses (I) to (IV), inclusive, of clause (i) of subparagraph (C) of paragraph (1), the school district may either address the express objection or find an alternative placement in another comprehensive or continuation school within the school district. If the school district has offered the pupil all other options, the school district may refer the pupil to the county community school.

(4) The pupil has the right to return to his or her prior school or another appropriate school within his or her school district at the end of the semester following the semester when the acts leading to referral occurred. The right to return shall continue until the end of the pupil's 18th year of age, except that a pupil with exceptional needs, consistent with Section 56041 of this code and Section 1412(a)(1)(A) of Title 20 of the United States Code, shall have the right to return until he or she turns 22 years of age.

(c)(1)(A) On probation, with or without the supervision of a probation officer and consistent with an order of a juvenile court, who are considered to be wards of the court under Sections 601 and 602 of the Welfare and Institutions Code and ordered placed pursuant to Sections 725, 729.2, and 791 of, and paragraph (2) of subdivision (a) of Section 727 of, the Welfare and Institutions Code.
(B) Under the supervision of a probation officer, with the consent of the minor and the minor’s parent or guardian, pursuant to Section 654 of the Welfare and Institutions Code.

(C) Under the supervision of a probation officer pursuant to Section 726 and paragraph (3) of subdivision (a) of Section 727 of the Welfare and Institutions Code with the consent of the pupil’s parent, guardian, or responsible adult appointed by the juvenile court to make educational decisions for the pupil. The enrollment of a minor covered by this paragraph in a county community school shall be consistent with paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code, which provides that all educational and school placement decisions shall seek to ensure that the youth is in the least restrictive educational program, has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, and are based on the best interests of the child.

(D) Unless specifically ordered by a juvenile court, nothing in this subdivision shall be construed to conflict with the existing rights of a parent, guardian, or responsible adult appointed by the juvenile court pursuant to Section 726 of the Welfare and Institutions Code to make educational placement decisions for the minor.

(E) With respect to a pupil’s enrollment in a county community school pursuant to subparagraph (B) or (C), and consistent with paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code and California Rule of Court 5.651, all of the following shall apply:

   (i) The attorney for, or the person holding the educational rights of, a pupil who is under the jurisdiction of the delinquency court may use the procedures set forth in California Rule of Court 5.651 to address any change of placement that results in the enrollment of the pupil in a county community school that is not his or her school of origin.

   (ii) The attorney or the person holding the educational rights appointed by the court for a pupil who is under the jurisdiction of the delinquency court may, during a regularly scheduled hearing, raise any concerns with respect to whether the enrollment of the pupil in a county community school is meeting the educational needs of the pupil.

   (iii) Nothing in this subparagraph is intended to limit in any way the rights or responsibilities of any person as set forth in paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code and California Rule of Court 5.651.

(2) On probation or parole and not in attendance at any school, where enrollment is with the consent of the parent, guardian, or responsible adult, or the pupil, if he or she is 18 years of age or older. Nothing in this subdivision shall impact the provision of services or funding for youth up to 25 years of age pursuant to subdivision (b) of Section 1982, as that section read on September 25, 2013.

(3) Expelled for any of the reasons specified in subdivision (a) or (c) of Section 48915.

(4) Enrollment in a county community school pursuant to this subdivision shall be consistent with subdivision (b) of Section 48645.5.

(d) Pupils whose school districts of attendance, or, for pupils who do not have school districts of attendance, school districts of residence, have, at the request of the pupil’s parent, guardian, or responsible adult, approved the pupil’s enrollment in a county community school, subject to the following:

   (1) A pupil shall not be enrolled in a county community school pursuant to this subdivision unless the school district determines that the placement will promote the educational interests of the pupil and the county community school has space available to enroll the pupil.

   (2) A parent, guardian, or responsible adult of a pupil enrolled in a county community school pursuant to this subdivision may rescind the request for the placement, and the pupil shall be immediately
reenrolled in the school that the pupil attended at the time of the referral, or, with the consent of the parent, guardian, or responsible adult, another appropriate school.

(e) The procedures outlined in subdivisions (b) to (e), inclusive, of Section 51225.2 govern the transfer of credits, records, including special education records, and grades required pursuant to subdivision (a) of Section 48645.5 and Section 49068 when the pupil transfers to and from the county community school.

(f) For purposes of this section, “geographically accessible” means that the pupil can reasonably travel to and from the school and is able to pay for any transportation costs that are above and beyond the costs to attend his or her school of residence or prior school, whichever is farther away.

EDC 1981.5.

(a) A pupil who is involuntarily enrolled in a county community school pursuant to subdivision (a) of, or subparagraph (A) of paragraph (1) or paragraph (3) of subdivision (c) of, Section 1981 shall have the right to reenroll in his or her former school or another comprehensive school immediately after being readmitted from the expulsion order pursuant to Section 48916 or court-ordered placement. Nothing in this section is intended to limit the school placement options that a school district may recommend for a pupil being readmitted.

(b) Consistent with the process and procedures set forth in Section 48916, only the governing board of the school district that issued the initial order or subsequent order to expel may extend the duration of an expelled pupil's placement in a county community school.

EDC 1983.

(a) Pupils enrolled in county community schools shall be assigned to classes or programs deemed most appropriate for reinforcing or reestablishing educational development.

(b) These classes or programs may include, but need not be limited to, basic educational skill development, on-the-job training, school credit recovery assistance, tutorial assistance, and individual guidance activities.

(c) To the extent that independent study is determined to satisfy the individually planned educational program described in subdivision (d) for a pupil attending a county community school, it shall meet all the requirements of Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 of Title 2, including the requirement that entry into that program is voluntary.

(d) An individually planned educational program based upon an educational assessment shall be prescribed for each pupil.

(e) The course of study of a county community school shall be adopted by the county board of education and shall enable each pupil to continue academic work leading to the completion of a regular high school program.

(f) Pursuant to Part 30 (commencing with Section 56000) of Division 4 of Title 2, Chapter 33 (commencing with Section 1400) of Title 20 of the United States Code, and accompanying state and federal regulatory provisions, county boards of education operating county community schools shall ensure that assessments are administered in all areas of suspected disability and appropriate services and programs, as specified in a pupil's individualized education program, are provided.

(g) County boards of education operating county community schools shall ensure that appropriate services and programs designed to address the language needs of pupils identified as English learners are provided in compliance with all applicable state and federal laws and regulatory provisions.

(h) For purposes of this section, “school credit recovery assistance” refers to a pupil passing, and receiving credit for, a course that the pupil previously attempted, but for which the pupil was unsuccessful.
in earning academic credit towards graduation. The pupil can recover the credit by satisfying requirements for the course in which they were unsuccessful and can focus on earning credit based on competency in the content standards for that particular course. Credit recovery programs aim to help schools graduate more pupils by giving pupils who have fallen behind the chance to recover credits through a multitude of different strategies. Different programs allow pupils to work on their credit recovery classes over the summer, on school breaks, after school, on weekends, at home on their own, at night in school computer labs, online, or even during the schoolday.

**EDC 1984.**

For the purposes of establishing and maintaining a county community school, a county board of education shall be deemed to be a school district.

**EDC 1986.**

(a) The Legislature hereby recognizes that community schools are a permissive educational program.

(b) If a county superintendent of schools elects to operate a community school pursuant to this chapter, he or she shall do one or more of the following:

1. Utilize available school facilities that conform to the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.

2. Apply for emergency portable classrooms pursuant to Section 17717.2 or Chapter 25 (commencing with Section 17785) of Part 10.

3. Enter into lease agreements provided that the facilities are limited to one of the following:

   A. Single story, wood-framed structure.

   B. Single story, light steel frame structure.

   C. A structure where a structural engineer has submitted a report that determines substantial structural hazards do not exist. The county board of education shall review the report prior to approval of the lease and may reject the report if there is any evidence of fraud regarding the facts in the report.

(c) Before entering into any lease pursuant to paragraph (3) of subdivision (b), the county superintendent of schools shall certify that all reasonable efforts have been made to locate community schools in facilities that conform to the structural safety standards listed in paragraph (1) of subdivision (b).

(d) This section shall become operative on July 1, 1990.

**EDC 48268.**

The court, in addition to any judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the pupil shall deliver him at the beginning of each schoolday, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

**EDC 48322.**

The county school attendance review board may encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.
EDC 48432.
The governing board of each high school district and each unified school district shall establish and maintain within its boundaries special continuation education classes and may establish and maintain regional occupational centers or programs, in accordance with the provisions of Section 52301, whenever there are any minors residing within the district who are subject to compulsory continuation education; provided, that if there are fewer than 100 students enrolled in grade 12 in any school of the district maintaining that grade, the governing board of the district may apply to the State Department of Education for exemption of that school from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be adopted by the State Board of Education to govern the granting of the exemptions. An exemption may also be granted to schools having an enrollment of more than 100 pupils in grade 12 if the district seeking the exemption has entered into an agreement with another high school district or unified school district to maintain special continuation education classes for minors residing in either of the districts, but shall not be granted if the agreement would make it necessary for such minors to travel an excessive distance from their homes to the continuation education classes.

If there is a regional occupational center or program as provided in Article 1 (commencing with Section 52300) of Chapter 9 of Part 28, of this division within a county, the governing board of any school district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center or program in accordance with the provisions of Section 52314.

Any minor admitted to a regional occupational center or program under the provisions of Section 52314.5 shall be considered to have enrolled in the regional occupational center or program in lieu of continuation education classes. Nothing in this section shall prohibit a minor from enrolling in a program of continuation education or a regular high school program if the minor voluntarily chooses to enroll in the program.

EDC 48645.
The purpose of this article is to provide for the administration and operation of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, or Orange County youth correctional centers in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established pursuant to Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5, of the Welfare and Institutions Code or in any group home housing 25 or more children placed pursuant to Sections 362, 727, and 730, of the Welfare and Institutions Code or in any group home housing 25 or more children and operating one or more additional sites under a central administration for children placed pursuant to Section 362, 727, or 730 of the Welfare and Institutions Code, with acceptable school structures at one or more centrally located sites to serve the single or composite populations, and to provide the juvenile court school pupils therein detained with quality education and training.

Nothing in this section shall be construed as indicating that it is the intent of the Legislature to prevent juvenile court school pupils who are housed in group homes from enrolling in regular public schools, or that it is the intent of the Legislature to transfer the responsibility for any costs associated with the operation of group homes to the counties.

The Orange County Office of Education shall only provide educational services in youth correctional centers for individuals up to 19 years of age.
EDC 48645.1.
Public schools or classes in any juvenile hall, juvenile home, day center, juvenile ranch, juvenile camp, regional youth educational facility, or Orange County youth correctional center in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established in accordance with Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), and Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2, or in any group home housing 25 or more children and operating one or more additional sites under a central administration, with acceptable school structures at one or more centrally located sites to serve the single or composite populations of juvenile court school pupils detained therein in accordance with the provisions of Section 362, 727, or 730 of the Welfare and Institutions Code, shall be known as juvenile court schools.

EDC 48645.2.
The county board of education shall provide for the administration and operation of juvenile court schools established pursuant to Section 48645.1:

(a) By the county superintendent of schools, provided that, in any county in which the board of supervisors is establishing or maintaining juvenile court schools on January 1, 1978, the county superintendent of schools may contract with the board of supervisors for the administration and operation of such schools if agreed upon between the board of education and the board of supervisors. In any event, the county superintendent of schools may contract with other educational agencies for supporting services to the same extent that school districts may contract with other such agencies.

(b) By contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.

EDC 48645.3.
(a) Juvenile court schools shall be conducted in a manner as shall be prescribed by the county board of education to best accomplish the provisions of Section 48645. The minimum schoolday shall be 240 minutes. Minimum schooldays shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The minimum schoolday for pupils in attendance in approved vocational education programs, work programs prescribed by the probation department pursuant to Section 883 of the Welfare and Institutions Code, and work experience programs shall be 180 minutes, which shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The county board of education shall adopt and enforce a course of study and evaluate its program in accordance with Sections 51040, 51041, 51050, and 51054 and the provisions of Article 1 (commencing with Section 51200) to Article 3 (commencing with Section 51220), inclusive, of Chapter 2 of Part 28, except subdivision (c) of Section 51220.

(b) Juvenile court schools shall not be closed on any weekday of the calendar year, except those weekdays adopted by the county board of education as school holidays or set aside by the county board of education for inservice purposes. However, the county board of education may close juvenile court schools when it deems the closing is necessary to accommodate contingencies.

(c)(1) The county board of education may adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, as determined by statewide assessments or objective local evaluations and assessments as approved by the county superintendent of schools.
(2) The enhanced course of study adopted pursuant to paragraph (1) shall meet the standards adopted pursuant to Section 60605.8, as appropriate, and shall be tailored to meet the needs of the individual pupil to increase the pupil's academic literacy and reading fluency.

(d) It is the intent of the Legislature that pupils in juvenile court schools have a rigorous curriculum that includes a course of study preparing them for high school graduation and career entry and fulfilling the requirements for admission to the University of California and the California State University.

EDC 48645.5.

(a) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

   (1) Arrest.
   (2) Adjudication by a juvenile court.
   (3) Formal or informal supervision by a probation officer.
   (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

(c) Pursuant to subparagraph (B) of paragraph (8) of subdivision (f) of Section 48853.5, a pupil who has had contact with the juvenile justice system shall be immediately enrolled in a public school.

(d) If a pupil completes the statewide coursework requirements for graduation specified in Section 51225.3 while attending a juvenile court school, the county office of education shall issue to the pupil a diploma of graduation and shall not require the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements.

EDC 48645.6.

Plans for any juvenile court school classrooms, offices, or any other school structures in any juvenile hall, juvenile home, day center, juvenile ranch, or juvenile camp shall be approved by the county board of education. Upon approval of the board of supervisors and the county board of education, the cost of such structures shall be a required charge against the funds of the county.

The cost of constructing or otherwise providing classrooms, offices, or other onsite school structures in group homes or other agencies housing children described in Sections 362, 727, and 730 of the Welfare and Institutions Code shall be the responsibility of the private agency. This construction shall not entitle private agencies to an increase in the foster care reimbursement rates available from the State Department of Social Services or any other state agency. It is the intent of the Legislature that nothing in this section shall be construed to preclude the county boards of education or the governing boards of school districts from entering into a contractual agreement providing compensation to group homes for the use of classrooms, offices, or other onsite school structures.

EDC 48646.

(a) The Legislature encourages each county superintendent of schools or governing board of a school district, as determined by the county board of education pursuant to subdivision (b) of Section 48645.2, and the county chief probation officer to enter into a memorandum of understanding or equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are
receiving their education in juvenile court schools. The memorandum of understanding or equivalent mutual agreement may include, but is not limited to, a process for communication, decision-making, mutually established goals, and conflict resolution. The purpose of this memorandum of understanding or equivalent mutual agreement is to develop a collaborative model that will foster an educational and residential environment that nurtures the whole child and consistently supports services that will meet the educational needs of the pupils.

(b) A memorandum of understanding or equivalent mutual agreement on providing educational and related services for juvenile court school pupils developed in accordance with this section may include, but is not limited to, the following provisions:

(1) Mutually developed goals and objectives that are reviewed annually, including, but not limited to, the following:
   
   (A) Building resiliency and strengthening life skills.
   
   (B) Fostering prosocial attitudes and behaviors.
   
   (C) Assigning pupils to appropriate classrooms based on their educational needs.
   
   (D) Ensuring regular classroom attendance.
   
   (E) Providing clean, safe, and appropriate educational facilities.
   
   (F) Improving academic achievement and vocational preparation.

(2) Clear delineation of responsibilities among the educational and residential or custodial service providers.

(3) A process for communicating, collaborating, and resolving conflicts. Whenever possible, resolution of issues shall be reached by consensus through a collaborative process that would promote decision-making at the site where services are delivered. A working group charged with this responsibility may be appointed by the county superintendent of schools, or the superintendent of the school district with responsibility for providing juvenile court school services, and the county chief probation officer, or their designees. The working group is responsible for establishing and maintaining open communication, collaboration, and resolution of issues that arise.

(4) A clearly identified mechanism for resolving conflicts.

(5) A joint process for performing an intake evaluation for each ward to determine educational needs and ability to participate in all educational settings once the ward enters the local juvenile facility. The process shall recognize the limitations on academic evaluation and planning that can result from short-term placements. The evaluation team shall include staff from the responsible educational agency and the county probation department, and may include other participants as appropriate, and as mutually agreed upon by the education and probation members of the team. The evaluation process specified in the memorandum of understanding or equivalent mutual agreement may:

   (A) Include a timeline for evaluation once a ward is assigned to a local facility.
   
   (B) Result in an educational plan for a ward while assigned to a local juvenile facility that is integrated with other rehabilitative and behavioral management programs, and that supports the educational needs of the pupil.

It is the intent that this shared information about each ward placed in a juvenile court school shall assist both the county superintendent of schools and the county chief probation officer in meeting the needs of wards in their care and promoting a system of comprehensive services.

(c) The memorandum of understanding or equivalent mutual agreement shall not cede responsibility or authority prescribed by statute or regulation from one party to another party unless mutually agreed upon by both parties.
EDC 48647.
(a) Local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, systems, including data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court schools.

(b) As part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to improve communication regarding dates of release and the educational needs of pupils who have had contact with the juvenile justice system, to coordinate immediate school placement and enrollment, and to ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities.

EDC 48660.
(a) The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in an individual middle or junior high school operated by the school district. If a school district is organized as a school district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the governing board of the school district. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school.

(b) The average daily attendance of a community day school shall be determined by dividing the total number of days of attendance in all full school months, by a divisor of 70 in the first period of each fiscal year, by a divisor of 135 in the second period of each fiscal year, and by a divisor of 180 at the annual time of each fiscal year.

EDC 48660.1.
It is the intent of the Legislature that school districts operating community day schools to the extent possible include the following program components:

(a) School district cooperation with the county office of education, law enforcement, probation, and human services agencies personnel who work with at-promise youth.

(b) Low pupil-teacher ratio.

(c) Individualized instruction and assessment.

(d) Maximum collaboration with school district support service resources, including, but not limited to, school counselors and psychologists, academic counselors, and pupil discipline personnel.

EDC 48661.
(a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.
(2) When the governing board of a school district that is organized as a district to serve kindergarten and grades 1 to 8, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(3) When the governing board of a school district that desires to operate a community day school to serve any of kindergarten and grades 1 to 6, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

EDC 48662.

(a) The governing board of a school district that establishes a community day school shall adopt policies that provide procedures for the involuntary transfer of pupils to a community day school.

(b) A pupil may be assigned to a community day school only if he or she meets one or more of the following conditions:

(1) The pupil is expelled for any reason.

(2) The pupil is probation referred pursuant to Sections 300 and 602 of the Welfare and Institutions Code.

(3) The pupil is referred to a community day school by a school attendance review board or other district level referral process.

(4) First priority for assignment to a community day school shall be given to a pupil expelled pursuant to subdivision (d) of Section 48915, second priority shall be given to pupils expelled for any other reasons, and third priority shall be given for placement to all other pupils pursuant to this section, unless there is an agreement that the county superintendent of schools shall serve any of these pupils.

EDC 48663.

(a) The minimum school day in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

(b) A pupil enrolled in a community day school may not generate more than one day of community day school attendance credit in a school day for any purpose.

(c) For the purposes of calculating the additional funding provided to a school district pursuant to Section 48664, only community day school attendance shall be reported in clock hours. Attendance of less than five clock hours in a school day shall be disregarded for purposes of Section 48664. Five clock hours of attendance in one school day shall be deemed to be one-half day of attendance, for purposes of additional funding pursuant to Section 48664. Six clock hours or more of attendance in one school day shall be deemed to be one day of attendance, for purposes of additional funding pursuant to Section 48664.

(d) Independent study may not be utilized as a means of providing any part of the minimum instructional day provided pursuant to subdivision (a).

(e) A community day school’s academic programs shall be comparable to those available to pupils of a similar age in the school district.

EDC 48666.

Notwithstanding any other provision of law, the governing board of a school district maintaining a community day school may establish attendance policies for the community day school that permit the community day school to require pupils to attend school for up to seven days each week when this action
is taken as part of a directed program designed to provide community day pupils with the skills and attitudes necessary for success when returned to a regular school environment.

EDC 48903.
(a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.

(b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.

EDC 48910.
(b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.

EDC 48911.1.
(a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal’s designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.

(e) This section does not place any limitation on a school district's ability to transfer a pupil to an opportunity school or class or a continuation education school or class.

EDC 48915.
(d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

1. Is appropriately prepared to accommodate pupils who exhibit discipline problems.
2. Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
3. Is not housed at the schoolsite attended by the pupil at the time of suspension.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county
superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

EDC 48915.01.
If the governing board of a school district has established a community day school pursuant to Section 48661 on the same site as a comprehensive middle, junior, or senior high school, or at any elementary school, the governing board does not have to meet the condition in paragraph (2) of subdivision (d) of Section 48915 when the board, pursuant to subdivision (f) of Section 48915, refers a pupil to a program of study and that program of study is at the community day school. All the other conditions of subdivision (d) of Section 48915 are applicable to the referral as required by subdivision (f) of Section 48915.

EDC 48915.2.
(a) A pupil expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school pursuant to subdivision (c) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.

EDC 48915.5.
(a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, the discipline provisions contained in Sections 300.530 to 300.537, inclusive, of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.
(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.
(c) If an individual with exceptional needs is excluded from schoolbus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil’s individualized education program.
(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.
(e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be
made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

EDC 48916.
(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.

EDC 48916.1.
(a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools.

(c) Any educational program provided pursuant to subdivision (b) may not be situated within or on the grounds of the school from which the pupil was expelled.

(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

(f) If the county superintendent of schools is unable for any reason to serve the expelled pupils of a school district within the county, the governing board of that school district may enter into an agreement with a county superintendent of schools in another county to provide education services for the district’s expelled pupils.

EDC 48926.
Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education. The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

EDC 48927.
(a) This chapter shall also apply to pupils attending the California School for the Blind and the two California Schools for the Deaf, which shall be referred to as the “state special schools.”
(b) Because the state special schools have a governance structure different from that of school districts, for the purposes of this section the following definitions shall apply:

(1) “Superintendent” means the appropriate principal of the state special school in which the pupil is enrolled, or the principal’s designee, for purposes of Sections 48900, 48900.2, 48900.3, 48900.4, 48900.5, 48900.7, and 48911, and subdivisions (a) and (j) of Section 48918.

(2) “Governing board of each school district,” “governing board of any school district,” or “each governing board of a school district” means the Superintendent of Public Instruction or his or her designee for purposes of subdivision (a) of Section 48900.1, subdivision (b) of Section 48901, subdivision (b) of Section 48901.5, Section 48907, Section 48910, the first paragraph of Section 48918, and the first paragraph of Section 48918.5.

(3) “Governing board” means the Superintendent of the State Special School in which the pupil is enrolled for purposes of Section 48912, subdivision (d) of Section 48915, Section 48915.5, Section 48916, Section 48917, subdivisions (a), (c), (d), (f), (h), (i), (j), and (k) of Section 48918, and Sections 48921, 48922, 48923, and 48924.

(4) “Governing board” means the governing board of the district of residence of the expelled pupil for purposes of subdivision (f) of Section 48915 and Section 48916.1. In the case of an adult pupil expelled from a state special school, “governing board” means the governing board of the school district that referred the pupil to the state special school for purposes of the code section cited in this paragraph.

(5) “Superintendent of schools or the governing board” means the appropriate principal of the state special school in which the pupil is enrolled, or the principal’s designee, for the purposes of Section 48900.6.

(6) “School district” or “district” means the state special school in which the pupil is enrolled for purposes of Section 48900.8, subdivision (b) of Section 48903, Section 48905, Section 48909, Section 48914, paragraph (1) of subdivision (e) of Section 48916.1, subdivision (c) of Section 48918.5, Section 48919, Section 48920, and Section 48921.

(7) “County board of education” or “county board” means the Superintendent of Public Instruction or his or her designee for purposes of Sections 48920, 48921, 48922, 48923, and 48924.

(8) “Local educational agency” includes a state special school for purposes of Section 48902 and Section 48915.5.

(9) “A change in placement” for purposes of paragraph (2) of subdivision (a) of Section 48915.5 means a referral by the state special school to the pupil’s school district of residence for placement in an appropriate interim alternative educational setting.

(10) “Individualized education program team” means the individualized education program team of the pupil’s school district of residence with appropriate representation from the state special school in which the pupil is enrolled for purposes of subdivision (a) of Section 48915.5.2.

(11) “Individualized education program team” means the individualized education program team of the state special school in which the pupil is enrolled with appropriate representation from the pupil’s school district of residence for purposes of subdivisions (b), (c), and (d) of Section 48915.5.3.

(c) Subdivision (b) of this section shall be deemed to provide the same due process procedural protections to pupils in the state special schools as afforded to pupils in the public school districts of the state.

EDC 48929.

Notwithstanding any other law, the governing board of a school district may transfer to another school in that school district a pupil enrolled in that school district who has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, or convicted of a misdemeanor listed in
Section 29805 of the Penal Code if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same school, subject to satisfaction of both of the following conditions:

(a) The governing board of the school district has adopted a policy at a regularly scheduled meeting that contains all of the following provisions:

(1) A requirement that the pupil and pupil’s parent or guardian be notified of the right to request a meeting with the school principal or designee of the school or school district.

(2) A requirement that the school first attempt to resolve the conflict before transferring a pupil, including, but not limited to, using restorative justice, counseling, or other services.

(3) Whether the decision to transfer a pupil is subject to periodic review and the procedure for conducting the review.

(4) The process to be used by the governing board of the school district to consider and approve or disapprove of the recommendation of the school principal or other school or school district designee to transfer the pupil.

(b) The governing board of the school district has provided notice of the policy to parents or guardians as part of the annual notification required pursuant to Section 48980.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

(m) Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

EDC 48915.
(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

PEN 626.9.
(a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (4) of subdivision (e), shall be punished as specified in subdivision (f).
(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:
(1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

(2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision does not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person’s life or safety. Upon a trial for violating subdivision (b), the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645.

(5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is not in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but within a distance of 1,000 feet from the grounds of the public or private school.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (4) of subdivision (e).

The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

(1) “Concealed firearm” has the same meaning as that term is given in Sections 25400 and 25610.

(2) “Firearm” has the same meaning as that term is given in subdivisions (a) to (d), inclusive, of Section 16520.

(3) “Locked container” has the same meaning as that term is given in Section 16850.

(4) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(f)(1) A person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years.

(2) A person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by any provision listed in Section 16580.
(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to Section 25400.

(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, in all cases other than those specified in subparagraph (A).

(3) A person who violates subdivision (d) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for three, five, or seven years.

(g)(1) A person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(2) A person convicted under this section of a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 23515, if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) A person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in Section 16580, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding Section 25605, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(i) Notwithstanding Section 25605, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.
(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended
cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached
in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof
attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or
primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing
with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal
government who is carrying out official duties while in California, any person summoned by any of these
officers to assist in making arrests or preserving the peace while he or she is actually engaged in
assisting the officer, a member of the military forces of this state or of the United States who is engaged
in the performance of his or her duties, or an armored vehicle guard, engaged in the performance of his
or her duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to
Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an existing shooting range at a public or private school or university or
college campus.

(o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or
loaded firearm pursuant to any of the following:

**PEN 30310.**

(a) Unless it is with the written permission of the school district superintendent, the superintendent’s
designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto
school grounds, except sworn law enforcement officers acting within the scope of their duties.

(b) This section shall not apply to any of the following:

1. A duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of
   Part 2.

2. A full-time paid peace officer of another state or the federal government who is carrying out official
duties while in California.

3. Any person summoned by any of these officers to assist in making an arrest or preserving the peace
while that person is actually engaged in assisting the officer.

4. A member of the military forces of this state or of the United States who is engaged in the
performance of that person’s duties.

5. An armored vehicle guard, who is engaged in the performance of that person’s duties, as defined in
subdivision (d) of Section 7582.1 of the Business and Professions Code.

6. Any peace officer, listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, whether
active or honorably retired.

7. Any other duly appointed peace officer.

8. Any honorably retired peace officer listed in subdivision (c) of Section 830.5.

9. Any other honorably retired peace officer who during the course and scope of his or her appointment
as a peace officer was authorized to, and did, carry a firearm.

10. (A) A person carrying ammunition or reloaded ammunition onto school grounds that is in a motor
vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

    (B) For purposes of this paragraph, the term “locked container” has the same meaning as set forth in
Section 16850.
(c) A violation of this section is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars ($1,000), or both the imprisonment and fine.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:
(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

EDC 48915.
(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
(2) Brandishing a knife at another person.
(5) Possession of an explosive.

EDC 49330.
(a)(1) As used in this article “injurious object” shall mean those objects specified in the following sections:
(A) Section 16250 of the Penal Code.
(B) Subdivisions (a) to (d), inclusive of Section 16520 of the Penal Code.
(C) Section 16590 of the Penal Code.
(D) Section 16880 of the Penal Code.
(E) Section 17235 of the Penal Code.
(F) Section 17240 of the Penal Code.

(G) Section 17250 of the Penal Code.

(2) As used in this article, “injurious object” shall also mean objects capable of inflicting substantial bodily damage, not necessary for the academic purpose of the pupil.

(b) As used in this section, “academic purpose” means any school sponsored activity or class of instruction scheduled during the schoolday.

(c) “Injurious object” does not include any personal possessions or items of apparel which a schoolage child reasonably may be expected either to have in his or her possession or to wear.

EDC 49331.

Any certificated employee of any school district and any classified employee of a school district who is designated by the governing board for such purposes may take from the personal possession of any pupil upon school premises or while under the authority of school personnel any injurious object in the possession of the pupil.

EDC 49332.

School personnel may retain protective possession of any injurious object taken pursuant to this section until the risk of its use as a weapon has dissipated, unless prior to dissipation of the risk, the parent or guardian requests that the school personnel retain the object, in which case, the school personnel shall retain the object until the parent or guardian or another adult with the written consent of the parent or guardian appears personally to take possession of the injurious object from the school personnel.

EDC 49333.

Notwithstanding Section 49332, a pupil who brings an injurious object to school, and who presents the object to a certificated or classified employee, may have the object returned to him or her at the conclusion of the school day, provided such injurious object may be lawfully possessed off school grounds.

PEN 626.10.

(a)(1) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, knife having a blade longer than 21/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser, or stun gun, as defined in subdivision (a) of Section 244.5, any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(a)(2) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses a razor blade or a box cutter upon the grounds of, or within,
any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is

 guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year.

(b) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with

Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government

who is carrying out official duties while in this state, a person summoned by any officer to assist in making

arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member

of the military forces of this state or the United States who is engaged in the performance of his or her
duties, who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 21/2

inches upon the grounds of, or within, any private university, the University of California, the California
State University, or the California Community Colleges is guilty of a public offense, punishable by
imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of
Section 1170.

(c) Subdivisions (a) and (b) do not apply to any person who brings or possesses a knife having a blade
longer than 21/2 inches, a razor with an unguarded blade, a razor blade, or a box cutter upon the grounds
of, or within, a public or private school providing instruction in kindergarten or any of grades 1 to 12,
inclusive, or any private university, state university, or community college at the direction of a faculty
member of the private university, state university, or community college, or a certificated or classified
employee of the school for use in a private university, state university, community college, or school-
sponsored activity or class.

(d) Subdivisions (a) and (b) do not apply to any person who brings or possesses an ice pick, a knife
having a blade longer than 21/2 inches, a razor with an unguarded blade, a razor blade, or a box cutter
upon the grounds of, or within, a public or private school providing instruction in kindergarten or any of
grades 1 to 12, inclusive, or any private university, state university, or community college for a lawful
purpose within the scope of the person’s employment.

(e) Subdivision (b) does not apply to any person who brings or possesses an ice pick or a knife having a
fixed blade longer than 21/2 inches upon the grounds of, or within, any private university, state university,
or community college for lawful use in or around a residence or residential facility located upon those
grounds or for lawful use in food preparation or consumption.

(f) Subdivision (a) does not apply to any person who brings an instrument that expels a metallic projectile,
such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot
marker gun, or any razor blade or box cutter upon the grounds of, or within, a public or private school
providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has the written
permission of the school principal or his or her designee.

(g) Any certificated or classified employee or school peace officer of a public or private school providing
instruction in kindergarten or any of grades 1 to 12, inclusive, may seize any of the weapons described in
subdivision (a), and any certificated or classified employee or school peace officer of any private
university, state university, or community college may seize any of the weapons described in subdivision
(b), from the possession of any person upon the grounds of, or within, the school if he or she knows, or
has reasonable cause to know, the person is prohibited from bringing or possessing the weapon upon the
grounds of, or within, the school.

(h) As used in this section, “dirk” or “dagger” means a knife or other instrument with or without a
handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death.

(i) Any person who, without the written permission of the college or university president or chancellor or
his or her designee, brings or possesses a less lethal weapon, as defined in Section 16780, or a stun
gun, as defined in Section 17230, upon the grounds of, or within, a public or private college or university
campus is guilty of a misdemeanor.
REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

EDC 48260.
(a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil’s circumstances, are deemed to constitute a valid excuse.

EDC 48260.5.
Upon a pupil’s initial classification as a truant, the school district shall notify the pupil’s parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil is truant.

(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.

(c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).

(d) That alternative educational programs are available in the school district.

(e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil’s truancy.

(f) That the pupil may be subject to prosecution under Section 48264.

(g) For a pupil under 18 years of age but 13 years of age or older, that the pupil may be subject to suspension, restriction, or delay of the pupil’s driving privilege pursuant to Section 13202.7 of the Vehicle Code.

(h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

EDC 48260.6.
(a) In any county which has not established a county school attendance review board pursuant to Section 48321, the school district may notify the district attorney or the probation officer, or both, of the county in which the school district is located, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (d):

(1) The name of each pupil who has been classified as a truant.

(2) The name and address of the parent or guardian of each pupil who has been classified as a truant.
EDC 48262.
Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

EDC 48263.
(a) If a minor pupil in a school district of a county is a habitual truant, or is a chronic absentee, as defined in Section 60901, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals. The school district supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall provide documentation of the interventions undertaken at the school to the pupil, the pupil’s parents or guardians, and the school attendance review board or probation department and shall notify the pupil and parents or guardians of the pupil, in writing, of the name and address of the school attendance review board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

(b)(1) If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the school attendance review board or probation officer shall direct the pupil or the pupil’s parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(2) If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation officer has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, upon that direction, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court should take in order to bring about a proper disposition of the case.

(c) In any county that has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil’s parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the
district attorney or the probation officer, or both, of the county in which the school district is located, if the
district attorney or the probation officer has elected to participate in the truancy mediation program
described in Section 48260.6.

EDC 48263.5.
(a) In any county which has established a county school attendance review board pursuant to Section
48321, the school attendance review board may notify the district attorney or the probation officer, or
both, of the county in which the school district is located, or the probation officer may notify the district
attorney, by first-class mail or other reasonable means, of the following if the district attorney or the
probation officer has elected to participate in the truancy mediation program described in subdivision (b):

(1) The name of each pupil who has been classified as a truant and concerning whom the school
attendance review board or the probation officer has determined:

(A) That available community services cannot resolve the truancy or insubordination problem.

(B) That the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives
of the school attendance review board or probation officer or to services provided.

(2) The name and address of the parent or guardian of each pupil described in paragraph (1).

(b) Upon receipt of notification provided pursuant to subdivision (a), the district attorney or the probation
officer may notify the parents or guardians of each pupil concerning whom notification has been received,
by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article
6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the
pupil at school. The district attorney or the probation officer may also request the parents or guardians
and the child to attend a meeting in the district attorney's office or at the probation department pursuant to
Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the
child's truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and
Institutions Code.

EDC 48263.6.
Any pupil subject to compulsory full-time education or to compulsory continuation education who is
absent from school without a valid excuse for 10 percent or more of the schooldays in one school year,
from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate
school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and
48291.

EDC 48264.5.
(c) The third time a truancy report is issued within the same school year, the pupil shall be classified as a
habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an
attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to
Section 601.3 of the Welfare and Institutions Code. If the school district does not have a truancy
mediation program, the pupil may be required to attend a comparable program deemed acceptable by the
school district’s attendance supervisor. If the pupil does not successfully complete the truancy mediation
program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy is issued within the same school year, the pupil may be within the jurisdiction
of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the
Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do
one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit
agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days,
...during a time other than the pupil’s hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

EDC 48267.

Any pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court of the county, or has been found to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer, who is reported as a truant from school one or more days or tardy on one or more days without valid excuse, in the same school year or in a succeeding year, or habitually insubordinate, or disorderly during attendance at school, shall be brought to the attention of the juvenile court and the pupil’s probation or parole officer within 10 days of the reported violation.

Notwithstanding Section 827 of the Welfare and Institutions Code, written notice that a minor enrolled in a public school in grades 7 to 12, inclusive, has been found by a court to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer shall be provided by the juvenile court, within seven days of the entry of the dispositional order, to the superintendent of the school district of attendance, which information shall be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal’s designee shall not disclose this information to any other person except as otherwise required by law.

EDC 48268.

The court, in addition to any judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the pupil shall deliver him at the beginning of each schoolday, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

EDC 48915.

(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

(1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

EDC 32261.
(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

EDC 48200.
Each person between the ages of 6 and 18 years not exempted under the provisions of this chapter or Chapter 3 (commencing with Section 48400) is subject to compulsory full-time education. Each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing with Section 48400) shall attend the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residence of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residence of either the parent or legal guardian is located.

Unless otherwise provided for in this code, a pupil shall not be enrolled for less than the minimum schoolday established by law.

EDC 48260.
(a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons
that are within the discretion of school administrators and, based on the facts of the pupil’s circumstances, are deemed to constitute a valid excuse.

**EDC 48260.5.**

Upon a pupil’s initial classification as a truant, the school district shall notify the pupil’s parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil is truant.
(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
(c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).
(d) That alternative educational programs are available in the school district.
(e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil’s truancy.
(f) That the pupil may be subject to prosecution under Section 48264.
(g) For a pupil under 18 years of age but 13 years of age or older, that the pupil may be subject to suspension, restriction, or delay of the pupil’s driving privilege pursuant to Section 13202.7 of the Vehicle Code.
(h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

**EDC 48260.6.**

(a) In any county which has not established a county school attendance review board pursuant to Section 48321, the school district may notify the district attorney or the probation officer, or both, of the county in which the school district is located, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (d):

(1) The name of each pupil who has been classified as a truant.
(2) The name and address of the parent or guardian of each pupil who has been classified as a truant.
(b) The school district may also notify the district attorney or the probation officer, or both, as to whether the pupil continues to be classified as a truant after the parents have been notified pursuant to subdivision (a) of Section 48260.5.
(c) In any county which has not established a county school attendance review board, the district attorney or the probation officer of the county in which the school district is located may notify the parents or guardians of every truant, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school.
(d) If the district attorney or the probation officer, or both, are notified by a school district that a child continues to be classified as a truant after the parents or guardians have been notified pursuant to subdivision (a) of Section 48260.5, the district attorney or the probation officer in any county which has not established a county school attendance review board may request the parents or guardians and the child to attend a meeting in the district attorney’s office or at the probation department pursuant to Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child’s truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code.
EDC 48261.
Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district.

EDC 48262.
Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

EDC 48263.
(a) If a minor pupil in a school district of a county is a habitual truant, or is a chronic absentee, as defined in Section 60901, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals. The school district supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall provide documentation of the interventions undertaken at the school to the pupil, the pupil’s parents or guardians, and the school attendance review board or probation department and shall notify the pupil and parents or guardians of the pupil, in writing, of the name and address of the school attendance review board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

(b)(1) If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the school attendance review board or probation officer shall direct the pupil or the pupil’s parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(2) If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation officer has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, upon that direction, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well
as its recommendations on what action the juvenile court should take in order to bring about a proper disposition of the case.

(c) In any county that has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil’s parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both, of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

EDC 48263.5.

(a) In any county which has established a county school attendance review board pursuant to Section 48321, the school attendance review board may notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may notify the district attorney, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (b):

(1) The name of each pupil who has been classified as a truant and concerning whom the school attendance review board or the probation officer has determined:

(A) That available community services cannot resolve the truancy or insubordination problem.

(B) That the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided.

(2) The name and address of the parent or guardian of each pupil described in paragraph (1).

(b) Upon receipt of notification provided pursuant to subdivision (a), the district attorney or the probation officer may notify the parents or guardians of each pupil concerning whom notification has been received, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school. The district attorney or the probation officer may also request the parents or guardians and the child to attend a meeting in the district attorney’s office or at the probation department pursuant to Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child’s truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code.

EDC 48263.6.

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

EDC 48264.

The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.
EDC 48264.5.
A minor who is classified as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance.

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil’s school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency’s policies and procedures. The pupil may also be assigned by the school to an after-school or weekend study program located within the same county as the pupil’s school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

(c) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the school district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district’s attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy is issued within the same school year, the pupil may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil’s hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than fifty dollars ($50) for which a parent or legal guardian of the pupil may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.

(3) Attendance of a court-approved truancy prevention program.

(4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).

EDC 48267.
Any pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court of the county, or has been found to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer, who is reported as a truant from school one or more days or tardy on one or more days without valid excuse, in the same school year or in a succeeding year, or habitually insubordinate, or
disorderly during attendance at school, shall be brought to the attention of the juvenile court and the pupil's probation or parole officer within 10 days of the reported violation.

Notwithstanding Section 827 of the Welfare and Institutions Code, written notice that a minor enrolled in a public school in grades 7 to 12, inclusive, has been found by a court to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer shall be provided by the juvenile court, within seven days of the entry of the dispositional order, to the superintendent of the school district of attendance, which information shall be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal's designee shall not disclose this information to any other person except as otherwise required by law.

EDC 48268.

The court, in addition to any judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the pupil shall deliver him at the beginning of each schoolday, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

EDC 48320.

(a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services may be provided to meet the special needs of pupils with school attendance problems or school behavior problems.

(b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors may:

   (1) Propose and promote the use of alternatives to the juvenile court system.

   (2) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed in behalf of minors prior to any involvement with the judicial system.

   (3) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist.

EDC 48321.

(a)(1) A county school attendance review board may be established in each county. The county school attendance review board may accept referrals or requests for hearing services from one or more school districts within its jurisdiction pursuant to subdivision (f). A county school attendance review board may be operated through a consortium or partnership of a county with one or more school districts or between two or more counties.

   (2) A county school attendance review board, if established, shall include, but need not be limited to, all of the following:

      (A) A parent.

      (B) A representative of school districts.

      (C) A representative of the county probation department.

      (D) A representative of the county welfare department.

      (E) A representative of the county superintendent of schools.

      (F) A representative of law enforcement agencies.
(G) A representative of community-based youth service centers.

(H) A representative of school guidance personnel.

(I) A representative of child welfare and attendance personnel.

(J) A representative of school or county health care personnel.

(K) A representative of school, county, or community mental health personnel.

(L) A representative of the county district attorney’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s district attorney’s office may be included.

(M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.

(3) Notwithstanding paragraph (2), for purposes of conducting hearings, the chairperson of the county school attendance review board is authorized to determine the members needed at a hearing, based on the needs of the pupil, in order to address attendance or behavioral problems.

(4) The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.

(5)(A) If a county school attendance review board exists, the county superintendent of schools shall, at the beginning of each school year, convene a meeting of the county school attendance review board for purposes of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance and behavior problems.

(B) Notwithstanding subparagraph (A), for purposes of conducting hearings, a county school attendance review board may meet as needed.

(b)(1) Local school attendance review boards may include, but need not be limited to, all of the following:

(A) A parent.

(B) A representative of school districts.

(C) A representative of the county probation department.

(D) A representative of the county welfare department.

(E) A representative of the county superintendent of schools.

(F) A representative of law enforcement agencies.

(G) A representative of community-based youth service centers.

(H) A representative of school guidance personnel.

(I) A representative of child welfare and attendance personnel.

(J) A representative of school or county health care personnel.

(K) A representative of school, county, or community mental health personnel.

(L) A representative of the county district attorney’s office. If more than one county is represented in a local school attendance review board, a representative from each county’s district attorney’s office may be included.

(M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.

(2) Other persons or group representatives shall be appointed by the county board of education.
(c) A county school attendance review board may elect, pursuant to regulations adopted pursuant to Section 48324, one member as chairperson with responsibility for coordinating services of the county school attendance review board.

(d) A county school attendance review board may provide for the establishment of local school attendance review boards in any number as shall be necessary to carry out the intent of this article.

(e) In any county in which there is no county school attendance review board the governing board of a school district may elect to establish a local school attendance review board, which shall operate in the same manner and have the same authority as a county school attendance review board.

(f) A county school attendance review board may provide guidance to local school attendance review boards.

(g) If the county school attendance review board determines that the needs of pupils, as defined in this article, can best be served by a single board, the county school attendance review board may then serve as the school attendance review board for all pupils in the county, or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that school district.

(h) This article is not intended to prohibit an agreement on the part of counties to provide these services on a regional basis.

EDC 48321.5.

(a) In every case in which a minor pupil has been referred to it under Section 48263, each county or local school attendance review board may, for the purpose of making a proper disposition of the referral, issue subpoenas pursuant to the procedures provided in Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of the Code of Civil Procedure and subject to subdivision (f), or may request the juvenile court having jurisdiction to issue subpoenas, requiring the production of pertinent or material written information or the attendance of any of the following persons:

(1) The minor.

(2) The minor’s parents, guardians, or other person having control of the minor.

(3) The school authority referring the minor.

(4) Any other person who has pertinent or material information concerning the matter.

(b) The juvenile court may issue subpoenas requiring the attendance of witnesses or the production of pertinent or material written information, subject to Section 1985 of the Code of Civil Procedure.

(c) Enforcement of a subpoena issued by a county or local school attendance review board is within the jurisdiction of the juvenile court. The juvenile court does not have jurisdiction to order detention in any secure facility or other confinement for failure to comply with a subpoena issued pursuant to this section.

(d) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena for the production of written materials or the attendance of any person except as specifically provided in subdivision (a) with respect to the limited purpose of making a proper disposition of the referral of a minor pupil made pursuant to Section 48263.

(e) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena or request a subpoena to be issued for the production of written materials or the attendance of any person if it is verified that the minor pupil is enrolled and in regular attendance in a private school maintaining kindergarten or any of grades 1 to 12, inclusive, that has filed an affidavit pursuant to Sections 33190 and 48222 of the Education Code.
(f) A county or local school attendance review board shall not issue a subpoena that includes a request for production of written materials, but may request a juvenile court having jurisdiction to issue a subpoena for production of written materials pursuant to subdivision (a).

**EDC 48322.**

The county school attendance review board may encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

**EDC 48323.**

Each of the departments or agencies authorized to participate in school attendance review boards may assign personnel to represent the department or agency on a continuing basis in accordance with the intent of this article. The duties, obligations, or responsibilities which may be imposed on local governmental entities by this act are such that the related costs are incurred as a part of their normal operating procedures. The minor costs of such services may be borne by each agency or department and each or all of the participants may apply for and utilize state or federal funds as may be available.

**EDC 48324.**

The county school attendance review board may adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of this article. The rules and regulations may be binding upon the local school attendance review boards which are established pursuant to subdivision (d) of Section 48321.

**EDC 48325.**

(a) The Legislature finds and declares that statewide policy coordination and personnel training with respect to county attendance review boards will greatly facilitate the achievement of the goals expressed in Section 48320. It is therefore the intent of the Legislature in enacting this section to do the following:

1. Encourage the cooperation, coordination, and development of strategies to support county school attendance review boards in carrying out their responsibilities to establish local school attendance review boards as necessary. These strategies may include, but need not be limited to, plans for the training of school attendance review board personnel.

2. Divert pupils with serious attendance and behavioral problems from the juvenile justice system to agencies more directly related to the state public school system by developing a system for gathering and dispensing information on successful community-based and school-based programs.

3. Reduce duplication of the services of state and county agencies in serving high-risk youth, including youth with school attendance or behavioral problems.

4. Reduce the number of dropouts in the state public education system by promoting interagency cooperation among those agencies which have as their goals preventing students from dropping out, and increasing the holding power of the public schools.

(b) The Superintendent of Public Instruction shall coordinate and administer a state school attendance review board, as follows:

1. On or before January 31 of each year, the superintendent shall extend invitations of participation to representatives of appropriate groups throughout the state, including, but not limited to, representatives of school districts, parent groups, county probation departments, county welfare departments, county superintendents of schools, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, the health care profession and state
associations having an interest in youth with school attendance or behavioral problems. The superintendent shall also request the participation of representatives from interested state agencies or departments, including, but not limited to, the Department of the California Youth Authority, the Department of Justice, the State Department of Social Services, and the Office of Criminal Justice Planning. To the extent feasible, members of the board shall include persons who are currently members of county or local school attendance review boards. For every year after the first year that the board is convened, the purpose of the invitations of participation shall be to inform appropriate groups, state agencies, and departments of the purposes of the board, to fill vacancies, and to supplement the membership of the board as necessary.

(2) The superintendent shall prescribe an appropriate deadline for acceptance of invitations of participation as a member of the state school attendance review board for that particular year, and the invitations accepted on or before the deadline shall constitute the board for that year, except that the board shall also include a representative of the State Department of Education designated by the director of that department. The representative of the State Department of Education shall be the chairperson of the board.

(3) The superintendent shall convene the board at least four times during the year. At its first meeting, the board shall elect any officers, other than its chairperson, as it deems necessary. Members of the board shall serve without compensation and without reimbursement of travel and living expenses.

(4) The State Department of Education shall provide assistance as requested by the Superintendent of Public Instruction in order to implement the provisions of this section.

(c) The state school attendance review board shall make recommendations annually to the Superintendent of Public Instruction, and to state agencies as deemed appropriate, regarding the needs and services provided to high-risk youth, including youth with school attendance or behavioral problems, in the state public schools, and shall propose uniform guidelines or other means to attain the goals stated in subdivision (a).

EDC 48900.

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

PEN 270.1.

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the Education Code, who has failed to reasonably supervise and encourage the pupil’s school attendance, and who has been offered language accessible support services to address the pupil’s truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).
(b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the Education Code:

(1) A dedicated court calendar.

(2) Leadership by a judge of the superior court in that county.

(3) Meetings, scheduled and held periodically, with school district representatives designated by the chronic truant’s school district of enrollment. Those representatives may include school psychologists, school counselors, teachers, school administrators, or other educational service providers deemed appropriate by the school district.

(4) Service referrals for parents or guardians, as appropriate to each case that may include, but are not limited to, all of the following:
   (A) Case management.
   (B) Mental and physical health services.
   (C) Parenting classes and support.
   (D) Substance abuse treatment.
   (E) Child care and housing.

(5) A clear statement that, in lieu of trial, the court may grant deferred entry of judgment with respect to the current crime or crimes charged if the defendant pleads guilty to each charge and waives time for the pronouncement of judgment and that, upon the defendant’s compliance with the terms and conditions set forth by the court and agreed to by the defendant upon the entry of his or her plea, and upon the motion of the prosecuting attorney, the court will dismiss the charge or charges against the defendant and the same procedures specified for successful completion of a drug diversion program or a deferred entry of judgment program pursuant to Section 851.90 and the provisions of Section 1203.4 shall apply.

(6) A clear statement that failure to comply with any condition under the program may result in the prosecuting attorney or the court making a motion for entry of judgment, whereupon the court will render a finding of guilty to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(7) An explanation of criminal record retention and disposition resulting from participation in the deferred entry of judgment program and the defendant’s rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(c) Funding for the deferred entry of judgment program pursuant to this section shall be derived solely from nonstate sources.

d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the Education Code, may not be punished for a violation of both this section and the provisions of Section 272 that involve criminal liability for parents and guardians of truant children.

(e) If any district attorney chooses to charge a defendant with a violation of subdivision (a) and the defendant is found by the prosecuting attorney to be eligible or ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing, or state for the record, the grounds upon which that determination is based.
REGULATIONS

5 CCR § 306. Explanation of absence.
A principal or teacher may require satisfactory explanation from the parent or guardian of a pupil, either in person or by written note, whenever the pupil is absent a part or all of a school day. The explanation shall not be required until the day following.

Substance use

LAWS

EDC 32261.
(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.
(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.
(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.
(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.
(f) As used in this chapter, “bullying” has the same meaning as set forth in subdivision (r) of Section 48900.
(g) As used in this chapter, “electronic act” has the same meaning as set forth in subdivision (r) of Section 48900.

EDC 48900.
A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:
(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid,
substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

(h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.

(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

EDC 48901.

(a) No school shall permit the smoking or use of a tobacco product by pupils of the school while the pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees.

(b) The governing board of any school district maintaining a high school shall take all steps it deems practical to discourage high school students from smoking.

(c) For purposes of this section, “smoking” has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(d) For purposes of this section, “tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

EDC 48909.

When a petition is requested in juvenile court or a complaint is filed in any court alleging that a minor of compulsory school attendance age or any pupil currently enrolled in a public school in a grade to and including grade 12 is a person who (a) has used, sold, or possessed narcotics or other hallucinogenic drugs or substances; (b) has inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code; or (c) has committed felonious assault, homicide, or rape the district attorney may, within 48 hours, provide written notice to the superintendent of the school district of attendance, notwithstanding the provisions of Section 827 of the Welfare and Institutions Code, and to the pupil’s parent or guardian.

EDC 48915.

(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

(i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

EDC 48916.5.
The governing board may require a pupil who is expelled from school for reasons relating to controlled substances, as defined in Sections 11054 to 11058, inclusive, of the Health and Safety Code, or alcohol, prior to returning to school to enroll in a county-supported drug rehabilitation program. No pupil shall be required to enroll in a rehabilitation program pursuant to this section without the consent of his or her parent or guardian.

EDC 49414.3.
(a) School districts, county offices of education, and charter schools may provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or trained personnel who have volunteered pursuant to subdivision (d), and school nurses or trained personnel may use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Authorizing physician and surgeon" may include, but is not limited to, a physician and surgeon employed by, or contracting with, a local educational agency, a medical director of the local health department, or a local emergency medical services director.

(2) "Auto-injector" means a disposable delivery device designed for the automatic injection of a premeasured dose of an opioid antagonist into the human body and approved by the federal Food and Drug Administration for layperson use.

(3) "Opioid antagonist" means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body, and has been approved for the treatment of an opioid overdose.

(4) "Qualified supervisor of health" may include, but is not limited to, a school nurse.

(5) "Volunteer" or "trained personnel" means an employee who has volunteered to administer naloxone hydrochloride or another opioid antagonist to a person if the person is suffering, or reasonably believed to be suffering, from an opioid overdose, has been designated by a school, and has received training pursuant to subdivision (d).

(c) Each public and private elementary and secondary school in the state may voluntarily determine whether or not to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available at its school. In making this determination, a school shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to naloxone hydrochloride or another opioid antagonist and trained personnel. A private elementary or secondary school choosing to exercise the authority provided under this subdivision shall not receive state funds specifically for purposes of this subdivision.

(d)(1) Each public and private elementary and secondary school in the state may designate one or more volunteers to receive initial and annual refresher training, based on the standards developed pursuant to subdivision (e), regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist from the school nurse or other qualified person designated by an authorizing physician and surgeon. A benefit shall not be granted to or withheld from any individual based on his or her offer to volunteer, and there shall be no retaliation against any individual for rescinding his or her offer to volunteer, including after receiving training. Any school district, county office of education, or charter
school choosing to exercise the authority provided under this subdivision shall provide the training for the volunteers at no cost to the volunteer and during the volunteer’s regular working hours.

(2) An employee who volunteers pursuant to this section may rescind his or her offer to administer emergency naloxone hydrochloride or another opioid antagonist at any time, including after receipt of training.

e)(1) The Superintendent shall establish minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist that satisfies the requirements of paragraph (2). Every five years, or sooner as deemed necessary by the Superintendent, the Superintendent shall review minimum standards of training for the administration of naloxone hydrochloride or other opioid antagonists that satisfy the requirements of paragraph (2). For purposes of this subdivision, the Superintendent shall consult with organizations and providers with expertise in administering naloxone hydrochloride or another opioid antagonist and administering medication in a school environment, including, but not limited to, the California Society of Addiction Medicine, the Emergency Medical Services Authority, the California School Nurses Organization, the California Medical Association, the American Academy of Pediatrics, and others.

(2) Training established pursuant to this subdivision shall include all of the following:

(A) Techniques for recognizing symptoms of an opioid overdose.

(B) Standards and procedures for the storage, restocking, and emergency use of naloxone hydrochloride or another opioid antagonist.

(C) Basic emergency followup procedures, including, but not limited to, a requirement for the school or charter school administrator or, if the administrator is not available, another school staff member to call the emergency 911 telephone number and to contact the pupil’s parent or guardian.

(D) Recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation.

(E) Written materials covering the information required under this subdivision.

(3) Training established pursuant to this subdivision shall be consistent with the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph (E) of paragraph (2).

(5) The department shall include on its Internet Web site a clearinghouse for best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils.

(f) Any school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall distribute a notice at least once per school year to all staff that contains the following information:

(1) A description of the volunteer request stating that the request is for volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist to a person if the person is suffering, or reasonably believed to be suffering, from an opioid overdose.

(2) A description of the training that the volunteer will receive pursuant to subdivision (d).

(3) The right of an employee to rescind his or her offer to volunteer pursuant to this section.

(4) A statement that no benefit will be granted to or withheld from any individual based on his or her offer to volunteer and that there will be no retaliation against any individual for rescinding his or her offer to volunteer, including after receiving training.

(g)(1) A qualified supervisor of health at a school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall obtain from an authorizing physician and surgeon a prescription for each school for naloxone hydrochloride or
another opioid antagonist. A qualified supervisor of health at a school district, county office of education, or charter school shall be responsible for stocking the naloxone hydrochloride or another opioid antagonist and restocking it if it is used.

(2) If a school district, county office of education, or charter school does not have a qualified supervisor of health, an administrator at the school district, county office of education, or charter school shall carry out the duties specified in paragraph (1).

(3) A prescription pursuant to this subdivision may be filled by local or mail order pharmacies or naloxone hydrochloride or another opioid antagonist manufacturers.

(4) An authorizing physician and surgeon shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the issuance of a prescription or order pursuant to this section, unless the physician and surgeon’s issuance of the prescription or order constitutes gross negligence or willful or malicious conduct.

(h)(1) A school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer may administer naloxone hydrochloride or another opioid antagonist to a person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity when a physician is not immediately available. If the naloxone hydrochloride or another opioid antagonist is used it shall be restocked as soon as reasonably possible, but no later than two weeks after it is used. Naloxone hydrochloride or another opioid antagonist shall be restocked before its expiration date.

(2) Volunteers may administer naloxone hydrochloride or another opioid antagonist only by nasal spray or by auto-injector.

(3) A volunteer shall be allowed to administer naloxone hydrochloride or another opioid antagonist in a form listed in paragraph (2) that the volunteer is most comfortable with.

(i) A school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer’s personnel file.

(j)(1) Notwithstanding any other law, a person trained as required under subdivision (d), who administers naloxone hydrochloride or another opioid antagonist, in good faith and not for compensation, to a person who appears to be experiencing an opioid overdose shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for his or her acts or omissions in administering the naloxone hydrochloride or another opioid antagonist.

(2) The protection specified in paragraph (1) shall not apply in a case of gross negligence or willful and wanton misconduct of the person who renders emergency care treatment by the use of naloxone hydrochloride or another opioid antagonist.

(3) Any public employee who volunteers to administer naloxone hydrochloride or another opioid antagonist pursuant to subdivision (d) is not providing emergency medical care “for compensation,” notwithstanding the fact that he or she is a paid public employee.

(k) A state agency, the department, or a public school may accept gifts, grants, and donations from any source for the support of the public school carrying out the provisions of this section, including, but not limited to, the acceptance of naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler.
PEN 626.85.

(a) Any specified drug offender who, at any time, comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, unless the person is a parent or guardian of a child attending that school and his or her presence is during any school activity, or is a student at the school and his or her presence is during any school activity, or has prior written permission for the entry from the chief administrative officer of that school, is guilty of a misdemeanor if he or she does any of the following:

(1) Remains there after being asked to leave by the chief administrative officer of that school or his or her designated representative, or by a person employed as a member of a security or police department of a school district pursuant to Section 39670 of the Education Code, or a city police officer, sheriff, or a Department of the California Highway Patrol peace officer.

(2) Reenters or comes upon that place within seven days of being asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) Has otherwise established a continued pattern of unauthorized entry.

This section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or to prohibit any lawful act, including picketing, strikes, or collective bargaining.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction, by a fine not exceeding one thousand dollars ($1,000), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) As used in this section:

(1) “Specified drug offender” means any person who, within the immediately preceding three years, has a felony or misdemeanor conviction of either:

   (A) Unlawful sale, or possession for sale, of any controlled substance, as defined in Section 11007 of the Health and Safety Code.

   (B) Unlawful use, possession, or being under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, where that conviction was based on conduct which occurred, wholly or partly, in any school building or upon any school ground, or adjacent street, sidewalk, or public way.

(2) “Continued pattern of unauthorized entry” means that on at least two prior occasions in the same calendar year the defendant came into any school building or upon any school ground, or adjacent street, sidewalk, or public way, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) “School” means any preschool or public or private school having any of grades kindergarten to 12, inclusive.
(4) “School activity” means and includes any school session, any extracurricular activity or event sponsored by or participated in by the school, and the 30-minute periods immediately preceding and following any session, activity, or event.

(d) When a person is directed to leave pursuant to paragraph (1) of subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the place he or she will be guilty of a crime.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

EDC 200.
It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, equal rights, and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

EDC 201.
(a) All pupils have the right to participate fully in the educational process, free from discrimination and harassment.

(b) California’s public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.

(c) Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution.

(d) There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California’s public schools.

(e) There is an urgent need to teach and inform pupils in the public schools about their rights, as guaranteed by the federal and state constitutions, in order to increase pupils’ awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in public schools and in society as a means of responding to potential harassment and hate violence.

(f) It is the intent of the Legislature that each public school undertake educational activities to counter discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity.

(g) It is the intent of the Legislature that this chapter shall be interpreted as consistent with Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 1981, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), the federal Equal Educational Opportunities Act (20 U.S.C. Sec. 1701, et seq.), the Unruh Civil Rights Act (Secs. 51 to 53, incl., Civ. C.), and the Fair Employment and Housing Act (Pt. 2.8
(commencing with Sec. 12900), Div. 3, Gov. C.), except where this chapter may grant more protections or impose additional obligations, and that the remedies provided herein shall not be the exclusive remedies, but may be combined with remedies that may be provided by the above statutes.

EDC 210.2.
“Disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code” includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

EDC 210.7.
“Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

EDC 212.
“Nationality” includes citizenship, country of origin, and national origin.

EDC 212.1.
(a) “Race or ethnicity” includes ancestry, color, ethnic group identification, and ethnic background.
(b) “Race” is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.
(c) “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locks, and twists.

EDC 212.3.
“Religion” includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

EDC 212.5.
“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:
(a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.
(b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
(c) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

EDC 212.6
“Sexual orientation” means heterosexuality, homosexuality, or bisexuality.
EDC 220.
No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

EDC 221.1
The State Board of Education shall adopt regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, commonly referred to as the rulemaking provisions of the Administrative Procedure Act, to implement this chapter.

EDC 234.
(a) This article shall be known, and may be cited, as the Safe Place to Learn Act.
(b) It is the policy of the State of California to ensure that all local educational agencies continue to work to reduce discrimination, harassment, violence, intimidation, and bullying. It is further the policy of the state to improve pupil safety at schools and the connections between pupils and supportive adults, schools, and communities.

EDC 234.1.
The department, pursuant to subdivision (b) of Section 64001, shall monitor adherence to the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter as part of its regular monitoring and review of local educational agencies, commonly known as the Categorical Program Monitoring process. The department shall assess whether local educational agencies have done all of the following:

(a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code, including immigration status, and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district.

(b) Adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code, including immigration status, and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The complaint process shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the school district.

(1) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

(2) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district.

(3) An appeal process afforded to the complainant in the case of a disagreement with the resolution of a complaint filed pursuant to this section.

(4) All forms developed pursuant to this process shall be translated pursuant to Section 48985.

(c) Publicized antidiscrimination, antiharassment, anti-intimidation, and antibullying policies adopted pursuant to subdivision (a), including information about the manner in which to file a complaint, to
pupils, parents, employees, agents of the governing board, and the general public. The information shall be translated pursuant to Section 48985.

(d)(1) Provided, incident to the publicizing described in subdivision (c), to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the local educational agency, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

(2) As used in this subdivision, both of the following apply:

(A) Schoolsite resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ or other at-promise pupils, counseling services, staff who have received antibias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.

(B) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ or other at-promise pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils.

(e) Posted the policy established pursuant to subdivision (a) in all schools and offices, including staff lounges and pupil government meeting rooms.

(f) Maintained documentation of complaints and their resolution for a minimum of one review cycle.

(g) Ensured that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate.

(h) Identified a responsible local educational agency officer for ensuring school district or county office of education compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter.

(i) Nothing in this section shall be construed to require school employees to engage with religious institutions in the course of identifying community support resources pursuant to this section.

**EDC 234.2.**

The department shall display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 on the California Healthy Kids Resource Center Internet Web site and other appropriate department Internet Web sites where information about discrimination, harassment, intimidation, and bullying is posted.

**EDC 234.3.**

The department shall develop a model handout describing the rights and obligations set forth in Sections 200, 201, and 220 and the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. This model handout shall be posted on appropriate department Internet Web sites.

**EDC 234.4.**

(a) A local educational agency shall adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying.

(b) For purposes of this section, a “local educational agency” means a school district, a county office of education, or a charter school.
EDC 234.5.
(a) The Superintendent shall post, and annually update, on the department's Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying, including school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity.
(b) The department’s Internet Web site shall also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

EDC 234.6.
(a) For purposes of this article, “local educational agency” means a county office of education, school district, state special school, or charter school.
(b) Commencing with the 2020-21 academic year, each local educational agency shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing internet website in a manner that is easily accessible to parents or guardians and pupils:
   (1) The local educational agency’s policy on pupil suicide prevention in grades 7 to 12, inclusive, adopted pursuant to Section 215.
   (2) The local educational agency’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, adopted pursuant to Section 215, including reference to the age appropriateness of that policy.
   (3) The definition of discrimination and harassment based on sex as described in Section 230. This shall include the rights set forth in Section 221.8.
   (4) The Title IX information included on a local educational agency’s internet website pursuant to Section 221.61.
   (5) A link to the Title IX information included on the department’s internet website pursuant to Section 221.6.
   (6) The local educational agency’s written policy on sexual harassment, as it pertains to pupils, prepared pursuant to Section 231.5.
   (7) The local educational agency’s policy, if it exists, on preventing and responding to hate violence as described in Section 233.
   (8) The local educational agency’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies as described in Section 234.1.
   (9) The local educational agency’s anti-cyberbullying procedures adopted pursuant to Section 234.4.
   (10) A section on social media bullying that includes all of the following references to possible forums for social media bullying:
       (A) Internet websites with free registration and ease of registration.
       (B) Internet websites offering peer-to-peer instant messaging.
       (C) Internet websites offering comment forums or sections.
       (D) Internet websites offering image or video posting platforms.
   (11) A link to statewide resources, including community-based organizations, compiled by the department pursuant to Section 234.5.
(12) Any additional information a local educational agency deems important for preventing bullying and harassment.

**EDC 32261.**

(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(f) As used in this chapter, “bullying” has the same meaning as set forth in subdivision (r) of Section 48900.

(g) As used in this chapter, “electronic act” has the same meaning as set forth in subdivision (r) of Section 48900.

**EDC 32282.**

(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

**EDC 48900.**

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or
prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2)(A) “Electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii)(I) An act of cyber sexual bullying.

(II) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

EDC 48900.2.

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

EDC 48900.3.

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

EDC 48900.4.

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

EDC 48900.9.

(a) The superintendent of a school district, the principal of a school, or the principal’s designee may refer a victim of, witness to, or other pupil affected by, an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, committed on or after January 1, 2015, to the school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program, as appropriate.

(b) A pupil who has engaged in an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, may also be referred to the school counselor, school psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling, or for participation in a restorative justice program, pursuant to Section 48900.5.

PEN 245.6.

(a) It shall be unlawful to engage in hazing, as defined in this section.
(b) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100), nor more than five thousand dollars ($5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

(f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

REGULATIONS

5 CCR § 4600. General definitions.
As used in this chapter, the term:

(a) “Appeal” means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body’s decision.

(b) “Beginning of the year or semester” means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

(c) “CDE” means the California Department of Education.

(d) “Complainant” means any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

(e) “Complaint” means a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

(f) “Complaint investigation” means an administrative process used by the California Department of Education (CDE) or local educational agency (LEA) for the purpose of gathering data regarding the complaint.

(g) “Complaint procedure” means an internal process used by the CDE or LEA to process and resolve complaints.

(h) “Days” means calendar days unless designated otherwise.

(i) “Direct state intervention” means the steps taken by the CDE to initially investigate complaints or effect compliance.
(j) “Educational activity” shall have the same definition as found in Education Code section 49010(a).

(k) “Educational institution” means a public or private preschool, elementary, or secondary school or institution, the governing board of a school district, or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(l) “Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff” means a condition as defined in Education Code section 17592.72(c)(1) and any other emergency conditions the school district determines appropriate.

(m) “Good repair” shall have the same definition as that found in Education Code section 17002(d).

(n) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(o) “Local agency” means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(p) “Local educational agency” (LEA) includes any public school district and county office of education or direct-funded charter school.

(q) “Mediation” means a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

(r) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(s) “Public agency” means any local agency or state agency.

(t) “Pupil fee” shall have the same definition as found in Education Code section 49010(b).

(u) “Reasonable efforts” means a public school’s good faith attempts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

1. Reasonable efforts to identify pupils who paid a pupil fee include but are not limited to researching existing school records, contacting pupils who were enrolled in or participating in the educational activity during the time the pupil fee was charged, and considering submissions of proof of payment of the pupil fee.

2. Reasonable efforts to fully reimburse all pupils, parents and guardians who paid a pupil fee include but are not limited to crediting the pupil’s school financial account and sending reimbursement by first class mail to the pupil’s last known primary address as contained in school or local educational agency records. If the school has knowledge that a pupil’s last known address as contained in school or local educational agency records is no longer valid, the school may attempt to obtain a more recent address from any notices returned to the school or local educational agency by the United States Postal Service.

(v) “SSPI” means the State Superintendent of Public Instruction or his or her designee.

(w) “State agency” means the State Departments State Hospitals or Health Services or any other state administrative unit that is or may be required to provide special education or related services to children with disabilities pursuant to Government Code section 7570 et seq.

(x) “State mediation agreement” means a written, voluntary agreement approved by the CDE, which is developed by the parties to the dispute, which resolves the allegations of the complaint.
(y) “Subject matter competency” means the teacher meets the applicable requirements of Chapter 6, article 1, subchapter 7 of these regulations, commencing with section 6100, for the course being taught.

(z) “Sufficient textbooks or instructional materials” means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(aa) “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

5 CCR § 4610. Purpose and scope.

(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation or bullying. The purpose of this chapter is to establish a uniform system of complaint processing for specified programs or activities that receive state or federal funding.

(b) This chapter applies to the following programs administered by the CDE:

1. Adult Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.4;
2. Consolidated Categorical Aid Programs as listed in Education Code section 64000(a);
3. Migrant Education established pursuant to Education Code sections 54440 through 54445;
4. Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;
5. Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493;
6. Child Nutrition Programs established pursuant to Education Code sections 49490 through 49570; and
7. Special Education Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

(c) This chapter also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristic as set forth in Penal Code section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) This chapter also applies to the filing of complaints which allege noncompliance with the provisions of Education Code sections 49010 and 49011 regarding pupil fees.

(e) Nothing in these regulations shall prevent an LEA from using its local uniform complaint procedure to address complaints not listed in this section.

(f) The CDE will develop a pamphlet for parents that will explain the Uniform Complaint Procedures in a user friendly manner and post this pamphlet on the CDE’s Web site.
5 CCR § 4611. Referring complaint issues to other appropriate state or federal agencies.
The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the local and CDE complaint procedures set forth in this chapter unless these procedures are made applicable by separate interagency agreements:

(a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. However, nothing in this section relieves the CDE from investigating complaints pursuant to section 4650(a)(8)(C) herein.

(b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

(c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to title 22, CCR, section 98410. The complainant shall be notified by first class mail of any DFEH transferral.

(d) Allegations of fraud shall be referred to the responsible CDE Division Director who may consult with the CDE’s Legal, Audits, and Compliance Branch.

5 CCR § 4620. LEA responsibilities.
Each LEA shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each LEA shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation or bullying and seek to resolve those complaints in accordance with the procedures set out in this chapter and in accordance with the policies and procedures of the governing board.

5 CCR § 4621. District policies and procedures.
(a) Each LEA shall adopt policies and procedures not inconsistent with sections 4600-4695 of this chapter for the investigation and resolution of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation or bullying remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption.

(b) Each LEA shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints and ensuring LEA compliance. The LEA’s policies shall ensure that the person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(c) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, the LEA may provide a complaint form for persons wishing to file a complaint to fill out and file. A complaint form shall be provided for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments. However, a person is not required to use the complaint form furnished by the LEA in order to file a complaint.

5 CCR § 4622. Notice.
Each LEA shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their LEA complaint procedures, including the opportunity to appeal to the CDE and the provisions of this chapter. The notice shall include the identity
(identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. The notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees. This notice shall be in English, and when necessary, in the primary language, pursuant to Education Code section 48985, or mode of communication of the recipient of the notice. Copies of LEA complaint procedures shall be available free of charge.

5 CCR § 4630. Filing a local complaint; Procedures, time lines.

(a) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation or bullying and complaints regarding pupil fees, any individual, public agency or organization may file a written complaint with the district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by that LEA of federal or state law or regulation governing a program listed in section 4610(b) of this chapter.

(b) An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon receipt of a request for extension.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part.

(2) The complaint shall be filed with the LEA in accordance with the complaint procedures of the LEA.

(3) An investigation of a discrimination, harassment, intimidation or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

(c)(1) Pupil fee complaints may be filed with the principal of the school.

(2) Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

(3) Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 49010 and 49011 regarding pupil fees.

5 CCR § 4631. Responsibilities of the LEA.

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the LEA person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures
adopted pursuant to section 4621 and prepare a written LEA Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e) The LEA should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA. The Decision should contain:

(1) the findings of fact based on the evidence gathered,
(2) conclusion of law,
(3) disposition of the complaint,
(4) the rationale for such disposition,
(5) corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code section 49013(d) and section 4600(u).
(6) notice of the complainant's right to appeal the LEA Decision to the CDE, and
(7) procedures to be followed for initiating an appeal to the CDE.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit an LEA from resolving complaints prior to the formal filing of a written complaint.

5 CCR § 4632. Appeal of LEA decision - Grounds.

(a) Except for complaints under sections 4681 and 4682 regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a Decision to the CDE by filing a written appeal within 15 days of receiving the Decision.

(b) The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

(c) The appeal shall be accompanied by:

(1) a copy of the locally filed complaint; and
(2) a copy of the Decision.

(d) If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the LEA for resolution as a new complaint under section 4630 or 4631.

(e) If the CDE determines that the Decision failed to address an issue raised by the complaint, the CDE shall refer the matter to the LEA to make the necessary findings and conclusions on any issue not addressed. The LEA will address the issue within 20 days from the date of the referral.
5 CCR § 4633. Appeal of LEA decision.

(a) If the Decision is appealed, the CDE shall notify the LEA of the appeal. Upon notification by the CDE that the Decision has been appealed, the LEA shall forward the following to the CDE:

1. A copy of the original complaint;
2. A copy of the Decision;
3. A summary of the nature and extent of the investigation conducted by the LEA, if not covered in the Decision;
4. A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of the LEA complaint procedures; and
7. Such other relevant information as the CDE may request.

(b) The CDE shall not receive evidence from the parties that could have been presented to the LEA investigator during the investigation, unless requested by the CDE. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the CDE.

(c) The CDE may contact the parties for further information, if necessary.

(d) The CDE shall review the investigation file, the summary of the nature and extent of the investigation conducted by the LEA, the complaint procedures, documents and any other evidence received from the LEA and determine whether substantial evidence exists:

1. That the LEA followed its complaint procedures; and
2. That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence.

(e) The CDE shall review the conclusions of law which are the subject of the appeal and determine whether they are correct.

(f) If the CDE determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the CDE may return the Decision to the LEA in order to correct the deficiencies within 20 days of the return.

(g) If the CDE finds that the Decision is supported by substantial evidence, and that the legal conclusions are not contrary to law, the appeal shall be denied.

(h) If the CDE finds the grounds for the appeal have merit:

1. The CDE may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the LEA for further investigation of the allegations which are the subject of the appeal; or
2. The CDE may issue a decision based on the evidence in the investigation file received from the LEA; or
3. If the CDE determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(i) If the CDE finds merit in the appeal, the CDE’s decision on appeal shall contain the following:

1. A finding that the LEA complied or did not comply with its complaint procedures;
2. The CDE’s findings of fact and conclusions of law regarding the issue on appeal; and
3. Where a determination is made that the LEA failed to comply with the applicable state or federal law or regulation, remedial orders and/or required actions to address the violation(s), including, with respect
to a pupil fee complaint, a remedy that specifies the LEA’s obligation to comply with Education Code section 49013(d) and section 4600(u).

(j) The CDE must issue a written decision regarding an appeal of a pupil fee complaint and provide a copy of the written decision to the appellant within 60 days of the CDE’s receipt of the appeal.

5 CCR § 4640. Filing a state complaint that has not first been filed at the Local Educational Agency (LEA); Time lines, notice, appeal rights.

Referral to the LEA for Local Resolution.

(a) If a complaint is erroneously filed with the CDE without first being filed with and investigated by the LEA, the CDE shall immediately forward the complaint to the LEA for processing in accordance with article 4 of this chapter, unless extraordinary circumstances exist necessitating direct state intervention as described at section 4650.

(b) A letter shall be sent by first class mail to the complainant(s) notifying him, her, or them that:

(1) The CDE does not have jurisdiction, at this time, over the complaint and that the complaint should have been filed with the LEA in the first instance;

(2) That the complaint has been transferred to the local educational agency requesting the local educational agency to process and investigate the allegation in the complaint; and

(3) That the complainant may file an appeal to the CDE following the issuance of the Decision, if he or she believes as a matter of fact or law the Decision is incorrect.

5 CCR § 4650. Basis of direct state intervention.

(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the CDE shall directly intervene without waiting for LEA investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the CDE verifies, that an LEA failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the LEA to cooperate with the investigation;

(2) The complaint relates to an agency that is not an LEA funded through the Child Development or Child Nutrition Programs;

(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the LEA (except for complaints regarding pupil fees, which may be filed anonymously with the principal of a public school);

(4) The complainant alleges that the LEA failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;

(5) The complainant alleges and the CDE verifies that through no fault of the complainant, no action has been taken by the LEA within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the CDE shall attempt to work with the LEA to allow it to complete the investigation and issue a Decision.

(6) The complainant alleges and the CDE verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA would be futile.

(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:
(A) The complainant alleges that a public agency, other than an LEA, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;

(B) The complainant alleges that the LEA or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the CDE. The complainant must present the CDE with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).

5 CCR § 4651. Notification.
When the Department receives a complaint requesting direct State intervention, the Department shall determine whether the complaint meets one or more of the criterion specified in section 4650 for direct State intervention and shall immediately notify the complainant by first class mail of the determination to accept the complaint without a local educational agency investigation and/or Decision. If the complaint is not accepted, it shall be referred to the local educational agency for local investigation, or referred to another agency pursuant to section 4611.

5 CCR § 4660. Department resolution procedures.
(a) When the Department determines that direct State intervention is warranted pursuant to any provision of section 4650, the following procedures shall be used to resolve the issues of the complaint:

(1) The Department shall consider alternative methods to resolve the allegations in the complaint.

(2) If both parties request mediation, the Department shall offer to mediate the dispute which may lead to a state mediation agreement.

(3) The Department shall conduct an investigation, including an on-site investigation if necessary, into the allegations in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.

5 CCR § 4662. Investigation timeline.
(a) Each party in the dispute shall be sent written notification by the Department of the name(s) of the investigator(s) and the investigation date(s), if known. The notice shall explain the investigation process.

(b) An investigation will be completed within 60 days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to extend the time lines. The Department may grant extensions for the investigation if exceptional circumstances exist that constitute good cause with respect to the particular complaint, and provided that the complainant is informed of the extension and the reasons therefore and provided that the facts supporting the extension are documented and maintained in the complaint file.

5 CCR § 4663. Department investigation procedures.
(a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint.
(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

5 CCR § 4664. Department investigation report.
(a) An investigation report shall be issued. The investigation report shall include the following:

1. A summary of the allegations in the complaint;
2. A description of the general procedures of the investigation;
3. Citations of applicable law and regulations;
4. Department findings of fact;
5. Department conclusions;
6. LEA required actions, if applicable;
7. LEA recommended specific actions, if applicable;
8. Time line for corrective actions, if applicable; and
9. Notice that any party may request reconsideration of the Department's report from the Superintendent of Public Instruction within 35 days of the receipt of the report.
10. For those programs governed by Part 76 of Title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

(b) An investigation report shall be mailed to the parties within 60 days from the conclusion of the investigation.

5 CCR § 4665. Discretionary reconsideration of department investigation report.
(a) Within 35 days of receipt of the Department investigation report, either party may request reconsideration by the Superintendent. The request for reconsideration shall designate the finding(s), conclusion(s), or corrective action(s) in the Department's report to be reconsidered and state the specific basis for reconsidering the designated finding(s), conclusion(s) or corrective action(s). The request for reconsideration shall also state whether the findings of fact are incorrect and/or the law is misapplied.

(b) Within 35 days of the receipt of the request for reconsideration, the Superintendent or his or her designee may respond in writing to the parties modifying the specific finding(s), conclusion(s), or corrective action(s) for which reconsideration is requested, or denying the request for reconsideration. Pending the Superintendent's reconsideration, the Department report remains in effect and enforceable.

(c) Appeals by private agencies regarding Child Care Food Programs shall be made to the State Office of Administrative Hearings in accordance with applicable laws and regulations.

(d) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in division 19 of title 5 of the Code of California Regulations.
(e) For those programs governed by part 76 of title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

5 CCR § 4670. Enforcement.

(a) Upon determination that a local agency violated the provisions of this chapter, the Department shall notify the local agency pursuant to section 4664(b) that it must take corrective action to come into compliance. If corrective action is not taken, the Department may use any means authorized by law to effect compliance, including, but not limited to:

(1) The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statute or regulation;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local agency under this chapter shall be made until the Department has determined that compliance cannot be secured by other means.

(c) If the Department determines that a Child Development Contractor's Agreement shall be terminated, the procedures set forth in sections 8257(d) or 8400 et seq. of the Education Code and the regulations promulgated pursuant thereto (chapter 19 of title 5, CCR, commencing with section 17906), shall be followed.

(d) If the Department determines that a local educational agency has failed to comply with any provision of sections 49550 through 49554 of the Education Code, the Department shall certify such noncompliance to the Attorney General for investigation pursuant to section 49556 of the Education Code.

5 CCR § 4915. General prohibitions.

A person in the educational environment of a local agency shall not sexually harass another person in the work or educational environment of the local agency. Sexual harassment is a form of sex discrimination and, as such, may result in disciplinary or other action taken by the local agency.

5 CCR § 4916. Sexual harassment definitions.

(a) “Sexual harassment” means any unwelcome sexual advance, unwelcome requests for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature made by someone from or in the educational or work setting, whether it occurs between individuals of the same sex or individuals of opposite sexes, under any of the following conditions:

(1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, employment, or progress.

(2) Submission to, or rejection of, the conduct by the individual is used as the basis of academic or employment decisions affecting the individual.

(3) The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, work, or progress or has the purpose or effect of creating an intimidating, hostile, or offensive educational or working environment. The conduct is sufficiently severe, persistent, pervasive or objectively offensive, so as to create a hostile or abusive educational or working environment or to limit the individual's ability to participate in or benefit from an education program or activity.

(4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the local agency.
(b) “Verbal sexual harassment” includes, but is not limited to, unwelcome epithets, comments, or slurs of a sexual nature.

(c) “Physical sexual harassment” includes, but is not limited to, assault, impeding or blocking movement, or any physical interference with work or school activities or movement when directed at an individual on the basis of sex.

(d) “Visual sexual harassment” includes, but is not limited to, derogatory posters, cartoons, drawings, obscene gestures, or computer-generated images of a sexual nature.

(e) “Educational environment” includes, but is not limited to, the following:

   (1) The campus or school grounds of the local agency.

   (2) Properties controlled or owned by the local agency.

   (3) Off-campus, if such activity is sponsored by the local agency, or is conducted by organizations sponsored by or under the jurisdiction of the local agency.

5 CCR § 4917. Notification requirements.

Local agencies are required to notify students, employees, and parents of their written policy prohibiting sexual harassment pursuant to Education Code sections 231.5 and 48980(h), and in accordance with Education Code section 48985. These policies shall include information as to where to obtain specific procedures for reporting charges of sexual harassment and available remedies.

5 CCR § 4963. Prohibitions.

(a) No person from or in the educational or work environment of a local agency shall retaliate against a complainant, witness, or other person who supports or participates in a sexual harassment investigation.

(b) Any attempt to penalize anyone from or in the educational or employment environment for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

5 CCR § 4964. Confidentiality.

All complaints or allegations of discrimination or sexual harassment will be kept confidential during any informal and/or formal complaint procedures except when disclosure is necessary during the course of an investigation, in order to take subsequent remedial action and to conduct ongoing monitoring.

5 CCR § 4965. Disciplinary action.

Harassment on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability is a form of discrimination, and as such, may result in disciplinary or other action taken by the local agency. In the case of an employee, such disciplinary action may include termination. For students in Grades K-12, the disciplinary consequences shall depend on the ages of the students and the factual circumstances of the incident(s).

Other special infractions or conditions

LAWS

EDC 32261.

(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime,
vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(f) As used in this chapter, “bullying” has the same meaning as set forth in subdivision (r) of Section 48900.

(g) As used in this chapter, “electronic act” has the same meaning as set forth in subdivision (r) of Section 48900

**EDC 32282.**

(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

**EDC 48900.**

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.

(2) Willfully used force or violence upon the person of another, except in self-defense.

(e) Committed or attempted to commit robbery or extortion.

(f) Caused or attempted to cause damage to school property or private property.

(g) Stole or attempted to steal school property or private property.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(k)(1) Disrupted school activities or otherwise wilfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.

(l) Knowingly received stolen school property or private property.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

EDC 48900.2.
In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

EDC 48900.3.
In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

EDC 48900.7.
(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

EDC 48901.5.
(a) The governing board of each school district, or its designee, may regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the
pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.

(b) No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil.

EDC 48904.

(a)(1) Notwithstanding Section 1714.1 of the Civil Code, the parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by, or performing volunteer services for, a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed ten thousand dollars ($10,000), adjusted annually for inflation. The parent or guardian shall be liable also for the amount of any reward not exceeding ten thousand dollars ($10,000), adjusted annually for inflation, paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall be liable to a school district or private school for all property belonging to the school district or private school loaned to the minor and not returned upon demand of an employee of the school district or private school authorized to make the demand.

(2) The Superintendent annually shall compute an adjustment of the liability limits prescribed by this subdivision to reflect the percentage change in the average annual value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The annual adjustment shall be rounded to the nearest one hundred dollars ($100).

(b)(1) Any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the school district or private school authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil’s parent or guardian has paid for the damages thereto, as provided in subdivision (a).

(2) The school district or private school shall notify the parent or guardian of the pupil in writing of the pupil’s alleged misconduct before withholding the pupil’s grades, diploma, or transcripts pursuant to this subdivision. When the minor and parent are unable to pay for the damages, or to return the property, the school district or private school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released.

(3) The governing board of each school district or governing body of each private school shall establish rules and regulations governing procedures for the implementation of this subdivision. The procedures shall conform to, but are not necessarily limited to, those procedures established in this code for the expulsion of pupils.

EDC 48907.

(a) Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a
clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

(b) The governing board or body of each school district or charter school and each county board of education shall adopt rules and regulations in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its respective jurisdiction.

(c) Pupil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section. However, it shall be the responsibility of a journalism adviser or advisers of pupil publications within each school to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section.

(d) There shall be no prior restraint of material prepared for official school publications except insofar as it violates this section. School officials shall have the burden of showing justification without undue delay prior to a limitation of pupil expression under this section.

(e) "Official school publications" refers to material produced by pupils in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

(f) This section does not prohibit or prevent the governing board or body of a school district or charter school from adopting otherwise valid rules and regulations relating to oral communication by pupils upon the premises of each school.

(g) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

EDC 48909.

When a petition is requested in juvenile court or a complaint is filed in any court alleging that a minor of compulsory school attendance age or any pupil currently enrolled in a public school in a grade to and including grade 12 is a person who (a) has used, sold, or possessed narcotics or other hallucinogenic drugs or substances; (b) has inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code; or (c) has committed felonious assault, homicide, or rape the district attorney may, within 48 hours, provide written notice to the superintendent of the school district of attendance, notwithstanding the provisions of Section 827 of the Welfare and Institutions Code, and to the pupil’s parent or guardian.

EDC 48915.

(a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

(A) Causing serious physical injury to another person, except in self-defense.

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(h) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

EDC 49330.

(a)(1) As used in this article “injurious object” shall mean those objects specified in the following sections:

(A) Section 16250 of the Penal Code.
(B) Subdivisions (a) to (d), inclusive of Section 16520 of the Penal Code.
(C) Section 16590 of the Penal Code.
(D) Section 16880 of the Penal Code.
(E) Section 17235 of the Penal Code.
(F) Section 17240 of the Penal Code.
(G) Section 17250 of the Penal Code.

(2) As used in this article, “injurious object” shall also mean objects capable of inflicting substantial bodily damage, not necessary for the academic purpose of the pupil.

(b) As used in this section, “academic purpose” means any school sponsored activity or class of instruction scheduled during the school day.

(c) “Injurious object” does not include any personal possessions or items of apparel which a schoolage child reasonably may be expected either to have in his or her possession or to wear.

EDC 49331.

Any certificated employee of any school district and any classified employee of a school district who is designated by the governing board for such purposes may take from the personal possession of any pupil upon school premises or while under the authority of school personnel any injurious object in the possession of the pupil.

EDC 49332.

The parent or guardian of a pupil from whom an injurious object has been taken pursuant to this section may be notified by school personnel of the taking.

School personnel may retain protective possession of any injurious object taken pursuant to this section until the risk of its use as a weapon has dissipated, unless prior to dissipation of the risk, the parent or guardian requests that the school personnel retain the object, in which case, the school personnel shall retain the object until the parent or guardian or another adult with the written consent of the parent or guardian appears personally to take possession of the injurious object from the school personnel.

EDC 49333.

Notwithstanding Section 49332, a pupil who brings an injurious object to school, and who presents the object to a certificated or classified employee, may have the object returned to him or her at the conclusion of the school day, provided such injurious object may be lawfully possessed off school grounds.
EDC 51264.

(a) The State Department of Education shall prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for teachers, counselors, athletic directors, school board members, and other educational personnel into the staff development plans of all school districts and county offices of education.

(b) The department shall, upon request, assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. The department's information and guidelines, to the maximum extent possible, shall encourage school districts and county offices of education to avoid duplication of effort by sharing resources, adapting or adopting model in-service training programs, developing joint and collaborative programs, and coordinating efforts with existing state staff development programs, county gang violence and drug and alcohol staff development programs, county health departments, county and city law enforcement agencies, and other public and private agencies providing health, drug, alcohol, gang violence prevention, or other related services at the local level.

(c) The department shall assist school districts and county offices of education in qualifying for the receipt of federal and state funds to support their gang violence and drug and alcohol abuse prevention in-service training programs.

(d) Each school that chooses to utilize the provisions of this article related to in-service training in gang violence and drug and alcohol abuse prevention, is encouraged to develop a single plan to strengthen its gang violence and drug and alcohol abuse prevention efforts. If a school develops or has developed a school improvement plan pursuant to Article 2 (commencing with Section 52010) of Chapter 6 of Part 28, or a school safety plan pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19, it is encouraged to incorporate into that plan, where appropriate, the gang violence and drug and alcohol prevention plan that it has developed.

(e) The department shall consult with the Office of Emergency Services regarding gang violence.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

EDC 215.

(a) (1) The governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017-18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(2) (A) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils.

(C) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary.

(3) The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

(A) Youth bereaved by suicide.

(B) Youth with disabilities, mental illness, or substance use disorders.

(C) Youth experiencing homelessness or in out-of-home settings, such as foster care.

(D) Lesbian, gay, bisexual, transgender, or questioning youth.

(4) (A) The policy shall also address any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the local educational agency.

(B) Materials approved by a local educational agency for training shall include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those services.

(C) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

(5) The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee’s credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

(6) To assist local educational agencies in developing policies for pupil suicide prevention, the department shall develop and maintain a model policy in accordance with this section to serve as a guide for local educational agencies.
(b) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.

(c) Nothing in this section shall prevent the governing board or body of a local educational agency from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year.

(d) For purposes of this section, “local educational agency” means a county office of education, school district, state special school, or charter school.

EDC 233.

(a) At the request of the Superintendent of Public Instruction, the State Board of Education shall do all of the following as long as the board’s actions do not result in a state mandate or an increase in costs to a state or local program:

(1) Adopt policies directed toward creating a school environment in kindergarten and grades 1 to 12, inclusive, that is free from discriminatory attitudes and practices and acts of hate violence.

(2) Revise, as needed, and in accordance with the State Board of Education’s adopted Schedule for Curriculum Framework Development and Adoption of Instructional Materials developed pursuant to Section 60200, the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of the diversity of California’s population and discouraging the development of discriminatory attitudes and practices.

(3) Establish guidelines for use in teacher and administrator in-service training programs to promote an appreciation of diversity and to discourage the development of discriminatory attitudes and practices that prevent pupils from achieving their full potential.

(4) Establish guidelines for use in teacher and administrator in-service training programs designed to enable teachers and administrators to prevent and respond to acts of hate violence occurring on their school campuses.

(5) Establish guidelines designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in these programs.

(6) Develop guidelines relating to the development of nondiscriminatory instructional and counseling methods.

(7) Revise any appropriate guidelines previously adopted by the board to include procedures for preventing and responding to acts of hate violence.

(b) The State Department of Education, in accordance with policies established by the State Board of Education for purposes of this subdivision, shall do all of the following:

(1) Prepare guidelines for the design and implementation of local programs and instructional curricula that promote understanding, awareness, and appreciation of the contributions of people with diverse backgrounds and of harmonious relations in a diverse society. The guidelines shall include methods of evaluating the programs and curricula and suggested procedures to ensure coordination of the programs and curricula with appropriate local public and private agencies.

(2) Provide grants, from funds appropriated for that purpose, to school districts and county offices of education to develop programs and curricula consistent with the guidelines developed in paragraph (1).

(3) To the extent possible, provide advice and direct services, consistent with the guidelines developed in paragraph (1), to school districts and county offices of education that implement the programs and curricula developed in paragraph (2).
(c) The State Board of Education shall carry out this section only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

(d) Nothing in this section shall be construed to require the governing board of a school district to offer any ethnic studies or human relations courses in the district.

(e) As used in this section, “hate violence” means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.

EDC 233.5.

(a) Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and the meaning of equality and human dignity, including the promotion of harmonious relations, kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government.

(b) Each teacher is also encouraged to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence, as defined in subdivision (e) of Section 233.

EDC 233.8.

(a) The State Department of Education shall provide regional training to assist school district personnel in the identification and determination of hate violence on school campuses.

(b)(1) A grant program for school districts shall be established by the department for the purpose of enabling pupils and teachers to participate in educational programs focused on fostering ethnic sensitivity, overcoming racism and prejudice, and countering hatred and intolerance. It is the intent of the Legislature that the grants be awarded on a competitive basis with similar sized school districts and county offices of education competing against each other for grant funds. The Superintendent of Public Instruction shall establish grant competition bands as follows:

(A) Districts with less than 2,501 average daily attendance.
(B) Districts with more than 2,500 average daily attendance but less than 5,001.
(C) Districts with more than 5,000 average daily attendance but less than 15,001.
(D) Districts with more than 15,000 average daily attendance but less than 30,001.
(E) Districts with more than 30,000 average daily attendance.
(F) County offices of education.

(2) The Superintendent of Public Instruction shall allocate the appropriated funds for competitive grants to each of the competitive bands based on the amount of average daily attendance in all districts in the competitive range compared to the statewide average daily attendance in all school districts and county offices of education.

The grant program is not required to be implemented under this section unless funds are appropriated for that purpose.

EDC 234.2.

(a) The department shall display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, as defined in Section 48900, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 on the California Healthy
Kids Resource Center Internet Web site and other appropriate department Internet Web sites where information about discrimination, harassment, intimidation, cyber sexual bullying, and bullying is posted.

(b) The department shall annually inform school districts of the information on the California Healthy Kids Resource Center Internet Web site and other appropriate department Internet Web sites where information about cyber sexual bullying is posted pursuant to subdivision (a). The department may use electronic mail to inform school districts of this information.

(c) School districts are encouraged to inform pupils regarding the available information and resources on the department’s Internet Web sites regarding the dangers and consequences of cyber sexual bullying to help reduce the instances of cyber sexual bullying.

**EDC 32265.**

(a) The partnership shall sponsor at least two regional conferences for school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to identify exemplary programs and techniques that have been effectively used to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.

(b) The conference may include, but need not be limited to, information on all of the following topics:

1. Interagency collaboration between schools, agencies serving youth, law enforcement agencies, and others.
2. School attendance.
3. School safety.
5. Drug and alcohol abuse.
7. Parental education.
8. Crisis response training.
9. Bullying prevention, including the prevention of acts committed personally or by means of an electronic act.
10. Threat assessment.
11. Conflict resolution and youth mediation.
12. Teen relationship violence.
13. Discrimination and harassment reporting and prevention, including, but not limited to, sexual harassment reporting and prevention.
14. Hate crime reporting and prevention.
15. Reporting and prevention of abuse against pupils with disabilities.

**EDC 32283.5.**

(a) The department shall develop and post on its internet website an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying and implementing strategies to address bullying and cyberbullying...
EDC 33546.
(a) When the “Health Framework for California Public Schools” (health framework) is next revised after January 1, 2017, the commission shall consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, which shall be age and developmentally appropriate and consistent with the health education standards adopted by the state board.

(b) If the commission includes comprehensive information on the development of healthy relationships in the health framework, the commission shall comply with both of the following:

(1) Ensure information included in the health framework is research-based and appropriate for pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds. This may include, but shall not be limited to, reviewing other states’ curricula.

(2) Consult with teachers and educators with expertise in curriculum for developing healthy relationships.

(c) For purposes of this section, the “development of healthy relationships” includes, but is not limited to, all of the following:

(1) Understanding the principles of treating one another with respect, dignity, and kindness.

(2) Demonstrating the ability to use interpersonal communication skills to address and resolve disagreement and conflict.

(3) Recognizing when and how to respond to dangerous or other situations that may result in the bullying, harassment, harming, or hurting of another person.

EDC 48264.5.
(d) The fourth time a truancy is issued within the same school year, the pupil may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(3) Attendance of a court-approved truancy prevention program.

EDC 48901.
(a) No school shall permit the smoking or use of a tobacco product by pupils of the school while the pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees.

(b) The governing board of any school district maintaining a high school shall take all steps it deems practical to discourage high school students from smoking.

(c) For purposes of this section, “smoking” has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(d) For purposes of this section, “tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

EDC 51210.5.
The instruction in all areas of study specified in subdivisions (a) to (g), inclusive, of Section 51210 as deemed appropriate by the governing board and consistent with the adopted course of study for each subject area, may include grade-level appropriate instruction on violence awareness and prevention, which may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country.
EDC 51220.1
In addition to the requirements specified in subdivision (j) of Section 51220, automobile driver education shall be designed to develop a knowledge of the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle.

EDC 51220.3
The instruction in all areas of study specified in subdivisions (a) to (j), inclusive, of Section 51220 as deemed appropriate by the governing board and consistent with the adopted course of study for each subject area, may include grade-level appropriate instruction on violence awareness and prevention, which may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country.

EDC 51262.
The Legislature hereby finds and declares that the use of anabolic steroids to expedite the physical development and to enhance the performance level of secondary school athletes presents a serious health hazard to these student athletes. It is the intent of the Legislature in enacting this measure that, beginning with the 1987-88 school year, schools be encouraged to include in instruction in grades 7 to 12, inclusive, in science, health, drug abuse, or physical education programs a lesson on the effects of the use of anabolic steroids.

EDC 51263.
The State Department of Education shall make available information on model drug and alcohol abuse prevention education programs developed and funded pursuant to Article 2 (commencing with Section 11965) of Chapter 2 of Part 3 of Division 10.5 of the Health and Safety Code, Chapter 7 (commencing with Section 13860) of Title 6 of Part 4 of the Penal Code, and other public and private sources.

EDC 51264.
(a) The State Department of Education shall prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for teachers, counselors, athletic directors, school board members, and other educational personnel into the staff development plans of all school districts and county offices of education.

(b) The department shall, upon request, assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. The department’s information and guidelines, to the maximum extent possible, shall encourage school districts and county offices of education to avoid duplication of effort by sharing resources, adapting or adopting model in-service training programs, developing joint and collaborative programs, and coordinating efforts with existing state staff development programs, county gang violence and drug and alcohol staff development programs, county health departments, county and city law enforcement agencies, and other public and private agencies providing health, drug, alcohol, gang violence prevention, or other related services at the local level.

(c) The department shall assist school districts and county offices of education in qualifying for the receipt of federal and state funds to support their gang violence and drug and alcohol abuse prevention in-service training programs.

(d) Each school that chooses to utilize the provisions of this article related to in-service training in gang violence and drug and alcohol abuse prevention, is encouraged to develop a single plan to strengthen its gang violence and drug and alcohol abuse prevention efforts. If a school develops or has developed a school improvement plan pursuant to Article 2 (commencing with Section 52010) of Chapter 6 of Part 28, or a school safety plan pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19,
it is encouraged to incorporate into that plan, where appropriate, the gang violence and drug and alcohol prevention plan that it has developed.

(e) The department shall consult with the Office of Emergency Services regarding gang violence.

EDC 51265.

It is the intent of the Legislature that school districts and county offices of education give high priority to gang violence and drug and alcohol abuse prevention in-service training programs, which shall be part of the overall strategy for comprehensive gang violence and drug and alcohol abuse prevention education. “Gang violence and drug and alcohol abuse prevention in-service training” for purposes of this article means the presentation of programs, instruction and curricula that will help educators develop competencies in interacting in a positive manner with children and youth to assist them in developing the positive values, self-esteem, knowledge, and skills to lead productive, gang-free and drug-free lives; develop knowledge of the causes of gang violence and substance abuse, and the properties and effects of tobacco, alcohol, narcotics, and dangerous drugs, including the risk of contracting acquired immune deficiency syndrome (AIDS) associated with intravenous drug use; receive training regarding available information and resources concerning gang violence and drug and alcohol abuse prevention as well as antigang and antisubstance abuse crime trends; develop familiarity with teaching social skills and resistance skills to children and youth; and develop skills in conducting effective education, which includes methods and techniques for helping children and youth to freely express ideas and opinions in a responsible manner and to understand the nature and consequences of their decisions as they relate to gang involvement and drug and alcohol abuse.

EDC 51269.

(a) The State Department of Education shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for state and federal drug, alcohol, and tobacco education funds.

(b) The State Department of Education, in consultation with the Department of Justice, Office of Emergency Services, the State Department of Public Health, and the State Department of Health Care Services, shall develop, to the extent possible, an ongoing statewide monitoring and assessment system to provide current and reliable data on the utilization of resources for programs for prevention of and early intervention for drug, alcohol, and tobacco abuse. The purpose of the system shall be to facilitate improved planning and program delivery among state and local agencies, including law enforcement, juvenile justice, county health, and county drug and alcohol agencies and programs, and communities.

REGULATIONS

5 CCR § 11987. Purpose.

(a) These regulations fulfill a mandate of Education Code section 41513, which requires the State Superintendent of Public Instruction (SSPI) and the Attorney General to adopt regulations to implement the School Safety Consolidated Competitive Grant program established by sections 41510 through 41514 of the Education Code. This program consists of two competitive grant programs, which are hereinafter referred to as the School Community Violence Prevention (SCVP) Grant program and the School Safety and Violence Prevention Training Grant Program. The regulations shall specify application submission rules, criteria for scoring applications and awarding grants, allowable/non-allowable uses of grant funds, annual reporting requirements for grant recipients, and the manner in which grant recipients will be reimbursed for program expenditures.
(b) The program shall be jointly administered by the SSPI and the Attorney General's Office, through the School Law Enforcement Partnership (S/LEP), as authorized by Education Code section 32262.

**Behavioral interventions and student support services**

**LAWS**

**EDC 215.**

(a)(1) The governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017-18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(2)(A) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils.

(C) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary.

(3) The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

(A) Youth bereaved by suicide.

(B) Youth with disabilities, mental illness, or substance use disorders.

(C) Youth experiencing homelessness or in out-of-home settings, such as foster care.

(D) Lesbian, gay, bisexual, transgender, or questioning youth.

(4)(A) The policy shall also address any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the local educational agency.

(B) Materials approved by a local educational agency for training shall include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those services.

(C) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

(5) The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee’s credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

(6) To assist local educational agencies in developing policies for pupil suicide prevention, the department shall develop and maintain a model policy in accordance with this section to serve as a guide for local educational agencies.
(b) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.

(c) Nothing in this section shall prevent the governing board or body of a local educational agency from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year.

(d) For purposes of this section, “local educational agency” means a county office of education, school district, state special school, or charter school.

EDC 234.5.

(a) The Superintendent shall post, and annually update, on the department’s Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying, including school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity.

(b) The department’s Internet Web site shall also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

EDC 32282.1.

(a) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people.

(b) The guidelines developed pursuant to subdivision (a) are encouraged to include both of the following:

(1) Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.

(2) Consistent with paragraph (2) of subdivision (a) of Section 32282, protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:

(A) While on school grounds.

(B) While going to or coming from school.

(C) During a lunch period whether on or off campus.

(D) During, or while going to or coming from, a school-sponsored activity.

EDC 33430.

The Learning Communities for School Success Program is hereby established for the purpose of implementing, pursuant to paragraph (1) of subdivision (a) of Section 7599.2 of the Government Code, the K-12 education portion of the Safe Neighborhoods and Schools Act, as approved as Proposition 47 by the voters at the November 4, 2014, statewide general election. Through this program, the department shall administer grants and coordinate assistance to local educational agencies to support the local educational agencies in identifying and implementing evidence-based, nonpunitive programs and practices that are aligned with the goals for pupils contained in each of the local educational agency’s local control and accountability plan pursuant to Section 47606.5, 52060, or 52066, as applicable.
EDC 33431.

(a) A local educational agency that chooses to apply for funding pursuant to this article shall submit an application to the department to receive a grant, in a format and by a date determined by the department. An application submitted to the department by a local educational agency shall include, at a minimum, all of the following:

1. Information about the pupil and school needs within the local educational agency.
2. The activities the local educational agency will undertake with the grant funding.
3. How the activities specified in paragraph (2) support the local educational agency's goals for pupils contained in its local control and accountability plan.
4. How the local educational agency will measure outcomes associated with the activities specified in subdivision (e) and metrics reported in the local educational agency's local control and accountability plan.

(b) An application shall be for three years of grant funding. Consistent with the provisions of this article, the department may establish requirements for grantees to meet at the end of the first and second years of funding in order to receive funding for the remaining grant period.

(c) The department shall determine eligibility for grants and the distribution of grant funding based on all of the following factors:

1. Pupil and school needs the local educational agency will address with the grant funds.
2. Number of pupils to be served with the grant funds.
3. Number, size, and type of participating schools within the local educational agency.
4. Any challenges the local educational agency experiences in building capacity for fulfilling the purposes of this article.
5. The unique characteristics of small school districts, given their challenges with economies of scale and access to services in rural locations.

(d)(1) Before the initial application deadline, the department shall conduct targeted outreach to local educational agencies that are likely to be given priority pursuant to subdivision (b) of Section 33432 and shall offer the local educational agencies technical assistance as they develop their grant applications.

2. The department may provide technical assistance with application development to any local educational agency that requests assistance. This may include assistance from external entities the department may contract with as part of the training and technical assistance structure established pursuant to Section 33433.

(e) The department shall issue application guidelines that include, at a minimum, information about the department's plans for overall evaluation of the program considering the objectives identified in Section 33434. For purposes of facilitating program evaluation, the department, in consultation with the executive director of the state board, shall identify a set of measures and associated data sources that are deemed valid and reliable for measuring pupil and school outcomes and assessing the benefits of the program.

(f) In meeting the requirements of this section, the department shall consult with stakeholders, including, but not limited to, representatives of local educational agencies, teachers and other school personnel, parents, advocacy organizations with experience working with target vulnerable populations, and parent- and youth-serving community-based organizations. It the intent of the Legislature that stakeholders provide input to the department on the design of the application and review process, including the size of the grant awards. The stakeholders shall not be involved in determining who will be awarded grants.
EDC 33432.
(a) A local educational agency that receives a grant shall use the grant funds for planning, implementation, and evaluation of activities in support of evidence-based, nonpunitive programs and practices to keep the state’s most vulnerable pupils in school. These activities shall complement or enhance the actions and services identified to meet the local educational agency’s goals as identified in its local control and accountability plan pursuant to Section 47606.5, 52060, or 52066, as applicable. These activities may include, but are not limited to, all of the following:

(1) Establishing a community school, as defined in Section 33435.
(2) Implementing activities or programs to improve attendance and reduce chronic absenteeism, including, but not limited to, early warning systems or early intervention programs.
(3) Implementing restorative practices, restorative justice models, or other programs to improve retention rates, reduce suspensions and other school removals, and reduce the referral of pupils to law enforcement agencies.
(4) Implementing activities that advance social-emotional learning, positive behavior interventions and supports, culturally responsive practices, and trauma-informed strategies.
(5) Establishing partnerships with community-based organizations or other relevant entities to support the implementation of evidence-based, nonpunitive approaches to further the goals of the program.
(6) Adding or increasing staff within a local educational agency whose primary purpose is to address ongoing chronic attendance problems, including, but not necessarily limited to, conducting outreach to families and children currently, or at risk of becoming, chronically truant.

(b) In selecting grant recipients pursuant to this article, the department shall give priority to a local educational agency that meets any of the following criteria:

(1)(A) Has a high rate of chronic absenteeism, out-of-school suspension, or school dropout for the general pupil population or for a numerically significant pupil subgroup, as identified in a local control and accountability plan pursuant to paragraphs (2) and (3) of subdivision (a) of Section 52052.

(B) For purposes of this paragraph, “high rate” means a rate that exceeds the state average.

(2) Is located in a community with a high crime rate.

(3) Has a significant representation of foster youth among its pupil enrollment.

(c) A local educational agency that receives a grant shall provide a local contribution of matching expenditures equal to at least 20 percent of the total grant award. This local contribution can be from cash expenditures or in-kind contributions. A local educational agency is encouraged to exceed the 20-percent match requirement to enable the local educational agency to sustain the activities or programs established under this article beyond the three-year grant period.

(d) A local educational agency that receives a grant shall use the grant funds to increase or improve services that the local educational agency currently provides for purposes specified in this article.

(e) A local educational agency shall not use grant funds to pay for law enforcement activities, including personnel or equipment.

EDC 33433.
(a) The department shall use the funding the Safe Neighborhoods and Schools Act authorizes for administrative costs pursuant to subdivision (b) of Section 7599.2 of the Government Code, which is no more than 5 percent of the annual funding the department receives from the Safe Neighborhoods and Schools Fund, for the administrative costs of implementing this article, including, but not limited to, administering grant awards, coordinating the training and technical assistance structure described in subdivision (b), and completing the evaluation pursuant to Section 33434.
(b) The department shall establish a structure to deliver training and technical assistance to grantees using regional workshops and technical assistance providers that have expertise on pupil engagement, school climate, truancy reduction, and supporting pupils who are at risk of dropping out of school or who are victims of crime. The department may contract with those providers to assist the grantees as well as to serve as a resource for other local educational agencies that may use their own funding sources to engage in this community of practice. Technical assistance provided pursuant to this subdivision shall be consistent with the technical assistance provided to a local educational agency by the county superintendent of schools or the Superintendent, as appropriate, in the development of the local control and accountability plan.

**EDC 33434.**

(a) A local educational agency that receives grant funding pursuant to this article shall evaluate and report to the governing board of the school district, the county board of education, or its chartering authority, as applicable, and the department the results of the activities it undertakes pursuant to this article. The department shall compile information from grantee reports as part of an overall evaluation of the grant program implementation. The department shall assess the benefits of participation in the program and identify the pupil and school outcomes associated with the strategies and programs implemented by grantees. The department shall submit an interim report of preliminary evaluation findings to the Legislature on or before January 31, 2019, and a final evaluation report to the Legislature on or before January 31, 2020.

(b)(1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 31, 2024.

**EDC 33435.**

For purposes of this article, the following definitions apply:

(a) “Community school” means a public school that participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships with one or more community partners for the delivery of community services that may be provided at a schoolsite to pupils, families, and community members.

(b) “Local educational agency” means a school district, county office of education, or charter school.

**EDC 33436.**

This article shall not become operative unless funds are appropriated in the annual Budget Act or another statute to the Safe Neighborhoods and Schools Fund in accordance with the Safe Neighborhoods and Schools Act for the purposes specified in this article.

**EDC 48240.**

(a) The governing board of each school district and each county superintendent of schools shall appoint a supervisor of attendance and any assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the school district or county. The governing board of the school district or county superintendent of schools shall prescribe the duties of the supervisor of attendance and assistant supervisors of attendance to include, among other duties that may be required, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of the attendance supervisors by this chapter and Article 4 (commencing with Section 48450) of Chapter 3 and Article 2 (commencing with Section 48640) of Chapter 4.
(b) It is the intent of the Legislature that in performing his or her duties, the supervisor of attendance promote a culture of attendance and establish a system to accurately track pupil attendance in order to achieve all of the following:

1. Raise the awareness of school personnel, parents, guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance.
2. Identify and respond to grade level or pupil subgroup patterns of chronic absenteeism or truancy.
3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion.
4. Ensure that pupils with attendance problems are identified as early as possible to provide applicable support services and interventions.
5. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates.

(c) When a pupil with a temporary disability, as defined in Section 48206.3, is receiving individual instruction in the home or a hospital or other residential health facility, the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program.

(d) The supervisor of attendance may provide support services and interventions, which may include, but are not limited to, any or all of the following:

1. A conference between school personnel, the pupil's parent or guardian, and the pupil.
2. Promoting cocurricular and extracurricular activities that increase pupil connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics.
3. Recognizing pupils who achieve excellent attendance or demonstrate significant improvement in attendance.
4. Referral to a school nurse, school counselor, school psychologist, school social worker, and other pupil support personnel for case management and counseling.
5. Collaboration with child welfare services, law enforcement, courts, public health care agencies, or government agencies, or medical, mental health, and oral health care providers to receive necessary services.
6. Collaborating with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the pupil and his or her parents, guardians, or caregivers.
7. In schools with significantly higher rates of chronic absenteeism, identify barriers to attendance that may require schoolwide strategies rather than case management.
8. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program for an individual with exceptional needs, as that term is defined in Section 56026, or plan adopted for a qualified handicapped person, as that term is defined in regulations promulgated by the United States Department of Education pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).
9. Referral to a school attendance review board established by the county or by a school district pursuant to Section 48321 or to the probation department pursuant to Section 48263.
10. Referral to a truancy mediation program operated by the county’s district attorney or probation officer pursuant to Section 48260.6.
EDC 48264.5.  
A minor who is classified as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance.

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil’s school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency’s policies and procedures. The pupil may also be assigned by the school to an afterschool or weekend study program located within the same county as the pupil’s school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

EDC 48265.  
Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

EDC 48340.  
In enacting this article it is the intent of the Legislature to encourage school districts and county offices of education maintaining any classes in kindergarten and grades 1 to 12, inclusive, to adopt pupil attendance policies based on the active involvement of parents, pupils, teachers, administrators, other personnel, and community members which include proposals and procedures for the following:

(a) Notifying parents of pupil absences, including notification of parents on the day of each absence.

(b) Increasing parent and pupil awareness of the importance of regular pupil attendance.

(c) Auditing and accountability of pupil attendance.

(d) Staff development for certificated and classified personnel.

(e) Alternative learning programs designed to respond to the different ways pupils learn, such as independent study.

(f) Joint efforts between law enforcement and schools, such as school level attendance review teams and periodic efforts to return truant pupils to school.

EDC 48341.  
The Superintendent of Public Instruction shall prepare and disseminate to school districts and county superintendents of schools information regarding effective practices to improve pupil attendance.
EDC 48900.5.
(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil’s record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil’s presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

1. A conference between school personnel, the pupil’s parent or guardian, and the pupil.
2. Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
3. Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil’s parents.
4. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
5. Enrollment in a program for teaching prosocial behavior or anger management.
6. Participation in a restorative justice program.
7. A positive behavior support approach with tiered interventions that occur during the schoolday on campus.
8. After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
9. Any of the alternatives described in Section 48900.6.

EDC 48900.9.
(a) The superintendent of a school district, the principal of a school, or the principal’s designee may refer a victim of, witness to, or other pupil affected by, an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, committed on or after January 1, 2015, to the school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program, as appropriate.

(b) A pupil who has engaged in an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, may also be referred to the school counselor, school psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling, or for participation in a restorative justice program, pursuant to Section 48900.5.

EDC 48911.2.
(a) If the number of pupils suspended from school during the prior school year exceeded 30 percent of the school’s enrollment, the school should consider doing at least one of the following:

1. Implement an alternative to the school’s off-campus suspension program, which involves a progressive discipline approach that occurs during the schoolday on campus, using any of the following activities:
(A) Conferences between the school staff, parents, and pupils.
(B) Referral to the school counselor, psychologist, child welfare attendance personnel, or other school support service staff.
(C) Detention.
(D) Study teams, guidance teams, resource panel teams, or other assessment-related teams.

(c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site.

EDC 48916.
(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

EDC 48917.
(a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil’s parent or guardian in his or her child’s education in ways that are specified in the rehabilitation program. A parent or guardian’s refusal to participate in the rehabilitation program shall not be considered in the governing board’s determination as to whether the pupil has satisfactorily completed the rehabilitation program.
(b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.
(c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.
(d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district’s rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
(e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.
(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

EDC 48929.
Notwithstanding any other law, the governing board of a school district may transfer to another school in that school district a pupil enrolled in that school district who has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, or convicted of a misdemeanor listed in Section 29805 of the Penal Code if the pupil to be transferred and the victim of the crime for which the
pupil was convicted are enrolled at the same school, subject to satisfaction of both of the following conditions:

(a) The governing board of the school district has adopted a policy at a regularly scheduled meeting that contains all of the following provisions:

(2) A requirement that the school first attempt to resolve the conflict before transferring a pupil, including, but not limited to, using restorative justice, counseling, or other services.

EDC 56520.
(b) It is the intent of the Legislature:

(1) That children exhibiting serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing regulations.

EDC 56521.2.
(b) In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

EDC 215.
(a)(1) The governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017-18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(2)(A) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils.

(C) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary.

(3) The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

(A) Youth bereaved by suicide.
(B) Youth with disabilities, mental illness, or substance use disorders.
(C) Youth experiencing homelessness or in out-of-home settings, such as foster care.
(D) Lesbian, gay, bisexual, transgender, or questioning youth.

(4)(A) The policy shall also address any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the local educational agency.
(B) Materials approved by a local educational agency for training shall include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those services.
(C) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

(5) The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee’s credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

(6) To assist local educational agencies in developing policies for pupil suicide prevention, the department shall develop and maintain a model policy in accordance with this section to serve as a guide for local educational agencies.

(b) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.
(c) Nothing in this section shall prevent the governing board or body of a local educational agency from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year.
(d) For purposes of this section, “local educational agency” means a county office of education, school district, state special school, or charter school.

**EDC 216.**

(a) The department shall identify one or more evidence-based online training programs that a local educational agency can use to train school staff and pupils as part of the local educational agency’s policy on pupil suicide prevention adopted pursuant to subdivision (a) of Section 215.
(b) In identifying an online training program pursuant to subdivision (a), the department shall ensure all of the following:

1. The training program is evidence based.
2. The training program is consistent with the model pupil suicide prevention policy developed by the department pursuant to paragraph (5) of subdivision (a) of Section 215.
3. The training program addresses the needs of high-risk groups as specified in paragraph (2) of subdivision (a) of Section 215.
4. The training program can track aggregate, statewide usage.
5. The training program can assess trainee knowledge before and after training is provided in order to measure training outcomes.

(c)(1) The department shall, subject to funds being appropriated in the annual Budget Act or another statute for this purpose, provide a grant to a county office of education, upon application by the county office of education, for the county office of education to acquire a training program identified by the department pursuant to subdivision (a) and disseminate that training program to local educational agencies.
(2) The county office of education shall make the training program available to local educational agencies at no cost.

(3) A local educational agency is not required to use the training program and may use the training program on a voluntary basis.

(d) For purposes of this section, “local educational agency” means a county office of education, school district, state special school, or charter school that serves pupils in grades 7 to 12, inclusive.

(e) The requirements of this section are contingent on funds being appropriated in the annual Budget Act or another statute for its purposes.

**EDC 233.8.**

(a) The State Department of Education shall provide regional training to assist school district personnel in the identification and determination of hate violence on school campuses.

(b)(1) A grant program for school districts shall be established by the department for the purpose of enabling pupils and teachers to participate in educational programs focused on fostering ethnic sensitivity, overcoming racism and prejudice, and countering hatred and intolerance. It is the intent of the Legislature that the grants be awarded on a competitive basis with similar sized school districts and county offices of education competing against each other for grant funds. The Superintendent of Public Instruction shall establish grant competition bands as follows:

   (A) Districts with less than 2,501 average daily attendance.
   (B) Districts with more than 2,500 average daily attendance but less than 5,001.
   (C) Districts with more than 5,000 average daily attendance but less than 15,001.
   (D) Districts with more than 15,000 average daily attendance but less than 30,001.
   (E) Districts with more than 30,000 average daily attendance.
   (F) County offices of education.

(2) The Superintendent of Public Instruction shall allocate the appropriated funds for competitive grants to each of the competitive bands based on the amount of average daily attendance in all districts in the competitive range compared to the statewide average daily attendance in all school districts and county offices of education.

The grant program is not required to be implemented under this section unless funds are appropriated for that purpose.

**EDC 32283.5.**

(a) The department shall develop and post on its internet website an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying and implementing strategies to address bullying and cyberbullying.

(b) The department shall post on its internet website and annually update a list of available online training modules relating to bullying or bullying prevention.

(c) A school operated by a school district or a county office of education and a charter school shall annually make available the online training module developed by the department pursuant to subdivision (a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with pupils.
EDC 32283.
The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying as defined in subdivision (r) of Section 48900. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act.

EDC 48340.
In enacting this article it is the intent of the Legislature to encourage school districts and county offices of education maintaining any classes in kindergarten and grades 1 to 12, inclusive, to adopt pupil attendance policies based on the active involvement of parents, pupils, teachers, administrators, other personnel, and community members which include proposals and procedures for the following:

(d) Staff development for certificated and classified personnel.

EDC 49414.3.
(d)(1) Each public and private elementary and secondary school in the state may designate one or more volunteers to receive initial and annual refresher training, based on the standards developed pursuant to subdivision (e), regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist from the school nurse or other qualified person designated by an authorizing physician and surgeon. A benefit shall not be granted to or withheld from any individual based on his or her offer to volunteer, and there shall be no retaliation against any individual for rescinding his or her offer to volunteer, including after receiving training. Any school district, county office of education, or charter school choosing to exercise the authority provided under this subdivision shall provide the training for the volunteers at no cost to the volunteer and during the volunteer’s regular working hours.

(2) An employee who volunteers pursuant to this section may rescind his or her offer to administer emergency naloxone hydrochloride or another opioid antagonist at any time, including after receipt of training.

(e)(1) The Superintendent shall establish minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist that satisfies the requirements of paragraph (2). Every five years, or sooner as deemed necessary by the Superintendent, the Superintendent shall review minimum standards of training for the administration of naloxone hydrochloride or other opioid antagonists that satisfy the requirements of paragraph (2). For purposes of this subdivision, the Superintendent shall consult with organizations and providers with expertise in administering naloxone hydrochloride or other opioid antagonist and administering medication in a school environment, including, but not limited to, the California Society of Addiction Medicine, the Emergency Medical Services Authority, the California School Nurses Organization, the California Medical Association, the American Academy of Pediatrics, and others.

(2) Training established pursuant to this subdivision shall include all of the following:

(A) Techniques for recognizing symptoms of an opioid overdose.

(B) Standards and procedures for the storage, restocking, and emergency use of naloxone hydrochloride or another opioid antagonist.

(C) Basic emergency followup procedures, including, but not limited to, a requirement for the school or charter school administrator or, if the administrator is not available, another school staff member to call the emergency 911 telephone number and to contact the pupil’s parent or guardian.
(D) Recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation.

(E) Written materials covering the information required under this subdivision.

(3) Training established pursuant to this subdivision shall be consistent with the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph (E) of paragraph (2).

(5) The department shall include on its Internet Web site a clearinghouse for best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils.

(f) Any school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall distribute a notice at least once per school year to all staff that contains the following information:

(1) A description of the volunteer request stating that the request is for volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist to a person if the person is suffering, or reasonably believed to be suffering, from an opioid overdose.

(2) A description of the training that the volunteer will receive pursuant to subdivision (d).

(3) The right of an employee to rescind his or her offer to volunteer pursuant to this section.

(4) A statement that no benefit will be granted to or withheld from any individual based on his or her offer to volunteer and that there will be no retaliation against any individual for rescinding his or her offer to volunteer, including after receiving training.

EDC 51265.

It is the intent of the Legislature that school districts and county offices of education give high priority to gang violence and drug and alcohol abuse prevention in-service training programs, which shall be part of the overall strategy for comprehensive gang violence and drug and alcohol abuse prevention education.

“Gang violence and drug and alcohol abuse prevention in-service training” for purposes of this article means the presentation of programs, instruction and curricula that will help educators develop competencies in interacting in a positive manner with children and youth to assist them in developing the positive values, self-esteem, knowledge, and skills to lead productive, gang-free and drug-free lives; develop knowledge of the causes of gang violence and substance abuse, and the properties and effects of tobacco, alcohol, narcotics, and dangerous drugs, including the risk of contracting acquired immune deficiency syndrome (AIDS) associated with intravenous drug use; receive training regarding available information and resources concerning gang violence and drug and alcohol abuse prevention as well as antigang and antisubstance abuse crime trends; develop familiarity with teaching social skills and resistance skills to children and youth; and develop skills in conducting effective education, which includes methods and techniques for helping children and youth to freely express ideas and opinions in a responsible manner and to understand the nature and consequences of their decisions as they relate to gang involvement and drug and alcohol abuse.

EDC 56520.

(b) It is the intent of the Legislature:

(5) That training programs be developed and implemented in institutions of higher education that train teachers and that in-service training programs be made available as necessary in school districts and county offices of education to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.
EDC 56524.
The superintendent shall explore with representatives of institutions of higher education and the Commission on Teacher Credentialing, the current training requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions for people entering the field of education.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

EDC 32282.
(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:
(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:
(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

EDC 48202.
The county board of education of each county may establish, by resolution, the following regulation requiring the reporting of various types of severance of attendance of or by any pupil subject to the compulsory education laws of California or of any one or more of the types of severance enumerated in subdivision (a) below and may require such reporting of any or all of the private and public schools of the county:
(a) The administration of each private school and public school district of the county shall, upon the severance of attendance by any pupil subject to the compulsory education laws of California, whether by expulsion, exclusion, exemption, transfer, suspension beyond 10 schooldays, or other reasons, report such severance to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address and the reason for each such severance.
(b) It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.
(c) After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Sections 48915 through 48920 and with the same powers of final decision as therein provided.

EDC 48261.
Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district.

EDC 48273.
The governing board of each school district shall adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court pursuant to Section 48263.

EDC 48900.8.
For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the department, each school district shall specifically identify, by offense committed, in all appropriate official
records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in Section 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915.

EDC 48911.
(e) A school employee shall report the suspension of the pupil, including the cause for the suspension, to the governing board of the school district or to the district superintendent of schools in accordance with the regulations of the governing board of the school district.

EDC 48916.1.
(e)(1) Each school district shall maintain the following data:
(A) The number of pupils recommended for expulsion.
(B) The grounds for each recommended expulsion.
(C) Whether the pupil was subsequently expelled.
(D) Whether the expulsion order was suspended.
(E) The type of referral made after the expulsion.
(F) The disposition of the pupil after the end of the period of expulsion.

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (1) and that the school district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

EDC 56521.1.
(f) All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

(g) If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.

(h) If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

REGULATIONS

5 CCR § 4610. Purpose and scope.
(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation or bullying. The purpose of this
chapter is to establish a uniform system of complaint processing for specified programs or activities that receive state or federal funding.

5 CCR § 4620. LEA responsibilities.
Each LEA shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each LEA shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation or bullying and seek to resolve those complaints in accordance with the procedures set out in this chapter and in accordance with the policies and procedures of the governing board.

5 CCR § 4621. District policies and procedures.
(a) Each LEA shall adopt policies and procedures not inconsistent with sections 4600-4695 of this chapter for the investigation and resolution of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation or bullying remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption.

(b) Each LEA shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints and ensuring LEA compliance. The LEA’s policies shall ensure that the person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(c) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, the LEA may provide a complaint form for persons wishing to file a complaint to fill out and file. A complaint form shall be provided for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments. However, a person is not required to use the complaint form furnished by the LEA in order to file a complaint.

5 CCR § 4622. Notice.
Each LEA shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their LEA complaint procedures, including the opportunity to appeal to the CDE and the provisions of this chapter. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. The notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees. This notice shall be in English, and when necessary, in the primary language, pursuant to Education Code section 48985, or mode of communication of the recipient of the notice. Copies of LEA complaint procedures shall be available free of charge.

5 CCR § 4630. Filing a local complaint; Procedures, time lines.
(a) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation or bullying and complaints regarding pupil fees, any individual, public agency or organization may file a written complaint with the district superintendent or his or her designee alleging a matter which, if true,
would constitute a violation by that LEA of federal or state law or regulation governing a program listed in section 4610(b) of this chapter.

(b) An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension.

   (1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part.

   (2) The complaint shall be filed with the LEA in accordance with the complaint procedures of the LEA.

   (3) An investigation of a discrimination, harassment, intimidation or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

(c) (1) Pupil fee complaints may be filed with the principal of the school.

   (2) Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

   (3) Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 49010 and 49011 regarding pupil fees.

5 CCR § 4631. Responsibilities of the LEA.

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the LEA person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures adopted pursuant to section 4621 and prepare a written LEA Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.
(e) The LEA should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA. The Decision should contain:

1. the findings of fact based on the evidence gathered,
2. conclusion of law,
3. disposition of the complaint,
4. the rationale for such disposition,
5. corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code section 49013(d) and section 4600(u).
6. notice of the complainant's right to appeal the LEA Decision to the CDE, and
7. procedures to be followed for initiating an appeal to the CDE.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit an LEA from resolving complaints prior to the formal filing of a written complaint.

**5 CCR § 4632. Appeal of LEA decision - Grounds.**

(a) Except for complaints under sections 4681 and 4682 regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a Decision to the CDE by filing a written appeal within 15 days of receiving the Decision.

(b) The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

(c) The appeal shall be accompanied by:

1. a copy of the locally filed complaint; and
2. a copy of the Decision.

(d) If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the LEA for resolution as a new complaint under section 4630 or 4631.

(e) If the CDE determines that the Decision failed to address an issue raised by the complaint, the CDE shall refer the matter to the LEA to make the necessary findings and conclusions on any issue not addressed. The LEA will address the issue within 20 days from the date of the referral.

**5 CCR § 4633. Appeal of LEA decision.**

(a) If the Decision is appealed, the CDE shall notify the LEA of the appeal. Upon notification by the CDE that the Decision has been appealed, the LEA shall forward the following to the CDE:

1. A copy of the original complaint;
2. A copy of the Decision;
3. A summary of the nature and extent of the investigation conducted by the LEA, if not covered in the Decision;
4. A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of the LEA complaint procedures; and
7. Such other relevant information as the CDE may request.
(b) The CDE shall not receive evidence from the parties that could have been presented to the LEA investigator during the investigation, unless requested by the CDE. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the CDE.

(c) The CDE may contact the parties for further information, if necessary.

(d) The CDE shall review the investigation file, the summary of the nature and extent of the investigation conducted by the LEA, the complaint procedures, documents and any other evidence received from the LEA and determine whether substantial evidence exists:
   (1) That the LEA followed its complaint procedures; and
   (2) That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence.

(e) The CDE shall review the conclusions of law which are the subject of the appeal and determine whether they are correct.

(f) If the CDE determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the CDE may return the Decision to the LEA in order to correct the deficiencies within 20 days of the return.

(g) If the CDE finds that the Decision is supported by substantial evidence, and that the legal conclusions are not contrary to law, the appeal shall be denied.

(h) If the CDE finds the grounds for the appeal have merit:
   (1) The CDE may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the LEA for further investigation of the allegations which are the subject of the appeal; or
   (2) The CDE may issue a decision based on the evidence in the investigation file received from the LEA; or
   (3) If the CDE determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(i) If the CDE finds merit in the appeal, the CDE's decision on appeal shall contain the following:
   (1) A finding that the LEA complied or did not comply with its complaint procedures;
   (2) The CDE's findings of fact and conclusions of law regarding the issue on appeal; and
   (3) Where a determination is made that the LEA failed to comply with the applicable state or federal law or regulation, remedial orders and/or required actions to address the violation(s), including, with respect to a pupil fee complaint, a remedy that specifies the LEA's obligation to comply with Education Code section 49013(d) and section 4600(u).

(j) The CDE must issue a written decision regarding an appeal of a pupil fee complaint and provide a copy of the written decision to the appellant within 60 days of the CDE's receipt of the appeal.

5 CCR § 4640. Filing a state complaint that has not first been filed at the Local Educational Agency (LEA); Time lines, notice, appeal rights.

Referral to the LEA for Local Resolution.

(a) If a complaint is erroneously filed with the CDE without first being filed with and investigated by the LEA, the CDE shall immediately forward the complaint to the LEA for processing in accordance with article 4 of this chapter, unless extraordinary circumstances exist necessitating direct state intervention as described at section 4650.

(b) A letter shall be sent by first class mail to the complainant(s) notifying him, her, or them that:
(1) The CDE does not have jurisdiction, at this time, over the complaint and that the complaint should have been filed with the LEA in the first instance;
(2) That the complaint has been transferred to the local educational agency requesting the local educational agency to process and investigate the allegation in the complaint; and
(3) That the complainant may file an appeal to the CDE following the issuance of the Decision, if he or she believes as a matter of fact or law the Decision is incorrect.

5 CCR § 4650. Basis of direct state intervention.
(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the CDE shall directly intervene without waiting for LEA investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the CDE verifies, that an LEA failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the LEA to cooperate with the investigation;
(2) The complaint relates to an agency that is not an LEA funded through the Child Development or Child Nutrition Programs;
(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the LEA (except for complaints regarding pupil fees, which may be filed anonymously with the principal of a public school);
(4) The complainant alleges that the LEA failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;
(5) The complainant alleges and the CDE verifies that through no fault of the complainant, no action has been taken by the LEA within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the CDE shall attempt to work with the LEA to allow it to complete the investigation and issue a Decision.
(6) The complainant alleges and the CDE verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA would be futile.
(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

(A) The complainant alleges that a public agency, other than an LEA, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;
(B) The complainant alleges that the LEA or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;
(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.
(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).
(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the CDE. The complainant must present the CDE with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).
5 CCR § 4651. Notification.
When the Department receives a complaint requesting direct State intervention, the Department shall determine whether the complaint meets one or more of the criterion specified in section 4650 for direct State intervention and shall immediately notify the complainant by first class mail of the determination to accept the complaint without a local educational agency investigation and/or Decision. If the complaint is not accepted, it shall be referred to the local educational agency for local investigation, or referred to another agency pursuant to section 4611.

5 CCR § 4660. Department resolution procedures.
(a) When the Department determines that direct State intervention is warranted pursuant to any provision of section 4650, the following procedures shall be used to resolve the issues of the complaint:
   (1) The Department shall consider alternative methods to resolve the allegations in the complaint.
   (2) If both parties request mediation, the Department shall offer to mediate the dispute which may lead to a state mediation agreement.
   (3) The Department shall conduct an investigation, including an on-site investigation if necessary, into the allegations in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.

5 CCR § 4662. Investigation timeline.
(a) Each party in the dispute shall be sent written notification by the Department of the name(s) of the investigator(s) and the investigation date(s), if known. The notice shall explain the investigation process.
(b) An investigation will be completed within 60 days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to extend the time lines. The Department may grant extensions for the investigation if exceptional circumstances exist that constitute good cause with respect to the particular complaint, and provided that the complainant is informed of the extension and the reasons therefore and provided that the facts supporting the extension are documented and maintained in the complaint file.

5 CCR § 4663. Department investigation procedures.
(a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint.
(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.
(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.
(d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

5 CCR § 4664. Department investigation report.
(a) An investigation report shall be issued. The investigation report shall include the following:
   (1) A summary of the allegations in the complaint;
(2) A description of the general procedures of the investigation;
(3) Citations of applicable law and regulations;
(4) Department findings of facts;
(5) Department conclusions;
(6) LEA required actions, if applicable;
(7) LEA recommended specific actions, if applicable;
(8) Time line for corrective actions, if applicable; and

(9) Notice that any party may request reconsideration of the Department's report from the Superintendent of Public Instruction within 35 days of the receipt of the report.

(10) For those programs governed by Part 76 of Title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

(b) An investigation report shall be mailed to the parties within 60 days from the conclusion of the investigation.

5 CCR § 4665. Discretionary reconsideration of department investigation report.

(a) Within 35 days of receipt of the Department investigation report, either party may request reconsideration by the Superintendent. The request for reconsideration shall designate the finding(s), conclusion(s), or corrective action(s) in the Department's report to be reconsidered and state the specific basis for reconsidering the designated finding(s), conclusion(s) or corrective action(s). The request for reconsideration shall also state whether the findings of fact are incorrect and/or the law is misapplied.

(b) Within 35 days of the receipt of the request for reconsideration, the Superintendent or his or her designee may respond in writing to the parties modifying the specific finding(s), conclusion(s), or corrective action(s) for which reconsideration is requested, or denying the request for reconsideration. Pending the Superintendent's reconsideration, the Department report remains in effect and enforceable.

(c) Appeals by private agencies regarding Child Care Food Programs shall be made to the State Office of Administrative Hearings in accordance with applicable laws and regulations.

(d) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in division 19 of title 5 of the Code of California Regulations.

(e) For those programs governed by part 76 of title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

5 CCR § 4670. Enforcement.

(a) Upon determination that a local agency violated the provisions of this chapter, the Department shall notify the local agency pursuant to section 4664(b) that it must take corrective action to come into compliance. If corrective action is not taken, the Department may use any means authorized by law to effect compliance, including, but not limited to:

(1) The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statute or regulation;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local agency under this chapter shall be made until the Department has determined that compliance cannot be secured by other means.
(c) If the Department determines that a Child Development Contractor's Agreement shall be terminated, the procedures set forth in sections 8257(d) or 8400 et seq. of the Education Code and the regulations promulgated pursuant thereto (chapter 19 of title 5, CCR, commencing with section 17906), shall be followed.

(d) If the Department determines that a local educational agency has failed to comply with any provision of sections 49550 through 49554 of the Education Code, the Department shall certify such noncompliance to the Attorney General for investigation pursuant to section 49556 of the Education Code.

Parental notification

LAWS

EDC 32281.

(e)(1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

EDC 48240.

(d) The supervisor of attendance may provide support services and interventions, which may include, but are not limited to, any or all of the following:

(1) A conference between school personnel, the pupil’s parent or guardian, and the pupil.

EDC 48260.5.

Upon a pupil’s initial classification as a truant, the school district shall notify the pupil’s parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil is truant.

(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.

(c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).

(d) That alternative educational programs are available in the school district.

(e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil’s truancy.

(f) That the pupil may be subject to prosecution under Section 48264.
(g) For a pupil under 18 years of age but 13 years of age or older, that the pupil may be subject to suspension, restriction, or delay of the pupil’s driving privilege pursuant to Section 13202.7 of the Vehicle Code.

(h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

EDC 48262.
Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

EDC 48263.
(a) If a minor pupil in a school district of a county is a habitual truant, or is a chronic absentee, as defined in Section 60901, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals. The school district supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall provide documentation of the interventions undertaken at the school to the pupil, the pupil’s parents or guardians, and the school attendance review board or probation department and shall notify the pupil and parents or guardians of the pupil, in writing, of the name and address of the school attendance review board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

EDC 48263.5.
(a) In any county which has established a county school attendance review board pursuant to Section 48321, the school attendance review board may notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may notify the district attorney, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (b):

(1) The name of each pupil who has been classified as a truant and concerning whom the school attendance review board or the probation officer has determined:

(A) That available community services cannot resolve the truancy or insubordination problem.

(B) That the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided.

(2) The name and address of the parent or guardian of each pupil described in paragraph (1).

(b) Upon receipt of notification provided pursuant to subdivision (a), the district attorney or the probation officer may notify the parents or guardians of each pupil concerning whom notification has been received, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school. The district attorney or the probation officer may also request the parents or guardians and the child to attend a meeting in the district attorney’s office or at the probation department pursuant to
Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child’s truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code.

EDC 48266.
Any person taking action pursuant to Sections 48264 and 48265 shall report the matter, and the disposition made by him of the minor to the school authorities of the city, or city and county, or school district and to the minor’s parent or guardian.

EDC 48900.1.
(a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900, to attend a portion of a school day in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.

(b) The policy shall be adopted pursuant to the procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom.

The adopted policy shall include the procedures that the district will follow to accomplish the following:

(1) Ensure that parents or guardians who attend school for the purposes of this section meet with the school administrator or his or her designee after completing the classroom visitation and before leaving the schoolsite.

(2) Contact parents or guardians who do not respond to the request to attend school pursuant to this section.

(c) If a teacher imposes the procedure pursuant to subdivision (a), the principal shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. This section shall apply only to a parent or guardian who is actually living with the pupil.

(d) A parent or guardian who has received a written notice pursuant to subdivision (c) shall attend class as specified in the written notice. The notice may specify that the attendance of the parent or guardian be on the day the pupil is scheduled to return to class, or within a reasonable period of time thereafter, as established by the policy of the board adopted pursuant to subdivision (a).

EDC 48904.

(b)(2) The school district or private school shall notify the parent or guardian of the pupil in writing of the pupil’s alleged misconduct before withholding the pupil’s grades, diploma, or transcripts pursuant to this subdivision. When the minor and parent are unable to pay for the damages, or to return the property, the school district or private school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released.

EDC 48904.3

(b) Any school district that has decided to withhold a pupil’s grades, diploma, or transcripts pursuant to Section 48904 shall, upon receiving notice that the pupil has transferred to any school district in this state, notify the parent or guardian of the pupil in writing that the decision to withhold will be enforced as specified in subdivision (a).
EDC 48906.
When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing.

EDC 48909.
When a petition is requested in juvenile court or a complaint is filed in any court alleging that a minor of compulsory school attendance age or any pupil currently enrolled in a public school in a grade to and including grade 12 is a person who (a) has used, sold, or possessed narcotics or other hallucinogenic drugs or substances; (b) has inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code; or (c) has committed felonious assault, homicide, or rape the district attorney may, within 48 hours, provide written notice to the superintendent of the school district of attendance, notwithstanding the provisions of Section 827 of the Welfare and Institutions Code, and to the pupil’s parent or guardian.

EDC 48910.
(a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the schoolsite, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

EDC 48911.
(d) At the time of suspension, a school employee shall make a reasonable effort to contact the pupil’s parent or guardian in person or by telephone. If a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
(f)(1) The parent or guardian of a pupil shall respond without delay to a request from school officials to attend a conference regarding his or her child’s behavior.
(2) No penalties shall be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

EDC 48911.1.
(a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.
(d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil's parent or guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil's parent or guardian.

EDC 48912.
(a) The governing board may suspend a pupil from school for any of the acts enumerated in Section 48900 for any number of school days within the limits prescribed by Section 48903.
(b) Notwithstanding the provisions of Section 35145 of this code and Section 54950 of the Government Code, the governing board of a school district shall, unless a request has been made to the contrary, hold closed sessions if the board is considering the suspension of, disciplinary action against, or any other action against, except expulsion, any pupil, if a public hearing upon that question would lead to the giving out of information concerning a school pupil which would be in violation of Article 5 (commencing with Section 49073) of Chapter 6.5.
(c) Before calling a closed session to consider these matters, the governing board shall, in writing, by registered or certified mail or by personal service, notify the pupil and the pupil's parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board to call and hold a closed session. Unless the pupil or the pupil's parent or guardian shall, in writing, within 48 hours after receipt of the written notice of the board's intention, request that the hearing be held as a public meeting, the hearing to consider these matters shall be conducted by the governing board in closed session. In the event that a written request is served upon the clerk or secretary of the governing board, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting, shall be in closed session.

EDC 48914.
Each school district is authorized to establish a policy that permits school officials to conduct a meeting with the parent or guardian of a suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.

EDC 48916.
(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.
(e) The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the
expelled pupil pursuant to subdivision (d). The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.

EDC 48929.
Notwithstanding any other law, the governing board of a school district may transfer to another school in that school district a pupil enrolled in that school district who has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, or convicted of a misdemeanor listed in Section 29805 of the Penal Code if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same school, subject to satisfaction of both of the following conditions:

(a) The governing board of the school district has adopted a policy at a regularly scheduled meeting that contains all of the following provisions:

(1) A requirement that the pupil and pupil’s parent or guardian be notified of the right to request a meeting with the school principal or designee of the school or school district.

(b) The governing board of the school district has provided notice of the policy to parents or guardians as part of the annual notification required pursuant to Section 48980.

EDC 48980.

(a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 46015, 48205, 48207, 48208, 49403, 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.

(c) The notification also shall advise the parents and guardians of all pupils attending a school within the school district of the schedule of minimum days and pupil-free staff development days, and if minimum or pupil-free staff development days are scheduled thereafter, the governing board of the school district shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

(e) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) of Chapter 3 of Part 19 of Division 1 of Title 1 shall inform parents or guardians of the program as specified in Section 32390.

(f) The notification also shall include a copy of the written policy of the school district on sexual harassment established pursuant to Section 231.5, as it relates to pupils.

(g) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall
include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

(h) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within its school district and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.

(i) The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

(j) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52242.

(k) The notification to the parent or guardian of a minor pupil enrolled in any of grades 9 to 12, inclusive, also shall include the information required pursuant to Section 51229.

(l) If a school district elects to allow a career technical education course to satisfy the requirement imposed by subparagraph (E) of paragraph (1) of subdivision (a) of Section 51225.3, the school district shall include, in the notification required pursuant to this section, both of the following:

(1) Information about the high school graduation requirements of the school district and how each requirement satisfies or does not satisfy the subject matter requirements for admission to the California State University and the University of California.

(2) A complete list of career technical education courses offered by the school district that satisfy the subject matter requirements for admission to the California State University and the University of California, and which of the specific college admission requirements these courses satisfy.

(m) A school district that elects to adopt a policy regarding the transfer of pupils pursuant to Article 1.5 (commencing with Section 48929) shall inform parents or guardians of the policy in the notification required pursuant to this section.

EDC 48981.
The notice shall be provided at the time of registration for the first semester or quarter of the regular school term. The notice may be provided using any of the following methods:

(a) By regular mail.

(b) If a parent or guardian requests to receive the notice in electronic format, by providing access to the notice electronically. Notice provided in electronic format shall conform to the requirements of Section 48985.

(c) By any other method normally used to communicate with the parents or guardians in writing.

EDC 48982.
(a) The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

(b) If the notice is provided in electronic format pursuant to subdivision (b) of Section 48981, the parent or guardian shall submit to the school a signed acknowledgment of receipt of the notice.
EDC 48983.
If any activity covered by the sections set forth in Section 48980 will be undertaken by the school during the forthcoming school term, the notice shall state that fact and shall also state the approximate date upon which any of such activities will occur.

EDC 48984.
No school district shall undertake any activity covered by the sections set forth in Section 48980 with respect to any particular pupil unless the parent or guardian has been informed of such action pursuant to this article or has received separate special notification.

EDC 48985.
(a) If 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.

(b) Pursuant to subdivision (b) of Section 64001, the department shall monitor adherence to the requirements of subdivision (a) as part of its regular monitoring and review of public schools and school districts, commonly known as the Categorical Program Monitoring process, and shall determine the types of documents and languages a school district translates to a primary language other than English, the availability of these documents to parents or guardians who speak a primary language other than English, and the gaps in translations of these documents.

(c) Based on census data submitted to the department pursuant to Section 52164 in the preceding fiscal year, the department shall notify a school district, by August 1 of each year, of the schools within the school district, and the primary language other than English, for which the translation of documents is required pursuant to subdivision (a). The department shall make that notification using electronic methods.

(d) The department shall use existing resources to comply with subdivisions (b) and (c).

EDC 49332.
The parent or guardian of a pupil from whom an injurious object has been taken pursuant to this section may be notified by school personnel of the taking.

School personnel may retain protective possession of any injurious object taken pursuant to this section until the risk of its use as a weapon has dissipated, unless prior to dissipation of the risk, the parent or guardian requests that the school personnel retain the object, in which case, the school personnel shall retain the object until the parent or guardian or another adult with the written consent of the parent or guardian appears personally to take possession of the injurious object from the school personnel.

EDC 56521.1.
(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs. A behavioral emergency report shall immediately be completed and maintained in the file of the individual with exceptional needs. The behavioral emergency report shall include all of the following:

(1) The name and age of the individual with exceptional needs.

(2) The setting and location of the incident.
(3) The name of the staff or other persons involved.

(4) A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.

(5) Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.

REGULATIONS
No relevant regulations found.

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

**LAWS**

**EDC 32281.**

(e)(1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

**EDC 48240.**

(d) The supervisor of attendance may provide support services and interventions, which may include, but are not limited to, any or all of the following:

(5) Collaboration with child welfare services, law enforcement, courts, public health care agencies, or government agencies, or medical, mental health, and oral health care providers to receive necessary services.

(10) Referral to a truancy mediation program operated by the county’s district attorney or probation officer pursuant to Section 48260.6.

**EDC 48246.**

The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time enter into any such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Labor Code or of the provisions of this chapter, or Chapter 7 (commencing with Section 49100) of this part. If the attendance supervisor or probation officer is denied entrance to such place of employment, or if any violation of laws relating to the education of minors is found to exist, the attendance supervisor or probation officer shall report the denial of
entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

EDC 48260.6.

(a) In any county which has not established a county school attendance review board pursuant to Section 48321, the school district may notify the district attorney or the probation officer, or both, of the county in which the school district is located, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (d):

1. The name of each pupil who has been classified as a truant.
2. The name and address of the parent or guardian of each pupil who has been classified as a truant.

(b) The school district may also notify the district attorney or the probation officer, or both, as to whether the pupil continues to be classified as a truant after the parents have been notified pursuant to subdivision (a) of Section 48260.5.

(c) In any county which has not established a county school attendance review board, the district attorney or the probation officer of the county in which the school district is located may notify the parents or guardians of every truant, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school.

(d) If the district attorney or the probation officer, or both, are notified by a school district that a child continues to be classified as a truant after the parents or guardians have been notified pursuant to subdivision (a) of Section 48260.5, the district attorney or the probation officer in any county which has not established a county school attendance review board may request the parents or guardians and the child to attend a meeting in the district attorney’s office or at the probation department pursuant to Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child’s truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code.

EDC 48263.

(a) If a minor pupil in a school district of a county is a habitual truant, or is a chronic absentee, as defined in Section 60901, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals. The school district supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall provide documentation of the interventions undertaken at the school to the pupil, the pupil’s parents or guardians, and the school attendance review board or probation department and shall notify the pupil and parents or guardians of the pupil, in writing, of the name and address of the school attendance review board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

(b)(1) If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the school attendance review board or probation officer shall direct the pupil or the pupil’s parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any
time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(2) If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation officer has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, upon that direction, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court should take in order to bring about a proper disposition of the case.

(c) In any county that has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil’s parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both, of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

**EDC 48263.5.**

(a) In any county which has established a county school attendance review board pursuant to Section 48321, the school attendance review board may notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may notify the district attorney, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (b):

(1) The name of each pupil who has been classified as a truant and concerning whom the school attendance review board or the probation officer has determined:

(A) That available community services cannot resolve the truancy or insubordination problem.

(B) That the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided.

(2) The name and address of the parent or guardian of each pupil described in paragraph (1).

(b) Upon receipt of notification provided pursuant to subdivision (a), the district attorney or the probation officer may notify the parents or guardians of each pupil concerning whom notification has been received, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school. The district attorney or the probation officer may also request the parents or guardians and the child to attend a meeting in the district attorney’s office or at the probation department pursuant to Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child’s truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code.
EDC 48267.
Any pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court of the county, or has been found to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer, who is reported as a truant from school one or more days or tardy on one or more days without valid excuse, in the same school year or in a succeeding year, or habitually insubordinate, or disorderly during attendance at school, shall be brought to the attention of the juvenile court and the pupil’s probation or parole officer within 10 days of the reported violation.

Notwithstanding Section 827 of the Welfare and Institutions Code, written notice that a minor enrolled in a public school in grades 7 to 12, inclusive, has been found by a court to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer shall be provided by the juvenile court, within seven days of the entry of the dispositional order, to the superintendent of the school district of attendance, which information shall be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal’s designee shall not disclose this information to any other person except as otherwise required by law.

EDC 48269.
If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgment executes a bond to the governing board of the school district in the sum of two hundred dollars ($200), conditioned that the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during attendance, then the court may make an order suspending the execution of the judgment so long as the condition of the bond is complied with. The bond shall be filed with the secretary of the board of education, or clerk of the board of trustees. All money paid or collected on the bond shall be paid into the county treasury as provided in Section 41001.

EDC 48321.
(a)(1) A county school attendance review board may be established in each county. The county school attendance review board may accept referrals or requests for hearing services from one or more school districts within its jurisdiction pursuant to subdivision (f). A county school attendance review board may be operated through a consortium or partnership of a county with one or more school districts or between two or more counties.

(2) A county school attendance review board, if established, shall include, but need not be limited to, all of the following:

(C) A representative of the county probation department.

(F) A representative of law enforcement agencies.

(L) A representative of the county district attorney’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s district attorney’s office may be included.

(M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.

(b)(1) Local school attendance review boards may include, but need not be limited to, all of the following:

(C) A representative of the county probation department.

(F) A representative of law enforcement agencies.
(L) A representative of the county district attorney’s office. If more than one county is represented in a local school attendance review board, a representative from each county’s district attorney’s office may be included.

(M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.

(2) Other persons or group representatives shall be appointed by the county board of education.

EDC 48321.5.

(a) In every case in which a minor pupil has been referred to it under Section 48263, each county or local school attendance review board may, for the purpose of making a proper disposition of the referral, issue subpoenas pursuant to the procedures provided in Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of the Code of Civil Procedure and subject to subdivision (f), or may request the juvenile court having jurisdiction to issue subpoenas, requiring the production of pertinent or material written information or the attendance of any of the following persons:

(1) The minor.

(2) The minor’s parents, guardians, or other person having control of the minor.

(3) The school authority referring the minor.

(4) Any other person who has pertinent or material information concerning the matter.

(b) The juvenile court may issue subpoenas requiring the attendance of witnesses or the production of pertinent or material written information, subject to Section 1985 of the Code of Civil Procedure.

(c) Enforcement of a subpoena issued by a county or local school attendance review board is within the jurisdiction of the juvenile court. The juvenile court does not have jurisdiction to order detention in any secure facility or other confinement for failure to comply with a subpoena issued pursuant to this section.

(d) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena for the production of written materials or the attendance of any person except as specifically provided in subdivision (a) with respect to the limited purpose of making a proper disposition of the referral of a minor pupil made pursuant to Section 48263.

(e) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena or request a subpoena to be issued for the production of written materials or the attendance of any person if it is verified that the minor pupil is enrolled and in regular attendance in a private school maintaining kindergarten or any of grades 1 to 12, inclusive, that has filed an affidavit pursuant to Sections 33190 and 48222 of the Education Code.

(f) A county or local school attendance review board shall not issue a subpoena that includes a request for production of written materials, but may request a juvenile court having jurisdiction to issue a subpoena for production of written materials pursuant to subdivision (a).

EDC 48340.

In enacting this article it is the intent of the Legislature to encourage school districts and county offices of education maintaining any classes in kindergarten and grades 1 to 12, inclusive, to adopt pupil attendance policies based on the active involvement of parents, pupils, teachers, administrators, other personnel, and community members which include proposals and procedures for the following:

(f) Joint efforts between law enforcement and schools, such as school level attendance review teams and periodic efforts to return truant pupils to school.
EDC 48645.

The purpose of this article is to provide for the administration and operation of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, or Orange County youth correctional centers in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established pursuant to Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5, of the Welfare and Institutions Code or in any group home housing 25 or more children placed pursuant to Sections 362, 727, and 730, of the Welfare and Institutions Code or in any group home housing 25 or more children and operating one or more additional sites under a central administration for children placed pursuant to Section 362, 727, or 730 of the Welfare and Institutions Code, with acceptable school structures at one or more centrally located sites to serve the single or composite populations, and to provide the juvenile court school pupils therein detained with quality education and training.

Nothing in this section shall be construed as indicating that it is the intent of the Legislature to prevent juvenile court school pupils who are housed in group homes from enrolling in regular public schools, or that it is the intent of the Legislature to transfer the responsibility for any costs associated with the operation of group homes to the counties.

The Orange County Office of Education shall only provide educational services in youth correctional centers for individuals up to 19 years of age.

EDC 48645.1.

Public schools or classes in any juvenile hall, juvenile home, day center, juvenile ranch, juvenile camp, regional youth educational facility, or Orange County youth correctional center in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established in accordance with Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), and Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5, of the Welfare and Institutions Code, or in any group home housing 25 or more children and operating one or more additional sites under a central administration, with acceptable school structures at one or more centrally located sites to serve the single or composite populations of juvenile court school pupils detained therein in accordance with the provisions of Section 362, 727, or 730 of the Welfare and Institutions Code, shall be known as juvenile court schools.

EDC 48645.2.

The county board of education shall provide for the administration and operation of juvenile court schools established pursuant to Section 48645.1:

(a) By the county superintendent of schools, provided that, in any county in which the board of supervisors is establishing or maintaining juvenile court schools on January 1, 1978, the county superintendent of schools may contract with the board of supervisors for the administration and operation of such schools if agreed upon between the board of education and the board of supervisors. In any event, the county superintendent of schools may contract with other educational agencies for supporting services to the same extent that school districts may contract with other such agencies.

(b) By contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.
EDC 48645.3.
(a) Juvenile court schools shall be conducted in a manner as shall be prescribed by the county board of education to best accomplish the provisions of Section 48645. The minimum schoolday shall be 240 minutes. Minimum schooldays shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The minimum schoolday for pupils in attendance in approved vocational education programs, work programs prescribed by the probation department pursuant to Section 883 of the Welfare and Institutions Code, and work experience programs shall be 180 minutes, which shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The county board of education shall adopt and enforce a course of study and evaluate its program in accordance with Sections 51040, 51041, 51050, and 51054 and the provisions of Article 1 (commencing with Section 51200) to Article 3 (commencing with Section 51220), inclusive, of Chapter 2 of Part 28, except subdivision (c) of Section 51220.

(b) Juvenile court schools shall not be closed on any weekday of the calendar year, except those weekdays adopted by the county board of education as school holidays or set aside by the county board of education for inservice purposes. However, the county board of education may close juvenile court schools when it deems the closing is necessary to accommodate contingencies.

(c)(1) The county board of education may adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, as determined by statewide assessments or objective local evaluations and assessments as approved by the county superintendent of schools.

(2) The enhanced course of study adopted pursuant to paragraph (1) shall meet the standards adopted pursuant to Section 60605.8, as appropriate, and shall be tailored to meet the needs of the individual pupil to increase the pupil’s academic literacy and reading fluency.

(d) It is the intent of the Legislature that pupils in juvenile court schools have a rigorous curriculum that includes a course of study preparing them for high school graduation and career entry and fulfilling the requirements for admission to the University of California and the California State University.

EDC 48645.5.
(a) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

(1) Arrest.
(2) Adjudication by a juvenile court.
(3) Formal or informal supervision by a probation officer.
(4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

(c) Pursuant to subparagraph (B) of paragraph (8) of subdivision (f) of Section 48853.5, a pupil who has had contact with the juvenile justice system shall be immediately enrolled in a public school.

(d) If a pupil completes the statewide coursework requirements for graduation specified in Section 51225.3 while attending a juvenile court school, the county office of education shall issue to the pupil a
diploma of graduation and shall not require the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements.

EDC 48645.6.
Plans for any juvenile court school classrooms, offices, or any other school structures in any juvenile hall, juvenile home, day center, juvenile ranch, or juvenile camp shall be approved by the county board of education. Upon approval of the board of supervisors and the county board of education, the cost of such structures shall be a required charge against the funds of the county.

The cost of constructing or otherwise providing classrooms, offices, or other onsite school structures in group homes or other agencies housing children described in Sections 362, 727, and 730 of the Welfare and Institutions Code shall be the responsibility of the private agency. This construction shall not entitle private agencies to an increase in the foster care reimbursement rates available from the State Department of Social Services or any other state agency. It is the intent of the Legislature that nothing in this section shall be construed to preclude the county boards of education or the governing boards of school districts from entering into a contractual agreement providing compensation to group homes for the use of classrooms, offices, or other onsite school structures.

EDC 48646.
(a) The Legislature encourages each county superintendent of schools or governing board of a school district, as determined by the county board of education pursuant to subdivision (b) of Section 48645.2, and the county chief probation officer to enter into a memorandum of understanding or equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are receiving their education in juvenile court schools. The memorandum of understanding or equivalent mutual agreement may include, but is not limited to, a process for communication, decision-making, mutually established goals, and conflict resolution. The purpose of this memorandum of understanding or equivalent mutual agreement is to develop a collaborative model that will foster an educational and residential environment that nurtures the whole child and consistently supports services that will meet the educational needs of the pupils.

(b) A memorandum of understanding or equivalent mutual agreement on providing educational and related services for juvenile court school pupils developed in accordance with this section may include, but is not limited to, the following provisions:

(1) Mutually developed goals and objectives that are reviewed annually, including, but not limited to, the following:

   (A) Building resiliency and strengthening life skills.
   (B) Fostering prosocial attitudes and behaviors.
   (C) Assigning pupils to appropriate classrooms based on their educational needs.
   (D) Ensuring regular classroom attendance.
   (E) Providing clean, safe, and appropriate educational facilities.
   (F) Improving academic achievement and vocational preparation.

(2) Clear delineation of responsibilities among the educational and residential or custodial service providers.

(3) A process for communicating, collaborating, and resolving conflicts. Whenever possible, resolution of issues shall be reached by consensus through a collaborative process that would promote decision-making at the site where services are delivered. A working group charged with this responsibility may be appointed by the county superintendent of schools, or the superintendent of the school district with responsibility for providing juvenile court school services, and the county chief probation officer, or their
designees. The working group is responsible for establishing and maintaining open communication, collaboration, and resolution of issues that arise.

(4) A clearly identified mechanism for resolving conflicts.

(5) A joint process for performing an intake evaluation for each ward to determine educational needs and ability to participate in all educational settings once the ward enters the local juvenile facility. The process shall recognize the limitations on academic evaluation and planning that can result from short-term placements. The evaluation team shall include staff from the responsible educational agency and the county probation department, and may include other participants as appropriate, and as mutually agreed upon by the education and probation members of the team. The evaluation process specified in the memorandum of understanding or equivalent mutual agreement may:

(A) Include a timeline for evaluation once a ward is assigned to a local facility.

(B) Result in an educational plan for a ward while assigned to a local juvenile facility that is integrated with other rehabilitative and behavioral management programs, and that supports the educational needs of the pupil.

It is the intent that this shared information about each ward placed in a juvenile court school shall assist both the county superintendent of schools and the county chief probation officer in meeting the needs of wards in their care and promoting a system of comprehensive services.

(c) The memorandum of understanding or equivalent mutual agreement shall not cede responsibility or authority prescribed by statute or regulation from one party to another party unless mutually agreed upon by both parties.

**EDC 48647.**

(a) Local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, systems, including data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court schools.

(b) As part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to improve communication regarding dates of release and the educational needs of pupils who have had contact with the juvenile justice system, to coordinate immediate school placement and enrollment, and to ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities.

**EDC 48902.**

(a) The principal of a school or the principal’s designee shall, before the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the pupil that may violate Section 245 of the Penal Code.

(b) The principal of a school or the principal’s designee shall, within one schoolday after suspension or expulsion of any pupil, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authorities of the county or the school district in which the school is situated of any acts of the pupil that may violate subdivision (c) or (d) of Section 48900.

(c) Notwithstanding subdivision (b), the principal of a school or the principal’s designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code. The principal of a school or the principal’s designee shall
report any act specified in paragraph (1) or (5) of subdivision (c) of Section 48915 committed by a pupil or nonpupil on a schoolsite to the city police or county sheriff with jurisdiction over the school and the school security department or the school police department, as applicable.

(d) A principal, the principal's designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

(e) The principal of a school or the principal's designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in Section 1415(k)(6) of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

EDC 48905.

An employee of a school district whose person or property is injured or damaged by the willful misconduct of a pupil who attends school in such district, when the employee or the employee's property is (1) located on property owned by the district, (2) being transported to or from an activity sponsored by the district or a school within the district, (3) present at an activity sponsored by such district or school, or (4) otherwise injured or damaged in retaliation for acts lawfully undertaken by the employee in execution of the employee's duties, may request the school district to pursue legal action against the pupil who caused the injury or damage, or the pupil's parent or guardian pursuant to Section 48904.

EDC 48909.

When a petition is requested in juvenile court or a complaint is filed in any court alleging that a minor of compulsory school attendance age or any pupil currently enrolled in a public school in a grade to and including grade 12 is a person who (a) has used, sold, or possessed narcotics or other hallucinogenic drugs or substances; (b) has inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code; or (c) has committed felonious assault, homicide, or rape the district attorney may, within 48 hours, provide written notice to the superintendent of the school district of attendance, notwithstanding the provisions of Section 827 of the Welfare and Institutions Code, and to the pupil's parent or guardian.

EDC 48918.1.

(a)(1) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(2) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(b)(1) If the decision to recommend expulsion is a discretionary act and the pupil is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district shall provide notice of the expulsion hearing to the local educational agency liaison for
homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(2) If a recommendation of expulsion is required and the pupil is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district may provide notice of the expulsion hearing to the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

PEN 243.2.
(a)(1) Except as otherwise provided in Section 243.6, when a battery is committed on school property, park property, or the grounds of a public or private hospital, against any person, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in the county jail not exceeding one year, or by both the fine and imprisonment.

(2) When a violation of this section is committed by a minor on school property, the court may, in addition to any other fine, sentence, or as a condition of probation, order the minor to attend counseling as deemed appropriate by the court at the expense of the minor’s parents. The court shall take into consideration the ability of the minor’s parents to pay, however, no minor shall be relieved of attending counseling because of the minor’s parents’ inability to pay for the counseling imposed by this section.

(b) For the purposes of this section, the following terms have the following meanings:

(3) “School” means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, technical school, or community college.

(c) This section shall not apply to conduct arising during the course of an otherwise lawful labor dispute.

PEN 245.6.
(a) It shall be unlawful to engage in hazing, as defined in this section.

(b) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100), nor more than five thousand dollars ($5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.
(f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

PEN 270.1.

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the Education Code, who has failed to reasonably supervise and encourage the pupil’s school attendance, and who has been offered language accessible support services to address the pupil’s truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).

(b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the Education Code:

(1) A dedicated court calendar.

(2) Leadership by a judge of the superior court in that county.

(3) Meetings, scheduled and held periodically, with school district representatives designated by the chronic truant’s school district of enrollment. Those representatives may include school psychologists, school counselors, teachers, school administrators, or other educational service providers deemed appropriate by the school district.

(4) Service referrals for parents or guardians, as appropriate to each case that may include, but are not limited to, all of the following:
   (A) Case management.
   (B) Mental and physical health services.
   (C) Parenting classes and support.
   (D) Substance abuse treatment.
   (E) Child care and housing.

(5) A clear statement that, in lieu of trial, the court may grant deferred entry of judgment with respect to the current crime or crimes charged if the defendant pleads guilty to each charge and waives time for the pronouncement of judgment and that, upon the defendant’s compliance with the terms and conditions set forth by the court and agreed to by the defendant upon the entry of his or her plea, and upon the motion of the prosecuting attorney, the court will dismiss the charge or charges against the defendant and the same procedures specified for successful completion of a drug diversion program or a deferred entry of judgment program pursuant to Section 851.90 and the provisions of Section 1203.4 shall apply.

(6) A clear statement that failure to comply with any condition under the program may result in the prosecuting attorney or the court making a motion for entry of judgment, whereupon the court will render a finding of guilty to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(7) An explanation of criminal record retention and disposition resulting from participation in the deferred entry of judgment program and the defendant’s rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(c) Funding for the deferred entry of judgment program pursuant to this section shall be derived solely from nonstate sources.
(d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the Education Code, may not be punished for a violation of both this section and the provisions of Section 272 that involve criminal liability for parents and guardians of truant children.

(e) If any district attorney chooses to charge a defendant with a violation of subdivision (a) and the defendant is found by the prosecuting attorney to be eligible or ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing, or state for the record, the grounds upon which that determination is based.

PEN 626.

(a) As used in this chapter, the following definitions apply:

(4) “School” means any public or private elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school or any public right-of-way situated immediately adjacent to school property or any other place if a teacher and one or more pupils are required to be at that place in connection with assigned school activities.

(5) “Chief administrative officer” means either of the following:

(B) For a school, the principal of the school, a person who possesses a standard supervision credential or a standard administrative credential and who is designated by the principal, or a person who carries out the same functions as a person who possesses a credential and who is designated by the principal.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Department of Justice containing information from its records showing prior convictions; and that communication is prima facie evidence of the convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

(c) As used in this code, the following definitions apply:

(1) “Pupil currently attending school” means a pupil enrolled in a public or private school who has been in attendance or has had an excused absence, for purposes of attendance accounting, for a majority of the days for which the pupil has been enrolled in that school during the school year.

(2) “Safe school zone” means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the school day or 60 minutes before or after a school-sponsored activity at the school site:

(A) Within 100 feet of a bus stop, whether or not a public transit bus stop, that has been publicly designated by the school district as a schoolbus stop. This definition applies only if the school district has chosen to mark the bus stop as a schoolbus stop.

(B) Within 1,500 feet of a school, as designated by the school district.

PEN 626.85.

(a) Any specified drug offender who, at any time, comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, unless the person is a parent or guardian of a child attending that school and his or her presence is during any school activity, or is a student at the school and his or her presence is during any school activity, or has prior written permission for the entry from the chief administrative officer of that school, is guilty of a misdemeanor if he or she does any of the following:

(1) Remains there after being asked to leave by the chief administrative officer of that school or his or her designated representative, or by a person employed as a member of a security or police
department of a school district pursuant to Section 39670 of the Education Code, or a city police officer, sheriff, or a Department of the California Highway Patrol peace officer.

(2) Reenters or comes upon that place within seven days of being asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) Has otherwise established a continued pattern of unauthorized entry.

This section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or to prohibit any lawful act, including picketing, strikes, or collective bargaining.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction, by a fine not exceeding one thousand dollars ($1,000), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) As used in this section:

(1) “Specified drug offender” means any person who, within the immediately preceding three years, has a felony or misdemeanor conviction of either:

(A) Unlawful sale, or possession for sale, of any controlled substance, as defined in Section 11007 of the Health and Safety Code.

(B) Unlawful use, possession, or being under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, where that conviction was based on conduct which occurred, wholly or partly, in any school building or upon any school ground, or adjacent street, sidewalk, or public way.

(2) “Continued pattern of unauthorized entry” means that on at least two prior occasions in the same calendar year the defendant came into any school building or upon any school ground, or adjacent street, sidewalk, or public way, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) “School” means any preschool or public or private school having any of grades kindergarten to 12, inclusive.

(4) “School activity” means and includes any school session, any extracurricular activity or event sponsored by or participated in by the school, and the 30-minute periods immediately preceding and following any session, activity, or event.

(d) When a person is directed to leave pursuant to paragraph (1) of subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the place he or she will be guilty of a crime.

PEN 626.9.

(a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (4) of subdivision (e), shall be punished as specified in subdivision (f).

c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:

   (1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

   (2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

   This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

   (3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision does not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person’s life or safety. Upon a trial for violating subdivision (b), the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

   (4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645.

   (5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is not in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but within a distance of 1,000 feet from the grounds of the public or private school.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (4) of subdivision (e).

   The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

   (1) "Concealed firearm" has the same meaning as that term is given in Sections 25400 and 25610.

   (2) "Firearm" has the same meaning as that term is given in subdivisions (a) to (d), inclusive, of Section 16520.

   (3) "Locked container" has the same meaning as that term is given in Section 16850.

   (4) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(f)(1) A person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years.
(2) A person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by any provision listed in Section 16580.

(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to Section 25400.

(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, in all cases other than those specified in subparagraph (A).

(3) A person who violates subdivision (d) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for three, five, or seven years.

(g)(1) A person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(2) A person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 23515, if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) A person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in Section 16580, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding Section 25605, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.
(i) Notwithstanding Section 25605, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to any of the following:

**PEN 626.10.**

(a)(1) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, knife having a blade longer than 21/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser, or stun gun, as defined in subdivision (a) of Section 244.5, any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(2) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses a razor blade or a box cutter upon the grounds of, or within,
any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is
guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year.

(b) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with
Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government
who is carrying out official duties while in this state, a person summoned by any officer to assist in making
arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member
of the military forces of this state or the United States who is engaged in the performance of his or her
duties, who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 21/2
inches upon the grounds of, or within, any private university, the University of California, the California
State University, or the California Community Colleges is guilty of a public offense, punishable by
imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of
Section 1170.

(c) Subdivisions (a) and (b) do not apply to any person who brings or possesses a knife having a blade
longer than 21/2 inches, a razor with an unguarded blade, a razor blade, or a box cutter upon the grounds
of, or within, a public or private school providing instruction in kindergarten or any of grades 1 to 12,
inclusive, or any private university, state university, or community college at the direction of a faculty
member of the private university, state university, or community college, or a certificated or classified
employee of the school for use in a private university, state university, community college, or school-
sponsored activity or class.

(d) Subdivisions (a) and (b) do not apply to any person who brings or possesses an ice pick, a knife
having a blade longer than 21/2 inches, a razor with an unguarded blade, a razor blade, or a box cutter
upon the grounds of, or within, a public or private school providing instruction in kindergarten or any of
grades 1 to 12, inclusive, or any private university, state university, or community college for a lawful
purpose within the scope of the person’s employment.

(e) Subdivision (b) does not apply to any person who brings or possesses an ice pick or a knife having a
fixed blade longer than 21/2 inches upon the grounds of, or within, any private university, state university,
or community college for lawful use in or around a residence or residential facility located upon those
grounds or for lawful use in food preparation or consumption.

(f) Subdivision (a) does not apply to any person who brings an instrument that expels a metallic projectile,
such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot
marker gun, or any razor blade or box cutter upon the grounds of, or within, a public or private school
providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has the written
permission of the school principal or his or her designee.

(g) Any certificated or classified employee or school peace officer of a public or private school providing
instruction in kindergarten or any of grades 1 to 12, inclusive, may seize any of the weapons described in
subdivision (a), and any certificated or classified employee or school peace officer of any private
university, state university, or community college may seize any of the weapons described in subdivision
(b), from the possession of any person upon the grounds of, or within, the school if he or she knows, or
has reasonable cause to know, the person is prohibited from bringing or possessing the weapon upon the
grounds of, or within, the school.

(h) As used in this section, “dirk” or “dagger” means a knife or other instrument with or without a
handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death.

(i) Any person who, without the written permission of the college or university president or chancellor or
his or her designee, brings or possesses a less lethal weapon, as defined in Section 16780, or a stun
gun, as defined in Section 17230, upon the grounds of, or within, a public or private college or university
campus is guilty of a misdemeanor.
PEN 13825.4.
(a) Community-based organizations and nonprofit agencies that receive funds under this chapter shall utilize the funds to provide services and activities designed to prevent or deter at-promise youth from participating in gangs, criminal activity, or violent behavior.
(b) These prevention and intervention efforts shall include, but not be limited to, any of the following:
   (1) Services and activities designed to do any of the following:
       (A) Teach alternative methods for resolving conflicts and responding to violence, drugs, and crime.
       (B) Develop positive and life-affirming attitudes and behaviors.
       (C) Build self-esteem.
   (2) Recreational, educational, or cultural activities.
   (3) Counseling or mentoring services.
   (4) Economic development activities.
(c)(1) Funds allocated under this chapter may not be used for services or activities related to suppression, law enforcement, incarceration, or other purposes not related to the prevention and deterrence of gangs, crime, and violence.
   (2) Nothing in this section shall prevent funds allocated under this chapter from being used for violence prevention and gang crime deterrence services provided by community-based organizations and nonprofit agencies to youths incarcerated in juvenile detention facilities.
(d) Services and activities provided with funds under this chapter shall be used for at-promise youth who are defined as persons from age 5 to 20 years of age and who fall into one or more of the following categories:
   (1) Live in a high-crime or high-violence neighborhood as identified by local or federal law enforcement agencies.
   (2) Live in a low-economic neighborhood as identified by the U.S. Census or come from an impoverished family.
   (3) Are excessively absent from school or are doing poorly in school as identified by personnel from the youth’s school.
   (4) Come from a socially dysfunctional family as identified by local or state social service agencies.
   (5) Have had one or more contacts with the police.
   (6) Have entered the juvenile justice system.
   (7) Are identified by the juvenile justice system as being at risk.
   (8) Are current or former gang members.
   (9) Have one or more family members living at home who are current or former members of a gang.
   (10) Are identified as wards of the court, as defined in Section 601 of the Welfare and Institutions Code.
(e) Except as provided in subdivision (f), in carrying out a program of prevention and intervention services and activities with funds received under this chapter, community-based organizations and nonprofit agencies shall do all of the following:
   (1) Collaborate with other local community-based organizations, nonprofit agencies or local agencies providing similar services, local schools, local law enforcement agencies, residents and families of the local community, private businesses in the local community, and charitable or religious organizations, for purposes of developing plans to provide a program of prevention and intervention services and activities with funds provided under this chapter.
(2) Identify other community-based organizations, nonprofit agencies, local agencies, and charitable or religious organizations in the local community that can serve as a resource in providing services and activities under this chapter.

(3) Follow the public health model approach in developing and carrying out a program to prevent, deter, or reduce youth gangs, crime, or violence by (A) identifying risk factors of the particular population to be targeted, (B) implementing protective factors to prevent or reduce gangs, crime, or violence in the particular community to be serviced, and (C) designing community guidelines for prevention and intervention.

(4) Provide referral services to at-promise youth who are being served under this chapter to appropriate organizations and agencies where the community-based organization or nonprofit agency can readily identify a need for counseling, tutorial, family support, or other types of services.

(5) Provide the parents and family of the at-promise youth with support, information, and services to cope with the problems the at-promise youth, the parents, and the family are confronting.

(6) Involve members of the at-risk target population in the development, coordination, implementation, and evaluation of their program of services and activities.

(7) Objectively evaluate the effectiveness of their services and activities to determine changes in attitudes or behaviors of the at-promise youth being served under this chapter towards gangs, crime, and violence.

(f) Providers of programs that operate in juvenile detention facilities shall not be required to meet the criteria specified in paragraph (5) of subdivision (e) for those programs offered only in those facilities.

PEN 13860.
The Legislature finds and declares that a substantial drug abuse and drug trafficking problem exists among school-age children on and around school campuses in the State of California. By enacting this chapter, it is the intention of the Legislature to support increased efforts by local law enforcement agencies, working in conjunction with school districts and county drug offices to suppress trafficking and prevent drug abuse among school age children on and around school campuses through the development of innovative and model programs by local law enforcement agencies and schools and drug abuse agencies. As used in this chapter, drugs are defined as marijuana, inhalants, narcotics, dangerous drugs, pharmaceuticals, glue and alcohol. It is the further intention of the Legislature to establish a program of financial and technical assistance for local law enforcement and school districts.

PEN 13861.
There is hereby created in the Office of Emergency Services the Suppression of Drug Abuse in Schools Program. All funds made available to the Office of Emergency Services for the purposes of this chapter shall be administered and disbursed by the Director of Emergency Services in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established pursuant to Section 13863.

(a) The Director of Emergency Services, in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee, is authorized to allocate and award funds to local law enforcement agencies and public schools jointly working to develop drug abuse prevention and drug trafficking suppression programs in substantial compliance with the policies and criteria set forth in Sections 13862 and 13863.

(b) The allocation and award of funds shall be made upon the joint application by the chief law enforcement officer of the coapplicant law enforcement agency and approved by the law enforcement agency’s legislative body and the superintendent and board of the school district coapplicant. The joint application of the law enforcement agency and the school district shall be submitted for review to the Local Suppression of Drug Abuse in Schools Advisory Committee established pursuant to paragraph
(4) of subdivision (a) of Section 13862. After review, the application shall be submitted to the Office of Emergency Services. Funds disbursed under this chapter may enhance but shall not supplant local funds that would, in the absence of the Suppression of Drug Abuse in Schools Program, be made available to suppress and prevent drug abuse among schoolage children and to curtail drug trafficking in and around school areas.

(c) The coapplicant local law enforcement agency and the coapplicant school district may enter into interagency agreements between themselves which will allow the management and fiscal tasks created pursuant to this chapter and assigned to both the law enforcement agency and the school district to be performed by only one of them.

(d) Within 90 days of the effective date of this chapter, the Director of Emergency Services, in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established pursuant to Section 13863, shall prepare and issue administrative guidelines and procedures for the Suppression of Drug Abuse in Schools Program consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of these guidelines and procedures, a complete and final draft shall be submitted within 60 days of the effective date of this chapter to the Chairpersons of the Committee on Criminal Law and Public Safety of the Assembly and the Judiciary Committee of the Senate of the California Legislature.

PEN 13862.

Law enforcement agencies and school districts receiving funds under this chapter shall concentrate enhanced apprehension, prevention, and education efforts and resources on drug abuse and drug trafficking in and around school campuses.

(a) These enhanced apprehension, prevention, and education efforts shall include, but not be limited to:

(1) Drug traffic intervention programs.

(2) School and classroom-oriented programs, using tested drug abuse education curriculum that provides indepth and accurate information on drugs, which may include the participation of local law enforcement agencies and qualified drug abuse prevention specialists and which are designed to increase teachers’ and students’ awareness of drugs and their effects.

(3) Family oriented programs aimed at preventing drug abuse which may include the participation of community-based organizations experienced in the successful operation of such programs.

(4) The establishment of a Local Suppression of Drug Abuse in Schools Advisory Committee. The committee shall be established and appointed by the board of supervisors of each county and city and county. However, if the agency receiving funds under this chapter is a city agency and the program does not involve any county agency, or if a county agency is involved and the county board of supervisors consents, the committee shall be established and appointed by the city council. The committee may be a newly created committee or an existing local drug abuse committee as designated by the board or city council. The committee shall be composed of, at a minimum, the following:

(A) Local law enforcement executives.

(B) School district executives.

(C) Schoolsite staff, which includes administrators, teachers, or other credentialed personnel.

(D) Parents.

(E) Students.

(F) School peace officers.
(G) County drug program administrators designated pursuant to Section 11962 of the Health and Safety Code.

(H) Drug prevention program executives.

(5) Development and distribution of appropriate written and audio-visual aids for training of school and law enforcement staff for handling drug-related problems and offenses. Appropriate existing aids may be utilized in lieu of development of new materials.

(6) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs.

(7) Development of a coordinated intervention system that identifies students with chronic drug abuse problems and facilitates their referral to a drug abuse treatment program.

(b) Enhanced apprehension, prevention, and education efforts commenced under this section shall be a joint effort between local law enforcement and local school districts in cooperation with county drug program offices. These efforts shall include, but not be limited to, the concentration of apprehension efforts in “problem” areas identified by local school authorities.

(c) Funds appropriated pursuant to this chapter may be used in part to support state-level development and statewide distribution of appropriate written and audio-visual aids for public awareness and training of school and law enforcement staff for handling drug-related problems and offenses. When existing aids can be identified, these aids may be utilized in lieu of the development of new aids.

PEN 13864.

There is hereby created in the Office of Emergency Services the Comprehensive Alcohol and Drug Prevention Education component of the Suppression of Drug Abuse in Schools Program in public elementary schools in grades 4 to 6, inclusive. Notwithstanding Section 13861 or any other provision in this code, all Comprehensive Alcohol and Drug Prevention Education component funds made available to the Office of Emergency Services in accordance with the Classroom Instructional Improvement and Accountability Act shall be administered by and disbursed to county superintendents of schools in this state by the Director of Emergency Services. All applications for that funding shall be reviewed and evaluated by the Office of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education.

(a) The Director of Emergency Services is authorized to allocate and award funds to county department superintendents of schools for allocation to individual school districts or to a consortium of two or more school districts. Applications funded under this section shall comply with the criteria, policies, and procedures established under subdivision (b) of this section.

(b) As a condition of eligibility for the funding described in this section, the school district or consortium of school districts shall have entered into an agreement with a local law enforcement agency to jointly implement a comprehensive alcohol and drug abuse prevention, intervention, and suppression program developed by the Office of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education, containing all of the following components:

(1) A standardized age-appropriate curriculum designed for pupils in grades 4 to 6, inclusive, specifically tailored and sensitive to the socioeconomic and ethnic characteristics of the target pupil population. Although new curricula shall not be required to be developed, existing curricula may be modified and adapted to meet local needs. The elements of the standardized comprehensive alcohol and drug prevention education program curriculum shall be defined and approved by the Governor’s Policy Council on Drug and Alcohol Abuse, as established by Executive Order No. D-70-80.
(2) A planning process that includes assessment of the school district’s characteristics, resources, and the extent of problems related to juvenile drug abuse, and input from local law enforcement agencies.

(3) A school district governing board policy that provides for a coordinated intervention system that, at a minimum, includes procedures for identification, intervention, and referral of at-risk alcohol- and drug-involved youth, and identifies the roles and responsibilities of law enforcement, school personnel, parents, and pupils.

(4) Early intervention activities that include, but are not limited to, the identification of pupils who are high risk or have chronic drug abuse problems, assessment, and referral for appropriate services, including ongoing support services.

(5) Parent education programs to initiate and maintain parental involvement, with an emphasis for parents of at-risk pupils.

(6) Staff and in-service training programs, including both in-depth training for the core team involved in providing program services and general awareness training for all school faculty and administrative, credentialed, and noncredentialed school personnel.

(7) In-service training programs for local law enforcement officers.

(8) School, law enforcement, and community involvement to ensure coordination of program services. Pursuant to that coordination, the school district or districts and other local agencies are encouraged to use a single community advisory committee or task force for drug, alcohol, and tobacco abuse prevention programs, as an alternative to the creation of a separate group for that purpose under each state or federally funded program.

(c) The application of the county superintendent of schools shall be submitted to the Office of Emergency Services. Funds made available to the Office of Emergency Services for allocation under this section are intended to enhance, but shall not supplant, local funds that would, in the absence of the Comprehensive Alcohol and Drug Prevention Education component, be made available to prevent, intervene in, or suppress drug abuse among schoolage children. For districts that are already implementing a comprehensive drug abuse prevention program for pupils in grades 4 to 6, inclusive, the county superintendent shall propose the use of the funds for drug prevention activities in school grades other than 4 to 6, inclusive, compatible with the program components of this section. The expenditure of funds for that alternative purpose shall be approved by the Director of Emergency Services.

(1) Unless otherwise authorized by the Office of Emergency Services, each county superintendent of schools shall be the fiscal agent for any Comprehensive Alcohol and Drug Prevention Education component award, and shall be responsible for ensuring that each school district within that county receives the allocation prescribed by the Office of Emergency Services. Each county superintendent shall develop a countywide plan that complies with program guidelines and procedures established by the Office of Emergency Services pursuant to subdivision (d). A maximum of 5 percent of the county’s allocation may be used for administrative costs associated with the project.

(2) Each county superintendent of schools shall establish and chair a local coordinating committee to assist the superintendent in developing and implementing a countywide implementation plan. This committee shall include the county drug administrator, law enforcement executives, school district governing board members and administrators, school faculty, parents, and drug prevention and intervention program executives selected by the superintendent and approved by the county board of supervisors.

(d) The Director of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education, shall prepare and issue guidelines and procedures for the Comprehensive Alcohol and Drug Prevention Education component consistent with this section.
(e) The Comprehensive Alcohol and Drug Prevention Education component guidelines shall set forth the terms and conditions upon which the Office of Emergency Services is prepared to award grants of funds pursuant to this section. The guidelines shall not constitute rules, regulations, orders, or standards of general application.

(f) Funds awarded under the Comprehensive Alcohol and Drug Prevention Education Program shall not be subject to Section 10318 of the Public Contract Code.

(g) Funds available pursuant to Item 8100-111-001 and Provision 1 of Item 8100-001-001 of the Budget Act of 1989, or the successor provision of the appropriate Budget Act, shall be allocated to implement this section.

(h) The Director of Emergency Services shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for drug, alcohol, and tobacco education funding under this section and under other state and federal programs. The Office of Emergency Services, the State Department of Health Care Services, the State Department of Education, and other state agencies, to the extent possible, shall develop joint policies and collaborate planning in the administration of drug, alcohol, and tobacco abuse prevention education programs.

PEN 13872.
The crimes that shall be the focus of this chapter shall include a wide variety of incidents, which reflect obvious racial, ethnic, or religious motivations, ranging from vandalizing a place of worship to assaults between members of gangs, including, but not limited to, incidents that occur on school grounds and between gang members and any other incidents that law enforcement officers on a case-by-case basis identify as having a racial, ethnic or religious motivation. They shall not include incidents of discrimination in employment.

PEN 30310.
(a) Unless it is with the written permission of the school district superintendent, the superintendent’s designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties.

(b) This section shall not apply to any of the following:

1. A duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
2. A full-time paid peace officer of another state or the federal government who is carrying out official duties while in California.
3. Any person summoned by any of these officers to assist in making an arrest or preserving the peace while that person is actually engaged in assisting the officer.
4. A member of the military forces of this state or of the United States who is engaged in the performance of that person’s duties.
5. An armored vehicle guard, who is engaged in the performance of that person’s duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.
6. Any peace officer, listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, whether active or honorably retired.
7. Any other duly appointed peace officer.
8. Any honorably retired peace officer listed in subdivision (c) of Section 830.5.
9. Any other honorably retired peace officer who during the course and scope of his or her appointment as a peace officer was authorized to, and did, carry a firearm.
(10) (A) A person carrying ammunition or reloaded ammunition onto school grounds that is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

(B) For purposes of this paragraph, the term "locked container" has the same meaning as set forth in Section 16850.

c) A violation of this section is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars ($1,000), or both the imprisonment and fine.

**REGULATIONS**

No relevant regulations found.

**Disclosure of school records**

**LAWS**

**EDC 48201.**

(a) Except for pupils exempt from compulsory school attendance under Section 48231, any parent, guardian, or other person having control or charge of any minor between the ages of 6 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current school term, shall enroll the minor in a public full-time day school of the city, city and county, or school district to which the minor is removed.

(b)(1) Upon a pupil’s transfer from one school district to another, the school district into which the pupil is transferring shall request that the school district in which the pupil was last enrolled provide any records that the district maintains in its ordinary course of business or receives from a law enforcement agency regarding acts committed by the transferring pupil that resulted in the pupil’s suspension from school or expulsion from the school district. Upon receipt of this information, the receiving school district shall inform any teacher of the pupil that the pupil was suspended from school or expelled from the school district and shall inform the teacher of the act that resulted in that action.

**EDC 48264.5.**

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil’s school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency’s policies and procedures. The pupil may also be assigned by the school to an afterschool or weekend study program located within the same county as the pupil’s school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

**EDC 48912.**

(b) Notwithstanding the provisions of Section 35145 of this code and Section 54950 of the Government Code, the governing board of a school district shall, unless a request has been made to the contrary, hold closed sessions if the board is considering the suspension of, disciplinary action against, or any other action against, except expulsion, any pupil, if a public hearing upon that question would lead to the giving out of information concerning a school pupil which would be in violation of Article 5 (commencing with Section 49073) of Chapter 6.5.
EDC 48918.
The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:

(k)(1) The governing board of the school district shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be nonprivileged, disclosable public records.

(2) The expulsion order and the causes for the expulsion shall be recorded in the pupil’s mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil’s school records.

EDC 49062.
School districts shall establish, maintain, and destroy pupil records according to regulations adopted by the State Board of Education. Pupil records shall include a pupil’s health record. Such regulations shall establish state policy as to what items of information shall be placed into pupil records and what information is appropriate to be compiled by individual school officers or employees under the exception to pupil records provided in subdivision (b) of Section 49061. No pupil records shall be destroyed except pursuant to such regulations or as provided in subdivisions (b) and (c) of Section 49070.

EDC 49063.
School districts shall notify parents in writing of their rights under this chapter upon the date of the pupil’s initial enrollment, and thereafter at the same time as notice is issued pursuant to Section 48980. The notice shall be, insofar as is practicable, in the home language of the pupil. The notice shall take a form that reasonably notifies parents of the availability of the following specific information:

(a) The types of pupil records and information contained therein that are directly related to pupils and maintained by the institution.

(b) The position of the official responsible for the maintenance of each type of record.

(c) The location of the log or record required to be maintained pursuant to Section 49064.

(d) The criteria to be used by the school district in defining “school officials and employees” and in determining “legitimate educational interest” as used in Section 49064 and paragraph (1) of subdivision (a) of Section 49076.

(e) The policies of the institution for reviewing and expunging those records.

(f) The right of the parent to access pupil records.

(g) The procedures for challenging the content of pupil records.

(h) The cost, if any, that will be charged to the parent for reproducing copies of records.

(i) The categories of information that the institution has designated as directory information pursuant to Section 49073.

(j) Any other rights and requirements set forth in this chapter, and the right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school district to comply with the provisions of Section 444 of the General Education Provisions Act (20 U.S.C. Sec. 1232g).

(k) The availability of the prospectus prepared pursuant to Section 49091.14.

EDC 49069.3.
(a) A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a pupil, and a caregiver who has direct responsibility for the care of the pupil, including a certified or licensed foster
parent, an approved relative or nonrelated extended family member, or a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by schools for pupils and parents, and any individualized education programs (IEP) that may have been developed pursuant to Chapter 4 (commencing with Section 56300) of Part 30 or any plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) maintained by school districts, county offices of education, charter schools, nonpublic schools, as defined in Section 60010, or private schools of that pupil. A caregiver, pursuant to this section, may access the information specified in this section regardless of whether the caregiver has been appointed as the pupil’s educational rights holder pursuant to Section 319, 361, or 726 of the Welfare and Institutions Code.

(b) A foster family agency, short-term residential treatment program, or caregiver may review and receive pupil records pursuant to subdivision (a) for purposes of monitoring the pupil’s educational progress, updating and maintaining the pupil’s education records as required by Section 16010 of the Welfare and Institutions Code, and ensuring the pupil has access to educational services, supports, and activities. These purposes include, but are not limited to, enrolling the pupil in school, assisting the pupil with homework, class assignments, and college and scholarship applications, and enrolling the pupil in extracurricular activities, tutoring, and other afterschool and summer enrichment programs.

(c)(1) If direct communication between a caregiver and an educational rights holder is appropriate, a caregiver who is not the pupil’s educational rights holder shall notify the pupil’s educational rights holder of any educational needs of the pupil that require the educational rights holder’s consent or participation, including, but not limited to, school placement decisions, decisions on whether to invoke or waive school of origin rights, consent for special education assessments and individualized education programs, meetings or hearings regarding attendance or discipline, and decisions regarding graduation. In instances involving significant discipline or that potentially impact a pupil’s continued enrollment and progress in school, the caregiver shall also provide the same information to the pupil’s social worker as is provided to the educational rights holder.

(2) If direct communication between a caregiver and an educational rights holder is inappropriate, the pupil’s social worker shall direct the caregiver to communicate the information specified in paragraph (1) with the pupil’s social worker or attorney instead of the educational rights holder.

(3) Nothing in this subdivision affects the responsibilities of a placement agency with regard to the education of a pupil.

(4) This subdivision shall not be construed to alter or increase a social worker’s or attorney’s decisionmaking rights and responsibilities regarding a pupil.

d) Nothing in this section affects the duties of a local educational agency related to informing and involving educational rights holders in educational decisions affecting the child.

EDC 49069.7
(a) Parents of currently enrolled or former pupils have an absolute right to access to any and all pupil records related to their children that are maintained by school districts or private schools. The editing or withholding of any of those records, except as provided for in this chapter, is prohibited.

(b) Each school district shall adopt procedures for the granting of requests by parents for copies of all pupil records pursuant to Section 49065, or to inspect and review records during regular school hours, provided that the requested access shall be granted no later than five business days following the date of the request. Procedures shall include the notification to the parent of the location of all official pupil records if not centrally located and the availability of qualified certificated personnel to interpret records if requested.
EDC 49070.

Following an inspection and review of a pupil’s records, the parent or guardian of a pupil or former pupil of a school district may challenge the content of any pupil record.

(a) The parent or guardian of a pupil may file a written request with the superintendent of the school district to correct or remove any information recorded in the pupil’s written records that the parent or guardian alleges to be any of the following:

(1) Inaccurate.
(2) An unsubstantiated personal conclusion or inference.
(3) A conclusion or inference outside of the observer’s area of competence.
(4) Not based on the personal observation of a named person with the time and place of the observation noted.
(5) Misleading.
(6) In violation of the privacy or other rights of the pupil.

(b)(1) Within 30 days of receipt of a request pursuant to subdivision (a), the superintendent or the superintendent’s designee shall meet with the parent or guardian and the certificated employee who recorded the information in question, if any, and if the employee is presently employed by the school district. The superintendent shall then sustain or deny the allegations.

(2) If the superintendent sustains any or all of the allegations, the superintendent shall order the correction or the removal and destruction of the information. However, in accordance with Section 49066, the superintendent shall not order a pupil’s grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

(3) If the superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the governing board of the school district.

(c)(1) Within 30 days of receipt of an appeal pursuant to subdivision (b), the governing board shall, in closed session with the parent or guardian and the certificated employee who recorded the information in question, if any, and if the employee is presently employed by the school district, determine whether or not to sustain or deny the allegations.

(2) If the governing board sustains any or all of the allegations, it shall order the superintendent to immediately correct or remove and destroy the information from the written records of the pupil, and inform the parent or guardian in writing. However, in accordance with Section 49066, the governing board shall not order a pupil’s grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

(3) The decision of the governing board shall be final.

(4) Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

(5)(A) If the superintendent or governing board of the school district sustains the parent’s or guardian’s request to change the name, gender, or both, of a pupil or former pupil, the school district shall add a new document to the pupil’s or former pupil’s record that includes all of the following information:
(i) The date of the request.
(ii) The date the requested records were corrected.
(iii) A list of the records that the parent or guardian of the pupil or former pupil requested to be corrected.
(iv) The type of documentation, if any, provided by the parent or guardian of the pupil or former pupil to demonstrate a legal change to the pupil’s or former pupil’s name, gender, or both. The parent or guardian of the pupil or former pupil is not required to provide documentation of a legal change to the pupil’s or former pupil’s name, gender, or both.
(v) The name of the employee that completed the request.
(vi) The corrected and former names, genders, or both, of the pupil or former pupil.

(B) Notwithstanding paragraph (4), the document generated pursuant to subparagraph (A) regarding a parent’s or guardian’s request to change a pupil’s or former pupil’s name, gender, or both, shall be indefinitely maintained in a confidential manner.

d) If the final decision of the governing board is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the superintendent of the school district, the parent or guardian shall be informed and shall have the right to submit a written statement of the parent’s or guardian’s objections to the information. This statement shall become a part of the pupil’s school record until the information objected to is corrected or removed.

EDC 49071.

(a) To assist in making determinations pursuant to Section 49070, a district superintendent or governing board may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant pupil’s records to the members of the panel so convened:

(1) The principal of a public school other than the public school at which the record is on file.
(2) A certificated employee appointed by the chairman of the certificated employee council of the district, or, if no such council exists, a certificated employee appointed by the parent.
(3) A parent appointed by the superintendent or by the governing board of the district, depending upon who convenes the panel.

(b) The persons appointed pursuant to paragraphs (2) and (3) of subdivision (a) shall, if possible, not be acquainted with the pupil, his parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph (2).

(c) The principal appointed to the hearing panel shall serve as its chairman.

(d) The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district.

The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the superintendent or the governing board, depending upon who convened the panel.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.
EDC 49072.
Whenever there is included in any pupil record information concerning any disciplinary action taken by school district personnel in connection with the pupil, the school district maintaining such record or records shall allow the pupil’s parent to include in such pupil record a written statement or response concerning the disciplinary action.

EDC 49073.
(a) School districts shall adopt a policy identifying those categories of directory information as defined in subdivision (c) of Section 49061 that may be released. The school district shall determine which individuals, officials, or organizations may receive directory information. However, no information may be released to a private profitmaking entity other than employers, prospective employers, and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment before graduation may be provided to a private school or college operating under Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 or its authorized representative. However, no such private school or college shall use that information for other than purposes directly related to the academic or professional goals of the institution, and a violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500). In addition, the privilege of the private school or college to receive the information shall be suspended for a period of two years from the time of discovery of the misuse of the information. Any school district may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

(b) Directory information may be released according to local policy as to any pupil or former pupil. However, notice shall be given at least on an annual basis of the categories of information that the school district plans to release and of the recipients. Directory information shall not be released regarding a pupil if a parent of that pupil has notified the school district that the information shall not be released.

(c) Directory information shall not be released regarding a pupil identified as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), unless a parent, or pupil accorded parental rights, as identified in the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), has provided written consent that directory information may be released.

EDC 49073.1.
(a) A local educational agency may, pursuant to a policy adopted by its governing board or, in the case of a charter school, its governing body, enter into a contract with a third party for either or both of the following purposes:

(1) To provide services, including cloud-based services, for the digital storage, management, and retrieval of pupil records.

(2) To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records in accordance with the contractual provisions listed in subdivision (b).

(b) A local educational agency that enters into a contract with a third party for purposes of subdivision (a) shall ensure the contract contains all of the following:

(1) A statement that pupil records continue to be the property of and under the control of the local educational agency.
(2) Notwithstanding paragraph (1), a description of the means by which pupils may retain possession and control of their own pupil-generated content, if applicable, including options by which a pupil may transfer pupil-generated content to a personal account.

(3) A prohibition against the third party using any information in the pupil record for any purpose other than those required or specifically permitted by the contract.

(4) A description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's records and correct erroneous information.

(5) A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of pupil records. Compliance with this requirement shall not, in itself, absolve the third party of liability in the event of an unauthorized disclosure of pupil records.

(6) A description of the procedures for notifying the affected parent, legal guardian, or eligible pupil in the event of an unauthorized disclosure of the pupil's records.

(7)(A) A certification that a pupil's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced.

(B) The requirements provided in subparagraph (A) shall not apply to pupil-generated content if the pupil chooses to establish or maintain an account with the third party for the purpose of storing that content pursuant to paragraph (2).

(8) A description of how the local educational agency and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

(9) A prohibition against the third party using personally identifiable information in pupil records to engage in targeted advertising.

(c) In addition to any other penalties, a contract that fails to comply with the requirements of this section shall be rendered void if, upon notice and a reasonable opportunity to cure, the noncompliant party fails to come into compliance and cure any defect. Written notice of noncompliance may be provided by any party to the contract. All parties subject to a contract voided under this subdivision shall return all pupil records in their possession to the local educational agency.

(d) For purposes of this section, the following terms have the following meanings:

(1) "Deidentified information" means information that cannot be used to identify an individual pupil.

(2) "Eligible pupil" means a pupil who has reached 18 years of age.

(3) "Local educational agency" includes school districts, county offices of education, and charter schools.

(4) "Pupil-generated content" means materials created by a pupil, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, photographs, and account information that enables ongoing ownership of pupil content. "Pupil-generated content" does not include pupil responses to a standardized assessment where pupil possession and control would jeopardize the validity and reliability of that assessment.

(5)(A) "Pupil records" means both of the following:

(i) Any information directly related to a pupil that is maintained by the local educational agency.

(ii) Any information acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other local educational agency employee.

(B) "Pupil records" does not mean any of the following:

(i) Deidentified information, including aggregated deidentified information, used by the third party to improve educational products, for adaptive learning purposes, and for customizing pupil learning.
(ii) Deidentified information, including aggregated deidentified information, used to demonstrate the effectiveness of the operator’s products in the marketing of those products.

(iii) Deidentified information, including aggregated deidentified information, used for the development and improvement of educational sites, services, or applications.

(6) “Third party” refers to a provider of digital educational software or services, including cloud-based services, for the digital storage, management, and retrieval of pupil records.

(e) If the provisions of this section are in conflict with the terms of a contract in effect before January 1, 2015, the provisions of this section shall not apply to the local educational agency or the third party subject to that agreement until the expiration, amendment, or renewal of the agreement.

(f) Nothing in this section shall be construed to impose liability on a third party for content provided by any other third party.

EDC 49075.

(a) A school district may permit access to pupil records to any person for whom a parent of the pupil has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file.

(b) Notwithstanding subdivision (a), school lunch applications and information shared pursuant to Section 49557.2 shall be retained by any school district in the manner most useful to the administration of the school lunch program.

EDC 49076.

(a) A school district shall not permit access to pupil records to a person without written parental consent or under judicial order except as set forth in this section and as permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations.

(1) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

   (A) School officials and employees of the school district, members of a school attendance review board appointed pursuant to Section 48321 who are authorized representatives of the school district, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing followup services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

   (B) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided or where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.

   (C) Authorized representatives of the Comptroller General of the United States, the United States Secretary of Education, and state and local educational authorities, or the United States Department of Education’s Office for Civil Rights, if the information is necessary to audit or evaluate a state or federally supported educational program, or in connection with the enforcement of, or compliance with, the federal legal requirements that relate to such a program. Records released pursuant to this subparagraph shall comply with the requirements of Section 99.35 of Title 34 of the Code of Federal Regulations.
(D) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted before November 19, 1974.

(E) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of Title 26 of the United States Code.

(F) A pupil 16 years of age or older or having completed the 10th grade.

(G) A district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5 of this code or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.

(H) A district attorney’s office for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200)) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400)).

(I)(i) A probation officer, district attorney, or counsel of record for a minor for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

(ii) For purposes of this subparagraph, a probation officer, district attorney, and counsel of record for a minor shall be deemed to be local officials for purposes of Section 99.31(a)(5)(i) of Title 34 of the Code of Federal Regulations.

(iii) Pupil records obtained pursuant to this subparagraph shall be subject to the evidentiary rules described in Section 701 of the Welfare and Institutions Code.

(J) A judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this subparagraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

(K) A county placing agency when acting as an authorized representative of a state or local educational agency pursuant to subparagraph (C). School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by email, facsimile, electronic format, or other secure means, if the agreement complies with the requirements set forth in Section 99.35 of Title 34 of the Code of Federal Regulations.

(L) A pupil 14 years of age or older who meets both of the following criteria:

(i) The pupil is a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(ii) The pupil is an unaccompanied youth, as defined in paragraph (6) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(6)).

(M) An individual who completes items 1 to 4, inclusive, of the Caregiver’s Authorization Affidavit, as provided in Section 6552 of the Family Code, and signs the affidavit for the purpose of enrolling a minor in school.

(N)(i) An agency caseworker or other representative of a state or local child welfare agency, or tribal organization, as defined in Section 450b of Title 25 of the United States Code, that has legal responsibility, in accordance with state or tribal law, for the care and protection of the pupil.

(ii) The agency or organization specified in clause (i) may disclose pupil records, or the personally identifiable information contained in those records, to an individual or entity engaged in addressing
the pupil’s educational needs, if the individual or entity is authorized by the agency or organization to receive the disclosure and the information requested is directly related to the assistance provided by that individual or entity. The records, or the personally identifiable information contained in those records, shall not otherwise be disclosed by that agency or organization, except as provided under the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), state law, including paragraph (3), and tribal law.

(O) A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a pupil, and a caregiver who has direct responsibility for the care of the pupil, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code, pursuant to Section 49069.3 of this code.

(2) School districts may release information from pupil records to the following:

(A) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons. Schools or school districts releasing information pursuant to this subparagraph shall comply with the requirements set forth in Section 99.32(a)(5) of Title 34 of the Code of Federal Regulations.

(B) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(C) Pursuant to Section 99.37 of Title 34 of the Code of Federal Regulations, a county elections official, for the purpose of identifying pupils eligible to register to vote, or for conducting programs to offer pupils an opportunity to register to vote. The information shall not be used for any other purpose or given or transferred to any other person or agency.

(D) Accrediting associations in order to carry out their accrediting functions.

(E) Organizations conducting studies for, or on behalf of, educational agencies or institutions for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents by persons other than representatives of the organizations, the information will be destroyed when no longer needed for the purpose for which it is obtained, and the organization enters into a written agreement with the educational agency or institution that complies with Section 99.31(a)(6) of Title 34 of the Code of Federal Regulations.

(F) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068 and in compliance with the requirements in Section 99.34 of Title 34 of the Code of Federal Regulations. This information shall be in addition to the pupil’s permanent record transferred pursuant to Section 49068.

(G)(i) A contractor or consultant with a legitimate educational interest who has a formal written agreement or contract with the school district regarding the provision of outsourced institutional services or functions by the contractor or consultant.

(ii) Notwithstanding the authorization in Section 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations, a disclosure pursuant to this subparagraph shall not be permitted to a volunteer or other party.

(3) A person, persons, agency, or organization permitted access to pupil records pursuant to this section shall not permit access to any information obtained from those records by another person,
persons, agency, or organization, except for allowable exceptions contained within the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and state law, including this section, and implementing regulations, without the written consent of the pupil's parent. This paragraph shall not require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate educational interest in the information pursuant to Section 99.31(a)(1) of Title 34 of the Code of Federal Regulations.

(4) Notwithstanding any other law, a school district, including a county office of education or county superintendent of schools, may participate in an interagency data information system that permits access to a computerized database system within and between governmental agencies or school districts as to information or records that are nonprivileged, and where release is authorized as to the requesting agency under state or federal law or regulation, if each of the following requirements is met:

(A) Each agency and school district shall develop security procedures or devices by which unauthorized personnel cannot access data contained in the system.

(B) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.

(C) Each school district shall comply with the access log requirements of Section 49064.

(D) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.

(E) An agency or school district shall not make public or otherwise release information on an individual contained in the database if the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.

(b) The officials and authorities to whom pupil records are disclosed pursuant to subdivision (e) of Section 48902 and subparagraph (I) of paragraph (1) of subdivision (a) shall certify in writing to the disclosing school district that the information shall not be disclosed to another party, except as provided under the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and state law, without the prior written consent of the parent of the pupil or the person identified as the holder of the pupil's educational rights.

(c)(1) A person or party who is not permitted access to pupil records pursuant to subdivision (a) or (b) may request access to pupil records as provided for in paragraph (2).

(2) A local educational agency or other person or party who has received pupil records, or information from pupil records, may release the records or information to a person or party identified in paragraph (1) without the consent of the pupil's parent or guardian pursuant to Section 99.31(b) of Title 34 of the Code of Federal Regulations, if the records or information are deidentified, which requires the removal of all personally identifiable information, if the disclosing local educational agency or other person or party has made a reasonable determination that a pupil's identity is not personally identifiable, whether through single or multiple releases, and has taken into account other pertinent reasonably available information.

EDC 49076.5.

(a) Notwithstanding Section 49076, each school district shall release the information it has specific to a particular pupil's identity and location that relates to the transfer of that pupil's records to another school district within this state or any other state or to a private school in this state to a designated peace officer, upon his or her request, when a proper police purpose exists for the use of that information. As permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations, the designated peace officer or law enforcement agency shall show the school district that the peace officer or law enforcement agency has obtained prior written consent from one parent, or provide information indicating
that there is an emergency in which the information is necessary to protect the health or safety of the
pupil or other individuals, or that the peace officer or law enforcement agency has obtained a lawfully
issued subpoena or a court order.

(b) In order to protect the privacy interests of the pupil, a request to a school district for pupil record
information pursuant to this section shall meet the following requirements:

1. For purposes of this section, “proper police purpose” means that probable cause exists that the pupil
has been kidnapped and that his or her abductor may have enrolled the pupil in a school and that the
agency has begun an active investigation.

2. Only designated peace officers and federal criminal investigators and federal law enforcement
officers, as defined in Section 830.1 of the Penal Code, whose names have been submitted to the
school district in writing by a law enforcement agency, may request and receive the information
specified in subdivision (a). Each law enforcement agency shall ensure that each school district has at
all times a current list of the names of designated peace officers authorized to request pupil record
information.

3. This section does not authorize designated peace officers to obtain any pupil record information
other than that authorized by this section.

4. The law enforcement agency requesting the information shall ensure that at no time shall
information obtained pursuant to this section be disclosed or used for a purpose other than to assist in
the investigation of suspected criminal conduct or kidnapping. A violation of this paragraph shall be
punishable as a misdemeanor.

5. The designated peace officer requesting information authorized for release by this section shall
make a record on a form created and maintained by the law enforcement agency that shall include the
name of the pupil about whom the inquiry was made, the consent of a parent having legal custody of
the pupil or a legal guardian, the name of the officer making the inquiry, the date of the inquiry, the
name of the school district, the school district employee to whom the request was made, and the
information that was requested.

6. Whenever the designated peace officer requesting information authorized for release by this section
does so in person, by telephone, or by some means other than in writing, the officer shall provide the
school district with a letter confirming the request for pupil record information before any release of
information.

7. A school district, or officer or employee of the school district, shall not be subject to criminal or civil
liability for the release of pupil record information in good faith as authorized by this section.

EDC 49079.

(a) A school district shall inform the teacher of each pupil who has engaged in, or is reasonably
suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision
(h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is
reasonably suspected to have engaged in, those acts. The district shall provide the information to the
teacher based upon any records that the district maintains in its ordinary course of business, or receives
from a law enforcement agency, regarding a pupil described in this section.

(b) A school district, or school district officer or employee, is not civilly or criminally liable for providing
information under this section unless it is proven that the information was false and that the district or
district officer or employee knew or should have known that the information was false, or the information
was provided with a reckless disregard for its truth or falsity.

(c) An officer or employee of a school district who knowingly fails to provide information about a pupil who
has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision
(a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars ($1,000), or both.

(d) For the 1994-95 school year, the information provided shall be from the previous two school years. For the 1996-97 school year and each school year thereafter, the information provided shall be from the previous three school years.

(e) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

EDC 49079.5.
The Legislature recognizes that a longitudinal pupil data system provides direct and tangible benefits to pupils, educators, policymakers, and the public. The Legislature intends to make statewide longitudinal education data accessible to, and used to inform and engage, authorized stakeholders in an effort to support the continuous improvement of instruction, operations, management, and resource allocation, and in a manner that complies with all federal and state privacy laws. The Legislature intends to make statewide longitudinal education data available and accessible to researchers so they may evaluate the effectiveness of instructional materials, strategies, and approaches for educating different types of pupils in a manner that complies with federal and state privacy laws, including, but not limited to, the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) (FERPA). It is the intent of the Legislature, in enacting this section, to accomplish all of the following:

(a) Comply with the United States Constitution and all applicable federal laws, including FERPA and its implementing regulations (34 C.F.R. 99).

(b) Comply with the California Constitution and all applicable state laws and their implementing regulations, including, but not limited to, Section 1798.24 of the Civil Code.

(c) Further an environment in which the department and the California Longitudinal Pupil Achievement Data System (CALPADS) serve as resources for local educational agencies.

(d) Promote a culture of continuous improvement through collaboration and informed decisionmaking at the classroom, school, district, state, and policymaker level.

(e) Minimize the anticipated workload increase on the department that may be generated by an increased number of data requests as CALPADS becomes operational, by establishing clear guidance on data access and an efficient process for responding to requests for access.

(f) Pursuant to FERPA and as defined in Section 1798.24 of the Civil Code, make pupil data available to qualified researchers from nonprofit organizations while appropriately protecting the privacy of individual pupils.

REGULATIONS

5 CCR § 50. Access to public records of the California Department of Education.

(a) Inspection of the original copy of any public record of the California Department of Education (CDE) (as defined by Government Code sections 6252(d) and 6254) will be permitted during regular office hours of the CDE, 1430 N Street, Sacramento, California 95814.

(b) Requests to inspect such records should be filed with the Chief Deputy Superintendent of Public Instruction at least five working days prior to the requested inspection date in order to insure availability.

(c) Requests for inspection should be as specific as possible in identifying the records desired.

(d) Original copies of public records shall not be removed from the office of the custodian thereof.

(e) If search by a state employee for the records requested, inspection of the public record will be subject to the payment of the fees required by section 18473 of this title.
5 CCR § 51. Obtaining copies of public records.
Copies of public records may be obtained from the custodian thereof through the procedure provided in Section 18471.

5 CCR § 430. Definition.
(a) “Pupil” means a person who is or was enrolled in a school.
(b) “Adult Pupil” means a person who is or was enrolled in school and who is at least 18 years of age.
(c) “Eligible Pupil” means a person 16 years or older or who has completed Grade 10.
(d) “Pupil Record” means information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record.
   (1) “Mandatory Permanent Pupil Records” are those records which are maintained in perpetuity and which schools have been directed to compile by California statute, regulation, or authorized administrative directive.
   (2) “Mandatory Interim Pupil Records” are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per California statute, regulation, or authorized administrative directive.
   (3) “Permitted Pupil Records” are those records having clear importance only to the current educational process of the student.
(e) “District” means a local school district or county or state operated special school or private or out-of-state school for which California tax revenues pay all or part of the tuition.

5 CCR § 431. Responsibilities of local governing boards.
(a) Local governing boards shall designate a certificated employee as custodian of records. Such employee shall be charged with districtwide responsibility for implementing board policies relating to pupil records.
(b) The principal of each school or a certificated designee shall be responsible for the implementation of board and district policies relating to the pupil records maintained in that school.
(c) Each district shall establish written policies and procedures for pupil records which implement Education Code Section 49060, and Title 5 regulations relating to pupil records. Such procedures and policies shall:
   (1) Guarantee access to authorized persons within 5 days following the date of request;
   (2) Assure security of the records; and
   (3) Enumerate and describe the pupil records collected and maintained by the district.
(d) All anecdotal information and assessment reports maintained as a pupil record shall be dated and signed by the individual who originated the data.
(e) The district shall notify parents in writing at least annually of their rights in regard to pupil records as per Education Code Section 49063.
(f) When a parent’s dominant language is not English, the district shall make an effort to:
   (1) Provide interpretation of the pupil record in the dominant language of the parent, or
   (2) Assist the parent(s) in securing an interpreter.
(g) Neither the pupil record, nor any part thereof, shall be withheld from the parent or eligible pupil requesting access.
5 CCR § 432. Varieties of pupil records.

(a) The principal of each school shall keep on file a record of enrollment and scholarship for each pupil currently enrolled in said school.

(b) Local school districts shall not compile any other pupil records except mandatory or permitted records as herein defined:

(1) “Mandatory Permanent Pupil Records” are those records which the schools have been directed to compile by California statute authorization or authorized administrative directive. Each school district shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every pupil who was enrolled in a school program within said district. The mandatory permanent pupil record or a copy thereof shall be forwarded by the sending district upon request of the public or private school in which the student has enrolled or intends to enroll. Such records shall include the following:

(A) Legal name of pupil.
(B) Date of birth.
(C) Method of verification of birth date.
(D) Sex of pupil.
(E) Place of birth.
(F) Name and address of parent of minor pupil.
   1. Address of minor pupil if different than the above.
   2. An annual verification of the name and address of the parent and the residence of the pupil.
(G) Entering and leaving date of each school year and for any summer session or other extra session.
(H) Subjects taken during each year, half-year, summer session, or quarter.
(I) If marks or credit are given, the mark or number of credits toward graduation allows for work taken.
(J) Verification of or exemption from required immunizations.
(K) Date of high school graduation or equivalent.

(2) “Mandatory Interim Pupil Records” are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation. Such records include:

(A) A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible pupil, or a dependent adult pupil, or an adult pupil, or the custodian of records.
(B) Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver.
(C) Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
(D) Language training records.
(E) Progress slips and/or notices as required by Education Code Sections 49066 and 49067.
(F) Parental restrictions regarding access to directory information or related stipulations.
(G) Parent or adult pupil rejoinders to challenged records and to disciplinary action.
(H) Parental authorizations or prohibitions of pupil participation in specific programs.
(I) Results of standardized tests administered within the preceding three years.

(3) “Permitted Records” are those pupil records which districts may maintain for appropriate educational purposes. Such records may include:
(A) Objective counselor and/or teacher ratings.
(B) Standardized test results older than three years.
(C) Routine discipline data.
(D) Verified reports of relevant behavioral patterns.
(E) All disciplinary notices.
(F) Attendance records not covered in the Administrative Code Section 400.

5 CCR § 433. Maintenance and security of pupil records.
(a) The custodian of records shall be responsible for the security of pupil records maintained by the district and shall devise procedures for assuring that access to such records is limited to authorized persons.
(b) Records for each individual pupil shall be maintained in a central file at the school attended by the pupil, or when records are maintained in different locations a notation in the central file as to where such other records may be found is required.

5 CCR § 434. Access to pupil records.
Access to pupil records should be in accordance with Education Code Sections 49069 and 49073 through 49077.

5 CCR § 435. Procedure for access to pupil records.
(a) Authorized organizations, agencies, and persons from outside the school whose access requires the consent of the parent or the adult pupil must submit their request to view the records, together with any required authorization, to the chief school administrator or the custodian of records.
(b) The chief school administrator or the custodian of records or a certificated designee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage, or loss. In every instance of inspection of pupil records by persons who do not have assigned educational responsibility, an entry shall be made in the access log of said record, indicating the name of the person(s) granted access, the reason access was granted, the time and circumstances of inspection, and the records inspected.
(c) Unless otherwise judicially instructed, the school district shall, prior to the disclosure of any pupil records to organizations, agencies, or persons outside the school pursuant to a court order, give the parent or adult pupil at least three days' notice, if lawfully possible within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing, if practicable. Only those records related to the specific purpose of the court order shall be disclosed.

5 CCR § 436. Rights of parents and adult pupils.
A parent or an adult pupil may challenge the content of any pupil record according to the procedures established by Education Code Sections 49069 and 49070. A hearing panel may be convened to aid the superintendent or board in deciding whether a challenge should be sustained, as specified in Education Code Section 49071.
Information shall be corrected or removed if it is: (1) inaccurate, (2) an unsubstantiated personal conclusion or inference, (3) a conclusion or inference outside of the observer's area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted.
5 CCR § 437. Retention and destruction of pupil records.

(a) No additions except routine updating shall be made to the record after high school graduation or permanent departure without the prior consent of the parent or adult pupil.

(b) Mandatory permanent pupil records shall be preserved in perpetuity by all California schools according to Chapter 2, Division 16, Part I, of this title.

(c) Unless forwarded to another district, mandatory interim pupil records may be adjudged to be disposable when the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with Section 16027 of this title during the third school year following such classification.

(d) Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.

The method of destruction shall assure that records are not available to possible public inspection in the process of destruction.

5 CCR § 438. Transfer of records.

(a) When a pupil transfers to another school district or to a private school, a copy of the pupil's Mandatory Permanent Pupil Record shall be transferred upon request from the other district or private school. The original or a copy must also be retained permanently by the sending district. If the transfer is to another California public school, the pupil's entire Mandatory Interim Pupil Record shall be forwarded. If the transfer is out of state or to a private school, the Mandatory Interim Pupil Record may be forwarded. Permitted pupil records may be forwarded. All pupil records shall be updated prior to such transfer.

(b) If the pupil is a within-California transfer, the receiving school shall notify parents of the record transfer. If the student transfers out of state, the sending district may notify the parents of the rights accorded them. The notification shall include a statement of the parent's right to review, challenge, and receive a copy of the pupil record, if desired.

(c) Pupil records shall not be withheld from the requesting district because of any charges or fees owed by the pupil or his parent. This provision applies to pupils in grades K-12 in both public and private schools.

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

LAWS

EDC 32282.

(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(c) Each schoolsite council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(d) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.
(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval pursuant to subdivision (a) of Section 32288.

EDC 32282.1.
(a) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people.

(b) The guidelines developed pursuant to subdivision (a) are encouraged to include both of the following:

1. Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.

2. Consistent with paragraph (2) of subdivision (a) of Section 32282, protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:
   - While on school grounds.
   - While going to or coming from school.
   - During a lunch period whether on or off campus.
   - During, or while going to or coming from, a school-sponsored activity.

EDC 32286.
(a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.

EDC 48070.6.
(a) On or before August 1, 2011, and annually thereafter, utilizing data produced by the California Longitudinal Pupil Achievement Data System pursuant to Section 60900 and other available data, the Superintendent shall submit to the Governor, the Legislature, and the state board a report that shall be called the Annual Report on Dropouts in California. The report shall include, but not be limited to, all of the following:

1. One-year dropout rates for each of grades 7 to 12, inclusive.
2. Four-year cohort dropout rates for grades 9 to 12, inclusive.
3. Two- or three-year cohort dropout rates, as appropriate, for middle schools.
4. Grade 9 to grade 10 promotion rates.
5. Percentage of high school pupils for each of grades 9 to 12, inclusive, who are on track to earn sufficient credits to graduate.
(6) The average number of nonpromotional school moves that pupils make between grades 6 to 12, inclusive.

(7) “Full-year” dropout rates for alternative schools, including dropout recovery high schools, calculated using a methodology developed by the Superintendent to appropriately reflect dropout rates in each type of alternative school.

(8) An explanation of the methodology or methodologies used to calculate “full-year” dropout rates for alternative schools pursuant to paragraph (7).

(9) Other available data relating to dropout or graduation rates or pupil progress toward high school graduation.

(b) When cohort dropout rates can be calculated accurately using longitudinal data, the rates described in paragraph (3) of subdivision (a) shall be replaced by dropout rates for cohorts of pupils entering middle school.

(c) When data is available, the report shall also include all of the following:

(1) Rates at which pupils graduate in four, five, and six years, pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 52052.

(2) Percentage of high school graduates and dropouts who completed courses that are certified by the University of California as meeting admission requirement criteria for the University of California and California State University systems.

(3) Percentage of high school graduates and dropouts who completed two or more classes in career technical education.

(4) Percentage of high school graduates and dropouts who completed both course sequences described in paragraphs (2) and (3).

(5) Behavioral data by school and school district, including suspensions and expulsions.

(6) Truancy rates.

(7) GED earning rates.

(8) Chronic absentee rates, as defined in Section 60901.

(d) If possible, the data listed in subdivisions (a) and (b) shall be presented in the report, organized as follows:

(1) By state.

(2) By county.

(3) By school district, both including and excluding charter schools.

(4) By school.

(e) The report shall include data from alternative middle and high schools, including continuation high schools, community day schools, juvenile court schools, special schools, opportunity schools, and schools attended by wards of the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(f) The report may include relevant data on school climate and pupil engagement from the California Healthy Kids Survey.

(g) If possible, the data listed in subdivisions (a) and (b) shall be presented for the following subgroups, if the subgroup consists of at least 50 pupils, and the subgroup constitutes at least 15 percent of the total population of pupils at a school:

(1) Grade level.

(2) Ethnicity.
(3) Gender.

(4) Low socioeconomic status.

(5) English learners.

(6) Special education status.

(h) The first Annual Report on Dropouts in California shall include data from the most recent year. Subsequent annual reports shall include data from the most recent year and, at a minimum, the two prior years, so that comparisons can be made easily.

(i) The Superintendent or his or her designee shall make an oral presentation of the contents of the report to the state board at a regularly scheduled meeting of the state board.

(j) The Superintendent shall make the contents of the report available on the department’s Internet Web site in a format that is easy for the public to access and understand.

(k) If inclusion of school-level data would render the written report unwieldy, the data may be omitted from the written report and posted on the department’s Internet Web site.

(l) It is the intent of the Legislature that the report prepared by the Superintendent be usable by schools, school districts, policymakers, researchers, parents, and the public, for purposes of identifying and understanding trends, causal relations, early warning indicators, and potential points of intervention to address the high rate of dropouts in California.

(m) For purposes of this section, dropouts shall be defined using the exit/withdrawal codes developed by the department.

(n) For purposes of this section, “dropout recovery high school” has the same meaning as defined in subparagraph (D) of paragraph (4) of subdivision (a) of Section 52052.

EDC 48202.

The county board of education of each county may establish, by resolution, the following regulation requiring the reporting of various types of severance of attendance of or by any pupil subject to the compulsory education laws of California or of any one or more of the types of severance enumerated in subdivision (a) below and may require such reporting of any or all of the private and public schools of the county:

(a) The administration of each private school and public school district of the county shall, upon the severance of attendance by any pupil subject to the compulsory education laws of California, whether by expulsion, exclusion, exemption, transfer, suspension beyond 10 school days, or other reasons, report such severance to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address and the reason for each such severance.

(b) It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.

(c) After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Sections 48915 through 48920 and with the same powers of final decision as therein provided.

EDC 48273.

The governing board of each school district shall adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court pursuant to Section 48263.
EDC 48911.2.
(b) At the end of the academic year, the school may report to the district superintendent in charge of school support services, or other comparable administrator if that position does not exist, on the rate of reduction in the school’s off-campus suspensions and the plan or activities used to comply with subdivision (a).

EDC 48916.1.
(e)(1) Each school district shall maintain the following data:
   (A) The number of pupils recommended for expulsion.
   (B) The grounds for each recommended expulsion.
   (C) Whether the pupil was subsequently expelled.
   (D) Whether the expulsion order was suspended.
   (E) The type of referral made after the expulsion.
   (F) The disposition of the pupil after the end of the period of expulsion.

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (1) and that the school district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

EDC 48926.

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education. Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

EDC 52060.
(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by the governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by the governing board of a school district shall include, for the school district and each school within the school district, all of the information specified in the template adopted by the state board pursuant to Section 52064.

(d) All of the following are state priorities for purposes of a school district’s local control and accountability plan:
(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as defined in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or former Section 60811.4, as that section read on June 30, 2016, for purposes of gaining academic content knowledge and English language proficiency.

(3)(A) Parental involvement and family engagement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(B) Family engagement may include, but need not be limited to, efforts by the school district and each individual schoolsite to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting pupil success, and empowering families to advocate for equity and access. Family engagement may include, but need not be limited to, treating families as partners to inform, influence, and create practices and programs that support pupil success and collaboration with families and the broader community, expand pupil learning opportunities and community services, and promote civic participation.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of pupils who have successfully completed both types of courses described in subparagraphs (B) and (C).

(E) The percentage of English learner pupils who make progress toward English proficiency as measured by the English Language Proficiency Assessments for California or any subsequent assessment of English proficiency, as certified by the state board.

(F) The English learner reclassification rate.

(G) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(H) The percentage of pupils who demonstrate college preparedness pursuant to the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.
(B) Chronic absenteeism rates.
(C) Middle school dropout rates.
(D) High school dropout rates.
(E) High school graduation rates.

6. School climate, as measured by all of the following, as applicable:
   (A) Pupil suspension rates.
   (B) Pupil expulsion rates.
   (C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

7. The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

8. Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (b) of Section 52064, the governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subdivision (b) of Section 52052 or any other reviews...

EDC 60900.

(a) The department shall contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to Chapter 5 (commencing with Section 60600), Chapter 7 (commencing with Section 60810), and Chapter 9 (commencing with Section 60850). The longitudinal data shall be known as the California Longitudinal Pupil Achievement Data System.

(b) The proposals developed pursuant to subdivision (a) shall evaluate and determine whether it would be most effective, from both a fiscal and a technological perspective, for the state to own the system. The proposals shall additionally evaluate and determine the most effective means of housing the system.

(c) The California Longitudinal Pupil Achievement Data System shall be developed and implemented in accordance with all state rules and regulations governing information technology projects.

(d) The system or systems developed pursuant to this section shall be used to accomplish all of the following goals:

1. To provide school districts and the department access to data necessary to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).
2. To provide a better means of evaluating educational progress and investments over time.
3. To provide local educational agencies information that can be used to improve pupil achievement.
4. To provide an efficient, flexible, and secure means of maintaining longitudinal statewide pupil level data.
5. To facilitate the ability of the state to publicly report data, as specified in Section 6401(e)(2)(D) of the federal America COMPETES Act (20 U.S.C. Sec. 9871) and as required by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).
(6) To ensure that any data access provided to researchers, as required pursuant to the federal Race to the Top regulations and guidelines is provided, only to the extent that the data access is in compliance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

(e) In order to comply with federal law as delineated in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the local educational agency shall retain individual pupil records for each test taker, including all of the following:

(1) All demographic data collected from the California Assessment of Student Performance and Progress (CAASPP) and English language development tests.

(2) Pupil achievement data from assessments administered pursuant to the CAASPP and English language development testing programs. To the extent feasible, data should include subscore data within each content area.

(3) A unique pupil identification number to be identical to the pupil identifier developed pursuant to the California School Information Services, which shall be retained by each local educational agency and used to ensure the accuracy of information on the header sheets of the CAASPP tests and the English language development test.

(4) All data necessary to compile reports required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), including, but not limited to, dropout and graduation rates.

(5) Other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with the federal reporting requirements delineated in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), after review and comment by the advisory board convened pursuant to subdivision (h). Before the implementation of this paragraph with respect to adding data elements to the California Longitudinal Pupil Achievement Data System for the purpose of complying with the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the department and the appropriate postsecondary educational agencies shall submit an expenditure plan to the Department of Finance detailing any administrative costs to the department and costs to any local educational agency, if applicable. The Department of Finance shall provide to the Joint Legislative Budget Committee a copy of the expenditure plan within 10 days of receipt of the expenditure plan from the department.

(6) To enable the department, the University of California, the California State University, and the Chancellor of the California Community Colleges to meet the requirements prescribed by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), these entities shall be authorized to obtain quarterly wage data, commencing July 1, 2010, on students who have attended their respective systems, to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of district-level and individual district or postsecondary education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(f) The California Longitudinal Pupil Achievement Data System shall have all of the following characteristics:

(1) The ability to sort by demographic element collected from the CAASPP tests and English language development test.

(2) The capability to be expanded to include pupil achievement data from multiple years.

(3) The capability to monitor pupil achievement on the CAASPP tests and English language development test from year to year and school to school.

(4) The capacity to provide data to the state and local educational agencies upon their request.
(g) Data elements and codes included in the system shall comply with Sections 49061 to 49079, inclusive, and Sections 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5 of the California Code of Regulations, with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), Section 1232h of Title 20 of the United States Code, and related federal regulations.

(h) The department shall convene an advisory board consisting of representatives or designees from the state board, the Department of Finance, the State Privacy Ombudsman, the Legislative Analyst’s Office, representatives of parent groups, school districts, and local educational agencies, and education researchers to establish privacy and access protocols, provide general guidance, and make recommendations relative to data elements. The department is encouraged to seek representation broadly reflective of the general public of California.

(i) This section shall be implemented using federal funds received pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of this section in Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002). The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.

(j) For purposes of this chapter, a local educational agency shall include a county office of education, a school district, and a charter school.

EDC 60901.

(a) Contingent upon the receipt of federal funds for this purpose, the department, in consultation with the Department of Finance and the Legislative Analyst’s Office, shall prepare the California Longitudinal Pupil Achievement Data System established pursuant to Section 60900 to include data on a quarterly rate of pupil attendance. Preparation shall include all of the following:

1. The addition of fields to facilitate the transfer of data.
2. System development activities including any business rules and definitions that would be needed to improve the quality and consistency of the data.
3. Processes for the transfer of data from local educational agencies.
4. Consultation with organizations representing school, district, and county education administrators, classified and certified staff, and parents in order to develop the criteria and frequency of reports on pupil attendance data and other indicators as may be submitted by local educational agencies.

(b) The system shall support local educational agencies in their efforts to identify and support pupils at risk of dropping out and shall be capable of issuing to local educational agencies periodic reports that include, but may not be limited to, district, school, class, and individual pupil reports on both of the following:

1. Rates of absence.
2. Chronic absentees.

(c)(1) For purposes of this section, “chronic absentee” means a pupil who is absent on 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

2. Once available, chronic absentee rates shall be incorporated into the annual report on dropouts required pursuant to Section 48070.6.

(d) It is the intent of the Legislature to support the development of early warning systems to enable the identification and support of individual pupils who are at risk of academic failure or dropping out of school. The systems shall encompass the following characteristics:
(1) The utilization of highly predictive indicators, including attendance, course grades or completion, performance on assessments of pupil achievement, suspensions, and expulsions.

(2) A thorough validation process to ensure the predictive reliability of the systems.

(3) Periodic reports that inform principals, teachers, and parents in a manner that enables timely identification and support of individual pupils who are at risk of academic failure or dropping out.

(e) When the system established pursuant to Section 60900 is prepared to accept data on a quarterly rate of pupil attendance, a local educational agency may submit data to the department on a quarterly rate of pupil attendance and other indicators as identified by the department. It is the intent of the Legislature that schools identified on the list of persistently lowest-achieving schools will fully utilize the early warning systems described in subdivision (d).

(f) A local educational agency that reports attendance data for pupils to the system established pursuant to Section 60900 may request, and the department shall provide, the early warning report described in subdivision (d) up to four times each school year.

(g) The department shall notify local educational agencies that reporting pupil attendance and chronic absentee data pursuant to this section is voluntary. The notice shall include a description of the benefits of reporting pupil attendance and chronic absentee data in fostering the development of effective supports and interventions for at-promise pupils.

(h) This section shall not be implemented unless federal funds are appropriated specifically for the purposes of this section.

REGULATIONS

5 CCR § 700. Definitions.

(a) "Aggregated data," means the information contained on all of the completed California Safe Schools Assessment School Crime and Incident Reporting Forms (July 1, 2001) collected during each reporting period by the school district or county office of education from each school, program, or camp within the jurisdiction of the superintendent of the respective school district or county office of education.

(b) Crime classifications

(1) Arson. "Arson" means the willful and malicious setting fire to or burning any structure or property, regardless of the value of the property. Arson does not include one burning his or her own property, unless there is injury to another person or another person's property. Reporting for the purposes of the Safe Schools Assessment Program shall be limited to incidents of arson that result in an economic loss of $100 or more to an individual, the school district or county office of education.

(2) Assault with a deadly weapon. "Assault with a deadly weapon" means the use of a firearm, deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury. A deadly weapon can be a firearm; stun gun or taser; bows and arrows; knives or other cutting instruments; clubs; bottles; explosives; and body parts, such as teeth, hands, fists, and feet used with force likely to produce great bodily injury.

(3) Battery. "Battery" means the willful and unlawful use of force or violence upon the person of another.

(4) Burglary. "Burglary" means any entry with the intent to commit a theft or any felony, even though force may not have been used to gain entry.

(5) Destructive devices. "Destructive devices" means the use of any of the following for criminal purposes:

   (A) Projectile containing any explosive or incendiary material or any chemical substance, bomb, facsimile bomb, grenade, explosive missile or similar device or any launching device.
(B) Weapon of a caliber greater than 0.60 caliber which fires fixed ammunition or any ammunition other than a shotgun.

(C) Rocket, rocket propelled projectile, or any similar device of diameter greater than 0.60 inches or launching device.

(D) Breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(E) Sealed device containing dry ice (CO_2) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

Included in this category also are written or oral threats to use destructive devices. Devices such as snappers or poppers, firecrackers, and fireworks shall not be reported.

(6) Drug and alcohol offenses. “Drug and alcohol offenses” means the possession, use, sale, or furnishing of any drug, intoxicating liquor, controlled substance, or toluene, as well as drug paraphernalia, that is prohibited by law.

(7) Explosive devices. “Explosive devices” means any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion with criminal intent. Explosives include, but are not limited to:

(A) Dynamite, nitroglycerin, black powder, propellant explosives, detonating primers, blasting caps or commercial boosters.

(B) Substances determined to be class A and class B explosives by the United States Department of Transportation.

(C) Nitro carbo nitrate substances (blasting agent) as classified by the United States Department of Transportation.

(D) Any material designated as an explosive by the State Fire Marshal.

(E) Certain class C explosives designated by the United States Department of Transportation when listed in regulations adopted by the State Fire Marshal.

Included in this category also are written or oral threats to use explosive devices. Devices such as snappers or poppers, firecrackers, and fireworks shall not be reported.

(8) Graffiti. “Graffiti” means any form of unauthorized painting, writing, or inscription on the property of a school district or county office of education, regardless of the content or nature of the material used in the commission of the act. Reporting for the purposes of the Safe Schools Assessment Program shall be limited to incidents of graffiti that result in an economic loss of $100 or more to an individual, the school district or county office of education.

(9) Hate Crime. “Hate crime” means an act or attempted act against the person or property of another individual or institution which in any way manifests evidence of hostility toward the victim because of his or her actual or perceived race, religion, disability, gender, nationality, or sexual orientation. This includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings. This paragraph shall include those threats or hate mail sent by electronic communication.

(10) Homicide. “Homicide” means the unlawful killing of a person by another person.

(11) Loitering or trespassing

(A) “Loitering” means to delay, to linger, or to idle about any school location without lawful business for being present.

(B) “Trespassing” means the entering of school grounds during school hours without registering with the site or program administrator, as required by law, and remaining after being asked to leave, or
returning to the school grounds within thirty days of being asked to leave or within seven days if the person is a parent or guardian of a student attending the school.

(12) Possession of weapons. “Possession of weapons” means the unauthorized possession of dangerous weapons, which include, but are not limited to, fire arms or knives.

(13) Robbery/extortion

(A) “Robbery” means the taking of personal property in possession of another, from his person or immediate presence, and against his will, accomplished by force or fear.

(B) “Extortion” means the taking of property from another person without their consent. Extortion is induced by a threat of force or wrongful use of fear. Extortion may occur over a period of time. Included in this category are written or oral threats to take property.

(14) Sex offenses. “Sex offenses” mean sexual battery, rape, statutory rape, sodomy, lewd and lascivious conduct with children, oral copulation, and child molestation.

(15) Theft. “Theft” (larceny) means the taking, leading, driving, or carrying away of property (including motor vehicles) belonging to another with the intent to deprive the rightful owner of its use, regardless of the value of the property. Reporting for the purposes of the Safe Schools Assessment Program shall be limited to incidents of theft that result in an economic loss of $50 or more to the individual, school district, or county office of education.

(16) Vandalism. “Vandalism” (to school, student, or employee property on school location) means the malicious defacing, damaging, or destroying of property. Reporting for the purposes of the Safe Schools Assessment Program shall be limited to incidents of vandalism that result in an economic loss of $100 or more to the individual, school district, or county office of education.

c) “Economic loss” means (except in the case of arson) the gross dollar loss as a result of a crime committed against the property of an individual, school district or county office of education before any insurance claim payments, restitution by students, or restitution by parents or guardians. In the case of arson, “economic loss” means the estimated cost of the economic loss to the individual, school district or county office incurred as a result of the arson.

d) “Hate motivated incident” means an act or attempted act which constitutes an expression of hostility against a person or property or institution because of the victim’s real or perceived race, religion, disability, gender, nationality, or sexual orientation. A hate motivated incident can be using bigoted insults, taunts, or slurs; distributing or posting hate group literature or posters; defacing, removing, or destroying posted materials or announcements; or posting or circulating demeaning jokes or leaflets. This subsection shall include those expressions of hostility sent by electronic communication.

e) “Intentionally misleading data” means data that the school district or county office of education superintendent intentionally withheld that clearly should have been reported, or data submitted that was known or reasonably should have been known to be misleading or false.

(f) “Location” means the places where, and the times when, school personnel have supervisory responsibility for pupils, that include the following:

(1) On campus, including before or after school, and during lunch and recess.

(2) On a school bus, to or from school, or to or from a school-sponsored activity.

(3) Off campus during lunch or at a school-sponsored activity.

(4) On the way directly to and from school or at a school-sponsored activity.

(g) “Non-student” means a person, regardless of age, not enrolled in the school or program reporting the crime, including hate crime or hate motivated incident.

(h) “Reportable crime” means an act that (1) is a violation of an existing criminal statute, (2) involves school activities or school-sponsored activities conducted by school districts or county offices of
education, and (3) is reportable to local law enforcement as a crime, including hate crime, whether or not a crime report is filed with the local law enforcement. The reportable crime classifications are described above in subsection (b).

(i) “Reportable hate motivated incident” means an act or attempted act that (1) is a violation of an existing civil rights statute, and (2) involves school activities or school-sponsored activities conducted by school districts or county offices of education. The reportable hate motivated incident classification is described above in subsection (d).

(j) “Safe schools assessment” means the reporting of crime, including hate crime and hate motivated incidents, committed at a location, as defined above in subsection (f).

(k) “School bus” means a bus that is owned or leased by the school district or county office of education for the purpose of transporting students or staff members to or from school or school-sponsored activities.

(l) “Site or program administrator” means the school or program site person who has responsibility for compiling the school crime and hate motivated incident data and reporting the crime and incident data to the respective school district or county office of education superintendent. The site or program administrator can be, but is not limited to, school site principals, vice principals, counselors, and coordinators or directors of county-operated programs.

(m) “Student” means a person enrolled in the school or program reporting the crime or incident.

(n) “Suspect” means a person reasonably suspected of having committed the crime or incident.

(o) “Victim,” as it relates to crimes against persons, including hate crimes and hate motivated incidents, means a person against whom a crime or incident was committed.

5 CCR § 701. School crime and incident reporting procedures.
(a) All school district superintendents and county office of education superintendents who operate educational programs are required to submit to the California Department of Education safe school assessment reports that contain specific numerical data on the incidents of crime, including hate crimes or hate motivated incidents, occurring on their respective school campuses. Each school district or county office of education shall utilize the following procedure to report crime and hate motivated incident data from school or program sites to the respective school district or county office of education superintendent, and to the California Department of Education:

(1) Each administrator of a school site or county office of education program, or designee, shall complete a California Safe Schools Assessment School Crime and Incident Reporting Form (July 1, 2001) for each incident of crime, including hate crime or hate motivated incidents. The information on the form includes, but is not limited to, identification of the crime or hate motivated incident, victim characteristics, suspect characteristics, if known at the time of the incident, and the actual or estimated dollar loss to the school district or county office of education resulting from a criminal act directed against property of the school district or county office of education. The site or program administrator shall use the crime and hate motivated incident classification definitions as specified above in Section 700(b) and (d) and the reporting guidelines as specified below in Section 702(a) to determine if a crime or an incident is reportable for the purposes of the Safe Schools Assessment Program.

(2) The site or program administrator, or designee, shall retain on file for not less than three years the individual reports of crimes and hate motivated incidents on which the aggregate data is based, and any other required documentation, as specified below in Section 702(b).

(3) Each month the data regarding reportable school crimes and hate motivated incidents shall be reported to the designated person at the respective school district or county office of education.

(4) Any school district that has its own police department may have the chief of its police force or other administrator of the police department prepare the California Safe Schools Assessment School Crime
and Incident Reporting Form (July 1, 2001) for its schools and submit the aggregated data to the California Department of Education.

(5) On or before February 1 and August 1 of each year, the respective school district or county office of education superintendent, or designee, shall aggregate the school crime and hate motivated incident data reported by schools or programs within their jurisdiction and report the aggregated data to the California Department of Education.

(6) Beginning February 1, 1997 and thereafter, if a school district or county office of education chooses to submit its data to the California Department of Education in an electronic format, it must do so in a format designated by the California Department of Education. For the purposes of this section, an electronic format includes, computer disk, modem transfer, or other electronic means.

(b) Reportable crimes and hate motivated incidents occurring at a school in the jurisdiction of another school district or county office of education shall be reported by the education agency in which the crime or hate motivated incident occurred.

5 CCR § 702. Guidelines for reporting and required documentation.
Site or program administrators and school district and county office of education superintendents shall use (1) crime and hate motivated incident classifications based on existing statutes, as specified above in Section 700(b) and (d), (2) reporting guidelines as specified in subsection (a) below, and (3) guidelines for required documentation as specified in subsection (b) below to complete the reporting procedures as specified above in Section 701.

(a) Reporting guidelines. The site or program administrator or designee shall report a crime or hate motivated incident when it has been determined that a reportable crime or hate motivated incident, as specified above in Section 700(b) and (d), has been committed on a school location, as specified above in Section 700(f). If more than one crime or hate motivated incident is committed during an occurrence, the most serious crime or incident in the judgment of the site or program administrator or designee shall be reported. The suspect(s) need not be apprehended for a crime or hate motivated incident to be reportable. The site or program administrator or designee may consult with local law enforcement to confirm that the occurrences reported on the forms are crimes or hate motivated incidents as defined in statute.

(b) Required documentation. The school district or county office of education superintendent responsible for reporting school crime and hate motivated incident data shall make available, for not less than three years from the date the report was submitted, supporting data which verifies information contained on the California Safe Schools Assessment School Crime and Incident Reporting Form (July 1, 2001). Such data shall include, but not be limited to, reports to local law enforcement officers and suspension and expulsion reports which have been reported to the respective local governing board, for the crime classifications specified in Education Code section 48915(a) through (d); and insurance claims, maintenance records, and other documents to verify economic loss, if applicable. In addition, staff should be available to participate in interviews during site visits from the California Department of Education.

5 CCR § 704. Certification of report.
Each school district or county office of education superintendent or designee shall certify to the best of their knowledge and belief that the information in each crime and hate motivated incident reporting form is true, accurate, and complete prior to submission to the California Department of Education.

5 CCR § 705. Failure to submit or intentionally submitting misleading data.
School districts or county offices of education failing to submit a report or intentionally submitting misleading data may be sanctioned by the Superintendent of Public Instruction. The sanction is
withholding a dollar amount not to exceed one-half of the annual salary of the superintendent of either the reporting school district or the county office of education from the school district's or county office of education's next state funding apportionment.

5 CCR § 11992. Provisions.

(a) A California public elementary or secondary school is “persistently dangerous” if, in each of three consecutive fiscal years, one of the following criteria has been met:

   (1) For a school of fewer than 300 enrolled students, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than three.

   (2) For a larger school, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than one per 100 enrolled students or a fraction thereof.

(b) Applicable violations include:

   (1) Assault or battery upon a school employee (Education Code section 48915(a)(5));
   (2) Brandishing a knife (Education Code section 48915(c)(2));
   (3) Causing serious physical injury to another person, except in self-defense (Education Code section 48915(a)(1));
   (4) Hate violence (Education Code section 48900.3);
   (5) Possessing, selling or furnishing a firearm (Education Code section 48915(c)(1));
   (6) Possession of an explosive (Education Code section 48915(c)(5));
   (7) Robbery or extortion (Education Code section 48915(a)(4));
   (8) Selling a controlled substance (Education Code section 48915(c)(3)); and
   (9) Sexual assault or sexual battery (Education Code section 48915(c)(4)).

(c) In instances where a student committed a violation enumerated in subsection (b) for which expulsion proceedings would have been instituted, but is no longer a student and therefore cannot be expelled, that violation must be reported in the total number of incidents and expulsions referenced in subsection (a).

5 CCR § 11993. Definitions.

(a) “Assault” means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (Penal Code section 240).

(b) “Battery” means any willful and unlawful use of force or violence upon the person of another (Penal Code section 242).

(c) “Controlled substance” means all controlled substances listed in chapter 2 of division 10 of the Health and Safety Code (commencing with section 11053).

(d) “Firearm” means handgun, rifle, shotgun or other type of firearm (section 921(a)(3) of title 18, United States Code).

(e) “Firearm violation” means unlawfully bringing or possessing a firearm, as defined in subsection (d), on school grounds or during a school-sponsored activity.

(f) “Explosive” means a destructive device (title 18, section 921(a)(4), United States Code).

(g) “Expulsion” means an expulsion ordered by the local educational agency's governing board regardless of whether it is suspended, modified, or stipulated.
(h) “Extortion” means acts described in Penal Code sections 71, 518, and 519.

(i) “Fiscal year” means the period of July 1 through June 30 (Education Code section 37200).

(j) “Hate violence” means any act punishable under Penal Code section 422.6.

(k) An “incident” of a firearm violation by non-student(s) for the purpose of section 11992 is an event on school grounds during school hours, or at a school-sponsored activity, involving a person or persons not enrolled in the school who unlawfully brings or possesses a handgun, rifle, shotgun, or other type of firearm. An event shall be counted as a single incident when it happens at the same time in the same location, regardless of the number of non-students involved. School site administrators or designees are responsible for documenting the incident and reporting the incident to the local educational agency (LEA) staff who are responsible for collecting expulsion data.

(l) “Knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(m) “Non-student” means a person, regardless of age, not enrolled in the school or program reporting the violation.

(n) “On school grounds” means the immediate area surrounding the school including, but not limited to, the school building, the gymnasium, athletic fields, and the site parking lots.

(o) “Robbery” means acts described in Penal Code sections 211 and 212.

(p) A “school sponsored activity” means any event on the grounds of the school district supervised by district staff at which students are present, including transportation to and from school.

(q) “Serious physical injury” means serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (this is the same definition as described in “serious bodily injury” in Penal Code section 243(f)(4)).

(r) “Sexual assault” means acts defined in Penal Code sections 261, 266(c), 286, 288a, 288(a-c), and 289.

(s) “Sexual battery” means acts defined in Penal Code section 243.4.

(t) “Enrolled students”, for the purpose of subsections 11992(a)(1) and 11992(a)(2), means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

(u) “During school hours” means from thirty minutes before the initial school bell to thirty minutes after the closing school bell.

5 CCR § 11994. Data collection.

Local educational agencies (LEAs) will submit to the California Department of Education (CDE) the number of incidents of non-student firearm violations and student expulsions specified in section 11992 above for determining persistently dangerous schools. The CDE will use the information collected to determine if a school site meets the criteria in this subchapter. If an LEA contests the CDE's determination that one or more of its schools is persistently dangerous, the LEA may appeal that determination to the State Board of Education based on incorrect data or circumstances that caused the school to be identified as persistently dangerous, but actually increased student and teacher safety at the school.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

EDC 48264.
The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

EDC 48265.
Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

EDC 48266.
Any person taking action pursuant to Sections 48264 and 48265 shall report the matter, and the disposition made by him of the minor to the school authorities of the city, or city and county, or school district and to the minor’s parent or guardian.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

EDC 38001.5.
(a) It is the intent of the Legislature to ensure the safety of pupils, staff, and the public on or near California’s public schools, by providing school security officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.

(b)(1) Every school security officer employed by a school district shall complete the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training pursuant to Section 7583.45 of the Business and Professions Code. If a school security officer subject to the requirements of this subdivision is required to carry a firearm while performing their duties, that school security officer shall additionally satisfy the training requirements of Section 832 of the Penal Code.
(2) A school district shall provide the training required pursuant to this subdivision to all school security officers who are employees of the school district. A school district shall provide the training during the employee's regular work hours, unless otherwise negotiated and mutually agreed upon with the employee's exclusive representative.

(3) This subdivision does not require a school district to provide training to security guards who are not employees of the school district, including security guards who work on the property of the school district pursuant to a contract with a private licensed security agency. A school district that contracts for security services shall comply with the requirements of Section 45103.1.

(4) This subdivision shall not apply to a school security officer employed by a school district who works 20 or fewer hours per week as a school security officer until July 1, 2021.

(5) For purposes of this subdivision, "school district" includes a school district, county office of education, and charter school.

(c) For purposes of this chapter, "school security officer" means any person primarily employed or assigned pursuant to subdivision (b) to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or operated by a school district to protect persons or property or to prevent the theft or unlawful taking of school district property of any kind or to report any unlawful activity to the school district and local law enforcement agencies.

(d)(1) A school security officer shall not be employed and shall not continue to be employed by a school district until both of the following conditions have been met:

(A)(i) The applicant or employee has submitted to the school district two copies of their fingerprints on forms or electronically, as prescribed by the Department of Justice. The school district shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

(ii) An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services of the Department of Consumer Affairs as a security guard need only submit one copy of their fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

(iii) An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and who holds a firearms qualification card as specified in Section 7583.22 of the Business and Professions Code, is exempt from the requirements of this subdivision.

(B) The applicant or employee has been determined not to be a person prohibited from employment by a school district pursuant to Sections 44237 and 45122.1, or by the Department of Justice from possessing a firearm if the applicant is required to carry a firearm.

(2) The Department of Justice may participate in the National Instant Criminal Background Check System (NICS) in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet the requirements of this subdivision relating to firearms.

**PEN 832.2.**

Every school police reserve officer, as described in Section 38000 of the Education Code, shall complete a course of training approved by the Commission on Peace Officer Standards and Training relating directly to the role of school police reserve officers.

The school police reserve officer training course shall address guidelines and procedures for reporting offenses to other law enforcement agencies that deal with violence on campus and other school related matters, as determined by the Commission on Peace Officer Standards and Training.
PEN 832.3.
(f) Any school police officer first employed by a K-12 public school district or California Community College district after July 1, 1999, shall successfully complete a basic course of training as prescribed by subdivision (a) before exercising the powers of a peace officer. A school police officer shall not be subject to this subdivision while participating as a trainee in a supervised field training program approved by the Commission on Peace Officer Standards and Training.

(g) The commission shall prepare a specialized course of instruction for the training of school peace officers, as defined in Section 830.32, to meet the unique safety needs of a school environment. This course is intended to supplement any other training requirements.

(h) Any school peace officer first employed by a K-12 public school district or California Community College district before July 1, 1999, shall successfully complete the specialized course of training prescribed in subdivision (g) no later than July 1, 2002. Any school police officer first employed by a K-12 public school district or California Community College district after July 1, 1999, shall successfully complete the specialized course of training prescribed in subdivision (g) within two years of the date of first employment.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

EDC 32281.
(a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b)(1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal’s designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency, a fire department, and other first responder entities in the writing and development of the comprehensive school safety plan. The comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency, the fire department, and the other first responder entities.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.
(c) This article does not limit or take away the authority of school boards as guaranteed under this code.

(d)(1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

**EDC 38000.**

(a) The governing board of a school district may establish a security department under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board of a school district may employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. It is the intent of the Legislature in enacting this section that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

(b) The governing board of a school district may establish a school police department under the supervision of a school chief of police and, in accordance with Chapter 5 (commencing with Section 45100) of Part 25, may employ peace officers, as defined in subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district.

(c) The governing board of a school district that establishes a security department or a police department shall set minimum qualifications of employment for the chief of security or school chief of police, respectively, including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or school chief of police shall comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date one year subsequent to the initial employment of the chief of security or school chief of police by the school district, whichever occurs later. This subdivision shall not be construed to require the employment by a school district of additional personnel.

(d) A school district may assign a school police reserve officer who is deputized pursuant to Section 35021.5 to a schoolsite to supplement the duties of school police officers pursuant to this section.

**EDC 48240.**

(a) The governing board of each school district and each county superintendent of schools shall appoint a supervisor of attendance and any assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the school district or county. The governing board of the school district or county superintendent of schools shall prescribe the duties of the supervisor of attendance and assistant supervisors of attendance to include, among other duties that may be required, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of the attendance supervisors by this chapter and Article 4 (commencing with Section 48450) of Chapter 3 and Article 2 (commencing with Section 48640) of Chapter 4.

(b) It is the intent of the Legislature that in performing his or her duties, the supervisor of attendance promote a culture of attendance and establish a system to accurately track pupil attendance in order to achieve all of the following:

1. Raise the awareness of school personnel, parents, guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance.

2. Identify and respond to grade level or pupil subgroup patterns of chronic absenteeism or truancy.
(3) Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion.
(4) Ensure that pupils with attendance problems are identified as early as possible to provide applicable support services and interventions.
(5) Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates.

(c) When a pupil with a temporary disability, as defined in Section 48206.3, is receiving individual instruction in the home or a hospital or other residential health facility, the supervisor of attendance shall ensure that absences from the pupil’s regular school program are excused until the pupil is able to return to the regular school program.

(d) The supervisor of attendance may provide support services and interventions, which may include, but are not limited to, any or all of the following:

(1) A conference between school personnel, the pupil’s parent or guardian, and the pupil.
(2) Promoting cocurricular and extracurricular activities that increase pupil connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics.
(3) Recognizing pupils who achieve excellent attendance or demonstrate significant improvement in attendance.
(4) Referral to a school nurse, school counselor, school psychologist, school social worker, and other pupil support personnel for case management and counseling.
(5) Collaboration with child welfare services, law enforcement, courts, public health care agencies, or government agencies, or medical, mental health, and oral health care providers to receive necessary services.
(6) Collaborating with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the pupil and his or her parents, guardians, or caregivers.
(7) In schools with significantly higher rates of chronic absenteeism, identify barriers to attendance that may require schoolwide strategies rather than case management.
(8) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program for an individual with exceptional needs, as that term is defined in Section 56026, or plan adopted for a qualified handicapped person, as that term is defined in regulations promulgated by the United States Department of Education pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).
(9) Referral to a school attendance review board established by the county or by a school district pursuant to Section 48321 or to the probation department pursuant to Section 48263.
(10) Referral to a truancy mediation program operated by the county’s district attorney or probation officer pursuant to Section 48260.6.

EDC 48241.
In any city or city and county no supervisor of attendance or assistant supervisors of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education.

EDC 48242.
The governing board of a school district may appoint a school district supervisor of attendance to act under the direction of the county supervisor of attendance.
EDC 48243.
Two or more districts may unite in appointing a district supervisor of attendance and in paying his compensation.

EDC 48244.
A school district may contract with the county superintendent of schools for the supervision of attendance of pupils in the school district. The county superintendent of schools shall transfer from the funds of the school district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

EDC 48245.
In any district or districts with an average daily attendance of 1,000 or more school children, according to the annual school report of the last preceding school year, no district supervisor of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education.

EDC 48246.
The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time enter into any such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Labor Code or of the provisions of this chapter, or Chapter 7 (commencing with Section 49100) of this part. If the attendance supervisor or probation officer is denied entrance to such place of employment, or if any violation of laws relating to the education of minors is found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

EDC 48264.
The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

EDC 48264.5.
(c) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the school district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district’s attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

EDC 48265.
Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or
to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

EDC 48266.
Any person taking action pursuant to Sections 48264 and 48265 shall report the matter, and the disposition made by him of the minor to the school authorities of the city, or city and county, or school district and to the minor’s parent or guardian.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

EDC 215.

(a)(1) The governing board or body of a local educational agency that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017-18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(2)(A) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils.

(C) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary.

(3) The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

(A) Youth bereaved by suicide.

(B) Youth with disabilities, mental illness, or substance use disorders.

(C) Youth experiencing homelessness or in out-of-home settings, such as foster care.

(D) Lesbian, gay, bisexual, transgender, or questioning youth.

(4)(A) The policy shall also address any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the local educational agency.

(B) Materials approved by a local educational agency for training shall include how to identify appropriate mental health services, both at the schoolsite and within the larger community, and when and how to refer youth and their families to those services.

(C) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

(5) The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee’s credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

(6) To assist local educational agencies in developing policies for pupil suicide prevention, the department shall develop and maintain a model policy in accordance with this section to serve as a guide for local educational agencies.
(b) The governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.

(c) Nothing in this section shall prevent the governing board or body of a local educational agency from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year.

(d) For purposes of this section, “local educational agency” means a county office of education, school district, state special school, or charter school.

**EDC 233.**

(a) At the request of the Superintendent of Public Instruction, the State Board of Education shall do all of the following as long as the board’s actions do not result in a state mandate or an increase in costs to a state or local program:

1. Adopt policies directed toward creating a school environment in kindergarten and grades 1 to 12, inclusive, that is free from discriminatory attitudes and practices and acts of hate violence.

2. Revise, as needed, and in accordance with the State Board of Education’s adopted Schedule for Curriculum Framework Development and Adoption of Instructional Materials developed pursuant to Section 60200, the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of the diversity of California’s population and discouraging the development of discriminatory attitudes and practices.

3. Establish guidelines for use in teacher and administrator in-service training programs to promote an appreciation of diversity and to discourage the development of discriminatory attitudes and practices that prevent pupils from achieving their full potential.

4. Establish guidelines for use in teacher and administrator in-service training programs designed to enable teachers and administrators to prevent and respond to acts of hate violence occurring on their school campuses.

5. Establish guidelines designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in these programs.

6. Develop guidelines relating to the development of nondiscriminatory instructional and counseling methods.

7. Revise any appropriate guidelines previously adopted by the board to include procedures for preventing and responding to acts of hate violence.

(b) The State Department of Education, in accordance with policies established by the State Board of Education for purposes of this subdivision, shall do all of the following:

1. Prepare guidelines for the design and implementation of local programs and instructional curricula that promote understanding, awareness, and appreciation of the contributions of people with diverse backgrounds and of harmonious relations in a diverse society. The guidelines shall include methods of evaluating the programs and curricula and suggested procedures to ensure coordination of the programs and curricula with appropriate local public and private agencies.

2. Provide grants, from funds appropriated for that purpose, to school districts and county offices of education to develop programs and curricula consistent with the guidelines developed in paragraph (1).

3. To the extent possible, provide advice and direct services, consistent with the guidelines developed in paragraph (1), to school districts and county offices of education that implement the programs and curricula developed in paragraph (2).
(c) The State Board of Education shall carry out this section only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

(d) Nothing in this section shall be construed to require the governing board of a school district to offer any ethnic studies or human relations courses in the district.

(e) As used in this section, “hate violence” means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.

EDC 234.3.
The department shall develop a model handout describing the rights and obligations set forth in Sections 200, 201, and 220 and the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. This model handout shall be posted on appropriate department Internet Web sites.

EDC 32261.
(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(c) It is the intent of the Legislature in enacting this chapter to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses, and that address the safety concerns of local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

(f) As used in this chapter, “bullying” has the same meaning as set forth in subdivision (r) of Section 48900.

(g) As used in this chapter, “electronic act” has the same meaning as set forth in subdivision (r) of Section 48900.

EDC 32265.
(a) The partnership shall sponsor at least two regional conferences for school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law
enforcement agencies to identify exemplary programs and techniques that have been effectively used to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.

(b) The conference may include, but need not be limited to, information on all of the following topics:

1. Interagency collaboration between schools, agencies serving youth, law enforcement agencies, and others.
2. School attendance.
3. School safety.
5. Drug and alcohol abuse.
7. Parental education.
8. Crisis response training.
9. Bullying prevention, including the prevention of acts committed personally or by means of an electronic act.
10. Threat assessment.
11. Conflict resolution and youth mediation.
12. Teen relationship violence.
13. Discrimination and harassment reporting and prevention, including, but not limited to, sexual harassment reporting and prevention.
14. Hate crime reporting and prevention.
15. Reporting and prevention of abuse against pupils with disabilities.

EDC 32282.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

EDC 33433.

(a) The department shall use the funding the Safe Neighborhoods and Schools Act authorizes for administrative costs pursuant to subdivision (b) of Section 7599.2 of the Government Code, which is no more than 5 percent of the annual funding the department receives from the Safe Neighborhoods and Schools Fund, for the administrative costs of implementing this article, including, but not limited to, administering grant awards, coordinating the training and technical assistance structure described in subdivision (b), and completing the evaluation pursuant to Section 33434.

(b) The department shall establish a structure to deliver training and technical assistance to grantees using regional workshops and technical assistance providers that have expertise on pupil engagement, school climate, truancy reduction, and supporting pupils who are at risk of dropping out of school or who are victims of crime. The department may contract with those providers to assist the grantees as well as to serve as a resource for other local educational agencies that may use their own funding sources to engage in this community of practice. Technical assistance provided pursuant to this subdivision shall be consistent with the technical assistance provided to a local educational agency by the county.
superintendent of schools or the Superintendent, as appropriate, in the development of the local control and accountability plan.

**EDC 51263.**
The State Department of Education shall make available information on model drug and alcohol abuse prevention education programs developed and funded pursuant to Article 2 (commencing with Section 11965) of Chapter 2 of Part 3 of Division 10.5 of the Health and Safety Code, Chapter 7 (commencing with Section 13860) of Title 6 of Part 4 of the Penal Code, and other public and private sources.

**EDC 51264.**
(a) The State Department of Education shall prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for teachers, counselors, athletic directors, school board members, and other educational personnel into the staff development plans of all school districts and county offices of education.
(b) The department shall, upon request, assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. The department's information and guidelines, to the maximum extent possible, shall encourage school districts and county offices of education to avoid duplication of effort by sharing resources, adapting or adopting model in-service training programs, developing joint and collaborative programs, and coordinating efforts with existing state staff development programs, county gang violence and drug and alcohol staff development programs, county health departments, county and city law enforcement agencies, and other public and private agencies providing health, drug, alcohol, gang violence prevention, or other related services at the local level.
(c) The department shall assist school districts and county offices of education in qualifying for the receipt of federal and state funds to support their gang violence and drug and alcohol abuse prevention in-service training programs.
(d) Each school that chooses to utilize the provisions of this article related to in-service training in gang violence and drug and alcohol abuse prevention, is encouraged to develop a single plan to strengthen its gang violence and drug and alcohol abuse prevention efforts. If a school develops or has developed a school improvement plan pursuant to Article 2 (commencing with Section 52010) of Chapter 6 of Part 28, or a school safety plan pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19, it is encouraged to incorporate into that plan, where appropriate, the gang violence and drug and alcohol prevention plan that it has developed.
(e) The department shall consult with the Office of Emergency Services regarding gang violence.

**EDC 51269.**
(a) The State Department of Education shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for state and federal drug, alcohol, and tobacco education funds.
(b) The State Department of Education, in consultation with the Department of Justice, Office of Emergency Services, the State Department of Public Health, and the State Department of Health Care Services, shall develop, to the extent possible, an ongoing statewide monitoring and assessment system to provide current and reliable data on the utilization of resources for programs for prevention of and early intervention for drug, alcohol, and tobacco abuse. The purpose of the system shall be to facilitate improved planning and program delivery among state and local agencies, including law enforcement, juvenile justice, county health, and county drug and alcohol agencies and programs, and communities.
Funding Appropriations

EDC 233.

(b) The State Department of Education, in accordance with policies established by the State Board of Education for purposes of this subdivision, shall do all of the following:

(2) Provide grants, from funds appropriated for that purpose, to school districts and county offices of education to develop programs and curricula consistent with the guidelines developed in paragraph (1).

(c) The State Board of Education shall carry out this section only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

EDC 233.8.

(a) The State Department of Education shall provide regional training to assist school district personnel in the identification and determination of hate violence on school campuses.

(b)(1) A grant program for school districts shall be established by the department for the purpose of enabling pupils and teachers to participate in educational programs focused on fostering ethnic sensitivity, overcoming racism and prejudice, and countering hatred and intolerance. It is the intent of the Legislature that the grants be awarded on a competitive basis with similar sized school districts and county offices of education competing against each other for grant funds. The Superintendent of Public Instruction shall establish grant competition bands as follows:

(A) Districts with less than 2,501 average daily attendance.

(B) Districts with more than 2,500 average daily attendance but less than 5,001.

(C) Districts with more than 5,000 average daily attendance but less than 15,001.

(D) Districts with more than 15,000 average daily attendance but less than 30,001.

(E) Districts with more than 30,000 average daily attendance.

(F) County offices of education.

(2) The Superintendent of Public Instruction shall allocate the appropriated funds for competitive grants to each of the competitive bands based on the amount of average daily attendance in all districts in the competitive range compared to the statewide average daily attendance in all school districts and county offices of education.

The grant program is not required to be implemented under this section unless funds are appropriated for that purpose.

EDC 33430.

The Learning Communities for School Success Program is hereby established for the purpose of implementing, pursuant to paragraph (1) of subdivision (a) of Section 7599.2 of the Government Code, the K-12 education portion of the Safe Neighborhoods and Schools Act, as approved as Proposition 47 by the voters at the November 4, 2014, statewide general election. Through this program, the department shall administer grants and coordinate assistance to local educational agencies to support the local educational agencies in identifying and implementing evidence-based, nonpunitive programs and
practices that are aligned with the goals for pupils contained in each of the local educational agency's local control and accountability plan pursuant to Section 47606.5, 52060, or 52066, as applicable.

**EDC 33431.**

(a) A local educational agency that chooses to apply for funding pursuant to this article shall submit an application to the department to receive a grant, in a format and by a date determined by the department. An application submitted to the department by a local educational agency shall include, at a minimum, all of the following:

1. Information about the pupil and school needs within the local educational agency.
2. The activities the local educational agency will undertake with the grant funding.
3. How the activities specified in paragraph (2) support the local educational agency's goals for pupils contained in its local control and accountability plan.
4. How the local educational agency will measure outcomes associated with the activities specified in subdivision (e) and metrics reported in the local educational agency's local control and accountability plan.

(b) An application shall be for three years of grant funding. Consistent with the provisions of this article, the department may establish requirements for grantees to meet at the end of the first and second years of funding in order to receive funding for the remaining grant period.

(c) The department shall determine eligibility for grants and the distribution of grant funding based on all of the following factors:

1. Pupil and school needs the local educational agency will address with the grant funds.
2. Number of pupils to be served with the grant funds.
3. Number, size, and type of participating schools within the local educational agency.
4. Any challenges the local educational agency experiences in building capacity for fulfilling the purposes of this article.
5. The unique characteristics of small school districts, given their challenges with economies of scale and access to services in rural locations.

(d)(1) Before the initial application deadline, the department shall conduct targeted outreach to local educational agencies that are likely to be given priority pursuant to subdivision (b) of Section 33432 and shall offer the local educational agencies technical assistance as they develop their grant applications.

2. The department may provide technical assistance with application development to any local educational agency that requests assistance. This may include assistance from external entities the department may contract with as part of the training and technical assistance structure established pursuant to Section 33433.

(e) The department shall issue application guidelines that include, at a minimum, information about the department’s plans for overall evaluation of the program considering the objectives identified in Section 33434. For purposes of facilitating program evaluation, the department, in consultation with the executive director of the state board, shall identify a set of measures and associated data sources that are deemed valid and reliable for measuring pupil and school outcomes and assessing the benefits of the program.

(f) In meeting the requirements of this section, the department shall consult with stakeholders, including, but not limited to, representatives of local educational agencies, teachers and other school personnel, parents, advocacy organizations with experience working with target vulnerable populations, and parent- and youth-serving community-based organizations. It the intent of the Legislature that stakeholders provide input to the department on the design of the application and review process, including the size of the grant awards. The stakeholders shall not be involved in determining who will be awarded grants.
EDC 33432.

(a) A local educational agency that receives a grant shall use the grant funds for planning, implementation, and evaluation of activities in support of evidence-based, nonpunitive programs and practices to keep the state’s most vulnerable pupils in school. These activities shall complement or enhance the actions and services identified to meet the local educational agency’s goals as identified in its local control and accountability plan pursuant to Section 47606.5, 52060, or 52066, as applicable. These activities may include, but are not limited to, all of the following:

(1) Establishing a community school, as defined in Section 33435.

(2) Implementing activities or programs to improve attendance and reduce chronic absenteeism, including, but not limited to, early warning systems or early intervention programs.

(3) Implementing restorative practices, restorative justice models, or other programs to improve retention rates, reduce suspensions and other school removals, and reduce the referral of pupils to law enforcement agencies.

(4) Implementing activities that advance social-emotional learning, positive behavior interventions and supports, culturally responsive practices, and trauma-informed strategies.

(5) Establishing partnerships with community-based organizations or other relevant entities to support the implementation of evidence-based, nonpunitive approaches to further the goals of the program.

(6) Adding or increasing staff within a local educational agency whose primary purpose is to address ongoing chronic attendance problems, including, but not necessarily limited to, conducting outreach to families and children currently, or at risk of becoming, chronically truant.

(b) In selecting grant recipients pursuant to this article, the department shall give priority to a local educational agency that meets any of the following criteria:

(1) (A) Has a high rate of chronic absenteeism, out-of-school suspension, or school dropout for the general pupil population or for a numerically significant pupil subgroup, as identified in a local control and accountability plan pursuant to paragraphs (2) and (3) of subdivision (a) of Section 52052.

(B) For purposes of this paragraph, “high rate” means a rate that exceeds the state average.

(2) Is located in a community with a high crime rate.

(3) Has a significant representation of foster youth among its pupil enrollment.

(c) A local educational agency that receives a grant shall provide a local contribution of matching expenditures equal to at least 20 percent of the total grant award. This local contribution can be from cash expenditures or in-kind contributions. A local educational agency is encouraged to exceed the 20-percent match requirement to enable the local educational agency to sustain the activities or programs established under this article beyond the three-year grant period.

(d) A local educational agency that receives a grant shall use the grant funds to increase or improve services that the local educational agency currently provides for purposes specified in this article.

(e) A local educational agency shall not use grant funds to pay for law enforcement activities, including personnel or equipment.

EDC 33433.

(a) The department shall use the funding the Safe Neighborhoods and Schools Act authorizes for administrative costs pursuant to subdivision (b) of Section 7599.2 of the Government Code, which is no more than 5 percent of the annual funding the department receives from the Safe Neighborhoods and Schools Fund, for the administrative costs of implementing this article, including, but not limited to, administering grant awards, coordinating the training and technical assistance structure described in subdivision (b), and completing the evaluation pursuant to Section 33434.
(b) The department shall establish a structure to deliver training and technical assistance to grantees using regional workshops and technical assistance providers that have expertise on pupil engagement, school climate, truancy reduction, and supporting pupils who are at risk of dropping out of school or who are victims of crime. The department may contract with those providers to assist the grantees as well as to serve as a resource for other local educational agencies that may use their own funding sources to engage in this community of practice. Technical assistance provided pursuant to this subdivision shall be consistent with the technical assistance provided to a local educational agency by the county superintendent of schools or the Superintendent, as appropriate, in the development of the local control and accountability plan.

EDC 33434.
(a) A local educational agency that receives grant funding pursuant to this article shall evaluate and report to the governing board of the school district, the county board of education, or its chartering authority, as applicable, and the department the results of the activities it undertakes pursuant to this article. The department shall compile information from grantee reports as part of an overall evaluation of the grant program implementation. The department shall assess the benefits of participation in the program and identify the pupil and school outcomes associated with the strategies and programs implemented by grantees. The department shall submit an interim report of preliminary evaluation findings to the Legislature on or before January 31, 2019, and a final evaluation report to the Legislature on or before January 31, 2020.

(b)(1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 31, 2024.

EDC 33435.
For purposes of this article, the following definitions apply:

(a) "Community school" means a public school that participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships with one or more community partners for the delivery of community services that may be provided at a schoolsite to pupils, families, and community members.

(b) "Local educational agency" means a school district, county office of education, or charter school.

EDC 33436.
This article shall not become operative unless funds are appropriated in the annual Budget Act or another statute to the Safe Neighborhoods and Schools Fund in accordance with the Safe Neighborhoods and Schools Act for the purposes specified in this article.

EDC 42920.
The Legislature finds and declares all of the following:

(a) The Foster Youth Services (FYS) program has been a successful program that supports the educational achievement of pupils in foster care. This success has contributed to landmark California education finance reform that prioritizes the educational needs of pupils in foster care.

(b) The county office of education FYS program is uniquely situated to support interagency collaboration and capacity building, both at the system and individual pupil level, focused on improving educational outcomes for pupils in foster care. This is a key component to the successful implementation of the local control funding formula (LCFF). The FYS program should support and
facilitate such collaboration and capacity building while preserving the ability to provide direct services such as tutoring, mentoring, counseling, transition, school-based social work, and emancipation assistance when there are identified gaps in service at the local level and the local Executive Advisory Council establishes that these services are needed and aligned with local control and accountability plan priorities.

(c) Pupils in foster care will benefit from increased levels of supports and services as a result of the FYS program supporting implementation of the LCFF for pupils in foster care.

(d) Pupils in foster care represent one of the most vulnerable and academically at-promise pupil groups enrolled in California schools. The academic status of pupils in foster care is often profoundly impacted by the foster care system in which many pupils in foster care experience multiple placements with an average frequency of one placement change every six months. Due to this movement, pupils in foster care lose an average of four to six months of educational attainment with each move. Therefore, it is essential to recognize, identify, and plan for the critical and unique educational needs of pupils in foster care.

(e) A high percentage of pupils in foster care are working substantially below grade level, and over one-half of the pupils in foster care are retained at least one year in the same grade level. Pupils in foster care earn lower grades and achieve lower scores on standardized achievements tests in reading and mathematics, have lower levels of engagement in school, and are half as likely as pupils not in foster care to be involved in extracurricular activities. The long-term consequences of poor academic experiences are significant. Pupils in foster care are twice as likely as pupils not in foster care to drop out of school before graduation and only 45 percent of pupils in foster care have graduated from high school at the time of emancipation. Foster youth are similarly underrepresented in college enrollment rates and dramatically underperform their peers in relation to college completion. Pupils in foster care are also subject to disproportionate levels of disciplinary measures, including suspension and expulsion. It is imperative that California close the foster youth achievement gap so that pupils in foster care can realize their full potential, reach their college and career goals, and become independent, productive members of society.

(f) Foster youth are an especially vulnerable pupil population, as they are often also members of other underserved pupil groups. In 2013, the demographic data of pupils in foster care in California were as follows:

(1) The largest ethnic group amongst pupils in foster care was Hispanic, with nearly half of the population.

(2) African American and Native American pupils continue to be disproportionately represented in the child welfare system, as researchers found that 26 percent of pupils in foster care were African American despite African Americans only accounting for 7 percent of the pupil population in California, and 2 percent of pupils in foster care were Native American despite Native Americans only accounting for 1 percent of the pupil population in California.

(3) Nearly one in five pupils in foster care had special education needs, which is over twice the rate of the statewide pupil population.

(4) More than 1 in 10 pupils in foster care were English learners.

(5) A significant number of youth in foster care identify as lesbian, gay, bisexual, transgender, queer, questioning, or gender nonconforming.

(g) Compounded by the research that indicates that there is a need for California to close the achievement gap between specific ethnic pupil populations and White pupils, addressing the foster youth achievement gap will further efforts that support education equity for all pupils.
(h) Given their current academic status, pupils in foster care are more likely to achieve their full potential when they are provided services and programs designed to meet their particular needs, including, but not limited to, supplemental instruction, counseling, tutoring, support services offered to lesbian, gay, bisexual, transgender, queer, questioning, and gender nonconforming youth, and other assistance relevant to their experience.

(i) Policies and laws addressing the educational rights of pupils in foster care must be implemented so that pupils in foster care are immediately enrolled in school, provided access to meaningful opportunities to meet state pupil academic achievement standards to which all pupils are held, provided access to a rigorous curriculum, adequately prepared to enter postsecondary education, and afforded the academic resources, services, and extracurricular and enrichment activities made available to other pupils enrolled in California’s public schools, including, but not limited to, interscholastic sports administered by the California Interscholastic Federation. In fulfilling their responsibilities to these pupils, educators, county placing agencies, caregivers, advocates, and the juvenile courts will work together to ensure that each pupil is placed in the least restrictive educational environment.

(j) Foster youth services programs provide pupils in foster care needed educational support and are a state priority.

EDC 42920.5.

(a) Commencing with the 2015-16 fiscal year, and each fiscal year thereafter, the Foster Youth Services Coordinating Program, administered by the Superintendent, is hereby established to provide supplemental funding to county offices of education, or a consortium of county offices of education, to coordinate and ensure that local educational agencies within its jurisdiction are providing services to foster youth pupils pursuant to the plan established in Section 42921, with the purpose of ensuring positive educational outcomes.

(b) A foster youth services coordinating program shall meet minimum standards established by the Superintendent to ensure the provisions of Section 42921 are implemented, and shall be required to meet those minimum standards annually as a condition of continued funding.

(c) As a condition of receiving funds, a county office of education, or a consortium of county offices of education, shall work with the local educational agencies within the county or consortium of counties, and shall coordinate services to ensure that, for the 2015-16 and 2016-17 fiscal years, the level of direct services provided to support foster youth pupils is not less than what was provided in the 2014-15 fiscal year through the foster youth services program established pursuant to Section 42921, as it read on June 30, 2015. In meeting this requirement, services for foster youth pupils may be provided through one or any combination of state funding, including, but not limited to, the local control funding formula, or federal, local, or other funding.

(d) For the 2015-16 fiscal year, the allocation amount for which any county office of education or consortium of county offices of education is eligible shall not be less than the amount allocated to that county or consortium in the 2014-15 fiscal year, including the allocation amounts of school districts identified in Section 42920, as it read on June 30, 2015. This subdivision applies only if a county office of education or consortium of county offices of education elects to apply for grant funding pursuant to Section 42921.

(e) On or before October 31, 2015, the Superintendent shall develop an allocation formula to determine the allocation amounts for which each county office of education or consortium of county offices of education is eligible. The Superintendent, within 30 days of the developing the allocation formula, shall submit the allocation formula to the appropriate policy and fiscal committees of the Legislature and the Department of Finance for review, and the Department of Finance shall approve the allocation formula within 30 days of submission by the Superintendent. The allocation formula may be revised annually upon
submission to the appropriate policy and fiscal committees of the Legislature and approval by the Department of Finance within 30 days of submission by the Superintendent. The Superintendent may include additional criteria in the allocation formula, but shall apply, at a minimum, the following criteria:

1. The number of pupils in foster care in the county.
2. The number of school districts in the county.

(f) Notwithstanding subdivision (e), commencing with the 2016-17 fiscal year, the Superintendent shall provide a base grant of seventy-five thousand dollars ($75,000) to each participating county office of education or consortium of county offices of education that served at least one foster youth pupil in the prior fiscal year.

(g) After providing base grants pursuant to subdivision (f), the Superintendent shall allocate the remaining funding to participating county offices of education or consortium of county offices of education based on the following criteria:

1. Seventy percent of the allocation shall be based on the number of pupils in foster care in the county.
2. Thirty percent of the allocation shall be based on the number of school districts in the county.

(h) The allocation pursuant to subdivision (g) shall be applied after consideration of subdivision (b) of Section 42926.

(i) For purposes of this chapter, “local educational agency” means a county office of education, school district, or charter school.

EDC 42921.

(a) A county office of education, or consortium of county offices of education, may elect to apply to the Superintendent for grant funding, to the extent funds are available, to operate an education-based foster youth services coordinating program to provide educational support for pupils in foster care.

(b) Each foster youth services coordinating program operated pursuant to this chapter, if sufficient funds are available, shall have at least one person identified as the foster youth educational services coordinator. The foster youth educational services coordinator shall facilitate the provision of educational support pursuant to subdivisions (d) and (e) to any pupil in foster care residing or attending school in the county or consortium of counties.

(c) For purposes of this chapter, a pupil in foster care means a foster youth, as defined in paragraph (b) of Section 42238.01, or a foster child who is detained in a county-operated juvenile detention facility.

(d) It is the intent of the Legislature that pupils in foster care with the greatest need for services be identified as the first priority for foster youth services coordinating programs. Priority shall be given to pupils who are living in out-of-home placements.

(e) As a condition of receiving funds pursuant to this chapter, each foster youth services coordinating program operated by a county office of education or a consortium of county offices of education pursuant to this chapter shall develop and implement a foster youth services coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care pupils aligned with the population priorities established in subdivision (f). The plan shall include, to the extent possible, but not be limited to, the following:

1. (A) A description of how the program will establish ongoing collaboration with local educational agencies, county child welfare agencies, and county probation departments, to determine the proper educational placement of the foster youth. This includes, but is not limited to, the following:
   (i) Building the capacity of county agencies, school districts, and community organizations to better support the educational success of pupils in foster care.
(ii) Facilitating collaboration between county agencies, school districts, and community organizations to ensure coordinated and nonduplicative service delivery and to ensure pupils in foster care receive the educational supports and services they need to succeed in school. This may include, but is not limited to, education emancipation services such as support with transitions to postsecondary education or career technical education programs.

(iii) Providing services and educational case management in support of individual pupils in foster care, as necessary. This may include, but is not limited to, transition and school social work to support transition between schools or school districts.

(B) The primary goal of the collaboration required pursuant to this section shall be to minimize changes in school placement by supporting the implementation of Section 48850, subdivision (c) of Section 48853, and all related statutes that pertain to pupils in foster care. As necessary, and in accordance with Section 48853.5, the foster youth services coordinating program may pay for the cost of transportation to support this paragraph.

(i) If it is in the best interests of a pupil in foster care to transfer schools, the foster youth services coordinating program shall support local educational agencies in the implementation of Section 48853.5 and all related statutes pertaining to pupils in foster care, such as ensuring transfers are done at an educationally appropriate time, educational records are quickly transferred, appropriate partial credits are awarded, and the pupil in foster care is quickly enrolled in appropriate classes.

(ii) In determining the appropriate educational placement of foster youth pupils, local educational agencies, county welfare agencies, and county probation departments shall consult with an educational rights holder, caregiver, social worker, teacher, counselor, court-appointed special advocate, other stakeholders, and the pupil, as appropriate. The purpose of the consultation shall be to ensure all educational programmatic options are considered, including, but not limited to, English learner, special education, advanced placement, and career technical education.

(2)(A) If a school district annually certifies in writing to the foster youth services coordinating program that it is unable, using any other state, federal, local, or private funds, to provide tutoring, mentoring, and counseling, and if those services are established as needed and identified by the appropriate school district, in collaboration with the county child welfare agency or county probation department, the school district may enter into a temporary agreement with the foster youth services coordinating program to provide those services.

(B) It is the intent of the Legislature that local educational agencies include information provided in subparagraph (C) in their local control and accountability plans when describing their services for foster youth pupils as required pursuant to paragraph (10) of subdivision (d) of Section 52066.

(C) It is the intent of the Legislature that county offices of education, in the development and adoption of their local control and accountability plans, include information specific to the transition requirement established pursuant to subdivision (b) of Section 42920.5 when describing the coordination of services for foster youth pupils required pursuant to paragraph (10) of subdivision (d) of Section 52066.

(3)(A) Policies and procedures to ensure educational placement for a foster youth pupil is not delayed, including, but not limited to, facilitating the establishment of an individualized education program in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), if applicable, the transfer of records, transcripts, and other relevant educational information.

(B) The plan shall also describe how the program will facilitate coordination with local postsecondary educational institutions, including, but not limited to, the California Community Colleges, the California State University, and the University of California, to ensure foster youth pupils meet admission requirements and access programs that support their matriculation needs.
(4) Policies and procedures for local educational agencies, county welfare agencies, and county
probation departments to share all relevant educational information for foster youth to ensure the court
has updated and accurate information as it makes decisions regarding foster youths.

(f) When developing the plan required pursuant to this section, the county office of education, or the
consortium of county offices of education, shall consider the needs of specific age groups, pupils in foster
care in specific geographic areas with the highest concentration of pupils in foster care, and pupils in
foster care with the greatest academic need. A foster youth services coordinating program is encouraged
to first provide services for pupils in foster care who reside in group homes, institutional settings, or other
placements with pupils with high academic needs, as determined by the local Executive Advisory Council.

(g)(1) Each foster youth services coordinating program operated pursuant to this chapter shall establish a
local interagency Executive Advisory Council.

(2) The Executive Advisory Council may include representatives from the county child welfare agency,
the county probation department, local educational agencies, local postsecondary educational
institutions, and community organizations. If possible, the Executive Advisory Council may include, but
is not limited to, foster youth, caregivers, educational rights holders, dependency attorneys, court
representatives, court-appointed special advocates, and other interested stakeholders.

(3) The foster youth educational services coordinator shall be a permanent member of the Executive
Advisory Council.

(4) The Executive Advisory Council shall regularly review the recommendations to the foster youth
services plan required pursuant to subdivision (e).

EDC 42923.

(a) As a condition of receiving funds, each county office of education and consortium of county offices of
education providing a foster youth services coordinating program pursuant to this chapter shall, by May
15 of each even-numbered year, report to the Superintendent any information as may be required by the
Superintendent and as accessible to the Foster Youth Services Coordinating Program for purposes of
subdivision (b).

(b) The Superintendent shall, by July 1 of each even-numbered year, report to the appropriate policy and
fiscal committees of the Legislature and the Governor on the Foster Youth Services Coordinating
Program. The report shall include, but not be limited to, the following:

(1) Recommendations regarding the effectiveness and continuation of the Foster Youth Services
Coordinating Program.

(2)(A) To the extent possible, aggregate educational outcome data for each county in which there were
at least 15 pupils in foster care who attended school in the county, with information on each of the
following indicators:

(i) The number of pupils in foster care who attended school in the county.

(ii) The academic achievement of the pupils in foster care who attended school in the county, as
determined by quantitative and qualitative data currently collected by program participants.

(iii) The number of pupils in foster care who were suspended or expelled.

(iv) The number of pupils in foster care who were placed in a juvenile hall, camp, ranch, or other
county-operated juvenile detention facility because of an incident of juvenile delinquency.

(v) The truancy rates, attendance rates, and dropout rates for pupils in foster care.

(vi) (I) The number of pupils in foster care participating in foster youth services coordinating
programs pursuant to this chapter who successfully transition to postsecondary education.
(II) The department shall collaborate with the Chancellor of the California Community Colleges and the Chancellor of the California State University to identify indicators that can be used to track access to postsecondary education for pupils in foster care participating in a foster youth services coordinating program pursuant to this chapter.

(vii) The amount of funds allocated and expended by each foster youth services coordinating program in the previous two fiscal years.

(B) In meeting the requirement of this section, the Superintendent shall utilize data, where appropriate, reported pursuant to Section 49085.

(3) A discussion of the meaning and implications of the indicators contained in paragraph (2).

(4) Information about how the program has supported the development and implementation of new local educational agency and county agency policies, practices, and programs aimed at improving the educational outcomes of pupils in foster care.

(5) Information about how the program has improved coordination of services between local educational agencies and county agencies, including the types of services provided to pupils in foster care.

EDC 42924.

(a) The Foster Youth Services Coordinating Program shall not be operative unless funding is provided for this purpose in the annual Budget Act or another enacted statute.

(b) Any funds allocated to county offices of education or consortia of county offices of education for foster youth services coordinating programs pursuant to Section 42921 shall be used only for foster youth services coordinating programs and any funds not used by county offices of education for those services shall revert to the state General Fund.

EDC 42925.

(a) As a condition of receiving funds, each county office of education and consortium of county offices of education with a foster youth services coordinating program operated pursuant to this chapter shall, to the extent possible, develop and enter into a memorandum of understanding, contract, or formal agreement with the county child welfare agency pursuant to which foster youth services coordinating program funds shall be used, to the maximum extent possible, to leverage funds received pursuant to Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) and any other funds that may be used to specifically address the educational needs of pupils in foster care, or they shall explain in writing, annually, why a memorandum of understanding is not practical or feasible.

(b) To the extent possible, each foster youth services coordinating program is encouraged to consider leveraging other local funding opportunities to support the educational success of pupils in foster care.

EDC 42926.

(a) The Superintendent shall administer the Foster Youth Services Coordinating Program and shall be responsible for all of the following:

(1) Monitoring implementation of this chapter.

(2) Facilitating the data sharing and reporting necessary to meet the requirements of Section 42923.

(3) Reviewing a county office of education’s local control and accountability plan for any information pursuant to subparagraphs (B) and (C) of paragraph (2) of subdivision (e) of Section 42921.

(b) The Superintendent, upon approval from the Department of Finance, shall use up to 5 percent of funding allocated for the Foster Youth Services Coordinating Program to contract with a local educational agency to administer the program established pursuant to this chapter, including, but not limited to,
providing technical assistance to county offices of education and consortia of county offices of education as they implement this program.

**EDC 48911.1.**

(c) School districts may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:

1. The supervised suspension classroom is staffed as otherwise provided by law.
2. Each pupil has access to appropriate counseling services.
3. The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.
4. Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.

(f) Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section.

**EDC 49414.3.**

(k) A state agency, the department, or a public school may accept gifts, grants, and donations from any source for the support of the public school carrying out the provisions of this section, including, but not limited to, the acceptance of naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler.

**REGULATIONS**

**5 CCR § 11987. Purpose.**

(a) These regulations fulfill a mandate of Education Code section 41513, which requires the State Superintendent of Public Instruction (SSPI) and the Attorney General to adopt regulations to implement the School Safety Consolidated Competitive Grant program established by sections 41510 through 41514 of the Education Code. This program consists of two competitive grant programs, which are hereinafter referred to as the School Community Violence Prevention (SCVP) Grant program and the School Safety and Violence Prevention Training Grant Program. The regulations shall specify application submission rules, criteria for scoring applications and awarding grants, allowable/non-allowable uses of grant funds, annual reporting requirements for grant recipients, and the manner in which grant recipients will be reimbursed for program expenditures.

(b) The program shall be jointly administered by the SSPI and the Attorney General's Office, through the School Law Enforcement Partnership (S/LEP), as authorized by Education Code section 32262.

**5 CCR § 11987.7. School safety and violence prevention training grant.**

(a) The S/LEP shall award a maximum of $400,000 per year of the annual SCVP appropriation for one grant to a county office of education for the purpose of providing statewide and regional training in school safety and violence prevention methods. The grant period shall be a maximum of five years in duration.

(b) The S/LEP shall issue an advance of not more than $50,000 to the grant recipient upon the award of the grant. The remaining funds shall be issued to the grant recipient as reimbursement for authorized expenditures, upon receipt of an invoice from the accounting office of the grant recipient. Invoices shall be submitted quarterly to the S/LEP staff. Invoices for payment are subject to review and approval by the S/LEP staff.
(c) Applications for the School Safety and Violence Prevention Training Grant shall be submitted no later than March 1 of a year in which the grant will be awarded. Applications for grant funds shall contain the following elements:

(1) The application shall describe the applicant’s ability and experience to coordinate a statewide training program, including arranging for the delivery of training throughout the 11 established CDE regional training areas.

(2) The application shall contain a comprehensive plan for administering the training grant that includes, but is not limited to, how the applicant will: schedule and arrange for delivery of a specified number of regional trainings; secure experienced trainers; reimburse the trainers for travel expenses; sponsor and present an orientation and update meeting for the 11 regional training coordinators; conduct a focus group of trainers, coordinators, and S/LEP staff to revise and update the training materials; purchase necessary training materials; evaluate the training; coordinate an annual meeting among S/LEP staff and the 11 LEA regional training coordinators; and maintain regular contact with S/LEP state staff.

(3) The application shall contain a line item budget, along with an explanatory narrative.

(4) The application shall contain an assurance that an independent audit will be conducted in years two and four of the grant recipient’s use of the funds. The purpose of the audit shall be to determine if the funds have been used as required by the law and regulation and as stated in the grant recipient’s application.

(5) Applicants shall download and print the “General Assurances” (revised June, 2007) and “Drug Free Workplace” (revised June, 2007) forms from the CDE’s “funding forms” web page (http://www.cde.ca.gov/fg/to/fm). These documents, which are incorporated by reference, shall be submitted with the application.

(6) Applications shall meet the following technical requirements:
   (A) An original grant application and four copies shall be submitted.
   (B) The original application shall include all original signatures in blue ink.
   (C) The application shall be in 12-point or greater Arial font, single-spaced, with one-inch minimum margins. If smaller font sizes or margins are used in an application, the S/LEP shall compute the number of excess characters added to the application as a result, and draw a red line through the extra characters. Application reviewers shall not be allowed to use the red-lined characters in the application review.
   (D) The application shall be submitted on standard white, 8 1/2 X 11-inch paper. The narrative section shall not exceed 10 pages. If the narrative exceeds 10 pages, the S/LEP will draw a red line through the extra pages and will not allow application raters to look at those pages.
   (E) Applications shall be stapled or clipped together for submission.

(d) Each application shall be screened by the S/LEP to ensure that it contains all required elements. Each application passing the screening process shall be evaluated for compliance with applicable statutes and these regulations, and for the degree to which the application provides:

(1) a clear demonstration of the applicant’s extensive experience in developing, implementing, and coordinating regional training projects throughout the state.
(2) a plan of administering the grant that contains enough specific detail to assure that the applicant is capable of successfully implementing a training program that includes: recruitment and training of knowledgeable trainers; revision and update of training materials; the scheduling of trainings and obtaining of training facilities; the evaluation of the training program; the administration of the financial aspects of the program including reimbursing trainers; and the presentation of annual conferences for staff development and for updating of the training program.
(3) a detailed budget that reasonably reflects the proposed project.

(e) Applications will be ranked in accordance with the evaluation described in subdivision (d) and shall be funded in accordance with their rank.

(f) A grant applicant that chooses to appeal the results of the grant application process shall file a written appeal to the S/LEP within five working days of the announcement of the results. Protests shall be limited to the grounds that the S/LEP failed to correctly apply the process for reviewing the applications as specified in these regulations. The S/LEP shall review the appeal and determine if the S/LEP failed to correctly apply the process for reviewing applications. The decision of the S/LEP shall be the final administrative action afforded the appellant.

(g) Training grant funds may be used for: Salaries and benefits for the statewide coordinator, regional training coordinators, and clerical support personnel; travel costs for regional trainings and for statewide meetings and trainings for the statewide and regional training coordinators and trainers; training materials, miscellaneous supplies directly related to the trainings; services and operating costs, including rental of training rooms; indirect cost not to exceed the indirect cost rate annually assigned to the grant recipient by CDE; and audit costs. Training grant funds may not be used for: Out-of-state travel; acquisition, rents, leases and utilities for facilities (except rentals of training rooms); or purchases of vehicles.

(h) Grant funds shall be used in accordance with law and these regulations and as proposed in the approved application or a budget revision approved by the S/LEP.

(i) Without prior approval from the S/LEP, budget adjustments shall be made of no more than $500, or ten percent of the line item from which the funds are being moved, whichever is greater.

(j) The grant recipient shall submit an annual report containing a progress report on the implementation of the program described in the grant application, a description of program activities, and an evaluation of the effectiveness of the training sessions which have been provided. If adequate progress in implementation of the grant program is not demonstrated via annual reports, site visits, or other means, the S/LEP may terminate the grant award and provide no further grant funding.

(k) Grant recipients shall maintain accounting records and other evidence pertaining to costs incurred during the grant award period and thereafter for five full years from the date of the final payment of grant funds. The S/LEP shall be permitted to audit, review, and inspect the activities, books, documents, papers, and records relating to the grant during the progress of the work and for five years following final allocation of funds.

(l) Funds shall be issued to the grant recipient as reimbursement for authorized expenditures, upon receipt of an invoice from the accounting office of the grantee. Invoices for payment are subject to review and approval by S/LEP staff. Reimbursements shall not be processed if annual reporting requirements have not been met. Final invoices shall be submitted within four months of the end of the grant period.
Other or Uncategorized

Professional immunity or liability

LAWS

EDC 32281.
(e)(1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

EDC 44807.
Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000.

EDC 48201.
(2) A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this subdivision unless it is proven that the information was false and that the district or district officer or employee knew or should have known that the information was false or the information was provided with a reckless disregard for its truth or falsity.

EDC 48902.
(a) The principal of a school or the principal’s designee shall, before the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the pupil that may violate Section 245 of the Penal Code.
(b) The principal of a school or the principal’s designee shall, within one schoolday after suspension or expulsion of any pupil, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authorities of the county or the school district in which the school is situated of any acts of the pupil that may violate subdivision (c) or (d) of Section 48900.
(c) Notwithstanding subdivision (b), the principal of a school or the principal’s designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code. The principal of a school or the principal’s designee shall report any act specified in paragraph (1) or (5) of subdivision (c) of Section 48915 committed by a pupil or nonpupil on a schoolsite to the city police or county sheriff with jurisdiction over the school and the school security department or the school police department, as applicable.

(d) A principal, the principal’s designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

(e) The principal of a school or the principal’s designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in Section 1415(k)(6) of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil’s special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

EDC 48907.

(g) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

EDC 49334.

If a school employee initially notifies a law enforcement agency regarding a student or adult who possesses an injurious object while upon school premises or while under the authority of school personnel, the employee may not be subject to any civil or administrative proceeding, including any disciplinary action, for violation of any local policy or procedure relating to the notification of a law enforcement agency. The employee shall conform to locally adopted procedures after exercising his or her personal option to notify a law enforcement agency.

EDC 49414.3.

(i) A school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer’s personnel file.

REGULATIONS

No relevant regulations found.
Community input or involvement

LAWS

EDC 32261.
(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(c) It is the intent of the Legislature in enacting this chapter to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses, and that address the safety concerns of local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

(f) As used in this chapter, “bullying” has the same meaning as set forth in subdivision (r) of Section 48900.

(g) As used in this chapter, “electronic act” has the same meaning as set forth in subdivision (r) of Section 48900.

EDC 32262.
(a) There is hereby established the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General. The duties of the partnership shall consist of all of the following:

(1) The development of programs and policies necessary to implement the provisions of Article 5 (commencing with Section 32280).

(2) The administration of safe school programs and all training, procedures, and activities conducted pursuant to this chapter.

(3) Cooperation with other states and state and federal agencies on matters relating to school safety.

(b) As used in this chapter, the term “partnership” means the School/Law Enforcement Partnership established by this section.
EDC 32270.
(a) The partnership shall establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to improve school attendance, encourage good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy rates, bullying, including acts that are committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.
(b) The partnership may appoint up to 100 professionals from educational agencies, community-based organizations, allied agencies, and law enforcement to the statewide cadre.
(c) The partnership shall provide training to the statewide cadre representatives to enable them to initiate and maintain school community safety programs among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies in each region.

EDC 32282.
(c) Each schoolsite council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

EDC 33546.
(a) When the “Health Framework for California Public Schools” (health framework) is next revised after January 1, 2017, the commission shall consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, which shall be age and developmentally appropriate and consistent with the health education standards adopted by the state board.
(b) If the commission includes comprehensive information on the development of healthy relationships in the health framework, the commission shall comply with both of the following:
   (1) Ensure information included in the health framework is research-based and appropriate for pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds. This may include, but shall not be limited to, reviewing other states’ curricula.
   (2) Consult with teachers and educators with expertise in curriculum for developing healthy relationships.
(c) For purposes of this section, the “development of healthy relationships” includes, but is not limited to, all of the following:
   (1) Understanding the principles of treating one another with respect, dignity, and kindness.
   (2) Demonstrating the ability to use interpersonal communication skills to address and resolve disagreement and conflict.
   (3) Recognizing when and how to respond to dangerous or other situations that may result in the bullying, harassment, harming, or hurting of another person.

EDC 48263.
(b)(1) If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the school attendance review board or probation officer shall direct the pupil or the pupil’s parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any
time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

EDC 48320.
(a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services may be provided to meet the special needs of pupils with school attendance problems or school behavior problems.
(b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors may:
   (1) Propose and promote the use of alternatives to the juvenile court system.
   (2) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed in behalf of minors prior to any involvement with the judicial system.
   (3) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist.

EDC 48321.
(a)(1) A county school attendance review board may be established in each county. The county school attendance review board may accept referrals or requests for hearing services from one or more school districts within its jurisdiction pursuant to subdivision (f). A county school attendance review board may be operated through a consortium or partnership of a county with one or more school districts or between two or more counties.
(2) A county school attendance review board, if established, shall include, but need not be limited to, all of the following:
   (A) A parent.
   (B) A representative of school districts.
   (C) A representative of the county probation department.
   (D) A representative of the county welfare department.
   (E) A representative of the county superintendent of schools.
   (F) A representative of law enforcement agencies.
   (G) A representative of community-based youth service centers.
   (H) A representative of school guidance personnel.
   (I) A representative of child welfare and attendance personnel.
   (J) A representative of school or county health care personnel.
   (K) A representative of school, county, or community mental health personnel.
   (L) A representative of the county district attorney’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s district attorney’s office may be included.
   (M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.
(3) Notwithstanding paragraph (2), for purposes of conducting hearings, the chairperson of the county school attendance review board is authorized to determine the members needed at a hearing, based on the needs of the pupil, in order to address attendance or behavioral problems.

(4) The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.

(5)(A) If a county school attendance review board exists, the county superintendent of schools shall, at the beginning of each school year, convene a meeting of the county school attendance review board for purposes of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance and behavior problems.

(B) Notwithstanding subparagraph (A), for purposes of conducting hearings, a county school attendance review board may meet as needed.

(b)(1) Local school attendance review boards may include, but need not be limited to, all of the following:

(A) A parent.

(B) A representative of school districts.

(C) A representative of the county probation department.

(D) A representative of the county welfare department.

(E) A representative of the county superintendent of schools.

(F) A representative of law enforcement agencies.

(G) A representative of community-based youth service centers.

(H) A representative of school guidance personnel.

(I) A representative of child welfare and attendance personnel.

(J) A representative of school or county health care personnel.

(K) A representative of school, county, or community mental health personnel.

(L) A representative of the county district attorney’s office. If more than one county is represented in a local school attendance review board, a representative from each county’s district attorney’s office may be included.

(M) A representative of the county public defender’s office. If more than one county is represented in a county school attendance review board, a representative from each county’s public defender’s office may be included.

(2) Other persons or group representatives shall be appointed by the county board of education.

(c) A county school attendance review board may elect, pursuant to regulations adopted pursuant to Section 48324, one member as chairperson with responsibility for coordinating services of the county school attendance review board.

(d) A county school attendance review board may provide for the establishment of local school attendance review boards in any number as shall be necessary to carry out the intent of this article.

(e) In any county in which there is no county school attendance review board the governing board of a school district may elect to establish a local school attendance review board, which shall operate in the same manner and have the same authority as a county school attendance review board.

(f) A county school attendance review board may provide guidance to local school attendance review boards.
(g) If the county school attendance review board determines that the needs of pupils, as defined in this article, can best be served by a single board, the county school attendance review board may then serve as the school attendance review board for all pupils in the county. or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that school district.

(h) This article is not intended to prohibit an agreement on the part of counties to provide these services on a regional basis.

**EDC 48321.5.**

(a) In every case in which a minor pupil has been referred to it under Section 48263, each county or local school attendance review board may, for the purpose of making a proper disposition of the referral, issue subpoenas pursuant to the procedures provided in Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of the Code of Civil Procedure and subject to subdivision (f), or may request the juvenile court having jurisdiction to issue subpoenas, requiring the production of pertinent or material written information or the attendance of any of the following persons:

1. The minor.
2. The minor’s parents, guardians, or other person having control of the minor.
3. The school authority referring the minor.
4. Any other person who has pertinent or material information concerning the matter.

(b) The juvenile court may issue subpoenas requiring the attendance of witnesses or the production of pertinent or material written information, subject to Section 1985 of the Code of Civil Procedure.

(c) Enforcement of a subpoena issued by a county or local school attendance review board is within the jurisdiction of the juvenile court. The juvenile court does not have jurisdiction to order detention in any secure facility or other confinement for failure to comply with a subpoena issued pursuant to this section.

(d) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena for the production of written materials or the attendance of any person except as specifically provided in subdivision (a) with respect to the limited purpose of making a proper disposition of the referral of a minor pupil made pursuant to Section 48263.

(e) Nothing in this section shall be construed to authorize a county or local school attendance review board to issue a subpoena or request a subpoena to be issued for the production of written materials or the attendance of any person if it is verified that the minor pupil is enrolled and in regular attendance in a private school maintaining kindergarten or any of grades 1 to 12, inclusive, that has filed an affidavit pursuant to Sections 33190 and 48222 of the Education Code.

(f) A county or local school attendance review board shall not issue a subpoena that includes a request for production of written materials, but may request a juvenile court having jurisdiction to issue a subpoena for production of written materials pursuant to subdivision (a).

**EDC 48322.**

The county school attendance review board may encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

**EDC 48323.**

Each of the departments or agencies authorized to participate in school attendance review boards may assign personnel to represent the department or agency on a continuing basis in accordance with the
intent of this article. The duties, obligations, or responsibilities which may be imposed on local governmental entities by this act are such that the related costs are incurred as a part of their normal operating procedures. The minor costs of such services may be borne by each agency or department and each or all of the participants may apply for and utilize state or federal funds as may be available.

**EDC 48324.**

The county school attendance review board may adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of this article. The rules and regulations may be binding upon the local school attendance review boards which are established pursuant to subdivision (d) of Section 48321.

**EDC 48325.**

(a) The Legislature finds and declares that statewide policy coordination and personnel training with respect to county attendance review boards will greatly facilitate the achievement of the goals expressed in Section 48320. It is therefore the intent of the Legislature in enacting this section to do the following:

1. Encourage the cooperation, coordination, and development of strategies to support county school attendance review boards in carrying out their responsibilities to establish local school attendance review boards as necessary. These strategies may include, but need not be limited to, plans for the training of school attendance review board personnel.

2. Divert pupils with serious attendance and behavioral problems from the juvenile justice system to agencies more directly related to the state public school system by developing a system for gathering and dispensing information on successful community-based and school-based programs.

3. Reduce duplication of the services of state and county agencies in serving high-risk youth, including youth with school attendance or behavioral problems.

4. Reduce the number of dropouts in the state public education system by promoting interagency cooperation among those agencies which have as their goals preventing students from dropping out, and increasing the holding power of the public schools.

(b) The Superintendent of Public Instruction shall coordinate and administer a state school attendance review board, as follows:

1. On or before January 31 of each year, the superintendent shall extend invitations of participation to representatives of appropriate groups throughout the state, including, but not limited to, representatives of school districts, parent groups, county probation departments, county welfare departments, county superintendents of schools, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, the health care profession and state associations having an interest in youth with school attendance or behavioral problems. The superintendent shall also request the participation of representatives from interested state agencies or departments, including, but not limited to, the Department of the California Youth Authority, the Department of Justice, the State Department of Social Services, and the Office of Criminal Justice Planning. To the extent feasible, members of the board shall include persons who are currently members of county or local school attendance review boards. For every year after the first year that the board is convened, the purpose of the invitations of participation shall be to inform appropriate groups, state agencies, and departments of the purposes of the board, to fill vacancies, and to supplement the membership of the board as necessary.

2. The superintendent shall prescribe an appropriate deadline for acceptance of invitations of participation as a member of the state school attendance review board for that particular year, and the invitations accepted on or before the deadline shall constitute the board for that year, except that the board shall also include a representative of the State Department of Education designated by the
The representative of the State Department of Education shall be the chairperson of the board.

(3) The superintendent shall convene the board at least four times during the year. At its first meeting, the board shall elect any officers, other than its chairperson, as it deems necessary. Members of the board shall serve without compensation and without reimbursement of travel and living expenses.

(4) The State Department of Education shall provide assistance as requested by the Superintendent of Public Instruction in order to implement the provisions of this section.

c The state school attendance review board shall make recommendations annually to the Superintendent of Public Instruction, and to state agencies as deemed appropriate, regarding the needs and services provided to high-risk youth, including youth with school attendance or behavioral problems, in the state public schools, and shall propose uniform guidelines or other means to attain the goals stated in subdivision (a).

**EDC 48900.6.**

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal’s designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil’s nonschool hours. For the purposes of this section, “community service” may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

**EDC 51269.**

(a) The State Department of Education shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for state and federal drug, alcohol, and tobacco education funds.

(b) The State Department of Education, in consultation with the Department of Justice, Office of Emergency Services, the State Department of Public Health, and the State Department of Health Care Services, shall develop, to the extent possible, an ongoing statewide monitoring and assessment system to provide current and reliable data on the utilization of resources for programs for prevention of and early intervention for drug, alcohol, and tobacco abuse. The purpose of the system shall be to facilitate improved planning and program delivery among state and local agencies, including law enforcement, juvenile justice, county health, and county drug and alcohol agencies and programs, and communities.

**PEN 13825.4.**

(a) Community-based organizations and nonprofit agencies that receive funds under this chapter shall utilize the funds to provide services and activities designed to prevent or deter at-promise youth from participating in gangs, criminal activity, or violent behavior.

(b) These prevention and intervention efforts shall include, but not be limited to, any of the following:

1. Services and activities designed to do any of the following:
   1. Teach alternative methods for resolving conflicts and responding to violence, drugs, and crime.
   2. Develop positive and life-affirming attitudes and behaviors.
(2) Recreational, educational, or cultural activities.
(3) Counseling or mentoring services.
(4) Economic development activities.

(c)(1) Funds allocated under this chapter may not be used for services or activities related to suppression, law enforcement, incarceration, or other purposes not related to the prevention and deterrence of gangs, crime, and violence.

(2) Nothing in this section shall prevent funds allocated under this chapter from being used for violence prevention and gang crime deterrence services provided by community-based organizations and nonprofit agencies to youths incarcerated in juvenile detention facilities.

(d) Services and activities provided with funds under this chapter shall be used for at-risk youth who are defined as persons from age 5 to 20 years of age and who fall into one or more of the following categories:

(1) Live in a high-crime or high-violence neighborhood as identified by local or federal law enforcement agencies.
(2) Live in a low-economic neighborhood as identified by the U.S. Census or come from an impoverished family.
(3) Are excessively absent from school or are doing poorly in school as identified by personnel from the youth’s school.
(4) Come from a socially dysfunctional family as identified by local or state social service agencies.
(5) Have had one or more contacts with the police.
(6) Have entered the juvenile justice system.
(7) Are identified by the juvenile justice system as being at risk.
(8) Are current or former gang members.
(9) Have one or more family members living at home who are current or former members of a gang.
(10) Are identified as wards of the court, as defined in Section 601 of the Welfare and Institutions Code.

(e) Except as provided in subdivision (f), in carrying out a program of prevention and intervention services and activities with funds received under this chapter, community-based organizations and nonprofit agencies shall do all of the following:

(1) Collaborate with other local community-based organizations, nonprofit agencies or local agencies providing similar services, local schools, local law enforcement agencies, residents and families of the local community, private businesses in the local community, and charitable or religious organizations, for purposes of developing plans to provide a program of prevention and intervention services and activities with funds provided under this chapter.
(2) Identify other community-based organizations, nonprofit agencies, local agencies, and charitable or religious organizations in the local community that can serve as a resource in providing services and activities under this chapter.
(3) Follow the public health model approach in developing and carrying out a program to prevent, deter, or reduce youth gangs, crime, or violence by (A) identifying risk factors of the particular population to be targeted, (B) implementing protective factors to prevent or reduce gangs, crime, or violence in the particular community to be serviced, and (C) designing community guidelines for prevention and intervention.
(4) Provide referral services to at-risk youth who are being served under this chapter to appropriate organizations and agencies where the community-based organization or nonprofit agency can readily identify a need for counseling, tutorial, family support, or other types of services.
(5) Provide the parents and family of the at-promise youth with support, information, and services to cope with the problems the at-promise youth, the parents, and the family are confronting.

(6) Involve members of the at-risk target population in the development, coordination, implementation, and evaluation of their program of services and activities.

(7) Objectively evaluate the effectiveness of their services and activities to determine changes in attitudes or behaviors of the at-promise youth being served under this chapter towards gangs, crime, and violence.

(f) Providers of programs that operate in juvenile detention facilities shall not be required to meet the criteria specified in paragraph (5) of subdivision (e) for those programs offered only in those facilities.

PEN 13860.
The Legislature finds and declares that a substantial drug abuse and drug trafficking problem exists among school-age children on and around school campuses in the State of California. By enacting this chapter, it is the intention of the Legislature to support increased efforts by local law enforcement agencies, working in conjunction with school districts and county drug offices to suppress trafficking and prevent drug abuse among school age children on and around school campuses through the development of innovative and model programs by local law enforcement agencies and schools and drug abuse agencies. As used in this chapter, drugs are defined as marijuana, inhalants, narcotics, dangerous drugs, pharmaceuticals, glue and alcohol. It is the further intention of the Legislature to establish a program of financial and technical assistance for local law enforcement and school districts.

PEN 13861.
There is hereby created in the Office of Emergency Services the Suppression of Drug Abuse in Schools Program. All funds made available to the Office of Emergency Services for the purposes of this chapter shall be administered and disbursed by the Director of Emergency Services in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established pursuant to Section 13863.

(a) The Director of Emergency Services, in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee, is authorized to allocate and award funds to local law enforcement agencies and public schools jointly working to develop drug abuse prevention and drug trafficking suppression programs in substantial compliance with the policies and criteria set forth in Sections 13862 and 13863.

(b) The allocation and award of funds shall be made upon the joint application by the chief law enforcement officer of the coapplicant law enforcement agency and the superintendent and board of the school district coapplicant. The joint application of the law enforcement agency and the school district shall be submitted for review to the Local Suppression of Drug Abuse in Schools Advisory Committee established pursuant to paragraph (4) of subdivision (a) of Section 13862. After review, the application shall be submitted to the Office of Emergency Services. Funds disbursed under this chapter may enhance but shall not supplant local funds that would, in the absence of the Suppression of Drug Abuse in Schools Program, be made available to suppress and prevent drug abuse among schoolage children and to curtail drug trafficking in and around school areas.

(c) The coapplicant local law enforcement agency and the coapplicant school district may enter into interagency agreements between themselves which will allow the management and fiscal tasks created pursuant to this chapter and assigned to both the law enforcement agency and the school district to be performed by only one of them.

(d) Within 90 days of the effective date of this chapter, the Director of Emergency Services, in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established
pursuant to Section 13863, shall prepare and issue administrative guidelines and procedures for the Suppression of Drug Abuse in Schools Program consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of these guidelines and procedures, a complete and final draft shall be submitted within 60 days of the effective date of this chapter to the Chairpersons of the Committee on Criminal Law and Public Safety of the Assembly and the Judiciary Committee of the Senate of the California Legislature.

**PEN 13862.**

Law enforcement agencies and school districts receiving funds under this chapter shall concentrate enhanced apprehension, prevention, and education efforts and resources on drug abuse and drug trafficking in and around school campuses.

(a) These enhanced apprehension, prevention, and education efforts shall include, but not be limited to:

1. **Drug traffic intervention programs.**
2. **School and classroom-oriented programs,** using tested drug abuse education curriculum that provides indepth and accurate information on drugs, which may include the participation of local law enforcement agencies and qualified drug abuse prevention specialists and which are designed to increase teachers’ and students’ awareness of drugs and their effects.
3. **Family oriented programs** aimed at preventing drug abuse which may include the participation of community-based organizations experienced in the successful operation of such programs.
4. The establishment of a Local Suppression of Drug Abuse in Schools Advisory Committee. The committee shall be established and appointed by the board of supervisors of each county and city and county. However, if the agency receiving funds under this chapter is a city agency and the program does not involve any county agency, or if a county agency is involved and the county board of supervisors consents, the committee shall be established and appointed by the city council. The committee may be a newly created committee or an existing local drug abuse committee as designated by the board or city council. The committee shall be composed of, at a minimum, the following:
   - (A) Local law enforcement executives.
   - (B) School district executives.
   - (C) Schoolsite staff, which includes administrators, teachers, or other credentialed personnel.
   - (D) Parents.
   - (E) Students.
   - (F) School peace officers.
   - (G) County drug program administrators designated pursuant to Section 11962 of the Health and Safety Code.
   - (H) Drug prevention program executives.
5. Development and distribution of appropriate written and audio-visual aids for training of school and law enforcement staff for handling drug-related problems and offenses. Appropriate existing aids may be utilized in lieu of development of new materials.
6. Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs.
7. Development of a coordinated intervention system that identifies students with chronic drug abuse problems and facilitates their referral to a drug abuse treatment program.

(b) Enhanced apprehension, prevention, and education efforts commenced under this section shall be a joint effort between local law enforcement and local school districts in cooperation with county drug
program offices. These efforts shall include, but not be limited to, the concentration of apprehension efforts in “problem” areas identified by local school authorities.

(c) Funds appropriated pursuant to this chapter may be used in part to support state-level development and statewide distribution of appropriate written and audio-visual aids for public awareness and training of school and law enforcement staff for handling drug-related problems and offenses. When existing aids can be identified, these aids may be utilized in lieu of the development of new aids.

PEN 13864.

There is hereby created in the Office of Emergency Services the Comprehensive Alcohol and Drug Prevention Education component of the Suppression of Drug Abuse in Schools Program in public elementary schools in grades 4 to 6, inclusive. Notwithstanding Section 13861 or any other provision in this code, all Comprehensive Alcohol and Drug Prevention Education component funds made available to the Office of Emergency Services in accordance with the Classroom Instructional Improvement and Accountability Act shall be administered by and disbursed to county superintendents of schools in this state by the Director of Emergency Services. All applications for that funding shall be reviewed and evaluated by the Office of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education.

(a) The Director of Emergency Services is authorized to allocate and award funds to county department superintendents of schools for allocation to individual school districts or to a consortium of two or more school districts. Applications funded under this section shall comply with the criteria, policies, and procedures established under subdivision (b) of this section.

(b) As a condition of eligibility for the funding described in this section, the school district or consortium of school districts shall have entered into an agreement with a local law enforcement agency to jointly implement a comprehensive alcohol and drug abuse prevention, intervention, and suppression program developed by the Office of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education, containing all of the following components:

1. A standardized age-appropriate curriculum designed for pupils in grades 4 to 6, inclusive, specifically tailored and sensitive to the socioeconomic and ethnic characteristics of the target pupil population. Although new curricula shall not be required to be developed, existing curricula may be modified and adapted to meet local needs. The elements of the standardized comprehensive alcohol and drug prevention education program curriculum shall be defined and approved by the Governor’s Policy Council on Drug and Alcohol Abuse, as established by Executive Order No. D-70-80.

2. A planning process that includes assessment of the school district’s characteristics, resources, and the extent of problems related to juvenile drug abuse, and input from local law enforcement agencies.

3. A school district governing board policy that provides for a coordinated intervention system that, at a minimum, includes procedures for identification, intervention, and referral of at-risk alcohol- and drug-involved youth, and identifies the roles and responsibilities of law enforcement, school personnel, parents, and pupils.

4. Early intervention activities that include, but are not limited to, the identification of pupils who are high risk or have chronic drug abuse problems, assessment, and referral for appropriate services, including ongoing support services.

5. Parent education programs to initiate and maintain parental involvement, with an emphasis for parents of at-risk pupils.

6. Staff and in-service training programs, including both indepth training for the core team involved in providing program services and general awareness training for all school faculty and administrative, credentialed, and noncredentialed school personnel.
(7) In-service training programs for local law enforcement officers.  

(8) School, law enforcement, and community involvement to ensure coordination of program services. Pursuant to that coordination, the school district or districts and other local agencies are encouraged to use a single community advisory committee or task force for drug, alcohol, and tobacco abuse prevention programs, as an alternative to the creation of a separate group for that purpose under each state or federally funded program.

(c) The application of the county superintendent of schools shall be submitted to the Office of Emergency Services. Funds made available to the Office of Emergency Services for allocation under this section are intended to enhance, but shall not supplant, local funds that would, in the absence of the Comprehensive Alcohol and Drug Prevention Education component, be made available to prevent, intervene in, or suppress drug abuse among schoolage children. For districts that are already implementing a comprehensive drug abuse prevention program for pupils in grades 4 to 6, inclusive, the county superintendent shall propose the use of the funds for drug prevention activities in school grades other than 4 to 6, inclusive, compatible with the program components of this section. The expenditure of funds for that alternative purpose shall be approved by the Director of Emergency Services.

(1) Unless otherwise authorized by the Office of Emergency Services, each county superintendent of schools shall be the fiscal agent for any Comprehensive Alcohol and Drug Prevention Education component award, and shall be responsible for ensuring that each school district within that county receives the allocation prescribed by the Office of Emergency Services. Each county superintendent shall develop a countywide plan that complies with program guidelines and procedures established by the Office of Emergency Services pursuant to subdivision (d). A maximum of 5 percent of the county’s allocation may be used for administrative costs associated with the project.

(2) Each county superintendent of schools shall establish and chair a local coordinating committee to assist the superintendent in developing and implementing a countywide implementation plan. This committee shall include the county drug administrator, law enforcement executives, school district governing board members and administrators, school faculty, parents, and drug prevention and intervention program executives selected by the superintendent and approved by the county board of supervisors.

(d) The Director of Emergency Services, in consultation with the State Department of Health Care Services and the State Department of Education, shall prepare and issue guidelines and procedures for the Comprehensive Alcohol and Drug Prevention Education component consistent with this section.

(e) The Comprehensive Alcohol and Drug Prevention Education component guidelines shall set forth the terms and conditions upon which the Office of Emergency Services is prepared to award grants of funds pursuant to this section. The guidelines shall not constitute rules, regulations, orders, or standards of general application.

(f) Funds awarded under the Comprehensive Alcohol and Drug Prevention Education Program shall not be subject to Section 10318 of the Public Contract Code.

(g) Funds available pursuant to Item 8100-111-001 and Provision 1 of Item 8100-001-001 of the Budget Act of 1989, or the successor provision of the appropriate Budget Act, shall be allocated to implement this section.

(h) The Director of Emergency Services shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for drug, alcohol, and tobacco education funding under this section and under other state and federal programs. The Office of Emergency Services, the State Department of Health Care Services, the State Department of Education, and other state agencies, to the extent possible, shall develop joint policies and collaborate planning in the administration of drug, alcohol, and tobacco abuse prevention education programs.
PEN 13872.
The crimes that shall be the focus of this chapter shall include a wide variety of incidents, which reflect obvious racial, ethnic, or religious motivations, ranging from vandalizing a place of worship to assaults between members of gangs, including, but not limited to, incidents that occur on school grounds and between gang members and any other incidents that law enforcement officers on a case-by-case basis identify as having a racial, ethnic or religious motivation. They shall not include incidents of discrimination in employment.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

EDC 48908.
All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools.

EDC 48913.5.
(a) Upon the request of a parent, a legal guardian or other person holding the right to make educational decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays the homework that the pupil would otherwise have been assigned.

(b) If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil’s return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

REGULATIONS

5 CCR § 300. Duties generally.
Every pupil shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful to his teacher and others in authority; kind and courteous to schoolmates; and refrain entirely from the use of profane and vulgar language.

5 CCR § 302. Pupils to be neat and clean on entering school.
A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress, may be sent home to be properly prepared for school, or shall be required to prepare himself for the schoolroom before entering.

5 CCR § 303. Duty to remain at school.
A pupil may not leave the school premises at recess, or at any other time before the regular hour for closing school, except in case of emergency, or with the approval of the principal of the school.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by California provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying Prevention Training &amp; Resources, California Department of Education (CDE)</td>
<td>Provides information, training modules, and resources for bullying and cyber-bullying prevention.</td>
<td><a href="https://www.cde.ca.gov/ls/ss/se/bullyres.asp">https://www.cde.ca.gov/ls/ss/se/bullyres.asp</a></td>
</tr>
<tr>
<td>Multi-Tiered System of Supports, CDE</td>
<td>Provides information, training, and resources on Multi-Tiered Systems of Supports, Response to Instruction and Intervention (RTI), and Positive Behavioral Interventions and Supports (PBIS).</td>
<td><a href="https://www.cde.ca.gov/ci/cr/ri/">https://www.cde.ca.gov/ci/cr/ri/</a></td>
</tr>
<tr>
<td>Safe School &amp; Violence Prevention, CDE</td>
<td>Provides information about funds, training, resources, and technical assistance concerning preventing violence, helping students to make safe choices, and collecting data about violence in schools.</td>
<td><a href="https://www.cde.ca.gov/ls/ss/vp/">https://www.cde.ca.gov/ls/ss/vp/</a></td>
</tr>
<tr>
<td>School Environment, CDE</td>
<td>Provides links to resources addressing behavioral intervention strategies and supports, bullying, positive school climate, and other related topics.</td>
<td>Website is currently under review.</td>
</tr>
<tr>
<td>Truancy, CDE</td>
<td>Provides information and resources that define truancy, truancy penalties, and other related information.</td>
<td><a href="https://www.cde.ca.gov/ls/ai/tr/">https://www.cde.ca.gov/ls/ai/tr/</a></td>
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Documents

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<tr>
<td>Sample Policy for Bullying Prevention (2018), CDE</td>
<td>Sample policy on the prevention of bullying and on conflict resolution.</td>
<td><a href="https://www.cde.ca.gov/ls/ss/se/samplepolicy.asp">https://www.cde.ca.gov/ls/ss/se/samplepolicy.asp</a></td>
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<tr>
<td>California School Dashboard</td>
<td>Data dashboard contains reports that display the performance of local educational agencies (LEAs), schools, and student groups on a set of state and local measures in identifying strengths, challenges, and areas in need of improvement, including chronic absenteeism and suspension rate.</td>
<td><a href="https://www.caschooldashboard.org/">https://www.caschooldashboard.org/</a></td>
</tr>
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Colorado
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Title 12. Professions and Occupations

Health Care Professions and Occupations

Article 245. Mental Health


12-245-220. Disclosure of confidential communications - definitions

Title 13. Courts and Court Procedure

Courts of Record

Article 3. Judicial Departments

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13-5-145. Truancy detention reduction policy - legislative declaration

Title 18. Criminal Code

Article 9. Offenses Against Public Peace, Order, and Decency

Part 1. Public Peace and Order

18-9-124. Hazing - penalties - legislative declaration

Article 12. Offenses Relating to Firearms and Weapons

Part 1. Firearms and Weapons - General

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds

Title 19. Children’s Code


Part 3. Records and Information

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22-33-104. Compulsory school attendance
22-33-105. Suspension, expulsion, and denial of admission
22-33-106. Grounds for suspension, expulsion, and denial of admission
22-33-106.1. Suspension - expulsion - preschool through second grade - definitions
22-33-106.5. Information concerning offenses committed by students
22-33-107. Enforcement of compulsory school attendance - definitions
22-33-107.5. Notice of failure to attend
22-33-108. Judicial proceedings

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22-33-201. Legislative declaration
22-33-202. Identification of at-risk students
22-33-203. Educational alternatives for expelled students
22-33-204. Services for at-risk students - agreements with state agencies and community organizations
22-33-204.5. Legislative declaration
22-33-205. Services for expelled and at-risk students - grants - criteria

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24-10-106.3. Immunity and partial waiver - claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence - short title - definitions

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Article 14. Control of Smoking

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25-14-103.5. Prohibition against the use of tobacco products and retail marijuana on school property - legislative declaration - education program - special account - definitions

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Colorado Regulations

Department of Education

301 Colorado State Board of Education

1 CCR 301-1. Administration of Statewide Accountability Measures for the Colorado Public School System, Charter School Institute, Public School Districts and Public Schools

11.0. Performance reporting
1 CCR 301-40. Rules for the Administration of Pilot Schools for Expelled Students

2238-R-1.00. Statement of basis and purpose for adoption of rules
2238-R-2.00. Applications

1 CCR 301-43. Rules for the Administration of Educational Alternatives for Expelled Students

2233-R-1.00. Statement of basis and purpose for adoption of rules
2233-R-2.00. Applications

1 CCR 301-45. Rules for the Administration of the Protection of Persons from Restraint Act

2620-R-1.00. Statement of basis purpose
2620-R-2.00. Definitions
2620-R-2.01. Basis for the use of restraint
2620-R-2.02. Duties related to the use of restraint
2620-R-2.03. Staff training
2620-R-2.04. Documentation and notification requirements
2620-R-2.05. Review of the use of restraint
2620-R-2.06. Exceptions

1 CCR 301-78. Rules Concerning the Standardized Calculation for Counting Student Attendance and Truancy

1.00. Statement of basis and purpose
2.00. Definitions
3.00. Standardized calculation for counting absences for students
4.00. Format for reporting habitually truant student data to the department

1 CCR 301-84. Dropout Prevention and Student Re-Engagement

1.00. Statement of basis and purpose
2.00. Definitions
3.00. High priority and priority local education providers
4.00. Implementation of the student re-engagement grant program
5.00. Defining and calculating rates

1 CCR 301-99. Rules for the Administration of the School Bullying Prevention and Education Grant Program

0.00. Statement of basis and purpose
1.00. Definitions
2.00. Bullying prevention website
3.00. Application requirements and timeline
4.00. Application evaluation criteria
5.00. Data collection and reporting
**General Provisions**

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

**LAWS**

22-1-118. School board to enforce.
The boards of directors of all school districts shall enforce the provisions of section 22-1-117, and shall have full power to make, adopt, and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and for the enforcing of all the provisions of section 22-1-117.

22-11-302. School district accountability committees - powers and duties.
(1) Each school district accountability committee has the following powers and duties:
   (f) To provide input to the local school board concerning the creation and enforcement of its school conduct and discipline code; and

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:
   (a) Conduct and discipline code.
      (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:
         (A) General policies on student conduct, safety, and welfare;
         (B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from
class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers;

(J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress;

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students’ impressions of the severity of bullying in their schools, as described in section 22-93-104 (1)(c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, school psychologists, counselors, teachers, administrators, parents, and students. Each school district’s policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(L) Information concerning the school district’s policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.
22-33-104. Compulsory school attendance.

(4)(a) The board of education shall adopt a written policy setting forth the district's attendance requirements. Said policy shall provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.

(b) The attendance policy adopted pursuant to this subsection (4) shall specify the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108. Calculation of the number of unexcused absences a child has incurred includes all unexcused absences occurring during any calendar year or during any school year.

(c) On or before January 1, 2009, the state board shall adopt rules establishing a standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the information to the department pursuant to section 22-33-107.

22-33-105. Suspension, expulsion, and denial of admission.

(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(a) Delegate to any school principal within the school district or to a person designated in writing by the principal the power to suspend a pupil in his school for not more than five school days on the grounds stated in section 22-33-106 (1)(a), (1)(b), (1)(c), or (1)(e) or not more than ten school days on the grounds stated in section 22-33-106 (1)(d);

(b) Suspend, on the grounds stated in section 22-33-106, a pupil from school for not more than another ten school days, or may delegate such power to its executive officer; except that the latter may extend a suspension to an additional ten school days if necessary in order to present the matter to the next meeting of the board of education, but the total period of suspension pursuant to this paragraph (b) and paragraph (a) of this subsection (2) shall not exceed twenty-five school days; and

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. A child who is denied admission or expelled as an outcome of the hearing shall have ten days after the denial of admission or expulsion to appeal the decision of the executive officer to the board of education, after which time the decision to grant or deny the appeal shall be at the discretion of the board of education. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

An agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions that establish procedures for the use of restraint and seclusion consistent with the provisions of this article. Any agency that has rules or ordinances in existence on April 22, 1999, is not required to promulgate additional rules or adopt additional ordinances unless that agency's existing rules or ordinances do not meet the minimum requirements of this article.

REGULATIONS

1 CCR 301-40. Section 2238-R-1.00. Statement of basis and purpose for adoption of rules.

The statutory basis for these Rules is found in 22-2-107(1)(c), State Board-Powers, 22-38-101, et. seq., C.R.S., the Pilot Schools for Students Expelled from Sixth through Ninth Grades, and 22-2-109(1), State Board-Additional Duties. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

1 CCR 301-43. Section 2233-R-1.00. Statement of basis and purpose for adoption of rules.

1.01. The statutory basis for these Rules is found in 22-2-107 (1)(c), State Board-Powers, and 22-33-205 et seq., C.R.S., Services for Expelled Students - Grants - Criteria. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

1 CCR 301-45. Section 2620-R-1.00. Statement of basis purpose.

(1) These Rules were developed in accordance with C.R.S. 26-20-101, et seq. Specific statutory authority for the development of these Rules comes from C.R.S. 26-20-108. These Rules are provided pursuant to the terms of the “Protection of Persons from Restraint Act”. These Rules outline the procedures to be followed in the administration of restraint, staff training, documentation requirements, and the review of the use of restraint.

(2) The statutory authority for the 2009 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to better align these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

(3) The purpose of the 2017 amendments is to conform to the changes made in HB 17-1276 to update definitions, generally prohibit the use of prone holds and restraints, and outline the process for complaints concerning the use of restraint or seclusion.

1 CCR 301-84. Section 1.00. Statement of basis and purpose.

The Dropout Prevention and Student Re-engagement Act, Article 14 of Title 22 of the Colorado Revised Statutes, requires the State Board of Education to promulgate rules to establish criteria for identifying high priority and priority local education providers, rules for implementing the Student Re-engagement Grant Program and defining and calculating the following rates: student dropout rate, graduation rate, completion rate, the student re-engagement rate; truancy rate, student mobility rate, student suspension rate and student expulsion rate.
1 CCR 301-99. Section 0.00. Statement of basis and purpose.
The Bullying Prevention and Education Program, 22-93-101 et. seq., C.R.S., requires the State Board of Education to promulgate rules to implement and administer the program. At a minimum, the rules must include: Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants; criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient.

Scope

LAWS


(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(F) A specific policy concerning gang-related activities on school grounds, in a school vehicle, or at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers;
**22-32-146. School use of on-site peace officers as school resource officers.**

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

**22-33-105. Suspension, expulsion, and denial of admission.**

(3)(b) Except as provided in paragraph (c) of this subsection (3), a suspended pupil shall:

(I) Be required to leave the school building and the school grounds immediately, following a determination by the parent, guardian, or legal custodian and the school of the best way to transfer custody of the pupil to the parent, guardian, or legal custodian;

**REGULATIONS**

No relevant regulations found.

**Communication of policy**

**LAWS**

**22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions - repeal.**

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. [...]
other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(II) Annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of such obligations;

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:
   (a) Conduct and discipline code.
      (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:
      (B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state...
that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(I) In-school suspension;
(II) Out-of-school suspension;
(III) Classroom removal in accordance with board policy;
(IV) Expulsion;
(V) Referral to law enforcement; or
(VI) Any other form of discipline, which shall be officially identified as part of a board policy.

(b) "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(ll)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter
school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

22-32-144. Restorative justice practices - legislative declaration.

(1) The general assembly hereby finds that:

(a) Conflicts and offenses arising during the school day interrupt learning, threaten school safety, and often lead to suspensions, expulsions, and an increase in the likelihood of a student dropping out of school;

(b) Students who drop out of high school face diminished job opportunities, lower lifetime earnings, and increased unemployment and more often require public assistance. They are more likely to participate in criminal activity, resulting in higher incarceration rates, and they face much greater challenges to becoming productive, contributing members of their communities.

(c) School conflicts can result in offenses that violate school rules and local laws and damage relationships among members of the school and surrounding community;

(d) Restorative justice, which requires the offender to accept responsibility and accountability for his or her actions, teaches conflict resolution, repairs the harm from the offense, reduces classroom disruptions, suspensions, expulsions, and consequent dropouts, promotes school safety, and enables victims, offenders, and community members to rebuild the community and restore relationships; and
(e) The general assembly has a vital interest in reducing classroom disruptions, suspensions, expulsions, and dropout rates and in assisting victims, reducing referrals to the justice system, and building safer, more cohesive school communities to promote learning.

(2) (a) Therefore, the general assembly supports and encourages the use of restorative justice as a school's first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment and internet harassment, and attendance issues.

(b) The general assembly encourages each school district to implement training and education in the principles and practices of restorative justice to ensure that capable personnel and resources are available to successfully facilitate all steps of the restorative justice process.

(3) For purposes of this section, "restorative justice" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. Restorative justice practices may include victim-initiated victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, school members, and supporters of the victim and the offender, which program provides an opportunity for the offender to accept responsibility for the harm caused to those affected by the act and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restitution, restoration, and counseling. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants.

(4) Each school district is encouraged to develop and utilize restorative justice practices that are part of the disciplinary program of each school in the district.

22-33-105. Suspension, expulsion, and denial of admission.

(4) The board of education of each district shall establish, as an alternative to suspension, a policy that allows the pupil to remain in school by encouraging the parent, guardian, or legal custodian, with the consent of the pupil's teacher or teachers, to attend class with the pupil for a period of time specified by the suspending authority. If the parent, guardian, or legal custodian does not agree to attend class with the pupil or fails to attend class with the pupil, the pupil shall be suspended in accordance with the conduct and discipline code of the district.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;
(b) The disciplinary history of the student;
(c) Whether the student has a disability;
(d) The seriousness of the violation committed by the student;
(e) Whether the violation committed by the student threatened the safety of any student or staff member; and
(f) Whether a lesser intervention would properly address the violation committed by the student.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.
(b) “Enrolling entity” means:
   (I) A community-based preschool program that includes students who are funded through the
   “Colorado Preschool Program Act”, article 28 of this title 22, or students who are funded with state or
   federal money to educate children with disabilities;
   (II) A school district; or
   (III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-
of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade
only if:
   (a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a
   school vehicle, or at a school activity or sanctioned event that:
      (I) Involves the possession of a dangerous weapon without the authorization of the public school or
      enrolling entity, if different;
      (II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-
          18-102 (5); or
      (III) Endangers the health or safety of others;
   (b) The enrolling entity determines that failure to remove the student from the school building would
   create a safety threat that cannot otherwise be addressed; and
   (c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-
       33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any
       alternative behavioral and disciplinary interventions that it employs before suspending or expelling the
       student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria
specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school
days unless the executive officer or chief administrative officer of the enrolling entity, or designee of
either, determines that a longer period of suspension is necessary to resolve the safety threat or
recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for
reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary
reasons from the school grounds for any length of time during a school day, the request constitutes a
suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended
or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student’s behavior would cause imminent harm to
others in the school or when an incident requires automatic expulsion as defined by state law or a
school’s conduct and discipline code, expulsion should be the last step taken after several attempts to
deal with a student who has discipline problems. The general assembly further finds that school districts
should work with the student’s parent or guardian and with state agencies and community-based nonprofit
organizations to develop alternatives to help students who are at risk of expulsion before expulsion
becomes a necessary step and to support students who are unable to avoid expulsion.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS


(2) Safe School plan. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

REGULATIONS
No relevant regulations found.
Use of student and locker searches

LAWS


(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(I) A written policy concerning searches on school grounds, including searches of student lockers;

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS


(1) The general assembly finds that:

(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.

(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

(2) As used in this section, unless the context otherwise requires:

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

(b) "Charter school" means a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title 22 or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.
(c) “Culturally responsive methods” means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) “Exclusionary discipline methods” means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) “Pilot program” means the discipline strategies pilot program created in subsection (3) of this section.

(3)(a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the “State Administrative Procedure Act”, article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant’s agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department’s recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;
(b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;

(c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and

(d) Any additional criteria adopted by rule of the state board.

(6)(a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

(I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;

(II) The types of professional development that grant recipients provided to teachers and principals;

(III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:

(A) Disciplinary strategies or policies;

(B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;

(C) Attendance and truancy rates; and

(D) Indicators of teacher satisfaction; and

(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.

REGULATIONS

No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(II) Out-of-school suspension;

(III) Classroom removal in accordance with board policy;

(IV) Expulsion;

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in
accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:
(I) Possession of a dangerous weapon without the authorization of the school or the school district;
(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or
(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;
(b) The disciplinary history of the student;
(c) Whether the student has a disability;
(d) The seriousness of the violation committed by the student;
(e) Whether the violation committed by the student threatened the safety of any student or staff member; and
(f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

(2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

(a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;
(b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.

(3) The following may constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;
(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;
(c) Having been expelled from any school district during the preceding twelve months;
(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

(e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.

(f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.
(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(a) “Action taken” means a specific type of discipline, including but not limited to the following categories of discipline:

(II) Out-of-school suspension;

(III) Classroom removal in accordance with board policy;

(IV) Expulsion;

(b) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the further suspension or expulsion of the student where injury or property damage has occurred.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7151, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

22-33-106.5. Information concerning offenses committed by students.

(1) Upon adjudication or conviction of a person under the age of eighteen years for an offense specified in section 22-33-106 (1)(d), the adjudicating juvenile court or the convicting district court, whichever is applicable, shall notify the school district in which the person is enrolled that the person is subject to mandatory expulsion based on the adjudication or conviction.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

22-33-105. Suspension, expulsion, and denial of admission.

(1) No child who has attained the age of six years and is under the age of twenty-one shall be suspended or expelled from or be denied admission to the public schools, except as provided by this article.

(3)(d) The suspending authority shall:

(II) Not extend a period of suspension because of the failure of the suspending authority to meet with the parent, guardian, or legal custodian during the period of suspension;

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5) (I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or
(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;

(b) The disciplinary history of the student;

(c) Whether the student has a disability;

(d) The seriousness of the violation committed by the student;

(e) Whether the violation committed by the student threatened the safety of any student or staff member; and

(f) Whether a lesser intervention would properly address the violation committed by the student.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or
(III) Endangers the health or safety of others;
(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and
(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

22-33-204.5. Legislative declaration.
The general assembly finds that a student who is placed in a residential child care facility or other facility licensed by the department of human services or in a hospital or who is receiving educational services through a day treatment center is, in most cases, dealing with significant behavioral and emotional issues. These issues make it difficult, if not impossible, for the student to function within a regular school and often severely impact the student's ability to participate in a facility school. The general assembly further finds that, although a student who is placed in a facility cannot be expelled due to the nature of the placement, the student is at risk of being unable to prosper academically and should be considered an at-risk student for purposes of section 22-33-205.

REGULATIONS
No relevant regulations found.
Administrative procedures related to suspension and expulsion

LAWS


(3) Agreements with state agencies. Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement, the juvenile justice system, and social services, as allowed under state and federal law, to keep each school environment safe. Each board of education shall adopt a policy whereby procedures will be used following instances of assault upon, disorderly conduct toward, harassment of, the making knowingly of a false allegation of child abuse against, or any alleged offense under the "Colorado Criminal Code" directed toward a school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures shall include, at a minimum, the following provisions:

(a) Such school teacher or school employee shall file a complaint with the school administration and the board of education.

(b) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the further suspension or expulsion of the student where injury or property damage has occurred.

(c) The school administration shall report the incident to the district attorney or appropriate local law enforcement, which shall, upon receiving such report, investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

22-33-105. Suspension, expulsion, and denial of admission.

(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. A child who is denied admission or expelled as an outcome of the hearing shall have ten days after the denial of admission or expulsion to appeal the decision of the executive officer to the board of education, after which time the decision to grant or deny the appeal shall be at the discretion of the board of education. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.
(3)(c) A pupil suspended for a period of ten days or less shall receive an informal hearing by the school principal or the principal's designee prior to the pupil's removal from school, unless an emergency requires immediate removal from school, in which case an informal hearing shall follow as soon after the pupil's removal as practicable. Any pupil suspended for more than ten days shall be given the opportunity to request a review of the suspension before an appropriate official of the school district.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.


(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.
(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child's attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child's attendance;

(III) The interventions and strategies used to improve the child's attendance before school or school district personnel created the child's plan described in section 22-33-107 (3); and

(IV) The child's plan and the efforts of the child, the child's parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;

(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;
(C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;

(D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and

(E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(I) In-school suspension;

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

22-33-105. Suspension, expulsion, and denial of admission.

(4) The board of education of each district shall establish, as an alternative to suspension, a policy that allows the pupil to remain in school by encouraging the parent, guardian, or legal custodian, with the consent of the pupil's teacher or teachers, to attend class with the pupil for a period of time specified by the suspending authority. If the parent, guardian, or legal custodian does not agree to attend class with the pupil or fails to attend class with the pupil, the pupil shall be suspended in accordance with the conduct and discipline code of the district.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

22-33-105. Suspension, expulsion, and denial of admission.

(3)(b) Except as provided in paragraph (c) of this subsection (3), a suspended pupil shall:

(II) Not be readmitted to a public school until a meeting between the parent, guardian, or legal custodian and the suspending authority has taken place or until, in the discretion of the suspending authority, the parent, guardian, or legal custodian of the suspended pupil has substantially agreed to review the suspension with such suspending authority; except that, if the suspending authority cannot contact the parent, guardian, or legal custodian of such pupil or if such parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the suspending authority may readmit the pupil. The meeting shall address whether there is a need to develop a remedial discipline plan for the pupil in an effort to prevent further disciplinary action.

(d) The suspending authority shall:

(III) Provide an opportunity for a pupil to make up school work during the period of suspension for full or partial academic credit to the extent possible. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district and to help prevent the pupil from dropping out of school because of an inability to reintegrate into the educational program following the period of suspension. The school district should take this intent into consideration when determining the amount of credit a student will receive for this makeup work.

(5)(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(3) The following may constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;

(c) Having been expelled from any school district during the preceding twelve months;

(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

(e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.

(f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in
the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

(II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS


(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - definitions - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Chemical restraint" has the same meaning as set forth in section 26-20-102 (2).

(b) "Mechanical restraint" has the same meaning as set forth in section 26-20-102 (4).

(c) "Prone position" means a face-down position.
(d) "Prone restraint" means a restraint in which the individual being restrained is secured in a prone position.

(e) "Restraint" has the same meaning as set forth in section 26-20-102 (6).

(2) Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.

(3)(a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

(b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

(I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow-up;

(II) Training needs of staff;

(III) Staff-to-student ratios; and

(IV) Environmental considerations, including physical space, student seating arrangements, and noise levels.

(c) Not more than five calendar days after the use of restraint on a student, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student. The written report must be placed in the student's confidential file and include:

(I) The antecedent of the student's behavior, if known;

(II) A description of the incident;

(III) Any efforts made to de-escalate the situation;

(IV) Any alternatives to the use of restraints that were attempted;

(V) The type and duration of the restraint used;

(VI) Any injuries that occurred; and

(VII) The staff members who were present and staff members who were involved in administering the restraint.

(4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect the complaint process for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

The short title of this article is the "Protection of Individuals from Restraint and Seclusion Act".

As used in this article 20, unless the context otherwise requires:

(1)(a) "Agency" means:
(I) Any one of the principal departments of state government created in article 1 of title 24, C.R.S., or any division, section, unit, office, or agency within one of such principal departments of state government, except as excluded in paragraph (b) of this subsection (1);

(II) Any county, city and county, municipality, or other political subdivision of the state or any department, division, section, unit, office, or agency of such county, city and county, municipality, or other political subdivision of the state;

(III) Any public or private entity that has entered into a contract for services with an entity described in subsection (1)(a)(I), (1)(a)(II), or (1)(a)(VI) of this section;

(IV) Any public or private entity licensed or certified by one of the entities described in subparagraph (I) or (II) of this paragraph (a);

(V) A person regulated pursuant to article 43 of title 12, C.R.S.

(VI) Any school district, including any school or charter school of a school district, and the state charter school institute established in section 22-30.5-503, including any institute charter school.

(b) "Agency" does not include:

(I) The department of corrections or any public or private entity that has entered into a contract for services with such department;

(II) Any law enforcement agency of the state or of a political subdivision of the state;

(III) A juvenile probation department or division authorized pursuant to section 19-2-204, C.R.S.;

(IV) Any county department of human or social services when engaged in performance of duties pursuant to part 3 of article 3 of title 19.

(2) "Chemical restraint" means giving an individual medication involuntarily for the purpose of restraining that individual; except that "chemical restraint" does not include the involuntary administration of medication pursuant to section 27-65-111 (5), C.R.S., or administration of medication for voluntary or life-saving medical procedures.

(2.5) "Division of youth services" means the division of youth services within the state department created pursuant to section 19-2-203.

(3) "Emergency" means a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm.

(3.5) "Individual" encompasses both adults and youths, unless the context specifically states one or the other.

(4) "Mechanical restraint" means a physical device used to involuntarily restrict the movement of an individual or the movement or normal function of a portion of his or her body.

(5) "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement; except that "physical restraint" does not include the holding of a child by one adult for the purposes of calming or comforting the child.

(5.3) "Prone position" means a face-down position.

(5.5) "Prone restraint" means a restraint in which the individual who is being restrained is secured in a prone position.

(5.7) "Qualified mental health professional" means an individual who is a licensed psychologist, a licensed psychiatrist, a licensed clinical social worker, a psychologist candidate for licensure, a licensed marriage and family therapist, or a masters-level mental health therapist who is under the supervision of a licensed mental health professional.
(6) "Restraint" means any method or device used to involuntarily limit freedom of movement, including bodily physical force, mechanical devices, or chemicals. "Restraint" includes chemical restraint, mechanical restraint, and physical restraint. "Restraint" does not include:

(a) The use of any form of restraint in a licensed or certified hospital when such use:
   (I) Is in the context of providing medical or dental services that are provided with the consent of the individual or the individual's guardian; and
   (II) Is in compliance with industry standards adopted by a nationally recognized accrediting body or the conditions of participation adopted for federal Medicare and Medicaid programs;
(b) The use of protective devices or adaptive devices for providing physical support, prevention of injury, or voluntary or life-saving medical procedures;
(c) The holding of an individual for less than five minutes by a staff person for protection of the individual or other persons; except that nothing in this subsection (6)(c) may be interpreted to permit the holding of a public school student in a prone position, except as described in section 26-20-111 (2), (3), or (4); or
(d) Placement of an inpatient or resident in his or her room for the night.
(e) Repealed.

(7) "Seclusion" means the placement of an individual alone in a room or area from which egress is involuntarily prevented, except during normal sleeping hours.

(8) "State department" means the state department of human services.

(9) "Youth" means an individual who is less than twenty-one years of age.

26-20-103. Basis for use of restraint or seclusion.

(1) Subject to the provisions of this article, an agency may only use restraint or seclusion on an individual:
   (a) In cases of emergency, as defined in section 26-20-102 (3); and
   (b)(I) After the failure of less restrictive alternatives; or
   (II) After a determination that such alternatives would be inappropriate or ineffective under the circumstances.

(1.5) Restraint and seclusion must never be used:
   (a) As a punishment or disciplinary sanction;
   (b) As part of a treatment plan or behavior modification plan;
   (c) For the purpose of retaliation by staff; or
   (d) For the purpose of protection, unless:
      (I) The restraint or seclusion is ordered by the court; or
      (II) In an emergency, as provided for in subsection (1) of this section.

(2) An agency that uses restraint or seclusion pursuant to the provisions of subsection (1) of this section shall use such restraint or seclusion:
   (a) Only for the purpose of preventing the continuation or renewal of an emergency;
   (b) Only for the period of time necessary to accomplish its purpose; and
   (c) In the case of physical restraint, only if no more force than is necessary to limit the individual's freedom of movement is used.

(3) In addition to the circumstances described in subsection (1) of this section, a facility, as defined in section 27-65-102 (7), that is designated by the executive director of the state department to provide treatment pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109 to an individual with a
mental health disorder, as defined in section 27-65-102 (11.5), may use seclusion to restrain an individual with a mental health disorder when the seclusion is necessary to eliminate a continuous and serious disruption of the treatment environment.

(4)(a) The general assembly recognizes that skilled nursing and nursing care facilities that participate in federal Medicaid programs are subject to federal statutes and regulations concerning the use of restraint in such facilities that afford protections from restraint in a manner consistent with the purposes and policies set forth in this article.

(b) If the use of restraint or seclusion in skilled nursing and nursing care facilities licensed under state law is in accordance with the federal statutes and regulations governing the Medicare program set forth in 42 U.S.C. sec. 1395i-3(c) and 42 CFR part 483, subpart B and the Medicaid program set forth in 42 U.S.C. sec. 1396r(c) and 42 CFR part 483, subpart B and with the rules of the department of public health and environment relating to the licensing of these facilities, there is a conclusive presumption that use of restraint or seclusion is in accordance with the provisions of this article.

(5)(a) The general assembly recognizes that article 10.5 of title 27, C.R.S., and article 10 of title 25.5, C.R.S., and the rules promulgated pursuant to the authorities set forth in those articles, address the use of restraint on an individual with a developmental disability.

(b) If any provision of this article concerning the use of restraint or seclusion conflicts with any provision concerning the use of restraint or seclusion stated in article 10.5 of title 27, C.R.S., article 10 of title 25.5, C.R.S., or any rule adopted pursuant thereto, the provision of article 10.5 of title 27, C.R.S., article 10 of title 25.5, C.R.S., or the rule adopted pursuant thereto prevails.

(6) The provisions of this article do not apply to any agency engaged in transporting an individual from one facility or location to another facility or location when it is within the scope of that agency's powers and authority to effect such transportation.

26-20-104. Duties relating to use of restraint.

(1) Notwithstanding the provisions of section 26-20-103, an agency that uses restraint shall ensure that:

(a) At least every fifteen minutes, staff shall monitor any individual held in mechanical restraints to assure that the individual is properly positioned, that the individual's blood circulation is not restricted, that the individual's airway is not obstructed, and that the individual's other physical needs are met;

(b) No physical or mechanical restraint of an individual shall place excess pressure on the chest or back of that individual or inhibit or impede the individual's ability to breathe;

(c) During physical restraint of an individual, an agent or employee of the agency shall check to ensure that the breathing of the individual in such physical restraint is not compromised;

(d) A chemical restraint shall be given only on the order of a physician or an advanced practice nurse with prescriptive authority who has determined, either while present during the course of the emergency justifying the use of the chemical restraint or after telephone consultation with a registered nurse, licensed physician assistant, or other authorized staff person who is present at the time and site of the emergency and who has participated in the evaluation of the individual, that such form of restraint is the least restrictive, most appropriate alternative available. Nothing in this subsection (1) shall modify the requirements of section 26-20-102 (2) or 26-20-103 (3).

(e) An order for a chemical restraint, along with the reasons for its issuance, shall be recorded in writing at the time of its issuance;

(f) An order for a chemical restraint shall be signed at the time of its issuance by such physician if present at the time of the emergency;
(g) An order for a chemical restraint, if authorized by telephone, shall be transcribed and signed at the time of its issuance by an individual with the authority to accept telephone medication orders who is present at the time of the emergency;

(h) Staff trained in the administration of medication shall make notations in the record of the individual as to the effect of the chemical restraint and the individual's response to the chemical restraint.

(2) For individuals in mechanical restraints, agency staff shall provide relief periods, except when the individual is sleeping, of at least ten minutes as often as every two hours, so long as relief from the mechanical restraint is determined to be safe. During such relief periods, the staff shall ensure proper positioning of the individual and provide movement of limbs, as necessary. In addition, during such relief periods, staff shall provide assistance for use of appropriate toileting methods, as necessary. The individual's dignity and safety shall be maintained during relief periods. Staff shall note in the record of the individual being restrained the relief periods granted.

(3) Relief periods from seclusion shall be provided for reasonable access to toilet facilities.

(4) An individual in physical restraint shall be released from such restraint within fifteen minutes after the initiation of physical restraint, except when precluded for safety reasons.

26-20-104.5. Duties relating to use of seclusion by division of youth services.

(1) Notwithstanding the provisions of section 26-20-103 to the contrary, if the division of youth services holds a youth in seclusion in any secure state-operated or state-owned facility:

   (a) A staff member shall check the youth's safety at varying intervals, but at least every fifteen minutes;

   (b) Within one hour after the beginning of the youth's seclusion period, and every hour thereafter, a staff member shall notify the facility director or his or her designee of the seclusion and receive his or her written approval of the seclusion; and

   (c) Within twelve hours after the beginning of the youth's seclusion period, the division of youth services shall notify the youth's parent, guardian, or legal custodian and inform that person that the youth is or was in seclusion and the reason for his or her seclusion.

(2)(a) A youth placed in seclusion because of an ongoing emergency must not be held in seclusion beyond four consecutive hours, unless the requirements of paragraph (b) of this subsection (2) are satisfied.

   (b) If an emergency situation occurs that continues beyond four consecutive hours, the division of youth services may not continue the use of seclusion for that youth unless the following criteria are met and documented:

      (I) A qualified mental health professional, or, if such professional is not available, the facility director or his or her designee, determines that referral of the youth in seclusion to a mental health facility is not warranted; and

      (II) The director of the division of youth services, or his or her designee, approves at or before the conclusion of four hours, and every hour thereafter, the continued use of seclusion.

   (c) A youth may not be held in seclusion under any circumstances for more than eight total hours in two consecutive calendar days without a written court order.

(3) Notwithstanding any other provision of this section, the division of youth services may place a youth alone in a room or area from which egress is involuntarily prevented if such confinement is part of a routine practice that is applicable to substantial portions of the population. Such confinement must be imposed only for the completion of administrative tasks and should last no longer than necessary to achieve the task safely and effectively.
26-20-105. Staff training concerning the use of restraint and seclusion - adults and youth.

(1) An agency that utilizes restraint or seclusion shall ensure that all staff involved in utilizing restraint or seclusion in its facilities or programs are trained in the appropriate use of restraint and seclusion.

(1.5) The division of youth services shall ensure that all staff involved in utilizing restraint and seclusion are trained in:

(a) The health and behavioral effects of restraint and seclusion on youth, including those with behavioral or mental health disorders or intellectual and developmental disabilities;

(b) Effective de-escalation techniques for youth in crisis, including those with behavioral or mental health disorders or intellectual and developmental disabilities;

(c) The value of positive over negative reinforcement in dealing with youth; and

(d) Methods for implementing positive behavior incentives.

(2) All agencies that utilize restraint or seclusion shall ensure that staff are trained to explain, where possible, the use of restraint or seclusion to the individual who is to be restrained or secluded and to the individual's family if appropriate.

26-20-106. Documentation requirements for restraint and seclusion - adults and youth

(1) Each agency shall ensure that the use of restraint or seclusion is documented in the record of the individual who was restrained or secluded. Each agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions specifying the documentation requirements for purposes of this section.

(2) The division of youth services shall maintain the following documentation each time a youth is placed in seclusion as a result of an emergency in any secure state-operated or state-owned facility:

(a) The date of the occurrence;

(b) The race, age, and gender of the individual;

(c) The reason or reasons for seclusion, including a description of the emergency and the specific facts that demonstrate that the youth posed a serious, probable, and imminent threat of bodily harm to himself, herself, or others, and that there was a present ability to effect such bodily harm;

(d) A description of de-escalation measures taken by staff and the response, if any, of the youth in seclusion to those measures;

(e) An explanation of why less restrictive alternatives were unsuccessful;

(f) The total time in seclusion;

(g) Any incidents of self-harm or suicide that occurred while the youth was in seclusion;

(h) With respect to the interactions required by section 26-20-104.5, documentation of the justification for keeping the youth in seclusion and specific facts to demonstrate that the emergency was ongoing;

(i) The facility director or his or her designee's approval of continued seclusion at intervals as required by section 26-20-104.5;

(j) Documentation of notification within twelve hours to the parent, guardian, or legal custodian of the youth in seclusion as required by section 26-20-104.5; and

(k) The written approval by the director of the division of youth services for any seclusion that results from an emergency that extends beyond four consecutive hours, as required by section 26-20-104.5. This written approval must include documentation of specific facts to demonstrate that the emergency was ongoing and specific reasons why a referral to a mental health facility was not warranted.
(3) The division of youth services shall maintain the following documentation each time one or more youths are placed in confinement for administrative reasons pursuant to section 26-20-104.5 (3) in a secure state-operated or state-owned facility:

(a) The number of youth confined;
(b) The length of time the youth or youths were confined; and
(c) The reason or reasons for the confinement.

(4) On or before January 1, 2017, and on or before July 1, 2017, and every January 1 and July 1 thereafter, the division of youth services shall report on its use of restraint or seclusion in any secure state-operated or state-owned facility to the youth restraint and seclusion working group established in section 26-20-110. The January report must include information from March 1 through August 31, and the July report must include information from September 1 through the last day of February. The reports must include the following:

(a) An incident report on any use of seclusion on a youth due to an emergency for more than four consecutive hours, or for more than eight total hours in two consecutive calendar days. Each incident report must include length of seclusion, specific facts that demonstrate that the emergency was ongoing, any incidents of self-harm while in seclusion, the reasons why attempts to process the youth out of seclusion were unsuccessful, and any corrective measures taken to prevent lengthy or repeat periods of seclusion in the future. To protect the privacy of the youth, the division of youth services shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred.

(b) A report that lists the following aggregate information, both as combined totals and totals by facility for all secure state-operated or state-owned facilities:
   (I) The total number of youths held in seclusion or restraint due to an emergency;
   (II) The total number of incidents of seclusion or restraint due to an emergency;
   (III) The average time in seclusion or restraint per incident;
   (IV) An aggregate summary of race, age, and gender of youths held in seclusion or restraint; and
   (V) The type of restraint or restraints used in each incident; and

(c) An incident report for any youth whom the division isolates from his or her peers for more than eight hours in two consecutive calendar days. Each incident report must include the age, race, and gender of the youth; the name of the facility; the length of time that the youth was isolated from his or her peers; and the justification for the isolation on an hour-by-hour basis. To protect the privacy of the youth, the division shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred. If the division has prepared an incident report of an incident involving seclusion pursuant to subsection (4)(a) of this section, the division is not required to include a report of the same incident pursuant to this subsection (4)(c).

(5) Reports prepared pursuant to this section must maintain the confidentiality of all youth. The reports made pursuant to this section are available to the public upon request.

(6) Prior to January 1, 2018, the division of youth services shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth services shall fully comply with all requirements of this section on or before January 1, 2018.

An agency that utilizes restraint or seclusion shall ensure that a review process is established for the appropriate use of restraint or seclusion.
26-20-108. Rules
An agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions that establish procedures for the use of restraint and seclusion consistent with the provisions of this article. Any agency that has rules or ordinances in existence on April 22, 1999, is not required to promulgate additional rules or adopt additional ordinances unless that agency's existing rules or ordinances do not meet the minimum requirements of this article.

26-20-109. Limitations.
(1) Nothing in this article shall be deemed to form an independent basis of statutory authority for the use of restraint.

(2) Nothing in this article shall be deemed to authorize an agency to implement policies, procedures, or standards or promulgate rules or adopt ordinances that would limit, decrease, or adversely impact any policies, procedures, standards, rules, or ordinances in effect on April 22, 1999, that provided greater protection concerning the use of restraint than is set forth in this article.

26-20-110. Youth seclusion working group - membership - purpose - repeal.
(1) There is established within the division of youth corrections a youth seclusion working group, referred to in this section as the "working group". The working group consists of:

(a) The director of the office of children, youth, and families in the division of child welfare within the state department, or his or her designee. The director shall convene the working group and serve as chair.

(b) The director of the division of youth corrections, or his or her designee;

(c) The director of behavioral health within the division of youth corrections, or his or her designee;

(d) The director of the office of behavioral health within the state department, or his or her designee;

(e) An employee of the division of youth corrections who is a representative of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, as appointed by the governor;

(f) Two representatives from nonprofit advocacy groups that work to restrict seclusion for youth or that represent children within the custody of the division of youth corrections, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate; and

(g) Two experts independent from the division of youth corrections with expertise in adolescent development, adolescent brain development, trauma-informed care of juveniles, positive behavior incentives in a juvenile correctional setting, evidence-based de-escalation techniques, or the negative effects of seclusion on the adolescent brain. The minority leader of the house of representatives shall appoint one expert and the minority leader of the senate shall appoint the other expert.

(2) The working group shall advise the division of youth corrections on policies, procedures, and best practices related to seclusion and alternatives to such seclusion.

(3) The working group shall monitor the division of youth corrections' use of confinement for administrative purposes. The division of youth corrections shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youth for administrative reasons, as described in section 26-20-104.5 (3), in any secure state-operated and state-owned facility. If necessary, the working group may make recommendations to the division of youth corrections and the public health care and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, about the use of confinement for administrative purposes.
(4) The working group may request, on a semiannual basis, information and data from the state department on the status of the division of youth corrections’ work related to the seclusion of youth in their care and custody.

(5) The chair of the working group shall convene the working group’s first meeting no later than August 1, 2016. The working group must meet at least semi-annually thereafter. The chair shall schedule and convene subsequent meetings.

(6) The chair shall provide the working group with semiannual updates on the division of youth corrections’ policies related to seclusion and alternatives to seclusion.

(7)(a) This section is repealed, effective September 1, 2024.

(b) Prior to the repeal, the working group shall be reviewed as provided in section 2-3-1203, C.R.S.

26-20-111. Use of restraints in public schools - certain restraints prohibited.

(1) Except as provided otherwise in this section, and notwithstanding any other provision of this article 20, the use of a chemical, mechanical, or prone restraint upon a student of a school of a school district, charter school of a school district, or institute charter school is prohibited when the student is on the property of any agency or is participating in an off-campus, school-sponsored activity or event.

(2) The prohibition described in subsection (1) of this section does not apply to the use of mechanical or prone restraints on a student of a school of a school district, charter school of a school district, or institute charter school who is openly displaying a deadly weapon, as defined in section 18-1-901 (3)(e).

(3) The prohibition described in subsection (1) of this section does not apply to the use of mechanical or prone restraints by an armed security officer or a certified peace officer working in a school of a school district, charter school of a school district, or institute charter school when the officer:

   (a) Has received documented training in defensive tactics utilizing handcuffing procedures;
   (b) Has received documented training in restraint tactics utilizing prone holds; and
   (c) Has made a referral to a law enforcement agency.

(4) The prohibition described in subsection (1) of this section does not apply to schools operated in state-owned facilities within the division of youth services.

REGULATIONS

1 CCR 301-45. Section 2620-R-1.00. Statement of basis purpose.

(1) These Rules were developed in accordance with C.R.S. 26-20-101, et seq. Specific statutory authority for the development of these Rules comes from C.R.S. 26-20-108. These Rules are provided pursuant to the terms of the “Protection of Persons from Restraint Act”. These Rules outline the procedures to be followed in the administration of restraint, staff training, documentation requirements, and the review of the use of restraint.

(2) The statutory authority for the 2009 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to better align these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

(3) The purpose of the 2017 amendments is to conform to the changes made in HB 17-1276 to update definitions, generally prohibit the use of prone holds and restraints, and outline the process for complaints concerning the use of restraint or seclusion.
1 CCR 301-45. Section 2620-R-2.00. Definitions.

(1) "Bodily Injury" means physical pain, illness or any impairment of physical or mental condition as defined in Section 18-1-901(3)(c), C.R.S.

(2) "Complaint" means a signed, written document alleging that there has been a misuse of the use of restraints or seclusion on a student.

(3) "Deadly Weapon" means a firearm, whether loaded or unloaded; a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

(4) "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.

(5) "Parent" means
   (a) A biological or adoptive parent of a child;
   (b) A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;
   (c) A guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
   (d) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare;
   (e) An educational surrogate parent who has been assigned in accordance with 1 C.C.R. 301-8 2220-R-6.02(8);
   (f) Except as provided in section (3)(b) of this Rule 2.00(3), the biological or adoptive parent, when attempting to act as the parent under these Rules and when more than one party is qualified under Section (3) of this Rule 2.00 to act as a parent, must be presumed to be the parent for the purposes of this Section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
   (g) If a judicial decree or order identifies a specific person or persons under Sections 3(a) through (d) of this rule to act as the "parent" of a child or to make educational decisions on behalf of a child, then such persons(s) shall be determined to be the "parent" for the purposes of this Section 2.00(3).

(6) "Positional Asphyxia" means an insufficient intake of oxygen as a result of body position that interferes with one’s ability to breathe.

(7) "Public Education Agency"
   (a) For the purposes of these Rules only, means:
      (i) Any public school district organized and existing under the laws of Colorado except a junior college district;
      (ii) The Charter School Institute as established in Article 30.5 of Title 22, C.R.S.;
      (iii) The Colorado School for the Deaf and the Blind as created by Article 80 of TITLE 22, C.R.S.;
      (iv) A Board of Cooperative Education Services as created by Article 5 of Title 22, C.R.S.;
      (v) An approved facility school as defined in 22-2-402(1) C.R.S. operated by an eligible facility; or
      (vi) Any public or private entity that has entered into a contract for services with an entity described in Subsections (i) through (v) of this Section 2.00(5)(a).
   (b) "Public Education Agency" does not include:
(i) Educational schools, programs, or facilities operated by or under the supervision, rules or licensing authority of the Colorado Department Of Human Services including:
   (A) The Division Of Youth Services;
   (B) The Mental Health Institutes at Fort Logan and Pueblo; and
   (C) An eligible facility that is a day treatment facility; or
(ii) Educational schools, programs or facilities operated by or under the supervision of the Colorado Department of Corrections.

(c) These Rules apply to public education agencies, as defined in Section 2.00(7)(a) and to all educational programs, activities or events provided, supervised or sponsored by such public agencies.

(8) “Restraint” means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion.

(a) “Chemical Restraint” means administering medication to a student (including medications prescribed by his or her physician) on an as needed basis for the sole purpose of involuntarily limiting the student’s freedom of movement. “Chemical Restraint” does not include:
   (i) Prescription medication that is regularly administered to the student for medical reasons other than to restrain the student’s freedom of movement (e.g., Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
   (ii) The administration of medication for voluntary or life-saving medical procedures (e.g., EpiPens, Diastat).

(b) “Mechanical Restraint” means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of his or her body. “Mechanical Restraint” does not include:
   (i) Devices recommended by a physician, occupational therapist, or physical therapist and agreed to by a student’s IEP Team or Section 504 Team and used in accordance with the student’s Individualized Education Program (IEP) or Section 504 Plan;
   (ii) Protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student’s IEP or Section 504 Plan;
   (iii) Adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student’s IEP or Section 504 Plan; or
   (iv) Positioning or securing devices used to allow treatment of a student’s medical needs.

(c) “Physical Restraint” means the use of bodily, physical force to involuntarily limit an individual’s freedom of movement. “Physical Restraint” does not include:
   (i) Holding of a student in a position other than a prone position for less than five minutes by a staff person for the protection of the student or others;
   (ii) Brief holding of a student by one adult for the purpose of calming or comforting the student, not to include holding a student in a prone position;
   (iii) Minimal physical contact for the purpose of safely escorting a student from one area to another; or
   (iv) Minimal physical contact for the purpose of assisting the student in completing a task or response.

(d) “Prone Position” means a face-down position.

(e) “Prone Restraint” means a restraint in which the individual who is being restrained is secured in a prone position.

(9) “Seclusion” means the placement of a student alone in a room from which egress is involuntarily prevented. “Seclusion” does not mean:
   (a) Placement of a student in residential services in his or her room for the night; or
(b) “Time-out” which is the removal of a student from potentially rewarding people or situations. A Time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In a Time-out, the individual is not physically prevented from leaving the designated Time-out area. Such a Time-out requires effective monitoring by staff.

(10) “School Day” means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.

(11) “Student,” for the purposes of these Rules only, means any individual aged 3 - 21 years.

1 CCR 301-45. Section 2620-R-2.01. Basis for the use of restraint.

(1) Restraints shall only be used:
   (a) In an emergency and with extreme caution; and
   (b) After
      (i) The failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
      (ii) A determination that such alternatives would be inappropriate or ineffective under the circumstances.

(2) Restraints must never be used as a punitive form of discipline or as a threat to control or gain compliance of a student’s behavior.

(3) School personnel shall:
   (a) Use restraints only for the period of time necessary and using no more force than is necessary; and
   (b) Prioritize the prevention of harm to the student.

1 CCR 301-45. Section 2620-R-2.02. Duties related to the use of restraint.

(1) General Requirements
   (a) When restraints, including seclusion, are used, the public education program shall ensure that:
      (i) No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
      (ii) No restraint is administered in such a way that places excess pressure on the student’s chest, back, or causes positional asphyxia;
      (iii) Restraints are administered only by staff who have received training, in accordance with Section 2.03 of these Rules;
      (iv) Opportunities to have the restraint removed are provided to the student who indicates that (s)he is willing to cease the violent or dangerous behavior;
      (v) When it is determined by trained staff that the restraint is no longer necessary to protect the student or others (i.e., the emergency no longer exists), the restraint must be removed. In the case of seclusion, staff must reintegrate the student or clearly communicate to the student that (s)he is free to leave the area used to seclude the student; and
      (vi) Student is reasonably monitored to ensure the student’s physical safety.

(2) Proper administration of specific restraints.
   (a) “Chemical Restraints” shall not be used by public education agencies.
   (b) “Mechanical Restraints” shall not be used by public education agencies, except:
      (i) When mechanical restraints are used on a student who is openly displaying a deadly weapon, as defined in Section 2.00(3).
(ii) When used by armed security officers who: Have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds; and Have made a referral to a law enforcement agency.

(c) "Physical restraint"
   (i) A person administering the physical restraint must use only the amount of force necessary to stop the dangerous or violent actions of the student.
   (ii) A restrained student must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
   (iii) A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

(d) "Prone restraint" shall not be used by public education agencies except:
   (i) When prone restraints are used on a student who is openly displaying a deadly weapon, as defined in Section 2.00(3).
   (ii) When used by armed security officers who: Have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds; and Have made a referral to a law enforcement agency.

(e) "Seclusion"
   (i) Relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
   (ii) Any space in which a student is secluded must have adequate lighting, ventilation, and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

1 CCR 301-45. Section 2620-R-2.03. Staff Training.
All public educational programs shall ensure that staff utilizing restraint in schools or facilities are trained. Training shall include:
   (1) a continuum of prevention techniques;
   (2) environmental management;
   (3) a continuum of de-escalation techniques;
   (4) nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
   (5) methods to explain the use of restraint to the student who is to be restrained and to the individual's family;
   (6) appropriate documentation and notification procedures; and
   (7) retraining at a frequency of at least every two years.

1 CCR 301-45. Section 2620-R-2.04. Documentation and notification requirements.
(1) If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parents and, if appropriate, the student of the restraint procedures (including types of restraints) that might be used; specific circumstances in which restraint might be used; and staff involved. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel must ensure that the meeting is convened. This notification may occur at the meeting where the student’s Behavior Plan or IEP is developed/reviewed.
(2) If restraints are used by any school employee or volunteer, a written report must be submitted within one (1) school day to school administration.
(3) The school principal or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.

(4) A written report based on the findings of the staff review referenced in Section 2.05(1)(a) of these Rules, must be emailed, faxed, or mailed to the parent within five (5) calendar days of the use of restraint.

The written report of the use of restraint must include:

(a) The antecedent to the student’s behavior if known;
(b) A description of the incident;
(c) Efforts made to deescalate the situation;
(d) Alternatives that were attempted;
(e) The type and duration of the restraint used;
(f) Injuries that occurred, if any; and
(g) The staff present, and staff involved in administering the restraint.

(5) A copy of the written report on the use of restraint shall be placed in the student’s confidential file.

1 CCR 301-45. Section 2620-R-2.05. Review of the use of restraint.

(1) Each public education agency shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint. The review shall include, but is not limited to:

(a) Staff review of the incident;
(b) Follow up communication with the student and his/her family;
(c) Review of the documentation to ensure use of alternative strategies; and
(d) Recommendations for adjustment of procedures, if appropriate.

If requested by the public education agency or the parent(s) of the student, the public education agency shall convene a meeting to review the incident. For students with IEPs or Section 504 Plans, such a review may occur through the IEP or Section 504 process.

(2) Each public education agency shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the public education agency is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. The review shall include but is not limited to:

(a) Analysis of incident reports, including all reports prepared pursuant to 2.04(2) and 2.04(4); including but not limited to procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
(b) Training needs of staff;
(c) Staff to student ratio; and
(d) Environmental considerations, including physical space, student seating arrangements, and noise levels.

1 CCR 301-45. Section 2620-R-2.06. Exceptions.

(1) The provisions in these Rules shall not apply to Peace Officers, as defined in Section 16-2.5-101, C.R.S. et seq. who are acting within the scope of their employment or in accordance with Section 16-3-109, C.R.S.
(2) The provisions in these Rules shall not apply to any public education agency while engaged in transporting a student from one facility or location to another facility or location when it is within the scope of that agency’s powers and authority to effect such transportation.

Alternative placements

LAWS

22-32-141. Student awaiting trial as adult - educational services - definitions.

(2)(a) Except as otherwise provided in subsections (2)(c) to (2)(g) of this section, if a juvenile is held in a jail or other facility for the detention of adult offenders pending criminal proceedings as an adult, the school district in which the jail or facility is located shall provide educational services for the juvenile upon request of the official in charge of the jail or facility, or his or her designee, pursuant to section 19-2-508 (4)(c)(I). A school district may provide educational services directly using one or more of its employees or may ensure that educational services are provided through a board of cooperative services, an administrative unit, or otherwise through contract with a person or entity.

(b) In addition to meeting the requirements specified in this section, for each juvenile in a jail or facility who is a student with disabilities, the school district shall comply with any applicable provisions of the federal IDEA act.

(c) A school district is not required to provide educational services pursuant to this section to a juvenile if the juvenile has already graduated from high school or if the juvenile received a general education development certificate, unless otherwise required by the federal IDEA act.

(d) A school district is not required to provide educational services pursuant to this section to a juvenile for more than four hours per week or during periods of the school year when students enrolled in the school district are not required to attend school, except as may otherwise be required by the federal IDEA act.

(e) If a school district or the official in charge of the jail or facility determines as provided in section 19-2-508 (4)(c)(II) that an appropriate and safe environment for school district employees or contractors is not available in which to provide educational services to a specific juvenile, the school district is exempt from the requirement of providing educational services to the juvenile until such time as both the school district and the official in charge of the jail or facility determine that an appropriate and safe environment for school district employees or contractors is available. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment for school district employees or contractors, the official in charge of the jail or facility shall notify the juvenile, his or her parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

(f) If a juvenile is violent toward or physically injures the school district employee or contractor who is providing educational services to the juvenile pursuant to this section, the school district shall not require the employee or contractor to continue providing educational services to the juvenile, and the school district may choose to cease providing educational services to the juvenile, unless otherwise required by the federal IDEA act. If a school district ceases to provide educational services to a juvenile pursuant to this paragraph (f), the school district shall notify the official in charge of the jail or facility, and the official shall notify the juvenile, the juvenile's parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

(g) If a juvenile refuses to accept or participate in educational services, including special education services, a school district shall not be required to provide educational services pursuant to this section. The official in charge of the jail or facility in which the juvenile is held shall offer, at least weekly, to
arrange educational services for a juvenile who previously refused educational services. The school district shall be required to provide educational services pursuant to this section upon acceptance by the juvenile.

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

22-33-203. Educational alternatives for expelled students.

(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided must be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion, to successfully complete the high school equivalency examination, or to enroll in a nonpublic, nonparochial school or in an alternative school, including but not limited to a charter school or a pilot school established pursuant to article 38 of this title. The expelling
school district shall determine the amount of credit the student must receive toward graduation for the educational services provided pursuant to this section.

(b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the conduct and discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(c)(1) Educational services provided pursuant to this section shall be provided by the expelling school district; except that the expelling school district may provide educational services either directly or in cooperation with one or more other school districts, boards of cooperative services, charter schools, nonpublic, nonparochial schools, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district. Any program of educational services provided by a nonpublic, nonparochial school shall be subject to approval by the state board of education pursuant to section 22-2-107.

(II) Educational services may be provided by the school district through agreements entered into pursuant to section 22-33-204. The expelling school district need not provide the educational services on school district property. Any expelled student receiving educational services shall be included in the expelling school district's pupil enrollment as defined in section 22-54-103 (10).

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, by a charter school in a school district other than the expelling school district, by a board of cooperative services, by a nonpublic, nonparochial school, or by a pilot school pursuant to an agreement entered into pursuant to subparagraph (I) of paragraph (c) of this subsection (2), the expelling school district shall transfer ninety-five percent of the district per pupil revenues, as defined in section 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services to expelled students pursuant to this subsection (2) may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing educational services.

(3) If a student is expelled and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

(4) In addition to the educational services required under this section, a student who is at risk of suspension or expulsion or has been suspended or expelled, or the student's parent or guardian, may request any of the services provided by the school district through an agreement entered into pursuant to section 22-33-204, and the school district may provide such services.
22-33-204. Services for at-risk students - agreements with state agencies and community organizations.

(a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;

REGULATIONS

1 CCR 301-40. Section 2238-R-1.00. Statement of basis and purpose for adoption of rules.

The statutory basis for these Rules is found in 22-2-107(1)(c), State Board-Powers, 22-38-101, et. seq., C.R.S., the Pilot Schools for Students Expelled from Sixth through Ninth Grades, and 22-2-109(1), State Board-Additional Duties. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

1 CCR 301-40. Section 2238-R-2.00. Applications.

All applications under this Article shall be submitted to the State Board and shall include:

2.01. A description of the applicant, its experience in providing educational, counseling, social, and other necessary services to expelled and other students, and, in the case of nonprofit organizations, its balance sheets and operating statements for the previous five years;

2.02. Information regarding the educational background, experience, and qualifications of personnel who will serve on the Board of Directors and operate the school;

2.03. The mission statement of the proposed pilot school;

2.04. The goals, objectives, and performance standards to be achieved by the pilot school;

2.05. A description of the standards upon which the pilot school will select and admit expelled and at-risk students and determine when an expelled student will be admitted as a residential student;

2.06. A description of the pilot school's educational program, student performance standards, curriculum, and student conduct code;

2.07. A description of the pilot school's plan for evaluating student performance, the types of assessments that will be used to measure student progress toward achievement of the school's student performance standards, the timeline for achievement of such standards, and the procedures for taking corrective action in the event that student performance at the pilot school falls below such standards;

2.08. Evidence that the proposed pilot school is economically sound, a proposed budget for the term of the contract, and a description of the manner in which an annual audit of the financial and administrative operations of the pilot school is to be conducted;

2.09. A description of the governance and operation of the pilot school, including the nature and extent of parental, professional educator, social services, and community involvement;

2.10. An explanation of the relationship that will exist between the proposed pilot school and its employees;

2.11. A description of the insurance that the pilot school will obtain;

2.12. A description of how the pilot school plans to meet the residential needs of its students and, if the pilot school plans to provide transportation for students, a plan for addressing their transportation needs;

2.13. A description of how the school will assist students in adapting to a public school or other appropriate learning or work environment upon the student's departure from the pilot school;
2.14. A description of how the residential pilot schools will transition the student back into the home environment if the student will be returning home;

2.15. A description of how the pilot school will involve parents in order to enhance students' performance in the pilot school, including the use of any mutual responsibility contracts authorized pursuant to Section 22-38-104(6);

2.16. A description of the pilot school's plan to sponsor periodic meetings, conferences, or training seminars to provide information concerning expelled or at-risk students to personnel in the school district or school districts that represent the geographic area in which the pilot school is located;

2.17. Identification of the entity that will evaluate the pilot school as required pursuant to Section 22-38-114;

2.18. A description of how the pilot school plans to foster an awareness of cultural needs; and

2.19. Any other information deemed necessary by the State Board.

1 CCR 301-43. Section 2233-R-1.00. Statement of basis and purpose for adoption of rules.

1.01. The statutory basis for these Rules is found in 22-2-107 (1)(c), State Board-Powers, and 22-33-205 et seq., C.R.S., Services for Expelled Students - Grants - Criteria. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

1 CCR 301-43. Section 2233-R-2.00. Applications.

All applications under Article shall be submitted to the State Board and shall include:

2.01. The number of students expelled from the applying school district during the school year preceding the school year for which the grant is requested.

2.02. The estimated number of students enrolled in the school district who are anticipated to be at risk of suspension or expulsion during the year for which the grant is requested.

2.03. In the case of pilot schools, the number of expelled students receiving educational services through the pilot school under agreements entered into pursuant to section 22-33-203 (2) during the school year preceding the year for which the grant is requested and the number of expelled students anticipated to receive such services during the year for which the grant is requested.

2.04. A plan for the provision of services and the quality of those services based upon previous research or evaluation of such services.

2.05. The cost - effectiveness of the services to be provided under the plan.

2.06. The amount of funding received by the school district under article 54 of this title or by the pilot school in relation to the cost of the services provided under the plan.

2.07. Any other information deemed necessary by the State Board.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds.

(1) A person commits a class 6 felony if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901 (3)(e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(2)(Deleted by amendment, L. 2000, p. 709, § 45, effective July 1, 2000.)

(3) It shall not be an offense under this section if:

(a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

(b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

(d) The person, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(d.5) The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(e) The person is a school resource officer, as defined in section 22-32-109.1 (g.5), C.R.S., or a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

(f) and (g)(Deleted by amendment, L. 2003, p. 1626, § 51, effective August 6, 2003.)

(h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.
22-12-104. Liability.
(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:
   (b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
   (c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(1) Definitions. As used in this section, unless the context otherwise requires:
   (c) "Dangerous weapon" has the same meaning as set forth in section 22-33-102 (4).
(2) Safe school plan. [...] The plan, at a minimum, shall include the following:
   (a) Conduct and discipline code.
      (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:
      (G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;
(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:
      (IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:
         (A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district;

22-33-102. Definitions.
As used in this article, unless the context otherwise requires:
(4) "Dangerous weapon" means:
   (a) A firearm, as defined in section 18-1-901 (3)(h), C.R.S.;
(b) Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child’s disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child’s individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district’s authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), “habitually disruptive student” means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of “habitually disruptive student”.

(IV) (Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 18 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school’s ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the
individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;
(b) The disciplinary history of the student;
(c) Whether the student has a disability;
(d) The seriousness of the violation committed by the student;
(e) Whether the violation committed by the student threatened the safety of any student or staff member; and
(f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(c) "Dangerous weapon" has the same meaning as set forth in section 22-33-102 (4).

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a
written report to the board of education of the school district concerning the learning environment in the
school during that school year. The board of education of the school district shall annually compile the
reports from every school in the district and submit the compiled report to the department of education
in a format specified by rule of the state board. The compiled report must be easily accessible by the
general public through a link on the department of education's web site homepage. The report must
include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the
most serious category that is applicable to that violation, including but not limited to specific
information identifying the number of, and the action taken with respect to, each of the following types
of violations:

(A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity
or sanctioned event without the authorization of the school or the school district;

22-33-102. Definitions.
As used in this article, unless the context otherwise requires:

(4) "Dangerous weapon" means:

(b) Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by
spring action or compressed air;

(c) A fixed-blade knife with a blade that exceeds three inches in length;

(d) A spring-loaded knife or a pocketknife with a blade exceeding three and one-half inches in length; or

(e) Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or
intended to be used to inflict death or serious bodily injury.

22-33-106. Grounds for suspension, expulsion, and denial of admission.
(1) The following may be grounds for suspension or expulsion of a child from a public school during a
school year:

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school
activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.
(1) As used in this section, unless the context otherwise requires:

(a) “Charter school” means a charter school that is authorized by a school district board of education
pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the
state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) “Enrolling entity” means:

(I) A community-based preschool program that includes students who are funded through the
“Colorado Preschool Program Act”, article 28 of this title 22, or students who are funded with state or
federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-
of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade
only if:
(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS


(1) Definitions. As used in this section, unless the context otherwise requires:

(e) "Habitually disruptive student" has the same meaning as set forth in section 22-33-106 (1)(c.5). (a) Conduct and discipline code.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each
student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students;

22-33-102. Definitions.
As used in this article, unless the context otherwise requires:

(8) “Habitually disruptive student” has the same meaning as set forth in section 22-33-106 (1)(c.5).

22-33-104. Compulsory school attendance.
(4)(b.5) Each board of education is encouraged to establish attendance procedures for identifying students who are chronically absent and to implement best practices and research-based strategies to improve the attendance of students who are chronically absent.

22-33-106. Grounds for suspension, expulsion, and denial of admission.
(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), “habitually disruptive student” means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of “habitually disruptive student”.

(3)(a) As used in this subsection (3):

(I) Repealed.
(II) "Local community services group" means the local juvenile services planning committee created pursuant to section 19-2-211, C.R.S., the local collaborative management group created by a memorandum of understanding entered into pursuant to section 24-1.9-102, C.R.S., or another local group of public agencies that collaborate with the school district to identify and provide support services for students.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan.


(1) Those courts having jurisdiction over juvenile matters in a judicial district shall have original jurisdiction over all matters arising out of the provisions of this article.

(1.5)(a) All proceedings brought under this article shall be commenced in the judicial district in which the child resides or is present.

(b) When proceedings commence under this article in a judicial district other than that of the child's residence or when the child changes his or her judicial district of residence after a proceeding under this article commences, the court in which proceedings commenced may, on its own motion or on the motion of any interested party, transfer the case to the court in the judicial district where the child resides.

(c) When a court transfers venue pursuant to paragraph (b) of this subsection (1.5), the court shall transmit all documents and reports, or certified copies thereof, to the receiving court, which court shall proceed with the case as if the petition had been originally filed in that court.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5) (a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to
minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child’s parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child’s truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child’s school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child’s parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child’s attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child’s attendance;

(III) The interventions and strategies used to improve the child’s attendance before school or school district personnel created the child’s plan described in section 22-33-107 (3); and

(IV) The child’s plan and the efforts of the child, the child’s parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child’s parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child’s attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child’s or youth’s parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.
(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(1) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107(3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;
(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;
(C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;
(D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and
(E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such
program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

13-5-145. Truancy detention reduction policy - legislative declaration.

(1) The general assembly finds that:
   (a) Imposing a sentence of detention on a juvenile who violates a court order to attend school does not improve the likelihood that the juvenile will attend school and does not address the underlying causes of the juvenile's truancy;
   (b) The best methods to address truancy and its underlying causes and the resources needed to implement those methods are different in each community;
   (c) Since 2014, the juvenile courts in many judicial districts around the state have successfully reduced the use of detention for juveniles who are truant by implementing pilot projects through which the juvenile court imposes reasonable sanctions and, where possible, provides incentives to attend school, reserving detention as a sanction of last resort; and
   (d) These pilot projects need additional time to produce meaningful data regarding the effectiveness of the alternate sanctions and incentives and to determine whether they result in improved outcomes for juveniles and their families.

(2) The chief judge in each judicial district, or his or her designee, shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. Community stakeholders may include, but need not be limited to:
   (a) Parents;
   (b) Representatives from school districts;
   (c) Representatives from county departments of human or social services;
   (d) Guardians ad litem;
   (e) Court-appointed special advocates;
   (f) Juvenile court judges;
   (g) Respondent counsel;
   (h) Representatives from law enforcement agencies;
   (i) Mental health care providers;
   (j) Substance use disorder treatment providers;
   (k) Representatives from the division of criminal justice in the department of public safety;
   (l) Representatives from the state department of human services; and
   (m) Representatives from the department of education.

(3) The chief judge in each judicial district shall adopt a policy for addressing truancy cases no later than March 15, 2016. In developing the policy for addressing truancy cases, the chief judge and the community stakeholders shall consider, at a minimum:
(a) Best practices for addressing truancy that are used in other judicial districts and in other states;
(b) Evidence-based practices to address and reduce truancy;
(c) Using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy;
(d) Using detention only as a last resort after exhausting all other reasonable sanctions and, when imposing detention, appropriately reducing the number of days served; and
(e) Research regarding the effect of detention on juveniles.

(4) The state court administrator’s office shall report to the judiciary committees of the house of representatives and the senate, or any successor committees, no later than April 15, 2016, regarding the policy for addressing truancy cases adopted by each judicial district.

22-33-104. Compulsory school attendance.
(1)(a) Except as otherwise provided in subsection (2) of this section, every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen years, except as provided by this section, shall attend public school for at least the following number of hours during each school year:
   (I) One thousand fifty-six hours if a secondary school pupil;
   (II) Nine hundred sixty-eight hours if an elementary school pupil in a grade other than kindergarten;
   (III) Nine hundred hours if a full-day kindergarten pupil; or
   (IV) Four hundred fifty hours if a half-day kindergarten pupil.
(4)(a) The board of education shall adopt a written policy setting forth the district's attendance requirements. Said policy shall provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.

(b) The attendance policy adopted pursuant to this subsection (4) shall specify the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108. Calculation of the number of unexcused absences a child has incurred includes all unexcused absences occurring during any calendar year or during any school year.

(b.5) Each board of education is encouraged to establish attendance procedures for identifying students who are chronically absent and to implement best practices and research-based strategies to improve the attendance of students who are chronically absent.

(c) On or before January 1, 2009, the state board shall adopt rules establishing a standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the information to the department pursuant to section 22-33-107.

(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.
(2) The commissioner of education shall designate an employee of the department of education whose duty it is to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state.

(3)(a) As used in this subsection (3):

(I) Repealed.

(II) "Local community services group" means the local juvenile services planning committee created pursuant to section 19-2-211, C.R.S., the local collaborative management group created by a memorandum of understanding entered into pursuant to section 24-1.9-102, C.R.S., or another local group of public agencies that collaborate with the school district to identify and provide support services for students.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(I)(Deleted by amendment, L. 96, p. 1808, § 4, effective July 1, 1996.)

(I.5) Procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child's parent to identify and address the likely issues underlying the child's truancy, including any nonacademic issues;

(II) Annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of such obligations;

(III) Annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting such parent during the school day; and

(IV) Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify by telephone such parent. Any person who, in good faith, gives or fails to give notice pursuant to this subparagraph (IV) shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.


(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of
education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child's attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child's attendance;

(III) The interventions and strategies used to improve the child's attendance before school or school district personnel created the child's plan described in section 22-33-107 (3); and

(IV) The child's plan and the efforts of the child, the child's parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may
be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

22-12-104. Liability.
(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:
   (a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
   (b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
   (c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:
   (a) Conduct and discipline code.
      (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at
the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education’s web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(B) Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C) Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C.5) The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(D) Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event;

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) “Charter school” means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) “Enrolling entity” means:
(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal.

(12) Use of medical marijuana. (a) The use of medical marijuana is allowed under state law to the extent that it is carried out in accordance with the provisions of section 14 of article XVIII of the state constitution, this section, and the rules of the state health agency.

(b) A patient or primary caregiver shall not:

(I) Engage in the medical use of marijuana in a way that endangers the health and well-being of a person;

(II) Engage in the medical use of marijuana in plain view of or in a place open to the general public;

(III) Undertake any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice;
Possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a school, in a school bus, or at a school-sponsored event except when the possession or use occurs pursuant to section 22-1-119.3, C.R.S.;

25-14-103.5. Prohibition against the use of tobacco products and retail marijuana on school property - legislative declaration - education program - special account - definitions

(1) The general assembly finds that many of the schools in this state permit the use of tobacco products in and around school property. The general assembly further finds that secondhand smoke generated by such activity and the negative example set and frequently imitated by our school children are detrimental to the health and well-being of such children as well as to school teachers, staff, and visitors. Accordingly, the general assembly finds and declares that it is appropriate to create a safe and healthy school environment by prohibiting the use of tobacco products on all school property.

(2) As used in this section, unless the context otherwise requires:

(a) "School" means a public nursery school, day care center, child care facility, head start program, kindergarten, or elementary or secondary school through grade twelve.

(b) "School property" means all property, whether owned, leased, rented, or otherwise used by a school, including, but not limited to, the following:

(I) All interior portions of any building used for instruction, administration, support services, maintenance, and storage and any other structure used by a school; except that such term shall not apply to a building primarily used as a residence;

(II) All school grounds surrounding any building specified in subparagraph (I) of this paragraph (b) over which the school is authorized to exercise dominion and control. Such grounds shall include any playground, athletic field, recreation area, and parking area; and

(III) All vehicles used by the school for the purpose of transporting students, workers, visitors, or any other persons.

(c) "Tobacco product" shall have the same meaning as set forth in section 18-13-121 (5), C.R.S.

(d) "Use" means the lighting, chewing, smoking, ingestion, or application of any tobacco product.

(3)(a)(I) [Editor's note: This version of subsection (3)(a)(I) is effective until January 1, 2020.] The board of education of each school district shall adopt appropriate policies and rules that mandate a prohibition against the use of all tobacco products and all retail marijuana or retail marijuana products authorized pursuant to article 12 of title 44 on all school property by students, teachers, staff, and visitors and that provide for the enforcement of such policies and rules.

(3)(a)(I) [Editor's note: This version of subsection (3)(a)(I) is effective January 1, 2020.] The board of education of each school district shall adopt appropriate policies and rules that mandate a prohibition against the use of all tobacco products and all retail marijuana or retail marijuana products authorized pursuant to article 10 of title 44 on all school property by students, teachers, staff, and visitors and that provide for the enforcement of such policies and rules.

(II) Repealed.

(b) Signs regarding such prohibition and the consequences of violation shall be displayed prominently on all school property to ensure compliance no later than September 1, 1994.

(4) This section shall not be applicable to the use of a tobacco product in a limited classroom demonstration to show the health hazards of tobacco.

(5) The board of education of each school district is authorized to seek and accept gifts, donations, or grants of any kind from any private or charitable source or from any governmental agency to meet expenses required by this section. Such gifts, donations, and grants shall be accounted for separately,
and, to the extent that such moneys are available, the board of education of each school district may maintain and operate an educational program designed to assist students, faculty, and staff to avoid and discontinue the use of tobacco products. Such program shall be offered at each school under the board's direction and control.

(6) This section shall not prohibit any school from enacting more stringent policies or rules than required by this section.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

**18-9-124. Hazing - penalties - legislative declaration.**

(1)(a) The general assembly finds that, while some forms of initiation constitute acceptable behavior, hazing sometimes degenerates into a dangerous form of intimidation and degradation. The general assembly also recognizes that although certain criminal statutes cover the more egregious hazing activities, other activities that may not be covered by existing criminal statutes may threaten the health of students or, if not stopped early enough, may escalate into serious injury.

(b) In enacting this section, it is not the intent of the general assembly to change the penalty for any activity that is covered by any other criminal statute. It is rather the intent of the general assembly to define hazing activities not covered by any other criminal statute.

(2) As used in this section, unless the context otherwise requires:

(a) “Hazing” means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

(b) “Hazing” includes but is not limited to:

(I) Forced and prolonged physical activity;

(II) Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;

(III) Prolonged deprivation of sleep, food, or drink.

(3) It shall be unlawful for any person to engage in hazing.

(4) Any person who violates subsection (3) of this section commits a class 3 misdemeanor.

**22-2-144. Bullying prevention and education policies - short title - study.**

(1) The short title of this section is “Ashawnty’s Law”.

(2)(a) The department shall research approaches, policies, and practices related to bullying prevention and education used by education providers in other states. On or before July 1, 2019, after consideration of the research conducted pursuant to this subsection (2)(a), the department, in consultation with the school safety resource center created in section 24-33.5-1803, shall develop a model bullying prevention and education policy. The research and model policy described in this subsection (2)(a) must be updated every three years.
(b) On or before July 1, 2019, and every three years thereafter, the department shall publish the results of the research and model policy required by subsection (2)(a) of this section on its website as guidance for school districts, charter schools, and the charter school institute to consider when developing and implementing bullying prevention and education policies.


(1) Definitions. As used in this section, unless the context otherwise requires:

(b) “Bullying” means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims’ advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students’ impressions of the severity of bullying in their schools, as described in section 22-93-104 (1)(l); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, school psychologists, counselors, teachers, administrators, parents, and students. Each school district’s policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.
(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(G) Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying and other behavior that creates a threat of physical harm to the student or to other students;

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school;

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; and

(c) Internet safety plan. Each school district is encouraged to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the internet in grades kindergarten through twelve. At a minimum, the curriculum may address the following topics:

(A) Interaction with persons in the cybercommunity;
(B) Personal safety in interacting with persons on the internet;
(C) Recognition and avoidance of on-line bullying;
(D) Technology, computer virus issues, and ways to avoid computer virus infection;
(E) Predator identification;
(F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;
(G) Privacy and the internet;
(H) On-line literacy, including instruction in how to identify credible, factual, trustworthy web sites; and
(I) Homeland security issues related to internet use.

(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with local law enforcement for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district web site.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

22-1-117. Secret fraternities forbidden.
It is unlawful for any pupil who is registered in and attending any high school, district, primary, or graded school which is partially or wholly maintained by public funds to join or become a member of any secret
fraternity, sorority, or society wholly or partially formed from the membership of pupils attending any such schools or to belong to or to take part in the organization or formation of any fraternity, sorority, or society, except such societies or associations as shall be sanctioned by the board of directors of the school districts wherein such schools are maintained.

22-1-120. Rights of free expression for public school students.

(1) The general assembly declares that students of the public schools shall have the right to exercise freedom of speech and of the press, and no expression contained in a student publication, whether or not such publication is school-sponsored, shall be subject to prior restraint except for the types of expression described in subsection (3) of this section. This section shall not prevent the advisor from encouraging expression which is consistent with high standards of English and journalism.

(2) If a publication written substantially by students is made generally available throughout a public school, it shall be a public forum for students of such school.

(3) Nothing in this section shall be interpreted to authorize the publication or distribution in any media by students of the following:
   (a) Expression that is obscene;
   (b) Expression that is libelous, slanderous, or defamatory under state law;
   (c) Expression that is false as to any person who is not a public figure or involved in a matter of public concern; or
   (d) Expression that creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school or that violates the rights of others to privacy or that threatens violence to property or persons.

(4) The board of education of each school district shall adopt a written publications code, which shall be consistent with the terms of this section, and shall include reasonable provisions for the time, place, and manner of conducting free expression within the school district's jurisdiction. The publications code shall be distributed, posted, or otherwise made available to all students and teachers at the beginning of each school year.

(5)(a) Student editors of school-sponsored student publications shall be responsible for determining the news, opinion, and advertising content of their publications subject to the limitations of this section. It shall be the responsibility of the publication's advisor of school-sponsored student publications within each school to supervise the production of such publications and to teach and encourage free and responsible expression and professional standards for English and journalism.

   (b) For the purposes of this section, "publications advisor" means a person whose duties include the supervision of school-sponsored student publications.

(6) If participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given, the provisions of this section shall not be interpreted to interfere with the authority of the publications advisor for such school-sponsored publication to establish or limit writing assignments for the students working with the publication and to otherwise direct and control the learning experience that the publication is intended to provide.

(7) No expression made by students in the exercise of freedom of speech or freedom of the press shall be deemed to be an expression of school policy, and no school district or employee, or parent, or legal guardian, or official of such school district shall be held liable in any civil or criminal action for any expression made or published by students.

(8) Nothing in this section shall be construed to limit the promulgation or enforcement of lawful school regulations designed to control gangs. For the purposes of this section, the definition of "gang" shall "eth" definition found in section 19-1-103 (52).

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress;

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.
(II) For purposes of this paragraph (".5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an alt.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or school-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS


(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with' victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1)(c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are
designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offender's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3(1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103(5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department's education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; and

(IX) The number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. Any information provided as a part of this subparagraph (IX) for the safe school reporting requirements must be reported as aggregate data and must not include any personally identifying information. For the purposes of this subparagraph (IX), "sexual violence" means a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

(c) Internet safety plan.

(I) Each school district is encouraged to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the internet in grades kindergarten through twelve. At a minimum, the curriculum may address the following topics:

(A) Interaction with persons in the cyber community;

(B) Personal safety in interacting with persons on the internet;

(C) Recognition and avoidance of on-line bullying;

(D) Technology, computer virus issues, and ways to avoid computer virus infection;

(E) Predator identification;

(F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;

(G) Privacy and the internet;

(H) On-line literacy, including instruction in how to identify credible, factual, trustworthy web sites; and

(I) Homeland security issues related to internet use.
(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with local law enforcement for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district web site.

(2.5)(a) Safe school plan - child sexual abuse and assault prevention plan. Each school district is encouraged, as part of its safe school plan, to adopt a child sexual abuse and assault prevention plan. Each school district is encouraged to include in the plan delivery of a comprehensive, age-appropriate curricula for kindergarten through twelfth grade regarding child sexual abuse and assault awareness and prevention. The curricula may address, but need not be limited to:

(I) The skills to recognize:
   (A) Child sexual abuse and assault;
   (B) Boundary violations and unwanted forms of touching and contact; and
   (C) Behaviors that an offender uses to groom or desensitize a victim; and

(II) Strategies to:
   (A) Promote disclosure;
   (B) Reduce or blame; and
   (C) Mobilize bystanders.

(b) Each school district is encouraged to include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault. Professional development may include providing training in preventing, identifying, and responding to child sexual abuse and assault, including using the child abuse reporting hotline system created pursuant to section 26-5-111, C.R.S., and distributing resources to raise the awareness of school personnel and parents regarding child sexual abuse and assault and preventing child sexual abuse and assault.
(c) A school district is encouraged to use curricula and professional development materials, training, and other resources available from the school safety resource center pursuant to section 24-33.5-1809, C.R.S.

(d) As used in this subsection "2.5), "school personnel" includes teachers, administrators, school resource officers, and other employees of a school district or a public school.

(5) The department of education may post on its website information concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

This article shall be known "nd may be cited as the "n-school Suspension Act".

The general assembly hereby finds and declares that the purpose of this article is to provide means for encouraging experimentation in the management of students suspended from public schools or facility schools and to evaluate programs that will provide continuous education, supervision, and discipline to suspended students in order to maintain the education of a suspended student and prevent the continuation of disruptive behavior, further suspension, or expulsion of the student.

As used in this article, unless the context otherwise requires:

(1) "Eligible participant" means any public school, as defined in section 22-1-101, that enrolls students in kindergarten through twelfth grades or any public or private agency operating in conjunction with any such public school.

(1.5) "Facility school" means an approved facility school as defined in section 22-2-402.

(2) "In-home suspension" means a suspension pursuant to section 22-33-105 in which the student is suspended from participation in regular school activities but receives continuous educational instruction, supervision, and discipline in a home environment.

(3) "In-school suspension" means a period of time during which, pursuant to section 22-33-105, the student is prohibited from participating in regular school activities but remains in the school environment and continues to receive educational instruction, supervision, and discipline.

(4) "Program" means an in-school or in-school district suspension program or in-home suspension program authorized pursuant to this article.

(5) "State board" means the state board of education.

(6) "Suspended student" means a student suspended pursuant to section 22-33-105 or otherwise suspended by a facility school.

22-37-104. Qualification.

(1) An eligible participant may submit a proposal to the state board for a grant for the development of a program under this article, which may involve selected grade levels within a public school or facility school.

(2) A program shall:

(a) Provide supervision, discipline, counseling, and continuous education for a suspended student with the goal of maintaining the education of a suspended student and preventing further disruptive behavior, subsequent suspension, or expulsion;

(b) Provide for a transitional stage from in-school or in-home suspension to regular school activities;

(c) Include an agreement by the participating public school or facility school that a student suspended for the reasons specified in section 22-33-106 (1)(a) or (1)(b) shall be included in the program;

(d) Include an evaluation phase based on the collection of data that shall measure effectiveness of the program; and

(e) Include provisions for the dissemination of the results of the program to the state board; the participating facility school; the school board or governing board of the participating public school; the parents, guardians, or legal custodians with students attending the participating public school; and any other interested persons.

(3) A program may include, but need not be limited to, any of the following:

(a) Programs that utilize new instructional, counseling, or disciplinary concepts;

(b) Programs that utilize current public school or facility school staff or other personnel;

(c) Programs that encourage parental participation and involvement;

(d) Programs that employ individualized instruction, computer-assisted instruction, or other automated equivalent for instruction;

(e) Programs that provide behavioral modification or anger management techniques.

(4) Each proposal must include a breakdown of all costs that would be incurred upon approval of the program.
22-37-105. Administration.

(1) The state board shall have the authority to approve programs under this article, the total stated costs of which shall not exceed twenty-five thousand dollars for each individual program in any one year and five hundred thousand dollars, in the aggregate, for all programs in any one year.

(2) Each grant shall be for a period of two years, subject to review by the state board of the effectiveness of the program and the adherence of the program to this article. All grants shall be renewable for additional two-year periods upon further application to the state board.

(3) The state board shall have the authority to adopt rules necessary for the administration of this article.

22-37-107. Funding.

The department of education may pursue additional sources of funding for the financing of in-school or in-home suspension programs, including but not limited to grants, donations, and contributions from public or private sources and any funds available pursuant to article 20 of this title.


As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in section "2-32-109." (1)(b).

(2) "Cash fund" means the school bullying prevention and education cash fund created in section 22-93-105.

(3) "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.

(4) "Facility school" means an approved facility school, as defined in section 22-2-402 (1).

(5) "Program" means the school bullying prevention and education grant program created in section 22-93-102.

(6) "Public school" means a school of a school district, a district charter school, an institute charter school, or a board of cooperative services, as defined in section 22-5-103.

(7) "State board" means the state board of education created pursuant to section 1 of article IX of the state constitution.

22-93-102. School bullying prevention and education grant program - created.

(1) There is hereby created in the department the school bullying prevention and education grant program. Under the program, on and after July 1, 2012, or not more than ninety days after the promulgation of rules by the state board pursuant to section 22-93-104, whichever is later, a public school, a facility school, or a collaborative group of public schools or facility schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. The department shall administer the program in consultation with the school safety resource center created in section 24-33.5-1803, C.R.S.

(2) Notwithstanding any other provision of this article, the department shall not be required to implement the provisions of this article until sufficient moneys have been transferred or appropriated to the cash fund.

(3) The department is hereby authorized to hire any employees necessary to carry out the duties associated with the provisions of this article. The creation of any new positions of employment within the department pursuant to this article shall be subject to the availability of sufficient moneys in the cash fund and shall be eliminated when sufficient moneys are no longer available in the cash fund. The department shall ensure that all position descriptions and notices to hire for positions created pursuant to this article clearly state that such positions are subject to the availability of sufficient moneys in the cash fund.
22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients.

(1) The department shall solicit and review applications from public schools and facility schools for grants pursuant to this section. The department may award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

(2) Each application, at a minimum, shall describe how the applicant public school, facility school, or collaborative group of public schools or facility schools will use any awarded grant moneys to reduce the frequency of bullying incidents. Each grant recipient shall use its grant moneys to supplement and not supplant any moneys currently being used by the grant recipient to reduce the frequency of bullying incidents.

(3) The department shall select those public schools, facility schools, and collaborative groups of public schools and facility schools that will receive grants pursuant to this section and the duration and amount of each grant. In selecting the grant recipients, the department, at a minimum, shall take into account the criteria established by rules promulgated by the state board pursuant to section 22-93-104 (1)(b).

(4) Notwithstanding section 24-1-136 (11)(a)(I), on or before a date specified by rule of the state board pursuant to section 22-93-104 (1)(d), the department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

(a) The number of grant recipients that received grants under the program;

(b) The amount of each grant awarded to each grant recipient;

(c) The average amount of each grant awarded under the program;

(d) The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and

(e) The source and amount of each gift, grant, and donation received by the department for the implementation of this article pursuant to section 22-93-105 (3)(b).

(5) In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools, facility schools, and collaborative groups of public schools and facility schools in a variety of geographic areas of the state.

(6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.

22-93-104. Rules.

(1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102 (2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to:

(a) Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants pursuant to this article;

(b) Criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient, which criteria, at a minimum, shall require each grant recipient to:

(I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying;
(II) Use at least a portion of awarded grant moneys for the purpose of educating students’ parents and legal guardians regarding the grant recipient’s policies concerning bullying prevention and education and the grant recipient’s ongoing efforts to reduce the frequency of bullying incidents; and

(III) Adopt a specific policy concerning bullying education and prevention that includes:

(A) Provisions for the biennial administration of surveys of students’ impressions of the severity of bullying in their schools, the administration of which surveys, at a minimum, shall satisfy the rules promulgated by the state board pursuant to paragraph (c) of this subsection (1); and

(B) The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

(c) Rules for the administration of surveys of students’ impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include:

(I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student’s answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

(II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and

(III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys.

(d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees, the information described in section 22-93-103 (4).

22-93-105. School bullying prevention and education cash fund - created.

(1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred or appropriated thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(2) No more than five percent of the moneys annually expended from the cash fund may be used for the expenses incurred by the department in administering this article.

(3)(a) The general assembly may appropriate money to the bullying prevention and education cash fund from the marijuana tax cash fund created in section 39-28.8-501.

(b) The department may seek, accept, and expend public or private gifts, grants, and donations from public and private sources to implement this article; except that the department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this article or any other law of the state. The department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the cash fund.
(4) Nothing in this section shall be interpreted to require the department to solicit moneys for the purposes of this article.

22-93-106. School bullying prevention and education - availability of best practices and other resources.

(1) On or before November 1, 2011, the department shall create a page on its public web site at which the department shall continuously make publicly available evidence-based best practices and other resources for educators and other professionals engaged in bullying prevention and education.

(2) The department shall solicit evidence-based best practices and other resources from the school safety resource center created in section 24-33.5-1803, C.R.S.; from school districts; from the state charter school institute established in section 22-30.5-503; and from other state and federal agencies that are concerned with school bullying prevention and education. The department shall review materials that it receives and, as may be appropriate, make such materials available to the public on the web site described in subsection (1) of this section.

REGULATIONS

1 CCR 301-99. Section 0.00. Statement of basis and purpose.

The Bullying Prevention and Education Program, 22-93-101 et. seq., C.R.S., requires the State Board of Education to promulgate rules to implement and administer the program. At a minimum, the rules must include: Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants; criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient.

1 CCR 301-99. Section 1.00. Definitions.

1.01. For purposes of the bullying prevention and education grant program, “bullying” means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that a reasonable person would believe is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109(1)(I)(l). This definition is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States Constitution and shall not be used to prevent the expression of any religious, political, or philosophical views.

1.02. “Cash Fund” means the school bullying prevention and education cash fund created in section 22-93-105, C.R.S.

1.03. “Department” means the department of education created and existing pursuant to section 24-1-115, C.R.S.

1.04. “Evidence-based best practices” means that the bullying prevention practice is based on research that applies rigorous, systematic, and objective procedures to obtain valid knowledge that is relevant to bullying and bullying prevention.

1.05. “Facility Schools” means an approved facility school, as defined in section 22-2-402 (1), C.R.S.

1.06. “Program” means the school bullying prevention and education grant program created in section 22-93-102, C.R.S.

1.07. “Public School” means a school of a school district, a district charter school, an institute charter school, or a board of cooperative services, as defined in section 22-5-103, C.R.S.
1.08. “State Board” means the state board of education created pursuant to section 1 of article IX of the state constitution.

1.09. “Website” means the Department of Education’s Bullying Prevention Website as outlined in section 2.0., created pursuant to 22-93-106, C.R.S.

1 CCR 301-99. Section 2.00. Bullying prevention website.

2.01. The department of education shall maintain a page on its public website pursuant to 22-93-106, C.R.S.

1. As a part of this website, the department continuously makes publicly available resources and evidence-based best practices in bullying prevention.

2. Using the website, the department will also continuously make publicly available procedures for the distribution, collection, standardization, and analysis of data collected from surveys of students’ impressions of the severity of bullying in their schools for the Bullying Prevention and Education Grant Program.

2.1. These procedures shall include those to ensure the confidentiality of each student’s answers to the survey and to clarify that the completion of a survey shall be voluntary and shall not be required of any student.

2.2. The website will also provide guidance on survey questions, such as the forms of bullying that the student has experienced, where those incidents occurred, how frequently the student witnessed bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying.

1 CCR 301-99. Section 3.00. Application requirements and timeline.

3.01. As legislated monies are available, the department shall solicit, review, and award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

3.02. On an annual basis on a date determined by the Department, public schools, facility schools, and collaborative groups of public schools and facility schools interested in obtaining funding shall submit a bullying prevention grant application electronically to the department, using the application form provided by the Department.

3.03. Each application submitted shall include, but need not be limited to the following:

1. A description of the evidence-based best practices for preventing bullying that applicants plan to implement using the grant moneys, including a description of the evidence supporting the chosen practices that have proven successful in other public schools in the country. These evidence-based practices for bullying prevention may be drawn from the department’s bullying prevention website, pursuant to section 2.01.1;

2. A description of the methods that will be used to ensure sustained implementation of evidence-based best practices in bullying prevention that result in improved outcomes and reduced bullying over time and past the grant period;

3. A description of how grantees will use at least a portion of awarded grant moneys for the purpose of educating students’ parents and legal guardians regarding the grant recipient’s policies concerning bullying prevention and education, the grant recipient’s ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient’s strategies for including families and the community in school bullying prevention.

4. A description of how grantees will include student leadership and voice in the creation and implementation of bullying prevention strategies.
5. A description of how the applicant will adopt specific policies concerning bullying education and prevention that includes:

5.1 Creation or revision of a district safe school plan as indicated in 22-32-109.1;
5.2 Provisions for the administration of surveys of students’ impressions of the severity of bullying in their schools;
5.3 The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents;
5.4 Provisions for adequate due processes and safeguards for students accused of engaging in bullying behaviors.

6. A description of the procedures for the distribution, collection, standardization, and analysis of student impression survey data collected, and procedures that ensure the confidentiality of each student’s answers to the survey, and clarify that the completion of a survey shall be voluntary and shall not be required of any student.

6.1. A description of the survey that will be used to ask about how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying;
6.2. To the extent practicable, grantees may utilize existing forms and procedures, including those outlined on the Bullying Prevention website, to administer surveys;
6.3. Grantees may use a digital or paper and pencil version of the survey;
6.4. Grantees are required to implement an active opt in procedure for parents and students for any surveys used as a part of the grantee’s program;

7. A description of the procedures for the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and

8. An explanation of the cost of the bullying prevention program that the applicant(s) plan to implement using the grant moneys and an explanation of how grant funding will be used to supplement and not supplant any funding currently being used on bullying prevention practices already provided to the students, school, families, and community.

1 CCR 301-99. Section 4.00. Application evaluation criteria.

4.01. In reviewing grant applications to determine which applicants should receive grant funding and the duration and amount of each grant, the Department shall consider the following criteria:

1. The quality of the evidence-based best practices for preventing bullying that the applicant(s) plans to implement using the grant moneys, including the evidence supporting the chosen practices that have proven successful in other public schools in the country;
2. The quality of the methods that will be used to ensure sustained implementation of the best practices in bullying prevention that can result in improved outcomes and reduced bullying over time and beyond the grant period;
3. The quality of the plan for using at least a portion of awarded grant moneys for the purpose of educating students’ parents and legal guardians regarding the grant recipient’s policies concerning bullying prevention and education, the grant recipient’s ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient’s strategies for including families and the community in school bullying prevention;
4. The quality of the plan for including student leadership and voice in the creation and implementation of bullying prevention strategies;
5. The quality of the plans to adopt specific policies concerning bullying education and prevention;
6. The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of survey data collected, and procedures that ensure the confidentiality of each student’s answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;
7. The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and
8. The cost of the bullying prevention best evidence-based practices that the applicant(s) plan to implement using the grant moneys.

1 CCR 301-99. Section 5.00. Data collection and reporting.
5.01. Each public school, facility school, and collaborative group of public schools and facility schools funded through the Bullying Prevention and Education Grant Program shall submit annually information to the Department describing the following:
   1. The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;
   2. The number and grade levels of students who participated in each of the bullying prevention practices or services provided;
   3. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in including family and community partnering in school bullying prevention strategies;
   4. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in adopting specific policies concerning bullying education and prevention;
   5. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in implementing the evidence-based best practices in bullying prevention with fidelity; and
   6. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in reducing the frequency of bullying as indicated by school surveys and other relevant measures.

5.02. On or before May 1, 2017, and each year thereafter as long as monies are available, the Department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:
   1. The number of grant recipients that received grants under the program;
   2. The amount of each grant awarded to each grant recipient;
   3. The average amount of each grant awarded under the program;
   4. The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and
   5. The source and amount of each gift, grant, and donation received by the Department for the implementation of the bullying prevention program, pursuant to section 22-93-105 (3)(b), C.R.S.
Behavioral interventions and student support services

LAWS


(1)(a) A council to provide assistance and education related to restorative justice programs is hereby established. The council shall be known as the "restorative justice coordinating council" and shall be established in the state judicial department within the office of the state court administrator. To the extent that resources permit, the restorative justice coordinating council shall support the development of restorative justice programs, serve as a central repository for information, assist in the development and provision of related education and training, and provide technical assistance to entities engaged in or wishing to develop restorative justice programs.

(b) In order to assess the efficacy of restorative justice practices in providing satisfaction to participants, the council shall develop a uniform restorative justice satisfaction evaluation by September 1, 2013. The evaluation must be based on research principles. The evaluation must include a preconference questionnaire for the offender and participating victims, if practicable, to establish a baseline and a post conference questionnaire that is suitable to administer to restorative justice participants, including community members, participating victims, and offenders.

(c) (I) The council shall develop a database of existing restorative justice programs in the state by December 31, 2013 and update it annually by December 31 of each year.

(II) The database must consist of the following information:

(A) The location of the restorative justice program;

(B) The types of restorative justice practices used in the program and the costs and fees associated with the practices; and

(C) The background, training, and restorative justice experience of the facilitators in the restorative justice program.

(d) Repealed.

(2) The restorative justice coordinating council includes, at a minimum, the following:

(a) A member who represents a statewide juvenile justice council who shall be appointed by the executive director of the department of public safety;

(b) A representative from the division of youth services in the department of human services who is appointed by the executive director of the department of human services;

(c) A representative from the department of public safety who shall be appointed by the executive director of the department of public safety;

(d) A representative from the judicial department who shall be appointed by the state court administrator;

(e) Two representatives from a statewide organization or organizations whose primary purpose is related to the development and implementation of restorative justice programs and who shall be appointed by the executive director of the department of public safety;

(f) A district attorney with juvenile justice experience who shall be appointed by the executive director of the Colorado district attorneys' council;

(g) A victim's representative within the judicial department with restorative justice experience who shall be appointed by the state court administrator;

(h) A representative from the department of education who shall be appointed by the commissioner of education;
(i) A representative from the state board of parole appointed by the chair of the parole board;
(j) A representative from the department of corrections appointed by the executive director of the department of corrections;
(k) A representative from a nongovernment statewide organization representing victims appointed by the executive director of the department of public safety;
(l) Three restorative justice practitioners appointed by the state court administrator;
(m) A representative of the juvenile parole board appointed by the chair of the juvenile parole board;
(n) The state public defender or his or her designee;
(o) A judge appointed by the chief justice of the Colorado supreme court; and
(p) A representative of law enforcement appointed by the state court administrator based upon a recommendation from the restorative justice coordinating council.

(3) The restorative justice coordinating council shall select a chairperson from among the members of the council who shall serve a term to be determined by the council. The chairperson shall be responsible for convening the council at a frequency that shall be determined by the council.

(4) Members of the restorative justice coordinating council shall serve without compensation but may be reimbursed for expenses incurred while serving on the council.

(4.5) The restorative justice coordinating council may accept money from trainings and conferences and gifts, grants, or donations from any private or public source for the purpose of supporting restorative justice practices. All private and public money received by the restorative justice coordinating council from gifts, grants, or donations or any other source must be transmitted to the state treasurer, who shall credit the same to the restorative justice surcharge fund created pursuant to section 18-25-101, in addition to any money that may be appropriated to the fund directly by the general assembly.


(1) The general assembly finds that:
(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.
(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.
(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

(2) As used in this section, unless the context otherwise requires:
(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.
(b) "Charter school" means a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title 22 or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.
(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3)(a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;
(b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;

(c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and

(d) Any additional criteria adopted by rule of the state board.

(6)(a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

(I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;

(II) The types of professional development that grant recipients provided to teachers and principals;

(III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:

   (A) Disciplinary strategies or policies;

   (B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;

   (C) Attendance and truancy rates; and

   (D) Indicators of teacher satisfaction; and

(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.

22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.

(1)(a) There is hereby created within the department of education the office of dropout prevention and student re-engagement. The head of the office shall be the director of the office of dropout prevention and student re-engagement and shall be appointed by the commissioner of education in accordance with section 13 of article XII of the state constitution. The office of dropout prevention and student re-engagement shall consist of the director and an assistant director who shall be appointed by the director. The commissioner may assign or otherwise direct other personnel within the department to assist the director and assistant director in meeting the responsibilities of the office.

(b) The office of dropout prevention and student re-engagement and the director of the office shall exercise their powers and perform their duties and functions under the department of education, the
commissioner of education, and the state board of education as if the same were transferred to the
department of education by a type 2 transfer as defined in the "Administrative Organization Act of
1968", article 1 of title 24, C.R.S.

(c) The department is strongly encouraged to direct, to the extent possible, any increases in the amount
of federal moneys received by the department for programs under Title I, part A of the "Elementary and
Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., programs under the "Individuals with
Disabilities Education Act", 20 U.S.C. sec. 1400, et seq., or other federal programs to assist in funding
the activities of the office as specified in this article.

(d) The department shall seek and may accept and expend gifts, grants, and donations from public or
private entities to fund the operations of the office, including the personnel for the office and execution
of the duties and responsibilities specified in this article. Notwithstanding any provision of this article to
the contrary, the department is not required to implement the provisions of this article until such time as
the department has received an amount in gifts, grants, and donations from public or private entities
that the department deems sufficient to adequately fund the operations of the office.

(2) The office shall collaborate with local education providers to reduce the statewide and local student
dropout rates and to increase the statewide and local graduation and completion rates in accordance with
the goals specified in section 22-14-101. To accomplish this purpose, the office shall assist local
education providers in:

(a) Analyzing student data pertaining to student dropout rates, graduation rates, completion rates,
mobility rates, truancy rates, suspension and expulsion rates, safety or discipline incidences, and
student academic growth data at the state and local levels; and

(b) Creating and evaluating student graduation and completion plans.

(3) To accomplish the purposes specified in subsection (2) of this section, the office shall also:

(a) Review state policies and assist local education providers in reviewing their policies pertaining to
attendance, truancy, disciplinary actions under the local education provider's code of conduct,
behavioral expectations, dropout prevention, and student engagement and re-engagement to identify
effective strategies for and barriers to reducing the student dropout rates and increasing student
engagement and re-engagement within the state;

(b) Identify and recommend, as provided in section 22-14-104, best practices and effective strategies to
reduce student dropout rates and increase student engagement and re-engagement;

(c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and
with private, nonprofit agencies to collect and review student data and develop and recommend
methods for reducing student dropout rates and increasing student engagement and re-engagement.

The office shall, to the extent possible, collaborate with, at a minimum:

(I) Career and technical education providers;

(II) General educational development service providers;

(III) The prevention services division in the department of public health and environment;

(IV) The division of youth services and other agencies within the juvenile justice system;

(V) The department of corrections;

(VI) The judicial department;

(VII) Institutions of higher education;

(VIII) Offices of workforce development;

(IX) Expanded learning opportunity and family education programs;

(X) Adult basic education and English-as-a-second-language programs;
(XI) Organizations that provide services for pregnant and parenting teens and students with special health and education needs;
(XII) Agencies and nonprofit organizations within the child welfare system;
(XIII) Private, nonprofit organizations that provide services for homeless families and youth; and
(XIV) Private nonprofit or for-profit community arts organizations that work in either visual arts or performing arts;
(d) Solicit public and private gifts, grants, and donations to assist in the implementation of this article; and
(e) Evaluate the effectiveness of local education providers’ efforts in reducing the statewide student dropout rate and increasing the statewide graduation and completion rates and to report progress in implementing the provisions of this article.

(4)(a) The office shall collaborate with other divisions within the department to identify annually through the accreditation process those local education providers that do not meet their established graduation and completion rate expectations. Of those local education providers identified, the office shall use criteria adopted by rule of the state board to determine:
   (I) Which local education providers are most in need of improvement and assistance and shall recognize said local education providers as high priority local education providers; and
   (II) Which local education providers are in significant need of improvement and assistance and shall recognize said local education providers as priority local education providers.
   (b) The office shall provide technical assistance to each high priority local education provider and to priority local education providers as provided in this article.

(5) In addition to the assistance specified in sections 22-14-106 (3) and 22-14-107 (5), the office shall provide technical assistance in the areas of dropout prevention and student engagement and re-engagement to the high priority local education providers and, to the extent practicable within existing resources, to priority local education providers. Technical assistance may include, but need not be limited to:
   (a) Training in implementing identified, effective, research-based strategies for dropout prevention and student engagement and re-engagement;
   (b) Assistance in estimating the cost of implementing the identified strategies in the schools operated or approved by the high priority or priority local education provider and analyzing the cost-effectiveness of the strategies;
   (c) Identification and recommendation of effective approaches applied by other Colorado local education providers that may be similarly situated to the high priority or priority local education provider.

22-14-104. Report of effective policies and strategies - creation - use.
(1) On or before December 31, 2009, the office shall review the existing research and data from this state and other states and compile a report of effective dropout prevention and student engagement and re-engagement policies and strategies implemented by local education providers within this state and in other states. The office may use the findings and recommendations in the report to provide technical assistance to high priority and priority local education providers, to assist high priority and priority local education providers in creating student graduation and completion plans, and to recommend to the state board and the general assembly state policies concerning dropout prevention and student engagement and re-engagement. High priority and priority local education providers may use the report to review their policies, to formulate new policies and strategies, and to create and evaluate their student graduation and completion plans.
(2) In preparing the report of effective policies and strategies, the office, at a minimum, shall consult, share information, and coordinate efforts with:

(a) The governor's office;
(b) The P-20 education coordinating council appointed by the governor pursuant to executive order B 003 07;
(c) Local education providers within Colorado that have maintained low student dropout rates and high rates of student engagement and re-engagement in previous years;
(d) State and national experts in dropout rate reduction and student engagement and re-engagement strategies who are knowledgeable about successful policies and practices from other states and local governments in other states; and
(e) Federal government officials who administer dropout rate reduction and student engagement and re-engagement initiatives and programs.

(3) The office shall periodically review and revise the report of effective policies and strategies as necessary to maintain the report's relevance and applicability. The office shall post the initial report of effective strategies and subsequent revisions on the department's web site.

22-14-105. Assessment of statewide student attendance data - report.
Beginning in the 2009-10 academic year, the office, with assistance from other divisions within the department, shall annually analyze data collected by the department from local education providers throughout the state concerning student attendance and the implementation of school attendance policies and practices and shall assess the overall incidence, causes, and effects of student dropout, engagement, and re-engagement in Colorado. On or before February 15, 2010, and on or before February 15 each year thereafter, the office shall provide to local education providers, the state board, the education committees of the senate and the house of representatives, or any successor committees, and the governor's office the assessment and any recommended strategies to address student dropout, engagement, and re-engagement in Colorado. The office may combine this assessment and recommendation with the report required by section 22-14-111.

22-14-108. Local education provider - notice to parent of dropout status.
(1) Each local education provider shall adopt and implement policies and procedures pursuant to which the local education provider or the public school in which the student was enrolled shall notify a student's parent if the student drops out of school, even if the student is not subject to the compulsory attendance requirement specified in section 22-33-104. The local education provider shall develop the policies and procedures with the goal of encouraging the student to re-enroll in school and of conveying to the student's parent the long-term ramifications to the student of dropping out of school.
(2) At a minimum, the policies and procedures shall specify the time frames by which the local education provider or the public school in which the student was enrolled shall notify the student and his or her parent and shall require the personnel at the public school to attempt to meet in person with the student and his or her parent.
(3) At a minimum, the notice shall include written notification of the student's dropout status and an explanation of the educational alternatives available to the student to assist him or her in re-engaging in school.

22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report.
(1) There is hereby created within the department the student re-engagement grant program to provide grant money to local education providers to use in providing educational services and supports to
students to maintain student engagement and support student re-engagement in high school. Subject to available appropriations, the state board shall award student re-engagement grants to local education providers from money appropriated pursuant to subsection (4) of this section.

(2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementing the grant program. At a minimum, the rules shall include:

(a) Timelines and procedures by which a local education provider may apply for a grant;

(b) The information to be included on grant applications, including at a minimum:
   (I) The local education provider’s plan for providing educational services, including social and emotional support services;
   (II) A description of the services to be provided;
   (III) The estimated cost of providing the services;
   (IV) The criteria the local education provider will apply to measure the effectiveness of the services provided; and
   (V) A description of the local education provider’s policies and practices related to:
      (A) Course completion and credit recovery;
      (B) Attendance and behavior improvements;
      (C) Alternative and flexible learning strategies;
      (D) Safe and welcoming school environments;
      (E) Student social and emotional supports;
      (F) Family engagement and family support strategies;
      (G) Staff development;
      (H) Innovations to address barriers to school engagement and success;
      (I) Transference of student records to and receipt of student records from other local education providers; and
      (J) Student participation in and the availability of visual arts and performing arts education.

(3) Each local education provider that seeks to receive a grant pursuant to this section shall submit an application to the department in accordance with the rules adopted by the state board. The department shall review the grant applications received and recommend grant recipients and grant amounts to the state board. The state board shall annually award grants through the grant program based on the department’s recommendations.

(4) The general assembly may annually appropriate money to the department to implement the student re-engagement grant program created in this section, including money from the marijuana tax cash fund created in section 39-28.8-501. In addition, the department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the program; except that the department may not accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this article 14 or any other law of the state.

(5)(a) On or before February 15, 2011, and on or before February 15 each year thereafter, the department shall evaluate the student re-engagement services provided by each local education provider that received a grant pursuant to this section in the preceding fiscal year; except that the department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the department shall review:

   (I) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of student re-engagement;
(II) The academic growth of students who received services as a result of the grant, to the extent the information is available;
(III) The reduction in the dropout rate; and
(IV) The increase in the graduation and completion rates for the grant recipients' schools.

(b) The department shall report the evaluation results to the education committees of the senate and the house of representatives, or any successor committees, in conjunction with the report submitted pursuant to section 22-14-111.


(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1)(c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;
(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

22-32-118.5. Intervention strategies - students at risk of dropping out - legislative declaration.

(1) The general assembly finds that research shows there are certain behaviors such as truancy, low academic achievement, and misbehavior that results in suspension or expulsion that, when exhibited by a student, are clear indications that the student is at increased risk of dropping out of school before graduation. These behaviors are often noticeable as early as grades six through nine and, even at this relatively early stage of a student's academic career, are accurate predictors of whether the student will graduate or drop out of high school. The general assembly further finds that interventions with students who demonstrate these behaviors in these middle grades can be very successful in enabling the student to refocus his or her efforts, improve in academic achievement, and successfully graduate from high school. Therefore, it is the intent of the general assembly that school districts and public schools focus attention on the data collected for students in these middle grades, identify students who require interventions, and provide the appropriate interventions to assist students in graduating from high school.

(2)(a) Each school district board of education shall consider adopting procedures by which the schools of the school district, including charter schools, that include any of grades six through nine shall review the relevant data for students in those grades and identify students who are demonstrating behaviors that indicate the student is at greater risk of dropping out of school. The behaviors may include, but need not be limited to, low academic achievement, truancy, insubordinate behavior, and disengagement.

(b) The procedures may specify that, after a school identifies a student as being at increased risk of dropping out of school, the school shall provide appropriate interventions that are designed to assist the student in improving his or her academic performance and behavior and in increasing his or her overall level of engagement in school. Interventions may include, but need not be limited to, counseling, tutoring, parent engagement, and developmental education services.

(c) If a school district board of education adopts procedures pursuant to this subsection (2), the school district shall notify a student's parents as soon as possible after the school district identifies the student as being at greater risk of dropping out of school. The school district shall provide to the student's parents a description of the interventions that the school district intends to implement for the student, if any. The parent may approve or reject the described interventions. If the parent rejects the interventions, the school district shall not implement the interventions. The parent may terminate the interventions at any time after the school district begins providing the interventions.
(d) A parent may contact the school district in which his or her student is enrolled to request interventions pursuant to this subsection (2) if the parent determines that the student is at greater risk of dropping out of school.

22-33-104. Compulsory school attendance.
(4)(b.5) Each board of education is encouraged to establish attendance procedures for identifying students who are chronically absent and to implement best practices and research-based strategies to improve the attendance of students who are chronically absent.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

22-33-204. Services for at-risk students - agreements with state agencies and community organizations.
(1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic, nonparochial schools; with the department of military and veterans affairs; and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student, or the student's family, who is identified as being at risk of suspension or expulsion or who has been suspended or expelled. Any services provided pursuant to an agreement with a nonpublic, nonparochial school are subject to approval by the state board of education pursuant to section 22-2-107. Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;

(b) Counseling services;

(c) Substance use disorder treatment programs;

(d) Family preservation services.

22-33-205. Services for expelled and at-risk students - grants - criteria.
(1)(a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to
school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, to facility schools, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services, and other services provided pursuant to section 22-33-204, to expelled students pursuant to section 22-33-203 (2), to students at risk of expulsion as identified pursuant to section 22-33-202 (1), and to truant students.

(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, facility schools, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.

22-96-101. Legislative declaration.

(1) The general assembly hereby finds and declares that:

(a) Colorado ranks fortieth in the nation in the school nurse-to-student ratio;

(b) The federal center for disease control's healthy people 2020 recommended one school nurse for every seven hundred fifty general education students, but many school nurses in Colorado are responsible for as many as six thousand students, making it difficult to provide the social-emotional support necessary to students and staff;

(c) In 2011, prior to the legalization of retail marijuana, almost forty percent of students surveyed reported having tried marijuana one or more times, with nine percent reporting that they had tried marijuana before age thirteen;

(d) In addition, twenty-two percent of students reported using marijuana one or more times in the last thirty days, with six percent reporting that they had used marijuana on school property one or more times;

(e) The legalization of retail marijuana is anticipated to increase the availability of marijuana to underage youth;

(f) Marijuana use by minors can have immediate and lasting health implications, and many youth who engage in substance abuse develop or have underlying behavioral health needs;

(g) School health professionals have already started to experience the results of marijuana as a newly legalized substance in increased visits to the health office and referrals from school staff; and

(h) School health professionals are in a unique position to educate, assess, and treat youth who have substance abuse or behavioral health issues.

(2) The general assembly further finds and declares that a program to provide matching grants to education providers to enhance the presence of school health professionals in schools throughout the state will facilitate better screening, education, and referral care coordination for students with substance abuse and other behavioral health needs.

22-96-102. Definitions.

As used in this article 96, unless the context otherwise requires:

(1) "Behavioral health care" means services to prevent, identify, and treat substance use disorders, substance misuse, and mental health disorders, including services to support social-emotional health.
(1.5) "Department" means the department of education created and existing pursuant to section 24-1-115.

(2) "Education provider" means a school district, a board of cooperative services, a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title.

(2.5) "School" means a public elementary, middle, junior high, or high school.

(3) "School health professional" means a state-licensed or state-certified school nurse, school psychologist, school social worker, school counselor, or other state-licensed or state-certified professional qualified under state law to provide support services to children and adolescents, including mental health professionals licensed pursuant to article 245 of title 12.

(4) Repealed.

(5) "State board" means the state board of education created pursuant to section 1 of article IX of the state constitution.

22-96-103. Behavioral health care professional matching grant program - created - rules.

(1)(a) There is created in the department the behavioral health care professional matching grant program, referred to in this article 96 as the "program", to provide funding to education providers for the following purposes:

(I) To increase the presence of school health professionals in schools to provide behavioral health care to students who have mental health, substance use or misuse, or other behavioral health needs;

(II) To provide training and resources for school staff on the implementation of evidence-based programming on behavioral health education for all students;

(III) To allow school health professionals to connect students with services that are provided by community-based organizations for treatment and counseling for students who need behavioral health care; and

(IV) To provide behavioral health care services at recipient schools, including but not limited to screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues.

(b) An education provider that receives a grant under the program shall use the money to increase the level of funding the education provider allocates to school health professionals to provide behavioral health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students. The education provider may use the money to contract with a community partner for behavioral health care services, including hiring private health care professionals, training, screening, and preventive supports. Additionally, the education provider may use the money to provide direct services or consultation by a school health professional through telehealth technology. The department shall administer the program as provided in this article 96 and pursuant to rules adopted by the state board.

(2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementation of the program, including but not limited to rules regarding:

(a) The timeline for submitting applications to the department;

(b) The form of the grant application and any information in addition to that specified in section 22-96-104 (2) to be included in the application;

(c) Any criteria for awarding grants in addition to those specified in section 22-96-104 (3); and

(d) Any information to be included in the department's program report in addition to that required in section 22-96-105.
22-96-104. Behavioral health care professional matching grant program - application - criteria - grant awards.

(1) An education provider that seeks a grant from the program shall submit an application to the department in accordance with the rules adopted by the state board. The department shall review each application received from an education provider and make recommendations to the state board concerning whether a grant should be awarded to the education provider and the recommended amount of the grant. If the department determines an application is missing any information required by rule to be included with the application, the department may contact the education provider to obtain the missing information.

(2) At a minimum, each grant application must specify:
   (a) The intended recipient schools, the number of health professionals employed by the education provider prior to receipt of a grant, and the ratio of students to school health providers in the schools operated by or receiving services from the education provider;
   (b) The education provider's plan for use of the grant money, including the extent to which the grant money will be used to increase the number of school health professionals at recipient schools and to provide behavioral health care services at recipient schools, including screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues;
   (c) The education provider's plan for involving leaders at the recipient schools and in the surrounding community and the faculty at recipient schools in increasing the capacity and effectiveness of the behavioral health care services provided to students enrolled in or receiving educational services from the education provider;
   (d) The extent to which the education provider has developed or plans to develop community partnerships to serve the behavioral health care needs of all of the students enrolled in or receiving educational services from the education provider;
   (e) The extent to which the education provider has seen increased incidence of disciplinary actions for drug use or selling drugs, suicide attempts, deaths by suicide, bullying, adverse childhood experiences, or other factors that affect students' mental well-being;
   (f) The extent to which the education provider has an existing program that can be expanded to increase the availability of school health professionals;
   (g) The amount of matching funds that the education provider intends to provide to augment any grant monies received from the program and the anticipated amount and source of any matching funds; and
   (h) The education provider's plan for continuing to fund the increase in school health professional services following expiration of the grant.

(3) In reviewing applications and making recommendations, the department shall prioritize applications based on the following criteria and any other criteria adopted by rule of the state board:
   (a) The education provider's need for additional school health professionals in schools, demonstrated by the local school and community data regarding student alcohol or drug use, access to a behavioral health care provider, or other data showing the need for a school health professional;
   (b) The existence of a successful school health team in the education provider's school or schools;
   (c) The amount of the matching money that the education provider or a community partner is able to commit;
   (d) The education provider's emphasis and commitment to implement evidence-based and research-based programs and strategies;
   (e) The likelihood that the education provider or community partner will continue to fund the increases in the level of school health professional services following expiration of the grant; and
(f) The extent to which an education provider prioritizes use of grant money for staff training related to behavioral health supports.

(4) The department and the state board shall consult with experts in the area of school health professional services when establishing any additional criteria for awarding grants and in reviewing applications and selecting grant recipients.

(5) Subject to available appropriations, the state board shall award grants to applying education providers pursuant to this section. The state board shall base the grant awards on the department's recommendations. Each grant shall have an initial term of one year. In making the award, the state board shall specify the amount of each grant.

(6) The department may expend no more than three percent of the moneys annually appropriated for the program to offset the costs incurred in implementing the program.

(7) Grant applications and reporting will be designed to limit administrative burden on applicants and recipients.

22-96-105. Reporting.

(1) In any fiscal year in which the general assembly makes an appropriation to the department for the purposes of the program, each education provider that receives a grant through the program shall report the following information to the department each year during the term of the grant:

   (a) The number of school health professionals hired using grant moneys;

   (b) A list and explanation of the services provided using grant moneys; and

   (c) Any additional information that the state board, by rule, may require.

(2) On or before May 1, 2015, and on or before May 1 in each fiscal year thereafter in which the general assembly makes an appropriation to the department for the purposes of the program, the department shall submit to the education committees of the senate and the house of representatives, or any successor committees, a report that, at a minimum, summarizes the information received by the department pursuant to subsection (1) of this section. The department shall also post the report to its website.


(1) In the first and subsequent years of operation of the pilot program, each pilot school shall employ or contract with additional school mental health professionals so that each of grades one through five and the kindergarten program in each pilot school has a school mental health professional dedicated to each grade and the kindergarten program. If a single grade or the kindergarten program has more than two hundred fifty students, additional school mental health professionals must be added to the grade or kindergarten program to maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. A small pilot school shall maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. At least one of the school mental health professionals at each pilot school must be a school social worker.

(2) The goal of the pilot program is for a school mental health professional to develop an ongoing relationship with pilot school students and to follow those students, to the extent possible, as the students advance through the grades at the pilot school. This will allow the school mental health professional to understand the needs of the students and their families over time and to help address those needs over time, if necessary. To achieve this goal, school mental health professionals may be assigned to a cohort of students by grade or, in a smaller school, by multiple grades. School mental health professionals in each pilot school shall work as a team to address the academic and social-emotional needs of the pilot
school's students and to create a safe and positive school learning environment through additional behavioral health supports.

(3) For purposes of implementing this pilot program, the general assembly shall appropriate to the department for distribution to the pilot schools, or to the governing body for the pilot school, the amount of money necessary for the pilot schools to employ or contract with the number of additional school mental health professionals necessary to implement the pilot program, as described in subsection (1) of this section. Throughout the duration of the pilot program, the pilot school must employ or contract with, at the pilot school's expense, the same number of school mental health professionals employed by or contracted with the pilot school during the 2019-20 school year, so that the appropriation to the pilot school for the pilot program supplements, but does not supplant, the pilot school's existing expenditures for school mental health professional positions prior to the operation of the pilot program.

(4)(a) In implementing the pilot program, the school mental health professionals shall work as a team, with each professional providing services to students and offering training and resources to school faculty and administrators that are authorized under the school mental health professional's special services license and endorsement.

(b) In addition, school mental health professionals shall, consistent with the school mental health professional's job duties and licensure:

(I) Provide the school with resources to develop and improve the social and emotional health of students, including resources translated into the primary languages of the student population to the extent possible, and create a safe and positive learning environment through additional behavioral health supports; and

(II) Provide social and emotional skill building in the school and with students in the classroom.

(c) School mental health professionals may, consistent with the school mental health professional's job duties and licensure:

(I) Assist students and their families with applying for and obtaining necessary public benefits for which each student and the student's family is eligible;

(II) Provide services and supports to students who have an individualized education program, as provided in section 22-20-108;

(III) Consult and coordinate with other school professionals on behalf of students and support families accessing community-based resources as needed and appropriate; and

(IV) Identify food insecurity, homelessness, and other issues affecting students and make referrals to services within the community, bringing those services into the school setting where possible.

(d) As appropriate, and to the extent possible, the school mental health professional must provide services or arrange for services to be provided for students at the school and during school hours or when student busing is available.

(e) Services provided by the school mental health professional to the student must include the student's family and household, where appropriate. The school mental health professional is specifically authorized to make home visits when appropriate under the circumstances and consistent with licensure.

(5) Each pilot school's team of school mental health professionals shall participate in the school's or school district's multi-tiered systems of support process to assist in developing appropriate plans for the mental health and behavioral needs of individual students.

(6) Each pilot school, or each pilot school's governing body, where appropriate, shall collect, transmit, and retain any data and information necessary for the evaluation of the pilot program pursuant to section 22-
102-106. Each pilot school shall record the unique student identifier, as defined in section 22-16-103, for all students enrolled in the pilot school.

(7) A student who is home-schooled but who participates in extracurricular activities or athletic programs at a school that is selected as a pilot school is excluded from any data collection or reporting requirements pursuant to this article 102.

24-31-606. Safe2tell program - creation - duties.

(1) There is created, within the department, the safe2tell program.

(2) The program must:

(a) Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in schools or the threat of those activities;

(b) Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;

(c) Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and school officials;

(d) Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;

(e) Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials;

(f) Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to safe2tell tips;

(g) Provide safe2tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;

(h) Provide safe2tell awareness and education materials to Boys Girls Clubs and 4-H extension offices in Colorado at no charge to the Boys Girls Clubs and 4-H extension offices on or before June 30, 2017, and annually each fiscal year thereafter;

(i) Develop training curriculum and teaching materials for a train the trainer program;

(j) Annually organize, host, and conduct training in all geographic regions of the state and provide related materials to persons who attend the training at no charge to the attendee;

(k) Provide training and support to all preschool, elementary, and secondary schools and school districts in Colorado regarding school safety related to the safe2tell program, including answering questions and discussing reports received by the program;

(l) Provide educational materials to all preschool, elementary, and secondary schools in Colorado aimed at preventing misuse of the program;

(m) Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; and

(n) Analyze and follow up with law enforcement and schools to determine the outcome of a report made to the program, including actions taken on the report.
REGULATIONS

1 CCR 301-84. Section 1.00. Statement of basis and purpose.
The Dropout Prevention and Student Re-engagement Act, Article 14 of Title 22 of the Colorado Revised Statutes, requires the State Board of Education to promulgate rules to establish criteria for identifying high priority and priority local education providers, rules for implementing the Student Re-engagement Grant Program and defining and calculating the following rates: student dropout rate, graduation rate, completion rate, the student re-engagement rate; truancy rate, student mobility rate, student suspension rate and student expulsion rate.

1 CCR 301-84. Section 2.00. Definitions.
Definitions as defined in § 22-14-103, C.R.S.
2.01. "Completion" means a student graduates from high school or receives a certificate or other designation of high school completion such as a general educational development certificate.
2.02. "Department" means the Department of Education created and existing pursuant to § 24-1-115, C.R.S.
2.03. "Dropout Prevention" means school and community-based initiatives to promote positive social, emotional, familial, and educational factors that maintain and strengthen student engagement and address barriers and conditions that may lead a student to drop out of school.
2.04. "Expanded Learning Opportunity Programs" means programs that provide kindergarten-through twelfth-grade supervised learning activities that may include, but need not be limited to, afterschool programs, before-school programs, summer school programs, weekend programs, and extended-day and extended-year programs.
2.05. "Graduation" means a student meets the locally defined requirements for a high school diploma.
2.06. "Grant Program" means the student re-engagement grant program established in § 22-14-109, C.R.S.
2.07. "High Priority Local Education Provider" means a local education provider that the Office identifies pursuant to § 22-14-103 (4), C.R.S. as being most in need of technical assistance and support.
2.08. "Local Education Provider" means a school district, a board of cooperative services created pursuant to article 5 of title 22, or the state Charter School Institute created pursuant to § 22-30.5-503, C.R.S.
2.09. "Office" means the Office of Dropout Prevention and Student Re-Engagement created within the Department of Education pursuant to § 22-14-103, C.R.S.
2.10. "Parent" means a student's biological or adoptive parent or the student's legal guardian or legal custodian.
2.11. "Priority Local Education Provider" means a local education provider that the Office identifies pursuant to § 22-14-103 (4), C.R.S. as being in significant need of technical assistance and support.
2.12. "State Board" means the State Board of Education created and existing pursuant to Section 1 of article IX of the State Constitution.
2.13. "Student Engagement" means a student's sense of belonging, safety, and involvement in school that leads to academic achievement, regular school attendance, and graduation. Elements of promoting student engagement include providing rigorous and relevant instruction, creating positive relationships with teachers and counselors, providing social and emotional support services for students and their families, creating partnerships with community organizations and families that foster learning outside of the classroom, and cultivating regular school attendance.
2.14. "Student Graduation and Completion Plan" means a local education provider's plan, created pursuant to § 22-14-107, C.R.S., for reducing the student dropout rate and increasing the rates of student engagement, re-engagement, graduation, and completion.

2.15. "Student Re-Engagement" means that a student reenrolls in high school after dropping out prior to completion. Student re-engagement usually results from a local education provider's use of evidence- or research-based strategies to reach out to students who have dropped out of school and to assist them in transitioning back into school and obtaining their high school diplomas or otherwise completing high school.

2.16. "Student Support Personnel" means a state-licensed or state-certified school counselor, school psychologist, school social worker, or school nurse, or other state-licensed or state-certified mental health professional qualified under state law to provide support services to children and adolescents.

1 CCR 301-84. Section 3.00. High priority and priority local education providers.

The Office shall collaborate with other divisions within the Department to identify annually through the accreditation process, as defined in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), those local education providers (LEPs) that do not meet expectations for Graduation and Completion rates. Of those LEPs identified, those most in need of improvement and assistance shall be recognized as High Priority and those in significant need of improvement and assistance shall be recognized as Priority based on the following criteria:

(1) Identified LEPs with Graduation and Completion rates that are significantly below State averages or those that do not meet expectations for post secondary workforce readiness indicators, as defined pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), will be designated Priority.

(a) Identification shall consider size of pupil membership in determining designation of Priority.

(2) Identified LEPs will be designated High Priority if they meet the criteria for Priority and there is indication that they are most in need of improvements. Indicators shall be based on data highly correlated with the likelihood that students will dropout, including but not limited to dropout rates, truancy rates, suspension or expulsion rates that significantly above state averages. These rates are defined in section 5.00 of these rules.

(3) The designation of High Priority and Priority will be recognized and in effect for three consecutive fiscal years to allow time to complete the “practices assessment,” adopt Student Graduation and Completion Plan and review and evaluate plans as described in sections 3.02 and 3.05 in these rules. Based on the timeline listed in 3.01 (1) in these rules, the first group of High Priority LEPs will begin in fiscal year 2009-2010. The first group of Priority LEPs will begin in fiscal year 2010-2011. In subsequent years, the timeline will follow criteria described in section 3.07 of these rules.

(4) If after completion of the three-year period, a designated LEP meets its Graduation and Completion rate expectation(s), the LEP shall no longer be recognized as High Priority or Priority. If after completion of the three-year period, a designated LEP does not meet its Graduation and Completion rate expectation(s), the Department shall review continuation of the designation of High Priority or Priority in collaboration with other divisions within the Department and may require an update of the LEP’s “practices assessment” and a revision and further evaluation of the LEP’s Student Graduation and Completion Plan 3.01 Practices Assessment. Each High Priority and Priority LEP shall conduct a “practice assessment” as described in 22-14-106(2), C.R.S. Each High Priority and Priority LEP’s “practices assessment” shall consider community partnerships with state and local government agencies and community-based organizations and current practices and policies as they relate to different types of dropout students or students at risk of dropping out.

3.01. Practices Assessment.
Each High Priority and Priority LEP shall conduct a “practices assessment” as described in 22-14-106(2), C.R.S. Each High Priority and Priority LEP’s “practices assessment” shall consider community partnerships with state and local government agencies and community-based organizations and current practices and policies as they relate to different types of dropout students or students at risk of dropping out.

(1) For the first group, each High Priority LEP shall complete its initial “practices assessment” no later than June 30, 2010. Each Priority LEP shall complete its initial “practices assessment” no later than June 30, 2011. Following completion of the initial “practices assessment,” each High Priority and Priority LEP shall review and update the “practices assessment” in accordance with timelines as described in section 3.06 and 3.07 of these rules.

(2) Each LEP that is not a High Priority or Priority LEP is encouraged to conduct a “practices assessment” and to periodically review and update the “practices assessment.” A LEP that chooses to conduct a “practices assessment” shall comply with provisions pursuant to this paragraph and shall comply with provisions of section 3.04 of these rules.

(3) If a High Priority or Priority LEP has authorized one or more existing charter schools pursuant to article 30.5 of title 22 of the Colorado Revised Statutes, each charter school shall conduct its own “practices assessment” in accordance with the deadlines specified in subsection (1) and section 3.07 of these rules. In addition, they shall submit the assessment to the Department as described in section 3.04 of these rules. A “practices assessment” conducted by a charter school shall conform to the requirements specific in section 3.02 of these rules.


Each practices assessment, at a minimum, shall address the High Priority or Priority LEP’s:

(1) Attendance and truancy reporting and enforcement policies and definitions;

(2) Risk factors and remedies applicable to students who are failing one or more courses, have experienced traumatic life events, or have lost academic interest or motivation and to students whose presence or actions are perceived to be detrimental to other students;

(3) Interaction with the judicial system in enforcing compulsory school attendance;

(4) Interaction with the juvenile justice system in:

(a) Assisting in administering juvenile diversion programs and coordinating supports for all students transitioning out of the juvenile justice system to aid in the continuation of the students’ education, especially for those students involved in the juvenile justice system as a result of school-related violations of the LEP’s code of conduct or crimes committed on school property; and

(b) Coordinating with juvenile probation officers regarding school-related conditions of probation;

(5) Coordination with child welfare services, including but not limited to county departments of social services, facility schools, and other youth services providers;

(6) Grading policies;

(7) Policies for grade repetition and remediation;

(8) Course completion requirements and policies; and

(9) Policies and practices relating to:

(a) The use of individual career and academic plans;

(b) Addressing ethnicity, language and cultural barriers between students’ homes and school;

(c) English-language acquisition;

(d) Student acquisition of behavioral, social and emotional skills;

(e) Students’ health care needs;
(f) Alternative and flexible educational strategies;
(g) Family involvement and family support services;
(h) Expanded Learning Opportunity Programs;
(i) Staff development in implementing evidence-based strategies;
(j) Innovations to address barriers to school engagement and success;
(k) Outreach services to re-engage students who drop out of school; and
(l) Review and analysis of data regarding dropout rates, Graduation rates school completion rates, truancy rates, the number of students who are habitually truant, suspension rates, and expulsion rates.

3.03. Technical Assistance.
The Office shall provide technical assistance to High Priority LEPs to assist them in completing their “practices assessments” and Student Graduation and Completion Plans. The Office may provide technical assistance to Priority LEPs as allowable within available appropriations. In addition, at the request of a High Priority or Priority LEP and to the extent practicable within available resources, the Office shall provide a template, which includes any student data that is pertinent to the High Priority or Priority LEP and to which the Office has access, to assist the High Priority or Priority LEP in preparing its “practices assessment”.

3.04. Publication of Assessment.
Upon completing its practices assessment or any updates to the assessment, each High Priority and Priority LEP shall transmit the assessment to the Department for publication on the internet.

3.05. Student Graduation and Completion Plan.
   (1) Based on the completed “practices assessment,” for the first group of designated LEPs, each High Priority LEP shall adopt a Student Graduation and Completion Plan for the schools operated or approved by the High Priority LEP by October 1, 2010. Each Priority LEP shall adopt a Student Graduation and Completion Plan by October 1, 2011. Timelines for subsequent years are described in section 3.07 of these rules.
   (2) For the first group of designated LEPs, following adoption of the initial Student Graduation and Completion Plan, each High Priority and Priority LEP shall review and update the Student Graduation and Completion Plan in accordance with timelines described in section 3.06 of these rules. In setting the dates for adoption of the initial Student Graduation and Completion Plan and the timelines for reviewing and updating the Student Graduation and Completion Plan, the State Board shall ensure that the dates coincide with the dates by which each LEP is required to adopt the plan required by its accreditation category or its annual performance review. The timelines for subsequent years are described in section 3.07 of these rules.
   (3) Each LEP that is not a High Priority or Priority LEP is encouraged to adopt a Student Graduation and Completion Plan and to periodically review and update the plan. A LEP that chooses to adopt a Student Graduation and Completion shall comply with the provisions of subsection (8).
   (4) Notwithstanding any provision in subsection (1) to the contrary, if a High Priority or Priority LEP has authorized one or more existing charter high schools pursuant to article 30.5 of this title, each charter high school shall adopt its own Student Graduation and Completion Plan in accordance with the deadlines specified in sections 3.06 and 3.07 of these rules and submit the plan to the Department pursuant to subsection (8). A Student Graduation and Completion Plan adopted by a charter high school shall conform to the requirements specified in subsections (5) and (6).
   (5) At a minimum, each High Priority and Priority LEP’s Student Graduation and Completion Plan shall include:
(a) The percentage by which the High Priority or Priority LEP anticipates reducing the student truancy rate and dropout rate and the timeline for achieving the reductions;

(b) The percentage by which the High Priority or Priority LEP anticipates increasing the student attendance, graduation, and completion rates and the timeline for achieving the increases;

(c) Other objectives that the High Priority or Priority LEP identifies that are designed to result in improved Dropout Prevention, improved student attendance, and improved Student Engagement and Re-engagement within the schools operated or approved by the High Priority or Priority LEP;

(d) The manner in which the High Priority or Priority LEP will measure success in achieving the goals and objectives of the Student Graduation and Completion Plan;

(e) The manner in which school staff and Parents will work together to address the risk factors and remedies for students; and

(f) A description of the supports that the High Priority or Priority LEP will provide to a student who leaves a public school prior to graduation or completion, which supports, at a minimum, shall include an explanation of the educational alternatives available to the student to assist him or her in re-engaging in school and other information to assist with his or her transition into other educational settings, including but not limited to an adult basic education, general educational development, or English-as-a-second-language program, or into the workforce or job training.

(6) In designing its Student Graduation and Completion Plan, each High Priority or Priority LEP is encouraged to:

(a) Include a variety of innovative dropout reduction efforts in the plan, including new schools and programs that provide educational environments that are specifically designed to promote Student Re-Engagement, including policies and programs that create alternative pathways to high school Graduation; and

(b) Review existing supports and resources that the High Priority or Priority LEP may leverage to support implementation of the plan, including but not limited to grants for expelled and at-risk student services available pursuant to § 22-33-205, C.R.S. grants available through the school counselor corps grant program created in article 91 of this title, assistance available through the closing the achievement gap program pursuant to § 22-7-611, C.R.S. and federal moneys available pursuant to the “safe and drug-free schools and communities act”, 20 U.S.C. Sec. 7101 et seq.

(7) Each High Priority or Priority LEP, in adopting its Student Graduation and Completion Plan, shall also adopt a process by which annually to review and evaluate the effectiveness of the plan. Each High Priority or Priority LEP that is a school district shall include its “practices assessment” and its Student Graduation and Completion Plan with the plan the school district is required to adopt pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

(8) Upon adopting its Student Graduation and Completion Plan or any updates to the plan, each High Priority or Priority LEP shall transmit the plan to the Department for publication on the internet.

(9) Beginning in the 2011-12 academic year, the Office shall annually evaluate each High Priority LEP’s Student Graduation and Completion Plan as part of the accreditation review process. The Office shall evaluate the components of each Student Graduation and Completion Plan, the High Priority LEP’s implementation of the plan, and the results achieved. In evaluating the Student Graduation and Completion Plans, the Office shall generally ensure that the High Priority LEP applies best practices and strategies and employs rigorous ongoing program evaluation and oversight in implementing the plan. On completion of the evaluation, the Office may provide recommendations to the High Priority LEP concerning improvements in the plan design and implementation.

(a) The Office may evaluate, as described in subsection (6)(a), the Student Graduation and Completion Plans of Priority LEPs as allowable within available appropriations.
3.06. Timeline for the First High Priority and Priority Local Education Providers That Are Identified.
For the first LEPs designated as High Priority and Priority, the following timeline will be implemented in accordance with § 22-14-106, C.R.S:

(1) High Priority LEPs shall complete their “practices assessment” by June 30, 2010.
(2) Priority LEPs shall complete “practices assessment” by June 30, 2011.
(3) High Priority LEPs shall adopt Student Graduation and Completion Plans by October 1, 2010.
(4) Priority LEPs shall adopt Student Graduation and Completion Plans by October 1, 2011.
(5) By December 31 of the 2011-12 academic year, the Office shall review and evaluate the Student Graduation and Completion Plans of High Priority LEPs.
(6) By the December 31 of 2012-13 of the academic year, the Office shall review and Evaluate the Student Graduation and Completion Plans of Priority LEPs.

3.07. Timeline for High Priority and Priority Local Education Providers in Subsequent Years.
In subsequent years, beginning in fiscal 2011-2012, LEPs newly designated as High Priority and Priority will be subject to the following timelines:

(1) By December 15 of each year, in cooperation with other units at the Department and accreditation, the Office will identify LEPs that did not meet their Graduation and Completion rate expectation(s) pursuant to section 3.00 of these rules. Within 60 days of identification, the Office shall designate High Priority and Priority based on the criteria as described in sections 3.00 (1) and 3.00 (2) of these rules and will be in effect for three consecutive fiscal years in accordance with section 3.00 (3) of these rules.
   (a) In year one of their designation, High Priority LEPs shall complete their “practices assessment” by June 30.
   (b) Priority LEPs shall begin their “practices assessment” in year one of their designation and complete them no later than October 31 in year two of their designation.
   (c) High Priority LEPs shall adopt Student Graduation and Completion Plans no later than January 15 in the second year of their designation, subject to revision based on CCR 301-1 (Rules for the Administration of Statewide Accountability Measures) timelines for district improvement plans and accreditation.
   (d) Priority LEPs shall adopt their Student Graduation and Completion Plans no later than June 30 in year two of their designation, subject to revision based on CCR 301-1 (Rules for the Administration of Statewide Accountability Measures) timelines for district improvement plans and accreditation.
   (e) In year three of designation, the Office will review and evaluate the Student Graduation and Completion Plans of High Priority and Priority LEPs in collaboration with other units at the Department and accreditation, on or before June 30 and pursuant to sections 305 (9) and 305 (9)(a), of these rules.

1 CCR 301-84. Section 4.00. Implementation of the student re-engagement grant program.
The Student Re-engagement Grant Program, pursuant to C.R.S. 22-14-109, is created to provide grant moneys to local education providers (LEPs) to use in providing educational services and supports to students to maintain Student Engagement and support Student Re-Engagement in high school.

4.01. Application Timelines.
The timeline is based on the state fiscal year and is only in effect based on the availability of funds;
   (1) Application deadline: Applications shall be submitted to the Department by June 30.
   (2) Application review: Applications will be reviewed within 30 days of the application deadline.
(3) Notification of awards: Award notification will occur within 30 days after the completion of the application review.

4.02. Application Procedures.

The Department will be the responsible agency for implementing the Student Re-Engagement Grant Program. The Department will develop the Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in § 22-14-109, C.R.S. Each grant application will include, at a minimum:

(1) The number of students to be served
(2) The LEP's plan for providing educational services, including social-emotional and behavioral support services and appropriate academic challenge;
(3) A description of the services to be provided based upon previous research or evaluation of such services and that must include strategies that address social, emotional and academic needs;
(4) The estimated cost of providing the services;
(5) The criteria the LEP will use to measure the effectiveness of the services provided, at minimum, shall include improvements of outcomes such as Student Engagement and Student Re-Engagement rates, graduation rates, dropout rates and suspension and expulsion rates; and

The description of the LEP's policies and practices related to:

(a) Course completion and credit recovery;
(b) Attendance and behavior improvements;
(c) Alternative and flexible and tiered learning strategies;
(d) Safe and welcoming school environments;
(e) Student social and emotional supports;
(f) Family engagement and family support strategies;
(g) Staff development in meeting diverse student needs;
(h) Innovations to address barriers to school engagement and student success; and
(i) Transference of student records to and receipt of student records from others.

4.03. Duration and Amount of Grant Awards.

The Department shall review the grant applications received and recommend grant recommendations and grant amounts to the State Board. Subject to available appropriations, the State Board shall award grants to applicants pursuant to § 22-14-109 (3), C.R.S. Each grant shall have a term of up to three years subject to availability of funds, compliance with assurances and measurable progress.

4.04. Evaluation of Program.

On or before February 15, 2011, and on or before February 15 each year thereafter, the Department shall evaluate the educational and support services provided by each LEP that received a grant pursuant to § 22-14-109 (5), C.R.S., in the preceding fiscal year; except that the Department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the Department shall review:

(1) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of Student Engagement and Student Re-Engagement;
(2) The academic growth of students who received services as a result of the grant, to the extent the information is available;
(3) The reduction in the dropout rate; and
(4) The increase in the graduation and completion rates for the grant recipients’ schools.
4.05 Reporting.
The Department shall report the evaluation results to the education committees of the senate and the House of Representatives, or any successor committees by February 15, in conjunction with the report submitted pursuant to § 22-14-111, C.R.S.

1 CCR 301-84. Section 5.00. Defining and calculating rates.

In evaluating the following rates, the intent is to ensure incentives for re-engaging students and ensuring that students successfully achieve statewide academic standards upon Graduation, as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.01. The Student Dropout Rate: The annual student dropout rate will be calculated based on the percentage of students in grades seven through twelve who drop out of school in a given year between July 1 and June 30 and have not returned to an educational environment on or before the end of the school year or June 30 as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.02. The Graduation Rate: The student graduation rate will be based on the calculations defined and calculated pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), or as otherwise required by the Elementary and Secondary Education Act of 1965.

5.03. The Completion Rate: The high school completion rate is the percentage of students from an end of year eighth grade cohort adjusted for verified transfers in and out with adequate documentation, who leave school as graduates or completers as defined by the District as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.04. The Student Re-engagement Rate: The Student Re-engagement rate is based on the percent of students who dropped out in the prior year (PY) and re-enrolled in their home school/district in the following year and the percent who dropped out and were retrieved anywhere in the state in the following year. The pairing of these percentages provides information to assist in analyzing the cost-benefit of Student Re-Engagement and recognizes the levels of re-engaging students who have dropped out.

(1) Calculation of percentages based on retrieved into same school or district:

(a) School rate based on re-enrolled: Number of PY dropouts who are retrieved into same school the following year / Number of PY dropouts

(b) District rate based on re-enrolled: Number of PY dropouts who are retrieved into same district the following year / Number of PY dropouts

(c) State rate based on re-enrolled: Sum of PY dropouts who were retrieved into the same district the following year / Sum of PY dropouts from all districts

(2) Calculation of percentages based on retrieved anywhere in the state:

(a) School rate based on retrieved: Number of PY dropouts who are retrieved anywhere in the state the following year / Number of PY dropouts

(b) District rate based on retrieved: Number of PY dropouts who are retrieved anywhere in the state the following year / Number of PY dropouts

(c) State rate based on retrieved: Sum of all PY dropouts retrieved anywhere in the state the following year / Sum of all PY dropouts from all districts

5.05. The Truancy Rate: Truancy rates measure the number of unexcused absences from Public School and number of habitually truant students. They will include two calculations to determine the rate of unexcused absences and habitually truant student rate as defined in CCR 301.78 (Rules Concerning
the Standardized Calculation for Counting Student Attendance and Truancy) pursuant to § 22-33-104 (4)(c), C.R.S.

5.06. The Student Mobility Rate: The student mobility rate measures the unduplicated count of the number of students who have moved into or out of a particular education setting as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.07. The Student Suspension Rate: The rate is defined as the number of students suspended (may include in-school suspensions, out of school suspensions and classroom suspensions) during the year divided by the student enrollment as of October 1. It is calculated at the school, district and state level as determined by the collection of the Department’s Automated Data Exchange system to obtain behavioral incidents and the actions taken. If a student was suspended multiple times within the school year, each time is included in the count.

5.08. The Student Expulsion Rate: The rate is defined as the number of students expelled during the year divided by the student enrollment as of October 1. It is calculated at the school, district and state level as determined by the collection of the Department’s Automated Data Exchange system to obtain behavioral incidents and the actions taken. If a student was expelled multiple times, each time is included in the count.

**Professional development**

**LAWS**


(1) The general assembly finds that:

(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.

(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

(2) As used in this section, unless the context otherwise requires:

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

(b) "Charter school" means a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title 22 or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that
classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3)(a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;

(b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;
(c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and
(d) Any additional criteria adopted by rule of the state board.

(6)(a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

(I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;
(II) The types of professional development that grant recipients provided to teachers and principals;
(III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:
   (A) Disciplinary strategies or policies;
   (B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;
   (C) Attendance and truancy rates; and
   (D) Indicators of teacher satisfaction; and
(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.


(2.5)(b) Each school district is encouraged to include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault. Professional development may include providing training in preventing, identifying, and responding to child sexual abuse and assault, including using the child abuse reporting hotline system created pursuant to section 26-5-111, C.R.S., and distributing resources to raise the awareness of school personnel and parents regarding child sexual abuse and assault and preventing child sexual abuse and assault.

24-31-606. Safe2tell program - creation - duties.

(1) There is created, within the department, the safe2tell program.
(2) The program must:

(a) Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in schools or the threat of those activities;

(b) Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;

(c) Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and school officials;

(d) Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;

(e) Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials;

(f) Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to safe2tell tips;

(g) Provide safe2tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;

(h) Provide safe2tell awareness and education materials to Boys Girls Clubs and 4-H extension offices in Colorado at no charge to the Boys Girls Clubs and 4-H extension offices on or before June 30, 2017, and annually each fiscal year thereafter;

(i) Develop training curriculum and teaching materials for a train the trainer program;

(j) Annually organize, host, and conduct training in all geographic regions of the state and provide related materials to persons who attend the training at no charge to the attendee;

(k) Provide training and support to all preschool, elementary, and secondary schools and school districts in Colorado regarding school safety related to the safe2tell program, including answering questions and discussing reports received by the program;

(l) Provide educational materials to all preschool, elementary, and secondary schools in Colorado aimed at preventing misuse of the program;

(m) Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; and

(n) Analyze and follow up with law enforcement and schools to determine the outcome of a report made to the program, including actions taken on the report.

REGULATIONS

1 CCR 301-45. Section 2620-R-2.03. Staff Training.

All public educational programs shall ensure that staff utilizing restraint in schools or facilities are trained. Training shall include:

(1) a continuum of prevention techniques;

(2) environmental management;

(3) a continuum of de-escalation techniques;

(4) nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
(5) methods to explain the use of restraint to the student who is to be restrained and to the individual's family;
(6) appropriate documentation and notification procedures; and
(7) retraining at a frequency of at least every two years.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

22-32-146. School use of on-site peace officers as school resource officers.  
(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

(4) On or before September 15, 2010, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the number of children who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding academic year. The department shall post this information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

22-14-108. Local education provider - notice to parent of dropout status.  
(1) Each local education provider shall adopt and implement policies and procedures pursuant to which the local education provider or the public school in which the student was enrolled shall notify a student's parent if the student drops out of school, even if the student is not subject to the compulsory attendance requirement specified in section 22-33-104. The local education provider shall develop the policies and procedures with the goal of encouraging the student to re-enroll in school and of conveying to the student's parent the long-term ramifications to the student of dropping out of school.

(2) At a minimum, the policies and procedures shall specify the time frames by which the local education provider or the public school in which the student was enrolled shall notify the student and his or her parent and shall require the personnel at the public school to attempt to meet in person with the student and his or her parent.
(3) At a minimum, the notice shall include written notification of the student's dropout status and an explanation of the educational alternatives available to the student to assist him or her in re-engaging in school.


(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code shall include, but need not be limited to:

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

22-33-105. Suspension, expulsion, and denial of admission.

(3)(a) If a pupil is suspended pursuant to subsection (2) of this section, the suspending authority shall immediately notify the parent, guardian, or legal custodian of the pupil that the pupil has been suspended and of the grounds for the suspension, the period of the suspension, and the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension.

(6) When a pupil is expelled by a school district, the pupil's parent, guardian, or legal custodian is responsible for seeing that the pupil complies with the provisions of this article during the period of expulsion.
22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".


(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(I.5) Procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child's parent to identify and address the likely issues underlying the child's truancy, including any nonacademic issues;

(II) Annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of such obligations;

(III) Annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting such parent during the school day; and

(IV) Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify by telephone such parent. Any person who, in good faith,
gives or fails to give notice pursuant to this subparagraph (IV) shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.


(1) Those courts having jurisdiction over juvenile matters in a judicial district shall have original jurisdiction over all matters arising out of the provisions of this article.

(1.5)(a) All proceedings brought under this article shall be commenced in the judicial district in which the child resides or is present.

(b) When proceedings commence under this article in a judicial district other than that of the child's residence or when the child changes his or her judicial district of residence after a proceeding under this article commences, the court in which proceedings commenced may, on its own motion or on the motion of any interested party, transfer the case to the court in the judicial district where the child resides.

(c) When a court transfers venue pursuant to paragraph (b) of this subsection (1.5), the court shall transmit all documents and reports, or certified copies thereof, to the receiving court, which court shall proceed with the case as if the petition had been originally filed in that court.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in
services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;
(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;
(C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;
(D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and
(E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

22-33-203. Educational alternatives for expelled students.

(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided must be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion, to successfully complete the high school equivalency examination, or to enroll in a nonpublic, nonparochial school or in an alternative school, including but not limited to a charter school or a pilot school established pursuant to article 38 of this title. The expelling school district shall determine the amount of credit the student must receive toward graduation for the educational services provided pursuant to this section.

(3) If a student is expelled and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

(4) In addition to the educational services required under this section, a student who is at risk of suspension or expulsion or has been suspended or expelled, or the student's parent or guardian, may
request any of the services provided by the school district through an agreement entered into pursuant to section 22-33-204, and the school district may provide such services.

REGULATIONS

1 CCR 301-45. Section 2620-R-2.04. Documentation and notification requirements.
(1) If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parents and, if appropriate, the student of the restraint procedures (including types of restraints) that might be used; specific circumstances in which restraint might be used; and staff involved. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel must ensure that the meeting is convened. This notification may occur at the meeting where the student’s Behavior Plan or IEP is developed/reviewed.

1 CCR 301-45. Section 2620-R-2.05. Review of the use of restraint.
(1) Each public education agency shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint. The review shall include, but is not limited to:
   (a) Staff review of the incident;
   (b) Follow up communication with the student and his/her family;

Reporting and referrals between schools and law enforcement

LAWS

(1)(a) A council to provide assistance and education related to restorative justice programs is hereby established. The council shall be known as the "restorative justice coordinating council" and shall be established in the state judicial department within the office of the state court administrator. To the extent that resources permit, the restorative justice coordinating council shall support the development of restorative justice programs, serve as a central repository for information, assist in the development and provision of related education and training, and provide technical assistance to entities engaged in or wishing to develop restorative justice programs.
   (b) In order to assess the efficacy of restorative justice practices in providing satisfaction to participants, the council shall develop a uniform restorative justice satisfaction evaluation by September 1, 2013. The evaluation must be based on research principles. The evaluation must include a preconference questionnaire for the offender and participating victims, if practicable, to establish a baseline and a post conference questionnaire that is suitable to administer to restorative justice participants, including community members, participating victims, and offenders.
   (c) (I) The council shall develop a database of existing restorative justice programs in the state by December 31, 2013 and update it annually by December 31 of each year.
      (II) The database must consist of the following information:
         (A) The location of the restorative justice program;
         (B) The types of restorative justice practices used in the program and the costs and fees associated with the practices; and
         (C) The background, training, and restorative justice experience of the facilitators in the restorative justice program.
(d) Repealed.

(2) The restorative justice coordinating council includes, at a minimum, the following:

(a) A member who represents a statewide juvenile justice council who shall be appointed by the executive director of the department of public safety;

(b) A representative from the division of youth services in the department of human services who is appointed by the executive director of the department of human services;

(c) A representative from the department of public safety who shall be appointed by the executive director of the department of public safety;

(d) A representative from the judicial department who shall be appointed by the state court administrator;

(e) Two representatives from a statewide organization or organizations whose primary purpose is related to the development and implementation of restorative justice programs and who shall be appointed by the executive director of the department of public safety;

(f) A district attorney with juvenile justice experience who shall be appointed by the executive director of the Colorado district attorneys' council;

(g) A victim's representative within the judicial department with restorative justice experience who shall be appointed by the state court administrator;

(h) A representative from the department of education who shall be appointed by the commissioner of education;

(i) A representative from the state board of parole appointed by the chair of the parole board;

(j) A representative from the department of corrections appointed by the executive director of the department of corrections;

(k) A representative from a nongovernment statewide organization representing victims appointed by the executive director of the department of public safety;

(l) Three restorative justice practitioners appointed by the state court administrator;

(m) A representative of the juvenile parole board appointed by the chair of the juvenile parole board;

(n) The state public defender or his or her designee;

(o) A judge appointed by the chief justice of the Colorado supreme court; and

(p) A representative of law enforcement appointed by the state court administrator based upon a recommendation from the restorative justice coordinating council.

(3) The restorative justice coordinating council shall select a chairperson from among the members of the council who shall serve a term to be determined by the council. The chairperson shall be responsible for convening the council at a frequency that shall be determined by the council.

(4) Members of the restorative justice coordinating council shall serve without compensation but may be reimbursed for expenses incurred while serving on the council.

(4.5) The restorative justice coordinating council may accept money from trainings and conferences and gifts, grants, or donations from any private or public source for the purpose of supporting restorative justice practices. All private and public money received by the restorative justice coordinating council from gifts, grants, or donations or any other source must be transmitted to the state treasurer, who shall credit the same to the restorative justice surcharge fund created pursuant to section 18-25-101, in addition to any money that may be appropriated to the fund directly by the general assembly.
22-12-104. Liability.

(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:

(a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
(b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
(c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.


(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:
   (I) In-school suspension;
   (II) Out-of-school suspension;
   (III) Classroom removal in accordance with board policy;
   (IV) Expulsion;
   (V) Referral to law enforcement; or
   (VI) Any other form of discipline, which shall be officially identified as part of a board policy.

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.

(e.5) "Law enforcement" includes any law enforcement agency, law enforcement officer, or school resource officer.

(f)(I) "Referral to law enforcement" means a communication between a school administrator, teacher, or other school employee and law enforcement that:
   (A) Is initiated by the school administrator, teacher, or other school employee; and
   (B) Concerns behavior by a student that the school administrator, teacher, or other school employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.

(II) "Referral to law enforcement" does not include:
   (A) Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student’s behavior;
   (B) Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement; or
   (C) Any incident or communication that is initiated by law enforcement.
(g.5) "School resource officer" means a peace officer, as described in section 16-2.5-101, C.R.S., who has specialized training, as described in section 24-31-312, C.R.S., to work with school staff and students and who is assigned to a public school or charter school for the purpose of creating a safe learning environment and responding to all-hazard threats that may impact the school.

(3) Agreements with state agencies. Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement, the juvenile justice system, and social services, as allowed under state and federal law, to keep each school environment safe. Each board of education shall adopt a policy whereby procedures will be used following instances of assault upon, disorderly conduct toward, harassment of, the making knowingly of a false allegation of child abuse against, or any alleged offense under the "Colorado Criminal Code" directed toward a school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures shall include, at a minimum, the following provisions:

   (c) The school administration shall report the incident to the district attorney or appropriate local law enforcement, which shall, upon receiving such report, investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

   (a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

   (b) The number of students arrested by the officer, including the offense for which each such arrest was made;

   (c) The number of summonses or tickets issued by the officer to students; and
(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

(I) The student's full name;
(II) The student's date of birth;
(III) The student's race, ethnicity, and gender;
(IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
(V) The date of the arrest or taking of a student into custody;
(VI) The date of the issuance of the summons or ticket;
(VII) The arrest or incident report number as recorded by the law enforcement agency;
(VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;
(IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and
(X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent
act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

22-33-106.5. Information concerning offenses committed by students.
(1) Upon adjudication or conviction of a person under the age of eighteen years for an offense specified in section 22-33-106 (1)(d), the adjudicating juvenile court or the convicting district court, whichever is applicable, shall notify the school district in which the person is enrolled that the person is subject to mandatory expulsion based on the adjudication or conviction.

(2) Upon adjudication or conviction of a person under the age of eighteen years for an offense that constitutes a crime of violence, as defined in section 18-1.3-406, C.R.S., or for an offense involving controlled substances, or, for a person under eighteen years of age but at least twelve years of age, for an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., if committed by an adult the adjudicating or convicting court shall notify the school district in which the person is enrolled of the person’s adjudication or conviction.

22-33-107.5. Notice of failure to attend.
(1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day, where the school district has received notice from the court or parole board:

(a) Pursuant to section 19-2-508 (3)(a)(X) that the student is required to attend school as a condition of release pending an adjudicatory trial;
(b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907 (4), 19-2-925 (9),(5), or 19-2-1002 (1) or (3), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; or
(c) Pursuant to section 13-10-113 (8), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by a municipal court.

(2) If the school district has notice that a student who is required to attend school as a condition of release or as a condition of or in connection with any sentence imposed by a court, including a condition of probation or parole, has enrolled in a nonpublic home-based educational program, pursuant to section 22-33-104.5, or in an independent or parochial school, the school district shall notify the appropriate court or parole board and shall no longer be required to notify the court or parole board, pursuant to subsection (1) of this section, if the student fails to attend.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

24-10-106.3. Immunity and partial waiver - claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence - short title - definitions - repeal.

(1) This section shall be known and may be cited as the "Claire Davis School Safety Act".

(2) Definitions. For purposes of this section, unless the context otherwise requires:
   (a) "Charter school" means a charter school or an institute charter school established pursuant to article 30.5 of title 22, C.R.S.
   (b) "Crime of violence" means that the person committed, conspired to commit, or attempted to commit one of the following crimes:
      (I) Murder;
      (II) First degree assault; or
      (III) A felony sexual assault, as defined in section 18-3-402, C.R.S.
   (c) "Incident of school violence" means an occurrence at a public school or public school-sponsored activity in which a person:
      (I) Engaged in a crime of violence; and
      (II) The actions described in subparagraph (I) of this paragraph (c) by that person caused serious bodily injury or death to any other person.
   (d) "Public school" has the same meaning as provided in section 22-1-101, C.R.S., and includes a charter school or institute charter school.
   (e) "School district" means a school district organized pursuant to article 30 of title 22, C.R.S., and the charter school institute established pursuant to section 22-30.5-503, C.R.S.
   (f) "Serious bodily injury" means bodily injury that, either at the time of the actual injury or a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

(3) Recognition of duty of care. All school districts and charter schools and their employees in this state have a duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable, while such students, faculty, and staff are within the school facilities or are participating in school-sponsored activities.
(4) Limited waiver of sovereign immunity. Notwithstanding any other provision of this article, a public school district or charter school is immune from liability in all claims for injury that lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as otherwise provided in this section or in this article. In addition to any other claims for which the "Colorado Governmental Immunity Act" waives sovereign immunity in this article, sovereign immunity is waived under the "Colorado Governmental Immunity Act" with respect to school districts and charter schools for a claim of a breach of the duty of care established in subsection (3) of this section by the school district, a charter school, or an employee of the school district or charter school arising from an incident of school violence on or after June 3, 2015, and, with respect to such claims, the provisions of article 12 of title 22, C.R.S., do not apply to school districts and charter schools. An employee of a public school, school district, or a charter school is not subject to suit under this section in his or her individual capacity unless the employee's actions or omissions are willful and wanton.

(5) A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending any student.

(6) Nothing in this section shall be construed to constitute a waiver of sovereign immunity by a school district or charter school if the injury arises from any act, or failure to act, of an employee of the school district or charter school if the act is the type of act for which the school district or charter school employee would be or heretofore has been personally immune from liability.

(7) In addition to the immunity provided under this section, the school district and charter school shall also have the same immunity as a school district or charter school employee for any act or failure to act for which a school district or charter school employee would be or heretofore has been personally immune from liability.

(8) No rule of law imposing absolute or strict liability shall be applied in any action filed against a school district or charter school pursuant to this section for serious bodily injury or death caused by a breach of the duty of care, established pursuant to subsection (3) of this section. No liability shall be imposed in any such action unless negligence is proven.

(9)(a) Except as provided in paragraph (b) of this subsection (9), the maximum amount of damages that may be recovered under this article in any single occurrence from a school district or charter school for a claim brought under this section is governed by the limits set forth in section 24-10-114 (1).

   (b)(I) A plaintiff who files an action under this section for an incident of school violence that occurs on or after June 3, 2015, and on or before July 1, 2017, shall file the action in the district court, and no compensatory damages shall be awarded. The court shall not issue a declaratory judgement regarding the negligence of the public school, school district, or charter school; however, in such action, the plaintiff is entitled to full discovery regarding the incident of school violence.

   (II) This paragraph (b) is repealed, effective July 1, 2018.

(10) In order to promote vigorous discovery of events leading to an incident of school violence in any action brought under this section, an offer of judgment by a defendant under section 13-17-202, C.R.S., prior to the completion of discovery, is not deemed rejected if not accepted until fourteen days after the completion of discovery, and the plaintiff is not liable for costs due to not accepting such an offer of judgment until fourteen days after the completion of discovery. If a defendant refuses to answer a complaint, or a default judgment is entered against a defendant for failure to answer a complaint, or a defendant confesses liability in an action brought under this section, the court shall allow full discovery upon request of the plaintiff.

24-31-606. Safe2tell program - creation - duties.

(1) There is created, within the department, the safe2tell program.

(2) The program must:
(a) Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in schools or the threat of those activities;

(b) Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;

(c) Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and school officials;

(d) Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;

(e) Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials;

(f) Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to Safe2Tell tips;

(g) Provide Safe2Tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;

(h) Provide Safe2Tell awareness and education materials to Boys Girls Clubs and 4-H extension offices in Colorado at no charge to the Boys Girls Clubs and 4-H extension offices on or before June 30, 2017, and annually each fiscal year thereafter;

(i) Develop training curriculum and teaching materials for a train the trainer program;

(j) Annually organize, host, and conduct training in all geographic regions of the state and provide related materials to persons who attend the training at no charge to the attendee;

(k) Provide training and support to all preschool, elementary, and secondary schools and school districts in Colorado regarding school safety related to the Safe2Tell program, including answering questions and discussing reports received by the program;

(l) Provide educational materials to all preschool, elementary, and secondary schools in Colorado aimed at preventing misuse of the program;

(m) Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; and

(n) Analyze and follow up with law enforcement and schools to determine the outcome of a report made to the program, including actions taken on the report.

24-33.5-503. Duties of division.

(2)(a)(I) On or before April 1, 2016, and every April 1 thereafter, the division has the duty to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summons, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those tickets, summons, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender, ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data and provide a reasonable degree of training if necessary.

(II) Notwithstanding section 24-1-136 (11)(a)(l), the division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor
committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this subsection (2)(a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information. If the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division may provide the aggregate data gathered by a law enforcement agency to any independent research or community-based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile and criminal justice systems. The data provided must not include any information that would identify any individual student.

(III) The division shall annually post the report on its website.

(b) The division has the duty to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

(c) The division is only required to perform the duties of this subsection (2) if existing appropriations or resources are available.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS


(1) A licensee, registrant, or certificate holder shall not disclose, without the consent of the client, any confidential communications made by the client, or advice given to the client, in the course of professional employment. A licensee's, registrant's, or certificate holder's employee or associate, whether clerical or professional, shall not disclose any knowledge of said communications acquired in such capacity. Any person who has participated in any therapy conducted under the supervision of a licensee, registrant, or certificate holder, including group therapy sessions, shall not disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates.

(2) Subsection (1) of this section does not apply when:

(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, registrant, or certificate holder on any cause of action arising out of or connected with the care or treatment of the client by the licensee, registrant, or certificate holder;

(b) A licensee, registrant, or certificate holder was in consultation with a physician, registered professional nurse, licensee, registrant, or certificate holder against whom a suit or complaint was filed based on the case out of which said suit or complaint arises;

(c) A review of services of a licensee, registrant, or certificate holder is conducted by any of the following:

(I) A board or a person or group authorized by the board to make an investigation on its behalf;

(II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title 25, C.R.S., where the licensee, registrant, or certificate holder practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of the hospital; or

(III) A professional review committee established pursuant to section 12-43-203 (11) if said person has signed a release authorizing such review;
(d)(I) A client, regardless of age:
(A) Makes an articulable and significant threat against a school or the occupants of a school; or
(B) Exhibits behaviors that, in the reasonable judgment of the licensee, registrant, or certificate holder, create an articulable and significant threat to the health or safety of students, teachers, administrators, or other school personnel.

(II) A licensee, registrant, or certificate holder who discloses information under this paragraph (d) shall limit the disclosure to appropriate school or school district personnel and law enforcement agencies. School or school district personnel to whom the information is disclosed shall maintain confidentiality of the disclosed information, regardless of whether the information constitutes an education record subject to FERPA, consistent with the requirements of FERPA and regulations and applicable guidelines adopted under FERPA, but may disclose information in accordance with section 1232g (b)(1) of FERPA and 34 CFR 99.36 if necessary to protect the health or safety of students or other persons.

(III) A licensee, registrant, or certificate holder who discloses or fails to disclose a confidential communication with a client in accordance with this paragraph (d) is not liable for damages in any civil action for disclosing or not disclosing the communication. This subparagraph (III) does not rescind any statutory duty to warn and protect specified in, and does not eliminate any potential civil liability for failure to comply with, section 13-21-117, C.R.S.

(IV)(A) This paragraph (d) does not apply to an education record that, under FERPA, is exempt from the HIPAA privacy rule.
(B) Notwithstanding subsection (6) of this section, this paragraph (d) applies to covered entities, as defined in HIPAA.

(V) As used in this subsection (2)(d):
(A) "Articulable and significant threat" means a threat to the health or safety of a person that, based on the totality of the circumstances, can be explained or articulated and that constitutes a threat of substantial bodily harm to a person.
(B) "FERPA" means the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.
(C) "HIPAA" means the federal "Health Insurance Portability and Accountability Act of 1996", as amended, Pub.L. 104-191.
(D) "School" means a public or private preschool; elementary, middle, junior high, or high school; or institution of postsecondary education described in title 23, C.R.S., including the Auraria higher education center created in article 70 of title 23, C.R.S.

(VI) Repealed.

(3) The records and information produced and used in the review provided for in paragraph (c) of subsection (2) of this section do not become public records solely by virtue of the use of the records and information. The identity of a client whose records are reviewed shall not be disclosed to any person not directly involved in the review process, and procedures shall be adopted by a board, hospital, association, or society to ensure that the identity of the client is concealed during the review process itself and to comply with section 12-43-224 (4).

(4) Subsection (1) of this section shall not apply to any delinquency or criminal proceeding, except as provided in section 13-90-107, C.R.S., regarding any delinquency or criminal proceeding involving a licensed psychologist.

(5) Nothing in this section shall be deemed to prohibit any other disclosures required by law.
(6) This section does not apply to covered entities, their business associates, or health oversight agencies, as each is defined in the federal "Health Insurance Portability and Accountability Act of 1996", as amended by the federal "Health Information Technology for Economic and Clinical Health Act", and the respective implementing regulations.


(1)(a) The judicial department or any agency that performs duties and functions under this title with respect to juvenile delinquency or dependency and neglect cases or any other provisions of this title may exchange information, to the extent necessary, for the acquisition, provision, oversight, or referral of services and support with the judicial department or any other agency or individual, including an attorney representing state or county agencies and an attorney appointed by the court, that performs duties and functions under this title with respect to such cases. In order to receive such information, the judicial department, attorney, or agency shall have a need to know for purposes of investigations and case management in the provision of services or the administration of their respective programs. The judicial department or the agencies shall exchange information in accordance with paragraph (b) of this subsection (1).

(b) The judicial department, an agency, an attorney representing an agency, or an attorney appointed by the court described in paragraph (a) of this subsection (1) shall exchange information with the judicial department or similar agencies or individuals who have a need to know to the extent necessary for the acquisition, provision, oversight, and referral of services and support and if provided in the course of an investigation or for case management purposes. The provision of information by the judicial department shall include electronic read-only access to the name index and register of actions for agencies or attorneys appointed by the court to those case types necessary to carry out their statutory purpose and the duties of their court appointment as provided in this part 3. The state court administrator of the judicial department and the executive directors of the affected agencies shall ensure that there is a process for electronically exchanging information pursuant to this section. Agencies, attorneys, and individuals shall maintain the confidentiality of the information obtained.

(c) Nothing in this section shall require the exchange of information that is subject to the attorney-client privilege under section 13-90-107 (1)(b), C.R.S.

(2)(a) School personnel may obtain from the judicial department or agencies described in paragraph (a) of subsection (1) of this section any information required to perform their legal duties and responsibilities. Said personnel shall maintain the confidentiality of the information obtained.

(b) Notwithstanding any other provision of law to the contrary, any criminal justice agency or assessment center for children in the state may share any information or records concerning a specific child who is or will be enrolled as a student at a school with that school's principal or with the principal's designee and, if the student is or will be enrolled at a public school, with the superintendent of the school district in which the student is or will be enrolled or the superintendent's designee as follows:

(I) Any information or records, except mental health or medical records, relating to incidents that, in the discretion of the agency or center, rise to the level of a public safety concern including, but not limited to, any information or records of threats made by the child, any arrest or charging information, any information regarding municipal ordinance violations, and any arrest or charging information relating to acts that, if committed by an adult, would constitute misdemeanors or felonies; or

(II) Any records, except mental health or medical records, of incidents that such agency or center may have concerning the child that, in the discretion of the agency or center, do not rise to the level of a public safety concern but that relate to the adjudication or conviction of a child for a municipal ordinance violation or that relate to the charging, adjudication, deferred prosecution, deferred
judgment, or diversion of a child for an act that, if committed by an adult, would have constituted a misdemeanor or a felony.

(c) Notwithstanding any other provision of law to the contrary, a criminal justice agency investigating a criminal matter or a matter under the "School Attendance Law of 1963", part 1 of article 33 of title 22, C.R.S., concerning a child may seek disciplinary and truancy information from the principal of a school, or the principal's designee, at which the child is or will be enrolled as a student and, if the student is enrolled in a public school, from the superintendent of the school district in which the student is enrolled, or such superintendent's designee. Upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the child's parent, either the principal of the school in which the child is enrolled, or such principal's designee, or, if the student is enrolled in a public school, the superintendent of the school district in which the student is enrolled, or such superintendent's designee, shall provide the child's attendance and disciplinary records to the requesting criminal justice agency. The criminal justice agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received.

(d) School and school district personnel receiving information pursuant to this subsection (2) shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of the information received. Any information received by a school or a school district pursuant to this subsection (2) that is shared with another school or a school district to which a student may be transferring shall only be shared in compliance with the requirements of federal law.

(2.5)(a) Notwithstanding any other provision of law to the contrary and in addition to the provisions of subsections (1) and (2) of this section, assessment centers for children and the agencies, other than schools and school districts, participating in the local assessment centers for children are authorized to provide and share information, except for mental health or medical records and information, with each other, without the necessity of signed releases, concerning children who have been taken into temporary custody by law enforcement or who have been referred to the assessment center for children for case management purposes. Agencies shall have annually updated signed agreements with assessment centers for children to be considered a participating agency.

(b) For purposes of sharing information pursuant to this subsection (2.5) only, "mental health or medical records and information" does not include the standardized behavioral or mental health disorder screening. An assessment center that conducts a standardized behavioral or mental health disorder screening on a child who has been taken into temporary custody by law enforcement or has been referred to the assessment center for children for case management purposes may share the results of such screening, without the necessity of a signed release, with the agencies, other than schools and school districts, participating in the assessment center for children. To receive the results of the standardized behavioral or mental health disorder screening, a participating agency must have a need to know for purposes of investigations and case management in the administration of its respective programs. Any participating agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received, except as may be required pursuant to rule 16 of the Colorado rules of criminal procedure.

(2.6)(a) The state department of human services and county departments:

(I) Shall collect information concerning the military affiliation of any person who has custody or control of a child who is the subject of an investigation of child abuse or neglect;

(II) Shall provide notice and information to the command authority of military installations under the United States secretary of defense regarding any report received of known or suspected instances of child abuse or neglect that is assigned for an assessment and in which the person having custody or control of the child is a member of the armed forces or a spouse, or a significant other or family
(III) May enter into memorandums of understanding with the command authority of military installations establishing protocols for the sharing of information and for collaboration on the oversight of investigations involving a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces. The military installation receiving information shall ensure it is used only for its intended and limited purpose as authorized by law and that the confidential nature of the information is preserved.

(b) The state board of human services may promulgate any rules necessary for the implementation of this subsection (2.6).

(2.7)(a) Upon the receipt of written notice sent by a foster parent, employees of the department of human services and of county departments, or other individuals with a need to know, shall be prohibited from releasing personally identifiable information about a foster parent, other than the foster parent's first name, to any adult member of the foster child's family, unless the foster parent subsequently provides his or her express written consent for the release of the information. The consent may consist of a handwritten note by the foster parent specifying the foster child's name, the consent for release of information to the foster child's family, the foster parent's signature, and the date. The consent shall be given individually for each foster child, unless the foster children are members of a sibling group.

(b) The civil penalty described in subsection (4.7) of this section shall not apply to any foster child or siblings of the foster child.

(3) and (4)(Deleted by amendment, L. 2000, p. 315, § 2, effective April 7, 2000.)

(4.3) School and school district personnel, employees of the state judicial department, employees of state agencies, employees of criminal justice agencies, and employees of assessment centers for children who share information concerning a child pursuant to this part 3 shall be immune from civil and criminal liability if such personnel or employee acted in good faith compliance with the provisions of this part 3.

(4.4) The judicial department, with respect to dependency or neglect cases or any other provisions under this title, shall exchange information, to the extent necessary, with the state child support enforcement agency and the delegate child support enforcement units for the purposes of effectively locating responsible parties, establishing paternity and child support, including child support debt pursuant to section 14-14-104, C.R.S., enforcing support orders, disbursing collected child support payments, and facilitating the efficient and effective delivery of services under articles 13 and 13.5 of title 26, C.R.S.

(4.7) Any person who knowingly violates the confidentiality provisions of this section shall be subject to a civil penalty of up to one thousand dollars.

(5) The provisions of this section are in addition to and not in lieu of other statutory provisions of law pertaining to the release of information. Access to or exchange of information not otherwise addressed by this section is governed as otherwise provided by law.

(6) For purposes of this section:

(a) “Assessment center for children” is defined in section 19-1-103 (10.5).

(a.1) “Case management purposes” is defined in section 19-1-103 (16.5).

(a.3) “Criminal justice agency” is defined in section 19-1-103 (34.6).

(b) “Need to know” is defined in section 19-1-103 (77.5).

(c) “School” is defined in section 19-1-103 (94.3).

(7) This section shall be interpreted to promote the best interests of the child and, where possible, the child's family.

(8) to (10)(Deleted by amendment, L. 2008, p. 1242, § 4, effective August 5, 2008.)
(11)(a) The judicial department or any agency described in subsection (1)(a) of this section may provide a prospective foster parent, as defined by rule of the department of human services, or a foster parent who is responsible for the health or welfare of a foster child named in a report who is residing in the foster parent's home, with information that is necessary to meet the foster child's physical, mental, emotional, behavioral, and other identified trauma needs.

(b) The information described in subsection (11)(a) of this section is only information directly relevant to meeting the foster child's physical, mental, emotional, behavioral, and other identified trauma needs, and includes, but is not limited to, the following:

(I) A foster child's educational records;
(II) Relevant information in the family services plan to meet the safety, permanency, and well-being needs of the foster child, including any safety issues that impact the foster parent's ability to parent the foster child;
(III) Circumstances related to the removal of the foster child from his or her home; and
(IV) Youth placement history, including safety concerns and reasons for unplanned placement moves.

(c) Mental health and medical records of a child may be released pursuant to this subsection (11), subject to any privilege recognized or governed by state or federal law.

(d) The foster parent shall maintain the confidentiality of any information obtained pursuant to this subsection (11).


(1)(a) Court records - open. Except as provided in subsection (1)(b.5) of this section, court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance are open to inspection to the following persons without court order:

(I) The juvenile named in said record;
(II) The juvenile's parent, guardian, legal custodian, or attorney;
(III) Any attorney of record;
(IV) The juvenile's guardian ad litem;
(V) The juvenile probation department and the adult probation department for purposes of a presentence investigation and the preparation of a presentence report as described in section 16-11-102 (1)(a), C.R.S.;
(VI) Any agency to which legal custody of the juvenile has been transferred;
(VII) Any law enforcement agency or police department in the state of Colorado;
(VII.5) The Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase;
(VIII) A court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
(IX) Any attorney of record in a juvenile or domestic action in which the juvenile is named;
(X) The state department of human services;
(XI) Any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;
(XII) All members of a child protection team, if one exists pursuant to section 19-3-308 (6)(a);
(XIII) Any person or agency for research purposes, if all of the following conditions are met:

(A) The person or agency conducting the research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to
conduct the research; except that the department of public safety is not required to obtain prior authorization from the department of human services for purposes of this subsection (1)(a)(XIII);

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed; and

(C) Any data released must only be in aggregate form;

(XIV) The victim and the complaining party, if different, identified in the court file;

(XV) The department of corrections for aid in determinations of recommended treatment, visitation approval, and supervised conditions;

(XVI) The principal, or the principal's designee, of a school in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee;

(XVII) The department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(b) Court records - limited. With consent of the court, records of court proceedings in delinquency cases may be inspected by any other person having a legitimate interest in the proceedings.

(b.5) Arrest and criminal records - certain juveniles - public access - information limited. The public has access to information reporting the arrest or other formal filing of charges against a juvenile; the identity of the criminal justice agency taking such official action relative to an accused juvenile; the date and place that such official action was taken relative to an accused juvenile; the nature of the charges brought or the offenses alleged; and one or more dispositions relating to the charges brought against an accused juvenile, when this information:

(I) Is in the custody of the investigating law enforcement agency, the agency responsible for filing a petition against the juvenile, and the court; and

(II) Concerns a juvenile who:

(A) Is adjudicated a juvenile delinquent or is subject to a revocation of probation for committing the crime of possession of a handgun by a juvenile or for committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult; or

(B) Is charged with the commission of any act described in sub-subparagraph (A) of this subparagraph (II).

(b.7) The information that is open to the public pursuant to subsection (1)(b.5) of this section regarding a juvenile who is charged with the commission of a delinquent act shall not include records of investigation as such records are described in section 24-72-305 (5). In addition, any psychological profile of any such juvenile, any intelligence test results for any such juvenile, or any information regarding whether such juvenile has been sexually abused is not open to the public unless released by an order of the court. The information that is open to the public pursuant to subsection (1)(b.5) of this section regarding a juvenile who is charged with a delinquent act shall not include the juvenile's name, birth date, or photograph.

(b.8) The court shall report the final disposition concerning a juvenile who has been adjudicated a juvenile delinquent to the Colorado bureau of investigation in a form that is electronically consistent with applicable law. The report must be made within seventy-two hours after the final disposition; except that the time period shall not include Saturdays, Sundays, or legal holidays. The report must include the
disposition of each charge and the court case number, and the Colorado bureau of investigation shall reflect any change of status but shall not delete or eliminate information concerning the original charge. Colorado bureau of investigation records regarding juvenile offenses are not open to the public.

(c) Probation records - limited access. Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, are not open to inspection except as provided in subsection (1)(c)(I) to (1)(c)(XI) of this section:

(I) To persons who have the consent of the court;
(II) To law enforcement officers, as defined in section 19-1-103 (72), and to fire investigators, as defined in section 19-1-103 (51). The inspection shall be limited to the following information:
   (A) Basic identification information as defined in section 24-72-302 (2), C.R.S.;
   (B) Details of the offense and delinquent acts charged;
   (C) Restitution information;
   (D) Juvenile record;
   (E) Probation officer's assessment and recommendations;
   (F) Conviction or plea and plea agreement, if any;
   (G) Sentencing information; and
   (H) Summary of behavior while the juvenile was in detention, if any;
(II.5) To the Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase. The inspection shall be limited to the information identified in sub-subparagraphs (A) to (H) of subparagraph (II) of this paragraph (c).
(III) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
(IV) To any attorney of record in a juvenile or domestic action in which the juvenile is named;
(V) To the state department of human services;
(VI) To any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;
(VII) To all members of a child protection team, if one exists pursuant to section 19-3-308 (6)(a);
(VII.5) To the juvenile named in the record;
(VIII) To the juvenile's parent, guardian, legal custodian, or attorney;
(IX) To the juvenile's guardian ad litem;
(X) To the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee; or
(XI) To the department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(d) Social and clinical studies - closed - court authorization. Except as otherwise authorized by section 19-1-303, any social and clinical studies, including all formal evaluations of the juvenile completed by a professional, whether or not part of the court file or any other record, are not open to inspection, except:

(I) To the juvenile named in the record;
(II) To the juvenile's parent, guardian, legal custodian, or attorney; or
(III) By order of the court, upon a finding of a legitimate interest in and need to review the social and clinical studies.

(2)(a) Law enforcement records in general - closed. Except as otherwise provided by subsection (1)(b.5) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers
concerning juveniles, including identifying information, must be identified as juvenile records and must not be inspected by or disclosed to the public, except:

(I) To the juvenile and the juvenile's parent, guardian, legal custodian, or attorney;

(II) To other law enforcement agencies and to fire investigators, as defined in section 19-1-103 (51), who have a legitimate need for such information;

(II.5) To the Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase;

(III) To the victim and the complaining party, if different, in each case after authorization by the district attorney or prosecuting attorney;

(IV) When the juvenile has escaped from an institution to which such juvenile has been committed;

(V) When the court orders that the juvenile be tried as an adult criminal;

(VI) When there has been an adult criminal conviction and a presentence investigation has been ordered by the court;

(VII) By order of the court;

(VIII) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;

(IX) To any attorney of record in a juvenile or domestic action in which the juvenile is named;

(X) To the state department of human services;

(XI) To any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;

(XII) To all members of a child protection team, if one exists pursuant to section 19-3-308 (6)(a);

(XIII) To the juvenile's guardian ad litem;

(XIV) To any person or agency for research purposes, if all of the following conditions are met:

(A) The person or agency conducting such research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to conduct such research; except that the department of public safety does not need to obtain prior authorization from the department of human services for the purposes of this subsection (2)(a)(XIV)(A); and

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

(XV) To the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee;

(XVI) To assessment centers for children;

(XVII) To the department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(b) The fingerprints, photograph, name, address, and other identifying information regarding a juvenile may be transmitted to the Colorado bureau of investigation to assist in any apprehension or investigation and for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase.

(2.5) Parole records. Parole records are open to inspection by the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in
a public school, by the superintendent of the school district in which the student is or will be enrolled, or such superintendent’s designee. Parole records are also open to inspection by assessment centers for children and by the juvenile named in the record and the juvenile’s parent, guardian, legal custodian, or attorney.

(3) Prior to adjudication, the defense counsel, the district attorney, the prosecuting attorney, or any other party to a pending delinquency petition with consent of the court must have access to records of any proceedings pursuant to this title 19, except as provided in section 19-1-309, which involve a juvenile against whom criminal or delinquency charges have been filed. No new criminal or delinquency charges against such juvenile may be brought based upon information gained initially or solely from such examination of records.

(4) For the purpose of making recommendations concerning sentencing after an adjudication of delinquency, the defense counsel and the district attorney or prosecuting attorney shall have access to records of any proceedings involving the adjudicated juvenile pursuant to this title, except as provided in sections 19-1-307, 19-1-308, and 19-1-309. No new criminal or delinquency charges against the adjudicated juvenile shall be brought based upon information gained initially or solely from such examination of records.

(5) Direct filings - arrest and criminal records open. Whenever a petition filed in juvenile court alleges that a juvenile between the ages of twelve to eighteen years has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a juvenile has committed such an offense, then the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a juvenile’s physical description, concerning such juvenile shall be made available to the public. The information is available only from the investigative law enforcement agency, the agency responsible for filing a petition, and the court, and shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. Basic identification information, as defined in section 24-72-302 (2), C.R.S., along with the details of the alleged delinquent act or offense, shall be provided immediately to the school district in which the juvenile is enrolled. Such information shall be used by the board of education for purposes of section 22-33-105 (5), C.R.S., but information made available to the school district and not otherwise available to the public shall remain confidential.

(5.5) Whenever a petition is filed in juvenile court alleging a class 1, class 2, class 3, or class 4 felony; a level 1, level 2, or level 3 drug felony; an offense involving unlawful sexual behavior as defined in section 16-22-102 (9); a crime of violence as described in section 18-1.3-406; a burglary offense as described in part 2 of article 4 of title 18; felony menacing, in violation of section 18-3-206; harassment, in violation of section 18-9-111; fourth degree arson, in violation of section 18-4-105; aggravated motor vehicle theft, in violation of section 18-4-409; hazing, in violation of section 18-9-124; or possession of a handgun by a juvenile, in violation of section 18-12-108.5, or when a petition is filed in juvenile court in which the alleged victim of the crime is a student or staff person in the same school as the juvenile or in which it is alleged that the juvenile possessed a deadly weapon during the commission of the alleged crime, the prosecuting attorney, within three working days after the petition is filed, shall make good faith reasonable efforts to notify the principal of the school in which the juvenile is enrolled and shall provide such principal with the arrest and criminal records information, as defined in section 24-72-302 (1). In the event the prosecuting attorney, in good faith, is not able to either identify the school that the juvenile attends or contact the principal of the juvenile’s school, then the prosecuting attorney shall contact the superintendent of the juvenile’s school district.

(6) The department of human services shall release to the committing court, the prosecuting attorney, the Colorado bureau of investigation, and local law enforcement agencies basic identification information as
defined in section 24-72-302(2) concerning any juvenile released or released to parole supervision or any juvenile who escapes. This information is not open to the public.

(7) In addition to the persons who have access to court records pursuant to subsection (1)(a) of this section, statewide electronic read-only access to the name index and register of actions of the judicial department must be allowed to the following agencies or persons:

(a) County departments, as defined in section 19-1-103(32), and attorneys who represent the county departments as county attorneys, as defined in section 19-1-103(31.5), as it relates to the attorneys' work representing the county;

(b) The office of the state public defender, created in section 21-1-101, C.R.S.;

(c) Guardians ad litem under contract with the office of the child's representative, created in section 13-91-104, C.R.S., or authorized by the office of the child's representative to act as a guardian ad litem, as it relates to a case in which they are appointed by the court;

(d) Attorneys under contract with the office of the alternate defense counsel, created in section 21-2-101, as it relates to a case in which they are appointed by the court;

(e) A respondent parent's counsel under contract with the office of the respondent parents' counsel, created in section 13-92-103, or authorized by the office of the respondent parents' counsel to act as a respondent parent's counsel, as it relates to a case in which they are appointed by the court; and

(f) A licensed attorney working with a nonprofit association providing free legal assistance as it relates to screening an applicant for eligibility for free services or to a case in which the organization has entered an appearance to provide free representation, if the office of the alternate defense counsel agrees to monitor the attorney's use of the electronic name index and register of actions.

(8) Division of youth services critical incident information.

(a) For the purposes of this subsection (8), "critical incident" means any of the following:

(I) An intentional physical or sexual act of aggression that:
   (A) Causes or attempts to cause serious bodily injury;
   (B) Causes bodily injury that requires only first aid or lesser attention; or
   (C) Causes no bodily injury;

(II) Unauthorized physical or sexual contact caused through recklessness or negligence, where physical or sexual harm was not intended; or

(III) An attempt to harm or gain power by blows or with weapons.

(b) The department of human services, the division of youth services, or any agency with relevant information shall release the following information related to any critical incident, or aggregate of critical incidents, that occurred in a facility operated by the division of youth services upon request so long as the disclosing agency, except as described in subsection (8)(b)(V) of this section, redacts any identifying information, any information concerning security procedures or protocols, and any information that would jeopardize the safety of the community, youths, or staff:

(I) The type of critical incident that occurred or a summary of types of critical incidents that have occurred within a given time frame;

(II) A summary of whether the number and types of critical incidents are increasing or decreasing in frequency and severity;

(III) On average, how many of the youth have been involved in multiple critical incidents and the average length of detainment;

(IV) A summary of responses to critical incidents by the facility involved, such as de-escalation or typical consequence imposed; and
(V) A summary of any critical incident that has occurred, which summary must include a summary of any use of force on a youth, including any physical-management techniques or restraints utilized and any seclusion of a youth. The division shall not redact the information other than to protect the personal identifying information of any individual.

(c) The division of youth services, the department of human services, or any agency with relevant information related to a critical incident shall provide redacted records related to the critical incident, provided confidentiality is maintained. The division may charge a fee in accordance with section 24-72-205.

(d) The division of youth services may release to the public information at any time to correct inaccurate information pertaining to the critical incident that was reported in the news media, so long as the release of information by the division protects the confidentiality of any youth involved; is not explicitly in conflict with federal law; is not contrary to the best interest of the child who is the subject of the report, or his or her siblings; is in the public's best interest; and is consistent with the federal "Child Abuse Prevention and Treatment Reauthorization Act of 2010", Pub.L. 111-320.

(e) Except as otherwise authorized by section 19-1-303, all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to article 2 of this title are confidential and privileged.

20-1-113. Reporting of criminal proceedings involving public school students.

(1) On or before August 1, 2013, and continuing through August 1, 2014, the district attorney of each judicial district, or his or her designee, shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., information about offenses alleged to have been committed by a student that have occurred on school grounds, in a school vehicle, or at a school activity or sanctioned event within the judicial district during the preceding twelve months. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (1) does not relieve a district attorney of his or her responsibility to file the report required by this subsection (1). A district attorney who has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015.

(2) The information reported by each district attorney pursuant to subsection (1) of this section shall include the number of offenses filed in court, including the total number of each type of such offenses, the disposition of each case, and the age, gender, school, and race or ethnicity of each student that the district attorney prosecuted.

(3) The information reported by each district attorney pursuant to subsection (1) of this section shall include, to the extent practicable and to the extent that such information is collected by the district attorney as of May 19, 2012:

(a) The number of offenses that were referred to the district attorney by a law enforcement agency and were not filed in court, including the total number of each type of such offenses; and

(b) The number of offenses for which the district attorney referred an offender to a juvenile diversion program or other alternative program, including the total number of each type of such offenses.

(4) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., commencing August 1, 2015, and continuing every August 1 every year thereafter, each district attorney shall report to the division of criminal justice the name of any student who was granted pre-file juvenile or adult diversion for a ticket, summons, or offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event. In addition to the full name of the student, the district attorney shall report the student's date of birth, race, ethnicity, and gender and the arrest or incident report number, as recorded by a law enforcement agency. Information, including expunged record information, released by a district attorney to the division of criminal justice pursuant to this section must only be used for research purposes related to school discipline.
(5) Notwithstanding the provisions of section 19-1-303 (4.7), C.R.S., a district attorney or his or her designee is not subject to any criminal or civil penalty for compliance with the reporting obligations of this section.


(6) Sharing information. Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. Sharing of information concerning an out-of-home placement student who is being transferred to a public school shall comply with the rules established by the state board pursuant to section 22-2-139 (9).

REGULATIONS
No relevant regulations found.

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

LAWS

22-11-302. School district accountability committees - powers and duties.

(2) The local school board and the school district accountability committee shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the school district accountability committee shall study and concerning which the committee may make recommendations to the local school board.

22-14-104. Report of effective policies and strategies - creation - use.

(1) On or before December 31, 2009, the office shall review the existing research and data from this state and other states and compile a report of effective dropout prevention and student engagement and re-engagement policies and strategies implemented by local education providers within this state and in other states. The office may use the findings and recommendations in the report to provide technical assistance to high priority and priority local education providers, to assist high priority and priority local education providers in creating student graduation and completion plans, and to recommend to the state board and the general assembly state policies concerning dropout prevention and student engagement and re-engagement. High priority and priority local education providers may use the report to review their policies, to formulate new policies and strategies, and to create and evaluate their student graduation and completion plans.

(2) In preparing the report of effective policies and strategies, the office, at a minimum, shall consult, share information, and coordinate efforts with:

(a) The governor’s office;

(b) The P-20 education coordinating council appointed by the governor pursuant to executive order B 003 07;
(c) Local education providers within Colorado that have maintained low student dropout rates and high rates of student engagement and re-engagement in previous years;
(d) State and national experts in dropout rate reduction and student engagement and re-engagement strategies who are knowledgeable about successful policies and practices from other states and local governments in other states; and
(e) Federal government officials who administer dropout rate reduction and student engagement and re-engagement initiatives and programs.

(3) The office shall periodically review and revise the report of effective policies and strategies as necessary to maintain the report's relevance and applicability. The office shall post the initial report of effective strategies and subsequent revisions on the department's web site.

22-14-105. Assessment of statewide student attendance data - report.
Beginning in the 2009-10 academic year, the office, with assistance from other divisions within the department, shall annually analyze data collected by the department from local education providers throughout the state concerning student attendance and the implementation of school attendance policies and practices and shall assess the overall incidence, causes, and effects of student dropout, engagement, and re-engagement in Colorado. On or before February 15, 2010, and on or before February 15 each year thereafter, the office shall provide to local education providers, the state board, the education committees of the senate and the house of representatives, or any successor committees, and the governor's office the assessment and any recommended strategies to address student dropout, engagement, and re-engagement in Colorado. The office may combine this assessment and recommendation with the report required by section 22-14-111.

22-14-110. State board - rules.
(1) The state board shall promulgate, pursuant to the "State Administrative Procedure Act", article 4 of title 24, such rules as may be necessary to implement the provisions of this article 14. At a minimum, the rules must include:
   (a) The rules required pursuant to section 22-14-103 (4) to establish criteria for identifying high priority and priority local education providers;
   (b) The rules required pursuant to section 22-14-109 for the student re-engagement grant program;
   (b.5) The rules required pursuant to section 22-14-109.5 for the ninth-grade success grant program; and
   (c) Rules to define and calculate the following rates:
       (I) The student dropout rate;
       (II) The graduation rate;
       (III) The completion rate;
       (IV) The student re-engagement rate;
       (V) The truancy rate;
       (VI) The student mobility rate;
       (VII) The student suspension rate; and
       (VIII) The student expulsion rate.
(2) To the extent the state board, as of May 21, 2009, has already promulgated any of the rules specified in subsection (1) of this section, the state board shall review said rules and determine whether they should be revised based on the provisions of this article.
22-14-111. Report to general assembly, state board, and governor - exception to three-year expiration.

(1) On or before February 15, 2010, through February 15, 2016, and on or before March 15, 2017, and on or before March 15 each year thereafter, the office shall submit to the state board, to the education committees of the senate and the house of representatives, or any successor committees, and to the governor a report making state policy findings and recommendations to reduce the student dropout rate and increase the student graduation and completion rates. At a minimum, in preparing the findings and recommendations, the office shall:

(a) Consider which state statutes and rules may be appropriately amended to provide incentives and support for and remove barriers to reducing the student dropout rate and increasing the student graduation and completion rates, including but not limited to statutes and rules pertaining to funding for local education providers' operating costs, funding for categorical programs, and truancy;

(b) Consider research-based dropout prevention and student engagement and re-engagement strategies;

(c) Determine the amount of state moneys spent on reducing the dropout rates in schools operated or approved by local education providers in the preceding fiscal year and determine the effects of those expenditures; and

(d) Consult with the persons specified in section 22-14-104 (2).

(2) Beginning with the report submitted pursuant to this section on February 15, 2012, the office shall add to the report a summary of the actions taken by local education providers statewide to reduce the student dropout rate and increase the graduation and completion rates and the progress made in achieving these goals. At a minimum, the summary shall include:

(a) A summary and evaluation of the student graduation and completion plans adopted by the local education providers;

(b) A list of the local education providers whose schools have experienced the greatest decrease in student dropout rates and the greatest increase in student graduation and completion rates in the state in the preceding academic year;

(c) Identification of local education providers and public schools that are achieving the goals and objectives specified in their student graduation and completion plans and those that are not achieving their goals and objectives;

(d) Explanation of the actions taken and strategies implemented by the local education providers with the highest student dropout rates to reduce those rates and by the local education providers with the lowest student graduation and completion rates to increase those rates;

(e) Identification of the local education providers that have demonstrated the greatest improvement in reducing their student dropout rates and increasing their student graduation and completion rates and descriptions of the actions taken and strategies implemented by the local education providers operating or approving these schools to achieve these improvements; and

(f) An evaluation of the overall progress across the state in meeting the goals specified in section 22-14-101 for reducing the student dropout rate and increasing the student graduation and completion rates.

(3) Notwithstanding the provisions of section 24-1-136 (11), C.R.S., the reporting requirements specified in this article shall not expire but shall continue to be required until repealed by the general assembly.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:

(I) The total enrollment for the school;
(II) The average daily attendance rate at the school;
(III) Dropout rates for grades seven through twelve, if such grades are taught at the school;
(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district;
(B) Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event;
(C) Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event;
(C.5) The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event;
(D) Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event;
(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students;
(F) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;
(G) Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying and other behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1)(d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1)(e) and (1)(f), C.R.S.;

(J) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record;

(V) and (VI)(Deleted by amendment, L. 2012.)

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school;

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; and

(IX) The number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. Any information provided as a part of this subparagraph (IX) for the safe school reporting requirements must be reported as aggregate data and must not include any personally identifying information. For the purposes of this subparagraph (IX), "sexual violence" means a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

22-32-146. School use of on-site peace officers as school resource officers.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or
at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

(I) The student's full name;
(II) The student's date of birth;
(III) The student's race, ethnicity, and gender;
(IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
(V) The date of the arrest or taking of a student into custody;
(VI) The date of the issuance of the summons or ticket;
(VII) The arrest or incident report number as recorded by the law enforcement agency;
(VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;
(IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and
(X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - definitions - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Chemical restraint" has the same meaning as set forth in section 26-20-102 (2).
(b) "Mechanical restraint" has the same meaning as set forth in section 26-20-102 (4).
(c) "Prone position" means a face-down position.
(d) "Prone restraint" means a restraint in which the individual being restrained is secured in a prone position.
(e) "Restraint" has the same meaning as set forth in section 26-20-102 (6).

(2) Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.

(3)(a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

(b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

(I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow-up;

(II) Training needs of staff;

(III) Staff-to-student ratios; and

(IV) Environmental considerations, including physical space, student seating arrangements, and noise levels.

c) Not more than five calendar days after the use of restraint on a student, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student. The written report must be placed in the student's confidential file and include:

(I) The antecedent of the student's behavior, if known;

(II) A description of the incident;

(III) Any efforts made to de-escalate the situation;

(IV) Any alternatives to the use of restraints that were attempted;

(V) The type and duration of the restraint used;

(VI) Any injuries that occurred; and

(VII) The staff members who were present and staff members who were involved in administering the restraint.

(4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect the complaint process for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

22-33-105. Suspension, expulsion, and denial of admission.

(2.5) Each board of education shall annually report to the state board the number of students expelled from schools within the district pursuant to this section and pursuant to section 25-4-907, C.R.S. Any pupil who is expelled pursuant to this section shall not be included in calculating the dropout rate for the school from which such student is expelled or in calculating the dropout rate for the school district in which such pupil was enrolled prior to being expelled.
22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.


(4) On or before September 15, 2010, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the number of children who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding academic year. The
department shall post this information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

22-33-205. Services for expelled and at-risk students - grants - criteria.

(4) The department of education is authorized to retain up to one percent of any money appropriated for the program for the purpose of annually evaluating the program. The department of education is authorized and encouraged to retain up to an additional two percent of any money appropriated for the program for the purpose of partnering with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings. Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1, 2006, and on or before January 1 each year thereafter, the department of education shall report to the education committees of the house of representatives and the senate, or any successor committees, the evaluation findings on the outcomes and the effectiveness of the program related to school attendance, attachment, and achievement. The report shall also include specific information on the efficacy of services and supports that provide alternatives to court involvement and guardian ad litem representation in truancy proceedings.

22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients.

(6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.

22-93-104. Rules.

(1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102 (2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to:

(c) Rules for the administration of surveys of students’ impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include:

(I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student’s answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

(II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and

(III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys.

(d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees, the information described in section 22-93-103 (4).

24-33.5-503. Duties of division.

(2)(a)(I) On or before April 1, 2016, and every April 1 thereafter, the division has the duty to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summons, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those
tickets, summons, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender, ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data and provide a reasonable degree of training if necessary.

(II) Notwithstanding section 24-1-136 (11)(a)(l), the division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this subsection (2)(a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information. If the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division may provide the aggregate data gathered by a law enforcement agency to any independent research or community-based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile and criminal justice systems. The data provided must not include any information that would identify any individual student.

(III) The division shall annually post the report on its website.

(b) The division has the duty to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

(c) The division is only required to perform the duties of this subsection (2) if existing appropriations or resources are available.

26-20-106. Documentation requirements for restraint and seclusion - adults and youth.

(1) Each agency shall ensure that the use of restraint or seclusion is documented in the record of the individual who was restrained or secluded. Each agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions specifying the documentation requirements for purposes of this section.

(2) The division of youth services shall maintain the following documentation each time a youth is placed in seclusion as a result of an emergency in any secure state-operated or state-owned facility:

(a) The date of the occurrence;
(b) The race, age, and gender of the individual;
(c) The reason or reasons for seclusion, including a description of the emergency and the specific facts that demonstrate that the youth posed a serious, probable, and imminent threat of bodily harm to himself, herself, or others, and that there was a present ability to effect such bodily harm;
(d) A description of de-escalation measures taken by staff and the response, if any, of the youth in seclusion to those measures;
(e) An explanation of why less restrictive alternatives were unsuccessful;
(f) The total time in seclusion;
(g) Any incidents of self-harm or suicide that occurred while the youth was in seclusion;
(h) With respect to the interactions required by section 26-20-104.5, documentation of the justification for keeping the youth in seclusion and specific facts to demonstrate that the emergency was ongoing;
(i) The facility director or his or her designee's approval of continued seclusion at intervals as required by section 26-20-104.5;
(j) Documentation of notification within twelve hours to the parent, guardian, or legal custodian of the youth in seclusion as required by section 26-20-104.5; and

(k) The written approval by the director of the division of youth services for any seclusion that results from an emergency that extends beyond four consecutive hours, as required by section 26-20-104.5. This written approval must include documentation of specific facts to demonstrate that the emergency was ongoing and specific reasons why a referral to a mental health facility was not warranted.

(3) The division of youth services shall maintain the following documentation each time one or more youths are placed in confinement for administrative reasons pursuant to section 26-20-104.5 (3) in a secure state-operated or state-owned facility:

(a) The number of youth confined;

(b) The length of time the youth or youths were confined; and

(c) The reason or reasons for the confinement.

(4) On or before January 1, 2017, and on or before July 1, 2017, and every January 1 and July 1 thereafter, the division of youth services shall report on its use of restraint or seclusion in any secure state-operated or state-owned facility to the youth restraint and seclusion working group established in section 26-20-110. The January report must include information from March 1 through August 31, and the July report must include information from September 1 through the last day of February. The reports must include the following:

(a) An incident report on any use of seclusion on a youth due to an emergency for more than four consecutive hours, or for more than eight total hours in two consecutive calendar days. Each incident report must include length of seclusion, specific facts that demonstrate that the emergency was ongoing, any incidents of self-harm while in seclusion, the reasons why attempts to process the youth out of seclusion were unsuccessful, and any corrective measures taken to prevent lengthy or repeat periods of seclusion in the future. To protect the privacy of the youth, the division of youth services shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred.

(b) A report that lists the following aggregate information, both as combined totals and totals by facility for all secure state-operated or state-owned facilities:

(I) The total number of youths held in seclusion or restraint due to an emergency;

(II) The total number of incidents of seclusion or restraint due to an emergency;

(III) The average time in seclusion or restraint per incident;

(IV) An aggregate summary of race, age, and gender of youths held in seclusion or restraint; and

(V) The type of restraint or restraints used in each incident; and

(c) An incident report for any youth whom the division isolates from his or her peers for more than eight hours in two consecutive calendar days. Each incident report must include the age, race, and gender of the youth; the name of the facility; the length of time that the youth was isolated from his or her peers; and the justification for the isolation on an hour-by-hour basis. To protect the privacy of the youth, the division shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred. If the division has prepared an incident report of an incident involving seclusion pursuant to subsection (4)(a) of this section, the division is not required to include a report of the same incident pursuant to this subsection (4)(c).

(5) Reports prepared pursuant to this section must maintain the confidentiality of all youth. The reports made pursuant to this section are available to the public upon request.
Prior to January 1, 2018, the division of youth services shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth services shall fully comply with all requirements of this section on or before January 1, 2018.

An agency that utilizes restraint or seclusion shall ensure that a review process is established for the appropriate use of restraint or seclusion.

REGULATIONS

1 CCR 301-1. Section 11.0. Performance reporting.
11.05 Each school performance report shall include the following information concerning the operations and environment of the Public School that is the subject of the report:
(3) The occurrence of student conduct and discipline code violations reported pursuant to section 22-32-109.1(2)(b), C.R.S., expressed as a number and as a percentage of the total occurrences of violations reported;

1 CCR 301-78. Section 1.00. Statement of Basis and Purpose.
This regulation is adopted pursuant to the authority in section 22-33-104 (4)(c), C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the "APA"), C.R.S. These rules are adopted under authority granted the State Board of Education in the Colorado Constitution Article IX, Section 1; and Colorado Revised Statutes 22-2-106 (1)(a) and 22-2-107 (1)(c).
This regulation shall govern the standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the number of students identified as habitually truant. Many research studies have concluded that truancy is a problem that impacts a student's ability to attain the maximum benefit from the education process. Families, schools and communities must work together to ensure regular daily and punctual school attendance. Students should be advised that each scheduled school day will count in their attendance records. Further, students are required to attend classes, unless excused for good reason, in accordance with the Colorado School Attendance Law (C.R.S. 22-33-101). The purpose of this regulation is to provide specificity for consistency in reporting attendance and truancy data across school districts and BOCES. This regulation intends to increase data accuracy by generating uniform indicators for aggregate excused and unexcused absences and habitually truant student numbers. Another purpose is to allow the usage of these indicators to leverage resources to support the complete success of children and youth in school.

1 CCR 301-78. Section 2.00. Definitions.
2.00 (1) “Absences” means the scheduled school days or portions thereof missed by the student.
2.00 (2) “Attendance Period” means the period of time in which student attendance is recorded.
2.00 (3) “Automated Data Exchange” (ADE) means the state reporting system to collect, through electronic transfer where possible, all student and public school performance data as required by 22-7-603 C.R.S.
2.00 (4) “BOCES” means Boards of Cooperative Educational Services.
2.00 (5) “Department” means the Colorado Department of Education.
2.00 (6) “Excused Absence” means the student is absent for a reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S. which may include,
but is not limited to, the following reasons: funerals, illness, injury, legal obligations, medical procedures and religious observations.

2.00 (7) “Habitually Truant” means a student who is at least the age of six on or before August 1 of the school year in question and under the age of seventeen years having four total days of unexcused absences from public school in any one calendar month or ten total days of unexcused absences from public school during the reported school year in congruence with C.R.S. 22-33-107(3)(a).

2.00 (8) “Level of Detail” means the most detailed data available for reporting purposes of attendance information.

2.00 (9) “Month” means a named calendar month regardless of the number of school days within each month.

2.00 (10) “Reported School Year” means the full school year as defined by the local school board of education.

2.00 (11) “Safety and Discipline Indicators” is one collection of the Automated Data Exchange system to obtain behavioral incidents and the actions taken as a result, a breakdown of students by racial/ethnic group and actions taken, as well as Gun Free Schools Act (GFSA) Firearms Expulsions.

2.00 (11) “Tardies” may be defined by local school district/BOCES board policy, generally meaning a student entering classes after the scheduled start time.

2.00 (12) “Truancy/Unexcused Absence” means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.

2.00 (13) “Unexcused Absence/Truancy” means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.

1 CCR 301-78. Section 3.00. Standardized Calculation for Counting Absences of Students.

3.01 District/BOCES Uphold Written Attendance Policy.

3.01 (1) The local board of education shall adopt a written policy setting forth the district’s or BOCES’ attendance requirements. Said policy shall provide for Excused Absences, including those listed as exclusions from compulsory school attendance as declared in 22-33-104 (4)(a).

3.01 (2) The school district or BOCES shall uphold its written attendance policy. To ensure consistency in reporting attendance and Truancy data, districts and BOCES shall enforce uniform interpretations of the definitions of Excused Absences and Unexcused Absences across all schools within the school district or BOCES, according to the adopted district/BOCES attendance policy.

3.01 (3) The district/BOCES attendance policy shall be implemented in accordance with 22-33-107 C.R.S. which states that school district/BOCES policies shall include provisions for the development of a plan with the goal of assisting the child who is habitually truant to remain in school and when practicable, with the full participation of the child’s parent, guardian or legal custodian.

3.02 Excused Versus Unexcused Absences.

3.02 (1) Excused Absences.

3.02 (1) (a) Excused Absences occur when the student is absent for an acceptable reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S. which may include, but is not limited to, the following reasons: funeral, illness, injury, legal obligation, medical procedure and religious observation.

3.02 (1) (b) Local schools may require appropriate documentation to verify excused absences.
3.02 (1) (c) Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of calculating habitually truant students (22-33-107 (3)(a) C.R.S.).

3.02 (2) Unexcused Absences.

3.02 (2) (a) Unexcused Absences occur when the student is absent without a reason or for an unacceptable reason as identified within the attendance rules set by local school board of education policy as declared in 22-33-104 (4)(a) C.R.S.

3.02 (2) (b) If authorized school officials determine that the parent's excuse is not valid or verified, the absence shall be unexcused.

3.02 (2) (c) Unexcused Absences are used to calculate Truancy rates.

3.03 Aggregation of Absences.

3.03 (1) A district or BOCES, and its schools, shall report truancy/attendance data as specifically as its student information system (SIS) allows, i.e., by minutes, hours or by periods.

3.03 (2) At a minimum, attendance shall be recorded twice during each scheduled school day.

3.03 (3) For Department reporting purposes, a student who is absent more than 50 percent of any Attendance Period during a scheduled school day shall be considered absent for that entire recorded and reported period.

3.03 (4) For Department reporting purposes, a student who is present 50 percent or more of any Attendance Period during a scheduled school day shall be considered present for that entire recorded and reported period.

3.03 (5) All units of time shall be summed and converted to the number of days absent for reporting to the Department.

3.03 (6) Student Excused Absences shall be totaled for each student utilizing the most specific Level of Detail collected for the Student Total Days Excused Absent sum reported to the Department through the Safety and Discipline Indicators collection. When totaling this sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

3.03 (7) Student Unexcused Absences shall be totaled for each student utilizing the most specific Level of Detail collected for Student Total Days Unexcused Absent sum reported to the Department through the Safety and Discipline Indicators collection. When totaling this sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

3.04 Days Suspended/Expelled.

3.04 (1) Days suspended or expelled shall be totaled within the Student Total Days Excused Absent sum reported to the Department in accordance with 22-33-107 C.R.S. through the Safety and Discipline Indicators collection.

3.04 (2) Absences due to suspension or expulsion of a student shall not be totaled into the Student Total Days Unexcused Absent sum reported to the Department through the Safety and Discipline Indicators collection.

3.04 (3) For expelled students enrolled in a district-sponsored or BOCES-sponsored expulsion program, attendance shall be taken and counted toward the school that administers the program or the student's school of record at the discretion of the district/BOCES. Absences for students in such programs shall be determined to be excused or unexcused in accordance with the rules in this document.

1 CCR 301-78. Section 4.00. Format for Reporting Habitually Truant Student Data to the Department.

4.01 Habitually Truant.
4.01 (1) A Habitually Truant student is one who is at least the age of six on or before August 1 of the year in question and under the age of seventeen years having four total days of Unexcused Absences from public school in any one calendar Month or ten total days of Unexcused Absences from public school during the Reported School Year.

4.02 Habitually Truant Status.

4.02 (1) The status of a Habitually Truant student is calculated using the sum of Unexcused Absences converted to days and fractions of days.

4.02 (2) A student shall be reported as a Habitually Truant student if, at any time during the Reported School Year, their Unexcused Absences from public school in any one calendar Month equals or exceeds four total days.

4.02 (1) A student shall be reported as a Habitually Truant student, if at any time during the Reported School Year, their Unexcused Absences from public school equals or exceeds ten total days.

4.03 Days Suspended/ Expelled.

4.03 (1) Student Absences due to suspension or expulsion shall be considered excused for purposes of determining student Truancy status (22-33-107 (3)(a) C.R.S.) and as such, shall not be included in the calculation of Habitually Truant status.

4.04 Tardies.

4.04 (1) Tardies shall not be included in the calculation of Habitually Truant students for Department reporting purposes.

4.05 Reporting Categories.

4.05 (1) Districts and BOCES shall report Habitually Truant students in each school during the entire Reported School Year. Each student will be reported only once in one of three categories.

4.05 (2) “Four or more days in any one month” indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month, but never accumulated ten or more total days Unexcused Absences from that public school during the Reported School Year.

4.05 (3) “Ten or more days in one school year” indicates that the Habitually Truant student accrued ten or more total days of Unexcused Absences from the reporting public school during the Reported School Year, but never accumulated four or more total days of Unexcused Absences from that public school in any one calendar Month.

4.05 (4) “Met both conditions” indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month and also accumulated ten or more total days Unexcused Absences from the same public school during the Reported School Year.

4.06 Data Collection.

4.06 (1) Districts and BOCES shall provide Habitually Truant student data in the Automated Data Exchange (ADE) Safety and Discipline Indicators collection.

4.07 Beginning Date.

4.07 (1) Districts and BOCES shall provide Habitually Truant student data beginning with the 2009-2010 school year.

4.08 Duplication of Data.

4.08 (1) The Habitually Truant student counts provided may be duplicated across schools within a district or BOCES, and will be duplicated in state totals because of student mobility between schools and districts.
1 CCR 301-99. Section 5.00. Data collection and reporting.

5.01. Each public school, facility school, and collaborative group of public schools and facility schools funded through the Bullying Prevention and Education Grant Program shall submit annually information to the Department describing the following:

1. The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;
2. The number and grade levels of students who participated in each of the bullying prevention practices or services provided;
3. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in including family and community partnering in school bullying prevention strategies;
4. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in adopting specific policies concerning bullying education and prevention;
5. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in implementing the evidence-based best practices in bullying prevention with fidelity; and
6. The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in reducing the frequency of bullying as indicated by school surveys and other relevant measures.

5.02. On or before May 1, 2017, and each year thereafter as long as monies are available, the Department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

1. The number of grant recipients that received grants under the program;
2. The amount of each grant awarded to each grant recipient;
3. The average amount of each grant awarded under the program;
4. The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and
5. The source and amount of each gift, grant, and donation received by the Department for the implementation of the bullying prevention program, pursuant to section 22-93-105 (3)(b), C.R.S.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

22-32-146. School use of on-site peace officers as school resource officers.
(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

(4) School response framework - school safety, readiness, and incident management plan. Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management agency. At a minimum, the policies shall require:

(d) Each school district, on or before July 1, 2009, to start to develop a school safety, readiness, and incident management plan, including, to the extent possible, emergency communications, that coordinates with any statewide or local emergency operation plans. In developing the plan, a school district may collaborate with community partners. The school safety, readiness, and incident management plan shall, at a minimum, identify for each public school in the school district:

(I) Safety teams and backups who are responsible for interacting with community partners and assuming key incident command positions; and

(II) Potential locations for various types of operational locations and support functions or facilities;

(k) Key emergency school personnel, including but not limited to safety teams and backups, to complete courses provided by the federal emergency management agency's emergency management institute or by institutions of higher education in the state system of community and technical colleges;

(l) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to section 24-33.5-1606.5 (3), C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;
22-32-146. School use of on-site peace officers as school resource officers.

(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

24-31-312. School resource officer training.

(1) On or before January 1, 2014, the P.O.S.T. board shall identify a school resource officer training curriculum to prepare peace officers.

(2) To the extent practicable, the training curriculum described in subsection (1) of this section shall incorporate the suggestions of relevant stakeholders and advocates.

(3) (a) In assigning peace officers to serve as school resource officers pursuant to section 22-32-146, C.R.S., each law enforcement agency is encouraged to ensure that such peace officers have successfully completed the school resource officer training curriculum described in subsection (1) of this section, or will complete said training within six months after beginning the assignment.

(b) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.

(4) For the purposes of section 22-32-146, C.R.S., the training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

(5) In providing the training curriculum described in subsection (1) of this section, the P.O.S.T. board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a school resource officer certification curriculum offered by one or more public or private entities, which entities shall be identified by the P.O.S.T. board.

(6) The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.
(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

(I) The student's full name;

(II) The student's date of birth;

(III) The student's race, ethnicity, and gender;

(IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;

(V) The date of the arrest or taking of a student into custody;
(VI) The date of the issuance of the summons or ticket;

(VII) The arrest or incident report number as recorded by the law enforcement agency;

(VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;

(IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and

(X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

22-33-104. Compulsory school attendance.

(b) The attendance policy adopted pursuant to this subsection (4) shall specify the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108. Calculation of the number of unexcused absences a child has incurred includes all unexcused absences occurring during any calendar year or during any school year.


(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

(2) The commissioner of education shall designate an employee of the department of education whose duty it is to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. 22-33-108. Judicial proceedings.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.
(5) In addition to the assistance specified in sections 22-14-106 (3) and 22-14-107 (5), the office shall provide technical assistance in the areas of dropout prevention and student engagement and re-engagement to the high priority local education providers and, to the extent practicable within existing resources, to priority local education providers. Technical assistance may include, but need not be limited to:

(a) Training in implementing identified, effective, research-based strategies for dropout prevention and student engagement and re-engagement;

(b) Assistance in estimating the cost of implementing the identified strategies in the schools operated or approved by the high priority or priority local education provider and analyzing the cost-effectiveness of the strategies;

(c) Identification and recommendation of effective approaches applied by other Colorado local education providers that may be similarly situated to the high priority or priority local education provider.

24-33.5-1801. Legislative declaration.
(1) The general assembly hereby finds that:

(a) A safe and healthy learning environment for all students in Colorado is an important priority for the state; […]

(f) Improving student engagement, including reducing dropout rates and truancy levels, is an important factor for ensuring that schools are safe and successful. […]

(3) Now, therefore, the general assembly declares that: […]

(d) A school safety resource center dedicated to providing evidence-based practices and expertise to all schools is a cost-effective means to improve school safety; […]

24-33.5-1802. Definitions.
As used in this part 18, unless the context otherwise requires: […]

(2) "Center" means the school safety resource center created in the department pursuant to section 24-33.5-1803.

(4) "School" means an institution at which instruction is provided by instructors to students in one or more buildings on a campus. "School" includes a school serving any of grades preschool through twelve and an institution of higher education.

24-33.5-1803. School safety resource center - created - duties.
(1) There is hereby created within the department the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations and to foster positive learning environments. The director of the center shall be appointed by the executive director pursuant to section 13 of article XII of the state constitution. […]

(3) The center has the following duties:
(c) To assist schools in developing and establishing prevention and intervention efforts to ensure safe and secure learning environments;

(d) To conduct regular research and assessment projects to determine the efficacy of statewide and local policies and programming; [...] 

(h) (I) To consult with school districts, schools, and charter schools concerning evidence-based best practices for bullying prevention and education;

   (II) To consult with the department of education concerning its administration of the school bullying prevention and education grant program created in section 22-93-102, C.R.S.; and

   (III) To submit evidence-based best practices for bullying prevention and education to the department of education for the purposes of section 22-93-106, C.R.S. [...] 

(j) To provide information and resources relating to the development and maintenance of school resource officer programs, as determined by the center, to the division of fire prevention and control in the department of public safety for distribution to school districts and schools pursuant to section 24-33.5-1213.4 and to law enforcement agencies and other community partners, as described in section 22-32-109.1, C.R.S.;

(k) To provide suggestions for school resource officer training to the peace officers standards and training board, pursuant to section 24-31-312;

(l) To provide materials and training as described in section 24-33.5-1809 to personnel in school districts and charter schools, parents, and students regarding the awareness and prevention of child sexual abuse and assault, including human trafficking;

(m) By June 1, 2018, to make available a model program that conforms with section 22-1-128, regarding the risks and consequences of sexting for school districts to use, which curriculum must include information informing students of the provisions of section 18-7-109, including that, if a student receives a sexually explicit image in violation of section 18-7-109, the student can avoid adjudication as a juvenile delinquent by taking reasonable steps to either destroy or delete or report the initial viewing of the image within seventy-two hours after receiving the image; and

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS


(1) The general assembly finds that:

   (a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

   (b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.
(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

(2) As used in this section, unless the context otherwise requires:

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

(b) "Charter school" means a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title 22 or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3)(a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;
(e) The applicant’s agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department’s recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;

(b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;

(c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and

(d) Any additional criteria adopted by rule of the state board.

(6)(a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

(I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;

(II) The types of professional development that grant recipients provided to teachers and principals;

(III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:

(A) Disciplinary strategies or policies;

(B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;

(C) Attendance and truancy rates; and

(D) Indicators of teacher satisfaction; and

(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.
22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.
(1)(c) The department is strongly encouraged to direct, to the extent possible, any increases in the amount of federal moneys received by the department for programs under Title I, part A of the "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., programs under the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400, et seq., or other federal programs to assist in funding the activities of the office as specified in this article.

(d) The department shall seek and may accept and expend gifts, grants, and donations from public or private entities to fund the operations of the office, including the personnel for the office and execution of the duties and responsibilities specified in this article. Notwithstanding any provision of this article to the contrary, the department is not required to implement the provisions of this article until such time as the department has received an amount in gifts, grants, and donations from public or private entities that the department deems sufficient to adequately fund the operations of the office.

22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report.
(1) There is hereby created within the department the student re-engagement grant program to provide grant money to local education providers to use in providing educational services and supports to students to maintain student engagement and support student re-engagement in high school. Subject to available appropriations, the state board shall award student re-engagement grants to local education providers from money appropriated pursuant to subsection (4) of this section.

(4) The general assembly may annually appropriate money to the department to implement the student re-engagement grant program created in this section, including money from the marijuana tax cash fund created in section 39-28.8-501. In addition, the department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the program; except that the department may not accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this article 14 or any other law of the state.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

22-33-203. Educational alternatives for expelled students.
(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion.

(c)(I) Educational services provided pursuant to this section shall be provided by the expelling school district; except that the expelling school district may provide educational services either directly or in cooperation with one or more other school districts, boards of cooperative services, charter schools, nonpublic, nonparochial schools, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district. Any program of educational services provided by a nonpublic, nonparochial school shall be subject to approval by the state board of education pursuant to section 22-2-107.

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, by a charter school in a school district other than the expelling school district, by a board of cooperative services, by a nonpublic, nonparochial school, or by a pilot school pursuant to an agreement entered into pursuant to subparagraph (I) of paragraph (c) of this subsection (2), the expelling school district shall transfer ninety-five percent of the district per pupil revenues, as defined in
section 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services to expelled students pursuant to this subsection (2) may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing educational services.

22-33-204. Services for at-risk students - agreements with state agencies and community organizations.

(1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic, nonparochial schools; with the department of military and veterans affairs; and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student, or the student's family, who is identified as being at risk of suspension or expulsion or who has been suspended or expelled. Any services provided pursuant to an agreement with a nonpublic, nonparochial school are subject to approval by the state board of education pursuant to section 22-2-107.

Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;

(b) Counseling services;

(c) Substance use disorder treatment programs;

(d) Family preservation services.

(e) and (f)(Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)

(2) At a minimum, each agreement entered into pursuant to this section shall specify the services to be provided under the agreement, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement. In addition, each agreement shall require each entity entering into the agreement to contribute the services or funds for the provision of the services specified in the agreement. The agreement shall specify the services or the amount and source of funds that each entity will provide and the mechanism for providing said services or funds.

(3) Each school district shall use a portion of its per pupil revenues to provide services under agreements entered into pursuant to this section for each student who is at risk of suspension or expulsion or who is suspended or expelled. In addition, the school district may use federal moneys, moneys received from any other state appropriation, and moneys received from any other public or private grant to provide said services.

22-33-205. Services for expelled and at-risk students - grants - criteria.

(1)(a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, to facility schools, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services, and other services provided pursuant to section 22-33-204, to expelled students pursuant to section 22-33-203 (2), to students at risk of expulsion as identified pursuant to section 22-33-202 (1), and to truant students.
(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, facility schools, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.

(c) Grants awarded pursuant to this section shall be paid for out of any moneys appropriated to the department of education for implementation of the program.

(2)(a) The state board by rule shall establish application procedures by which a school district, a charter school, an alternative school within a school district, a nonpublic, nonparochial school, a board of cooperative services, a facility school, or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of educational services, including the type of educational services to be provided, the estimated cost of providing such educational services, and the criteria that will be used to evaluate the effectiveness of the educational services provided.

(b) The state board shall determine which of the applicants shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

(I) The costs incurred by the applicant in providing educational services to expelled or at-risk students pursuant to the provisions of this part 2 during the school year preceding the school year for which the grant is requested;

(II)(Deleted by amendment, L. 98, p. 570, § 4, effective April 30, 1998.)

(III) The number of expelled, at-risk, or truant students who are receiving educational services through the applicant under agreements entered into pursuant to the provisions of this part 2 during the school year preceding the year for which the grant is requested;

(IV) The quality of educational services to be provided by the applicant under the plan;

(V) The cost-effectiveness of the educational services to be provided under the plan;

(VI) The amount of funding received by the applicant in relation to the cost of the educational services provided under the plan; and

(VII) If the applicant is seeking to renew a grant or has been awarded a grant pursuant to this section in the previous five years, the demonstrated effectiveness of the educational services funded by the previous grant.

(3) The state board shall annually award at least forty-five percent of any moneys appropriated for the program to applicants that provide educational services to students from more than one school district and at least one-half of any increase in the appropriation for the program for the 2009-10 fiscal year to applicants that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings.

(4) The department of education is authorized to retain up to one percent of any money appropriated for the program for the purpose of annually evaluating the program. The department of education is authorized and encouraged to retain up to an additional two percent of any money appropriated for the program for the purpose of partnering with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The services and supports shall include, but need not be
limited to, alternatives to guardian ad litem representation in truancy proceedings. Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1, 2006, and on or before January 1 each year thereafter, the department of education shall report to the education committees of the house of representatives and the senate, or any successor committees, the evaluation findings on the outcomes and the effectiveness of the program related to school attendance, attachment, and achievement. The report shall also include specific information on the efficacy of services and supports that provide alternatives to court involvement and guardian ad litem representation in truancy proceedings.

22-93-102. School bullying prevention and education grant program - created.

(1) There is hereby created in the department the school bullying prevention and education grant program. Under the program, on and after July 1, 2012, or not more than ninety days after the promulgation of rules by the state board pursuant to section 22-93-104, whichever is later, a public school, a facility school, or a collaborative group of public schools or facility schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. The department shall administer the program in consultation with the school safety resource center created in section 24-33.5-1803, C.R.S.

(2) Notwithstanding any other provision of this article, the department shall not be required to implement the provisions of this article until sufficient moneys have been transferred or appropriated to the cash fund.

(3) The department is hereby authorized to hire any employees necessary to carry out the duties associated with the provisions of this article. The creation of any new positions of employment within the department pursuant to this article shall be subject to the availability of sufficient moneys in the cash fund and shall be eliminated when sufficient moneys are no longer available in the cash fund. The department shall ensure that all position descriptions and notices to hire for positions created pursuant to this article clearly state that such positions are subject to the availability of sufficient moneys in the cash fund.

22-93-105. School bullying prevention and education cash fund - created.

(1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred or appropriated thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(2) No more than five percent of the moneys annually expended from the cash fund may be used for the expenses incurred by the department in administering this article.

(3)(a) The general assembly may appropriate money to the bullying prevention and education cash fund from the marijuana tax cash fund created in section 39-28.8-501.

(b) The department may seek, accept, and expend public or private gifts, grants, and donations from public and private sources to implement this article; except that the department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this article or any other law of the state. The department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the cash fund.

(4) Nothing in this section shall be interpreted to require the department to solicit moneys for the purposes of this article.
25.5-1-206. School-based substance abuse prevention and intervention program - creation - reporting - legislative declaration - definitions.

(1)(a) The general assembly finds and declares that:

(I) The 2011 healthy kids Colorado survey indicates that the top three substances that high school students report they use are alcohol, marijuana, and prescription drugs;

(II) With the legalization of marijuana by citizen initiative in Colorado, there is an increased availability of marijuana in the community and, at the same time, a decreased perception of harm related to marijuana use;

(III) Evidence-based prevention and intervention programs and education awareness programs targeted to school children who are twelve to nineteen years of age are needed to:

(A) Increase the perceived risk of harm associated with marijuana and alcohol use and prescription drug misuse;

(B) Decrease the rates of youth marijuana and alcohol use and prescription drug misuse and delay the age of first-time use; and

(C) Decrease the number of drug- and alcohol-related violations, suspensions, and expulsions reported by schools.

(b) Therefore, the general assembly declares that it is appropriate to award grants to schools, community-based organizations, and health organizations to provide school-based prevention and intervention programs that use evidence-based strategies, practices, and approaches to reduce the risk of marijuana and alcohol use and prescription drug misuse by school-aged children. Successful school-based programs will lead to increased overall health, behavioral health, and educational outcomes for Colorado's youth.

(2) As used in this section, unless the context otherwise requires:

(a) "Entity" means a school, school district, board of cooperative services, a nonprofit or not-for-profit community-based organization, or a community-based behavioral health organization.

(b) "Grant program" means the school-based substance abuse prevention and intervention grant program created in subsection (3) of this section.

(3)(a) The school-based substance abuse prevention and intervention grant program is created within the state department. The purpose of the grant program is to award competitive grants to entities to provide school-based prevention and intervention programs for youth twelve to nineteen years of age primarily focused on reducing marijuana use, but including strategies and efforts to reduce alcohol use and prescription drug misuse.

(b) To be considered for a competitive grant, the entity must demonstrate in the grant proposal that:

(I) The grant will be used to implement evidence-based programs and strategies delivered in the school setting that are designed to improve overall health, behavioral health, and educational outcomes for youth who are twelve to nineteen years of age;

(II) The entity is delivering the program and strategies to at-risk youth, regardless of the youths' eligibility for Colorado's medical assistance program; and

(III) The evidence-based programs and strategies are designed to achieve the following outcomes:

(A) An increase in the perceived risk of harm associated with marijuana use, prescription drug misuse, and underage alcohol use among youth who are twelve to nineteen years of age;

(B) A decrease in the rates of youth marijuana use, alcohol use, and prescription drug misuse;

(C) A delay in the age of first use of marijuana, alcohol, or prescription drug misuse;
(D) A decrease in the rates of youth who have ever used marijuana or alcohol or misused prescription drugs in their lifetime; and

(E) A decrease in the number of drug- and alcohol-related violations on school property, suspensions, and expulsions reported by schools.

(4) On or before September 1, 2014, the state department shall establish procedures and timelines for grant applications, criteria for determining grant amounts and grantee reporting requirements, and any other grant program policies. The state department may amend these policies at any time.

(5) Subject to available appropriations, the state department shall award grants for the 2014-15 academic year and for each academic year thereafter. There is no limit on the number of grants that the state department may award, and the same entity may receive more than one grant if the state department considers the needs of at-risk students in communities throughout the state for school-based substance abuse prevention and intervention programs.

REGULATIONS

1 CCR 301-84. Section 4.00. Implementation of the student re-engagement grant program.

The Student Re-engagement Grant Program, pursuant to C.R.S. 22-14-109, is created to provide grant moneys to local education providers (LEPs) to use in providing educational services and supports to students to maintain Student Engagement and support Student Re-Engagement in high school.

4.01. Application Timelines.

The timeline is based on the state fiscal year and is only in effect based on the availability of funds;

(1) Application deadline: Applications shall be submitted to the Department by June 30.

(2) Application review: Applications will be reviewed within 30 days of the application deadline.

(3) Notification of awards: Award notification will occur within 30 days after the completion of the application review.

4.02. Application Procedures.

The Department will be the responsible agency for implementing the Student Re-Engagement Grant Program. The Department will develop the Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in § 22-14-109, C.R.S. Each grant application will include, at a minimum:

(1) The number of students to be served

(2) The LEP’s plan for providing educational services, including social-emotional and behavioral support services and appropriate academic challenge;

(3) A description of the services to be provided based upon previous research or evaluation of such services and that must include strategies that address social, emotional and academic needs;

(4) The estimated cost of providing the services;

(5) The criteria the LEP will use to measure the effectiveness of the services provided, at minimum, shall include improvements of outcomes such as Student Engagement and Student Re-Engagement rates, graduation rates, dropout rates and suspension and expulsion rates; and

The description of the LEP’s policies and practices related to:

(a) Course completion and credit recovery;

(b) Attendance and behavior improvements;

(c) Alternative and flexible and tiered learning strategies;

(d) Safe and welcoming school environment;(e) Student social and emotional supports;
(e) Student social and emotional supports;
(f) Family engagement and family support strategies;
(g) Staff development in meeting diverse student needs;
(h) Innovations to address barriers to school engagement and student success; and
(i) Transference of student records to and receipt of student records from others.

4.03. Duration and Amount of Grant Awards.
The Department shall review the grant applications received and recommend grant recommendations and grant amounts to the State Board. Subject to available appropriations, the State Board shall award grants to applicants pursuant to § 22-14-109 (3), C.R.S. Each grant shall have a term of up to three years subject to availability of funds, compliance with assurances and measurable progress.

4.04. Evaluation of Program.
On or before February 15, 2011, and on or before February 15 each year thereafter, the Department shall evaluate the educational and support services provided by each LEP that received a grant pursuant to § 22-14-109 (5), C.R.S., in the preceding fiscal year; except that the Department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the Department shall review:

1. The outcomes and effectiveness of the services provided as measured by the demonstrated degree of Student Engagement and Student Re-Engagement;
2. The academic growth of students who received services as a result of the grant, to the extent the information is available;
3. The reduction in the dropout rate; and
4. The increase in the graduation and completion rates for the grant recipients’ schools.

4.05. Reporting.
The Department shall report the evaluation results to the education committees of the senate and the House of Representatives, or any successor committees by February 15, in conjunction with the report submitted pursuant to § 22-14-111, C.R.S.

1 CCR 301-99. Section 3.00. Application requirements and timeline.
3.01. As legislated monies are available, the department shall solicit, review, and award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

3.02. On an annual basis on a date determined by the Department, public schools, facility schools, and collaborative groups of public schools and facility schools interested in obtaining funding shall submit a bullying prevention grant application electronically to the department, using the application form provided by the Department.

3.03. Each application submitted shall include, but need not be limited to the following:

1. A description of the evidence-based best practices for preventing bullying that applicants plan to implement using the grant moneys, including a description of the evidence supporting the chosen practices that have proven successful in other public schools in the country. These evidence-based practices for bullying prevention may be drawn from the department’s bullying prevention website, pursuant to section 2.01.1;

2. A description of the methods that will be used to ensure sustained implementation of evidence-based best practices in bullying prevention that result in improved outcomes and reduced bullying over time and past the grant period;
3. A description of how grantees will use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education, the grant recipient's ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient's strategies for including families and the community in school bullying prevention.

4. A description of how grantees will include student leadership and voice in the creation and implementation of bullying prevention strategies.

5. A description of how the applicant will adopt specific policies concerning bullying education and prevention that includes:
   5.1. Creation or revision of a district safe school plan as indicated in 22-32-109.1;
   5.2. Provisions for the administration of surveys of students' impressions of the severity of bullying in their schools;
   5.3. The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents;
   5.4. Provisions for adequate due processes and safeguards for students accused of engaging in bullying behaviors.

6. A description of the procedures for the distribution, collection, standardization, and analysis of student impression survey data collected, and procedures that ensure the confidentiality of each student's answers to the survey, and clarify that the completion of a survey shall be voluntary and shall not be required of any student.
   6.1. A description of the survey that will be used to ask about how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying;
   6.2. To the extent practicable, grantees may utilize existing forms and procedures, including those outlined on the Bullying Prevention website, to administer surveys;
   6.3. Grantees may use a digital or paper and pencil version of the survey;
   6.4. Grantees are required to implement an active opt in procedure for parents and students for any surveys used as a part of the grantee's program;

7. A description of the procedures for the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and

8. An explanation of the cost of the bullying prevention program that the applicant(s) plan to implement using the grant moneys and an explanation of how grant funding will be used to supplement and not supplant any funding currently being used on bullying prevention practices already provided to the students, school, families, and community.

1 CCR 301-99. Section 4.00. Application evaluation criteria.

4.01. In reviewing grant applications to determine which applicants should receive grant funding and the duration and amount of each grant, the Department shall consider the following criteria:
   1. The quality of the evidence-based best practices for preventing bullying that the applicant(s) plans to implement using the grant moneys, including the evidence supporting the chosen practices that have proven successful in other public schools in the country;
   2. The quality of the methods that will be used to ensure sustained implementation of the best practices in bullying prevention that can result in improved outcomes and reduced bullying over time and beyond the grant period;
3. The quality of the plan for using at least a portion of awarded grant moneys for the purpose of educating students’ parents and legal guardians regarding the grant recipient’s policies concerning bullying prevention and education, the grant recipient’s ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient’s strategies for including families and the community in school bullying prevention;

4. The quality of the plan for including student leadership and voice in the creation and implementation of bullying prevention strategies;

5. The quality of the plans to adopt specific policies concerning bullying education and prevention;

6. The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of survey data collected, and procedures that ensure the confidentiality of each student’s answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

7. The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and

8. The cost of the bullying prevention best evidence-based practices that the applicant(s) plan to implement using the grant moneys.
Other or Uncategorized

Professional immunity or liability

LAWS

22-12-104. Liability.
(1) An educational entity and its employees are immune from suit for taking an action regarding the supervision, grading, suspension, expulsion, or discipline of a student while the student is on the property of the educational entity or under the supervision of the educational entity or its employees; except that immunity shall not apply if the action is committed willfully and wantonly and violates a statute, rule, or regulation or a clearly articulated policy of the educational entity. The burden of proving the violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding. If at the summary proceeding the court finds a violation exists, the educational entity and its employee may raise immunity at trial under the provisions of this article and the “Colorado Governmental Immunity Act”, article 10 of title 24, C.R.S.

(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:

(a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;

(b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;

(c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(3) A person claiming to have suffered an injury by an educational entity or an employee, whether or not by a violation of a statute, rule, or regulation or a clearly articulated policy of the educational entity, shall file a written notice as provided in section 24-10-109, C.R.S., within one hundred eighty days after the date of discovery of the injury, regardless of whether the person then knew all of the elements of a claim or of a cause of action for the injury. Compliance with the provisions of this subsection (3) shall be a jurisdictional prerequisite to any action brought under the provisions of this article, and failure of compliance shall forever bar any such action.


(9) Immunity.

(a) A school district board of education or a teacher or any other person acting in good faith in accordance with the provisions of subsection (2) of this section in carrying out the powers or duties authorized by said subsection shall be immune from criminal prosecution or civil liability for such actions; except that a teacher or any other person acting willfully or wantonly in violation of said subsection shall not be immune from criminal prosecution or civil liability pursuant to said subsection. A teacher or any other person claiming immunity from criminal prosecution under this paragraph (a) may file a motion that shall be heard prior to trial. At the hearing, the teacher or other person claiming immunity shall bear the burden of establishing the right to immunity by a preponderance of the evidence.
(b) A teacher or any other person acting in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall be immune from civil liability; except that a person acting willfully and wantonly shall not be immune from liability pursuant to this paragraph (b). The court shall dismiss any civil action resulting from actions taken by a teacher or any other person pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section upon a finding by the court that the person acted in good faith and in compliance with such conduct and discipline code and was therefore immune from civil liability pursuant to paragraph (a) of this subsection (9). The court shall award court costs and reasonable attorney fees to the prevailing party in such a civil action.

(c) If a teacher or any other person does not claim or is not granted immunity from criminal prosecution pursuant to paragraph (a) of this subsection (9) and a criminal action is brought against a teacher or any other person for actions taken pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section, it shall be an affirmative defense in the criminal action that the teacher or such other person was acting in good faith and in compliance with the conduct and discipline code and was not acting in a willful or wanton manner in violation of the conduct and discipline code.

(d) An act of a teacher or any other person shall not be considered child abuse pursuant to sections 18-6-401 (1) and 19-1-103 (1), C.R.S., if:

(I) The act was performed in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section; or

(II) The act was an appropriate expression of affection or emotional support, as determined by the board of education.

(e) A teacher or any other person who acts in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall not have his or her contract nonrenewed or be subject to any disciplinary proceedings, including dismissal, as a result of such lawful actions, nor shall the actions of the teacher or other person be reflected in any written evaluation or other personnel record concerning such teacher or other person. A teacher or any other person aggrieved by an alleged violation of this paragraph (e) may file a civil action in the appropriate district court within two years after the alleged violation.


(3)(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(IV) Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel
shall make a reasonable effort to notify by telephone such parent. Any person who, in good faith, gives or fails to give notice pursuant to this subparagraph (IV) shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

24-10-106.3. Immunity and partial waiver - claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence - short title - definitions - repeal.

(1) This section shall be known and may be cited as the "Claire Davis School Safety Act".

(2) Definitions. For purposes of this section, unless the context otherwise requires:

(a) "Charter school" means a charter school or an institute charter school established pursuant to article 30.5 of title 22, C.R.S.

(b) "Crime of violence" means that the person committed, conspired to commit, or attempted to commit one of the following crimes:

   (I) Murder;
   (II) First degree assault; or
   (III) A felony sexual assault, as defined in section 18-3-402, C.R.S.

(c) "Incident of school violence" means an occurrence at a public school or public school-sponsored activity in which a person:

   (I) Engaged in a crime of violence; and
   (II) The actions described in subparagraph (I) of this paragraph (c) by that person caused serious bodily injury or death to any other person.

(d) "Public school" has the same meaning as provided in section 22-1-101, C.R.S., and includes a charter school or institute charter school.

(e) "School district" means a school district organized pursuant to article 30 of title 22, C.R.S., and the charter school institute established pursuant to section 22-30.5-503, C.R.S.

(f) "Serious bodily injury" means bodily injury that, either at the time of the actual injury or a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

(3) Recognition of duty of care. All school districts and charter schools and their employees in this state have a duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable, while such students, faculty, and staff are within the school facilities or are participating in school-sponsored activities.

(4) Limited waiver of sovereign immunity. Notwithstanding any other provision of this article, a public school district or charter school is immune from liability in all claims for injury that lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as otherwise provided in this section or in this article. In addition to any other claims for which the "Colorado Governmental Immunity Act" waives sovereign immunity in this article, sovereign immunity is waived under the "Colorado Governmental Immunity Act" with respect to school districts and charter schools for a claim of a breach of the duty of care established in subsection (3) of this section by the school district, a charter school, or an employee of the school district or charter school arising from an incident of school violence on or after June 3, 2015, and, with respect to such claims, the provisions of article 12 of title 22, C.R.S., do not apply to school districts and charter schools. An employee of a public school, school district, or a charter school is not subject to suit under this section in his or her individual capacity unless the employee's actions or omissions are willful and wanton.
(5) A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending any student.

(6) Nothing in this section shall be construed to constitute a waiver of sovereign immunity by a school district or charter school if the injury arises from any act, or failure to act, of an employee of the school district or charter school if the act is the type of act for which the school district or charter school employee would be or heretofore has been personally immune from liability.

(7) In addition to the immunity provided under this section, the school district and charter school shall also have the same immunity as a school district or charter school employee for any act or failure to act for which a school district or charter school employee would be or heretofore has been personally immune from liability.

(8) No rule of law imposing absolute or strict liability shall be applied in any action filed against a school district or charter school pursuant to this section for serious bodily injury or death caused by a breach of the duty of care, established pursuant to subsection (3) of this section. No liability shall be imposed in any such action unless negligence is proven.

(9)(a) Except as provided in paragraph (b) of this subsection (9), the maximum amount of damages that may be recovered under this article in any single occurrence from a school district or charter school for a claim brought under this section is governed by the limits set forth in section 24-10-114 (1).

(b)(I) A plaintiff who files an action under this section for an incident of school violence that occurs on or after June 3, 2015, and on or before July 1, 2017, shall file the action in the district court, and no compensatory damages shall be awarded. The court shall not issue a declaratory judgement regarding the negligence of the public school, school district, or charter school; however, in such action, the plaintiff is entitled to full discovery regarding the incident of school violence.

(II) This paragraph (b) is repealed, effective July 1, 2018.

(10) In order to promote vigorous discovery of events leading to an incident of school violence in any action brought under this section, an offer of judgment by a defendant under section 13-17-202, C.R.S., prior to the completion of discovery, is not deemed rejected if not accepted until fourteen days after the completion of discovery, and the plaintiff is not liable for costs due to not accepting such an offer of judgment until fourteen days after the completion of discovery. If a defendant refuses to answer a complaint, or a default judgment is entered against a defendant for failure to answer a complaint, or a defendant confesses liability in an action brought under this section, the court shall allow full discovery upon request of the plaintiff.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

13-5-145. Truancy detention reduction policy - legislative declaration.

(1) The general assembly finds that:

(a) Imposing a sentence of detention on a juvenile who violates a court order to attend school does not improve the likelihood that the juvenile will attend school and does not address the underlying causes of the juvenile’s truancy;

(b) The best methods to address truancy and its underlying causes and the resources needed to implement those methods are different in each community;
(c) Since 2014, the juvenile courts in many judicial districts around the state have successfully reduced the use of detention for juveniles who are truant by implementing pilot projects through which the juvenile court imposes reasonable sanctions and, where possible, provides incentives to attend school, reserving detention as a sanction of last resort; and

(d) These pilot projects need additional time to produce meaningful data regarding the effectiveness of the alternate sanctions and incentives and to determine whether they result in improved outcomes for juveniles and their families.

(2) The chief judge in each judicial district, or his or her designee, shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. Community stakeholders may include, but need not be limited to:

(a) Parents;
(b) Representatives from school districts;
(c) Representatives from county departments of human or social services;
(d) Guardians ad litem;
(e) Court-appointed special advocates;
(f) Juvenile court judges;
(g) Respondent counsel;
(h) Representatives from law enforcement agencies;
(i) Mental health care providers;
(j) Substance use disorder treatment providers;
(k) Representatives from the division of criminal justice in the department of public safety;
(l) Representatives from the state department of human services; and
(m) Representatives from the department of education.

(3) The chief judge in each judicial district shall adopt a policy for addressing truancy cases no later than March 15, 2016. In developing the policy for addressing truancy cases, the chief judge and the community stakeholders shall consider, at a minimum:

(a) Best practices for addressing truancy that are used in other judicial districts and in other states;
(b) Evidence-based practices to address and reduce truancy;
(c) Using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy;
(d) Using detention only as a last resort after exhausting all other reasonable sanctions and, when imposing detention, appropriately reducing the number of days served; and
(e) Research regarding the effect of detention on juveniles.

(4) The state court administrator’s office shall report to the judiciary committees of the house of representatives and the senate, or any successor committees, no later than April 15, 2016, regarding the policy for addressing truancy cases adopted by each judicial district.

22-11-302. School district accountability committee - powers and duties.

(1) Each school district accountability committee has the following powers and duties:

(g) To increase the level of parent engagement in the school district and in the public schools of the school district, especially the engagement of parents of students in the populations described in section 22-11-301 (3). The committee's activities to increase parent engagement must include, but need not be limited to:
(I) Publicizing opportunities to serve and soliciting parents to serve on the school district accountability committee and school accountability committees. In soliciting parents to serve on the school district and school accountability committees, the school district accountability committee shall direct the outreach efforts to help ensure that the parents who serve on the district and school accountability committees reflect the student populations that are significantly represented within the school district and the school, as provided in section 22-11-301 (3).

(II) Assisting the school district in implementing the parent engagement policy adopted by the local school board pursuant to section 22-32-142; and

(III) Assisting school personnel to increase parents' engagement with educators, including but not limited to parents' engagement in creating students' READ plans pursuant to part 12 of article 7 of this title, in creating individual career and academic plans pursuant to section 22-32-109 (1)(oo), and in creating plans to address habitual truancy pursuant to section 22-33-107 (3).

22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.

(3) To accomplish the purposes specified in subsection (2) of this section, the office shall also:

(c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and with private, nonprofit agencies to collect and review student data and develop and recommend methods for reducing student dropout rates and increasing student engagement and re-engagement. The office shall, to the extent possible, collaborate with, at a minimum:

(I) Career and technical education providers;

(II) General educational development service providers;

(III) The prevention services division in the department of public health and environment;

(IV) The division of youth services and other agencies within the juvenile justice system;

(V) The department of corrections;

(VI) The judicial department;

(VII) Institutions of higher education;

(VIII) Offices of workforce development;

(IX) Expanded learning opportunity and family education programs;

(X) Adult basic education and English-as-a-second-language programs;

(XI) Organizations that provide services for pregnant and parenting teens and students with special health and education needs;

(XII) Agencies and nonprofit organizations within the child welfare system;

(XIII) Private, nonprofit organizations that provide services for homeless families and youth; and

(XIV) Private nonprofit or for-profit community arts organizations that work in either visual arts or performing arts;


(1) Definitions. As used in this section, unless the context otherwise requires:

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.
(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. [...] 

(7) Open school policy. Each board of education shall adopt an open school policy to allow parents and members of the school district board of education reasonable access to observe classes, activities, and functions at a public school upon reasonable notice to the school administrator's office.

22-33-201. Legislative declaration.
The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204.

22-33-204. Services for at-risk students - agreements with state agencies and community organizations.
(1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic, nonparochial schools; with the department of military and veterans affairs; and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student, or the student's family, who is identified as being at risk of suspension or expulsion or who has been suspended or expelled. Any services provided pursuant to an agreement with a nonpublic, nonparochial school are subject to approval by the state board of education pursuant to section 22-2-107. Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;

(b) Counseling services;
(c) Substance use disorder treatment programs;
(d) Family preservation services.
(e) and (f)(Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)

(2) At a minimum, each agreement entered into pursuant to this section shall specify the services to be provided under the agreement, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement. In addition, each agreement shall require each entity entering into the agreement to contribute the services or funds for the provision of the services specified in the agreement. The agreement shall specify the services or the amount and source of funds that each entity will provide and the mechanism for providing said services or funds.

(3) Each school district shall use a portion of its per pupil revenues to provide services under agreements entered into pursuant to this section for each student who is at risk of suspension or expulsion or who is suspended or expelled. In addition, the school district may use federal moneys, moneys received from any other state appropriation, and moneys received from any other public or private grant to provide said services.

22-33-205. Services for expelled and at-risk students - grants - criteria.

(1)(a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, to facility schools, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services, and other services provided pursuant to section 22-33-204, to expelled students pursuant to section 22-33-203 (2), to students at risk of expulsion as identified pursuant to section 22-33-202 (1), and to truant students.

(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, facility schools, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.

22-93-106. School bullying prevention and education - availability of best practices and other resources.

(1) On or before November 1, 2011, the department shall create a page on its public web site at which the department shall continuously make publicly available evidence-based best practices and other resources for educators and other professionals engaged in bullying prevention and education.

(2) The department shall solicit evidence-based best practices and other resources from the school safety resource center created in section 24-33.5-1803, C.R.S.; from school districts; from the state charter school institute established in section 22-30.5-503; and from other state and federal agencies that are concerned with school bullying prevention and education. The department shall review materials that it receives and, as may be appropriate, make such materials available to the public on the web site described in subsection (1) of this section.
22-96-103. Behavioral health care professional matching grant program - created - rules

(1) (a) There is created in the department the behavioral health care professional matching grant program, referred to in this article 96 as the "program", to provide funding to education providers for the following purposes:

(I) To increase the presence of school health professionals in schools to provide behavioral health care to students who have mental health, substance use or misuse, or other behavioral health needs;

(II) To provide training and resources for school staff on the implementation of evidence-based programming on behavioral health education for all students;

(III) To allow school health professionals to connect students with services that are provided by community-based organizations for treatment and counseling for students who need behavioral health care; and

(IV) To provide behavioral health care services at recipient schools, including but not limited to screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues.

(b) An education provider that receives a grant under the program shall use the money to increase the level of funding the education provider allocates to school health professionals to provide behavioral health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students. The education provider may use the money to contract with a community partner for behavioral health care services, including hiring private health care professionals, training, screening, and preventive supports. Additionally, the education provider may use the money to provide direct services or consultation by a school health professional through telehealth technology. The department shall administer the program as provided in this article 96 and pursuant to rules adopted by the state board.

(2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementation of the program, including but not limited to rules regarding:

(a) The timeline for submitting applications to the department;

(b) The form of the grant application and any information in addition to that specified in section 22-96-104 (2) to be included in the application;

(c) Any criteria for awarding grants in addition to those specified in section 22-96-104 (3); and

(d) Any information to be included in the department's program report in addition to that required in section 22-96-105.

26-20-110. Youth seclusion working group - membership - purpose - repeal

(1) There is established within the division of youth services a youth restraint and seclusion working group, referred to in this section as the "working group". The working group consists of:

(a) The director of the office of children, youth, and families in the division of child welfare within the state department, or his or her designee. The director shall convene the working group and serve as chair.

(b) The director of the division of youth services, or his or her designee;

(c) The director of behavioral health within the division of youth services, or his or her designee;

(d) The director of the office of behavioral health within the state department, or his or her designee;

(e) An employee of the division of youth services who is a representative of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, as appointed by the governor;
(f) Two representatives from nonprofit advocacy groups that work to restrict restraint or seclusion for youth or that represent children within the custody of the division of youth services, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate;

(g) Two experts independent from the division of youth services with expertise in adolescent development, adolescent brain development, trauma-responsive care of juveniles, positive behavior incentives in a juvenile correctional setting, evidence-based de-escalation techniques, or the negative effects of seclusion on the adolescent brain. The minority leader of the house of representatives shall appoint one expert and the minority leader of the senate shall appoint the other expert.

(h) A person who does not work for the department or for the division of youth services and who has worked as a staff member or as a senior executive in youth corrections and who has experience working to establish a rehabilitative and therapeutic culture in one or more juvenile justice facilities, to be appointed by the governor or his or her designee.

(i) The child protection ombudsman or his or her designee pursuant to section 19-3.3-103 (1)(g); and

(j) A parent of a person who was once committed to the custody of the division of youth services, to be appointed by the state public defender.

(2) The working group shall advise the division of youth services concerning policies, procedures, and best practices related to restraint and seclusion and alternatives to restraint and seclusion.

(3) The working group shall monitor the division of youth services' use of confinement for administrative purposes. The division of youth services shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youths for administrative reasons, as described in section 26-20-104.5 (3), in any secure state-operated and state-owned facility. If necessary, the working group may make recommendations to the division of youth services and to the public health care and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, about the use of confinement for administrative purposes.

(4) The working group may request, on a semiannual basis, information and data from the state department on the status of the division of youth services' work related to the restraint and seclusion of youths in their care and custody.

(5) The chair of the working group shall convene the working group's first meeting no later than August 1, 2016. The working group must meet at least semi-annually thereafter. The chair shall schedule and convene subsequent meetings.

(6) The chair shall provide the working group with semiannual updates on the division of youth services' policies related to restraint and seclusion and alternatives to restraint and seclusion.

(7)(a) This section is repealed, effective September 1, 2024.

(b) Prior to the repeal, the working group shall be reviewed as provided in section 2-3-1203, C.R.S.

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

LAWS

22-1-119.3. Policy for student possession and administration of prescription medication - rules - definition.

(1) A school district board of education may adopt and implement a policy whereby, except as described in subsection (3) of this section, a student enrolled in a school of the school district may possess and self-administer on school grounds, upon a school bus, or at any school-sponsored event any medication that is prescribed by a licensed health care practitioner to be used by the student.

(2)(a) If a school district board of education adopts and implements a policy described by subsection (1) of this section, a parent or legal guardian of a student who is enrolled in a school of the school district and for whom medication is prescribed by a licensed health care practitioner shall notify the school's administration of the student's medical needs and of the fact that the student may be in possession of his or her prescribed medications as described in subsection (1) of this section. The notification, when appropriate, shall include the treatment plan that has been devised for the student by a licensed health care practitioner.

(b) If a school's administration receives notice from a student's parent or legal guardian that the student may be in possession of his or her prescribed medications, the school's administration shall ensure that such notice is provided to the student's teachers and the school nurse or other person who is designated to provide health services to students at the school.

(c) Nothing in this section shall be construed to limit the ability of a public school to require a parent or legal guardian of a student who has medication prescribed for a life-threatening condition to provide to the school a sufficient supply of the medication to be stored at the school to be administered to the student in the event of a health emergency.

(3)(a) A policy adopted by a school district board of education pursuant to subsection (1) of this section shall include, but need not be limited to:

(I) A process by which a school may restrict a student from possessing and self-administering on school grounds, on a school bus, or at a school-sponsored event a medication that is prescribed by a licensed health care practitioner to be used by the student. The process shall require the school administration to make a determination as to whether a student's possession or self-administration of the medication poses a significant risk of harm to the student or to other students.

(II) A requirement that if a student has medication prescribed for a life-threatening condition, a sufficient supply of the medication is provided to the school by the student's parent or legal guardian, stored safely at the school, and kept readily available to be administered to the student in a timely fashion in the event of a health emergency.

(b) A student who possesses a prescribed medication on school grounds, upon a school bus, or at a school-sponsored event in accordance with a policy adopted by a school district pursuant to this section may possess only enough of his or her prescribed medication to render a sufficient dosage to the student to adequately treat the student's condition for a single day or for the duration of the event, whichever is appropriate; except that this provision shall not apply to a student who requires and possesses an insulin pump or other medical device that delivers dosages of prescribed medication to the student over a period of time that exceeds a single day or the duration of the event.

(c) A student shall not possess or self-administer medical marijuana on school grounds, upon a school bus, or at any school-sponsored event, except as provided for in paragraph (d) of this subsection (3).
(d)(I)(A) A primary caregiver may possess, and administer to a student who holds a valid recommendation for medical marijuana, medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event. The primary caregiver shall not administer the nonsmokeable medical marijuana in a manner that creates disruption to the educational environment or causes exposure to other students.

(B) After the primary caregiver administers the medical marijuana in a nonsmokeable form, the primary caregiver shall remove any remaining medical marijuana in a nonsmokeable form from the grounds of the preschool or primary or secondary school, the school bus, or school-sponsored event.

(II) Nothing in this section requires the school district staff to administer medical marijuana.

(III) A school district board of education or charter school may adopt policies regarding who may act as a primary caregiver pursuant to this paragraph (d) and the reasonable parameters of the administration and use of medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event.

(IV) This paragraph (d) does not apply to a school district or charter school if:

(A) The school district or charter school loses federal funding as a result of implementing this paragraph (d);

(B) The school district or charter school can reasonably demonstrate that it lost federal funding as a result of implementing this paragraph (d); and

(C) The school district or charter school posts on its website in a conspicuous place a statement regarding its decision not to comply with this paragraph (d).

(V) Student possession, use, distribution, or sale or being under the influence of a cannabinoid product inconsistent with this paragraph (d) is not permitted.

(VI) This paragraph (d) shall be known as "Jack's Law".

(d.5)(I) Medical marijuana in a nonsmokeable form shall not be administered at a school pursuant to this subsection (3)(d.5) unless a written plan for the administration of medical marijuana in a nonsmokeable form is agreed to and signed by the school principal or his or her designee and a parent or legal guardian.

(II) Prior to the administration of medical marijuana in a nonsmokeable form at school, the student's parent or legal guardian shall complete and submit to the school the documentation required by rule of the state board of education, including but not limited to:

(A) A written medical marijuana recommendation that includes the signature of one of the recommending physicians and the purpose, recommended dosage, frequency, and length of time between dosages of the medical marijuana in a nonsmokeable form to be administered; and

(B) A written statement from the student's parent or legal guardian releasing the school, and employees and volunteers of the school, from liability, except in cases of willful or wanton conduct or disregard of the criteria of the treatment plan.

(III)(A) Subject to the requirements specified in subsections (3)(d.5)(I) and (3)(d.5)(II) of this section, school personnel may possess, and administer to a student who holds a valid recommendation for medical marijuana, medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event. The school personnel shall not administer the nonsmokeable medical marijuana in a manner that creates disruption to the educational environment or causes exposure to other students.
students. If a student who is subject to the provisions of this subsection (3)(d.5) takes a school trip outside of the state of Colorado or participates in a school activity outside of the state of Colorado, the provisions of this subsection (3)(d.5) do not apply for the time during which the student is engaged in the trip or activity outside of the state of Colorado.

(B) Nothing in this subsection (3)(d.5) requires any school personnel to administer medical marijuana. Administration of medical marijuana in a nonsmokeable form is at the discretion of the parent or legal guardian, the school principal or his or her designee, or the designated school personnel.

(C) It is an exception from the state's criminal laws for school personnel to possess and administer medical marijuana in a nonsmokeable form in compliance with this subsection (3)(d.5) to a student who holds a valid recommendation for medical marijuana, except as otherwise provided in section 18-18-406.3.

(IV) A school may adopt policies regarding who may act as school personnel pursuant to this subsection (3)(d.5) and the reasonable parameters of the administration and use of medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event.

(V) This subsection (3)(d.5) does not apply to a school if:

(A) The school loses federal funding as a result of implementing this subsection (3)(d.5);

(B) The school can reasonably demonstrate that it lost federal funding as a result of implementing this subsection (3)(d.5); and

(C) The school posts on its website in a conspicuous place a statement regarding its decision not to comply with this subsection (3)(d.5).

(VI) Student possession, use, distribution, or sale, or a student being under the influence, of a cannabinoid product inconsistent with this subsection (3)(d.5) is not permitted.

(VII) The student's parent, guardian, or designee shall deliver the student's medical marijuana in a nonsmokeable form, in a container that contains clearly labeled instructions or the plan for administration must clearly specify instructions for the dosing, timing, and delivery route instructions from one of the student's recommending physicians, to the person designated by the school as the person who secures the medical marijuana before the student attends school for the school day. The person who secures the medical marijuana before the student attends school for the school day. The person who secures the medical marijuana in a nonsmokeable form shall place the medical marijuana in a locked storage container. After the school personnel administers the medical marijuana in a nonsmokeable form, the school personnel shall place the medical marijuana in a locked medical marijuana storage container designated by the school. The person who secures the medical marijuana in a nonsmokeable form shall return any unused medical marijuana to the student's parent, guardian, or designee at the end of each school day. The student shall not handle the medical marijuana in a nonsmokeable form on the grounds of the school, school bus, or school-sponsored event.

(VIII) Neither this section nor any other state or federal law, including without limitation the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and section 504 of the "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, may be used to require a school or any employee or volunteer thereof to store medical marijuana on the grounds of a school, school bus, or school-sponsored event or to administer medical marijuana.

(IX) For purposes of this subsection (3)(d.5), "school personnel" means school personnel designated by agreement between the principal or his or her designee and a parent or legal guardian.

(e) Notwithstanding the provisions of section 22-33-106 (1)(d)(II), a school district or charter school may not discipline a student who holds a valid recommendation for medical marijuana solely because the
student requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

(f) A school district or charter school may not deny eligibility to attend school to a student who holds a valid recommendation for medical marijuana solely because the student requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

(4) The state board of education may promulgate rules for the implementation of this section.

(5) A school district board of education that adopts a policy pursuant to subsection (1) of this section shall be exempt from rules promulgated by the state board of education pursuant to the "Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act", section 22-1-119.5.

22-1-126. Safe2tell program.
As described in section 24-31-606, C.R.S., there is established the safe2tell program with the primary purpose of providing students and the community with the means to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials.

24-31-602. Legislative declaration.
(1) The general assembly hereby finds and declares that:

(a) The purpose of this part 6 is to empower students and the community by offering a comprehensive program of education, awareness, and training and a readily accessible tool that allows students and the community to easily provide anonymous information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials; and

(b) The ability to anonymously report information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools before or after they have occurred is critical in reducing, responding to, and recovering from these types of events in schools.

(2) The general assembly therefore finds that it is appropriate and necessary to provide for the anonymity of a person who provides information to law enforcement and public safety agencies and school officials and to provide for the confidentiality of associated materials.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Colorado provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td>Bullying Prevention and Education, Colorado Department of Education (CDOE)</td>
<td>Provides comprehensive resources and materials addressing bullying prevention and education, including current research, best practices, model policies, information on state funding opportunities, and other tools and other supplemental resources.</td>
<td><a href="http://www.cde.state.co.us/mtss/bullying">http://www.cde.state.co.us/mtss/bullying</a></td>
</tr>
<tr>
<td>Colorado School Safety Resource Center (CSSRC), Colorado Department of Public Safety</td>
<td>Provides resources and materials to assist educators, emergency responders, community organizations, school mental health professionals, parents and students to create safe, positive and successful school environments for Colorado students in all pre K-12 and higher education schools.</td>
<td><a href="https://www.colorado.gov/pacific/cssrc/resources-1">https://www.colorado.gov/pacific/cssrc/resources-1</a></td>
</tr>
<tr>
<td>Dropout Prevention and Student Re-Engagement, CDOE</td>
<td>Provides comprehensive resources and materials supporting efforts to reduce the dropout rate and increase graduation rates, including training and supports for dropout prevention, School Attendance Task Force recommendations, and links to other related resources.</td>
<td><a href="http://www.cde.state.co.us/dropoutprevention">http://www.cde.state.co.us/dropoutprevention</a></td>
</tr>
<tr>
<td>Expelled and At-Risk Student Services (EARSS) Resources, CDOE</td>
<td>Provides links to resources addressing race/ethnic disparities in discipline, Alternatives-to Exclusionary school discipline, school climate and support school discipline, and School Resource Officer (SRO) duties, training and expectations.</td>
<td><a href="https://www.cde.state.co.us/dropoutprevention/earss_resources">https://www.cde.state.co.us/dropoutprevention/earss_resources</a></td>
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<td>Multi-Tiered Systems of Support (MTSS), CDOE</td>
<td>Provides comprehensive resources and materials to support district and school implementation of MTSS, include definitions of key components, instructional videos, and supplemental resources.</td>
<td><a href="http://www.cde.state.co.us/mtss">http://www.cde.state.co.us/mtss</a></td>
</tr>
<tr>
<td>Positive Behavioral Interventions and Supports (PBIS), CDOE</td>
<td>Provides comprehensive resources and materials supporting school implementation of PBIS, including training materials, implementation supports, and other resources.</td>
<td><a href="http://www.cde.state.co.us/mtss/pbis">http://www.cde.state.co.us/mtss/pbis</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>Best Practice Guide for Dropout Prevention, CDOE</td>
<td>Best practice guide that provides educational administration and dropout prevention specialists with updated tools to better address the needs of students in danger of school failure or dropout, in conjunction with the Colorado Department of Education’s Dropout Prevention Framework.</td>
<td><a href="http://www.cde.state.co.us/dropoutprevention/bpguide">http://www.cde.state.co.us/dropoutprevention/bpguide</a></td>
</tr>
<tr>
<td>Colorado Model Bullying Prevention and Education Policy, CDOE</td>
<td>State model policy providing guidance to school districts on developing bullying prevention and education policies. The draft policy will be finalized by July 2019 following a period of public comment.</td>
<td><a href="http://www.cde.state.co.us/mtss/model_bullying_prevention_policy">http://www.cde.state.co.us/mtss/model_bullying_prevention_policy</a></td>
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<tr>
<td><strong>Other Resources</strong></td>
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<tr>
<td>Safe2Tell Colorado</td>
<td>Safe2Tell is an anonymous tip line that can get help to students and schools immediately.</td>
<td><a href="https://safe2tell.org/">https://safe2tell.org/</a></td>
</tr>
<tr>
<td>SchoolView® Data Center, CDOE</td>
<td>Data dashboard providing annual statistics on student enrollment, attendance and truancy, and conduct disaggregated by school level, ethnicity and gender.</td>
<td><a href="http://www.schoolview.org">www.schoolview.org</a></td>
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Connecticut
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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#### Department of Education

**Use of Seclusion and Restraint in Public Schools**

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- **10-76b-7.** Use of physical restraint and seclusion in public schools, exceptions
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- **10-76b-9.** Parental notification of physical restraint, seclusion
- **10-76b-10.** Required training for providers or assistants on the use of physical restraint or seclusion
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**General Provisions**

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

**LAWS**

10-221. **Boards of education to prescribe rules, policies and procedures.**

(a) Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools and, subject to the control of the State Board of Education, the textbooks to be used; shall make rules for the control, within their respective jurisdictions, of school library media centers, including Internet access and content, and approve the selection of books and other educational media therefor, and shall approve plans for public school buildings and superintend any high or graded school in the manner specified in this title.

(b) Not later than July 1, 1985, each local and regional board of education shall develop, adopt and implement written policies concerning homework, attendance, promotion and retention. The Department of Education shall make available model policies and guidelines to assist local and regional boards of education in meeting the responsibilities enumerated in this subsection.

(c) Boards of education may prescribe rules to impose sanctions against pupils who damage or fail to return textbooks, library materials or other educational materials. Said boards may charge pupils for such damaged or lost textbooks, library materials or other educational materials and may withhold grades, transcripts or report cards until the pupil pays for or returns the textbook, library book or other educational material.

(d) Not later than July 1, 1991, each local and regional board of education shall develop, adopt and implement policies and procedures in conformity with section 10-154a for (1) dealing with the use, sale or possession of alcohol or controlled drugs, as defined in subdivision (8) of section 21a-240, by public school students on school property, including a process for coordination with, and referral of such students to, appropriate agencies, and (2) cooperating with law enforcement officials.

(e) Not later than July 1, 1990, each local and regional board of education shall adopt a written policy and procedures for dealing with youth suicide prevention and youth suicide attempts. Each such board of education may establish a student assistance program to identify risk factors for youth suicide, procedures to intervene with such youths, referral services and training for teachers and other school professionals and students who provide assistance in the program.

(f) Not later than September 1, 1998, each local and regional board of education shall develop, adopt and implement written policies and procedures to encourage parent-teacher communication. These policies and procedures may include monthly newsletters, required regular contact with all parents, flexible parent-teacher conferences, drop-in hours for parents, home visits and the use of technology such as homework hot lines to allow parents to check on their children’s assignments and students to get assistance if needed. For the school year commencing July 1, 2010, and each school year thereafter, such policies and procedures shall require the district to conduct two flexible parent-teacher conferences for each school year.

10-222d. **Safe school climate plans. Definitions. School climate assessments.**

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by
which students may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, described in section 10-222k, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report, (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced, (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report, (6) include a prevention and intervention strategy, as defined by section 10-222g, for school employees to deal with bullying and teen dating violence, (7) provide for the inclusion of language in student codes of conduct concerning bullying, (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4) of this subsection (A) of the results of such investigation, and (B) verbally and by electronic mail, if such parents’ or guardians’ electronic mail addresses are known, that such parent or guardians may refer to the plain language explanation of the rights and remedies available under sections 10-4a and 10 4b published on the Internet web site of the local or regional board of education pursuant to section 4 of this act, (9) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying, (10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) of this subsection, to discuss specific interventions undertaken by the school to prevent further acts of bullying, (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education, (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline, (13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying, (14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying, (15) require the principal of a school, or the principal’s designee, to notify the appropriate local law enforcement agency when such principal, or the principal’s designee, believes that any acts of bullying constitute criminal conduct, (16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school, (17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district’s safe school climate plan, and (18) require that all school employees annually
complete the training described in section 10-220a or section 10-222j. The notification required pursuant to subdivision (8) of this subsection and the invitation required pursuant to subdivision (9) of this subsection shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying.

10-222g. Prevention and intervention strategy re bullying and teen dating violence.

For the purposes of section 10-222d, the term “prevention and intervention strategy” may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence identified by the Department of Education,

(2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,

(3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence is likely to occur,

(4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,

(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,

(6) school-wide training related to safe school climate,

(7) student peer training, education and support,

(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and

(9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

For purposes of this section, “interventions with the bullied child” includes referrals to a school counselor, psychologist or other appropriate social or mental health service, and periodic follow-up by the safe school climate specialist with the bullied child.

10-233c. Suspension of pupils.

(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for a pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil
shall be informed of the reasons for the disciplinary action and given an opportunity to explain the
situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if
the circumstances surrounding the incident so require, and further provided no pupil shall be suspended
more than ten times or a total of fifty days in one school year, whichever results in fewer days of
exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive,
and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the
suspension as possible.

REGULATIONS
No relevant regulations found.

Scope

LAWS


(b) Each local and regional board of education shall develop and implement a safe school climate plan to
address the existence of bullying and teen dating violence in its schools. Such plan shall: (16) prohibit
bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program
whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or
used by a local or regional board of education, or through the use of an electronic device or an electronic
mobile device owned, leased or used by the local or regional board of education, and (B) outside of the
school setting if such bullying (i) creates a hostile environment at school for the student against whom
such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was
directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school,

10-233a. Definitions.

Whenever used in sections 10-233a to 10-233g, inclusive:

(g) “School” means any school under the direction of a local or regional board of education or any
school for which one or more such boards of education pays eighty per cent or more of the tuition costs
for students enrolled in such school.

(h) “School-sponsored activity” means any activity sponsored, recognized or authorized by a board of
education and includes activities conducted on or off school property.

10-233c. Suspension of pupils.

(a) Any local or regional board of education may authorize the administration of the schools under its
direction to suspend from school privileges a pupil whose conduct on school grounds or at a school
sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the
educational process or endangers persons or property or whose conduct off school grounds is violative of
such policy and is seriously disruptive of the educational process. In making a determination as to
whether conduct is seriously disruptive of the educational process, the administration may consider, but
such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a
school; (2) whether other students from the school were involved or whether there was any gang
involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a
weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct
involved the use of alcohol. Any such board may authorize the administration to suspend transportation
services for a pupil whose conduct while awaiting or receiving transportation to and from school
endangers persons or property or is violative of a publicized policy of such board. Unless an emergency
exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

10-233d. Expulsion of pupils.

(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(3) Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a, provided whenever such pupil is a minor, the notice required by section 4-177 and section 4-180 shall also be given to the parents or guardian of the pupil at least five business days before such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the pupil's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any pupil subject to expulsion proceedings. The parent or guardian of the pupil shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain
representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports, (17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district’s safe school climate plan, and (c) Not later than September 1, 2014, each local and regional board of education that has not had a safe school climate plan, developed pursuant to this section, previously reviewed and approved by the Department of Education shall submit a safe school climate plan to the department for review and approval in accordance with the provisions of section 10-222p. Not later than thirty calendar days after approval by the department of such safe school climate plan, the board shall make such plan available on the board’s and each individual school in the school district’s Internet web site and ensure that such plan is included in the school district’s publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

10-233e. Notice as to disciplinary policies and action.
Each local or regional board of education shall inform all pupils within its jurisdiction and their parents, guardians and surrogate parents, if appointed pursuant to section 10-94g, at least annually, of the board policies governing student conduct and school discipline. Each board shall further provide an effective means of notifying the parents, guardian or surrogate parent, if appointed, of any minor pupil against whom the disciplinary action authorized by the provisions of this section and sections 10-233a to 10-233d, inclusive, has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

10-233a. Definitions.
Whenever used in sections 10-233a to 10-233g, inclusive:

(b) “Removal” means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.

10-233b. Removal of pupils from class.
(a) Any local or regional board of education may authorize teachers in its employ to remove a pupil from class when such pupil deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any school year nor more than twice in one week unless such pupil is referred to the building principal or such principal’s designee and granted an informal hearing in accordance with the provisions of section 10-233c.

(b) Whenever any teacher removes a pupil from the classroom, such teacher shall send such pupil to a designated area and shall immediately inform the building principal or such principal’s designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

10-233a. Definitions.
Whenever used in sections 10-233a to 10-233g, inclusive:

(a) “Exclusion” means any denial of public school privileges to a pupil for disciplinary purposes.

(b) “Removal” means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.

(c) “In-school suspension” means an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.
10-233c. Suspension of pupils.
(e) For any pupil who is suspended for the first time pursuant to this section and who has never been expelled pursuant to section 10-233d, the administration may shorten the length of or waive the suspension period if the pupil successfully completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

10-233d. Expulsion of pupils.
(c)(2) For any pupil expelled for the first time pursuant to this section and who has never been suspended pursuant to section 10-233c, except for a pupil who has been expelled based on possession of a firearm or deadly weapon as described in subsection (a) of this section, the local or regional board of education may shorten the length of or waive the expulsion period if the pupil successfully completes a board-specified program and meets any other conditions required by the board. Such board-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

(a) Any local or regional board of education may authorize the administration of schools under its direction to impose an in-school suspension on any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of such board. No pupil shall be placed in in-school suspension without an informal hearing before the building principal or such principal’s designee at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided no pupil shall be placed in in-school suspension more than fifteen times or a total of fifty days in one school year, whichever results in fewer days of exclusion.
(b) A local or regional board of education may reassign a pupil to a regular classroom program in a different school in the school district and such reassignment shall not constitute a suspension pursuant to section 10-233c, or an expulsion pursuant to section 10-233d.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

53a-18. Use of reasonable physical force or deadly physical force generally.
(a) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
   (d) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent such teacher or other person reasonably believes such force to be necessary to (A) protect himself or herself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

REGULATIONS
No relevant regulations found.
Use of student and locker searches

LAWS

54-33n. Search of school lockers and property.
All local and regional boards of education and all private elementary and secondary schools may authorize the search by school or law enforcement officials of lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if (1) the search is justified at its inception and (2) the search as actually conducted is reasonably related in scope to the circumstances which justified the interference in the first place. A search is justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonably related in scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

10-233c. Suspension of pupils.
(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for a pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

10-233d. Expulsion of pupils.
(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.
(l)(1) Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by a local or regional board of education in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

10-233d. Expulsion of pupils.

(a)(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(3) Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a, provided whenever such pupil is a minor, the notice required by section 4-177 and section 4-180 shall also be given to the parents or guardian of the pupil at least five business days before such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the pupil's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any pupil subject to expulsion proceedings. The parent or guardian of the pupil shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

10-233a. Definitions.
Whenever used in sections 10-233a to 10-233g, inclusive:

(d) “Suspension” means an exclusion from school privileges or from transportation services only for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.

(e) “Expulsion” means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.

10-233c. Suspension of pupils.
(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for a pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

(g) On and after July 1, 2015, all suspensions pursuant to this section shall be in-school suspensions, except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the hearing held pursuant to subsection (a) of this section, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or (2) grades preschool
to two, inclusive, if during the hearing held pursuant to subsection (a) of this section, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil’s conduct on school grounds is of a violent or sexual nature that endangers persons. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the local or regional board of education, as determined by such board. Nothing in this section shall limit a person’s duty as a mandated reporter pursuant to section 17-101a to report suspected child abuse or neglect.

10-233d. Expulsion of pupils.

(i) Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a, a planning and placement team shall convene to determine whether the misconduct was caused by the child's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of subsections (d) and (e) of this section, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.


(a) Any local or regional board of education may authorize the administration of schools under its direction to impose an in-school suspension on any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of such board. No pupil shall be placed in in-school suspension without an informal hearing before the building principal or such principal’s designee at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided no pupil shall be placed in in-school suspension more than fifteen times or a total of fifty days in one school year, whichever results in fewer days of exclusion.

(b) A local or regional board of education may reassign a pupil to a regular classroom program in a different school in the school district and such reassignment shall not constitute a suspension pursuant to section 10-233c, or an expulsion pursuant to section 10-233d.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

10-233a. Definitions.

Whenever used in sections 10-233a to 10-233g, inclusive:

(d) “Suspension” means an exclusion from school privileges or from transportation services only for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.
(e) “Expulsion” means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.

10-233c. Suspension of pupils.

(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for a pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

(b) In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of such pupil.

(c) Whenever any administration suspends a pupil, such administration shall not later than twenty-four hours after the suspension notify the superintendent or such superintendent’s designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

(d) Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of suspension.

(e) For any pupil who is suspended for the first time pursuant to this section and who has never been expelled pursuant to section 10-233d, the administration may shorten the length of or waive the suspension period if the pupil successfully completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

(f) Whenever a pupil is suspended pursuant to the provisions of this section, notice of the suspension and the conduct for which the pupil was suspended shall be included on the pupil’s cumulative educational record. Such notice shall be expunged from the cumulative educational record by the local or regional board of education if a pupil graduates from high school, or in the case of a suspension of a pupil for which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection (e) of this section, such notice shall be expunged from the cumulative educational record by the local or regional board of education (1) if the pupil graduates from high school, or (2) if the administration so chooses, at the time the pupil completes the administration-specified program and
meets any other conditions required by the administration pursuant to said subsection (e), whichever is earlier.

(g) On and after July 1, 2015, all suspensions pursuant to this section shall be in-school suspensions, except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the hearing held pursuant to subsection (a) of this section, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or (2) grades preschool to two, inclusive, if during the hearing held pursuant to subsection (a) of this section, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the local or regional board of education, as determined by such board. Nothing in this section shall limit a person's duty as a mandated reporter pursuant to section 17-101a to report suspected child abuse or neglect.

10-233d. Expulsion of pupils.

(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property; or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance,
provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(3) Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a, provided whenever such pupil is a minor, the notice required by section 4-177 and section 4-180 shall also be given to the parents or guardian of the pupil at least five business days before such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the pupil's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any pupil subject to expulsion proceedings. The parent or guardian of the pupil shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

(b) For purposes of conducting expulsion hearings as required by subsection (a) of this section, any local or regional board of education or any two or more of such boards in cooperation may establish an impartial hearing board of one or more persons. No member of any such board or boards shall be a member of the hearing board. The hearing board shall have the authority to conduct the expulsion hearing and render a final decision in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a.

(c)(1) In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered under subsection (d) of this section, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, may receive and consider evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(2) For any pupil expelled for the first time pursuant to this section and who has never been suspended pursuant to section 10-233c, except for a pupil who has been expelled based on possession of a firearm or deadly weapon as described in subsection (a) of this section, the local or regional board of education may shorten the length of or waive the expulsion period if the pupil successfully completes a board-specified program and meets any other conditions required by the board. Such board-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

(d) No local or regional board of education is required to offer an alternative educational opportunity, except in accordance with this section. Any pupil under sixteen years of age who is expelled shall be offered an alternative educational opportunity, which shall be (1) alternative education, as defined by section 10-74j, with an individualized learning plan, if such board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 10-233o, during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provisions of section 10-184. Any pupil expelled for the first time who is between the ages of sixteen and eighteen and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program pursuant to section 10-69.

Any pupil participating in any such adult education program during a period of expulsion shall not be required to withdraw from school under section 10-184. A local or regional board of education shall count the expulsion of a pupil when he was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he is between the ages of sixteen and
eighteen. A local or regional board of education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required pursuant to this section.

(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.

(f) Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record. Such notice, except for notice of an expulsion of a pupil in grades nine to twelve, inclusive, based on possession of a firearm or deadly weapon as described in subsection (a) of this section, (1) shall be expunged from the cumulative educational record by the local or regional board of education if a pupil graduates from high school, or (2) may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if (A) in the case of a pupil for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) of this section, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other conditions required by such board pursuant to subdivision (2) of subsection (c) of this section, or (B) such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement. A local or regional board of education, in determining whether to expunge such notice under subparagraph (B) of this subdivision, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(g) A local or regional board of education may adopt the decision of a pupil expulsion hearing conducted by another school district provided such local or regional board of education or impartial hearing board shall hold a hearing pursuant to the provisions of subsection (a) of this section which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of such board. The pupil shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with the provisions of subsections (d) and (e) of this section.

(h) Whenever a pupil against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered pursuant to this section, (1) notice of the pending expulsion hearing shall be included on the pupil's cumulative educational record, and (2) the local or regional board of education or impartial hearing board shall complete the expulsion hearing and render a decision. If such pupil enrolls in school in another school district, such pupil shall not be excluded from school in the other district pending completion of the expulsion hearing pursuant to this subsection unless an emergency exists, provided nothing in this subsection shall limit the authority of the local or regional board of education for such district to suspend the pupil or to conduct its own expulsion hearing in accordance with this section.

(i) Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a, a planning and placement team shall convene to determine whether the misconduct was caused by the child's disability. If it is determined that
the misconduct was caused by the child's disability, the child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of subsections (d) and (e) of this section, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

(j) An expelled pupil may apply for early readmission to school. Except as provided in this subsection, such readmission shall be at the discretion of the local or regional board of education. The board of education may delegate authority for readmission decisions to the superintendent of schools for the school district. If the board delegates such authority, readmission shall be at the discretion of the superintendent. Readmission decisions shall not be subject to appeal to Superior Court. The board or superintendent, as appropriate, may condition such readmission on specified criteria.

(k) Local and regional boards of education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, 20 USC 8921 et seq., as amended from time to time.

(l)(1) Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by a local or regional board of education in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

(2) If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the local or regional board of education for such offense under subdivision (1) of this subsection, the local or regional board of education for the school district to which the student is returning shall allow such student to return and may not expel the student for additional time for such offense.

10-233h. Arrested students. Reports by police, disclosure, confidentiality. Police testimony at expulsion hearings.

If any person who is at least seven years of age but less than twenty-one years of age and an enrolled student is arrested for a violation of section 53-206c, a class A misdemeanor or a felony, the municipal police department or Division of State Police within the Department of Emergency Services and Public Protection that made such arrest shall, not later than the end of the weekday following such arrest, orally notify the superintendent of schools of the school district in which such person resides or attends school of the identity of such person and the offense or offenses for which he was arrested and shall, within seventy-two hours of such arrest, provide written notification of such arrest, containing a brief description of the incident, to such superintendent. The superintendent shall maintain such written report in a secure location and the information in such report shall be maintained as confidential in accordance with section 46b-124. The superintendent may disclose such information only to the principal of the school in which such person is a student or to the principal or supervisory agent of any other school in which the superintendent knows such person is a student. The principal or supervisory agent may disclose such information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purposes of assessing the risk of danger posed by such person to himself, other students, school employees or school property and effectuating an appropriate modification of such person’s educational plan or placement, and for disciplinary purposes. If the arrest occurred during the school year, such assessment shall be completed not later than the end of the next school day. If an expulsion
hearing is held pursuant to section 10-233d, a representative of the municipal police department or the Division of State Police, as appropriate, may testify and provide reports and information on the arrest at such hearing, provided such police participation is requested by any of the following: The local or regional board of education, the impartial hearing board, the principal of the school or the student or his parent or guardian. Such information with respect to a child under eighteen years of age shall be confidential in accordance with sections 46b-124 and 54-76l, and shall only be disclosed as provided in this section and shall not be further disclosed.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

10-233a. Definitions.
Whenever used in sections 10-233a to 10-233g, inclusive:
(c) “In-school suspension” means an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.

10-233c. Suspension of pupils.
(g) On and after July 1, 2015, all suspensions pursuant to this section shall be in-school suspensions, except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the hearing held pursuant to subsection (a) of this section, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or (2) grades preschool to two, inclusive, if during the hearing held pursuant to subsection (a) of this section, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil’s conduct on school grounds is of a violent or sexual nature that endangers persons. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the local or regional board of education, as determined by such board. Nothing in this section shall limit a person’s duty as a mandated reporter pursuant to section 17-101a to report suspected child abuse or neglect.

(a) Any local or regional board of education may authorize the administration of schools under its direction to impose an in-school suspension on any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of such board. No pupil shall be placed in in-school suspension without an informal hearing before the building principal or such principal’s designee at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided no pupil shall be placed in in-school
suspension more than fifteen times or a total of fifty days in one school year, whichever results in fewer
days of exclusion.

(b) A local or regional board of education may reassign a pupil to a regular classroom program in a
different school in the school district and such reassignment shall not constitute a suspension pursuant to
section 10-233c, or an expulsion pursuant to section 10-233d.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

10-233d. Expulsion of pupils.

(j) An expelled pupil may apply for early readmission to school. Except as provided in this subsection,
such readmission shall be at the discretion of the local or regional board of education. The board of
education may delegate authority for readmission decisions to the superintendent of schools for the
school district. If the board delegates such authority, readmission shall be at the discretion of the
superintendent. Readmission decisions shall not be subject to appeal to Superior Court. The board or
superintendent, as appropriate, may condition such readmission on specified criteria.

(l)(1) Any student who commits an expellable offense and is subsequently placed in a juvenile detention
center or any other residential placement for such offense may be expelled by a local or regional board of
education in accordance with the provisions of this section. The period of expulsion shall run concurrently
with the period of placement in a juvenile detention center or other residential placement.

(2) If a student who committed an expellable offense seeks to return to a school district after
participating in a diversionary program or having been placed in a juvenile detention center or any other
residential placement and such student has not been expelled by the local or regional board of
education for such offense under subdivision (1) of this subsection, the local or regional board of
education for the school district to which the student is returning shall allow such student to return and
may not expel the student for additional time for such offense.

10-233i. Students placed on probation by a court.

A student placed on probation by a court may return to school on a conditional basis, within the limits
prescribed by the court, provided the court has requested, from the superintendent of schools of the
school district in which the student resides, and considered

(1) Information on the student’s school attendance, adjustment and behavior and

(2) Any recommendations for conditions for disposition or sentencing. Superintendents of schools shall
provide such information to the court in a timely manner.

10-233k. Notification of school officials of potentially dangerous students. Provision of
educational records of children returning to school from detention centers.

(b) The Department of Children and Families and the Judicial Department or the local or regional board of
education shall provide to the superintendent of schools any educational records within their custody of a
child seeking to enter or return to a school district from a juvenile detention center, the Connecticut
Juvenile Training School, or any other residential placement, prior to the child’s entry or return. The
agencies shall also require any contracting entity that holds custody of such records to provide them to
the superintendent of schools prior to the child’s entry or return. Receipt of the educational records shall
not delay a child from enrolling in school. The superintendent of schools shall provide such information to the principal at the school the child will be attending. The principal shall disclose such information to appropriate staff as is necessary to the education or care of the child.

**REGULATIONS**

No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**

**10-76b. State supervision of special education programs and services. Regulations. Coordinating agency.**

(a) The State Board of Education shall provide for the development and supervision of the educational programs and services for children requiring special education and may regulate curriculum, conditions of instruction, including the use of physical restraint and seclusion pursuant to chapter 814e, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by local and regional boards of education. The State Board of Education shall adopt regulations, in accordance with the provisions of chapter 54, concerning the use of physical restraint and seclusion pursuant to chapter 814e. The educational aspects of all programs and instructional facilities in any day or residential child-caring agency or school which provides training for children requiring special education and which receives funding from the state under the provisions of sections 10-76a to 10-76g, inclusive, shall be subject to the approval and supervision of the commissioner in accordance with regulations adopted by the State Board of Education concerning requirements for such programs and accommodations.

(b) The commissioner shall designate by regulation, subject to the approval of the State Board of Education, the procedures which shall be used to identify exceptional children.

(c) Said board shall be the agency for cooperation and consultation with federal agencies, other state agencies and private bodies on matters of public school education of children requiring special education, provided the full responsibilities for other aspects of the care of such children shall be reserved to such other agencies.

**10-236b. Physical restraint and seclusion of students by school employees.**

(a) For purposes of this section:

(1) “Life-threatening physical restraint” means any physical restraint or hold of a person that (A) restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or (B) immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position;

(2) “Psychopharmacologic agent” means any medication that affects the central nervous system, influencing thinking, emotion or behavior;

(3) “Physical restraint” means any mechanical or personal restriction that immobilizes or reduces the free movement of a person’s arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; (E) helmets, mitts and similar devices used to
prevent self-injury when the device is (i) part of a documented treatment plan or individualized education program pursuant to section 10-76d, or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976, and is the least restrictive means available to prevent such self-injury; or (F) an exclusionary time out;

(4) “School employee” has the same meaning as provided in subsection (b) of section 10-221o;

(5) “Seclusion” means the involuntary confinement of a student in a room from which the student is physically prevented from leaving. “Seclusion” does not include an exclusionary time out;

(6) “Student” means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d, (C) enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from (i) Unified School District #2, established pursuant to section 17a-37, or (ii) the Department of Mental Health and Addiction Services; and

(7) “Exclusionary time out” means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.

(b) No school employee shall use a physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

(c) No school employee shall use a life-threatening physical restraint on a student. This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive.

(d)(1) No school employee shall place a student in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative. (2) No student shall be placed in seclusion unless (A) such student is monitored by a school employee during the period of such student’s seclusion pursuant to subsection (m) of this section, and (B) the area in which such student is secluded is equipped with a window or other fixture allowing such student a clear line of sight beyond the area of seclusion. (3) Seclusion shall not be utilized as a planned intervention in a student’s behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.

(e) No school employee may use a psychopharmacologic agent on a student without that student’s consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student’s established medical or behavioral support or educational plan, as developed consistent with section 17a-543 or, if no such plan has been developed, as part of a licensed practitioner’s initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

(f) If any instance of physical restraint or seclusion of a student otherwise permissible under subsection (b) or (d) of this section exceeds fifteen minutes, (1) an administrator, as defined in section 10-144e, or such administrator’s designee, (2) a school health or mental health personnel, as defined in subsection (a) of section 10-212b, or (3) a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion pursuant to subsection (o) of this section, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the
student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(g) In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:

(1) An administrator, one or more of such student’s teachers, a parent or guardian of such student and, if any, a mental health professional, as defined in section 10-76t, shall convene for the purpose of (A) conducting or revising a behavioral assessment of the student, (B) creating or revising any applicable behavioral intervention plan, and (C) determining whether such student may require special education pursuant to section 10-76ff; or

(2) If such student is a child requiring special education, as described in subparagraph (A) of subdivision (5) of section 10-76a, or a child being evaluated for eligibility for special education pursuant to section 10-76d and awaiting a determination, such student’s planning and placement team shall convene for the purpose of (A) conducting or revising a behavioral assessment of the student, and (B) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student’s individualized education plan.

(h) Each local or regional board of education shall notify a parent or guardian of a student who is placed in physical restraint or seclusion not later than twenty-four hours after the student was placed in physical restraint or seclusion and shall make a reasonable effort to provide such notification immediately after such physical restraint or seclusion is initiated.

(i) No school employee shall use a physical restraint on a student or place a student in seclusion unless such school employee has received training on the proper means for performing such physical restraint or seclusion pursuant to subsection (o) of this section.

(j)(1) On and after July 1, 2016, each local or regional board of education, and each institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program, shall (A) record each instance of the use of physical restraint or seclusion on a student, (B) specify whether the use of seclusion was in accordance with an individualized education program, (C) specify the nature of the emergency that necessitated the use of such physical restraint or seclusion, and (D) include such information in an annual compilation on its use of such restraint and seclusion on students. Each local or regional board of education and such institutions or facilities operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education for the purposes of the pilot program established pursuant to subdivision (2) of this subsection to examine incidents of physical restraint and seclusion in schools and to the State Board of Education for the purposes of subsection (k) of this section. Local or regional boards of education and such institutions and facilities that provide special education for children shall not be required to report instances of in-school suspensions, as defined in subsection (c) of section 10-233a.

(2) The Department of Education shall establish a pilot program for the school year commencing July 1, 2015. Such pilot program shall be implemented in various districts, including, but not limited to, an alliance district, a regional school district and a regional education service center. Under the pilot program, the Department of Education shall examine incidents of physical restraint and seclusion in schools and shall compile and analyze data regarding such incidents to enable the department to better understand and respond to incidents of physical restraint and seclusion on students in the state.
(k) The State Board of Education shall review the annual compilation of each local or regional board of education, and each institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program, and shall produce an annual summary report specifying (1) the frequency of use of physical restraint or seclusion on students, (2) whether any student subjected to such restraint or seclusion was a special education student, and (3) if any such student was a special education student, whether the use of such seclusion was in accordance with an individualized education program or whether the use of such seclusion was an emergency intervention to prevent immediate or imminent injury to the student or to others. Such report shall be submitted not later than January 15, 2017, and annually thereafter, to the joint standing committees of the General Assembly having cognizance of matters relating to children and education for inclusion in the annual report card prepared pursuant to section 2-53m.

(l) Any use of physical restraint or seclusion on a student shall be documented in the student’s educational record. The documentation shall include (1) the nature of the emergency and what other steps, including attempts at verbal deescalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise, and (2) a detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student’s established educational plan.

(m) Any student who is physically restrained shall be continually monitored by a school employee. Any student who is involuntarily placed in seclusion shall be frequently monitored by a school employee. Each student so restrained or in seclusion shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student’s educational record. For purposes of this subsection, “monitor” means (1) direct observation, or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

(n) If the use of such restraint or seclusion results in physical injury to the student, the local or regional board of education, and each institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program, shall report the incident to the State Board of Education, which shall include such incident in the report required pursuant to subsection (k) of this section. The State Board of Education shall report any incidence of serious injury or death to the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system, as required by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 USC 15041, et seq., as amended from time to time, and any regulations promulgated thereunder, and as required by the Protection and Advocacy for Individuals with Mental Illness Act, 42 USC 10801 et seq., as amended from time to time, and any regulations promulgated thereunder, and, if appropriate, to the Child Advocate of the Office of the Child Advocate.

(o)(1) Each local or regional board of education shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the district, identified pursuant to subdivision (2) of this subsection. A local or regional board of education may provide such training to any teacher, as defined in section 10-144d, administrator, as defined in section 10-144e, school paraprofessional or other school employee, as defined in section 10-222d, designated by the school principal and who has direct contact with students. Such training shall be provided during the school year commencing July 1, 2017, and each school year thereafter, and shall include, but not be limited to:

(A) An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. For the school year
commencing July 1, 2017, and annually thereafter, such overview shall be provided by the
Department of Education, in a manner and form as prescribed by the Commissioner of Education;

(B) The creation of a plan by which each local and regional board of education shall provide training
regarding the prevention of incidents requiring physical restraint or seclusion of students. Such plan
shall be implemented not later than July 1, 2018. The Department of Education may, within available
appropriations, provide ongoing monitoring and support to local or regional boards of education
regarding the formulation and implementation of the plan; and

(C) The creation of a plan by which each local or regional board of education shall provide training
regarding the proper means of physical restraint or seclusion of a student, including, but not limited to,
(i) various types of physical restraint and seclusion; (ii) the differences between life-threatening
physical restraint and other varying levels of physical restraint; (iii) the differences between
permissible physical restraint and pain compliance techniques; and (iv) monitoring methods to
prevent harm to a student who is physically restrained or in seclusion. Such plan shall be
implemented not later than July 1, 2018;

(2) For the school year commencing July 1, 2017, and each school year thereafter, each local and
regional board of education shall require each school in the district to identify a crisis intervention team
consisting of any teacher, as defined in section 10-144d, administrator, as defined in section 10-144e,
school paraprofessional or other school employee, as defined in section 10-222d, designated by the
school principal and who has direct contact with students. Such teams shall respond to any incident in
which the use of physical restraint or seclusion may be necessary as an emergency intervention to
prevent immediate or imminent injury to a student or to others. Each member of the crisis intervention
team shall be recertified in the use of physical restraint and seclusion pursuant to subparagraph (C) of
subdivision (1) of this subsection or chapter 814e on an annual basis. Each local and regional board of
education shall maintain a list of the members of the crisis intervention team for each school.

(p) Each local or regional board of education shall develop policies and procedures that establish
monitoring and internal reporting of the use of physical restraint and seclusion on students and shall
make such policies and procedures available on such local or regional board of education’s Internet web
site and in such local or regional board of education’s procedures manual.

(q) Nothing in this section shall be construed as limiting the justified use of physical force by a local, state
or federal law enforcement official while in the performance of such official’s duties.

(r) The State Board of Education shall adopt or revise regulations, in accordance with the provisions of
chapter 54, concerning the use of physical restraint and seclusion pursuant to this section. Not later than
sixty days after the adoption or revision of such regulations, each local or regional board of education
shall update any applicable policies and procedures regarding the physical restraint and seclusion of
students and shall make such updated policies and procedures available in a manner consistent with the
provisions of subsection (p) of this section.

(s) Not later than January 1, 2019, each local or regional board of education shall establish a policy
regarding the use of an exclusionary time out. Such policy shall include, but need not be limited to, a
requirement that (1) exclusionary time outs are not to be used as a form of discipline, (2) at least one
school employee remain with the student, or be immediately available to the student such that the student
and school employee are able to communicate verbally, throughout the exclusionary time out, (3) the
space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of
calming such student or deescalating such student’s behavior, (4) the exclusionary time out period
terminate as soon as possible, and (5) if such student is a child requiring special education, as defined in
section 10-76a, or a child being evaluated for special education, pursuant to section 10-76d, and awaiting
a determination, and the interventions or strategies are unsuccessful in addressing such student’s
problematic behavior, such student’s planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

46a-150. Definitions.

For purposes of this section and sections 46a-151 to 46a-154, inclusive:

(1) “Provider of care or supervision of a person at risk” and “provider” mean a person who provides direct care or supervision of a person at risk.

(2) “Assistant provider of care or supervision of a person at risk” and “assistant” mean a person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider of care or supervision of a person at risk.

(3) “Person at risk” means a person receiving care or supervision in an institution or facility operated by, licensed or authorized to operate by or operating pursuant to a contract with the Departments of Public Health, Developmental Services, Children and Families, or Mental Health and Addiction Services. The term does not include a person in the custody of the Commissioner of Correction, or a resident or patient of a nursing home subject to federal regulations concerning restraint of residents or patients.

(4) “Life-threatening physical restraint” means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means.

(5) “Physical restraint” means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury.

(6) “Psychopharmacologic agent” means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

(7) “Seclusion” means the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving, except that in the case of seclusion at Long Lane School, the term does not include the placing of a single child or youth in a secure room for the purpose of sleeping.

46a-151. Life-threatening physical restraint prohibited.

No provider of care or supervision of a person at risk and no assistant provider may use a life-threatening physical restraint on a person at risk. This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive.

46a-152. Physical restraint, seclusion and use of psychopharmacologic agents restricted. Notification of parent or guardian of physical restraint or seclusion of child required. Monitoring and documentation required.

(a) No provider or assistant may use involuntary physical restraint on a person at risk except (1) as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative, (2) as necessary and appropriate, as determined on an individual basis by the person's treatment team and consistent with sections 17a-540 to 17a-550, inclusive, for the transportation
of a person under the jurisdiction of the Whiting Forensic Hospital of the Department of Mental Health and Addiction Services.

(b) No provider or assistant may involuntarily place a person at risk in seclusion except as an emergency intervention to prevent immediate or imminent injury to the person or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

(c) No provider or assistant may use a psychopharmacologic agent on a person at risk without that person's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the person or to others, or (2) as an integral part of the person's established medical or behavioral support plan, as developed consistent with section 17a-543 or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

(d) Any use of physical restraint or seclusion on a person at risk shall be documented in the person's medical record. The documentation shall include (1) in the case of emergency use, the nature of the emergency and what other steps, including attempts at verbal deescalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise, and (2) a detailed description of the nature of the restraint or seclusion, its duration and its effect on the person's established medical or behavioral support plan.

(e) Any person at risk who is physically restrained shall be continually monitored by a provider or assistant. Any person at risk who is involuntarily placed in seclusion shall be frequently monitored by a provider or assistant. Each person so restrained or in seclusion shall be regularly evaluated by a provider or assistant for indications of physical distress. The provider or assistant conducting the evaluation shall enter each evaluation in the person's medical record. For purposes of this subsection, “monitor” means (1) direct observation, or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

(f) Nothing in this section shall be construed as limiting any rights a person may have under sections 17a-540 to 17a-550, inclusive, section 17a-566 or section 54-56d.

(g) Nothing in this section shall be construed as limiting the justified use of physical force by a local, state or federal law enforcement official or an employee of the Board of Pardons and Paroles or the Department of Correction responsible for the supervision of persons released on parole while in the performance of such official's or employee's duties.

(h)(1) Nothing in this section shall be construed as prohibiting the use of mechanical physical restraint in transporting any person (A) who is receiving services from the Department of Mental Health and Addiction Services pursuant to sections 17a-513 to 17a-517, inclusive, 17a-566 to 17a-567, inclusive, 17a-582 to 17a-603, inclusive, or 54-56d, or (B) who is committed to the department by a court of competent jurisdiction and has a pending criminal charge for which bail or a bond has not been posted, from a department facility to another location and, if applicable, back to such facility. Any such use of mechanical physical restraint shall be determined on an individualized basis by the head of the facility, or by a designee of the head of the facility, to be necessary and appropriate to protect the public safety.

(2) Any use of mechanical physical restraint under this subsection shall be documented in the medical record of the person who is transported. Such documentation shall include, but not be limited to, (A) the reason for the use of such restraint, including the risk of flight, the risk to public safety and the person's clinical condition, and (B) a detailed description of the nature of such restraint and its duration. If the use of any such restraint results in serious physical injury or death to such person, the head of the facility shall report such injury or death to the Commissioner of Mental Health and Addiction Services. The commissioner, upon receiving any such report, shall inform the director of the Office of Protection and Advocacy for Persons with Disabilities of such injury or death.
46a-153. Recording and annual compilation of use of restraint and seclusion. Review of annual compilation by state agencies and State Board of Education. Reports.

(a) Each institution or facility that provides direct care or supervision of persons at risk shall (1) record each instance of the use of physical restraint or seclusion on a person at risk and the nature of the emergency that necessitated its use, and (2) include such information in an annual compilation on its use of such restraint and seclusion. The commissioner of the state agency that has jurisdiction or supervisory control over each institution or facility shall review the annual compilation prior to renewing a license for or a contract with such institution or facility.

(b) If the use of such restraint or seclusion results in physical injury to the person, the institution or facility shall report the incident to the commissioner of the state agency that has jurisdiction or supervisory control over the institution or facility. The commissioner receiving a report of such an incident shall report any incidence of serious injury or death to the director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Child Advocate of the Office of the Child Advocate.

46a-154. Internal monitoring, training and development of policies and procedures required and subject to state agency inspection.

(a) Each institution or facility that provides direct care or supervision of a person at risk shall develop policies and procedures that (1) establish monitoring and internal reporting of the use of physical restraint and seclusion on persons at risk, and (2) require training of all providers and assistant providers of care or supervision of persons at risk in the use of physical restraint and seclusion on persons at risk. Such training shall include, but not be limited to: Verbal defusing or deescalation; prevention strategies; types of physical restraint; the differences between life-threatening physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques; monitoring to prevent harm to a person physically restrained or in seclusion and recording and reporting procedures on the use of restraints and seclusion.

(b) Each institution or facility required to develop policies and procedures under subsection (a) of this section shall make such policies and procedures available upon request to the commissioner of the state agency that has jurisdiction or supervisory control over the institution or facility.

REGULATIONS

10-76b-5. Use of physical restraint and seclusion in public schools. Definitions.

For the purposes of sections 10-76b-6 to 10-76b-11, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Assistant" means "assistant" as defined in section 46a-150 of the General Statutes;

(2) "Behavior intervention" means supports and other strategies developed by the planning and placement team to address the behavior of a person at risk which impedes the learning of the person at risk or the learning of others;

(3) "Business day" means "business day" as defined in subsection (a) of section 10-76h-1 of the Regulations of Connecticut State Agencies;

(4) "Individualized education plan" or "IEP" means "individualized education plan" as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(5) "Parent" or "parents," means "parents" as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(6) "Person at risk" means "person at risk" as defined in subparagraph (A) of subdivision (3) of section 46a-150 of the Connecticut General Statutes;
(7) "Physical restraint" means "physical restraint" as defined in section 46a-150 of the Connecticut General Statutes;

(8) "Planning and placement team" or "PPT" means "planning and placement team" as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(9) "Provider" means "provider" as defined in section 46a-150 of the Connecticut General Statutes; and

(10) "Seclusion" means "seclusion" as defined in section 46a-150 of the Connecticut General Statutes, provided seclusion does not include any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

10-76b-6. Use of physical restraint and seclusion in public schools.

No provider or assistant shall (1) use involuntary physical restraint on a person at risk or (2) involuntarily place a person at risk in seclusion, unless such use conforms to the requirements of sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes, and the requirements of sections 10-76b-5 to 10-76b-11, inclusive, of the Regulations of Connecticut State Agencies.

10-76b-7. Use of physical restraint and seclusion in public schools, exceptions.

Nothing in sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes or sections 10-76b-5 to 10-76b-11, inclusive, of the Regulations of Connecticut State Agencies shall be construed to interfere with the responsibility of local or regional boards of education to maintain a safe school setting in accordance with section 10-220 of the Connecticut General Statutes or to supersede the provisions of subdivision (6) of section 53a-18 of the Connecticut General Statutes concerning the use of reasonable physical force.

10-76b-8. Use of seclusion in public schools, requirements.

(a) Except for an emergency intervention to prevent immediate or imminent injury to the person or to others conforming to the requirements of subsection (b) of section 46a-152 of the Connecticut General Statutes, seclusion may only be used if (1) this action is specified in the IEP of the person at risk in accordance with the provisions of subsection (b) of this section and (2) if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.

(b) If the PPT of a person at risk determines, based upon the results of a functional behavioral assessment and other information determined relevant by the PPT, that use of seclusion is an appropriate behavior intervention, the PPT shall include the assessment data and other relevant information in the IEP of the person at risk as the basis upon which a decision was made to include the use of seclusion as a behavior intervention. In such a case, the IEP shall specify (1) the location of seclusion, which may be multiple locations within a school building, (2) the maximum length of any period of seclusion, in accordance with subsection (d) of this section, (3) the number of times during a single day that the person at risk may be placed in seclusion, (4) the frequency of monitoring required for the person at risk while in seclusion, and (5) any other relevant matter agreed to by the PPT taking into consideration the age, disability and behaviors of the child that might subject the child to the use of seclusion.

(c) In the event the parent disagrees with the use of seclusion in the IEP of the person at risk, the parent shall have a right to the hearing and appeal process provided for in section 10-76h of the Connecticut General Statutes.

(d) Any period of seclusion (1) shall be limited to that time necessary to allow the person at risk to compose him or herself and return to the educational environment and (2) shall not exceed one hour. The use of seclusion may be continued with written authorization of the building principal or designee to
prevent immediate or imminent injury to the person at risk or to others. In the case where transportation of
the person at risk is necessary, the written authorization to continue the use of seclusion is not required if
immediate or imminent injury to the person at risk or to others is a concern.

(e) The PPT shall, at least annually, review the continued use of seclusion as a behavior intervention for
the person at risk. When the use of seclusion as an emergency intervention to prevent immediate or
imminent injury to the person at risk or to others is repeated more than two times in any marking period,
the PPT (1) shall convene to review the IEP of the person at risk, provided the PPT may agree to waive
this meeting, (2) may consider additional evaluations or assessments to address the child's behaviors,
and (3) may revise the child's IEP, as appropriate.

(f) The PPT shall inquire as to whether there are any known medical or psychological conditions that
would be directly and adversely impacted by the use of seclusion as a behavior intervention. A person at
risk shall not be placed in seclusion if such person is known to have any medical or psychological
condition that a licensed health care provider has indicated will be directly and adversely impacted by the
use of seclusion. For purposes of this subsection, a "licensed health care provider" means (1) a legally
qualified practitioner of medicine, (2) an advanced practice registered nurse, (3) a registered nurse
licensed pursuant to chapter 378 of the Connecticut General Statutes, or (4) a physician assistant
licensed pursuant to chapter 370 of the Connecticut General Statutes. Such licensed health care provider
may be the person at risk's licensed health care provider or a licensed health care provider utilized by the
public schools to provide an evaluation of the person at risk for purposes of determining the appropriate
use of seclusion as a behavior intervention in the person at risk's IEP. As part of the assessments
described in subsection (b) of this section, the PPT may request a medical or psychological evaluation of
the child for purposes of determining whether there is a medical or psychological condition that will be
directly and adversely impacted by the use of seclusion as a behavior intervention. The parent may
provide that information to the PPT. Any written statement provided by a licensed health care provider
shall be included in the educational record of the person at risk.

(g) A person at risk in seclusion shall be monitored as described in the child's IEP by a provider or
assistant specifically trained in physical management, physical restraint and seclusion procedures
including, but not limited to, training to recognize health and safety issues for children placed in seclusion
to ensure the safe use of seclusion as a behavior intervention.

(h) Any room used for the seclusion of a person at risk shall:

1. Be of a size that is appropriate to the chronological and developmental age, size and behavior of the
   person at risk;
2. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in
   which it is located;
3. Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the
   systems that are in use in the other rooms of the building in which it is located;
4. Be free of any object that poses a danger to the person at risk who is being placed in the room;
5. Conform to applicable building code requirements. If the door or doors to a room used for seclusion
   are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall
   be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the
   person at risk shall be constantly monitored notwithstanding any other provisions of the Connecticut
   General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device
   that shall be readily released by staff as soon as possible but in no case longer than within two minutes
   of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism
   is released automatically when a fire alarm is sounded. An "emergency" for purposes of this subdivision
   includes, but is not limited to, (A) the need to provide direct and immediate medical attention to the
   person at risk, (B) fire, (C) the need to remove the person at risk to a safe location during a building
lockdown, or (D) other critical situations that may require immediate removal of the person at risk from seclusion to a safe location; and

(6) Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a person at risk.

10-76b-9. Parental notification of physical restraint, seclusion.

(a) If a person at risk is physically restrained or placed in seclusion, an attempt shall be made to notify the parent on the day of, or within twenty-four hours after, physical restraint or seclusion is used with the child as an emergency intervention to prevent immediate or imminent injury to the person or others, as permitted under sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes. Such notification shall be made by phone, e-mail or other method which may include, but is not limited to, sending a note home with the child. The parent of such child, regardless of whether he or she received such notification, shall be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion. The incident report shall contain, at a minimum, the information required under subsection (d) of section 46a-152 of the Connecticut General Statutes.

(b) Where seclusion is included in the IEP of a person at risk, the PPT and the parents shall determine a timeframe and manner of notification of each incident of seclusion.

(c) The Department of Education shall develop a plain language notice for use in the public schools to advise parents of the laws and regulations concerning the emergency use of physical restraint or seclusion or the use of seclusion as a behavior intervention in a child's IEP. On and after October 1, 2009, this notice shall be provided to the child's parent at the first PPT meeting following the child's referral for special education. For children who were eligible for special education prior to October 1, 2009, the notice shall be provided to the parent at the first PPT meeting convened after October 1, 2009. The notice shall also be provided to the child's parent at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's IEP.

10-76b-10. Required training for providers or assistants on the use of physical restraint or seclusion.

A person at risk may be physically restrained or removed to seclusion only by a provider or assistant who has received training in physical management, physical restraint and seclusion procedures. Providers or assistants shall also be provided with training as described in subdivision (2) of subsection (a) of section 46a-154 of the Connecticut General Statutes.

10-76b-11. Reports of physical restraint, seclusion.

The recording and reporting of instances of physical restraint or seclusion and the compilation of this information shall be in accordance with section 46a-153 of the Connecticut General Statutes. The recording of such instances shall be done on an incident report that contains the information and documentation required by sections 46a-152 and 46a-153 of the Connecticut General Statutes. Such reports shall be completed no later than the school day following the incident. The Department of Education shall develop and make available a model incident report.
Alternative placements

LAWS

10-74j. Alternative education.
(a) As used in this section, “alternative education” means a school or program maintained and operated by a local or regional board of education that is offered to students in a nontraditional educational setting and addresses the social, emotional, behavioral and academic needs of such students.
(b) A local or regional board of education may provide alternative education to students, in accordance with guidelines established by the State Board of Education pursuant to section 10-74k. A local or regional board of education may use space in an existing school or establish a new school for the purposes of providing alternative education to students. Alternative education shall be provided in accordance with the provisions of sections 10-15 and 10-16 and shall be subject to all federal and state laws governing public schools.
(c) Each local and regional board of education shall make available on its Internet web site information relating to alternative education offered under this section, including, but not limited to, the purpose, location, contact information, staff directory and enrollment criteria for such alternative education.

(a) The Department of Education shall develop guidelines for the provision of alternative education, as defined in section 10-74j. Such guidelines shall include, but not be limited to, a description of the purpose and expectations of alternative education, criteria for who is eligible to receive alternative education and criteria for how and when a student may enter or exit alternative education.
(b) The department shall assign an identification code and organization code to each school or program of alternative education provided by a local or regional board of education for purposes of collecting, tracking and monitoring such alternative education in the public school information system, pursuant to section 10-10a.

10-233c. Suspension of pupils.
(d) Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of suspension.

10-233d. Expulsion of pupils.
(d) No local or regional board of education is required to offer an alternative educational opportunity, except in accordance with this section. Any pupil under sixteen years of age who is expelled shall be offered an alternative educational opportunity, which shall be (1) alternative education, as defined by section 10-74j, with an individualized learning plan, if such board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 10-233o, during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provisions of section 10-184. Any pupil expelled for the first time who is between the ages of sixteen and eighteen and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program pursuant to section 10-69. Any pupil participating in any such adult education program during a period of expulsion shall not be required to withdraw from school under section 10-184. A local or regional board of education shall count the expulsion of a pupil when he was under sixteen years of age for purposes of determining whether an
alternative educational opportunity is required for such pupil when he is between the ages of sixteen and eighteen. A local or regional board of education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required pursuant to this section.

(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.


(a) Any local or regional board of education may authorize the administration of schools under its direction to impose an in-school suspension on any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of such board. No pupil shall be placed in in-school suspension without an informal hearing before the building principal or such principal’s designee at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided no pupil shall be placed in in-school suspension more than fifteen times or a total of fifty days in one school year, whichever results in fewer days of exclusion.

(b) A local or regional board of education may reassign a pupil to a regular classroom program in a different school in the school district and such reassignment shall not constitute a suspension pursuant to section 10-233c, or an expulsion pursuant to section 10-233d.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

10-233c. Suspension of pupils.
(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred;

10-233d. Expulsion of pupils.
(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance,
provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.

53a-217b. Possession of a weapon on school grounds: Class D felony.

(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, as amended by this act, (1) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of section 10-233a.

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, as amended by this act, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education.

(c) Possession of a weapon on school grounds is a class D felony.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

10-233c. Suspension of pupils.

(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: [...] (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; [...]
10-233d. Expulsion of pupils.
(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

53a-217b. Possession of a weapon on school grounds: Class D felony.
(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, as amended by this act, (1) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of section 10-233a.
(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, as amended by this act, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education.
(c) Possession of a weapon on school grounds is a class D felony.
REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

10-200. Habitual truants.
Each city and town may adopt ordinances concerning habitual truants from school and children between the ages of five and eighteen years wandering about its streets or public places, having no lawful occupation and not attending school, and may make such ordinances respecting such children as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars, for any one breach thereof. The police in any town, city or borough, bailiffs and constables in their respective precincts shall arrest all such children found anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school terms, and may stop any child under eighteen years of age during such hours and ascertain whether such child is a truant from school, and, if such child is, shall send such child to school. For purposes of this section, “habitual truant” means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has twenty unexcused absences within a school year.

(a) As used in this section, sections 10-222g to 10-222i, inclusive, and section 10-222k:

(1) “Bullying” means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that: (i) Causes physical or emotional harm to such student or damage to such student’s property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school. “Bullying” shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics;

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline,

10-233c. Suspension of pupils.
(b) In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of such pupil.
10-233d. Expulsion of pupils.

(c)(1) In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered under subsection (d) of this section, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, may receive and consider evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(2) For any pupil expelled for the first time pursuant to this section and who has never been suspended pursuant to section 10-233c, except for a pupil who has been expelled based on possession of a firearm or deadly weapon as described in subsection (a) of this section, the local or regional board of education may shorten the length of or waive the expulsion period if the pupil successfully completes a board-specified program and meets any other conditions required by the board. Such board-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS


(a) For purposes of this section and sections 10-198c and 10-220, “truant” means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year.

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: (1) The holding of a meeting with the parent of each child who is a truant, or other person having control of such child, and appropriate school personnel to review and evaluate the reasons for the child being a truant, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year, (2) coordinating services with and referrals of children to community agencies providing child and family services, (3) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section 10-184, (4) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent or other person having control of each child in a grade from kindergarten to eight, inclusive, a telephone number or other means of contacting such parent or such other person during the school day, (5) on or before August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education pursuant to section 10-198e for any school under its jurisdiction that has a disproportionately high rate of truancy, as determined by the Commissioner of Education, and (6) a system of monitoring individual unexcused absences of children in grades kindergarten to eight, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent or other person having control of the child is aware of the pupil's absence, a reasonable effort to notify, by telephone and by mail, the parent or such other person shall be made by school personnel or volunteers under the direction of school personnel. Any person who, in good faith, gives or fails to give notice
pursuant to subdivision (6) of this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(c) Nothing in subsections (a) and (b) of this section shall preclude a local or regional board of education from adopting policies and procedures pursuant to this section which exceed the requirements of said subsections.

(d) The provisions of this section shall not apply to any child receiving equivalent instruction pursuant to section 10-184.

(e) A child, age five to eighteen, inclusive, who is enrolled in a public or private school and whose parent or legal guardian is an active duty member of the armed forces, as defined in section 27-103, and has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the local or regional board of education, additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this subsection, such child and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

10-198b. State Board of Education to define “excused absence”, “unexcused absence” and “disciplinary absence”.

On or before July 1, 2012, the State Board of Education shall define “excused absence” and “unexcused absence”, and on or before January 1, 2016, the State Board of Education shall define “disciplinary absence” for use by local and regional boards of education for the purposes of carrying out the provisions of section 10-198a, reporting truancy, pursuant to subsection (c) of section 10-220, and calculating the district chronic absenteeism rate and the school chronic absenteeism rate pursuant to section 10-198c.

10-198c. Attendance review teams.

(a) As used in this section:

(1) “Chronically absent child” means a child who is enrolled in a school under the jurisdiction of a local or regional board of education and whose total number of absences at any time during a school year is equal to or greater than ten per cent of the total number of days that such student has been enrolled at such school during such school year;

(2) “Absence” means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b;

(3) “District chronic absenteeism rate” means the total number of chronically absent children under the jurisdiction of a local or regional board of education in the previous school year divided by the total number of children under the jurisdiction of such board for such school year; and

(4) “School chronic absenteeism rate” means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

(b) (1) Each local and regional board of education that (A) has a district chronic absenteeism rate of ten per cent or higher shall establish an attendance review team for the school district, (B) has a school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team at such school, (C) has more than one school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school, or (D) has a district chronic
absenteeism rate of ten per cent or higher and one or more schools under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school. Such attendance review teams shall be established to address chronic absenteeism in the school district or at the school or schools.

(2) Any attendance review team established under this subsection may consist of school administrators, guidance counselors, school social workers, teachers and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined in section 10-198a, and chronically absent children and their parents or guardians. Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

10-198d. Chronic absenteeism prevention and intervention plan.

(a) Not later than January 1, 2016, the Department of Education, in consultation with the Interagency Council for Ending the Achievement Gap established pursuant to section 10-16nn, shall develop a chronic absenteeism prevention and intervention plan for use by local and regional boards of education to reduce chronic absenteeism in the school district.

(b)(1) The chronic absenteeism prevention and intervention plan shall include, but need not be limited to, the following: (A) Information that describes (i) chronic absenteeism, including, but not limited to, the definition of a chronically absent child under section 10-198c, and the causes of chronic absenteeism, such as poverty, violence, poor health and lack of access to transportation, (ii) the effect of chronic absenteeism on a student's academic performance, and (iii) how family and school partnerships with community resources, including, but not limited to, family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance, and (B) a means of collecting and analyzing data relating to student attendance, truancy and chronic absenteeism for the purpose of (i) disaggregating such data by school district, school, grade and subgroups, such as race, ethnicity, gender, eligibility for free or reduced priced lunches, students whose primary language is not English and students with disabilities, and (ii) assisting local and regional boards of education in (I) tracking chronic absenteeism over multiple years and for the current school year, (II) developing indicators to identify students who are at risk of being chronically absent children, (III) monitoring students’ attendance over time, and (IV) making adjustments to interventions as they are being implemented.

(2) The chronic absenteeism prevention and intervention plan may include, but need not be limited to, the following: (A) A research-based and data-driven mentorship model that addresses and attempts to reduce chronic absenteeism through the use of mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers and community partners, and (B) incentives and rewards that recognize schools and students that improve attendance and reduce the school chronic absenteeism rate.

10-198e. Identification of truancy intervention models.

The Department of Education shall identify effective truancy intervention models for implementation by local and regional boards of education pursuant to subsection (b) of section 10-198a, including intervention models that address the needs of students with disabilities. Not later than August 15, 2018, a listing of such approved models shall be available for implementation by local and regional boards of education pursuant to said subsection (b).

Any local or regional board of education may appoint one or more persons, who shall be authorized to prosecute for violations of the laws relating to attendance of children and their employment. All warrants issued upon such prosecutions shall be returnable before any court having jurisdiction. Each attendance officer shall be sworn to the faithful performance of his or her duties and shall be under the direction of the principal or superintendent of schools of the board of education by which he or she is employed. He shall investigate the absence of pupils from or the irregular attendance of pupils at school, cause such pupils as are absent or irregular in attendance to attend school regularly and present cases requiring prosecution for violation of the school laws to prosecuting officers.

10-200. Habitual truants.

Each city and town may adopt ordinances concerning habitual truants from school and children between the ages of five and eighteen years wandering about its streets or public places, having no lawful occupation and not attending school, and may make such ordinances respecting such children as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars, for any one breach thereof. The police in any town, city or borough, bailiffs and constables in their respective precincts shall arrest all such children found anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school terms, and may stop any child under eighteen years of age during such hours and ascertain whether such child is a truant from school, and, if such child is, shall send such child to school. For purposes of this section, “habitual truant” means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has twenty unexcused absences within a school year.

10-221. Boards of education to prescribe rules, policies and procedures.

(b) Not later than July 1, 1985, each local and regional board of education shall develop, adopt and implement written policies concerning homework, attendance, promotion and retention. The Department of Education shall make available model policies and guidelines to assist local and regional boards of education in meeting the responsibilities enumerated in this subsection.


(a) The Probate Court Administrator may, within available appropriations, establish a truancy clinic within (1) any regional children's probate court that serves a town designated as an alliance district pursuant to section 10-262u, or (2) any Probate Court that serves a town designated as an alliance district that is not served by a regional children's probate court. The administrative judge of the regional children's probate court or the judge of the Probate Court, as the case may be, or the designee of such administrative judge or such judge, shall administer the truancy clinic for such administrative judge's or such judge's respective court.

(b) If the Probate Court Administrator establishes truancy clinics pursuant to subsection (a) of this section, the principal of any elementary or middle school located in a town designated as an alliance district, or the principal's designee, may refer to a truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199, or a police officer authorized pursuant to section 10-200, shall deliver the citation and summons and a copy of the referral to the parent or guardian.

(c) The administrative judge of the regional children's probate court that serves a town designated as an alliance district or the judge of the Probate Court that serves a town designated as an alliance district, as the case may be, may refer any matter referred to a truancy clinic to a probate magistrate or attorney.
probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter.

(d) The truancy clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinics shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinics.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinics and measure the effectiveness of the truancy clinics.

(f) Not later than September 1, 2015, and annually thereafter, each administrative judge of a regional children's probate court that serves a town designated as an alliance district in which a truancy clinic has been established and each judge of a Probate Court that serves a town designated as an alliance district in which a truancy clinic has been established shall file a report with the Probate Court Administrator assessing the effectiveness of each truancy clinic in such administrative judge's or such judge's respective court.

(g) Not later than January 1, 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

10-221. Boards of education to prescribe rules, policies and procedures.
(d) Not later than July 1, 1991, each local and regional board of education shall develop, adopt and implement policies and procedures in conformity with section 10-154a for (1) dealing with the use, sale or possession of alcohol or controlled drugs, as defined in subdivision (8) of section 21a-240, by public school students on school property, including a process for coordination with, and referral of such students to, appropriate agencies, and (2) cooperating with law enforcement officials.

10-233c. Suspension of pupils.
(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: [...] (4) whether the conduct involved the use of alcohol. [...]..

10-233d. Expulsion of pupils.
(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive,
whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of this section, shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

(a) As used in this section, sections 10-222g to 10-222i, inclusive, and section 10-222k:

(1) “Bullying” means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the
same school district, or (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that: (i) Causes physical or emotional harm to such student or damage to such student’s property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school. “Bullying” shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics;

(2) “Cyberbullying” means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications;

(3) “Teen dating violence” means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship;

(4) “Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;

(5) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;

(6) “Hostile environment” means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;

(7) “Outside of the school setting” means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;

(8) “School employee” means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education; and

(9) “School climate” means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, described in section 10-222k, or another school administrator if the safe school climate specialist is unavailable, not later than one school
day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report, (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced, (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report, (6) include a prevention and intervention strategy, as defined by section 10-222g, for school employees to deal with bullying and teen dating violence, (7) provide for the inclusion of language in student codes of conduct concerning bullying, (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4) of this subsection (A) of the results of such investigation and (B) verbally and by electronic mail, if such parents’ or guardians’ electronic mail addresses are known, that such parents or guardians may refer to the plain language explanation of the rights and remedies available under sections 10-4a and 10-4b published on the Internet web site of the local or regional board of education pursuant to section 4 of this act, (9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying, (10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) of this subsection, to discuss specific interventions undertaken by the school to prevent further acts of bullying, (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education, (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline, (13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying, (14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying, (15) require the principal of a school, or the principal’s designee, to notify the appropriate local law enforcement agency when such principal, or the principal’s designee, believes that any acts of bullying constitute criminal conduct, (16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school, (17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district’s safe school climate plan, and (18) require that all school employees annually complete the training described in section 10-220a or section 10-222j. The notification required pursuant to subdivision (8) of this subsection and the invitation required pursuant to subdivision (9) of this subsection shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying.
(c) Not later than September 1, 2014, each local and regional board of education that has not had a safe school climate plan, developed pursuant to this section, previously reviewed and approved by the Department of Education shall submit a safe school climate plan to the department for review and approval in accordance with the provisions of section 10-222p. Not later than thirty calendar days after approval by the department of such safe school climate plan, the board shall make such plan available on the board’s and each individual school in the school district’s Internet web site and ensure that such plan is included in the school district’s publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

(d) On and after July 1, 2012, and biennially thereafter, each local and regional board of education shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education pursuant to section 10-222h. Each local and regional board of education shall collect the school climate assessments for each school in the district and submit such school climate assessments to the department.

53-23a. Hazing.

(a) For purposes of this section:

   (1) “Hazing” means any action which recklessly or intentionally endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization. The term shall include, but not be limited to:

      (A) Requiring indecent exposure of the body;

      (B) Requiring any activity that would subject the person to extreme mental stress, such as sleep deprivation or extended isolation from social contact;

      (C) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;

      (D) Any assault upon the person; or

      (E) Requiring the ingestion of any substance or any other physical activity which could adversely affect the health or safety of the individual. The term shall not include an action sponsored by an institution of higher education which requires any athletic practice, conditioning, or competition or curricular activity.

   (2) “Student organization” means a fraternity, sorority or any other organization organized or operating at an institution of higher education.

(b) No student organization or member of a student organization shall engage in hazing any member or person pledged to be a member of the organization. The implied or express consent of the victim shall not be a defense in any action brought under this section.

(c) A student organization which violates subsection (b) of this section (1) shall be subject to a fine of not more than one thousand five hundred dollars and (2) shall forfeit for a period of not less than one year all of the rights and privileges of being an organization organized or operating at an institution of higher education.

(d) A member of a student organization who violates subsection (b) of this section shall be subject to a fine of not more than one thousand dollars.

(e) This section shall not in any manner limit or exclude prosecution or punishment for any crime or any civil remedy.

REGULATIONS

No relevant regulations found.
Other special infractions or conditions

LAWS

10-221. Boards of education to prescribe rules, policies and procedures.
(c) Boards of education may prescribe rules to impose sanctions against pupils who damage or fail to return textbooks, library materials or other educational materials. Said boards may charge pupils for such damaged or lost textbooks, library materials or other educational materials and may withhold grades, transcripts or report cards until the pupil pays for or returns the textbook, library book or other educational material.

10-233c. Suspension of pupils.
(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: [...] (2) whether other students from the school were involved or whether there was any gang involvement; [...] 

10-233d. Expulsion of pupils.
(a)(1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

10-233g. Reports of principals to police authority concerning physical assaults upon school employees by students.
(a) Where there is a physical assault made by a student upon a teacher or other school employee on school property or in performance of school duties and such teacher or employee files a written report with the school principal based upon such assault, the school building principal shall report such physical assault to the local police authority.
(b) No school administrator shall interfere with the right of a teacher or other employee of a board of education to file a complaint with the local police authority in cases of threats of physical violence and in cases of physical assaults by a student against such teacher or employee.
**10-233h. Arrested students. Reports by police, disclosure, confidentiality. Police testimony at expulsion hearings.**

If any person who is at least seven years of age but less than twenty-one years of age and an enrolled student is arrested for a violation of section 53-206c, a class A misdemeanor or a felony, the municipal police department or Division of State Police within the Department of Emergency Services and Public Protection that made such arrest shall, not later than the end of the weekday following such arrest, orally notify the superintendent of schools of the school district in which such person resides or attends school of the identity of such person and the offense or offenses for which he was arrested and shall, within seventy-two hours of such arrest, provide written notification of such arrest, containing a brief description of the incident, to such superintendent. The superintendent shall maintain such written report in a secure location and the information in such report shall be maintained as confidential in accordance with section 46b-124. The superintendent may disclose such information only to the principal of the school in which such person is a student or to the principal or supervisory agent of any other school in which the superintendent knows such person is a student. The principal or supervisory agent may disclose such information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purposes of assessing the risk of danger posed by such person to himself, other students, school employees or school property and effectuating an appropriate modification of such person’s educational plan or placement, and for disciplinary purposes. If the arrest occurred during the school year, such assessment shall be completed not later than the end of the next school day. If an expulsion hearing is held pursuant to section 10-233d, a representative of the municipal police department or the Division of State Police, as appropriate, may testify and provide reports and information on the arrest at such hearing, provided such police participation is requested by any of the following: The local or regional board of education, the impartial hearing board, the principal of the school or the student or his parent or guardian. Such information with respect to a child under eighteen years of age shall be confidential in accordance with sections 46b-124 and 54-76l, and shall only be disclosed as provided in this section and shall not be further disclosed.

**10-233j. Student possession and use of telecommunication devices.**

(a) No student in a public school in the state shall possess or use a remotely activated paging device unless such student obtains the written permission of the school principal for such possession and use. The principal shall grant such permission only if the student or his parent or guardian establishes to the satisfaction of the principal that a reasonable basis exists for the possession and use of the device.

(b) A local or regional board of education may restrict the student possession or use of cellular mobile telephones in the schools under its jurisdiction. In determining whether to restrict such possession or use, the local or regional board of education shall consider the special needs of parents and students.

**REGULATIONS**

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

10-18b. Development of curriculum guides for firearm safety programs.
The State Board of Education, within available appropriations, shall develop guides to aid local and regional boards of education in developing firearm safety programs for students in grades kindergarten to twelve, inclusive, in the public schools. The State Board of Education may consult with the Connecticut Police Chiefs Association when developing such guides. The State Board of Education shall make such guides available to local and regional boards of education.

10-18c. Firearm safety programs. Exemption from participation.
(a) Any local or regional board of education may offer firearm safety programs to students in grades kindergarten to twelve, inclusive, in the public schools under its jurisdiction.
(b) No student shall be required by any local or regional board of education to participate in a firearm safety program which may be offered within the public schools. A written notification to the local or regional board by the student’s parent or legal guardian shall be sufficient to exempt the student from such program in its entirety or from any portion thereof so specified by the parent or legal guardian.
(c) If a student is exempted from a firearm safety program pursuant to subsection (b) of this section, the local or regional board of education shall provide, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

10-19. Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.
(a) The knowledge, skills and attitudes required to understand and avoid the effects of alcohol, of nicotine or tobacco and of drugs, as defined in subdivision (17) of section 21a-240, on health, character, citizenship and personality development shall be taught every academic year to pupils in all grades in the public schools; and, in teaching such subjects, textbooks and such other materials as are necessary shall be used. Annually, at such time and in such manner as the Commissioner of Education shall request, each local and regional board of education shall attest to the State Board of Education that all pupils enrolled in its schools have been taught such subjects pursuant to this subsection and in accordance with a planned, ongoing and systematic program of instruction. The content and scheduling of instruction shall be within the discretion of the local or regional board of education. Institutions of higher education approved by the State Board of Education to train teachers shall give instruction on the subjects prescribed in this section and concerning the best methods of teaching the same. The State Board of Education and the Board of Regents for Higher Education in consultation with the Commissioner of Mental Health and Addiction Services and the Commissioner of Public Health shall develop health education or other programs for elementary and secondary schools and for the training of teachers, administrators and guidance personnel with reference to understanding and avoiding the effects of nicotine or tobacco, alcohol and drugs.
(b) Commencing July 1, 1989, each local and regional board of education shall offer during the regular school day planned, ongoing and systematic instruction on acquired immune deficiency syndrome, as taught by legally qualified teachers. The content and scheduling of the instruction shall be within the discretion of the local or regional board of education. Not later than July 1, 1989, each local and regional
board of education shall adopt a policy, as the board deems appropriate, concerning the exemption of pupils from such instruction upon written request of the parent or guardian. The State Board of Education shall make materials available to assist local and regional boards of education in developing instruction pursuant to this subsection.

Advisory councils on drug abuse education and prevention established by municipalities pursuant to subsection (a) of Section 4126 of the Drug Free Schools and Communities Act of 1986 may serve as a resource for public schools in the field of substance abuse prevention and education and may assist in the development of out-of-school activity for students.

10-76u. School-based primary mental health programs established. Grants to boards of education.
(a) In each fiscal year for which funds are appropriated for purposes of the primary mental health program, the department shall establish a grant program for the purpose of providing funds to local and regional boards of education for the establishment of school-based programs for the detection and prevention of emotional, behavioral and learning problems in public school children primarily in grades kindergarten through grade three.

(b) The Commissioner of Education shall solicit grant applications from local and regional boards of education which shall be submitted annually to the commissioner at such time and on such forms as the commissioner prescribes. The commissioner shall issue not less than four grants by September fifteenth of each year. In determining if a board of education shall be granted funds pursuant to this section and sections 10-76v to 10-76x, inclusive, the commissioner shall consider, but such consideration shall not be limited to, the following factors: (1) Availability in the school and community of professional, paraprofessional, and other program staff with background and experience in early intervention; (2) availability of space to accommodate the program in an elementary school building; (3) demonstration of strong support by administrative personnel, teaching staff, pupil personnel staff and local community mental health centers; (4) reasonable evidence of future stability of the program and its personnel; and (5) the number of children enrolled in grades kindergarten to two, inclusive, in a school under the jurisdiction of such board of education experiencing behavioral, disciplinary or early school adjustment problems.

(a) Early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive, shall include (1) a component for systematic early detection and screening to identify children experiencing behavioral, disciplinary or early school adjustment problems, and (2) services that address such problems for children so identified.

(b) Mental health professionals shall: (1) Supervise the acceptance of children into the program; and (2) utilize school and community resources to serve children not accepted for direct service.

(c) Mental health professionals shall select, train and supervise paraprofessionals and community volunteers in program implementation.

(d) Parental consent shall be obtained before a child may be accepted into an early detection and prevention program.

The State Board of Education shall adopt a state policy on dropout prevention. The policy shall include, but not be limited to, the encouragement of: (1) The local identification of students in grades kindergarten to twelve, inclusive, who are at risk of dropping out of school; (2) the development, expansion and
coordination of local services to such students; and (3) the coordination of dropout prevention programs administered by state agencies.

10-202f. Dropout prevention grant program.

(a) Consistent with the policy adopted pursuant to section 10-202e, the Department of Education shall establish a student dropout prevention grant program, in each fiscal year in which funds are appropriated, to assist local and regional school districts with the greatest need in decreasing the number of students dropping out of school and increasing the state-wide graduation rate. Local and regional school districts shall use the grants to conduct needs assessments, implement or expand innovative programs, evaluate existing efforts or implement other activities specified in a project plan developed pursuant to subsection (d) of this section.

(b) The Commissioner of Education shall identify the eligibility criteria for participation in the program annually, on or before January fifteenth, except that in the fiscal year ending June 30, 1988, the identification shall be made on or before August fifteenth. Eligibility criteria shall include, but not be limited to, graduation rates and educational need.

(c) The Department of Education shall identify each local or regional school district eligible to participate in the program. Such identification shall be done annually, on or before March fifteenth, except that in the fiscal year ending June 30, 1988, the identification shall be made on or before September fifteenth. Grant recipients shall be selected from those school districts so identified. Such identification shall not constitute a grant entitlement.

(d) School districts which have been identified pursuant to subsection (c) of this section may annually submit grant proposals to the Commissioner of Education at such time and in such manner as the commissioner prescribes. Each proposal shall be based on a three-year project plan, shall include, but not be limited to, project goals, objectives, evaluation strategies, staff assignments and a budget which shall identify local funding and other available resources for the three-year period and may include programs or services which are provided through written agreements with nonprofit organizations or private employers or programs or services which are provided to children of school age who are not attending school in order to promote their return to school.

(e) Within the availability of funds, the commissioner shall determine whether to authorize a grant award to a local or regional board of education upon receipt of a grant proposal pursuant to subsection (d) of this section and shall determine the amount of any such grant. Such authorization shall be made on or before September fifteenth of each fiscal year in which payment is to be made, except that in the fiscal year ending June 30, 1988, the authorization shall be made on or before November fifteenth. The amount of the award shall be based upon criteria including, but not limited to, district enrollment, relative wealth and the proposal submitted pursuant to subsection (d) of this section. Of the total amount appropriated in each fiscal year for the purposes of this section, the Department of Education (1) may set aside not more than five per cent to provide administrative assistance relating to the implementation of this section, and (2) shall set aside five per cent for competitive grants for local and regional boards of education not eligible to participate in the program pursuant to subsection (c) of this section. The timelines for identifying the eligibility criteria for such competitive grants, for identifying school districts eligible for such grants, for submitting proposals and for authorizing grant awards shall conform to the respective timelines described in this subsection and subsections (b) to (d), inclusive, of this section.

(f) Each local or regional board of education participating in the grant program shall prepare a financial statement of expenditures and an annual project report. The report shall describe the project activities and the degree to which the project met its goals and objectives. Such financial statements and reports shall be submitted to the department on or before September first of the fiscal year immediately following each fiscal year in which the school district participates in the grant program. On or before December thirty-first of the fiscal year following the fiscal year in which payment is received, each local or regional
board of education which receives a grant pursuant to this section shall file with the commissioner a financial audit in such form as the commissioner prescribes. If the commissioner finds that any such grant is being used for purposes which are not in conformity with the purposes of this section, the commissioner may require repayment of the grant to the state. Not later than February 15, 1990, the State Board of Education shall report to the committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies concerning the operation and effectiveness of the program funded under this section.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (6) include a prevention and intervention strategy, as defined by section 10-222g, for school employees to deal with bullying and teen dating violence,

10-222g. Prevention and intervention strategy re bullying and teen dating violence.
For the purposes of section 10-222d, the term “prevention and intervention strategy” may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence identified by the Department of Education,
(2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,
(3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence is likely to occur,
(4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,
(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,
(6) school-wide training related to safe school climate,
(7) student peer training, education and support,
(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and
(9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.
Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.
For purposes of this section, “interventions with the bullied child” includes referrals to a school counselor, psychologist or other appropriate social or mental health service, and periodic follow-up by the safe school climate specialist with the bullied child.

10-222k. District safe school climate coordinator. Safe school climate specialist. Safe school climate committee.
(a) For the school year commencing July 1, 2012, and each school year thereafter, the superintendent of each local or regional board of education shall appoint, from among existing school district staff, a district safe school climate coordinator. The district safe school climate coordinator shall:
(1) Be responsible for implementing the district’s safe school climate plan, developed pursuant to section 10-222d,

(2) Collaborate with the safe school climate specialists, described in subsection (b) of this section, the board of education for the district and the superintendent of schools of the school district to prevent, identify and respond to bullying in the schools of the district,

(3) Provide data and information, in collaboration with the superintendent of schools of the district, to the Department of Education regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

(4) Meet with the safe school climate specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district’s safe school climate plan.

(b) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school, or the principal’s designee, shall serve as the safe school climate specialist and shall

(1) Investigate or supervise the investigation of reported acts of bullying in the school in accordance with the district’s safe school climate plan,

(2) Collect and maintain records of reports and investigations of bullying in the school, and

(3) Act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

(c)(1) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee or designate at least one existing committee in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal.

(2) Any such committee shall:

(A) Receive copies of completed reports following investigations of bullying,

(B) Identify and address patterns of bullying among students in the school,

(C) Implement the provisions of the school security and safety plan, developed pursuant to section 87 of this act, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying,

(D) Review and amend school policies relating to bullying,

(E) Review and make recommendations to the district safe school climate coordinator regarding the district’s safe school climate plan based on issues and experiences specific to the school,

(F) Educate students, school employees and parents and guardians of students on issues relating to bullying,

(G) Collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

(H) Perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

(3) Any parent or guardian serving as a member of any such committee shall not participate in the activities described in subparagraphs (A) to (C) inclusive, of subdivision (2) of this subsection or any other activity that may compromise the confidentiality of a student.
Behavioral interventions and student support services

LAWS

10-19m. (Formerly Sec. 17a-39). Youth service bureaus. Report. Regulations.

(a) For the purposes of this section, “youth” means a person from birth to eighteen years of age. Any one or more municipalities or any one or more private youth-serving organizations, designated to act as agents of one or more municipalities, may establish a multipurpose youth service bureau for the purposes of evaluation, planning, coordination and implementation of services, including prevention and intervention programs for delinquent, predelinquent, pregnant, parenting and troubled youths referred to such bureau by schools, police, juvenile courts, adult courts, local youth-serving agencies, parents and self-referals. A youth service bureau shall be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment and follow-up services.

(b) A youth service bureau established pursuant to subsection (a) of this section may provide, but shall not be limited to the delivery of, the following services: (1) Individual and group counseling; (2) parent training and family therapy; (3) work placement and employment counseling; (4) alternative and special educational opportunities; (5) recreational and youth enrichment programs; (6) outreach programs to insure participation and planning by the entire community for the development of regional and community-based youth services; (7) preventive programs, including youth pregnancy, youth suicide, violence, alcohol and drug prevention; and (8) programs that develop positive youth involvement. Such services shall be designed to meet the needs of youths by the diversion of troubled youths from the justice system as well as by the provision of opportunities for all youths to function as responsible members of their communities.

(c) The Commissioner of Children shall adopt regulations, in accordance with the provisions of chapter 54, establishing minimum standards for such youth service bureaus and the criteria for qualifying for state cost-sharing grants, including, but not limited to, allowable sources of funds covering the local share of the costs of operating such bureaus, acceptable in-kind contributions and application procedures. The commissioner shall, on December 1, 2011, and biennially thereafter, report to the General Assembly on the referral or diversion of children under the age of eighteen years from the juvenile justice system and the court system. Such report shall include, but not be limited to, the number of times any child is so diverted, the number of children diverted, the type of service provided to any such child, by whom such child was diverted, the ages of the children diverted and such other information and statistics as the General Assembly may request from time to time. Any such report shall contain no identifying information about any particular child.

10-19n. (Formerly Sec. 17a-40). State aid for establishment and expansion of youth service bureaus.

To assist municipalities and private youth-serving organizations designated to act as agents for such municipalities in establishing, maintaining or expanding such youth service bureaus, the state, acting through the Commissioner of Children and Families, shall provide cost-sharing grants, subject to the provisions of this section for (1) the cost of an administrative core unit and (2) the cost of the direct services unit provided by such youth service bureau. No state grant shall be made for capital expenditures of such bureaus. All youth service bureaus shall submit a request for a grant, pursuant to this section and sections 10-19m and 10-19o, on or before May fifteenth of the fiscal year prior to the fiscal year for which such grant is requested.
10-19o. (Formerly Sec. 17a-40a). Youth service bureau grant program.

(a) The Commissioner of Children and Families shall establish a program to provide grants to youth service bureaus in accordance with this section. Only youth service bureaus which (1) were eligible to receive grants pursuant to this section for the fiscal year ending June 30, 2007, (2) applied for a grant by June 30, 2012, with prior approval of the town's contribution pursuant to subsection (b) of this section, (3) applied for a grant during the fiscal year ending June 30, 2015, (4) applied for a grant during the fiscal year ending June 30, 2018, with June 30, 2019, shall be eligible for a grant pursuant to this section. Each such youth service bureau shall receive a grant of fourteen thousand dollars. The Department of Children and Families may expend an amount not to exceed two per cent of the amount appropriated for purposes of this section for administrative expenses. If there are any remaining funds, each such youth service bureau that was awarded a grant in excess of fifteen thousand dollars in the fiscal year ending June 30, 1995, shall receive a percentage of such funds. The percentage shall be determined as follows: For each such grant in excess of fifteen thousand dollars, the difference between the amount of the grant awarded to the youth service bureau for the fiscal year ending June 30, 1995, and fifteen thousand dollars shall be divided by the difference between the total amount of the grants awarded to all youth service bureaus that were awarded grants in excess of fifteen thousand dollars for said fiscal year and the product of fifteen thousand dollars and the number of such grants for said fiscal year.

(b) In order for a youth service bureau to receive the full amount of the state grant determined pursuant to subsection (a) of this section, a town shall contribute an amount equal to the amount of the state grant. A town shall provide not less than fifty per cent of its contribution from funds appropriated by the town for that purpose, and the remaining amount in other funds or in-kind contributions in accordance with regulations adopted by the Commissioner of Children and Families in accordance with chapter 54.

(c) Any funds remaining due to a town's failure to match funds as provided in subsection (b) of this section shall be redistributed in accordance with the provisions of this section. The Commissioner of Children and Families shall adopt regulations in accordance with the provisions of chapter 54 to coordinate the youth service bureau program and to administer the grant system established pursuant to this section and sections 10-19m and 10-19n.

10-19p. (Formerly Sec. 17a-41). Assistance to youth service bureaus.

The Department of Children and Families shall provide grant management services, program monitoring, program evaluation and technical assistance to such state-aided youth service bureaus, and the Commissioner of Children and Families may assign or appoint necessary personnel to perform such duties, subject to the provisions of chapter 67.

10-19q. Enhancement grant program for youth service bureaus.

The Department of Education shall administer, within available appropriations, an enhancement grant program for youth service bureaus. The department shall annually award grants in the amounts of: (1) Three thousand three hundred dollars to youth service bureaus that serve a town with a population of not more than eight thousand or towns with a total combined population of not more than eight thousand; (2) five thousand dollars to youth service bureaus that serve a town with a population greater than eight thousand, but not more than seventeen thousand or towns with a total combined population greater than eight thousand, but not more than seventeen thousand; (3) six thousand two hundred fifty dollars to youth service bureaus that serve a town with a population greater than seventeen thousand, but not more than thirty thousand or towns with a total combined population greater than seventeen thousand, but not more than thirty thousand; (4) seven thousand five hundred fifty dollars to youth service bureaus that serve a town with a population greater than thirty thousand, but not more than one hundred thousand or towns with a total combined population greater than thirty thousand, but not more than one hundred thousand; and (5) ten thousand dollars to youth service bureaus that serve a town with a population greater than
one hundred thousand or towns with a total combined population greater than one hundred thousand. Notwithstanding the provisions of this section, for the fiscal year ending June 30, 2013, and each fiscal year thereafter, the amount of grants payable to youth service bureaus shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for such grants for such year.

10-76u. School-based primary mental health programs established. Grants to boards of education.

(a) In each fiscal year for which funds are appropriated for purposes of the primary mental health program, the department shall establish a grant program for the purpose of providing funds to local and regional boards of education for the establishment of school-based programs for the detection and prevention of emotional, behavioral and learning problems in public school children primarily in grades kindergarten through grade three.

(b) The Commissioner of Education shall solicit grant applications from local and regional boards of education which shall be submitted annually to the commissioner at such time and on such forms as the commissioner prescribes. The commissioner shall issue not less than four grants by September fifteenth of each year. In determining if a board of education shall be granted funds pursuant to this section and sections 10-76v to 10-76x, inclusive, the commissioner shall consider, but such consideration shall not be limited to, the following factors: (1) Availability in the school and community of professional, paraprofessional, and other program staff with background and experience in early intervention; (2) availability of space to accommodate the program in an elementary school building; (3) demonstration of strong support by administrative personnel, teaching staff, pupil personnel staff and local community mental health centers; (4) reasonable evidence of future stability of the program and its personnel; and (5) the number of children enrolled in grades kindergarten to two, inclusive, in a school under the jurisdiction of such board of education experiencing behavioral, disciplinary or early school adjustment problems.


(a) Early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive, shall include (1) a component for systematic early detection and screening to identify children experiencing behavioral, disciplinary or early school adjustment problems, and (2) services that address such problems for children so identified.

(b) Mental health professionals shall: (1) Supervise the acceptance of children into the program; and (2) utilize school and community resources to serve children not accepted for direct service.

(c) Mental health professionals shall select, train and supervise paraprofessionals and community volunteers in program implementation.

(d) Parental consent shall be obtained before a child may be accepted into an early detection and prevention program.


(a) For purposes of this section and sections 10-198c and 10-220, “truant” means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year.

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: (1) The holding of a meeting with the parent of each child who is a truant, or other person having control of such child, and appropriate school personnel to review and evaluate the reasons for the child being a truant, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year, (2) coordinating services with and referrals of
children to community agencies providing child and family services, (3) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section 10-184, (4) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent or other person having control of each child in a grade from kindergarten to eight, inclusive, a telephone number or other means of contacting such parent or such other person during the school day, (5) on or before August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education pursuant to section 10-198e for any school under its jurisdiction that has a disproportionately high rate of truancy, as determined by the Commissioner of Education, and (6) a system of monitoring individual unexcused absences of children in grades kindergarten to eight, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent or other person having control of the child is aware of the pupil's absence, a reasonable effort to notify, by telephone and by mail, the parent or such other person shall be made by school personnel or volunteers under the direction of school personnel. Any person who, in good faith, gives or fails to give notice pursuant to subdivision (6) of this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

10-198c. Attendance review teams.

(a) As used in this section:

(1) "Chronically absent child" means a child who is enrolled in a school under the jurisdiction of a local or regional board of education and whose total number of absences at any time during a school year is equal to or greater than ten per cent of the total number of days that such student has been enrolled at such school during such school year;

(2) "Absence" means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b;

(3) "District chronic absenteeism rate" means the total number of chronically absent children under the jurisdiction of a local or regional board of education in the previous school year divided by the total number of children under the jurisdiction of such board for such school year; and

(4) "School chronic absenteeism rate" means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

(b)(1) Each local and regional board of education that (A) has a district chronic absenteeism rate of ten per cent or higher shall establish an attendance review team for the school district, (B) has a school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team at such school, (C) has more than one school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school, or (D) has a district chronic absenteeism rate of ten per cent or higher and one or more schools under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school. Such attendance review teams shall be established to address chronic absenteeism in the school district or at the school or schools.

(2) Any attendance review team established under this subsection may consist of school administrators, guidance counselors, school social workers, teachers and representatives from community-based programs who address issues related to student attendance by providing programs and services to
truants, as defined in section 10-198a, and chronically absent children and their parents or guardians. Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

10-198d. Chronic absenteeism prevention and intervention plan.
(a) Not later than January 1, 2016, the Department of Education, in consultation with the Interagency Council for Ending the Achievement Gap established pursuant to section 10-16nn, shall develop a chronic absenteeism prevention and intervention plan for use by local and regional boards of education to reduce chronic absenteeism in the school district.
(b)(1) The chronic absenteeism prevention and intervention plan shall include, but need not be limited to, the following: (A) Information that describes (i) chronic absenteeism, including, but not limited to, the definition of a chronically absent child under section 10-198c, and the causes of chronic absenteeism, such as poverty, violence, poor health and lack of access to transportation, (ii) the effect of chronic absenteeism on a student's academic performance, and (iii) how family and school partnerships with community resources, including, but not limited to, family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance, and (B) a means of collecting and analyzing data relating to student attendance, truancy and chronic absenteeism for the purpose of (i) disaggregating such data by school district, school, grade and subgroups, such as race, ethnicity, gender, eligibility for free or reduced priced lunches, students whose primary language is not English and students with disabilities, and (ii) assisting local and regional boards of education in (I) tracking chronic absenteeism over multiple years and for the current school year, (II) developing indicators to identify students who are at risk of being chronically absent children, (III) monitoring students’ attendance over time, and (IV) making adjustments to interventions as they are being implemented.
(2) The chronic absenteeism prevention and intervention plan may include, but need not be limited to, the following: (A) A research-based and data-driven mentorship model that addresses and attempts to reduce chronic absenteeism through the use of mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers and community partners, and (B) incentives and rewards that recognize schools and students that improve attendance and reduce the school chronic absenteeism rate.

10-198e. Identification of truancy intervention models.
The Department of Education shall identify effective truancy intervention models for implementation by local and regional boards of education pursuant to subsection (b) of section 10-198a, including intervention models that address the needs of students with disabilities. Not later than August 15, 2018, a listing of such approved models shall be available for implementation by local and regional boards of education pursuant to said subsection (b).

10-221. Boards of education to prescribe rules, policies and procedures.
(e) Not later than July 1, 1990, each local and regional board of education shall adopt a written policy and procedures for dealing with youth suicide prevention and youth suicide attempts. Each such board of education may establish a student assistance program to identify risk factors for youth suicide, procedures to intervene with such youths, referral services and training for teachers and other school professionals and students who provide assistance in the program.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (6) include a prevention and intervention strategy, as defined by section 10-222g, for school employees to deal with bullying and teen dating violence, (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline.

10-222g. Prevention and intervention strategy re bullying and teen dating violence.

For the purposes of section 10-222d, the term “prevention and intervention strategy” may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence identified by the Department of Education,

(2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,

(3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence is likely to occur,

(4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,

(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,

(6) school-wide training related to safe school climate,

(7) student peer training, education and support,

(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and

(9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

For purposes of this section, “interventions with the bullied child” includes referrals to a school counselor, psychologist or other appropriate social or mental health service, and periodic follow-up by the safe school climate specialist with the bullied child.

10-233c. Suspension of pupils.

(e) For any pupil who is suspended for the first time pursuant to this section and who has never been expelled pursuant to section 10-233d, the administration may shorten the length of or waive the suspension period if the pupil successfully completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

10-233d. Expulsion of pupils.

(c)(1) In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered under subsection (d) of this section, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, may receive and consider evidence
of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(2) For any pupil expelled for the first time pursuant to this section and who has never been suspended pursuant to section 10-233c, except for a pupil who has been expelled based on possession of a firearm or deadly weapon as described in subsection (a) of this section, the local or regional board of education may shorten the length of or waive the expulsion period if the pupil successfully completes a board-specified program and meets any other conditions required by the board. Such board-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

(e)[...] If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. [...]
been established and each judge of a Probate Court that serves a town designated as an alliance district in which a truancy clinic has been established shall file a report with the Probate Court Administrator assessing the effectiveness of each truancy clinic in such administrative judge's or such judge's respective court.

(g) Not later than January 1, 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

10-145a. (Formerly Sec. 10-146). Specific components of teacher preparation programs.

(c) Any candidate in a program of teacher preparation leading to professional certification shall complete a school violence, bullying, as defined in section 10-222d, and suicide prevention and conflict resolution component of such a program.


(e)(1) Beginning teachers shall satisfactorily complete instructional modules in the following areas: (A) Classroom management and climate, which shall include training regarding the prevention, identification and response to school bullying, as defined in section 10-222d, and the prevention of and response to youth suicide; (B) lesson planning and unit design; (C) delivering instruction; (D) assessing student learning; and (E) professional practice. Beginning teachers shall complete two modules in their first year in the program and three modules in their second year in the program, except as otherwise provided by the Commissioner of Education, or as provided for in subsection (h) of this section.


(a) Each local or regional board of education shall provide an in-service training program for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate. Such program shall provide such teachers, administrators and pupil personnel with information on (1) the nature and the relationship of alcohol and drugs, as defined in subdivision (17) of section 21a-240, to health and personality development, and procedures for discouraging their abuse, (2) health and mental health risk reduction education that includes, but need not be limited to, the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, as defined in section 19a-581, violence, teen dating violence, domestic violence and child abuse, (3) school violence prevention, conflict resolution, the prevention of and response to youth suicide and the identification and prevention of and response to bullying, as defined in subsection (a) of section 10-222d, except that those boards of education that implement any evidence-based model approach that is approved by the Department of Education and is consistent with subsection (c) of section 10-145a, sections 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160*, shall not be required to provide in-service training on the identification and prevention of and response to bullying, (4) cardiopulmonary resuscitation and other emergency life saving procedures, (5) the requirements and
obligations of a mandated reporter, (6) the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia, as defined in section 10-3d, and (7) culturally responsive pedagogy and practice. Each local or regional board of education may allow any paraprofessional or noncertified employee to participate, on a voluntary basis, in any in-service training program provided pursuant to this section.

(b) Not later than a date prescribed by the commissioner, each local and regional board of education shall establish a professional development and evaluation committee. Such professional development and evaluation committee shall consist of (1) at least one teacher, as defined in subsection (a) of section 10-144d, selected by the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b, (2) at least one administrator, as defined in subsection (a) of section 10-144e, selected by the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b, and (3) such other school personnel as the board deems appropriate. The duties of such committees shall include, but not be limited to, participation in the development or adoption of a teacher evaluation and support program for the district, pursuant to section 10-151b, and the development, evaluation and annual updating of a comprehensive local professional development plan for certified employees of the district. Such plan shall: (A) Be directly related to the educational goals prepared by the local or regional board of education pursuant to subsection (b) of section 10-220, (B) on and after July 1, 2011, be developed with full consideration of the priorities and needs related to student outcomes as determined by the State Board of Education, and (C) provide for the ongoing and systematic assessment and improvement of both teacher evaluation and professional development of the professional staff members of each such board, including personnel management and evaluation training or experience for administrators, shall be related to regular and special student needs and may include provisions concerning career incentives and parent involvement. The State Board of Education shall develop guidelines to assist local and regional boards of education in determining the objectives of the plans and in coordinating staff development activities with student needs and school programs.

(c) The Department of Education, in cooperation with one or more regional educational service centers, is authorized to provide institutes annually for Connecticut educators. Such institutes shall serve as model programs of professional development and shall be taught by exemplary Connecticut teachers and administrators and by other qualified individuals as selected by the Department of Education. The Department of Education shall charge fees for attending such institutes provided such fees shall be based on the actual cost of such institutes.

(d) The Department of Education may fund, within available appropriations, in cooperation with one or more regional educational service centers: (1) A cooperating teacher program to train Connecticut public school teachers, certified teachers at private special education facilities approved by the Commissioner of Education, certified teachers at nonpublic schools approved by the commissioner and certified teachers at other facilities designated by the commissioner, who participate in the supervision, training and evaluation of student teachers, provided such certified teachers at nonpublic schools pay for the cost of participation in such cooperating teacher program and provided further that enrollment in such program shall first be made available to public school teachers; and (2) institutes to provide professional development for Connecticut public school educators and cooperating teachers, including institutes to provide professional development for Connecticut public school educators offered in cooperation with the Connecticut Humanities Council. Funds available under this subsection shall be paid directly to school districts for the provision of substitute teachers when cooperating teachers are released from regular classroom responsibilities and for the provision of professional development activities for cooperating and student teachers, except that such funds shall not be paid to nonpublic schools for such professional development activities. The cooperating teacher program shall operate in accordance with regulations adopted by the State Board of Education in accordance with chapter 54, except in cases of placement in other countries pursuant to written cooperative agreements between Connecticut institutions of higher education.
education and institutions of higher education in other countries. A Connecticut institution may enter such an agreement only if the State Board of Education and the Board of Regents for Higher Education have jointly approved the institution's teacher preparation program to enter into such agreements. Student teachers shall be placed with trained cooperating teachers. Cooperating teachers who are Connecticut public school teachers shall be selected by local and regional boards of education. Cooperating teachers at such private special education facilities, nonpublic schools and other designated facilities shall be selected by the authority responsible for the operation of such facilities. If a board of education is unable to identify a sufficient number of individuals to serve in such positions, the commissioner may select qualified persons who are not employed by the board of education to serve in such positions. Such regulations shall require primary consideration of teachers' classroom experience and recognized success as educators. The provisions of sections 10-153a to 10-153n, inclusive, shall not be applicable to the selection, placement and compensation of persons participating in the cooperating teacher program pursuant to the provisions of this section and to the hours and duties of such persons. The State Board of Education shall protect and save harmless, in accordance with the provisions of section 10-235, any cooperating teacher while serving in such capacity.


(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (18) require that all school employees annually complete the training described in section 10-220a or section 10-222j. The notification required pursuant to subdivision (8) of this subsection and the invitation required pursuant to subdivision (9) of this subsection shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying.

10-222g. Prevention and intervention strategy re bullying and teen dating violence.

For the purposes of section 10-222d, the term "prevention and intervention strategy" may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence identified by the Department of Education,

(6) school-wide training related to safe school climate,

10-222j. Training re prevention, identification and response to school bullying, teen dating violence and youth suicide.

The Department of Education shall provide, within available appropriations, annual training to school employees, as defined in section 10-222d, except those school employees who hold professional certification pursuant to section 10-145b unless such school employee who holds professional certification is the district safe school climate coordinator, the safe school climate specialist or a member of the safe school climate committee, as described in section 10-222k, on the prevention, identification and response to school bullying and teen dating violence, as defined in section 10-222d, and the prevention of and response to youth suicide. Such training may include, but not be limited to,

(1) developmentally appropriate strategies to prevent bullying and teen dating violence among students in school and outside of the school setting,

(2) developmentally appropriate strategies for immediate and effective interventions to stop bullying and teen dating violence,

(3) information regarding the interaction and relationship between students committing acts of bullying and teen dating violence, students against whom such acts of bullying and teen dating violence are directed and witnesses of such acts of bullying and teen dating violence,
(4) research findings on bullying and teen dating violence, such as information about the types of students who have been shown to be at-risk for bullying and teen dating violence in the school setting,
(5) information on the incidence and nature of cyberbullying, as defined in section 10-222d,
(6) Internet safety issues as they relate to cyberbullying, or
(7) information on the incidence of youth suicide, methods of identifying youths at risk of suicide and developmentally appropriate strategies for effective interventions to prevent youth suicide.

Such training may be presented in person by mentors, offered in state-wide workshops or through on-line courses.

10-222s. Provision of training materials re prevention of and intervention in discrimination and harassment against students.

Each local and regional board of education, in consultation with the Department of Education and the social and emotional learning and school climate advisory collaborative established pursuant to section 10-222q, shall provide on the Internet web site of the department training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students’ (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics. Such training materials may be developed in consultation with or provided by one or more organizations offering training on identifying, preventing and intervening in discrimination.

10-236b. Physical restraint and seclusion of students by school employees.

(i) No school employee shall use a physical restraint on a student or place a student in seclusion unless such school employee has received training on the proper means for performing such physical restraint or seclusion pursuant to subsection (o) of this section.

(o)(1) Each local or regional board of education shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the district, identified pursuant to subdivision (2) of this subsection. A local or regional board of education may provide such training to a teacher, as defined in section 10-144d, administrator, as defined in section 10-144e, school paraprofessional or other school employee, as defined in section 10-222d, designated by the school principal and who has direct contact with students. Such training shall be provided during with the school year commencing July 1, 2017, and each school year thereafter, and shall include, but not be limited to:

(A) An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. For the school year commencing July 1, 2017, and annually thereafter, such overview shall be provided by the Department of Education in a manner and form as prescribed by the Commissioner of Education;
(B) The creation of a plan by which each local or regional board of education shall regarding the prevention of incidents requiring physical restraint or seclusion of students. Such plan shall be implemented not later than July 1, 2018. The Department of Education may, within available appropriations, provide ongoing monitoring and support to local or regional boards of education regarding the formulation and implementation of the plan; and
(C) The creation of a plan by which each local or regional board of education shall provide training regarding the proper means of a physical restraint or seclusion of a student, including, but not limited to, (i) various types of physical restraint and seclusion; (ii) the differences between life-threatening
physical restraint and other varying levels of physical restraint; (iii) the differences between permissible physical restraint and pain compliance techniques; and (iv) monitoring methods to prevent harm to a student who is physically restrained or in seclusion. Such plan shall be implemented not later than July 1, 2018;

(2) For the school year commencing July 1, 2017, and each school year thereafter, each local and regional board of education shall require each school in the district to identify a crisis intervention team consisting of any teacher, as defined in section 10-144d, administrator, as defined in section 10-144e, school paraprofessional or other school employee, as defined in section 10-222d, designated by the school principal and who has direct contact with students. Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others. Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion pursuant to subparagraph (C) of subdivision (1) of this subsection or chapter 814e on an annual basis. Each local and regional board of education shall maintain a list of the members of the crisis intervention team for each school.

REGULATIONS

10-76b-10. Required training for providers or assistants on the use of physical restraint or seclusion.

A person at risk may be physically restrained or removed to seclusion only by a provider or assistant who has received training in physical management, physical restraint and seclusion procedures. Providers or assistants shall also be provided with training as described in subdivision (2) of subsection (a) of section 46a-154 of the Connecticut General Statutes.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS


(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, described in section 10-222k, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report, (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced, (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report, (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education, (13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying.

10-222k. District safe school climate coordinator. Safe school climate specialist. Safe school climate committee.

(a) For the school year commencing July 1, 2012, and each school year thereafter, the superintendent of each local or regional board of education shall appoint, from among existing school district staff, a district safe school climate coordinator. The district safe school climate coordinator shall:

(1) Be responsible for implementing the district’s safe school climate plan, developed pursuant to section 10-222d,

(2) Collaborate with the safe school climate specialists, described in subsection (b) of this section, the board of education for the district and the superintendent of schools of the school district to prevent, identify and respond to bullying in the schools of the district,

(3) Provide data and information, in collaboration with the superintendent of schools of the district, to the Department of Education regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

(4) Meet with the safe school climate specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district’s safe school climate plan.
(b) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school, or the principal's designee, shall serve as the safe school climate specialist and shall

(1) Investigate or supervise the investigation of reported acts of bullying in the school in accordance with the district's safe school climate plan,

(2) Collect and maintain records of reports and investigations of bullying in the school, and

(3) Act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

c)(1) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee or designate at least one existing committee in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal.

(2) Any such committee shall:

   (A) Receive copies of completed reports following investigations of bullying,

   (B) Identify and address patterns of bullying among students in the school,

   (C) Implement the provisions of the school security and safety plan, developed pursuant to section 87 of this act, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying,

   (D) Review and amend school policies relating to bullying,

   (E) Review and make recommendations to the district safe school climate coordinator regarding the district’s safe school climate plan based on issues and experiences specific to the school,

   (F) Educate students, school employees and parents and guardians of students on issues relating to bullying,

   (G) Collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

   (H) Perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

(3) Any parent or guardian serving as a member of any such committee shall not participate in the activities described in subparagraphs (A) to (C) inclusive, of subdivision (2) of this subsection or any other activity that may compromise the confidentiality of a student.

10-233b. Removal of pupils from class.

(b) Whenever any teacher removes a pupil from the classroom, such teacher shall send such pupil to a designated area and shall immediately inform the building principal or such principal’s designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

10-233c. Suspension of pupils.

(c) Whenever any administration suspends a pupil, such administration shall not later than twenty-four hours after the suspension notify the superintendent or such superintendent’s designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

(f) Whenever a pupil is suspended pursuant to the provisions of this section, notice of the suspension and the conduct for which the pupil was suspended shall be included on the pupil’s cumulative educational record. Such notice shall be expunged from the cumulative educational record by the local or regional board of education if a pupil graduates from high school, or in the case of a suspension of a pupil for
which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection (e) of this section, such notice shall be expunged from the cumulative educational record by the local or regional board of education (1) if the pupil graduates from high school, or (2) if the administration so chooses, at the time the pupil completes the administration-specified program and meets any other conditions required by the administration pursuant to said subsection (e), whichever is earlier.

10-233d. Expulsion of pupils.

(f) Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record. Such notice, except for notice of an expulsion of a pupil in grades nine to twelve, inclusive, based on possession of a firearm or deadly weapon as described in subsection (a) of this section, (1) shall be expunged from the cumulative educational record by the local or regional board of education if a pupil graduates from high school, or (2) may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if (A) in the case of a pupil for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) of this section, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other conditions required by such board pursuant to subdivision (2) of subsection (c) of this section, or (B) such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement. A local or regional board of education, in determining whether to expunge such notice under subparagraph (B) of this subdivision, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(k) Local and regional boards of education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, 20 USC 8921 et seq., as amended from time to time.

10-236b. Physical restraint and seclusion of students by school employees.

(p) Each local or regional board of education shall develop policies and procedures that establish monitoring and internal reporting of the use of physical restraint and seclusion on students and shall make such policies and procedures available on such local or regional board of education’s Internet web site and in such local or regional board of education’s procedures manual.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

10-76b-9. Parental notification of physical restraint, seclusion.

(a) If a person at risk is physically restrained or placed in seclusion, an attempt shall be made to notify the parent on the day of, or within twenty-four hours after, physical restraint or seclusion is used with the child as an emergency intervention to prevent immediate or imminent injury to the person or others, as permitted under sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes. Such notification shall be made by phone, e-mail or other method which may include, but is not limited to, sending a note home with the child. The parent of such child, regardless of whether he or she received
such notification, shall be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion. The incident report shall contain, at a minimum, the information required under subsection (d) of section 46a-152 of the Connecticut General Statutes.

(b) Where seclusion is included in the IEP of a person at risk, the PPT and the parents shall determine a timeframe and manner of notification of each incident of seclusion.

(c) The Department of Education shall develop a plain language notice for use in the public schools to advise parents of the laws and regulations concerning the emergency use of physical restraint or seclusion or the use of seclusion as a behavior intervention in a child's IEP. On and after October 1, 2009, this notice shall be provided to the child's parent at the first PPT meeting following the child's referral for special education. For children who were eligible for special education prior to October 1, 2009, the notice shall be provided to the parent at the first PPT meeting convened after October 1, 2009.


(a) For purposes of this section and sections 10-198c and 10-220, “truant” means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year.

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: (1) The holding of a meeting with the parent of each child who is a truant, or other person having control of such child, and appropriate school personnel to review and evaluate the reasons for the child being a truant, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year, (2) coordinating services with and referrals of children to community agencies providing child and family services, (3) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section 10-184, (4) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent or other person having control of each child in a grade from kindergarten to eight, inclusive, a telephone number or other means of contacting such parent or such other person during the school day, (5) on or before August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education pursuant to section 10-198e for any school under its jurisdiction that has a disproportionately high rate of truancy, as determined by the Commissioner of Education, and (6) a system of monitoring individual unexcused absences of children in grades kindergarten to eight, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent or other person having control of the child is aware of the pupil's absence, a reasonable effort to notify, by telephone and by mail, the parent or such other person shall be made by school personnel or volunteers under the direction of school personnel. Any person who, in good faith, gives or fails to give notice pursuant to subdivision (6) of this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(c) Nothing in subsections (a) and (b) of this section shall preclude a local or regional board of education from adopting policies and procedures pursuant to this section which exceed the requirements of said subsections.
(d) The provisions of this section shall not apply to any child receiving equivalent instruction pursuant to section 10-184.

(e) A child, age five to eighteen, inclusive, who is enrolled in a public or private school and whose parent or legal guardian is an active duty member of the armed forces, as defined in section 27-103, and has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the local or regional board of education, additional excused absences to visit such child’s parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this subsection, such child and parent or legal guardian shall be responsible for obtaining assignments from the student’s teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

10-220k. Disclosure of educational records re student confined in detention facility.
In the case of a student confined pursuant to court order to a state-operated detention facility or community detention facility, the local or regional board of education of the town where the student attends school or the charter school that the student attends shall, upon request of the detention facility, disclose the student’s educational records to personnel at such facility. Records disclosed pursuant to this section shall be used for the sole purpose of providing the student with educational services. Such disclosure shall be made pursuant to the provisions of 34 CFR 99.38 without the prior written consent of the student’s parent or guardian. If the student’s parent or guardian did not give prior written consent for the disclosure of such records, the local or regional board of education or the charter school shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records. The student’s educational records may not be further disclosed without a court order or the written consent of the student’s parent or guardian.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4) of this subsection (A) of the results of such investigation, and (B) verbally and by electronic mail, if such parents’ or guardians’ electronic mail addresses are known, that such parents or guardians may refer to the plain language explanation of the rights and remedies available under sections 10-4a and 10-4b published on the Internet web site of the local or regional board of education pursuant to section 4 of this act, (9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying, (10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) of this subsection, to discuss specific interventions undertaken by the school to prevent further acts of bullying,
10-222g. Prevention and intervention strategy re bullying and teen dating violence.

For the purposes of section 10-222d, the term "prevention and intervention strategy" may include, but is not limited to,

(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,

(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and

10-233d. Expulsion of pupils.

(a)(3) Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a, provided whenever such pupil is a minor, the notice required by section 4-177 and section 4-180 shall also be given to the parents or guardian of the pupil at least five business days before such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the pupil's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any pupil subject to expulsion proceedings. The parent or guardian of the pupil shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.

10-233e. Notice as to disciplinary policies and action.

Each local or regional board of education shall inform all pupils within its jurisdiction and their parents, guardians and surrogate parents, if appointed pursuant to section 10-94g, at least annually, of the board policies governing student conduct and school discipline. Each board shall further provide an effective means of notifying the parents, guardian or surrogate parent, if appointed, of any minor pupil against whom the disciplinary action authorized by the provisions of this section and sections 10-233a to 10-233d, inclusive, has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

10-236b. Physical restraint and seclusion of students by school employees.

(g) In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:

(1) An administrator, one or more of such student's teachers, a parent or guardian of such student and, if any, a mental health professional, as defined in section 10-76t, shall convene for the purpose of (A) conducting or revising a behavioral assessment of the student, (B) creating or revising any applicable behavioral intervention plan, and (C) determining whether such student may require special education pursuant to section 10-76ff; or
(h) Each local or regional board of education shall notify a parent or guardian of a student who is placed in physical restraint or seclusion not later than twenty-four hours after the student was placed in physical restraint or seclusion and shall make a reasonable effort to provide such notification immediately after such physical restraint or seclusion is initiated.


(b) If the Probate Court Administrator establishes truancy clinics pursuant to subsection (a) of this section, the principal of any elementary or middle school located in a town designated as an alliance district, or the principal's designee, may refer to a truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199, or a police officer authorized pursuant to section 10-200, shall deliver the citation and summons and a copy of the referral to the parent or guardian.

(d) The truancy clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinics shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinics.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

10-200. Habitual truants.

Each city and town may adopt ordinances concerning habitual truants from school and children between the ages of five and eighteen years wandering about its streets or public places, having no lawful occupation and not attending school, and may make such ordinances respecting such children as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars, for any one breach thereof. The police in any town, city or borough, bailiffs and constables in their respective precincts shall arrest all such children found anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school terms, and may stop any child under eighteen years of age during such hours and ascertain whether such child is a truant from school, and, if such child is, shall send such child to school. For purposes of this section, "habitual truant" means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has twenty unexcused absences within a school year.

10-201. Fees for arresting truants.

Officers other than policemen of cities shall receive for making the arrests required by section 10-200 such fees, not exceeding the fees allowed by law for making other arrests, as may be allowed by the selectmen of the town in which such arrests are made; but unless a warrant was issued by a judge of the Superior Court the officer shall, before receiving a fee, present to the selectmen of the town a written statement showing the name of each child arrested, the day on which the arrest was made and, if the child was returned to school, the name or number of the school to which such child was so returned.
In all cases arising under the provisions of sections 10-200 and 10-201 a proper warrant shall be issued by a judge of the Superior Court in the jurisdiction where such arrest is made; and the parent or guardian of such child, shall be notified, if such parent or guardian can be found, of the day and time of hearing.

10-221. Boards of education to prescribe rules, policies and procedures.
(d) Not later than July 1, 1991, each local and regional board of education shall develop, adopt and implement policies and procedures in conformity with section 10-154a for (1) dealing with the use, sale or possession of alcohol or controlled drugs, as defined in subdivision (8) of section 21a-240, by public school students on school property, including a process for coordination with, and referral of such students to, appropriate agencies, and (2) cooperating with law enforcement officials.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (15) require the principal of a school, or the principal’s designee, to notify the appropriate local law enforcement agency when such principal, or the principal’s designee, believes that any acts of bullying constitute criminal conduct.

10-233d. Expulsion of pupils.
(e) If a pupil is expelled pursuant to this section for possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall report the violation to the local police department or in the case of a student enrolled in a technical education and career school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.

10-233g. Reports of principals to police authority concerning physical assaults upon school employees by students.
(a) Where there is a physical assault made by a student upon a teacher or other school employee on school property or in performance of school duties and such teacher or employee files a written report with the school principal based upon such assault, the school building principal shall report such physical assault to the local police authority.
(b) No school administrator shall interfere with the right of a teacher or other employee of a board of education to file a complaint with the local police authority in cases of threats of physical violence and in cases of physical assaults by a student against such teacher or employee.

10-233i. Students placed on probation by a court.
A student placed on probation by a court may return to school on a conditional basis, within the limits prescribed by the court, provided the court has requested, from the superintendent of schools of the school district in which the student resides, and considered
(1) Information on the student’s school attendance, adjustment and behavior and
(2) Any recommendations for conditions for disposition or sentencing. Superintendents of schools shall provide such information to the court in a timely manner.
10-233k. Notification of school officials of potentially dangerous students. Provision of educational records of children returning to school from detention centers.

(a) If the Department of Children and Families believes, in good faith, that there is a risk of imminent personal injury to the person or other individuals from a child in its custody who has been adjudicated a serious juvenile offender, the department shall notify the superintendent of schools for the school district in which such child may be returning to attend school or was attending prior to the adjudication of such determination, prior to the child’s return. The superintendent of schools shall notify the principal at the school the child will be attending that the child is potentially dangerous. The principal may disclose such information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purpose of assessing the risk of danger posed by such child to himself, other students, school employees or school property and effectuating an appropriate modification of such child’s educational plan or placement and for disciplinary reasons.

(b) The Department of Children and Families and the Judicial Department or the local or regional board of education shall provide to the superintendent of schools any educational records within their custody of a child seeking to enter or return to a school district from a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement, prior to the child’s entry or return. The agencies shall also require any contracting entity that holds custody of such records to provide them to the superintendent of schools prior to the child’s entry or return. Receipt of the educational records shall not delay a child from enrolling in school. The superintendent of schools shall provide such information to the principal at the school the child will be attending. The principal shall disclose such information to appropriate staff as is necessary to the education or care of the child.


(a) The Probate Court Administrator may, within available appropriations, establish a truancy clinic within (1) any regional children's probate court that serves a town designated as an alliance district pursuant to section 10-262u, or (2) any Probate Court that serves a town designated as an alliance district that is not served by a regional children's probate court. The administrative judge of the regional children's probate court or the judge of the Probate Court, as the case may be, or the designee of such administrative judge or such judge, shall administer the truancy clinic for such administrative judge's or such judge's respective court.

(b) If the Probate Court Administrator establishes truancy clinics pursuant to subsection (a) of this section, the principal of any elementary or middle school located in a town designated as an alliance district, or the principal's designee, may refer to a truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199, or a police officer authorized pursuant to section 10-200, shall deliver the citation and summons and a copy of the referral to the parent or guardian.

(c) The administrative judge of the regional children's probate court that serves a town designated as an alliance district or the judge of the Probate Court that serves a town designated as an alliance district, as the case may be, may refer any matter referred to a truancy clinic to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter.

(d) The truancy clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinics shall establish protocols for clinic participation and shall establish
programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinics.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinics and measure the effectiveness of the truancy clinics.

(f) Not later than September 1, 2015, and annually thereafter, each administrative judge of a regional children's probate court that serves a town designated as an alliance district in which a truancy clinic has been established and each judge of a Probate Court that serves a town designated as an alliance district in which a truancy clinic has been established shall file a report with the Probate Court Administrator assessing the effectiveness of each truancy clinic in such administrative judge's or such judge's respective court.

(g) Not later than January 1, 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

10-15b. Access of parent or guardian to student’s records. Inspection and subpoena of school or student records.

(a) Either parent or legal guardian of a minor student shall, upon written request to a local or regional board of education and within a reasonable time, be entitled to knowledge of and access to all educational, medical, or similar records maintained in such student's cumulative record, except that no parent or legal guardian shall be entitled to information considered privileged under section 10-154a.

(b) The parent or legal guardian with whom the student does not primarily reside shall be provided with all school notices that are provided to the parent or legal guardian with whom the student primarily resides. Such notices shall be mailed to the parent or legal guardian requesting them at the same time they are provided to the parent or legal guardian with whom the child primarily resides. Such requests shall be effective for as long as the child remains in the school the child is attending at the time of the request.

(c) If any private or public school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any proceedings in any court, the school upon which such subpoena is served may deliver such record or at its option a copy thereof to the clerk of such court. Such clerk shall give a receipt for the same, shall be responsible for the safekeeping thereof, shall not permit the same to be removed from the premises of the court and shall notify the school to call for the same when it is no longer needed for use in court. Any such record or copy so delivered to such clerk shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena. No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge. Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such records indicating that such record or copy is the original record or a copy thereof, made in the regular course of the business of the school, and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable
time thereafter. A subpoena directing production of such school or student records shall be served not
less than eighteen hours before the time for production, provided such subpoena shall be valid if served
less than eighteen hours before the time of production if written notice of intent to serve such subpoena
has been delivered to the person in charge of such records not less than eighteen hours or more than two
weeks before such time for production.

10-220k. Disclosure of educational records re student confined in detention facility.
In the case of a student confined pursuant to court order to a state-operated detention facility or
community detention facility, the local or regional board of education of the town where the student
attends school or the charter school that the student attends shall, upon request of the detention facility,
disclose the student’s educational records to personnel at such facility. Records disclosed pursuant to this
section shall be used for the sole purpose of providing the student with educational services. Such
disclosure shall be made pursuant to the provisions of 34 CFR 99.38 without the prior written consent of
the student’s parent or guardian. If the student’s parent or guardian did not give prior written consent for
the disclosure of such records, the local or regional board of education or the charter school shall send
notification of such disclosure to the parent or guardian at the same time that it discloses the records. The
student’s educational records may not be further disclosed without a court order or the written consent of
the student’s parent or guardian.

10-233h. Arrested students. Reports by police, disclosure, confidentiality. Police testimony at
expulsion hearings.
If any person who is at least seven years of age but less than twenty-one years of age and an enrolled
student is arrested for a violation of section 53-206c, a class A misdemeanor or a felony, the municipal
police department or Division of State Police within the Department of Emergency Services and Public
Protection that made such arrest shall, not later than the end of the weekday following such arrest, orally
notify the superintendent of schools of the school district in which such person resides or attends school
of the identity of such person and the offense or offenses for which he was arrested and shall, within
seventy-two hours of such arrest, provide written notification of such arrest, containing a brief description
of the incident, to such superintendent. The superintendent shall maintain such written report in a secure
location and the information in such report shall be maintained as confidential in accordance with section
46b-124. The superintendent may disclose such information only to the principal of the school in which
such person is a student or to the principal or supervisory agent of any other school in which the
superintendent knows such person is a student. The principal or supervisory agent may disclose such
information only to special services staff or a consultant, such as a psychiatrist, psychologist or social
worker, for the purposes of assessing the risk of danger posed by such person to himself, other students,
school employees or school property and effectuating an appropriate modification of such person’s
educational plan or placement, and for disciplinary purposes. If the arrest occurred during the school
year, such assessment shall be completed not later than the end of the next school day. If an expulsion
hearing is held pursuant to section 10-233d, a representative of the municipal police department or the
Division of State Police, as appropriate, may testify and provide reports and information on the arrest at
such hearing, provided such police participation is requested by any of the following: The local or regional
board of education, the impartial hearing board, the principal of the school or the student or his parent or
guardian. Such information with respect to a child under eighteen years of age shall be confidential in
accordance with sections 46b-124 and 54-76l, and shall only be disclosed as provided in this section and
shall not be further disclosed.
10-233k. Notification of school officials of potentially dangerous students. Provision of educational records of children returning to school from detention centers.

(a) If the Department of Children and Families believes, in good faith, that there is a risk of imminent personal injury to the person or other individuals from a child in its custody who has been adjudicated a serious juvenile offender, the department shall notify the superintendent of schools for the school district in which such child may be returning to attend school or was attending prior to the adjudication of such determination, prior to the child’s return. The superintendent of schools shall notify the principal at the school the child will be attending that the child is potentially dangerous. The principal may disclose such information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purpose of assessing the risk of danger posed by such child to himself, other students, school employees or school property and effectuating an appropriate modification of such child’s educational plan or placement and for disciplinary reasons.

(b) The Department of Children and Families and the Judicial Department or the local or regional board of education shall provide to the superintendent of schools any educational records within their custody of a child seeking to enter or return to a school district from a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement, prior to the child’s entry or return. The agencies shall also require any contracting entity that holds custody of such records to provide them to the superintendent of schools prior to the child’s entry or return. Receipt of the educational records shall not delay a child from enrolling in school. The superintendent of schools shall provide such information to the principal at the school the child will be attending. The principal shall disclose such information to appropriate staff as is necessary to the education or care of the child.

10-234aa. Definitions.

As used in this section and sections 10-234bb to 10-234dd, inclusive:

1. “Contractor” means an operator or consultant that is in possession of or has access to student information, student records or student-generated content as a result of a contract with a local or regional board of education;

2. “Operator” means any person who (A) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (B) collects, maintains or uses student information;

3. “Consultant” means a professional who provides noninstructional services, including, but not limited to, administrative, planning, analysis, statistical or research services, to a local or regional board of education pursuant to a contract with such local or regional board of education;

4. “Student information” means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following: (A) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator’s Internet web site, online service or mobile application for school purposes, (B) created or provided by an employee or agent of a local or regional board of education to an operator for school purposes, or (C) gathered by an operator through the operation of the operator’s Internet web site, online service or mobile application and identifies a student, including, but not limited to, information in the student’s records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious
affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments;

(5) “Student record” means any information directly related to a student that is maintained by a local or regional board of education, the State Board of Education or the Department of Education or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of a local or regional board of education, except “student record” does not include de-identified student information allowed under the contract to be used by the contractor to (A) improve educational products for adaptive learning purposes and customize student learning, (B) demonstrate the effectiveness of the contractor's products in the marketing of such products, and (C) develop and improve the contractor's products and services;

(6) “Student-generated content” means any student materials created by a student including, but not limited to, essays, research papers, portfolios, creative writing, music or other audio files or photographs, except “student-generated content” does not include student responses to a standardized assessment;

(7) “Directory information” has the same meaning as provided in 34 CFR 99.3, as amended from time to time;

(8) “School purposes” means purposes that customarily take place at the direction of a teacher or a local or regional board of education, or aid in the administration of school activities, including, but not limited to, instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students;

(9) “Student” means a person who is a resident of the state and (A) enrolled in a preschool program participating in the state-wide public school information system, pursuant to section 10-10a, (B) enrolled in grades kindergarten to twelve, inclusive, in a public school, (C) receiving special education and related services under an individualized education program, or (D) otherwise the responsibility of a local or regional board of education;

(10) “Targeted advertising” means presenting an advertisement to a student where the selection of the advertisement is based on student information, student records or student-generated content or inferred over time from the usage of the operator's Internet web site, online service or mobile application by such student or the retention of such student's online activities or requests over time for the purpose of targeting subsequent advertisements. “Targeted advertising” does not include any advertising to a student on an Internet web site that such student is accessing at the time or in response to a student's response or request for information or feedback;

(11) “De-identified student information” means any student information that has been altered to prevent the identification of an individual student; and

(12) “Persistent unique identifier” means a unique piece of information that can be used to recognize a user over time and across different Internet web sites, online services or mobile applications and is acquired as a result of the use of a student's use of an operator's Internet web site, online service or mobile application.

10-234bb. Contracts between boards of education and contractors re student data. Requirements.

(a) On and after July 1, 2018, a local or regional board of education shall enter into a written contract with a contractor any time such local or regional board of education shares or provides access to student information, student records or student-generated content with such contractor. Each such contract shall include, but need not be limited to, the following:

(1) A statement that student information, student records and student-generated content are not the property of or under the control of a contractor;
(2) A description of the means by which the local or regional board of education may request the deletion of student information, student records or student-generated content in the possession of the contractor;

(3) A statement that the contractor shall not use student information, student records and student-generated content for any purposes other than those authorized pursuant to the contract;

(4) A description of the procedures by which a student, parent or legal guardian of a student may review personally identifiable information contained in student information, student records or student-generated content and correct erroneous information, if any, in such student record;

(5) A statement that the contractor shall take actions designed to ensure the security and confidentiality of student information, student records and student-generated content;

(6) A description of the procedures that a contractor will follow to notify the local or regional board of education, in accordance with the provisions of section 10-234dd, as amended by this act, when there has been an unauthorized release, disclosure or acquisition of student information, student records or student-generated content;

(7) A statement that student information, student records or student-generated content shall not be retained or available to the contractor upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the contractor for the purpose of storing student-generated content;

(8) A statement that the contractor and the local or regional board of education shall ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time;

(9) A statement that the laws of the state of Connecticut shall govern the rights and duties of the contractor and the local or regional board of education; and

(10) A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the contract which can be given effect without the invalid provision or application.

(b) All student-generated content shall be the property of the student or the parent or legal guardian of the student.

(c) A contractor shall implement and maintain security procedures and practices designed to protect student information, student records and student-generated content from unauthorized access, destruction, use, modification or disclosure that, based on the sensitivity of the data and the risk from unauthorized access, (1) use technologies and methodologies that are consistent with the guidance issued pursuant to section 13402(h)(2) of Public Law 111-5, as amended from time to time, (2) maintain technical safeguards as it relates to the possession of student records in a manner consistent with the provisions of 45 CFR 164.312, as amended from time to time, and (3) otherwise meet or exceed industry standards.

(d) A contractor shall not use (1) student information, student records or student-generated content for any purposes other than those authorized pursuant to the contract, or (2) personally identifiable information contained in student information, student records or student-generated content to engage in targeted advertising.

(e) Any provision of a contract entered into between a contractor and a local or regional board of education on or after July 1, 2018, that conflicts with any provision of this section shall be void.

(f) Any contract entered into on and after July 1, 2018, that does not include a provision required by subsection (a) of this section shall be void, provided the local or regional board of education has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract to include the provision required by subsection (a) of this section.
(g) Not later than five business days after executing a contract pursuant to this section, a local or regional board of education shall provide electronic notice to any student and the parent or legal guardian of a student affected by the contract. The notice shall (1) state that the contract has been executed and the date that such contract was executed, (2) provide a brief description of the contract and the purpose of the contract, and (3) state what student information, student records or student-generated content may be collected as a result of the contract. The local or regional board of education shall post such notice and the contract on the board’s Internet web site.

10-234cc. Requirements for operators re student data.

(a) An operator shall (1) implement and maintain security procedures and practices that meet or exceed industry standards and that are designed to protect student information, student records and student-generated content from unauthorized access, destruction, use, modification or disclosure, and (2) delete any student information, student records or student-generated content within a reasonable amount of time if a student, parent or legal guardian of a student or local or regional board of education who has the right to control such student information requests the deletion of such student information, student records or student-generated content.

(b) An operator shall not knowingly:

1. Engage in (A) targeted advertising on the operator’s Internet web site, online service or mobile application, or (B) targeted advertising on any other Internet web site, online service or mobile application if such advertising is based on any student information, student records, student-generated content or persistent unique identifiers that the operator has acquired because of the use of the operator’s Internet web site, online service or mobile application for school purposes;

2. Collect, store and use student information, student records, student-generated content or persistent unique identifiers for purposes other than the furtherance of school purposes;

3. Sell, rent or trade student information, student records or student-generated content unless the sale is part of the purchase, merger or acquisition of an operator by a successor operator and the operator and successor operator continue to be subject to the provisions of this section regarding student information; or

4. Disclose student information, student records or student-generated content unless the disclosure is made (A) in furtherance of school purposes of the Internet web site, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet web site, online service or mobile application and complies with subsection (a) of this section; (B) to ensure compliance with federal or state law or regulations or pursuant to a court order; (C) in response to a judicial order; (D) to protect the safety or integrity of users or others, or the security of the Internet web site, online service or mobile application; (E) to an entity hired by the operator to provide services for the operator’s Internet web site, online service or mobile application, provided the operator contractually (i) prohibits the entity from using student information, student records or student-generated content for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information, student records or student-generated content provided by the operator to subsequent third parties, and (iii) requires the entity to comply with subsection (a) of this section; or (F) for a school purpose or other educational or employment purpose requested by a student or the parent or legal guardian of a student, provided such student information is not used or disclosed for any other purpose.

(c) An operator may use student information (1) to maintain, support, improve, evaluate or diagnose the operator’s Internet web site, online service or mobile application, (2) for adaptive learning purposes or customized student learning, (3) to provide recommendation engines to recommend content or services relating to school purposes or other educational or employment purposes, provided such
recommendation is not determined in whole or in part by payment or other consideration from a third party, or (4) to respond to a request for information or feedback from a student, provided such response is not determined in whole or in part by payment or other consideration from a third party.

(d) An operator may use de-identified student information or aggregated student information (1) to develop or improve the operator's Internet web site, online service or mobile application, or other Internet web sites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the operator's Internet web site, online service or mobile application.

(e) An operator may share aggregated student information or de-identified student information for the improvement and development of Internet web sites, online services or mobile applications designed for school purposes.

(f) Nothing in this section shall be construed to (1) limit the ability of a law enforcement agency to obtain student information, student records or student-generated content from an operator as authorized by law or pursuant to a court order, (2) limit the ability of a student or the parent or legal guardian of a student to download, export, transfer or otherwise save or maintain student information, student records or student-generated content, (3) impose a duty upon a provider of an interactive computer service, as defined in 47 USC 230, as amended from time to time, to ensure compliance with this section by third-party information content providers, as defined in 47 USC 230, as amended from time to time, (4) impose a duty upon a seller or provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software applications to review or enforce compliance with this section on such software applications, (5) limit an Internet service provider from providing a student, parent or legal guardian of a student or local or regional board of education with the ability to connect to the Internet, (6) prohibit an operator from advertising other Internet web sites, online services or mobile applications that are used for school purposes to parents or legal guardians of students, provided such advertising does not result from the operator's use of student information, student records or student-generated content, or (7) apply to Internet web sites, online services or mobile applications that are designed and marketed for use by individuals generally, even if the account credentials created for an operator's Internet web site, online service or mobile application may be used to access Internet web sites, online services or mobile applications that are designed and marketed for school purposes.

10-234dd. Duties re unauthorized release, disclosure or acquisition of student data.

(a)(1) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, excluding any directory information contained in such student information, a contractor shall notify, without unreasonable delay, but not more than thirty days after such discovery, the local or regional board of education of such breach of security. During such thirty-day period, the contractor may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose student information is involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the contractor's data system.

(2) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student records or student-generated content, a contractor shall notify, without unreasonable delay, but not more than sixty days after such discovery, the local or regional board of education of such breach of security. During such sixty-day period, the contractor may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose directory information, student records or student-generated content is involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the contractor's data system.

(3) Upon receipt of notice of a breach of security under subdivision (1) or (2) of this subsection, a local or regional board of education shall electronically notify, not later than two business days after receipt of
such notice, the student and the parents or guardians of the student whose student information, student records or student-generated content is involved in such breach of security. The local or regional board of education shall post such notice on the board's Internet web site.

(b) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, student records or student-generated content, an operator that is in possession of or maintains student information, student records or student-generated content as a result of a student's use of such operator's Internet web site, online service or mobile application, shall (1) notify, without unreasonable delay, but not more than thirty days after such discovery, the student or the parents or guardians of such student of any breach of security that results in the unauthorized release, disclosure or acquisition of student information, excluding any directory information contained in such student information, of such student, and (2) notify, without unreasonable delay, but not more than sixty days after such discovery, the student or the parents or guardians of such student of any breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student records or student-generated content of such student. During such thirty-day or sixty-day period, the operator may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose student information, student records or student-generated content are involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the operator's data system.

REGULATIONS
No relevant regulations found.

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

LAWS

10-4p. Implementation plan to achieve resource equity and equality of opportunity. Assessment. Reports.

(a) The State Board of Education shall develop a five-year implementation plan with appropriate goals and strategies to achieve resource equity and equality of opportunity, increase student achievement, reduce racial, ethnic and economic isolation, improve effective instruction and encourage greater parental and community involvement in all public schools of the state. The implementation plan shall: (1) Include methods for significantly reducing over a five-year period any disparities among school districts in terms of resources, staff, programs and curriculum, student achievement and community involvement that negatively impact student learning, (2) provide for monitoring by the Department of Education of the progress made in reducing such disparities, and (3) include proposals for minority staff recruitment, including but not limited to, alternative certification, mentoring programs, involvement of the community-technical colleges and efforts by regional educational service centers.

(b) Prior to developing the plan, the State Board of Education shall conduct a state-wide assessment of the disparities among local and regional school districts and make comparisons to relevant national standards or regional accreditation standards, in the areas of: (1) Resources, including educational materials, supplies, equipment, textbooks, library materials, facilities and expenditures by category and in total; (2) staff, including the education and experience of teachers, staff-student ratios, the racial and ethnic characteristics of staff, minority staff recruitment and a comparison of the racial diversity of school staffs to the racial diversity of the region where the school is located; (3) program and curriculum, including course offerings, requirements, enrollments in advanced, special and compensatory education,
programs and services to students with limited English proficiency and an analysis of such programs and services in terms of the recommendations of the bilingual education task force, policies on student assignment and promotion, extracurricular activities and student participation, goals and objectives and content and performance standards, opportunities for summer school, school-to-career transition, alternative education, as defined in section 10-74j, alternative educational opportunities, and parent-student choice of school or program; (4) student achievement, including the effect of social promotional policies on student achievement, state and national assessments, dropout rates, attendance, graduation follow-up data, artistic, athletic and community service accomplishments, other documentation of student success, and success in reducing the racial, ethnic and economic isolation of students; and (5) community involvement, including parent and family contact with the school and teachers, business partnerships, joint programs with community agencies, town-wide preschool coordination, opportunities for adult basic education and parenting education.

(c)(1) The State Board of Education shall report, in accordance with section 11-4a, on the plan developed pursuant to this section to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to education by February 1, 1998. The report shall: (A) Include the results of the assessment conducted pursuant to subdivisions (1) and (2) of subsection (b) of this section, (B) include recommendations for changes in state law, budget proposals and administrative actions, where appropriate, that would assist in reducing the disparities among school districts and increasing the accountability of school districts, and (C) identify the responsibility of individual boards of education to achieve the goals as specified in subsection (a) of this section in their school districts. (2) On or before January 1, 1999, the State Board of Education shall so report, to the Governor and said committee on (A) the assessment conducted pursuant to subdivisions (3) to (5), inclusive, of subsection (b) of this section, (B) include recommendations described in subparagraph (B) of subdivision (1) of this subsection and (C) identify the responsibility of individual boards of education to take specific action to improve conditions in their school districts. (3) On or before January 1, 2001, and biennially thereafter, the State Board of Education shall so report to the Governor and said committee on the progress made in reducing the disparities among school districts and the remaining barriers to and recommendations for achieving the goals specified in subsection (a) of this section.


(a) As used in this section:

1. “Teacher” means any certified professional employee below the rank of superintendent employed by a board of education for at least ninety days in a position requiring a certificate issued by the State Board of Education;

2. “Teacher preparation program” means a program designed to qualify an individual for professional certification as an educator provided by institutions of higher education or other providers approved by the Department of Education, including, but not limited to, an alternate route to certification program.

(b) The Department of Education shall develop and implement a state-wide public school information system. The system shall be designed for the purpose of establishing a standardized electronic data collection and reporting protocol that will facilitate compliance with state and federal reporting requirements, improve school-to-school and district-to-district information exchanges, and maintain the confidentiality of individual student and staff data. The initial design shall focus on student information, provided the system shall be created to allow for future compatibility with financial, facility and staff data. The system shall provide for the tracking of the performance of individual students on each of the state-wide mastery examinations under section 10-14n in order to allow the department to compare the progress of the same cohort of students who take each examination and to better analyze school
performance. The department shall assign a unique student identifier to each student prior to tracking the performance of a student in the public school information system.

(c) The state-wide public school information system shall:

(1) Track and report data relating to student, teacher and school and district performance growth and make such information available to local and regional boards of education for use in evaluating educational performance and growth of teachers and students enrolled in public schools in the state. Such information shall be collected or calculated based on information received from local and regional boards of education and other relevant sources. Such information shall include, but not be limited to:

(A) In addition to performance on state-wide mastery examinations pursuant to subsection (b) of this section, data relating to students shall include, but not be limited to, (i) the primary language spoken at the home of a student, (ii) student transcripts, (iii) student attendance and student mobility, (iv) reliable, valid assessments of a student's readiness to enter public school at the kindergarten level, and (v) data collected, if any, from the preschool experience survey, described in section 10-515;

(B) Data relating to teachers shall include, but not be limited to, (i) teacher credentials, such as master's degrees, teacher preparation programs completed and certification levels and endorsement areas, (ii) teacher assessments, such as whether a teacher is deemed highly qualified pursuant to the No Child Left Behind Act, P.L. 107-110, or deemed to meet such other designations as may be established by federal law or regulations for the purposes of tracking the equitable distribution of instructional staff, (iii) the presence of substitute teachers in a teacher's classroom, (iv) class size, (v) numbers relating to absenteeism in a teacher's classroom, and (vi) the presence of a teacher's aide. The department shall assign a unique teacher identifier to each teacher prior to collecting such data in the public school information system;

(C) Data relating to schools and districts shall include, but not be limited to, (i) school population, (ii) annual student graduation rates, (iii) annual teacher retention rates, (iv) school disciplinary records, such as data relating to suspensions, expulsions and other disciplinary actions, (v) the percentage of students whose primary language is not English, (vi) the number of and professional credentials of support personnel, (vii) information relating to instructional technology, such as access to computers, and (viii) disaggregated measures of school-based arrests pursuant to section 10-233n.

(2) Collect data relating to student enrollment in and graduation from institutions of higher education for any student who had been assigned a unique student identifier pursuant to subsection (b) of this section, provided such data is available.

(3) Develop means for access to and data sharing with the data systems of public institutions of higher education in the state.

(d) On or before July 1, 2011, and each year thereafter until July 1, 2013, the Commissioner of Education shall report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to education on the progress of the department's efforts to expand the state-wide public school information system pursuant to subsection (c) of this section. The report shall include a full statement of those data elements that are currently included in the system and those data elements that will be added on or before July 1, 2013.

(e) The system database of student information shall not be considered a public record for the purposes of section 1-210. Nothing in this section shall be construed to limit the ability of a full-time permanent employee of a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that is organized and operated for educational purposes, to obtain information in accordance with the provisions of subsection (h) of this section.
(f) All school districts shall participate in the system, and report all necessary information required by this section, provided the department provides for technical assistance and training of school staff in the use of the system.

(g) Local and regional boards of education and preschool programs which receive state or federal funding shall participate, in a manner prescribed by the Commissioner of Education, in the state-wide public school information system described in subsection (b) of this section. Participation for purposes of this subsection shall include, but not be limited to, reporting on (1) student experiences in preschool by program type and by numbers of months in each such program, and (2) the readiness of students entering kindergarten and student progress in kindergarten. Such reporting shall be done by October 1, 2007, and annually thereafter.

(h) On and after August 1, 2009, upon receipt of a written request to access data maintained under this section by a full-time permanent employee of a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that is organized and operated for educational purposes, the Department of Education shall provide such data to such requesting party not later than sixty days after such request, provided such requesting party shall be responsible for the reasonable cost of such request. The Department of Administrative Services shall monitor the calculation of such fees charged for access to or copies of such records to ensure that such fees are reasonable and consistent with those charged by other state agencies. The Department of Education shall respond to written requests under this section in the order in which they are received.

(i) The superintendent of schools of a school district, or his or her designee, may access information in the state-wide public school information system regarding the state-wide mastery examination under section 10-14n. Such access shall be for the limited purpose of determining examination dates, examination scores and levels of student achievement on such examinations for students enrolled in or transferring to the school district of such superintendent.

10-76b-11. Reports of physical restraint, seclusion.

The recording and reporting of instances of physical restraint or seclusion and the compilation of this information shall be in accordance with section 46a-153 of the Connecticut General Statutes. The recording of such instances shall be done on an incident report that contains the information and documentation required by sections 46a-152 and 46a-153 of the Connecticut General Statutes. Such reports shall be completed no later than the school day following the incident. The Department of Education shall develop and make available a model incident report.

10-220. Duties of boards of education.

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state, as defined in section 10-4a, and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall give all the children of the school district, including children receiving alternative education, as defined in section 10-74j, as nearly equal advantages as may be practicable; shall provide an appropriate learning environment for all its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, (3) proper maintenance of facilities, and (4) a safe school setting; shall, in accordance with the provisions of subsection (f) of this section, maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined in section 53a-65, employed by the local or regional board of education; shall have charge of the schools of its respective school district; shall make a continuing study of the need for school
facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities; shall adopt and implement a green cleaning program, pursuant to section 10-231g, that provides for the procurement and use of environmentally preferable cleaning products in school buildings and facilities; on and after July 1, 2011, and triennially thereafter, shall report to the Commissioner of Administrative Services on the condition of its facilities and the action taken to implement its long-term school building program, indoor air quality program and green cleaning program, which report the Commissioner of Administrative Services shall use to prepare a triennial report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Administrative Services of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes and at all times shall insure all such buildings and all capital equipment contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall develop and implement a written plan for minority staff recruitment for purposes of subdivision (3) of section 10-4a; shall employ and dismiss the teachers of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within the school district; shall make such provisions as will enable each child of school age residing in the district to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; may provide alternative education, in accordance with the provisions of section 10-74j, or place in another suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.

(b) The board of education of each local or regional school district shall, with the participation of parents, students, school administrators, teachers, citizens, local elected officials and any other individuals or groups such board shall deem appropriate, prepare a statement of educational goals for such local or regional school district. The statement of goals shall be consistent with state-wide goals pursuant to subsection (c) of section 10-4 and include goals for career placement for students who do not pursue an advance degree immediately after graduation. Each local or regional board of education shall annually establish student objectives for the school year which relate directly to the statement of educational goals prepared pursuant to this subsection and which identify specific expectations for students in terms of skills, knowledge and competence.

(c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school and school or program of alternative education, as defined in section 10-74j, under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including in-school suspensions, out-of-school suspensions and expulsions, the number of truants, as defined in section 10-
198a, and chronically absent children, as defined in section 10-198c, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, (7) special education, and (8) school-based arrests, as defined in section 10-233n. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and any measures the district has taken to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the local or regional board of education to reduce truancy in the school district. Such truancy data shall be considered a public record, as defined in section 1-200.

(f) Each local and regional board of education shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined in section 53a-65, employed by the local or regional board of education, conducted pursuant to sections 17a-101a to 17a-101d, inclusive, and section 17a-103. Such records shall include any reports made to the Department of Children and Families. The Department of Education shall have access to such records.

(b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying and teen dating violence in its schools. Such plan shall: (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education,
(d) On and after July 1, 2012, and biennially thereafter, each local and regional board of education shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education pursuant to section 10-222h. Each local and regional board of education shall collect the school climate assessments for each school in the district and submit such school climate assessments to the department.

(a) The Department of Education shall, within available appropriations,
(1) document school districts’ articulated needs for technical assistance and training related to safe learning and bullying,
(2) collect information on the prevention and intervention strategies used by schools to reduce the incidence of bullying, improve school climate and improve reporting outcomes,

(3) develop or recommend model safe school climate plans for grades kindergarten to twelve, inclusive, and

(4) in collaboration with the Connecticut Association of Schools, disseminate to all public schools grade-level appropriate school climate assessment instruments, approved by the department, to be used by local and regional boards of education for the purposes of collecting information described in subdivision (2) of this subsection so that the department can monitor bullying prevention efforts over time and compare each district’s progress to state trends. Such school climate assessment instruments shall (A) include surveys that contain uniform grade-level appropriate questions that collect information about students’ perspectives and opinions about the school climate at the school, and (B) allow students to complete and submit such assessment and survey anonymously.

(b) On or before February 1, 2014, and annually thereafter, the department shall, in accordance with the provisions of section 11-4a, submit a report on the status of its efforts pursuant to this section including, but not limited to, the number of verified acts of bullying in the state, an analysis of the responsive action taken by school districts, an analysis of student responses on the uniform grade-level appropriate questions described in subparagraph (A) of subdivision (4) of subsection (a) of this section and any recommendations it may have regarding additional activities or funding to prevent bullying in schools and improve school climate to the joint standing committees of the General Assembly having cognizance of matters relating to education and children and to the speaker of the House of Representatives, the president pro tempore of the Senate and the majority and minority leaders of the House of Representatives and the Senate.

(c) The department may accept private donations for the purposes of this section.

10-222k. **District safe school climate coordinator. Safe school climate specialist. Safe school climate committee.**

(a) For the school year commencing July 1, 2012, and each school year thereafter, the superintendent of each local or regional board of education shall appoint, from among existing school district staff, a district safe school climate coordinator. The district safe school climate coordinator shall:

(1) Be responsible for implementing the district’s safe school climate plan, developed pursuant to section 10-222d,

(2) Collaborate with the safe school climate specialists, described in subsection (b) of this section, the board of education for the district and the superintendent of schools of the school district to prevent, identify and respond to bullying in the schools of the district,

(3) Provide data and information, in collaboration with the superintendent of schools of the district, to the Department of Education regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

(4) Meet with the safe school climate specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district’s safe school climate plan.

(b) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school, or the principal’s designee, shall serve as the safe school climate specialist and shall

(1) Investigate or supervise the investigation of reported acts of bullying in the school in accordance with the district’s safe school climate plan,

(2) Collect and maintain records of reports and investigations of bullying in the school, and
(3) Act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

(c)(1) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee or designate at least one existing committee in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal.

(2) Any such committee shall:

(A) Receive copies of completed reports following investigations of bullying,

(B) Identify and address patterns of bullying among students in the school,

(C) Implement the provisions of the school security and safety plan, developed pursuant to section 87 of this act, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying

(D) Review and amend school policies relating to bullying,

(E) Review and make recommendations to the district safe school climate coordinator regarding the district’s safe school climate plan based on issues and experiences specific to the school,

(F) Educate students, school employees and parents and guardians of students on issues relating to bullying,

(G) Collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and

(H) Perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

(3) Any parent or guardian serving as a member of any such committee shall not participate in the activities described in subparagraphs (A) to (C) inclusive, of subdivision (2) of this subsection or any other activity that may compromise the confidentiality of a student.


(a) The Commissioner of Education shall establish, within available appropriations, a commissioner’s network of schools to improve student academic achievement in low-performing schools. The commissioner may select not more than twenty-five schools in any single school year that have been classified as a category four school or a category five school pursuant to section 10-223e to participate in the commissioner’s network of schools. The commissioner shall issue guidelines regarding the development of turnaround plans, and such guidelines shall include, but not be limited to, annual deadlines for the submission or nonsubmission of a turnaround plan and annual deadlines for approval or rejection of turnaround plans. The commissioner shall give preference for selection in the commissioner’s network of schools to such schools (1) that volunteer to participate in the commissioner’s network of schools, provided the local or regional board of education for such school and the representatives of the exclusive bargaining unit for certified employees chosen pursuant to section 10-153b mutually agree to participate in the commissioner’s network of schools, (2) in which an existing collective bargaining agreement between the local or regional board of education for such school and the representatives of the exclusive bargaining unit for certified employees chosen pursuant to section 10-153b will have expired for the school year in which a turnaround plan will be implemented, or (3) that are located in school districts that (A) have experience in school turnaround reform, or (B) previously received a school improvement grant pursuant to Section 1003(g) of Title I of the Elementary and Secondary Education Act,
20 USC 6301 et seq. The commissioner may select not more than five schools in any single school year from a single school district to participate in the commissioner's network of schools. Each school so selected shall begin implementation of a turnaround plan, as described in subsection (d) of this section. Each school so selected shall participate in the commissioner’s network of schools for three school years, and may continue such participation for an additional year, not to exceed two additional years, upon approval from the State Board of Education in accordance with the provisions of subsection (h) of this section. The commissioner shall provide funding, technical assistance and operational support to schools participating in the commissioner’s network of schools and may provide financial support to teachers and administrators working at a school that is participating in the commissioner’s network of schools. All costs attributable to developing and implementing a turnaround plan in excess of the ordinary operating expenses for such school shall be paid by the State Board of Education.

(b)(1) Upon the selection by the Commissioner of Education of a school for participation in the commissioner’s network of schools, the local or regional board of education for such school shall establish a turnaround committee for the school district. The turnaround committee shall consist of the following members: (A) Two appointed by the local or regional board of education, at least one of whom shall be an administrator employed by such board of education and at least one of whom shall be the parent or guardian of a student enrolled in the school district for such board of education; (B) three appointed by the exclusive bargaining unit for teachers chosen pursuant to section 10-153b, at least two of whom shall be teachers employed by such board of education and at least one of whom shall be the parent or guardian of a student enrolled in the school district for such board of education; and (C) the Commissioner of Education, or the commissioner’s designee. The superintendent of schools for the district, or the superintendent’s designee, where such school is located shall be a nonvoting ex-officio member and serve as the chairperson of the turnaround committee.

(2) The turnaround committee, in consultation with the school governance council, as described in section 10-223j, for a school selected to participate in the commissioner’s network of schools, shall (A) assist the Department of Education in conducting the operations and instructional audit pursuant to subsection (c) of this section, (B) develop a turnaround plan for such school in accordance with the provisions of subsection (d) of this section and guidelines issued by the commissioner, and (C) monitor the implementation of such turnaround plan.

(c) Following the establishment of a turnaround committee, the Department of Education shall conduct, in consultation with the local or regional board of education for a school selected to participate in the commissioner’s network of schools, the school governance council for such school and such turnaround committee, an operations and instructional audit, as described in subparagraph (A) of subdivision (2) of subsection (e) of section 10-223e, for such school. Such operations and instructional audit shall be conducted pursuant to guidelines issued by the department and shall determine the extent to which the school (1) has established a strong family and community connection to the school; (2) has a positive school environment, as evidenced by a culture of high expectations, a safe and orderly workplace, and that address other nonacademic factors that impact student achievement, such as students’ social, emotional, arts, cultural, recreational and health needs; (3) has effective leadership, as evidenced by the school principal’s performance appraisals, track record in improving student achievement, ability to lead turnaround efforts, and managerial skills and authority in the areas of scheduling, staff management, curriculum implementation and budgeting; (4) has effective teachers and support staff as evidenced by performance evaluations, policies to retain staff determined to be effective and who have the ability to be successful in the turnaround effort, policies to prevent ineffective teachers from transferring to the schools, and job-embedded, ongoing professional development informed by the teacher evaluation and support programs that are tied to teacher and student needs; (5) uses time effectively as evidenced by the redesign of the school day, week, or year to include additional time for student learning and teacher collaboration; (6) has a curriculum and instructional program that is based on student needs, is research-
based, rigorous and aligned with state academic content standards, and serves all children, including students at every achievement level; and (7) uses evidence to inform decision-making and for continuous improvement, including by providing time for collaboration on the use of data. Such operations and instructional audit shall be informed by an inventory of the following: (A) Before and after school programs, (B) any school-based health centers, family resource centers or other community services offered at the school, including, but not limited to, social services, mental health services and parenting support programs, (C) whether scientific research-based interventions are being fully implemented at the school, (D) resources for scientific research-based interventions during the school year and summer school programs, (E) resources for gifted and talented students, (F) the length of the school day and the school year, (G) summer school programs, (H) alternative education, as defined in section 10-74j, if any, offered to students at the school, (I) the number of teachers employed at the school and the number of teachers who have left the school in each of the previous three school years, (J) student mobility, including the number of students who have been enrolled in and left the school, (K) the number of students whose primary language is not English, (L) the number of students receiving special education services, (M) the number of students who are eligible for free or reduced price lunches, (O) the number of students who are eligible for HUSKY A, (P) the curricula used at the school, (Q) the reading curricula and programs for kindergarten to grade three, inclusive, if any, at the school, (R) arts and music programs offered at the school, (S) physical education programs offered and periods for recess or physical activity, (T) the number of school psychologists at the school and the ratio of school psychologists to students at the school, (U) the number of social workers at the school and the ratio of social workers to students at the school, (V) the teacher and administrator performance evaluation program, including the frequency of performance evaluations, how such evaluations are conducted and by whom, the standards for performance ratings and follow-up and remediation plans and the aggregate results of teacher performance evaluation ratings conducted pursuant to section 10-151b and any other available measures of teacher effectiveness, (W) professional development activities and programs, (X) teacher and student access to technology inside and outside of the classroom, (Y) student access to and enrollment in mastery test preparation programs, (Z) the availability of textbooks, learning materials and other supplies, (AA) student demographics, including race, gender and ethnicity, (BB) chronic absenteeism, and (CC) preexisting school improvement plans, for the purpose of (i) determining why such school improvement plans have not improved student academic performance, and (ii) identifying governance, legal, operational, staffing or resource constraints that contributed to the lack of student academic performance at such school and should be addressed, modified or removed for such school to improve student academic performance.

(d) Following the operations and instructional audit for the school selected to participate in the commissioner’s network of schools, the turnaround committee shall develop a turnaround plan for such school. The school governance council for each turnaround school may recommend to the turnaround committee for the school district one of the turnaround models described in subparagraphs (A) to (F), inclusive, of subdivision (3) of this subsection. The turnaround committee may accept such recommendation or may choose a different turnaround model for inclusion in the turnaround plan submitted under this subsection. The turnaround plan for such school shall (1) include a description of how such turnaround plan will improve student academic achievement in the school, (2) address deficiencies identified in the operations and instructional audit, and (3) utilize one of the following turnaround models: (A) A CommPACT school, as described in section 10-74g, (B) a social development model, (C) the management, administration or governance of the school to be the responsibility of a regional educational service center, a public or private institution of higher education located in the state, or, subject to the provisions of subsection (e) of this section, an approved educational management organization, (D) a school described in section 10-74f, (E) a model developed by the turnaround committee that utilizes strategies, methods and best practices that have been proven to be effective in
improving student academic performance, including, but not limited to, strategies, methods and best practices used at public schools, interdistrict magnet schools and charter schools or collected by the commissioner pursuant to subsection (f) of this section, (F) a community school, as described in section 10-74i, or (G) a model developed in consultation with the commissioner or by the commissioner subject to the provisions of subsection (e) of this section. The turnaround plan shall not assign the management, administration or governance of such school to a (i) for-profit corporation, or (ii) a private not-for-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than a public or private institution of higher education located in the state or, subject to the provisions of subsection (e) of this section, an approved not-for-profit educational management organization, as defined in subsection (e) of this section. Such turnaround plan may include proposals changing the hours and schedules of teachers and administrators at such school, the length and schedule of the school day, the length and calendar of the school year, the amount of time teachers shall be present in the school beyond the regular school day and the hiring or reassignment of teachers or administrators at such school. If a turnaround committee does not develop a turnaround plan, or if the commissioner determines that a turnaround plan developed by a turnaround committee is deficient, the commissioner may develop a turnaround plan for such school in accordance with the provisions of this subsection and, if the commissioner deems necessary, the commissioner may appoint a district improvement officer for such school to implement the provisions of the turnaround plan developed by the commissioner. The turnaround plan shall direct all resources and funding to programs and services delivered at such school for the educational benefit of the students enrolled at such school and be transparent and accountable to the local community. The State Board of Education shall approve the turnaround plan developed by a turnaround committee before a school may implement such turnaround plan.

(e)(1) For the school year commencing July 1, 2012, the Commissioner of Education shall develop one turnaround plan for a school selected to participate in the commissioner's network of schools. Such turnaround plan shall be implemented for the school year commencing July 1, 2012. Such plan may assign the management, administration or governance of such school to an approved not-for-profit educational management organization, and shall negotiate matters relating to such turnaround plan in accordance with the provisions of subsection (c) of section 10-153s.

(2) For the school year commencing July 1, 2012, the Commissioner of Education may approve a turnaround plan for a school selected to participate in the commissioner's network of schools that assigns the management, administration or governance of such school to an approved not-for-profit educational management organization, and shall negotiate matters relating to such turnaround plan in accordance with the provisions of subsection (c) of section 10-153s. Such turnaround plan shall be implemented for the school year commencing July 1, 2012.

(3) The commissioner shall permit not more than four total turnaround plans for schools selected to participate in the commissioner's network of schools implementing turnaround plans beginning in the school year commencing July 1, 2013, or July 1, 2014, to assign the management, administration or governance of such school to an approved not-for-profit educational management organization, provided the commissioner shall not permit such assignment in a turnaround plan to more than three schools in a single school year. If the commissioner does not approve a turnaround plan under subdivision (2) of this subsection, the commissioner may approve one additional turnaround plan for a school selected to participate in the commissioner's network of schools that assigns the management, administration or governance of such school to an approved not-for-profit educational management organization to be implemented in the school year commencing July 1, 2013, or July 1, 2014.

(4) For purposes of this section, and section 10-223i, “approved not-for-profit educational management organization” means a not-for-profit organization that is exempt from taxation under Section 501(c)(3) of...
the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the
United States, as from time to time amended, that (A) operates a state charter school located in the
state that has a record of student academic success for students enrolled in such state charter school,
or (B) has experience and a record of success in improving student achievement for low income or low
performing students through measures, including, but not limited to, reconstituting schools while, if
applicable, respecting existing contracts of employees of such schools.

(f) The Commissioner of Education may partner with any public or private institution of higher education in
the state, for a period not to exceed twelve months, to assist the Department of Education in collecting,
compiling and replicating strategies, methods and best practices that have been proven to be effective in
improving student academic performance in public schools, interdistrict magnet schools and charter
schools. The commissioner shall make such strategies, methods and best practices available to local and
regional boards of education and turnaround committees for use in developing a turnaround model,
pursuant to subsection (d) of this section, and in implementing the turnaround plan for a school that is
participating in the commissioner’s network of schools.

(g) Nothing in this section shall alter the collective bargaining agreements applicable to the administrators
and teachers employed by the local or regional board of education, subject to the provisions of sections
10-153a to 10-153n, inclusive, and such collective bargaining agreements shall be considered to be in
operation at schools participating in the commissioner's network of schools, except to the extent the
provisions are modified by any memorandum of understanding between the local or regional board of
education and the representatives of the exclusive bargaining units for certified employees, chosen
pursuant to section 10-153b, or are modified by a turnaround plan, including, but not limited to, any
election to work agreement pursuant to such turnaround plan for such schools and negotiated in
accordance with the provisions of section 10-153s.

(h) Each school participating in the commissioner’s network of schools shall participate for three school
years, and may continue such participation for an additional year, not to exceed two additional years,
on approval from the State Board of Education. Before the end of the third year that a school is
participating in the commissioner’s network of schools, the commissioner shall conduct an evaluation to
determine whether such school is prepared to exit the commissioner’s network of schools. In determining
whether such school may exit the commissioner’s network of schools, the commissioner shall consider
whether the local or regional board of education has the capacity to ensure that such school will maintain
or improve its student academic performance. If the commissioner determines that such school is ready
to exit the commissioner’s network of schools, the local or regional board of education for such school
shall develop, in consultation with the commissioner, a plan, subject to the approval by the State Board of
Education, for the transition of such school back to full control by the local or regional board of education.
If such school is not ready to exit the commissioner’s network of schools for an additional year, the commissioner shall conduct an evaluation
in accordance with the provisions of this subsection. Before the end of the fifth year that a school is
participating in the commissioner’s network of schools, the commissioner shall develop, in consultation
with the local or regional board of education for such school, a plan, subject to the approval by the State
Board of Education, for the transition of such school back to full control by the local or regional board of
education.

(i) Not later than thirty days after the approval of the turnaround plan for a school selected to participate in
the commissioner’s network of schools by the State Board of Education, the Commissioner of Education
shall submit the operations and instructional audit and the turnaround plan for such school to the joint
standing committee of the General Assembly having cognizance of matters relating to education, in
accordance with the provisions of section 11-4a.
(j)(1) The Commissioner of Education shall annually submit a report on the academic performance of each school participating in the commissioner’s network of schools to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a. Such report shall include, but not be limited to, (A) the accountability index score, as defined in section 10-223e, for such school, (B) trends for the accountability index scores during the period that such school is participating in the commissioner’s network of schools, (C) adjustments for subgroups of students at such school, including, but not limited to, students whose primary language is not English, students receiving special education services and students who are eligible for free or reduced price lunches, and (D) performance evaluation results in the aggregate for teachers and administrators at such school.

(2) The Commissioner of Education shall annually submit a report comparing and analyzing the academic performance of all the schools participating in the commissioner’s network of schools to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a. Such report shall include, but not be limited to, (A) the accountability index score, as defined in section 10-223e, for the school, (B) trends for the accountability indices during the period that such schools are participating in the commissioner’s network of schools, (C) adjustments for subgroups of students at such schools, including, but not limited to, students whose primary language is not English, students receiving special education services and students who are eligible for free or reduced price lunches, and (D) performance evaluation results in the aggregate for teachers and administrators at such schools.

(3) Following the expiration of the turnaround plan for each school participating in the commissioner’s network of schools, the commissioner shall submit a final report that (A) evaluates such turnaround plan and the academic performance of such school during the period that such turnaround plan was in effect, and (B) makes recommendations for the operation of such school to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a.

(4) Not later than January 1, 2020, the commissioner shall submit a report (A) evaluating the commissioner’s network of schools and its effect on improving student academic achievement in participating schools, and (B) making any recommendations for the continued operation of the commissioner’s network of schools to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a.

10-233d. Expulsion of pupils.

(k) Local and regional boards of education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, 20 USC 8921 et seq., as amended from time to time.

10-233n. Report re disaggregated school discipline data.

(a) As used in this section:

1) “Student” means a person who is enrolled in a school under the jurisdiction of a local or regional board of education;

2) “School property” means the real property comprising a public elementary or secondary school under the jurisdiction of a local or regional board of education;

3) “School day” means the hours in which a school is open to students for regular classroom instruction, intramural or interscholastic athletics, or extracurricular activities;

4) “School-sponsored event” means any school activity conducted on or off school property regardless of when such school activity is conducted; and
(5) “School-based arrest” means an arrest of a student for conduct of such student on school property or at a school-sponsored event.

(b) The Department of Education shall annually examine data relating to in-school suspensions, out-of-school suspensions, expulsions and school-based arrests that has been submitted as part of the strategic school profile report pursuant to section 10-220, and shall disaggregate such data by school, race, ethnicity, gender, age, students with disabilities, English language learners, as defined in section 10-76kk, students who are eligible for free or reduced priced lunch pursuant to federal law and regulations, and type of offense for which the school-based arrests were made and the number of arrests made annually at each school within the school district. The department shall annually submit a report to the State Board of Education regarding the examination and disaggregation of such data and make the report available on the department’s Internet web site.

10-236b. Physical restraint and seclusion of students by school employees.

(k) The State Board of Education shall review the annual compilation of each local or regional board of education, and each institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program, and shall produce an annual summary report specifying (1) the frequency of use of physical restraint or seclusion on students, (2) whether any student subjected to such restraint or seclusion was a special education student, and (3) if any such student was a special education student, whether the use of such seclusion was in accordance with an individualized education program or whether the use of such seclusion was an emergency intervention to prevent immediate or imminent injury to the student or to others. Such report shall be submitted not later than January 15, 2017, and annually thereafter, to the joint standing committees of the General Assembly having cognizance of matters relating to children and education for inclusion in the annual report card prepared pursuant to section 2-53m.

(n) If the use of such restraint or seclusion results in physical injury to the student, the local or regional board of education, and each institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d that provides special education for children, including any approved private special education program, shall report the incident to the State Board of Education, which shall include such incident in the report required pursuant to subsection (k) of this section. The State Board of Education shall report any incidence of serious injury or death to the director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Child Advocate of the Office of the Child Advocate.


(g) Not later than January 1, 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

10-201. Fees for arresting truants.
Officers other than policemen of cities shall receive for making the arrests required by section 10-200 such fees, not exceeding the fees allowed by law for making other arrests, as may be allowed by the selectmen of the town in which such arrests are made; but unless a warrant was issued by a judge of the Superior Court the officer shall, before receiving a fee, present to the selectmen of the town a written statement showing the name of each child arrested, the day on which the arrest was made and, if the child was returned to school, the name or number of the school to which such child was so returned.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

7-294x. Council to provide training to public school security personnel.
The Police Officer Standards and Training Council established under section 7-294b shall provide training to security personnel employed in the public schools by a local or regional board of education. Such training shall include drug detection and gang identification.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

Any local or regional board of education may appoint one or more persons, who shall be authorized to prosecute for violations of the laws relating to attendance of children and their employment. All warrants issued upon such prosecutions shall be returnable before any court having jurisdiction. Each attendance officer shall be sworn to the faithful performance of his or her duties and shall be under the direction of the principal or superintendent of schools of the board of education by which he or she is employed. He shall investigate the absence of pupils from or the irregular attendance of pupils at school, cause such pupils as are absent or irregular in attendance to attend school regularly and present cases requiring prosecution for violation of the school laws to prosecuting officers.
10-233m. Memorandum of understanding re school resource officers.

Each local or regional board of education that assigns a school resource officer to any school under the jurisdiction of such board shall enter into a memorandum of understanding with a local law enforcement agency regarding the role and responsibility of such school resource officer. Such memorandum of understanding shall include provisions addressing daily interactions between students and school personnel with school resource officers and shall include a graduated response model for student discipline. For the purposes of this section, “school resource officer” means a sworn police officer of a local law enforcement agency who has been assigned to a school pursuant to an agreement between the local or regional board of education and the chief of police of a local law enforcement agency.

10-244a. Employment of persons to provide security services in a public school while in possession of a firearm

(a) For the school year commencing July 1, 2013, and each school year thereafter, no municipality or local or regional board of education may employ or enter into an agreement, as described in subdivision (2) of subsection (b) of section 53a-217b, with any person, other than a sworn member of an organized local police department or a retired police officer as provided in subsection (b) of this section, to provide security services in a public school if such person will possess a firearm, as defined in section 53a-3, while in the performance of his or her duties.

(b) A municipality or a local or regional board of education may employ or enter into an agreement with a retired police officer to provide security services in a public school if such retired police officer is a qualified retired law enforcement officer, as defined in 18 USC 926C, as amended from time to time. Such retired police officer shall receive annual training pursuant to section 7-294x and shall successfully complete annual firearms training provided by a certified firearms instructor that meets or exceeds the standards of the Police Officer Standards and Training Council or 18 USC 926C, as amended from time to time. Such retired police officer shall not be subject to the licensing requirements of part II of chapter 534.

(c) For the purposes of subsection (b) of this section, “retired police officer” means (1) a sworn member of an organized local police department who was certified by the Police Officer Standards and Training Council and retired or separated in good standing from such department or a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection who retired or separated in good standing from said division, (2) a sworn federal law enforcement agent who retired or separated in good standing from such federal law enforcement service and who meets or exceeds the standards of the Police Officer Standards and Training Council for certification in this state, or (3) a sworn officer of an organized police department in another state who was certified under standards that meet or exceed the standards of the Police Officer Standards and Training Council for certification in this state and who retired or separated in good standing from such department.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

10-4p. Implementation plan to achieve resource equity and equality of opportunity. Assessment. Reports.

(a) The State Board of Education shall develop a five-year implementation plan with appropriate goals and strategies to achieve resource equity and equality of opportunity, increase student achievement, reduce racial, ethnic and economic isolation, improve effective instruction and encourage greater parental and community involvement in all public schools of the state. The implementation plan shall: (1) Include methods for significantly reducing over a five-year period any disparities among school districts in terms of resources, staff, programs and curriculum, student achievement and community involvement that negatively impact student learning, (2) provide for monitoring by the Department of Education of the progress made in reducing such disparities, and (3) include proposals for minority staff recruitment, including but not limited to, alternative certification, mentoring programs, involvement of the community-technical colleges and efforts by regional educational service centers.

(b) Prior to developing the plan, the State Board of Education shall conduct a state-wide assessment of the disparities among local and regional school districts and make comparisons to relevant national standards or regional accreditation standards, in the areas of: (1) Resources, including educational materials, supplies, equipment, textbooks, library materials, facilities and expenditures by category and in total; (2) staff, including the education and experience of teachers, staff-student ratios, the racial and ethnic characteristics of staff, minority staff recruitment and a comparison of the racial diversity of school staffs to the racial diversity of the region where the school is located; (3) program and curriculum, including course offerings, requirements, enrollments in advanced, special and compensatory education, programs and services to students with limited English proficiency and an analysis of such programs and services in terms of the recommendations of the bilingual education task force, policies on student assignment and promotion, extracurricular activities and student participation, goals and objectives and content and performance standards, opportunities for summer school, school-to-career transition, alternative education, as defined in section 10-74j, alternative educational opportunities, and parent-student choice of school or program; (4) student achievement, including the effect of social promotional policies on student achievement, state and national assessments, dropout rates, attendance, graduation follow-up data, artistic, athletic and community service accomplishments, other documentation of student success, and success in reducing the racial, ethnic and economic isolation of students; and (5) community involvement, including parent and family contact with the school and teachers, business partnerships, joint programs with community agencies, town-wide preschool coordination, opportunities for adult basic education and parenting education.

(c)(1) The State Board of Education shall report, in accordance with section 11-4a, on the plan developed pursuant to this section to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to education by February 1, 1998. The report shall: (A) Include the results of the assessment conducted pursuant to subdivisions (1) and (2) of subsection (b) of this section, (B) include recommendations for changes in state law, budget proposals and administrative actions, where appropriate, that would assist in reducing the disparities among school districts and increasing the accountability of school districts, and (C) identify the responsibility of individual boards of education to achieve the goals as specified in subsection (a) of this section in their school districts. (2) On or before
January 1, 1999, the State Board of Education shall so report, to the Governor and said committee on (A) the assessment conducted pursuant to subdivisions (3) to (5), inclusive, of subsection (b) of this section, (B) include recommendations described in subparagraph (B) of subdivision (1) of this subsection and (C) identify the responsibility of individual boards of education to take specific action to improve conditions in their school districts. (3) On or before January 1, 2001, and biennially thereafter, the State Board of Education shall so report to the Governor and said committee on the progress made in reducing the disparities among school districts and the remaining barriers to and recommendations for achieving the goals specified in subsection (a) of this section.

10-19n. (Formerly Sec. 17a-40). State aid for establishment and expansion of youth service bureaus.

To assist municipalities and private youth-serving organizations designated to act as agents for such municipalities in establishing, maintaining or expanding such youth service bureaus, the state, acting through the Commissioner of Education, shall provide cost-sharing grants, subject to the provisions of this section for (1) the cost of an administrative core unit and (2) the cost of the direct services unit provided by such youth service bureau. No state grant shall be made for capital expenditures of such bureaus. All youth service bureaus shall submit a request for a grant, pursuant to this section and sections 10-19m and 10-19o, on or before May fifteenth of the fiscal year prior to the fiscal year for which such grant is requested.

10-19o. (Formerly Sec. 17a-40a). Youth service bureau grant program.

(a) The Commissioner of Children and Families shall establish a program to provide grants to youth service bureaus in accordance with this section. Only youth service bureaus which (1) were eligible to receive grants pursuant to this section for the fiscal year ending June 30, 2007, (2) applied for a grant by June 30, 2012, with prior approval of the town's contribution pursuant to subsection (b) of this section, (3) applied for a grant during the fiscal year ending June 30, 2015, (4) applied for a grant during the fiscal year ending June 30, 2018, with June 30, 2019, shall be eligible for a grant pursuant to this section. Each such youth service bureau shall receive a grant of fourteen thousand dollars. The Department of Children and Families may expend an amount not to exceed two per cent of the amount appropriated for purposes of this section for administrative expenses. If there are any remaining funds, each such youth service bureau that was awarded a grant in excess of fifteen thousand dollars in the fiscal year ending June 30, 1995, shall receive a percentage of such funds. The percentage shall be determined as follows: For each such grant in excess of fifteen thousand dollars, the difference between the amount of the grant awarded to the youth service bureau for the fiscal year ending June 30, 1995, and fifteen thousand dollars shall be divided by the difference between the total amount of the grants awarded to all youth service bureaus that were awarded grants in excess of fifteen thousand dollars for said fiscal year and the product of fifteen thousand dollars and the number of such grants for said fiscal year.

(b) In order for a youth service bureau to receive the full amount of the state grant determined pursuant to subsection (a) of this section, a town shall contribute an amount equal to the amount of the state grant. A town shall provide not less than fifty per cent of its contribution from funds appropriated by the town for that purpose, and the remaining amount in other funds or in-kind contributions in accordance with regulations adopted by the Commissioner of Children and Families in accordance with chapter 54.

(c) Any funds remaining due to a town's failure to match funds as provided in subsection (b) of this section shall be redistributed in accordance with the provisions of this section. The Commissioner of Children and Families shall adopt regulations in accordance with the provisions of chapter 54 to coordinate the youth service bureau program and to administer the grant system established pursuant to this section and sections 10-19m and 10-19n.
10-19p. (Formerly (Sec. 17a-41). Assistance to youth service bureaus.
The Department of Children and Families shall provide grant management services, program monitoring, program evaluation and technical assistance to such state-aided youth service bureaus, and the Commissioner of Children and Families may assign or appoint necessary personnel to perform such duties, subject to the provisions of chapter 67.

10-19q. Enhancement grant program for youth service bureaus.
The Department of Education shall administer, within available appropriations, an enhancement grant program for youth service bureaus. The department shall annually award grants in the amounts of: (1) Three thousand three hundred dollars to youth service bureaus that serve a town with a population of not more than eight thousand or towns with a total combined population of not more than eight thousand; (2) five thousand dollars to youth service bureaus that serve a town with a population greater than eight thousand, but not more than seventeen thousand or towns with a total combined population greater than eight thousand, but not more than seventeen thousand; (3) six thousand two hundred fifty dollars to youth service bureaus that serve a town with population greater than seventeen thousand, but not more than thirty thousand or towns with a total combined population greater than seventeen thousand, but not more than thirty thousand; (4) seven thousand five hundred dollars to youth service bureaus that serve a town with a population greater than thirty thousand, but not more than one hundred thousand or towns with a total combined population greater than thirty thousand, but not more than one hundred thousand; and (5) ten thousand dollars to youth service bureaus that serve a town with a population greater than one hundred thousand.

Notwithstanding the provisions of this section, for the fiscal year ending June 30, 2013, and each fiscal year thereafter, the amount of grants payable to youth service bureaus shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for such grants for such year.

10-198d. Chronic absenteeism prevention and intervention plan.
(a) Not later than January 1, 2016, the Department of Education, in consultation with the Interagency Council for Ending the Achievement Gap established pursuant to section 10-16nn, shall develop a chronic absenteeism prevention and intervention plan for use by local and regional boards of education to reduce chronic absenteeism in the school district.

(b)(1) The chronic absenteeism prevention and intervention plan shall include, but need not be limited to, the following: (A) Information that describes (i) chronic absenteeism, including, but not limited to, the definition of a chronically absent child under section 10-198c, and the causes of chronic absenteeism, such as poverty, violence, poor health and lack of access to transportation, (ii) the effect of chronic absenteeism on a student's academic performance, and (iii) how family and school partnerships with community resources, including, but not limited to, family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance, and (B) a means of collecting and analyzing data relating to student attendance, truancy and chronic absenteeism for the purpose of (i) disaggregating such data by school district, school, grade and subgroups, such as race, ethnicity, gender, eligibility for free or reduced priced lunches, students whose primary language is not English and students with disabilities, and (ii) assisting local and regional boards of education in (I) tracking chronic absenteeism over multiple years and for the current school year, (II) developing indicators to identify students who are at risk of being chronically absent children, (III) monitoring students' attendance over time, and (IV) making adjustments to interventions as they are being implemented.

(2) The chronic absenteeism prevention and intervention plan may include, but need not be limited to, the following: (A) A research-based and data-driven mentorship model that addresses and attempts to reduce chronic absenteeism through the use of mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers and community partners, and...
(B) incentives and rewards that recognize schools and students that improve attendance and reduce the school chronic absenteeism rate.

10-198e. Identification of truancy intervention models.
The Department of Education shall identify effective truancy intervention models for implementation by local and regional boards of education pursuant to subsection (b) of section 10-198a, including intervention models that address the needs of students with disabilities. Not later than August 15, 2018, a listing of such approved models shall be available for implementation by local and regional boards of education pursuant to said subsection (b).

10-222h. Analysis of school districts’ efforts re prevention of and response to bullying in schools.

School climate assessment instruments.
(a) The Department of Education shall, within available appropriations,

1. document school districts’ articulated needs for technical assistance and training related to safe learning and bullying,

2. collect information on the prevention and intervention strategies used by schools to reduce the incidence of bullying, improve school climate and improve reporting outcomes,

3. develop or recommend model safe school climate plans for grades kindergarten to twelve, inclusive, and

4. in collaboration with the Connecticut Association of Schools, disseminate to all public schools grade-level appropriate school climate assessment instruments, approved by the department, to be used by local and regional boards of education for the purposes of collecting information described in subdivision (2) of this subsection so that the department can monitor bullying prevention efforts over time and compare each district’s progress to state trends. Such school climate assessment instruments shall (A) include surveys that contain uniform grade-level appropriate questions that collect information about students’ perspectives and opinions about the school climate at the school, and (B) allow students to complete and submit such assessment and survey anonymously.

(b) On or before February 1, 2014, and annually thereafter, the department shall, in accordance with the provisions of section 11-4a, submit a report on the status of its efforts pursuant to this section including, but not limited to, the number of verified acts of bullying in the state, an analysis of the responsive action taken by school districts, an analysis of student responses on the uniform grade-level appropriate questions described in subparagraph (A) of subdivision (4) of subsection (a) of this section and any recommendations it may have regarding additional activities or funding to prevent bullying in schools and improve school climate to the joint standing committees of the General Assembly having cognizance of matters relating to education and children and to the speaker of the House of Representatives, the president pro tempore of the Senate and the majority and minority leaders of the House of Representatives and the Senate.

(c) The department may accept private donations for the purposes of this section.

10-222i. State-wide safe school climate resource network.

(a) The Department of Education, in consultation with the State Education Resource Center, established pursuant to section 10-357a, the Governor’s Prevention Partnership, the Commission on Women, Children, Seniors, and Equity and Opportunity and the Connecticut Coalition Against Domestic Violence, shall establish, within available appropriations, a state-wide safe school climate resource network for the identification, prevention and education of school bullying and teen dating violence in the state. Such state-wide safe school climate resource network shall make available to all schools information, training
opportunities and resource materials to improve the school climate to diminish bullying and teen dating violence.

(b) The department may seek federal, state and municipal funding and may accept private donations for the administration of the state-wide safe school climate resource network.

10-222p. Review of safe school climate plans by Department of Education. Approval or rejection.
(a) The Department of Education shall receive each safe school climate plan submitted pursuant to subsection (c) of section 10-222d and review each such plan for compliance with the provisions of subsection (b) of section 10-222d. Not later than thirty calendar days after receiving such plan, the department shall approve or reject such plan. If the department rejects a safe school climate plan, the department shall provide notice of such rejection and the reasons for such rejection to the local or regional board of education that submitted such plan. Such local or regional board of education shall redevelop and resubmit a safe school climate plan to the department for approval not later than thirty calendar days after receipt of notice of such rejection. Not later than thirty calendar days after receiving such resubmitted plan, the department shall approve or reject such plan. If the department rejects a resubmitted safe school climate plan, the department shall provide notice of such rejection to the local or regional board of education that resubmitted such plan. Not later than thirty calendar days after receiving notice of such rejection and the reasons for such rejection, such local or regional board of education shall adopt an appropriate model safe school climate plan, developed or recommended by the department pursuant to subdivision (3) of subsection (a) of section 10-222h.

(b) The Department of Education shall make available on the department’s Internet web site (1) each safe school climate plan that has been approved by the department, (2) a list of the school districts that have an approved safe school climate plan, and (3) a list of the school districts whose safe school climate plans have been rejected and that are in the process of resubmitting their safe school climate plans for approval by the department.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

10-19n. (Formerly Sec. 17a-40). State aid for establishment and expansion of youth service bureaus.
To assist municipalities and private youth-serving organizations designated to act as agents for such municipalities in establishing, maintaining or expanding such youth service bureaus, the state, acting through the Commissioner of Education, shall provide cost-sharing grants, subject to the provisions of this section for (1) the cost of an administrative core unit and (2) the cost of the direct services unit provided by such youth service bureau. No state grant shall be made for capital expenditures of such bureaus. All youth service bureaus shall submit a request for a grant, pursuant to this section and sections 10-19m and 10-19o, on or before May fifteenth of the fiscal year prior to the fiscal year for which such grant is requested.

10-19o. (Formerly Sec. 17a-40a). Youth service bureau grant program.
(a) The Commissioner of Children and Families shall establish a program to provide grants to youth service bureaus in accordance with this section. Only youth service bureaus which (1) were eligible to receive grants pursuant to this section for the fiscal year ending June 30, 2007, (2) applied for a grant by
June 30, 2012, with prior approval of the town's contribution pursuant to subsection (b) of this section, (3) applied for a grant during the fiscal year ending June 30, 2015, (4) applied for a grant during the fiscal year ending June 30, 2018, with June 30, 2019, shall be eligible for a grant pursuant to this section. Each such youth service bureau shall receive a grant of fourteen thousand dollars. The Department of Children and Families may expend an amount not to exceed two per cent of the amount appropriated for purposes of this section for administrative expenses. If there are any remaining funds, each such youth service bureau that was awarded a grant in excess of fifteen thousand dollars in the fiscal year ending June 30, 1995, shall receive a percentage of such funds. The percentage shall be determined as follows: For each such grant in excess of fifteen thousand dollars, the difference between the amount of the grant awarded to the youth service bureau for the fiscal year ending June 30, 1995, and fifteen thousand dollars shall be divided by the difference between the total amount of the grants awarded to all youth service bureaus that were awarded grants in excess of fifteen thousand dollars for said fiscal year and the product of fifteen thousand dollars and the number of such grants for said fiscal year.

(b) In order for a youth service bureau to receive the full amount of the state grant determined pursuant to subsection (a) of this section, a town shall contribute an amount equal to the amount of the state grant. A town shall provide not less than fifty per cent of its contribution from funds appropriated by the town for that purpose, and the remaining amount in other funds or in-kind contributions in accordance with regulations adopted by the Commissioner of Children and Families in accordance with chapter 54.

(c) Any funds remaining due to a town's failure to match funds as provided in subsection (b) of this section shall be redistributed in accordance with the provisions of this section. The Commissioner of Children and Families shall adopt regulations in accordance with the provisions of chapter 54 to coordinate the youth service bureau program and to administer the grant system established pursuant to this section and sections 10-19m and 10-19n.

10-19q. Enhancement grant program for youth service bureaus.

The Department of Education shall administer, within available appropriations, an enhancement grant program for youth service bureaus. The department shall annually award grants in the amounts of: (1) Three thousand three hundred dollars to youth service bureaus that serve a town with a population of not more than eight thousand or towns with a total combined population of not more than eight thousand; (2) five thousand dollars to youth service bureaus that serve a town with a population greater than eight thousand, but not more than seventeen thousand or towns with a total combined population greater than eight thousand, but not more than seventeen thousand; (3) six thousand two hundred fifty dollars to youth service bureaus that serve a town with population greater than seventeen thousand, but not more than thirty thousand or towns with a total combined population greater than seventeen thousand, but not more than thirty thousand; (4) seven thousand five hundred fifty dollars to youth service bureaus that serve a town with a population greater than thirty thousand, but not more than one hundred thousand or towns with a total combined population greater than thirty thousand, but not more than one hundred thousand; and (5) ten thousand dollars to youth service bureaus that serve a town with a population greater than one hundred thousand or towns with a total combined population greater than one hundred thousand.

Notwithstanding the provisions of this section, for the fiscal year ending June 30, 2013, and each fiscal year thereafter, the amount of grants payable to youth service bureaus shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for such grants for such year.

10-76u. School-based primary mental health programs established. Grants to boards of education.

(a) In each fiscal year for which funds are appropriated for purposes of the primary mental health program, the department shall establish a grant program for the purpose of providing funds to local and regional boards of education for the establishment of school-based programs for the detection and
prevention of emotional, behavioral and learning problems in public school children primarily in grades kindergarten through grade three.

(b) The Commissioner of Education shall solicit grant applications from local and regional boards of education which shall be submitted annually to the commissioner at such time and on such forms as the commissioner prescribes. The commissioner shall issue not less than four grants by September fifteenth of each year. In determining if a board of education shall be granted funds pursuant to this section and sections 10-76v to 10-76x, inclusive, the commissioner shall consider, but such consideration shall not be limited to, the following factors: (1) Availability in the school and community of professional, paraprofessional, and other program staff with background and experience in early intervention; (2) availability of space to accommodate the program in an elementary school building; (3) demonstration of strong support by administrative personnel, teaching staff, pupil personnel staff and local community mental health centers; (4) reasonable evidence of future stability of the program and its personnel; and (5) the number of children enrolled in grades kindergarten to two, inclusive, in a school under the jurisdiction of such board of education experiencing behavioral, disciplinary or early school adjustment problems.


(a) Early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive, shall include (1) a component for systematic early detection and screening to identify children experiencing behavioral, disciplinary or early school adjustment problems, and (2) services that address such problems for children so identified.

(b) Mental health professionals shall: (1) Supervise the acceptance of children into the program; and (2) utilize school and community resources to serve children not accepted for direct service.

(c) Mental health professionals shall select, train and supervise paraprofessionals and community volunteers in program implementation.

(d) Parental consent shall be obtained before a child may be accepted into an early detection and prevention program.

10-76w. Duties of department re primary mental health program.

(a) The department shall: (1) Coordinate school-based early detection and prevention programs funded under sections 10-76u to 10-76x, inclusive; and (2) in conjunction with the Department of Children and Families and local mental health agencies, provide training, consultation, and technical assistance to local and regional boards of education in early detection, intervention techniques, screening, staffing, program management and evaluation.

(b) The department may contract with consultants to aid in the conduct of training and the provision of consultation and technical assistance to early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive.

(c) The department shall identify specific goals and objectives for the program prior to the solicitation of applications for participation in such program and shall define in advance what specific measures it shall employ to measure the attainment of the goals and objectives. Utilizing these measures, the department shall evaluate the effectiveness of the programs funded under sections 10-76u to 10-76x, inclusive. The Commissioner of Education shall report to the joint standing committee of the General Assembly having cognizance of matters relating to education not later than January 1, 1986, on the evaluation of said programs.
10-202f. Dropout prevention grant program.

(a) Consistent with the policy adopted pursuant to section 10-202e, the Department of Education shall establish a student dropout prevention grant program, in each fiscal year in which funds are appropriated, to assist local and regional school districts with the greatest need in decreasing the number of students dropping out of school and increasing the state-wide graduation rate. Local and regional school districts shall use the grants to conduct needs assessments, implement or expand innovative programs, evaluate existing efforts or implement other activities specified in a project plan developed pursuant to subsection (d) of this section.

(b) The Commissioner of Education shall identify the eligibility criteria for participation in the program annually, on or before January fifteenth, except that in the fiscal year ending June 30, 1988, the identification shall be made on or before August fifteenth. Eligibility criteria shall include, but not be limited to, graduation rates and educational need.

(c) The Department of Education shall identify each local or regional school district eligible to participate in the program. Such identification shall be done annually, on or before March fifteenth, except that in the fiscal year ending June 30, 1988, the identification shall be made on or before September fifteenth. Grant recipients shall be selected from those school districts so identified. Such identification shall not constitute a grant entitlement.

(d) School districts which have been identified pursuant to subsection (c) of this section may annually submit grant proposals to the Commissioner of Education at such time and in such manner as the commissioner prescribes. Each proposal shall be based on a three-year project plan, shall include, but not be limited to, project goals, objectives, evaluation strategies, staff assignments and a budget which shall identify local funding and other available resources for the three-year period and may include programs or services which are provided through written agreements with nonprofit organizations or private employers or programs or services which are provided to children of school age who are not attending school in order to promote their return to school.

(e) Within the availability of funds, the commissioner shall determine whether to authorize a grant award to a local or regional board of education upon receipt of a grant proposal pursuant to subsection (d) of this section and shall determine the amount of any such grant. Such authorization shall be made on or before September fifteenth of each fiscal year in which payment is to be made, except that in the fiscal year ending June 30, 1988, the authorization shall be made on or before November fifteenth. The amount of the award shall be based upon criteria including, but not limited to, district enrollment, relative wealth and the proposal submitted pursuant to subsection (d) of this section. Of the total amount appropriated in each fiscal year for the purposes of this section, the Department of Education (1) may set aside not more than five per cent to provide administrative assistance relating to the implementation of this section, and (2) shall set aside five per cent for competitive grants for local and regional boards of education not eligible to participate in the program pursuant to subsection (c) of this section. The timelines for identifying the eligibility criteria for such competitive grants, for identifying school districts eligible for such grants, for submitting proposals and for authorizing grant awards shall conform to the respective timelines described in this subsection and subsections (b) to (d), inclusive, of this section.

(f) Each local or regional board of education participating in the grant program shall prepare a financial statement of expenditures and an annual project report. The report shall describe the project activities and the degree to which the project met its goals and objectives. Such financial statements and reports shall be submitted to the department on or before September first of the fiscal year immediately following each fiscal year in which the school district participates in the grant program. On or before December thirty-first of the fiscal year following the fiscal year in which payment is received, each local or regional board of education which receives a grant pursuant to this section shall file with the commissioner a financial audit in such form as the commissioner prescribes. If the commissioner finds that any such grant
is being used for purposes which are not in conformity with the purposes of this section, the commissioner may require repayment of the grant to the state. Not later than February 15, 1990, the State Board of Education shall report to the committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies concerning the operation and effectiveness of the program funded under this section.


(c) The Department of Education, in cooperation with one or more regional educational service centers, is authorized to provide institutes annually for Connecticut educators. Such institutes shall serve as model programs of professional development and shall be taught by exemplary Connecticut teachers and administrators and by other qualified individuals as selected by the Department of Education. The Department of Education shall charge fees for attending such institutes provided such fees shall be based on the actual cost of such institutes.

(d) The Department of Education may fund, within available appropriations, in cooperation with one or more regional educational service centers: (1) A cooperating teacher program to train Connecticut public school teachers, certified teachers at private special education facilities approved by the Commissioner of Education, certified teachers at nonpublic schools approved by the commissioner and certified teachers at other facilities designated by the commissioner, who participate in the supervision, training and evaluation of student teachers, provided such certified teachers at nonpublic schools pay for the cost of participation in such cooperating teacher program and provided further that enrollment in such program shall first be made available to public school teachers; and (2) institutes to provide professional development for Connecticut public school educators and cooperating teachers, including institutes to provide professional development for Connecticut public school educators offered in cooperation with the Connecticut Humanities Council. Funds available under this subsection shall be paid directly to school districts for the provision of substitute teachers when cooperating teachers are released from regular classroom responsibilities and for the provision of professional development activities for cooperating and student teachers, except that such funds shall not be paid to nonpublic schools for such professional development activities. The cooperating teacher program shall operate in accordance with regulations adopted by the State Board of Education in accordance with chapter 54, except in cases of placement in other countries pursuant to written cooperative agreements between Connecticut institutions of higher education and institutions of higher education in other countries. A Connecticut institution may enter such an agreement only if the State Board of Education and the Board of Regents for Higher Education have jointly approved the institution's teacher preparation program to enter into such agreements. Student teachers shall be placed with trained cooperating teachers. Cooperating teachers who are Connecticut public school teachers shall be selected by local and regional boards of education. Cooperating teachers at such private special education facilities, nonpublic schools and other designated facilities shall be selected by the authority responsible for the operation of such facilities. If a board of education is unable to identify a sufficient number of individuals to serve in such positions, the commissioner may select qualified persons who are not employed by the board of education to serve in such positions. Such regulations shall require primary consideration of teachers' classroom experience and recognized success as educators. The provisions of sections 10-153a to 10-153n, inclusive, shall not be applicable to the selection, placement and compensation of persons participating in the cooperating teacher program pursuant to the provisions of this section and to the hours and duties of such persons. The State Board of Education shall protect and save harmless, in accordance with the provisions of section 10-235, any cooperating teacher while serving in such capacity.
10-222g. Prevention and intervention strategy re bullying and teen dating violence.

Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.


(a) The Department of Education shall, within available appropriations,

(1) document school districts’ articulated needs for technical assistance and training related to safe learning and bullying,

(2) collect information on the prevention and intervention strategies used by schools to reduce the incidence of bullying, improve school climate and improve reporting outcomes,

(3) develop or recommend model safe school climate plans for grades kindergarten to twelve, inclusive, and

(4) in collaboration with the Connecticut Association of Schools, disseminate to all public schools grade-level appropriate school climate assessment instruments, approved by the department, to be used by local and regional boards of education for the purposes of collecting information described in subdivision (2) of this subsection so that the department can monitor bullying prevention efforts over time and compare each district’s progress to state trends. Such school climate assessment instruments shall (A) include surveys that contain uniform grade-level appropriate questions that collect information about students’ perspectives and opinions about the school climate at the school, and (B) allow students to complete and submit such assessment and survey anonymously.

(b) On or before February 1, 2014, and annually thereafter, the department shall, in accordance with the provisions of section 11-4a, submit a report on the status of its efforts pursuant to this section including, but not limited to, the number of verified acts of bullying in the state, an analysis of the responsive action taken by school districts, an analysis of student responses on the uniform grade-level appropriate questions described in subparagraph (A) of subdivision (4) of subsection (a) of this section and any recommendations it may have regarding additional activities or funding to prevent bullying in schools and improve school climate to the joint standing committees of the General Assembly having cognizance of matters relating to education and children and to the speaker of the House of Representatives, the president pro tempore of the Senate and the majority and minority leaders of the House of Representatives and the Senate.

(c) The department may accept private donations for the purposes of this section.

10-263e. Safe learning grant program.

(a) The Department of Education shall establish, within available appropriations, a competitive safe learning grant program to assist school districts in (1) developing a school environment where children learn in safety without fear of physical or verbal harm or intimidation, (2) activities that encourage respect for each student, (3) decreasing early youth aggression, (4) establishing student conflict and intervention policies and strategies, (5) eliminating bullying behaviors among students, (6) extending safe school environment programs to extracurricular activities, (7) after school programs, and (8) the development of crisis and violence prevention policies and strategies which make school environments safe. Each local and regional board of education may apply for a grant at such time and in such manner as the Commissioner of Education prescribes.

(b) The department may accept private donations for purposes of the program provided such donations shall in no way limit the scope of program grants pursuant to this section.

(c) Any unexpended funds appropriated for purposes of this section shall not lapse at the end of the fiscal year but shall be available for expenditure during the next fiscal year for similar programs.
REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

10-222l. Immunity of school employees, students, parents or guardians, individuals and boards of education from liability for certain actions relating to reporting, investigating and responding to school bullying and teen dating violence.

(a) No claim for damages shall be made against a school employee, as defined in section 10-222d, who reports, investigates and responds to bullying or teen dating violence, as defined in section 10-222d, in accordance with the provisions of the safe school climate plan, described in section 10-222d, if such school employee was acting in good faith in the discharge of his or her duties or within the scope of his or her employment. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

(b) No claim for damages shall be made against a student, parent or guardian of a student or any other individual who reports an act of bullying or teen dating violence to a school employee, in accordance with the provisions of the safe school climate plan described in section 10-222d, if such individual was acting in good faith. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

(c) No claim for damages shall be made against a local or regional board of education that implements the safe school climate plan, described in section 10-222d, and reports, investigates and responds to bullying or teen dating violence, as defined in section 10-222d, if such local or regional board of education was acting in good faith in the discharge of its duties. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

10-235. Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation.

(a) Each board of education shall protect and save harmless any member of such board or any teacher or other employee thereof or any member of its supervisory or administrative staff, and the State Board of Education, the Board of Regents for Higher Education, the board of trustees of each state institution and each state agency which employs any teacher, and the managing board of any public school, as defined in section 10-183b, including the governing council of any charter school, shall protect and save harmless any member of such boards, or any teacher or other employee thereof or any member of its supervisory or administrative staff employed by it, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including but not limited to infringement of any person’s civil rights, resulting in any injury, which acts are not wanton, reckless or malicious, provided such teacher, member or employee, at the time of the acts resulting in such injury, damage or destruction, was acting in the discharge of his or her duties or within the scope of employment or under the direction of such board of education, the Board of Regents for Higher Education, board of trustees, state agency, department or managing board; provided that the provisions of this section shall not limit or otherwise affect application of section 4-165 concerning immunity from personal liability. For the purposes of this section, the terms “teacher” and “other employee” shall include (1) any person who is a cooperating teacher pursuant to section 10-220a, teacher mentor or reviewer, (2) any student teacher
doing practice teaching under the direction of a teacher employed by a local or regional board of education or by the State Board of Education or Board of Regents for Higher Education, (3) any student enrolled in a technical high school who is engaged in a supervised health-related field placement program which constitutes all or part of a course of instruction for credit by a technical high school, provided such health-related field placement program is part of the curriculum of such technical high school, and provided further such course is a requirement for graduation or professional licensure or certification, (4) any volunteer approved by a board of education to carry out a duty prescribed by said board and under the direction of a certificated staff member including any person, partnership, limited liability company or corporation providing students with community-based career education, (5) any volunteer approved by a board of education to carry out the duties of a school bus safety monitor as prescribed by said board, (6) any member of the faculty or staff or any student employed by The University of Connecticut Health Center or health services, (7) any student enrolled in a constituent unit of the state system of higher education who is engaged in a supervised program of field work or clinical practice which constitutes all or part of a course of instruction for credit by a constituent unit, provided such course of instruction is part of the curriculum of a constituent unit, and provided further such course (i) is a requirement for an academic degree or professional licensure or (ii) is offered by the constituent unit in partial fulfillment of its accreditation obligations, and (8) any student enrolled in a constituent unit of the state system of higher education who is acting in the capacity of a member of a student discipline committee established pursuant to section 4-188a.

(b) In addition to the protection provided under subsection (a) of this section, each local and regional board of education and each charter school shall protect and save harmless any member of such local or regional board of education or charter school governing council, or any teacher or other employee thereof or any member of its supervisory or administrative staff from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such member, teacher or other employee by reason of alleged malicious, wanton or willful act or ultra vires act, on the part of such member, teacher or other employee while acting in the discharge of his duties. In the event such member, teacher or other employee has a judgment entered against him for a malicious, wanton or willful act in a court of law, such board of education or charter school shall be reimbursed by such member, teacher or other employee for expenses it incurred in providing such defense and shall not be held liable to such member, teacher or other employee for any financial loss or expense resulting from such act.

(c) Legal fees and costs incurred as a result of the retention, by a member of the State Board of Education, the Board of Regents for Higher Education or the board of trustees of any state institution or by a teacher or other employee of any of them or any member of the supervisory or administrative staff of any of them, or by a teacher employed by any other state agency, of an attorney to represent his or her interests shall be borne by said State Board of Education, Board of Regents for Higher Education, board of trustees of such state institution or such state agency employing such teacher, other employee or supervisory or administrative staff member, as the case may be, only in those cases wherein the Attorney General, in writing, has stated that the interests of said board, Board of Regents for Higher Education, board of trustees or state agency differ from the interests of such member, teacher or employee and has recommended that such member, teacher, other employee or staff member obtain the services of an attorney to represent his interests and such member, teacher or other employee is thereafter found not to have acted wantonly, recklessly or maliciously.

REGULATIONS

No relevant regulations found.
Community input or involvement

LAWS

10-76u. School-based primary mental health programs established. Grants to boards of education.

(a) In each fiscal year for which funds are appropriated for purposes of the primary mental health program, the department shall establish a grant program for the purpose of providing funds to local and regional boards of education for the establishment of school-based programs for the detection and prevention of emotional, behavioral and learning problems in public school children primarily in grades kindergarten through grade three.

(b) The Commissioner of Education shall solicit grant applications from local and regional boards of education which shall be submitted annually to the commissioner at such time and on such forms as the commissioner prescribes. The commissioner shall issue not less than four grants by September fifteenth of each year. In determining if a board of education shall be granted funds pursuant to this section and sections 10-76v to 10-76x, inclusive, the commissioner shall consider, but such consideration shall not be limited to, the following factors: (1) Availability in the school and community of professional, paraprofessional, and other program staff with background and experience in early intervention; (2) availability of space to accommodate the program in an elementary school building; (3) demonstration of strong support by administrative personnel, teaching staff, pupil personnel staff and local community mental health centers; (4) reasonable evidence of future stability of the program and its personnel; and (5) the number of children enrolled in grades kindergarten to two, inclusive, in a school under the jurisdiction of such board of education experiencing behavioral, disciplinary or early school adjustment problems.


(a) Early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive, shall include (1) a component for systematic early detection and screening to identify children experiencing behavioral, disciplinary or early school adjustment problems, and (2) services that address such problems for children so identified.

(b) Mental health professionals shall: (1) Supervise the acceptance of children into the program; and (2) utilize school and community resources to serve children not accepted for direct service.

(c) Mental health professionals shall select, train and supervise paraprofessionals and community volunteers in program implementation.

(d) Parental consent shall be obtained before a child may be accepted into an early detection and prevention program.

10-76w. Duties of department re primary mental health program.

(a) The department shall: (1) Coordinate school-based early detection and prevention programs funded under sections 10-76u to 10-76x, inclusive; and (2) in conjunction with the Department of Children and Families and local mental health agencies, provide training, consultation, and technical assistance to local and regional boards of education in early detection, intervention techniques, screening, staffing, program management and evaluation.

(b) The department may contract with consultants to aid in the conduct of training and the provision of consultation and technical assistance to early detection and prevention programs funded under the provisions of sections 10-76u to 10-76x, inclusive.

(c) The department shall identify specific goals and objectives for the program prior to the solicitation of applications for participation in such program and shall define in advance what specific measures it shall
employ to measure the attainment of the goals and objectives. Utilizing these measures, the department shall evaluate the effectiveness of the programs funded under sections 10-76u to 10-76x, inclusive. The Commissioner of Education shall report to the joint standing committee of the General Assembly having cognizance of matters relating to education not later than January 1, 1986, on the evaluation of said programs.

**10-198c. Attendance review teams.**

(a) As used in this section:

(1) “Chronically absent child” means a child who is enrolled in a school under the jurisdiction of a local or regional board of education and whose total number of absences at any time during a school year is equal to or greater than ten per cent of the total number of days that such student has been enrolled at such school during such school year;

(2) “Absence” means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b;

(3) “District chronic absenteeism rate” means the total number of chronically absent children under the jurisdiction of a local or regional board of education in the previous school year divided by the total number of children under the jurisdiction of such board for such school year; and

(4) “School chronic absenteeism rate” means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

(b) (1) Each local and regional board of education that (A) has a district chronic absenteeism rate of ten per cent or higher shall establish an attendance review team for the school district, (B) has a school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team at such school, (C) has more than one school under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school, or (D) has a district chronic absenteeism rate of ten per cent or higher and one or more schools under the jurisdiction of the board with a school chronic absenteeism rate of fifteen per cent or higher shall establish an attendance review team for the school district or at each such school. Such attendance review teams shall be established to address chronic absenteeism in the school district or at the school or schools.

(2) Any attendance review team established under this subsection may consist of school administrators, guidance counselors, school social workers, teachers and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined in section 10-198a, and chronically absent children and their parents or guardians. Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

**10-222q. Social and emotional learning and school climate advisory collaborative.**

(a) There is established a social and emotional learning and school climate advisory collaborative. The collaborative shall (1) collect information concerning the school climate improvement efforts of local and regional boards of education, (2) document any needs articulated by local and regional boards of education for technical assistance and training relating to fostering positive school climates, (3) identify best practices for promoting positive school climates, (4) direct resources to support state-wide and local initiatives on issues relating to fostering and improving positive school climates and improving access to
social and emotional learning in schools, (5) develop an assessment for screening students in grades three to twelve, inclusive, to determine whether such students are at risk for suicide, (6) develop a biennial state-wide school climate survey, as described in subsection (c) of section 2 of public act 19-166, (7) develop a model positive school climate policy, as described in subsection (a) of section 2 of public act 19-166, (8) develop a plain language explanation of the rights and remedies available under sections 10-4a and 10-4b for distribution to parents and guardians pursuant to subdivision (2) of subsection (c) of section 10-222d, and provide such explanation to each local and regional board of education not later than January 1, 2021, and (9) perform other functions concerning social and emotional learning and fostering positive school climates.

(b) The collaborative shall consist of the following members:

(1) Five appointed by the speaker of the House of Representatives, one of whom is a member of the Juvenile Justice Policy and Oversight Committee, established pursuant to section 46b-121n; one of whom is a representative of the Connecticut Association of Boards of Education; one of whom is a school administrator with experience in district-level, equity-focused and cross-disciplinary social and emotional learning; one of whom is a representative of an organization that provides free or reduced-cost legal services; and one of whom is a representative of Connecticut Parent Power;

(2) Five appointed by the president pro tempore of the Senate, one of whom is a representative of the Connecticut Association of Schools; one of whom is a representative of the Connecticut Association of School Administrators; one of whom is a representative of the Social Emotional Learning Alliance for Connecticut; one of whom is a representative of the Connecticut School Counselor Association; and one of whom is a representative of the Connecticut Association of Public School Superintendents;

(3) Three appointed by the majority leader of the House of Representatives, one of whom is a representative of Special Education Equity for Kids of Connecticut; one of whom is a representative of the Connecticut Parent Advocacy Center; and one of whom is a representative of African Caribbean American Parents of Children with Disabilities, Inc.;

(4) Three appointed by the majority leader of the Senate, one of whom is a representative of the Center for Children’s Advocacy; one of whom is a representative of the Yale Center for Emotional Intelligence; and one of whom is a representative of the Neag School of Education at The University of Connecticut;

(5) Three appointed by the minority leader of the House of Representatives, one of whom is a representative of the American Federation of Teachers-Connecticut; one of whom is a representative of the Center for Social and Emotional Learning at Central Connecticut State University; and one of whom is a representative of the Connecticut Parent Teacher Association;

(6) Three appointed by the minority leader of the Senate, one of whom is a representative of the Connecticut Education Association; one of whom is a representative of the National Alliance on Mental Illness, Connecticut; and one of whom is a representative of the Youth Suicide Advisory Board established pursuant to section 17a-52;

(7) The Commissioner of Education, or the commissioner’s designee;

(8) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to children and education;

(9) The Child Advocate, or the Child Advocate’s designee; and

(10) The executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or the executive director’s designee.

(c) All appointments to the collaborative shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The cochairpersons of the collaborative shall be the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or the executive director’s designee, and a cochairperson...
elected from among the members. The first meeting of the collaborative shall be held not later than sixty days after the effective date of this section.

(e) The collaborative may designate subcommittees and advisory groups to carry out its functions, provided any subcommittees so designated shall be comprised of members of the collaborative.

(f) The staff of the Commission on Women, Children, Seniors, Equity and Opportunity shall serve as administrative staff of the collaborative.

(g) Not later than January 1, 2021, and annually thereafter, the collaborative shall submit a report concerning (1) its efforts to (A) monitor the school climate improvement efforts of local and regional boards of education, (B) document needs articulated by local and regional boards of education for technical assistance and training relating to fostering positive school climates, (C) identify best practices for promoting positive school climates, and (D) direct resources to support state-wide and local initiatives on issues relating to fostering and improving positive school climates and improving access to social and emotional learning, and (2) any recommendations, to the joint standing committees of the General Assembly having cognizance of matters relating to children and education, in accordance with the provisions of section 11-4a.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

10-221u. Boards to adopt policies addressing the use of physical activity as discipline.
Not later than October 1, 2013, each local and regional board of education shall adopt a policy, as the board deems appropriate, concerning the issue regarding any school employee being involved in requiring any student enrolled in grades kindergarten to twelve, inclusive, to engage in physical activity as a form of discipline during the regular school day. For purposes of this section, “school employee” means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

REGULATIONS
No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Connecticut provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<td><strong>Websites</strong></td>
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<tr>
<td>Bullying and Harassment, CSDE</td>
<td>Provides links to how-to resources for schools to address bullying and harassment; documents and forms; related resources; laws and regulations; and contact information.</td>
<td><a href="https://portal.ct.gov/SDE/School-Climate/Bullying-and-Harassment">https://portal.ct.gov/SDE/School-Climate/Bullying-and-Harassment</a></td>
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<tr>
<td>Chronic Absence, CSDE</td>
<td>Provides links to how-to resources for schools to address chronic absenteeism; documents and forms; related resources; laws and regulations; and contact information.</td>
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</tr>
<tr>
<td>Discipline in Schools, CSDE</td>
<td>Provides an overview of the Connecticut School Discipline Collaborative strategies to transform school discipline to reduce the overall and disproportionate use of exclusionary discipline. Provides links to how-to resources for schools addressing academic and instructional supports, school climate and culture, parent engagement, and other content areas; documents and forms; related resources; laws and regulations; and contact information for the Office of Student Supports.</td>
<td><a href="https://portal.ct.gov/SDE/Discipline-in-Schools">https://portal.ct.gov/SDE/Discipline-in-Schools</a></td>
</tr>
<tr>
<td>Publications and Resources, School Climate Resources, CAS</td>
<td>Provides links to a range of school climate policy documents, including sample policies, plans, templates, and reporting forms, standards, and other resources.</td>
<td><a href="http://cas.casciac.org/?page_id=49">http://cas.casciac.org/?page_id=49</a></td>
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<tr>
<td>Related Resources, CSDE</td>
<td>Provides links to related resources for bullying and harassment, including school climate assessment instruments, CSDE Trend survey resources, and school climate.</td>
<td><a href="https://portal.ct.gov/SDE/School-Climate/Bullying-and-Harassment/Related-Resources">https://portal.ct.gov/SDE/School-Climate/Bullying-and-Harassment/Related-Resources</a></td>
</tr>
<tr>
<td>Truancy, CSDE</td>
<td>Provides links to how-to resources for schools to address truancy; documents and forms; related resources; laws and regulations; and contact information.</td>
<td><a href="https://portal.ct.gov/SDE/Truancy">https://portal.ct.gov/SDE/Truancy</a></td>
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**Documents**

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<td>Guidelines for In-school and Out-of-School suspension (Revised 2010), CSDE</td>
<td>Guidance document designed to help schools make determinations about whether suspensions should be in-school or out-of-school.</td>
<td><a href="https://portal.ct.gov/-/media/SDE/Press-Room/Files/In_School_Suspension_Guidance.pdf">https://portal.ct.gov/-/media/SDE/Press-Room/Files/In_School_Suspension_Guidance.pdf</a></td>
</tr>
<tr>
<td>Model School Climate Policy (2014), Connecticut Association of Schools</td>
<td>Model policy providing a framework to guide schools in establishing an effective school climate improvement process that promotes conditions for creating, maintaining, and nurturing positive school climate.</td>
<td><a href="http://www.casciac.org/pdfs/Model_CT_SC_Policy.pdf">http://www.casciac.org/pdfs/Model_CT_SC_Policy.pdf</a></td>
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<tr>
<td>Position Statement on Creating a Healthy Learning Environment that is Physically, Emotionally, and Intellectually Safe (2010), CSDE</td>
<td>Position statement outlining guidelines for policy-makers on how to create healthy learning communities that are physically, emotionally, and intellectually safe, clean, and secure.</td>
<td><a href="https://portal.ct.gov/-/media/SDE/Health-Education/Position-Statements/creating_learning_environment.pdf">https://portal.ct.gov/-/media/SDE/Health-Education/Position-Statements/creating_learning_environment.pdf</a></td>
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<td>Standards for Education Opportunities for Students Who Have Been Expelled, CSDE</td>
<td>State standards for the provision of alternative educational opportunities for students have been expelled from school.</td>
<td><a href="https://portal.ct.gov/SDE/Publications/Standards-for-Educational-Opportunities-for-Students-Who-Have-Been-Expelled">https://portal.ct.gov/SDE/Publications/Standards-for-Educational-Opportunities-for-Students-Who-Have-Been-Expelled</a></td>
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<tr>
<td>EdSight Insight into Education, CSDE</td>
<td>Education data dashboard including district and school report cards providing a summary of metrics, including enrollment, absenteeism, and suspension/expulsion.</td>
<td><a href="http://edsight.ct.gov/SASPortal/main.do">http://edsight.ct.gov/SASPortal/main.do</a></td>
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<tr>
<td>Promising Practices to Reduce Chronic Absence On-line Catalog, CSDE</td>
<td>On-line catalog of resources related to chronic absenteeism. Includes chronic absence data in Connecticut, legal definitions used for attendance, and promising examples of prevention or interventions that have been implemented in Connecticut schools to address issues underlying truancy or chronic absenteeism.</td>
<td><a href="https://portal.ct.gov/SDE/Publications/Promising-Practices-to-Reduce-Chronic-Absence">https://portal.ct.gov/SDE/Publications/Promising-Practices-to-Reduce-Chronic-Absence</a></td>
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Delaware
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
Child Trends  EMT Associates, Inc.
7315 Wisconsin Avenue  1631 Creekside Drive
Suite 1200W  Suite 100
Bethesda, Maryland 20814  Folsom, California 95630
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General Provisions

Authority to develop and establish rules of conduct

LAWS

**14 Del.C. §1049. Policy making.**
(a) The school board of each reorganized school district, subject to this title and in accordance with the policies, rules and regulations of the State, shall, in addition to other duties:

(2) Determine the educational policies of the reorganized school district and prescribe rules and regulations for the conduct and management of the schools;

**14 Del.C. §1150. School transportation.**
9.0. Pupil Conduct on School Buses

9.1. Districts shall have a policy concerning the behavior of pupils on school buses that shall, at a minimum, contain the following rules which if not followed may result in the suspension or denial of bus riding privileges:

9.1.1. Obey the driver promptly, and be courteous to the driver and to fellow pupils. Pupils are to conduct themselves while on the bus in such a way that they shall not distract the driver from driving tasks.


9.1.15. Do not open the bus windows without permission from the driver, extend any body part out of the windows or call out to passers-by.

9.1.16. Do not leave the bus without the driver’s consent, except on arrival at their regular bus stop or at school.

9.1.17. Keep the bus clean, sanitary, and orderly and do not damage or abuse the equipment.

9.1.18. Do not smoke, use profanity, eat or drink on the bus.

9.1.19. Do not throw articles of any kind inside, around the bus or out of the bus windows.

9.1.20. Other forms of misconduct that shall not be tolerated on the bus and at bus stops are acts such as, but not limited to, bullying, indecent exposure, obscene gestures, spitting, and other actions that may be addressed in the District or school code of conduct.

**14 Del.C. §1603. Rules and regulations.**
The Department of Education shall, from time to time, adopt and promulgate such rules and regulations as will be necessary for the implementation of the program authorized by this chapter.

**14 Del.C. §4120. School dress codes and uniforms.**
(a) The school board of each public school district shall have authority to establish and enforce a dress code program, which may include school uniforms, for students within the district to promote an orderly, disciplined school environment and to encourage uniformity of student dress. Any school board exercising its authority under this section shall promulgate rules and regulations governing the establishment and enforcement of its dress code program.
14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(a) School bullying prevention and criminal youth gang detection training program. The Department of Justice and the Department of Education, in collaboration with law-enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association, and the Delaware Association of School Administrators, shall identify and maintain a school bullying prevention and criminal youth gang detection training program for school district and charter school employees.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology of a school district or charter school from kindergarten through grade 12. For purposes of this section, “school property” and “school functions” mean as defined in §4112 of this title.

(c) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Department of Education by January 1 of each year, or by January 1 of a newly approved charter school's first year of operation. For purposes of this paragraph, "submit" includes providing access to the policy via the school district's or charter school's website. Each school district and charter school shall submit a revised policy to the Department of Education within 30 calendar days of a school district's or charter school's revision. The Department of Education shall review a policy or a revised policy submitted under this paragraph for compliance with state and federal law.

(2) Each school district and charter school shall include the policy adopted under subsection (b) of this section in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall distribute a copy of the policy annually to all students, parents, faculty, and staff. Each school district and charter school shall provide the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district's or charter school's website and the website of each school in the school district. Each school district shall prominently display the telephone number of the Department of Justice School Ombudsperson in each school in the school district. Each charter school shall prominently display the telephone number of the Department of Justice School Ombudsperson in the school.

(3) [Repealed.]

(4) The Department of Education shall prepare an annual report, which must include a summary of all reported and all substantiated incidences of bullying, a summary of the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section. The Department shall post the report required by this subsection on its website.


(b) Teen dating violence and sexual assault policies. Each school district and charter school serving 1 or more of the grades in grades 7 through 12 shall establish a policy for responding to teen dating violence and sexual assault that includes, at a minimum, all of the following components:

(1) Definitions of teen dating violence and sexual assault, the behaviors which constitute each, and the consequences for committing offenses.
(2) Guidelines on mandatory reporting and confidentiality as required by the law of this State and school district or charter school policy.

(3) A protocol for responding to incidents of teen dating violence and sexual assault which includes all of the following:
   a. Procedures regarding initial response.
   b. Procedures for reporting incidents of teen dating violence and sexual assault when a report is required.
   c. Procedures for the documentation of incidents.
   d. Procedures for working with victims.
   e. Procedures for working with perpetrators.

(e) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt a policy consistent with subsection (b) of this section. Following review by the Domestic Violence Coordinating Council, each school district and charter school shall submit a copy to the Department of Education by January 5, 2015, or by January 5 of a newly approved charter school's first year of operation.

(2) Each school district and charter school shall ensure that its policy adopted under subsection (b) of this section appears in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall ensure that a copy of the policy is distributed annually to all students, parents, faculty, and staff.

(3) The Department of Education shall prepare an annual report, which shall include a summary of reported incidences of teen dating violence and sexual assault. The Department shall submit the report to the Domestic Violence Coordinating Council by August 1 of each year.

14 Del.C. §9304. Enforcement by institution.

(a) Anti-hazing policy. Each institution shall adopt a written anti-hazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

(b) Enforcement and penalties.

   (1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

REGULATIONS


1.0 Written Policy Required

1.1 Each school district and charter school shall have a written policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

   1.1.1 A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.

   1.1.2 Modification to the expulsion requirement may be made on a case by case basis by the chief school officer. Any modification to the expulsion requirement must be made in writing to the Department.
1.3 The definition of "Firearm" shall be the same as the meaning given to the term in the federal Gun-Free Schools Act.

2.0 Submission of the Policy to the State Department of Education

2.1 Each school district and charter school shall submit the following to the Delaware Department of Education annually, in such form as the Department requires:

2.1.1 An electronic copy of its policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute; and

2.1.2 An electronic copy of any revised policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute under the policy implemented in accord with this regulation within ninety (90) days of such revision regardless of whether revisions were made as a result of changes to federal, state or local law, regulations, guidance or policies; and

2.1.3 Descriptions of the expulsions imposed under 11 Del.C. §1457(j) or its successor statute and under the policy implemented in accord with this regulation.

3.0 Individuals with Disabilities Act Nothing in this regulation shall alter a district or charter school's duties pursuant to the Individuals with Disabilities Education Act.


1.0. Required Policy

1.1. All local school districts and charter schools shall have their own policies on student rights and responsibilities. These policies shall be based on the most current version or reauthorization of Delaware Code, Delaware Administrative Code, federal legislation such as, but not limited to, Individuals with Disabilities Education Act (IDEA), Civil Rights Act, Elementary and Secondary Education Act (ESEA), Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), and the Patsy T. Mink Equal Opportunity in Education Act (Title IX).

2.0. Distribution of Student Rights and Responsibilities Policy

2.1. Each local school district and charter school shall distribute and explain these policies to every student at the beginning of each school year.

2.2. Each district and charter school shall distribute and explain these policies to each student enrolling or re-enrolling during the school year.

2.3. Each district and charter school shall post the policies on student rights and responsibilities on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy(s) can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

3.0. Reporting Requirements and Timelines

3.1. Each local school district and charter school shall have an electronic copy of its current student rights and responsibilities policy(s) on file with the Department of Education.

3.2. Each local school district and charter school shall provide an electronic copy of any student rights and responsibilities policy(s) to the Department within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:
4.1.1. A system of notification of each student and their parent, guardian or Relative Caregiver at the beginning of the school year, of the state and district policies and regulations. In addition a system for the notification of each student and their parent, guardian or Relative Caregiver whenever a student enrolls or re enrolls during the school year of the state and district policies and regulations.

4.1.2. A statement that state and district or charter school policies shall apply to all students, except that with respect to children with disabilities, applicable federal and state laws will be followed.

4.1.3. A written policy which sets out procedures for reporting incidents to police authorities, parents, guardians or Relative Caregivers and to the Department of Education, while maintaining confidentiality.

4.1.4. A written policy on how evidence is to be kept, stored and documented, so that the chain of custody is clearly established prior to giving such evidence over to the police.

4.1.5. A written policy on search and seizure.

4.1.6. A program of assistance for students with counseling and referral to services as needed.

4.1.7. A policy in cases involving a Drug Like Substance or a Look Alike Substance for establishing that the student intended to use, possess or distribute the substance as a Drug.

4.1.8. A policy which establishes how Prescription Medications and Nonprescription Medications shall be handled in the School Environment and when they will be considered unauthorized and subject to these state and local policies.

4.1.9. A policy which sets out the conditions for return after expulsion for Alcohol or Drug infractions.

5.0. Reporting Requirements and Timelines

5.1. Each local school district and charter school shall have an electronic copy of its current possession, use and distribution of Drugs and Alcohol policy on file with the Department of Education.

5.2. When a local school district or charter school revises its possession, use, and distribution of Drugs and Alcohol policy, it shall notify the Department of Education of the revised policy within thirty (30) days of the revision, even if the revision was made because of changes in federal, state or local law, regulations, guidance or policies.


1.0. Required Attendance Policy

1.1. Each school district shall have an attendance policy that is in accordance with the requirements of the Delaware Code and which defines and describes the district's rules concerning attendance for students K to 12.

3.0. Reporting Requirements and Timelines

3.1. Each public school district shall have an electronic copy of its current attendance policy on file with the Department of Education.

3.2. Each public school district shall provide an electronic copy of any attendance policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.


(a) Anti-hazing policy. Each institution shall adopt a written anti-hazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.
Scope

LAWS

11 Del.C. §1457. Possession of a weapon in a safe school and recreation zone; class D, E, or F felony: class A or B misdemeanor.

(c) For the purpose of this section, "Safe School and Recreation Zone" shall mean:

(1) Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university, within 1,000 feet thereof; or

(2) Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or any college or university; or

(3) Any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium.

14 Del.C. §1150. School transportation.

9.0. Pupil Conduct on School Buses

9.1. Districts shall have a policy concerning the behavior of pupils on school buses that shall, at a minimum, contain the following rules which if not followed may result in the suspension or denial of bus riding privileges:

9.1.1. Obey the driver promptly, and be courteous to the driver and to fellow pupils. Pupils are to conduct themselves while on the bus in such a way that they shall not distract the driver from driving tasks.


9.1.15. Do not open the bus windows without permission from the driver, extend any body part out of the windows or call out to passers-by.

9.1.16. Do not leave the bus without the driver’s consent, except on arrival at their regular bus stop or at school.

9.1.17. Keep the bus clean, sanitary, and orderly and do not damage or abuse the equipment.

9.1.18. Do not smoke, use profanity, eat or drink on the bus.

9.1.19. Do not throw articles of any kind inside, around the bus or out of the bus windows.

9.1.20. Other forms of misconduct that shall not be tolerated on the bus and at bus stops are acts such as, but not limited to, bullying, indecent exposure, obscene gestures, spitting, and other actions that may be addressed in the District or school code of conduct.


(b) Criminal violation; mandatory reports.

(1) Whenever a school employee has reliable information that would lead a reasonable person to believe that:

a. A student, school volunteer, or a school employee, has been the victim of:

1. A violent felony,

2. An assault III, or

3. An unlawful sexual contact III, which occurred on school property or at a school function; or
b. A student has been the victim of:
   1. A violent felony
   2. An assault III, or
   3. Any sexual offense, as defined in § 761(h) of Title 11, and the offense was committed by another school employee regardless of whether the offense occurred on school property or at a school function; then the school employee who has reliable information that would lead a reasonable person to believe that a crime has been committed shall immediately report the incident to the principal.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:
   a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology of a school district or charter school from kindergarten through grade 12. For purposes of this section, “school property” and “school functions” mean as defined in § 4112 of this title.
   g. A requirement that, to the extent that funding is available, each school develop a plan for a system of supervision in nonclassroom areas. The plan must provide for the review and exchange of information regarding nonclassroom areas.

(f) Other defenses.

(1) The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district or charter school initiated under this section provided there is sufficient school nexus.

(2) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology when acting within the scope of that person’s lawful employment or investigation of a violation of this section in accordance with school district or charter school policy.

14 Del.C. §9304. Enforcement by institution.

(b) Enforcement and penalties.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

REGULATIONS

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

2.0. General Provisions

2.1. The following provisions shall apply to all public school district and charter schools:
   2.1.1. The possession, use or distribution of Alcohol, a Drug, a Drug Like Substance, a Look Alike Substance and Drug Paraphernalia are prohibited within the School Environment, unless medically necessary.
   2.1.2. Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion.
2.1.3. Student motor vehicle use to and in the School Environment is a privilege which may be extended by school districts or charter schools to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of Alcohol, a Drug, a Drug Like Substance, a Look Alike substance or Drug Paraphernalia in the School Environment, may result in the student being asked to open an automobile in the School Environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

2.1.4. All Alcohol, Drugs, Drug Like Substances, Look Alike Substances and Drug Paraphernalia found in a student's possession shall be turned over to the principal or designee, and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented, and, in the case of substances covered by 16 Del.C. Ch. 47, turned over to police as potential evidence.

3.0. Definitions
The following definitions shall apply to this regulation, unless a specific regulation, statute or the context in which they are used clearly indicates otherwise, and shall apply to all public school districts and charter schools.

"School Environment" means within or on school property, and at school sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extra curricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.


2.0. Terms and Definitions
In this regulation, the following terms and words shall have the following meaning unless the context clearly indicates otherwise:

"School Environment" means within or on School Property, and at school sponsored or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

"School Property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.


1.0. Required Policy
In order to improve the health of students and school personnel, each school district and charter school in Delaware shall have a policy which at a minimum:

1.1. Prohibits the use of or distribution of tobacco products in school buildings, on school grounds, in school leased or owned vehicles, even when they are not used for student purposes, and at all school affiliated functions.

2.0. The Tobacco Policy Shall Apply to
2.1. Any building, property or vehicle leased, owned or operated by a school district, charter school or assigned contractor.

2.1.1. School bus operators under contract shall be considered staff for the purpose of this policy.

2.2. Any private building or other property including automobiles or other vehicles used for school activities when students and staff are present.

2.3. Any non educational groups utilizing school buildings or other educational assets.

2.4. Any individual or a volunteer who supervises students off school grounds.

Communication of policy

LAWS

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.

(g) Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardian’s policy or standards that are consistent with the regulations developed under § 122(b)(26) of this title and include all of the following:

1. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher’s and administrator’s ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.

2. Provide an explanation or examples of "disruptive behavior" set forth in paragraph (a)(2) of this section.

14 Del.C. §2724. Notification to parents and students.

At the beginning of a school year each school district or public school shall notify each student and the parent of each student of the school attendance requirements of this Code, including the procedures and penalties applicable to truancy. The school district or school may determine the form of the notification.


At the commencement of each school year, the school board of each school district shall ensure that each student enrolled in the district and the parent of each student shall receive notice of the following:

1. The provisions of § 621 of title 11 which prohibit making a false statement which causes evacuation of a school or other place of assembly and the penalties for such an offense;

2. The provisions of § 4110 of this title, which prohibit disturbing schools or destroying school property and the penalties for such offenses;

3. The provisions of § 4112 of this title, which require the reporting of school crimes.


(d) Implementation of training program. Each school district and charter school shall implement the educational programming provided under subsection (b) of this section as follows:

1. The educational programing provided under paragraph (b)(1) of this section must be provided to all of its employees as required by § 4162 of this title.

2. The educational programing provided under paragraph (b)(2) of this section must be provided to all students enrolled in grades pre-kindergarten through 6 through health education programs or related classes.
(3) The educational programing provided under paragraph (b)(3) of this section must be provided to parents of students enrolled in grades pre-kindergarten through 6 through written materials, available online through the school district's or charter school's website or in hard copy upon a request by parents, on an annual basis and may be provided through live presentations.

(e) Notification of parents. Prior to providing any instruction under paragraph (d)(2) of this section, each school district and charter school shall inform the parent of any student enrolled in grades pre-kindergarten through 6 in writing that the parent may examine and review the educational materials before the materials are taught.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(c) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Department of Education by January 1 of each year, or by January 1 of a newly approved charter school's first year of operation. For purposes of this paragraph, "submit" includes providing access to the policy via the school district's or charter school's website. Each school district and charter school shall submit a revised policy to the Department of Education within 30 calendar days of a school district's or charter school's revision. The Department of Education shall review a policy or a revised policy submitted under this paragraph for compliance with state and federal law.

(2) Each school district and charter school shall include the policy adopted under subsection (b) of this section in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall distribute a copy of the policy annually to all students, parents, faculty, and staff. Each school district and charter school shall provide the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district's or charter school's website and the website of each school in the school district. Each school district shall prominently display the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district's or charter school's website and the website of each school in the school district. Each charter school shall prominently display the telephone number of the Department of Justice School Ombudsperson in the school.

(3) [Repealed.]

(4) The Department of Education shall prepare an annual report, which must include a summary of all reported and all substantiated incidences of bullying, a summary of the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section. The Department shall post the report required by this subsection on its website.

14 Del.C. §4165. Suicide awareness and prevention.

(c) Accountability. Each school district and charter school shall adopt the policy required by subsection (b) of this section and shall submit a copy to the Department of Education by September 1, 2016, and by September 1 of a newly approved charter school's first year of operation. Each school district and charter school shall provide any changes to the policy to the Department within 60 calendar days.

(d) Dissemination of policy. Each school district and charter school shall ensure that the policy adopted under this section appears in the student and staff handbook and on its website.


(e) Dissemination of policy and accountability.

(2) Each school district and charter school shall ensure that its policy adopted under subsection (b) of this section appears in the student and staff handbook. If no handbook is available, or if it is not
practical to reprint new handbooks, each school district and charter school shall ensure that a copy of the policy is distributed annually to all students, parents, faculty, and staff.

REGULATIONS

2.0. Distribution of Student Rights and Responsibilities Policy
   2.1. Each local school district and charter school shall distribute and explain these policies to every student at the beginning of each school year.
   2.2. Each district and charter school shall distribute and explain these policies to each student enrolling or re enrolling during the school year.
   2.3. Each district and charter school shall post the policies on student rights and responsibilities on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy(s) can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.
4.0. Requirement of Each School District and Charter School to have a Policy
   4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:
      4.1.1. A system of notification of each student and their parent, guardian or Relative Caregiver at the beginning of the school year, of the state and district policies and regulations. In addition a system for the notification of each student and their parent, guardian or Relative Caregiver whenever a student enrolls or re enrolls during the school year of the state and district policies and regulations.

2.0. Distribution of Attendance Policy
   2.1. Each district shall distribute and explain these policies to every student at the beginning of each school year.
   2.2. Each district shall distribute and explain these policies to each student enrolling or re enrolling during the school year.
   2.3. Each district shall post the attendance policy on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

1.0. Cyberbullying Forbidden
   In addition to the policy prohibiting bullying put in place by school districts and charter schools pursuant to 14 Del.C. §4112D(b)(2), each school district and charter school shall also prohibit cyberbullying (as defined herein) by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying, and notice of each school district's and charter school's policy against cyberbullying shall be provided to students, staff, and faculty in the same manner as notice of the school district's and charter school's policy against bullying.
   2.0. Definition of Cyberbullying
      2.4. Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be
presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy through the end of the 2013-2014 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall be included in each district’s and charter school’s list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.


1.0. Required Policy

In order to improve the health of students and school personnel, each school district and charter school in Delaware shall have a policy which at a minimum:

1.2. Includes procedures for communicating the policy to students, school staff, parents, guardians or Relative Caregivers, families, visitors and the community at large.
**In-School Discipline**

Use of multi-tiered discipline approaches

**LAWS**

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

h. An identification of an appropriate range of consequences for bullying.

**REGULATIONS**

No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.

(a) As used in this chapter:

(1) "Department" means the Department of Education.

(2) "Disruptive behavior" means conduct that is so unruly, disruptive, or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-sponsored activity.

(3) "Racial subgroup" means the racial and ethnic subgroups of students as defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes African American or Black, American Indian or Alaska Native, Asian American, Native Hawaiian or other Pacific Islander, Hispanic or Latino, White or Caucasian, and Multi-Racial.

(4) "School" means a traditional public school, vocational technical school, or charter school.

(5) "Subgroup" means as subgroup is defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes racial subgroups, economically disadvantaged students, children with disabilities, and English learners.

(b) While a student is entrusted in their care or supervision, public school teachers, and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian, or other person similarly responsible for the care and supervision of the student except as provided in §§ 702 and 4112F of this title. The authority includes removing a student from a classroom or school-sponsored activity.

(c) When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher’s decision to remove the student was reasonable and necessary under the circumstances.
(d) When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.

(e) When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.

(f) When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.

(g) Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardian's policy or standards that are consistent with the regulations developed under § 122(b)(26) of this title and include all of the following:

1. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher's and administrator's ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.

2. Provide an explanation or examples of "disruptive behavior" set forth in paragraph (a)(2) of this section.

(h) A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.

(i) No teacher who purports to have acted pursuant to the teacher's rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS


(a) "Corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling and slapping, when used as a means of discipline.

(b) No public school teacher, administrator, official employee or agent of the School Board may subject a student enrolled in the school district to corporal punishment.
(c) Subsection (b) of this section does not prohibit a public school teacher, administrator, official employee or agent of a school board from:

1. Using reasonable and necessary force to quell a disturbance, including but not limited to a physical altercation, or prevent an act that threatens imminent bodily harm to any person;
2. Using reasonable and necessary force to obtain possession of a weapon, or other dangerous object within a student’s control;
3. Using reasonable and necessary force for the purpose of self-defense or the defense of others under §§ 464 and 465 of Title 11;
4. Using reasonable and necessary force for the protection of property under § 466 of Title 11;
5. Using reasonable and necessary force to prevent a student from imminently inflicting bodily harm on that student’s own self;
6. Using reasonable and necessary force to protect the bodily safety of others; or
7. Using incidental or minor physical contact necessary to maintain order and control.

(d) In determining whether or not a person was acting within the exceptions in subsection (c) of this section, deference shall be given to reasonable, good faith judgments made by the teacher, administrator, official employee or agent.

(e) Nothing in this section shall prohibit, permit or otherwise affect any action taken by the teacher, administrator, official employee or agent of the School Board with regard to a person who is not a student enrolled in the school district.

(f) For purposes of this section, the term “reasonable and necessary” shall be interpreted in conformity with applicable limitations establish by §4112F of this title.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

14 Del.C. §4119. Metal detectors.
The school board of each school district shall have authority to employ the use of metal detectors, or any other similar security devices, to prevent pupils from bringing dangerous instruments, deadly weapons or any other contraband into the schools. Any school board exercising its authority under this section shall promulgate rules and regulations governing the implementation and use of such security devices.

14 Del.C. §4121. Video cameras on public school property.
The school board of each school district shall have authority to establish and implement programs to use video cameras for surveillance on public school property, including, but not limited to, classrooms, halls, auditoriums, cafeterias, gymnasiums and parking areas, for the purpose of monitoring student behavior to help ensure the safety of students and teachers. However, no video camera shall be used for classroom surveillance, pursuant to this section, unless the principal of the school and the teacher of the classroom consent to the surveillance.

Before exercising its authority under this section, a school board shall promulgate rules and regulations governing the implementation and use of video cameras in classrooms. However, in no event shall video cameras be used at any time or at any location which would violate a student’s reasonable expectation of privacy including, but not limited to, locker rooms, areas where students may disrobe and lavatories.
14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

2.0. General Provisions

2.1. The following provisions shall apply to all public school district and charter schools:

2.1.2. Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion.

2.1.3. Student motor vehicle use to and in the School Environment is a privilege which may be extended by school districts or charter schools to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of Alcohol, a Drug, a Drug Like Substance, a Look Alike substance or Drug Paraphernalia in the School Environment, may result in the student being asked to open an automobile in the School Environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

2.1.4. All Alcohol, Drugs, Drug Like Substances, Look Alike Substances and Drug Paraphernalia found in a student's possession shall be turned over to the principal or designee, and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented, and, in the case of substances covered by 16 Del.C. Ch. 47, turned over to police as potential evidence.

3.0. Definitions

The following definitions shall apply to this regulation, unless a specific regulation, statute or the context in which they are used clearly indicates otherwise, and shall apply to all public school districts and charter schools.

"Possess" "Possessing" or "Possession" means that a student has on the student's person, in the student's belongings, or under the student's reasonable control by placement of and knowledge of the whereabouts of, Alcohol, a Drug, a Drug Like Substance, a Look Alike Substance, or Drug Paraphernalia.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.5. A written policy on search and seizure.

Other in-school disciplinary approaches

LAWS

14 Del.C. §9304. Enforcement by institution.

(b) Enforcement and penalties.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension or dismissal.
14 DE Admin. Code §1008. DIAA junior high and middle school interscholastic athletics.

2.0. Eligibility: No Student Shall Represent a School in an Interscholastic Scrimmage or Contest if the Student Does Not Meet the Following Requirements

2.3. Eligibility, Enrollment and Attendance

2.3.5. A student must be legally in attendance at school in order to participate in a practice, scrimmage, or contest except when excused by proper school authorities in accordance with pre-established written school policy.

2.3.5.1. A student who is not legally in attendance at school due to illness or injury shall not be permitted to participate in a practice, scrimmage, or contest on that day.

2.3.6. A Student who fails to complete a semester or absence for one or more semesters for reasons other than personal illness or injury shall be ineligible for 90 school days from his/her reentry to school.

2.3.7. An ineligible student who practices in violation of 2.3.1 through 2.3.6 shall, when the student regains their eligibility, be prohibited from practicing, scrimmaging or competing for an equivalent number of days.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

14 DE Admin. Code §614. Uniform definitions for student conduct which may lead to alternative placement or expulsion.

1.0. Purpose
Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement.

2.0. Definitions
Since some definitions of section 2.0 may not be age appropriate, this section shall not be required to be published in a district or charter school’s Student Code of Conduct. The district/charter school shall publish an internet link to this entire regulation in the Student Code of Conduct and provide a paper copy of the regulation upon request of a member of the public. In this regulation, the following terms shall have the meanings indicated below:

"Alcohol" shall have the same definition as provided in 4 Del.C. §101(1).
"Alcohol Liquor" shall have the same definition as provided in 4 Del.C. §101(2).
"Crime" shall have the same meaning as provided in 14 Del.C. §4112.
"Charter School" means a charter school board established pursuant to Chapter 5 of Title 14 of the Delaware Code.
"Commission by a student" means that a student has engaged in behavior equivalent to that which is prohibited by law regardless of whether the student has been criminally convicted of the same.
"Dangerous Instrument" shall have the same meaning as provided in 11 Del.C. §222(4).
"Deadly Weapon" shall have the same meaning as provided in 11 Del.C. §222(5).
"Distribute", "Distributing" or "Distribution" means the transfer or attempted transfer of Alcohol, a Drug, a Look Alike Substance, a Drug Like Substance, or Drug Paraphernalia to any other person with or without the exchange of money or other valuable consideration.
"District" means a reorganized school district or vocational technical school district established pursuant to Chapter 10 of Title 14 of the Delaware Code.
"Drug" means any "controlled substance" or "counterfeit controlled substance" as defined in 16 Del.C. §4701 (6) and (7).
"Drug Like Substance" means any noncontrolled and nonprescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over the counter cough medicines, certain types of glue, caffeine pills and diet pills. The definition of Drug Like...
Substance does not include tobacco or tobacco products which are governed by 14 DE Admin. Code 877 Tobacco Policy.

"Drug Paraphernalia" shall have the same meaning as provided in 16 Del.C. §4701 (17).

"Expulsion" means, for purposes of this regulation, the exclusion from the regular school setting for a period determined by the local District board or Charter School board.

"Firearm" means handgun, rifle, shotgun, or other type of firearm as that term is defined in the federal Gun Free Schools Zone Act at 18 U.S.C.A. §921.

"Look Alike Substance" means any noncontrolled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a Drug or a noncontrolled substance capable of producing a change in behavior or altering a state of mind or feeling.

"Nonprescription Medication" means any over the counter medication; some of these medications may be a "Drug Like Substance."

"Possess", "Possessing", or "Possession" means that a student has on the student's person, in the student's belongings, or under the student's reasonable control prohibited items or substances.

"Prescription Drugs" means any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del.C. §4701(31), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose Possession it is found.

"Sexual Act" means (1) contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight; (2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or (3) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to arouse or gratify the sexual desire of any person.

"School Environment" means within or on school property, and at school sponsored or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

"Sexual Intercourse" shall have the same meaning as provided in 11 Del.C. §761(g).

"Sexual Offense" means any offense defined by 11 Del.C. §§763-780 and §§1108-1112A, 1352(2) and 1353.

"Student Code of Conduct" means the District/Charter School approved document which specifies the rights and responsibilities of students, defines conduct that disrupts/threatens a positive/safe school environment, standardizes procedures for consequences, disciplinary action, and defines due process and grievance procedures.

"Theft" means those acts described in 11 Del.C. §§ 841 through 846 inclusive.

"Use" means that a student is reasonably known to have voluntarily ingested, smoked or otherwise assimilated Alcohol, a Drug or a Drug Like Substance, or is reasonably found to be under the influence of such a substance.

3.0. Uniform Definitions for Student Conduct

The following definitions shall be used whenever a school district or charter school uses such conduct as a basis for alternative placement or expulsion of a student:

"Arson" shall mean a person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.
"Assault III" shall mean: (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

"Attorney General's Report (Juvenile Arrest Warrant and Complaint)" shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.

"Breaking and Entering" shall mean unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.

"Bullying" shall mean any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the perversiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

"Criminal Drug Offense, Commission of" shall mean the Commission by a student of the unlawful Possession, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.

"Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of" shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive.

"Criminal Mischief (Vandalism)" shall mean a student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property.

"Criminal Sexual Offense, Commission of" shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§763 through780, inclusive, or §§1108 through1112A, inclusive, or §1352(2) or §1353.

"Criminal Violent Felony Offense, Commission of" shall mean the Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).

"Cyberbullying" shall mean the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

"Dangerous Instrument(s) Possession/Concealment/Sale" shall mean the unauthorized Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

"Deadly Weapon(s) Possession/Concealment/Sale" shall mean the Possession, concealment, or sale of a Deadly Weapon in the School Environment.
“Defiance of School Authority” shall mean: (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.

“Disorderly Conduct” shall mean conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.

“Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia” shall mean the sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs or Alcohol.

“Extortion” shall mean to obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

“Felony Theft ($1500 or more)” shall mean: (a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is $1500 or more or the victim is 62 years of age or older, or an “adult who is impaired” as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.

“Fighting” shall mean any aggressive physical altercation between two or more individuals.

“Gambling” shall mean participation in games of chance for money or other things of value.

“Gun Free School's Violation” shall mean the prohibited bringing to school, or Possession while in school of a Firearm by a student.

“Harassment” shall mean any actions or statements made with the intent to harass, annoy, or alarm another person which: A) insults, taunts, or challenges the other person or; B) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

“Inhalant Abuse” shall mean chemical vapors that are inhaled for their mind-altering effects.

“Medications: Inappropriate Use or Possession” shall mean Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.

“Misuse of Technology” shall mean:
- The use of school technology equipment in:
  - Soliciting, using, receiving or sending pornographic or obscene material; or
  - Accessing unauthorized email; or
  - The unauthorized downloading and/or installing of files; or
  - Intentionally damaging technology equipment in the School Environment; or
- A situation in which a student deliberately:
  - Tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or
  - In any way disrupts or degrades the school or District's technology infrastructure.
"Offensive Touching" shall mean intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

"Pornography" shall mean the Possession, sharing, or production of any known obscene material in the School Environment.

"Rape or Attempted Rape" shall respectively mean sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.

"Reckless Burning" shall mean when a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.

"Repeated Violations of Student Code of Conduct" shall mean five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.

"Sexual Assault" shall mean any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; Sexual Intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10.

"Sexual Misconduct" shall mean a consensual sexual act(s) between two individuals within the School Environment.

"Stealing" means taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.

"Steroids Possession and/or Use" shall mean the unlawful Use or Possession of steroids.

"Tampering with Public Records" shall mean a person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.

"Teen Dating Violence" shall mean assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

"Terroristic Threatening" shall mean when: (1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.

"Terroristic Threatening - Security Threat" shall mean when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

"Unlawful Sexual Contact III" shall mean when a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.
“Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia” shall mean, that in the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

“Violation of Behavior Contract” shall mean the failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.

4.0. Effective Date

This regulation shall become effective for School Codes of Conduct in the 2014-15 school year.

Grounds for mandatory suspension or expulsion

LAWS

11 Del.C. §1457. Possession of a weapon in a safe school and recreation zone; class D, E, or F felony: class A or B misdemeanor.

(j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be:

(5) In the event that an elementary or secondary school student possesses a firearm in a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.

(6) In the event that an elementary or secondary school student possesses a deadly weapon other than a firearm in a Safe School and Recreation Zone in addition or as an alternative to any other penalties contained in this section, the student may be suspended for a period of not less than 30 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the suspension.

REGULATIONS


1.0 Written Policy Required

1.1 Each school district and charter school shall have a written policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

1.1.1 A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

14 Del.C. §8104. Academic institution; wrongful dismissal or refusal to admit.

An academic institution may not discipline, dismiss or otherwise penalize or threaten to discipline, dismiss or otherwise penalize a student for refusing to disclose any information specified in § 8103(a) or (b) of this title. It shall also be unlawful for a public or nonpublic academic institution to fail or refuse to admit any
applicant as a result of the applicant's refusal to disclose any information specified in § 8103(a) or (b) of this title.

REGULATIONS


30.0. Discipline Procedures Authority of School Personnel.

30.1. Case by case determination: School personnel may consider any unique circumstances on a case by case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

30.2. School personnel under 30.0 may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 36.0).

30.2.1. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency shall provide services to the extent required under 30.4 of this section.

30.3. Additional authority: For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to 30.5, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in 30.4.

30.4. Services:

30.4.1. A child with a disability who is removed from the child’s current placement pursuant to 30.3 or 30.7 shall continue to receive educational services, as provided in 14 DE Admin. Code 923.1.2 so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

30.4.2. The services required by paragraphs 30.4.1, 30.4.3, 30.4.4, and 30.4.5 may be provided in an interim alternative educational setting.

30.4.3. A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

30.4.4. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is for not more than ten (10) consecutive school days and is not a change of placement in 36.0, school personnel, in consultation with at least one (1) of the child’s teachers, determine the extent to which services are needed, as provided in 14 DE Admin. Code 923.1.2 so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.

30.4.5. If the removal is a change of placement in 36.0, the child’s IEP Team determines appropriate services in 30.4.1.
30.5. Manifestation determination: Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:

30.5.1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

30.5.2. If the conduct in question was the direct result of the LEA’s failure to implement the IEP.

30.5.3. The conduct shall be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either 30.5.1 or 30.5.2 was met.

30.5.4. If the LEA, the parent, and relevant members of the child’s IEP Team determine the condition described in 30.5.2 was met, the LEA shall take immediate steps to remedy those deficiencies.

30.6. Determination that the behavior was a manifestation: If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team shall either:

30.6.1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

30.6.2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

30.6.3. Except as provided in 30.7, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

30.7. Special circumstances: School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child:

30.7.1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the DOE or an LEA;

30.7.2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the DOE or an LEA; or

30.7.3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the DOE or an LEA.

30.8. Notification: The LEA or other public agency shall ensure that the parents, guardian or Relative Caregiver of each child with disabilities receive written notice of the rules and regulations applicable to such children with respect to discipline, suspension, expulsion, and exclusion as a treatment procedure at the beginning of each school year or upon entry into a special education program during the school year; and

30.8.1. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA shall notify the parents of that decision, and provide the parents the procedural safeguards notice described in 4.0.

30.9. Definitions: For purposes of this section, the following definitions apply:
“Controlled Substance” means a drug or other substance identified under schedules I, II, III, IV, or V in section 202c of the Controlled Substances Act (21 U.S.C. 812(c)).

“Illegal Drug” means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

“Serious Bodily Injury” has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

“Weapon” has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

31.0. Determination of Setting.
The child’s IEP Team determines the interim alternative educational setting for services in 30.3, 30.4.5 and 30.7.

32.0. Expedited Appeal
32.1. General: The parent of a child with a disability who disagrees with any decision regarding placement in 30.0 and 31.0, or the manifestation determination in 30.5, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to 7.0, 8.1 and 8.2.

32.2. A single, impartial hearing officer appointed by the DOE from its Registry of Impartial Hearing Officers shall make a determination regarding an appeal under paragraph (a) of this section. The hearing officer may:

32.2.1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of 30.0 or that the child’s behavior was a manifestation of the child’s disability; or

32.2.2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

32.2.3. The procedures in 32.1 and 32.2 may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

32.3. Expedited due process hearing:
32.3.1 Whenever a hearing is requested in 32.1, the parents or the LEA involved in the dispute shall have an opportunity for an impartial due process hearing consistent with the requirements of 7.0 and 8.1 through 8.3, and 10.0 through 14.0, and 14 Del.C. Ch. 31, except as provided in 32.3.2 through 32.3.4.

32.3.2. The DOE shall be responsible for arranging the expedited due process hearing, which shall occur within twenty (20) school days of the date the complaint requesting the hearing is received by the DOE. The hearing officer shall make a determination within ten (10) school days after the hearing.

32.3.3. Unless the parents and LEA agree in writing to waive the resolution meeting described in 32.3.3.1 or agree to use the mediation process described in 6.0:

32.3.3.1. A resolution meeting shall occur within seven (7) days of receiving notice of the due process complaint; and

32.3.3.2. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of the receipt of the due process complaint.
32.3.4 The decisions on expedited due process hearings are appealable consistent with 14.0.

33.0. Placement During Appeals
When an expedited appeal under 32.0 has been made by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in 30.3 and 30.7, whichever occurs first, unless the parent and the DOE or LEA agree otherwise.

34.0. Protections for Children not Determined Eligible for Special Education and Related Services
34.1. General: A child who has not been determined to be eligible for special education and related services under these regulations and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in these regulations if the public agency had knowledge (as determined in accordance with 34.2) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

34.2. Basis of knowledge: A public agency shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

34.2.1. The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

34.2.2. The parent of the child requested an evaluation of the child pursuant to 14 DE Admin. Code 925.1.0 through 925.12.0; or

34.2.3. The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

34.3. Exception: A public agency would not be deemed to have knowledge under 34.2 if the parent of the child has not allowed an evaluation of the child pursuant to 14 DE Admin. Code 925.1.0 through 925.12.0; or has refused services under these regulations; or the child has been evaluated in accordance with 14 DE Admin. Code 925.1.0 through 925.12.0 and determined to not be a child with a disability under these regulations.

34.4. Conditions that apply if no basis of knowledge: If a public agency does not have knowledge that a child is a child with a disability (in accordance with 34.2 and 34.3) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with the following requirements:

34.4.1. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures in 30.0, the evaluation shall be conducted in an expedited manner.

34.4.2. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

34.4.3. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with these regulations, including the requirements of 30.0 through 36.0 and section 612(a)(1)(A) of the Act.

35.0. Referral to and Action by Law Enforcement and Judicial Authorities
35.1. Rule of construction: Nothing in these regulations prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents Delaware law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
35.2. Transmittal of records: An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

35.2.1. An agency reporting a crime under this section may transmit copies of the child’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

36.0. Change of Placement Because of Disciplinary Removals

36.1. For purposes of removals of a child with a disability from the child’s current educational placement in 30.0 through 35.0, a change of placement occurs if:

36.1.1. The removal is for more than ten (10) consecutive school days; or

36.1.2. The child has been subjected to a series of removals that constitute a pattern:

36.1.2.1. Because the series of removals total more than ten (10) school days in a school year;

36.1.2.2. Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and

36.1.2.3. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; or.

36.1.3. The child has been subjected to a series of in-school removals totaling more than ten (10) school days and it deprives the child from meeting the goals set out in the IEP; progressing in the general curriculum though another setting; and receiving those services and modifications described in the IEP; or the child has been subjected to a series of removals from transportation and it results in the child’s absence from school for more than ten (10) school days.

36.2. The public agency determines on a case by case basis whether a pattern of removals constitutes a change of placement.

36.3. This determination is subject to review through due process and judicial proceedings.

Administrative procedures related to suspension and expulsion

LAWS


(b) The Department shall prescribe rules and regulations:

(26) Establishing, for purposes of student discipline, uniform definitions for student conduct which may result in alternative placement or expulsion, uniform due process procedures for alternative placement meetings and expulsion hearings, and uniform procedures for processing Attorney General's reports. Such regulations shall apply to all districts and charter schools. This paragraph shall not be interpreted to restrict the ability of district and charter schools to determine which student conduct shall result in expulsion or an alternative placement;

14 Del.C. §411. Pupils suspended, expelled, or truant in district of residence.

If a child for whom an application has been submitted pursuant to this chapter has been suspended or expelled, or has been absent from school without a valid excuse for more than 15 school days during a school year, in the district of residence, the board of the receiving district may, in its sole discretion, refuse to consider the application or refuse to approve the application, or refuse to enroll the child in the receiving district until the child has been reinstated in the district of residence, provided, however that nothing in this section shall be construed to enlarge upon the authority of any district to accept for re-enrollment any student who has been expelled from a school district in this State, as such authority is
limited by the provisions of § 4130 of this title. “Valid excuse” shall have the same meaning as in § 2721 of this title.

14 Del.C. §413. Discipline not affected.
Nothing in this chapter shall be deemed to affect or alter district policies with regard to disciplining students, including suspensions or expulsions.

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.
(b) While a student is entrusted in their care or supervision, public school teachers, and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian, or other person similarly responsible for the care and supervision of the student except as provided in §§ 702 and 4112F of this title. The authority includes removing a student from a classroom or school-sponsored activity.

(c) When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student’s disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher’s decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher's decision to remove the student was reasonable and necessary under the circumstances.

(d) When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.

(e) When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.

(f) When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.

(g) Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardian’s policy or standards that are consistent with the regulations developed under § 122(b)(26) of this title and include all of the following:

(1) Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher’s and administrator’s ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.

(2) Provide an explanation or examples of “disruptive behavior” set forth in paragraph (a)(2) of this section.

(h) A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.

(i) No teacher who purports to have acted pursuant to the teacher’s rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher’s conduct shocks the conscience.
**14 Del.C. §4122. Parent's failure to attend school conference with superintendent; subpoena to compel attendance.**

(a) "Parent" as used in this section means natural parent, adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(b) When a parent fails to attend, participate or respond to a public school or charter school superintendent's request for a conference to discuss matters involving alleged violations of school rules or regulations by the parent's child, the public school or charter school superintendent or the superintendent's designee may request that the Justice of the Peace Court issue a subpoena to compel the presence of the parent at a conference with the superintendent.

(c) Prior to the issuance of a subpoena to compel the presence of a parent, the superintendent or a designee must provide evidence that the superintendent or a designee has:

1. Made a reasonable attempt to schedule the conference at a time that does not conflict with the employment hours of the parent; and

2. Sent written notice of the conference by regular United States mail to the address of record of the parent, which notice shall include the reason for the conference and a statement that failure to schedule or attend the conference may result in the issuance of a subpoena.

(d) After verifying that the superintendent or a designee has sent the required notice, the Justice of the Peace Court may, in its discretion, issue a subpoena pursuant to Justice of the Peace Civil Rule 18 which shall compel the presence of the parent at a conference with the superintendent.

(e) If a parent fails to obey a subpoena properly served under this section, the superintendent may file a motion for an order holding the parent in contempt of court. The Justice of the Peace Court shall have jurisdiction over this matter. A parent found guilty of contempt for failure to appear at a conference after receiving a subpoena may be ordered by the Court to attend school with the student, attend family counseling, and/or comply with such other conditions as the Court may order.

(f) Proceedings against a parent of a suspended or expelled child may also be filed pursuant to subchapter II of Chapter 27 of this title for each day that the child is absent beyond the period of suspension or expulsion without a valid excuse as a result of the parent's failure to attend or schedule a conference after having received notification of the suspension or expulsion.

**REGULATIONS**

**14 DE Admin. Code §603. Compliance with the Gun Free Schools Act.**

1.0 Written Policy Required

1.1 Each school district and charter school shall have a written policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

1.1.1 A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.

1.1.2 Modification to the expulsion requirement may be made on a case by case basis by the chief school officer. Any modification to the expulsion requirement must be made in writing to the Department.

1.1.3 The definition of "Firearm" shall be the same as the meaning given to the term in the federal Gun-Free Schools Act.
3.0 Individuals with Disabilities Act

Nothing in this regulation shall alter a district or charter school’s duties pursuant to the Individuals with Disabilities Education Act.


1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

2.0. Terms and Definitions

In this regulation, the following terms and words shall have the following meaning unless the context clearly indicates otherwise:

"Administration" means administrative staff from a district, school, or charter school.

"Alternative Placement" means the removal of a student from his/her school on a temporary basis for a period of time as determined by the Alternative Placement Team and assignment to an Alternative Program.

"Alternative Placement Packet" means the documents submitted to the Alternative Placement Team including, but not limited to and as applicable, a student's academic information, behavioral information including reason for referral to Alternative Placement, attendance information, Individualized Education Plan (IEP), 504 plan, and immunization records.

"Alternative Placement Team (APT)" means a committee composed of the following: a representative of the Alternative Program staff; a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker; and, if appropriate, a representative from the Department of Services for Children Youth and Their Families (DSCYF) with knowledge of the student's and family's needs. Other individuals may be invited as determined by the APT. The APT reviews and prescribes the appropriate placement for students being considered for Alternative Placement.

"Alternative Placement Team Meeting" means a meeting held by the district/charter school Alternative Placement Team to determine the appropriate educational setting for a student whose behavior is within the defined conduct under 14 DE Admin. Code 614 and who has been recommended for Assignment to an Alternative Program.

"Alternative Program" means a school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

"Appropriate Educational Services" means instruction and assessment provided by the district/charter and includes access to instructional materials, graded homework and communication with educators so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting a level of proficiency in that curriculum.

"Assignment to an Alternative Program" means student Assignment to an Alternative Program, including Consortium Discipline Alternative Program and any Alternative Program maintained by a district/charter school, until the student has fulfilled the requirements to return to the Regular School Program.
“Attorney General’s Report (Juvenile Arrest Warrant and Complaint)” means the Department of Justice’s report of alleged out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and drug offenses.

"Board of Education" means the Board of Education of a reorganized school district or the Board of Directors of a charter school.

"Building Level Conference" means a meeting which is held by phone or in person between the Principal, other appropriate school staff members as determined by the Principal, a student and a student's Parent to discuss the student's misconduct relative to a recommendation for Suspension, Alternative Placement, or Expulsion.

"Consortium Discipline Alternative Program" means a school discipline improvement program which serves an organized consortium of school districts and/or charter schools as provided for in 14 Del.C. Ch. 16.

"Disciplinary Action" means the student identified for Short or Long-Term Suspension, Expulsion, or Alternative Placement who may be excluded from all school activities, including but not limited to, extracurricular sports/programs, field trips, and ceremonies; is not allowed on School Property unless placed in an Alternative Placement on School Property.

"Discipline Record" means all information about Disciplinary Action taken against a specific student as a result of any infraction of the school's/district's Student Code of Conduct or other rules.

"Expulsion" means Disciplinary Action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Regardless of whether without or with services, including Alternative Placement, the expelled student is not eligible to enroll in any other Delaware public school during the period of the Expulsion and until any reasonable terms of the Expulsion are fulfilled.

"Grievance" means a formal complaint, filed per specific district/charter procedures, to school Administration regarding a student's rights or liberty interests having been denied or impaired. At a minimum, the procedures shall be similar to the Grievance Guidelines applicable to this regulation, as posted on the Department of Education website.

"Hearing Officer" means an official appointed by the district/charter to conduct a formal due process hearing for a student recommended for Disciplinary Action which requires a formal due process hearing. The Hearing Officer may be an employee of the district or charter school, but shall not have been involved in any review of the student incident at the building or district level.

"In-School Alternative Program" means a School-Based Intervention Program (SBI) as described in 14 DE Admin. Code 609. Placement is determined by the school's Student Intervention Team as described in 14 DE Admin. Code 609. The program design includes the student's regular curriculum, as well as character education, social skills development, conflict resolution, access to counseling services and behavior modification strategies.

"Intake Form" means the checklist used during the student Intake Meeting which ensures the inclusion of behavioral, academic, and other necessary information to facilitate the placement of a student at a Consortium Discipline Alternative Program.

"Intake Meeting" means the meeting at an Alternative Program site which includes the student, the Parent, district/charter school representative, program administrator and other appropriate Alternative Program staff. At this meeting the program's rules and expectations are reviewed, paperwork that
requires student and Parent signatures is completed, and the district's/charter school's individualized
goals and expectations for the alternatively-placed student are reviewed.

"Outside Agency" means any agency from which a student has received services, but does not include
an Alternative Program. Examples include, but are not limited to: judicial placement, youth detention
facility, substance abuse facility, and mental health facility.

"Parent" means a biological or adoptive parent of a child; a guardian generally authorized to act as the
child's parent, or authorized to make educational decisions for the child (but not the State if the child is
a ward of the State); an individual acting in the place of a biological or adoptive parent (including a
grandparent, stepparent, or other relative) with whom the child lives and for whom a Relative
Caregiver's School Authorization executed in compliance with 14 Del.C. §202(f)(1) is on file; an
individual or entity who is otherwise legally responsible for the child's welfare; a surrogate parent who
has been appointed in accordance with 14 DE Admin. Code 926.19; or a student who has reached the
age of majority as defined in 1 Del.C. §701.

"Principa"l means the building principal, or the equivalent of the building principal, of any district or
charter school, or the principal's designee.

"Regular School Program" means student enrollment in a public school, not including specially
assigned non-special education or student behavioral intervention programs within or outside the
enrolled school, in which the student's classroom or course placement is based primarily on age, grade
level and cognitive abilities as assigned by the school Administration or an IEP team and the student's
participation in daily course instruction and activities within the assigned classroom or course.

"Repeated Violations of Student Code of Conduct" means five or more violations of the school's Student
Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused
absences to school/class.

"School Discipline Committee" means a school-level committee consisting of appropriate school
personnel, similar to those identified in 14 Del.C. Ch. 16, which meets to decide on student Disciplinary
Action recommendations made by the Principal.

"School Environment" means within or on School Property, and at school sponsored or supervised
activities, including, for example, on school grounds, on school buses, at functions held on school
grounds, at school sponsored extracurricular activities held on and off school grounds, on field trips and
at functions held at the school in the evening.

"School Property" means any building, structure, athletic field, sports stadium or real property that is
owned, operated, leased or rented by any public school district or charter school including, but not
limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or
any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter
school.

"Student Code of Conduct" means the district/charter school approved document which specifies the
rights and responsibilities of students, defines conduct that disrupts/threatens a positive/safe School
Environment, standardizes procedures for consequences and Disciplinary Action, and defines due
process and Grievance procedures.

"Student Review" means a formal meeting that takes place at the Alternative Program with the
district/charter school representative, the Alternative Program Administrator, and other appropriate
Alternative Program staff to determine to what degree the student currently placed in the Alternative
Program is progressing toward their behavioral and academic goals as determined during the student's
Intake Meeting. The student and Parent shall be invited to attend this meeting.

"Superintendent" means the chief school officer of any public school district or charter school, or the
equivalent of a superintendent, or the superintendent's designee.
"Suspension, Long-term (Long-term Suspension)" means Disciplinary Action approved by the Superintendent upon recommendation of the Principal or District Alternative Placement Team resulting in the student being removed from the Regular School Program for eleven (11) consecutive school days or more and not to exceed the total number of school days in a school year. Student chooses to waive his right to a formalized due process hearing as outlined in Section 10.0 of this regulation, maintains enrollment in the district/charter, and is provided Appropriate Educational Services during the term of the suspension, but is excluded from all school activities including, but not limited to, extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when suspension is out-of-school. A Long-term Suspension requires initial due process procedures as outlined in Section 4.0 of this regulation and the student choosing to waive his right to a formalized due process hearing as outlined in Section 10.0 of this regulation.

"Suspension, Short-term (Short-term Suspension)" means Disciplinary Action approved by the Principal or School Discipline Committee resulting in the student being removed from his Regular School Program for at least one (1) school day and not more than ten (10) consecutive school days. Student maintains enrollment in district/charter, but is excluded from all school activities including, but not limited to extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when Short-term Suspension is out-of-school. A Short-term Suspension requires initial due process procedures as outlined in subsection 5.1 of this regulation.

"Transition Meeting" means a meeting to discuss the student's return to the Regular School Program which takes place at the school in which the student is enrolled, with the Alternative Program representative, the district/charter school representative, the student, the Parent, a school administrator, a teacher, a school counselor, a student advisor or disciplinarian if assigned, or other representative.

"Violent Felony" means a crime designated in 11 Del.C. §4201(c).

3.0. Preliminary Discipline Investigation & Reporting Requirements

3.1. Investigatory Procedures & Timeline

3.1.1. In any instance when student Disciplinary Action which may result in removal of the student out of the Regular School Program for one day or more is contemplated, the Principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue Disciplinary Action.

3.1.1.1. The Principal may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal. Initial due process in accordance with subsection 4.2.1 of this regulation shall be provided.

3.1.1.2. When obtaining written statements from witnesses, reasonable efforts may be made to notify the Parent of each witness.

3.1.1.3. Reasonable efforts shall be made to include the allegedly offending student or Parent in the preliminary investigation.

3.1.2. The investigation shall be completed within three (3) school days of the date the incident in question was reported.

3.1.3. The Principal shall confiscate any contraband as defined in the Student's Code of Conduct or under the School's policy or state or federal law, which may be used for criminal/juvenile delinquency proceedings. Such contraband shall be labeled and secured in a locked area. Any confiscated contraband, or that reasonably understood to be illegal contraband, which may be used for criminal/juvenile proceedings shall be turned over to the appropriate police agency as soon as practicable.

3.2. Reporting Requirements
3.2.1. If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 Del.C. §4112 has been committed, the Principal shall immediately notify the appropriate law enforcement agency of the incident.

3.2.1.1. All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.

3.2.2. The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 Del.C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.

4.0. Initial Due Process

4.1. A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct.

4.1.1. Prior to any removal of one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct:

4.1.1.1. The student had prior opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations.

4.1.1.2. The administrator/designee shall inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated.

4.1.1.3. The student shall be given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

4.2. Due Process Delay Provision

4.2.1. A student whose presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures outlined in subsection 4.1 of this regulation are followed.

4.3. In addition to the initial due process rights, a student who is recommended for Alternative Placement or Expulsion shall receive applicable additional due process rights as outlined in Sections 7.0, 10.0, and 11.0 of this regulation.

5.0. Suspensions

5.1. Short-term Suspension

5.1.1. The Principal, in accordance with the rules of the district/charter school, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

5.1.2. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district/charter Alternative Placement Meeting decision or the district/charter's Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.

5.1.2.1. A student whose Short-term Suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day
5.2. Long-term Suspension

5.2.1. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in 14 DE Admin. Code 614.3. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

5.3. Prior to any Suspension from school, the initial due process procedures outlined in subsection 4.1 of this regulation shall be followed unless temporarily delayed as allowed in subsection 4.2 of this regulation.

5.4. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the district's/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.

5.4.1. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district/charter's appeal or Grievance process.

5.5. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. A definite time, date, and place for the conference shall be designated by the Principal. The Principal may waive this conference requirement.

6.0. Requirement of Grievance Process

6.1. Each district/charter school shall have a written Grievance procedure. The district/charter school shall have the written Grievance procedures available for Parent review.

6.2. Grievance procedures, shall, at a minimum, be similar to the Grievance guidelines applicable to this regulation as posted on the Department of Education's website.

7.0. Assignment to an Alternative Program

7.1. Procedures for Student Referral

7.1.1. Criteria for student referral to an Alternative Placement.

7.1.1.1. A Principal may refer a student for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district/charter school Student Code of Conduct and the student's behavior is within the defined conduct under 14 DE Admin. Code 614.

7.1.1.2. A Principal may refer a student for Alternative Placement for any offense listed in 14 Del.C. §4112. Students ineligible as a result of an offense listed in 14 DE Admin. Code 611 shall not be referred to a Consortium Discipline Alternative Program.

7.1.1.3. A Principal may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.
Students ineligible as a result of an offense listed in 14 DE Admin Code 611 shall not be referred to a Consortium Discipline Alternative Program.

7.1.1.4. A Principal may refer a student for Alternative Placement in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school-based best practice interventions have been put into place for said student. This may include, but is not limited to, counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available In-School Alternative Program.

7.1.1.5. Referral to a state funded Consortium Discipline Alternative Program must also meet the criteria set forth in 14 DE Admin. Code 611.

7.1.1.5.1. A referral of a charter school student to a Consortium Discipline Alternative Program shall also comply with the provisions of 14 Del.C. §504A(8).

7.2. Responsibilities for Student Referral Which May Lead to Alternative Program Placement

7.2.1. When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur:

7.2.1.1. The Principal shall conduct a preliminary investigation pursuant to Section 3.0 of this regulation to determine if there is reasonable basis to pursue Disciplinary Action.

7.2.1.2. If the preliminary investigation verifies that Disciplinary Action may be warranted, initial due process procedures outlined in Section 4.0 of this regulation shall be followed.

7.2.1.3. After the student has been afforded initial due process procedures, and if the Principal decides that Disciplinary Action will be taken, the student and Parent shall be notified.

7.2.1.4. The Principal may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).

7.2.1.5. If the Principal decides that the Disciplinary Action should be a referral for an Alternative Placement, the Principal shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.

7.2.1.5.1. Schools/charters which utilize a site-based School Discipline Committee may have the committee meet to discuss the incident and make a recommendation to the Principal for the student to remain in the current school setting, or for referral to an Alternative Program.

7.2.1.6. A charter school Principal shall verify that the Alternative Placement referral meets the conditions set forth in 14 Del.C. §504A(8).

7.2.1.7. For all referrals for Alternative Placement for a general education or special education student, the Principal shall hold a Building Level Conference with the Parent and the student.

7.2.1.7.1. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the district/charter school Alternative Placement Team Meeting and; 3) of the procedures that will take place as follow-up to the referral for Alternative Placement.

7.2.1.7.2. The conference shall be held by phone or in person.

7.2.1.7.3. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

7.2.1.8. Notice of the Alternative Placement Meeting shall be mailed to the Parent and the student via regular U.S. and certified mail at least five business days before the meeting is to occur.

7.3. Alternative Placement Meeting for Districts/Charter Schools
7.3.1. A district/charter school Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.

7.3.1.1. The Parent and student shall receive verbal and written notification of the district/charter school's Alternative Placement Meeting. Parents and student may, but are not required to, attend the meeting.

7.3.1.2. The Parent and student shall be informed of the district/charter school Alternative Placement Team's decision for placement within one (1) business day of the meeting.

7.3.1.2.1. If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

7.4. Student Assignment to an Alternative Program

7.4.1. The district/charter school representative shall contact the selected Alternative Program to set up a date and time for an Intake Meeting.

7.4.1.1. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.

7.4.1.1.1. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district/charter school representative, the Alternative Program administrator, and other appropriate Alternative Program staff.

7.4.1.2. A student assigned to a Consortium Discipline Alternative Program must be registered in a district/charter school before the Intake Meeting is held.

7.4.1.3. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.

7.4.1.4. During the Intake Meeting, the district/charter school representative shall communicate, to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.

7.4.1.4.1. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and district/charter school representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.

7.4.2. The district/charter school shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.

8.0. Procedures for Student Monitoring while in Alternative Placement

8.1. A Student Review for each student in the Alternative Program shall be completed. Quarterly reviews are recommended. Semi-annual reviews are required.

8.1.1. The Student Review shall include an examination of student attendance, grades and Discipline Records, including the student's strengths and weaknesses in connection with their individualized goals and expectations at the time of the Student Review.
8.1.2. The Student Review shall also include recommendations for continued progress and/or return (or recommendation not to return) to the Regular School Program.

9.0. Procedures for Student Return to the Regular School Program

When a Student Review results in a recommendation for return to the comprehensive school setting, a Transitional Meeting at the student's comprehensive school will be held between the Alternative Program representative, the district/charter school representative, the student, the Parent, the school administrator, a teacher, a school counselor, a student advisor or disciplinarian, if assigned. Other individuals may be invited as determined by the members of the Transitional Meeting team. This meeting shall take place prior to a student's return to that comprehensive school and shall result in a document setting forth the terms of the return.

10.0. Procedures for the Expulsion of Students

10.1. When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Expulsion, the following procedures shall be followed:

10.1.1. The Principal shall conduct a preliminary investigation pursuant to Section 3.0 of this regulation to determine if there is reasonable basis to pursue Disciplinary Action.

10.1.2. If the investigation verifies that Disciplinary Action may be warranted, initial due process procedures outlined in Section 4.0 of this regulation shall be followed.

10.2. After the student has been afforded initial due process procedures, if the Principal decides that Disciplinary Action in the form of a recommendation for Expulsion will be made, the following procedures shall be followed:

10.2.1. Student will be given written notice of charges and the Parent shall be notified verbally and in writing as soon as practicable thereafter.

10.2.2. The student shall be given a Short-term Suspension pursuant to the criteria outlined in Section 6.0 of this regulation. The Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).

10.2.3. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion.

10.2.3.1. The conference shall be held by phone or in person.

10.2.3.2. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

10.2.4. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

10.3. Expulsion Hearings

10.3.1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation.

10.3.1.1 The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
10.3.2. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.

10.3.3. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.

10.3.4. If requested, the student and Parent will also be given a copy of the following:

   10.3.4.1. The reason(s) for the recommendation;
   10.3.4.2. The name(s) of witnesses who may appear; and
   10.3.4.3. Copies of information that may be submitted as evidence.

10.3.5. The district/charter shall receive written Parent permission for any witness who is a minor.

10.3.6. The hearing shall be conducted by a district/charter Board of Education or Hearing Officer.

10.3.7. The Board of Education or Hearing Officer shall have full authority to admit or exclude evidence.

   10.3.7.1. Evidence presented at the Expulsion hearing may include, but is not limited to, witness statements, police or Attorney General's Reports, and photocopies of evidence.
   10.3.7.2. The Board of Education or Hearing Officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.
   10.3.7.3. The Board of Education or Hearing Officer may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
   10.3.7.4. The Board of Education or Hearing Officer may limit unduly repetitive proof, rebuttal and cross examination.

10.3.8. In conducting the hearing, the district/charter school shall submit evidence first followed by the response of the student, if any.

   10.3.8.1. Further evidence by either party may be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.

10.3.9. The Superintendent presenting the case on the part of the district/charter school shall not testify.

10.3.10. The hearing shall be recorded in a manner that will permit transcription.

10.3.11. The student shall have the following rights:

   10.3.11.1. To be represented by legal counsel at the student's expense;
   10.3.11.2. To cross-examine witnesses;
   10.3.11.3. To testify and produce witnesses on his/her behalf; and
   10.3.11.4. To obtain, at the student's expense, a copy of the transcript of the hearing.

10.3.12. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student’s violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct.

10.4. Expulsion Decision by Board of Education
10.4.1. Decision after Hearing Officer Presides over Hearing

10.4.1.1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent.

10.4.1.1.1. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.

10.4.1.2. The Board of Education shall make its decision at the next scheduled public Board Meeting or additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

10.4.1.2.1. The Board shall conduct a review of the Hearing Officer's recommendation. The Board may accept, reject, or modify the recommendation of the Hearing Officer. The Board's decision shall be in writing in accordance with subsection 10.4.5 of this regulation and shall be based solely upon the report from the Hearing Officer and the record of the Expulsion hearing, if any.

10.4.2. Decision after Board of Education Presides over Hearing

10.4.2.1. Following the conclusion of an Expulsion hearing conducted by the Board of Education, the Board shall frame the issues, summarize the evidence, state conclusions of fact and render its decision.

10.4.2.2. The Board's decision shall be in writing in accordance with subsection 10.4.5 and shall be based solely upon the record of the Expulsion hearing of which it presided over.

10.4.3. Decision After Waiving of Hearing Rights and Admission to Violation Charges

10.4.3.1. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at it's next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

10.4.4. Eligible expelled students shall be placed in a Consortium Discipline Alternative Program in accordance with 14 Del.C. §1604 and 14 DE Admin. Code 611. The Board shall determine if the students not eligible for placement in a Consortium Discipline Alternative Program shall be expelled with or without Appropriate Educational Services.

10.4.5. Any decision to expel a student shall be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.

10.4.6. Except as is otherwise provided herein, within ten (10) business days of the decision by the Board, the Board, through its designee, shall submit its decision to the Superintendent and Parent and student in writing. The written decision shall include notice of the right to appeal to the State Board of Education.

10.5. Calculation of Time

10.5.1. In calculating the period of time for the term of the Expulsion, school days will be used. Students receiving residential services from a Department of Services for Children, Youth and Their Families (DSCYF) program shall have the amount of school days served in such program counted as part of the calculation of time for an Expulsion. This does not preclude a district/charter from
transitioning a student from a YRS program to the Regular School Program through an Alternative Program. However, transition through an Alternative Program is not required.

11.0. Students with Disabilities

11.1. Nothing in this regulation shall alter a district/charter school's duties under the Individual with Disabilities Act (IDEA) or 14 DE Admin. Code 922 through 929. Nothing in this regulation shall prevent a district/charter school from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and Delaware Department of Education regulations.

11.2. Nothing in this regulation shall alter a district/charter school's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a district/charter School from providing supportive instruction to such students.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.

(e) When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.

14 Del.C. §4130. Expulsion of students; re-enrollment.

(a) In any case where a public school student is expelled from a school district or a charter school, the expelled student shall not be permitted to reenroll in any other school district or charter school in this State until after the full period of expulsion from the school district or charter school where the student was expelled shall have expired.

(b) Prior to enrolling any student who attempts to transfer to a school district or charter school in this State, the superintendent of that school district, or the superintendent's designee, the head of a charter school or such head's designee shall first contact the last school district or charter school where the student was last enrolled, if in this State, to determine if that student is under a current expulsion order in that district or charter school. If it is determined that the student is under a current expulsion order, that student shall not be permitted to enroll until the expulsion order has expired as set forth in subsection (a) of this section.

(c) Any student who has been expelled from a public school in this State or in any other state shall, prior to enrollment in any public school in this State, completely fulfill the terms of that expulsion.
(d) The provisions of subsections (a), (b) and (c) of this section shall not apply to any case in which a student is seeking to enroll in the James H. Grove High School or in any alternative educational or other related program developed to provide educational services to children who have discipline problems.

REGULATIONS

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.9. A policy which sets out the conditions for return after expulsion for Alcohol or Drug infractions.

Use of restraint and seclusion

LAWS

11 Del.C. §468. Justification - Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if it is reasonable and moderate and:

1. The defendant is the parent, guardian, foster parent, legal custodian or other person similarly responsible for the general care and supervision of a child, or a person acting at the request of a parent, guardian, foster parent, legal custodian or other responsible person, and:

a. The force is used for the purpose of safeguarding or promoting the welfare of the child, including the prevention or punishment of misconduct; and

b. The force used is intended to benefit the child, or for the special purposes listed in paragraphs (2) a., (3)a., (4)a., (5), (6) and (7) of this section. The size, age, condition of the child, location of the force and the strength and duration of the force shall be factors considered in determining whether the force used is reasonable and moderate; but

c. The force shall not be justified if it includes, but is not limited to, any of the following: Throwing the child, kicking, burning, cutting, striking with a closed fist, interfering with breathing, use of or threatened use of a deadly weapon, prolonged deprivation of sustenance or medication, or doing any other act that is likely to cause or does cause physical injury, disfigurement, mental distress, unnecessary degradation or substantial risk of serious physical injury or death; or

2. The defendant is a teacher or a person otherwise entrusted with the care or supervision of a child for a special purpose, and:

a. The defendant believes the force used is necessary to further the special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of force is consistent with the welfare of the child; and

b. The degree of force, if it had been used by the parent, guardian, foster parent or legal custodian of the child, would be justifiable under paragraph (1)a. and b. of this section and not enumerated under paragraph (1)c. of this section; or

3. The defendant is the guardian or other person similarly responsible for the general care and supervision of a person who is incompetent, and:

a. The force is used for the purpose of safeguarding or promoting the welfare of the person who is incompetent, including the prevention of misconduct, or, when such person who is incompetent is in a
hospital or other institution for care and custody, for the maintenance of reasonable discipline in such institution; and
b. The force used is reasonable and moderate; the size, age, condition of the person who is incompetent, location of the force and the strength and duration of the force shall be factors considered in determining whether the force used is reasonable and moderate; and
c. The force is not enumerated under paragraph (1)c. of this section; and
d. The force is not proscribed as abuse or mistreatment under Chapter 11 of Title 16;

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.

(a) As used in this chapter:
(1) “Department” means the Department of Education.
(2) “Disruptive behavior” means conduct that is so unruly, disruptive, or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-sponsored activity.
(3) “Racial subgroup” means the racial and ethnic subgroups of students as defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes African American or Black, American Indian or Alaska Native, Asian American, Native Hawaiian or other Pacific Islander, Hispanic or Latino, White or Caucasian, and Multi-Racial.
(4) “School” means a traditional public school, vocational technical school, or charter school.
(5) “Subgroup” means as subgroup is defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes racial subgroups, economically disadvantaged students, children with disabilities, and English learners.

(b) While a student is entrusted in their care or supervision, public school teachers, and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian, or other person similarly responsible for the care and supervision of the student except as provided in §§ 702 and 4112F of this title. The authority includes removing a student from a classroom or school-sponsored activity.

(c) When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher’s decision to remove the student was reasonable and necessary under the circumstances.

(d) When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.

(e) When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.

(f) When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.
(g) Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardian’s policy or standards that are consistent with the regulations developed under § 122(b)(26) of this title and include all of the following:

1. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher’s and administrator’s ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.

2. Provide an explanation or examples of “disruptive behavior” set forth in paragraph (a)(2) of this section.

(h) A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.

(i) No teacher who purports to have acted pursuant to the teacher's rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience.

14 Del.C. § 4112F. Limitations on use of seclusion and restraint.

(a) Definitions. The following words, terms, and phrases when used in this section, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

1. “Chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is either not medically prescribed for the standard treatment of a student’s medical or psychiatric condition or not administered as prescribed.

2. “Mechanical restraint” means the application of any device or object that restricts a student's freedom of movement or normal access to a portion of the body that the student cannot easily remove. "Mechanical restraint" does not include devices or objects used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which they were designed and, if applicable, prescribed, including the following:
   a. Restraints for medical immobilization;
   b. Adaptive devices or mechanical supports used to allow greater freedom of movement than would be possible without use of such devices or mechanical supports;
   c. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
   d. Instruction and use of restraints as part of a criminal justice or other course; or
   e. Notwithstanding their design for other purposes, adaptive use of benign devices or objects, including mittens and caps, to deter self-injury.

3. “Physical restraint” means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head. "Physical restraint" does not include physical contact that:
   a. Helps a student respond or complete a task;
   b. Is needed to administer an authorized health-related service or procedure; or
   c. Is needed to physically escort a student when the student does not resist or the student's resistance is minimal.

4. “Public school personnel” means an employee or contractor of a public school district or charter school. "Public school personnel" does not include the following:
   a. A law-enforcement officer as defined in § 9200(b) of Title 11; or
   b. An employee or contractor providing educational services within a Department of Correction or Division of Youth Rehabilitative Services facility.
(5) "Seclusion" means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a "timeout" procedure during which a staff member remains accessible to the student shall not be considered "seclusion."

(6) "Timeout" means a behavior management technique in which, to provide a student with the opportunity to reflect or regain self-control, a student is separated from others for a limited period in a setting that is not locked and the exit is not physically blocked by furniture, closed door held shut from outside, or other inanimate object.

(b) Prohibition and restriction on use.

(1) Public school personnel are prohibited from imposing on any student the following:
   a. Chemical restraint; and
   b. Subject to waiver authorized pursuant to paragraph (c)(4) of this section, mechanical restraint and seclusion.

(2) Public school personnel may impose physical restraint only in conformity with all of the following standards:
   a. The student's behavior presents a significant and imminent risk of bodily harm to self or others;
   b. The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication;
   c. The physical restraint does not interfere with the student's ability to breathe or place weight or pressure on the student's head, throat, or neck;
   d. The physical restraint does not recklessly exacerbate a medical or physical condition of the student;
   e. Less restrictive interventions have been ineffective in stopping the imminent risk of bodily harm to the student or others, except in case of a rare and clearly unavoidable emergency circumstance posing imminent risk of bodily harm, including, without limitation, intervening in a student initiated physical assault or altercation;
   f. For a student with a disability as defined in Chapter 31 of this title or 34 C.F.R. Part 104, the physical restraint does not contravene provisions in an individualized education program (IEP), behavior intervention plan, accommodation plan, or any other planning document for the individual student;
   g. Personnel use only the amount of force necessary to protect the student or others from the threatened harm;
   h. The physical restraint ends when a medical condition occurs putting the student at risk of harm or the student's behavior no longer presents an imminent risk of bodily harm to the student or others;
   i. The physical restraint is within the scope of force authorized by § 468 of Title 11; and
   j. The physical restraint conforms to applicable regulations promulgated by the Department of Education.

(c) Department of Education role; regulations.

(1) The Department of Education shall promulgate regulations implementing this section. Such regulations shall include, but not be limited to, the following:
   a. Requirement of uniform public school data collection on each use of physical restraint, by school, which includes demographic information on affected students such as age, gender, race, ethnicity, and disability category, if any;
   b. Requirement of timely parental notice in event of use of physical restraint;
c. Special procedures and safeguards applicable to use of physical restraint for students with disabilities as defined in Chapter 31 of this title or 34 C.F.R. Part 104; and

d. Recommended or required training of public school personnel in implementing this section.

(2) To facilitate data collection and analysis, the Department of Education may adopt a uniform reporting document and may require reporting of data in a standardized electronic or nonelectronic format.

(3) The Department of Education shall issue an annual report on use of physical restraint which includes rates of usage by school and by subcategories identified in paragraph (c)(1)a. of this section, identifies trends, and analyzes significant results.

(4) Unless proscribed by federal law, the Secretary of Education may issue a waiver of the prohibition on mechanical restraint and seclusion for an individual student based on compelling justification and subject to specific conditions and safeguards which must include a requirement of continuous visual staff monitoring and parental notice of each use of mechanical restraint or seclusion.

(d) Effect on other laws. The limitations and prohibitions described in this section are in addition to, and not in derogation of, any other constitutional, statutory, or regulatory rights otherwise conferred by federal or state law or regulation.

REGULATIONS


1.0. Purpose and Authority

1.1. The purpose of these regulations is to establish standards and procedures for the use of physical restraint, chemical restraint, mechanical restraint, and seclusion to provide safety for all individuals. The regulations set forth permitted and prohibited uses of restraint and seclusion, required training for public school, private program, or alternative program personnel, required documentation and reporting of incidents of restraint and seclusion, required notification to parents, and waiver procedures for individual students.

1.2. These regulations are promulgated in accordance with 14 Del.C. §4112F.

2.0. Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Alternative program” means a program established pursuant to 14 Del.C. Ch. 16.

“Chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is either not medically prescribed for the standard treatment of a student’s medical or psychiatric condition or not administered as prescribed. (Authority: 14 Del.C. §4112F(a)(1)).

“Mechanical restraint” means the application of any device or object that restricts a student’s freedom of movement or normal access to a portion of the body that the student cannot easily remove.

“Mechanical restraint” does not include devices or objects used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which they were designed and, if applicable, prescribed, including the following:

Restraints for medical immobilization;

Adaptive devices or mechanical supports used to allow greater freedom of movement stability than would be possible without use of such devices or mechanical supports;

Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;

Instruction and use of restraints as part of a criminal justice or other course; or
Notwithstanding their design for other purposes, adaptive use of benign devices or objects, including mittens and caps, to deter self-injury.

“Parent” means:
A biological or adoptive parent of a child;
A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives and for whom a Relative Caregiver’s School Authorization executed in compliance with 14 Del.C. §202(f)(1) is on file;
An individual who is otherwise legally responsible for the child's welfare; or
A surrogate parent who has been appointed in accordance with 14 DE Admin. Code 926,19.0 or Section 639(a)(5) of the Act.

“Physical restraint” means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head. "Physical restraint" does not include physical contact that:
Helps a student respond or complete a task;
Is needed to administer an authorized health-related service or procedure; or
Is needed to physically escort a student when the student does not resist or the student’s resistance is minimal.

“Principal” means the building principal, or the equivalent of the building principal, of any public school or charter school, or the building principal’s designee.

“Private program” means a non-public school or program contracted by a school district or charter school.

“Public school personnel” means an employee or contractor of a public school district or charter school.

“Public school personnel” does not include the following:
A law enforcement officer as defined in § 9200(b) of Title 11; unless the law enforcement officer meets the definition of a School Resource Officer/SRO; or
An employee or contractor providing educational services within a Department of Correction or Division of Youth Rehabilitative Services facility. (Authority: 14 Del.C. §4112F(a)(4))

"School Resource Officer (SRO)" means a contractor, subcontractor or employee of a public school district or charter school who is a sworn law enforcement officer as defined in 11 Del.C. §9200.

"Seclusion" means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a “timeout” procedure during which a staff member remains accessible to the student shall not be considered “seclusion.” (Authority: 14 Del.C. §4112F(a)(5))

“Student” means any individual enrolled in a Delaware public school or charter school, an alternative program pursuant to 14 Del.C. Ch. 16, or a private program pursuant to Title 14 Del.C. Chapter 31, Section 3124.

“Timeout” means a behavior management technique in which, to provide a student with the opportunity to reflect or regain self-control, a student is separated from others for a limited period in a setting that is not locked and the exit is not physically blocked by furniture, closed door held shut from outside, or other inanimate object. (Authority: 14 Del.C. §4112F(a)(6))

"Written report" means printed paper filings and electronic filings that can be printed.

3.0. Use of Restraints
3.1. Public school personnel, private program personnel, and alternative program personnel are prohibited from imposing on any student:

3.1.1. Chemical restraint; and

3.1.2. Subject to waiver authorized by 14 Del.C. §4112F(c)(4) and Section 8.0, mechanical restraint and seclusion.

3.2. Such personnel may impose physical restraint only in conformity with all of the following standards:

3.2.1. The student’s behavior presents a significant and imminent risk of bodily harm to self or others;

3.2.2. The physical restraint does not interfere with the student’s ability to communicate in the student’s primary language or mode of communication;

3.2.3. The physical restraint does not interfere with the student’s ability to breathe or place weight or pressure on the student’s head, throat, or neck;

3.2.4. The physical restraint does not recklessly exacerbate a medical or physical condition of the student;

3.2.5. Less restrictive interventions have been ineffective in stopping the imminent risk of bodily harm to the student or others, except in case of a rare and clearly unavoidable emergency circumstance posing imminent risk of bodily harm, including, without limitation, intervening in a student initiated physical assault or altercation;

3.2.6. For a student with a disability as defined in Chapter 31 of Title 14 or 34 C.F.R. Part 104, the physical restraint does not contravene provisions in an individualized education program (IEP), behavior intervention plan, accommodation plan, or any other planning document for the individual student;

3.2.7. Personnel use only the amount of force necessary to protect the student or others from the threatened harm;

3.2.8. The physical restraint ends when a medical condition occurs putting the student at risk of harm or the student’s behavior no longer presents an imminent risk of bodily harm to the student or others;

3.2.9. The physical restraint is within the scope of force authorized by §468 of Title 11.

4.0. Training of Personnel

4.1. Except as provided in 14 Del.C. §702(c), a student may be physically restrained only by public school personnel, private program personnel, or alternative program personnel who have completed training in physical restraint procedures.

4.1.1. Such personnel shall receive annual training in the use of crisis prevention and intervention techniques consistent with nationally recognized training programs, which shall meet the following minimum requirements:

4.1.1.1. The training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies and supports;

4.1.1.2. The training shall be designed to meet the needs of such personnel consistent with their duties and the potential need for emergency safety interventions; and

4.1.2. Each public school, private program, and alternative program shall maintain written or electronic documentation of each training provided, which shall include a list of all personnel who participated in the training.

4.2. Any public school personnel responsible for reporting the physical restraint of a student to the Department shall complete training on the reporting process approved by the Department and any additional training that the Department may prescribe from time to time.
4.2.1. The approved training shall be provided using a web-based platform through the Department’s Professional Development Management System (PDMS) or similar system. The training will be provided on an annual basis and made available throughout each school year.

4.2.2. Such personnel responsible for reporting the physical restraint of a student shall complete the approved training at least once every three (3) years and during any year in which reporting procedures were changed from the previous year as indicated by the Department.

5.0. Parental Notification of Use of Physical Restraint

5.1. Except as provided in Section 5.1.1, if a student is physically restrained, a reasonable attempt shall be made to notify the parent on the same day, but in no event later than twenty-four hours after, the physical restraint is used. Such notification shall be made in person, by phone or by voicemail, or by e-mail. The school shall maintain written documentation of successful and unsuccessful attempts to notify the parent.

5.1.1. Where physical restraint is included in the student’s IEP or Section 504 Plan, the IEP Team or Section 504 Team, including the parent, shall determine a timeframe and manner of notification of each incident of physical restraint.

5.2. The parent shall be provided a copy of a final written report no later than the date on which such report is filed with the Department. The written report shall contain, at a minimum, the information required under Section 6.0.

6.0. Uniform Data Collection

6.1. When an incident of physical restraint of a student by school personnel occurs:

6.1.1. As soon as practicable thereafter, a reasonable attempt shall be made to interview the student regarding the incident; and

6.1.2. The school principal must provide a written report, in a uniform format as determined by the Department, of the restraint to the Department within seventy-two (72) hours of the restraint, or within seventy-two (72) hours of the time in which the student’s district or charter school of residence receives notice of the restraint from the contracted private program or alternative program, whichever the case may be; and

6.1.3. The written report shall include, at a minimum:

6.1.3.1. Details of the restraint incident, including, but not limited to, the student behavior and description of events leading to the use of physical restraint; de-escalation techniques utilized by school personnel prior to the restraint; a description of the student’s behavior during the restraint; a summary of witness interviews, if applicable; any injury caused to the student, staff member(s), or other student(s); and any related treatment deemed necessary as a result of the restraint.

6.1.3.2. Demographic information on affected students to include age, race, ethnicity, and disability category;

6.1.3.3. A description of the interview conducted with the student, if applicable; and

6.1.3.4. If applicable, a description of changes to any or all of the following that resulted from the restraint incident:

6.1.3.4.1. For a student with a disability as defined in Chapter 31 of Title 14 or 34 C.F.R. Part 104, the student’s IEP, behavioral support, crisis intervention plan, accommodation plan, or any other planning document for the individual student;

6.1.3.4.2. School/LEA policy or procedure; or

6.1.3.4.3. Additional staff training.

7.0. Annual Reporting Requirement
The Department shall issue an annual report on the use of physical restraint, which shall include rates of usage by school and by subcategories identified pursuant to Section 6.0, identify trends, and analyze significant results. The report shall be posted on the Department’s website.

8.0. Waiver

8.1. Any public school, private program, or alternative program applicant for a waiver of the prohibition on the use of mechanical restraints or seclusion for an individual student must deliver the request in writing, in a uniform format developed by the Department, to the Secretary or Secretary’s designee setting forth the grounds for the request.

8.1.1. The request shall be based on compelling justification supported by documentation, including, but not limited to, educational records, reporting of incidents, and the student’s functional behavioral assessment and behavioral intervention plan, including implementation data, and medical documentation, if applicable.

8.1.2. The request shall contain a description of the conditions and safeguards that the applicant will utilize in connection with the waiver, including, but not limited to:

8.1.2.1. A detailed description of the proposed continual visual staff monitoring of student;

8.1.2.2. A requirement that the parent be notified of each use of mechanical restraint or seclusion which conforms to the procedure set forth in Section 5.0 for reporting physical restraint except that the provisions of 5.1.1 shall not apply herein; and

8.1.2.3. A detailed description of the physical space within which the seclusion(s) will occur, or of the type of mechanical restraint(s) to be utilized, whichever is applicable.

8.1.3. The request shall include a written authorization signed by the parent agreeing to the issuance of a waiver on the prohibition of the use of mechanical restraints or seclusion for that student and a signed written consent for release of information to the Department and the waiver review committee.

8.1.4. All privileged documentation shall be maintained confidentially by the Department and the waiver review committee to the extent permitted by law.

8.2. All requests shall be considered by a waiver review committee appointed by the Secretary. A decision by the waiver review committee shall be rendered no later than (60) sixty calendar days of receipt of the waiver request.

8.3. The committee shall make a written recommendation to the Secretary, which shall include:

8.3.1. A summary of the compelling justification based on the documentation submitted in support of the waiver requested;

8.3.2. Recommendations to include any specific conditions and safeguards, and a brief statement of the reasons therefore;

8.3.3. A requirement that, where a waiver is issued, there be continual visual monitoring, parental notice of each use of mechanical restraint or seclusion, and collection of data to include the number of times the student was subject to mechanical restraint or seclusion, the duration of each mechanical restraint or seclusion, and any other data as required by the Department;

8.3.4. A statement as to the duration of the waiver, not to exceed a period of one calendar year.

8.4. The Secretary shall consider the entire record of the case and the committee’s recommendations in reaching a final decision. The Secretary’s decision shall be issued in writing and mailed to the applicant and the parent by certified mail no later than ten (10) calendar days from receipt of the recommendation of the waiver review committee.

8.5. The Secretary’s decision shall be final.

9.0. School Resource Officer (SRO) Training
9.1. An SRO shall annually receive the following awareness level training from the school district or charter school in which they are assigned:

9.1.1. Training which is consistent with that which is required of other public school personnel within their school district or charter school for disability awareness and behaviors that may manifest as a result of disabilities;

9.1.2. Best practices for de-escalation techniques utilized in the school setting;

9.1.3. Current information on the intervention decisions and techniques used by school personnel within the school setting;

9.1.4. Such other training as is necessary to protect the health and well-being of students with disabilities, including students with Individualized Education Programs (IEP) who enroll after the beginning of the school year, which shall include basic awareness training specific to IEPs, functional behavior assessments and Behavior Support Plans;

9.1.5. An SRO shall participate in the annual SRO training provided by the Delaware State Police or equivalent training provided by the police agency employing the SRO.

9.2. The training outline in this regulation shall include reference to how it relates to the duties and responsibilities of an SRO as outlined in the Memorandum of Agreement between the school district or charter school and the police agency employing the SRO as required under Regulation 601.

9.3. Prior to the start of each school year, or as soon as practical, but no later than 30 calendar days after the first student day of school, a representative of each school building shall meet with the SRO assigned to that school in order to be familiarized with behaviors related to disabilities that may occur in the school and typical responsive actions that may be taken by school personnel in that school.

9.4. Nothing within this regulation or contained within 14 Del.C. §4112F shall be interpreted as creating any additional restrictions on the sworn authority of law enforcement officers or their ability to carry out their required sworn duty.

Alternative placements

LAWS

For the purposes of this chapter, the following terms shall have the following meanings:

(2) "Good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parent's marital status, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange program, a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4161 of this title, or participation by a child in a substance abuse or mental health treatment program, or a set of circumstances consistent with this definition of "good cause."

(a)(1) A pupil accepted for enrollment in a school or program pursuant to this chapter shall be entitled to remain enrolled therein until graduation from the school or completion of the program provided that the pupil continues to meet the requirements for such school or program, provided however, that upon the concurrence of the boards of both the district of residence and the receiving district, a pupil's right to remain enrolled may be terminated prior to graduation from or completion of the program where such termination is based upon the pupil's
a. Failure to continue to comply with the receiving district's requirements for attending school or class, or

b. Multiple violations of, or one or more serious violations of, the receiving district's student code of conduct.

(2) A pupil accepted for enrollment in a school or program pursuant to this chapter shall remain enrolled therein for a minimum of 2 years unless, during that 2-year period,

a. A pupil graduates from the school or completes the program;

b. The pupil's parent or parents cease to be residents of the pupil's original district of residence;

c. At the conclusion of any academic year during such 2-year period, the pupil ceases to meet the academic requirements for such school or program;

d. If daycare was indicated on the relevant choice application as a reason for seeking enrollment, or if daycare was a reason for granting priority to consideration of or granting of the relevant choice application, or the provider of daycare services to the pupil ceases doing business or relocates to a location so distant from the original location as to render the original combination of daycare and choice enrollment no longer reasonably practicable for the pupil or the parent or parents of such pupil; or

e. The board of the district of residence, the board of the receiving district, and the parent or parents of the pupil agree for any reason to terminate such enrollment;

f. The provisions of paragraphs (a)(2)a. through (a)(2)e. of this section shall apply unless the receiving district, at its sole discretion, agrees to maintain a child in a choice placement. Due to the unique educational and developmental needs of primary age children, on a case by case basis, districts may grant exceptions to allow students in grades kindergarten through grade 3 to remain in school choice even if they fail to meet required educational standards;

g. The pupil's parents or guardians wish to terminate the agreement due to a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4161 of this title

(b) Notwithstanding the provisions of subsection (a) of this section, a parent may apply to terminate that parent's own child's enrollment in the receiving district prior to the expiration of the minimum period established in subsection (a) of this section by submitting a written application, on a form provided by the Department of Education, to the child's then-existing district of enrollment no later than December 1 for enrollment during the following school year.

(c) If a parent of a child fails to file an application by the deadline of December 1 and good cause exists for the failure to meet the deadline, the child's then-existing district of enrollment shall accept and consider the application in the same manner as if the deadline had been met.

(d) The parent of a child may withdraw the application at any time prior to action on the application by the board of the child's then-existing district of enrollment.

(e) Within 10 working days of receiving an application to withdraw, the child's then-existing district of enrollment shall transmit a notice to the district of residence that it has received the application.

(f) The board of the child's then-existing district of enrollment shall take action to approve or disapprove the application no later than December 15 of the school year preceding enrollment.

(g) The board of the receiving district shall transmit a notice of the board's action to the parent of the child and to the board of the district of residence within 5 working days after board action.

(h) The action of a board in a child's then-existing district of enrollment to accept an application to terminate enrollment pursuant to this section shall be final; however, nothing in this subsection shall prohibit a board in its sole discretion from conditioning its approval of termination pursuant to this section
upon acceptance of the child into another district or program pursuant to an application submitted in accordance with chapter.

(i) Unless accepted for enrollment in a school or program in another district pursuant to this chapter, a child whose enrollment in a receiving district concludes or terminates pursuant to this section shall automatically be re-enrolled in the child's district of residence for the ensuing school year. Any such student shall be enrolled by the district of residence according to the feeder pattern in which the child's parent resides unless, pursuant to the provisions of § 405(b) of this title, all available space has been filled by returning students, in which case the student shall apply and be considered for enrollment in any other school in the district of residence in which there is space available in accordance with the provisions of this chapter.

14 Del.C. §411 Pupils suspended, expelled, or truant in district of residence.

If a child for whom an application has been submitted pursuant to this chapter has been suspended or expelled, or has been absent from school without a valid excuse for more than 15 school days during a school year, in the district of residence, the board of the receiving district may, in its sole discretion, refuse to consider the application or refuse to approve the application, or refuse to enroll the child in the receiving district until the child has been reinstated in the district of residence, provided, however that nothing in this section shall be construed to enlarge upon the authority of any district to accept for re-enrollment any student who has been expelled from a school district in this State, as such authority is limited by the provisions of § 4130 of this title. "Valid excuse" shall have the same meaning as in § 2721 of this title.


Consistent with its charter and the provisions of its certificate of incorporation, bylaws or membership agreements, the board of directors of a charter school or schools shall, as to each charter that the board holds, have the power to:

(8) Establish reasonable academic and disciplinary standards specifically related to the missions, goals and educational objectives for the charter school as set forth in its charter for students to continue enrollment in the charter school; provided, however, that an expulsion from a charter school shall have the same effect for the purposes of § 4130 of this title as expulsion from a school district. Charter schools may refer students to the alternative programs operated pursuant to the provision of Chapter 16 of this title subject to the following conditions:

a. A student may only be referred to a program which serves that student's district of residence and only if there is space available in such program to serve the student;

b. The student otherwise meets eligibility criteria for students who may be enrolled in such program; and

c. The student's district of residence and the charter school in which the student is enrolled agree to a proration of student funding between or among the charter school and the school district in which the student resides, in which case the district of residence shall become liable for any cost associated with the placement of the student in the alternative program;


(d) A pupil accepted for enrollment in a charter school pursuant to this chapter shall remain enrolled therein for a minimum of 1 year unless, during that 1-year period, good cause exists for the failure to meet this requirement. For purposes of this section only, "good cause" shall be defined as a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in the marital status of the child's parents, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange
program, participation by a child in a substance abuse or mental health treatment program, a reported, recorded and substantiated instance of "bullying" against their child as defined in § 4161 of this title, mutual agreement by the board of directors of the charter school, the board of the receiving district and the parent or parents or guardian of such child to the termination of such enrollment, or a set of circumstances consistent with this definition of "good cause."

The Department of Education shall establish a program component which will provide alternative educational and related services for the more severe discipline problems in the public schools. This component will serve primarily secondary school students, including but not limited to: youngsters who have been expelled from regular schools, students who may be subject to expulsion, and others who have serious violations of the local school district discipline code. The Department of Education shall provide rules and regulations for the conduct of programs authorized under this section subject to the following limitations:

(1) School districts shall make application to the Department of Education for funding to implement programs authorized under this section. Preference shall be given to applications from consortia of school districts. To the extent feasible, programs offered under this component should serve eligible pupils within a county, however, multiple sites may be operated by a single consortia of school districts within a county.

(2) Any application submitted under this section shall specify the types and level of services to be provided and an estimate of the number of youngsters to be served. The application shall also include a budget of proposed expenditures during a fiscal year. That budget shall indicate, at a minimum, the funds being requested from appropriations authorized under this section and funds to be obtained from all other sources.

(3) All applications submitted to the Department of Education under this section shall indicate an agreement to fund at least 30 percent of the total cost of services provided from sources of funding other than those authorized under this section.

(4) All projects funded under this section shall submit an annual evaluation report on the effectiveness of the program to the Department of Education. Such report shall incorporate the data and information specified by the Department.

(5) School districts shall be permitted to use funds collected in accordance with the provisions of Chapter 6 of this title to make tuition payments for youngsters assigned to programs authorized under this section.

(6) Nothing in this section shall prohibit a consortia of school districts from contracting for educational or related services with public or private agencies when operating programs authorized under this section.

(7) The provisions of § 4130 of this title shall not apply to youngsters enrolled in programs authorized under this section.

(8) A student 16 years of age or less who is expelled or suspended pending expulsion by a local school district or charter school shall be presumed appropriate for placement in a Consortium Discipline Alternative Program site, provided the student is not otherwise ineligible by statute or regulation for placement in such a program. The burden of establishing that a student is not appropriate for placement in a Consortium Discipline Alternative Program shall be on the local school district or charter school. Any student not shown by preponderance of evidence to be inappropriate for placement in a Consortium Discipline Alternative Program shall be placed in such a program.
REGULATIONS


1.0. Purpose

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, requires that a State Education Agency establish a State Unsafe School Choice Option policy in order to receive funding under ESEA.

2.0. Definitions

In this regulation, the following terms shall have the meanings indicated below:

"Crime" shall have the same meaning as provided in 14 Del.C. §4112.

"Enrolled Students" unless the context indicates otherwise, means all students included in the Delaware Student Information System (DELSIS) report for the year of the data collection.

"Expulsion" means, for purposes of this regulation, the exclusion from the regular school setting for a period determined by the local district board or charter school board not to exceed one year. The process for readmission shall be determined by the local district board or charter school board.

"Firearm" means handgun, rifle, shotgun, or other type of firearm as that term is defined in the federal Gun Free Schools Zone Act at 18 U.S.C.A. §921.

"Fiscal Year" means the period of July 1 through June 30.

"Gun Free Schools Violation" means the prohibited bringing to school, or possession while in school of a firearm by a student.

"Persistently Dangerous School" means a school that has five or more unsafe incidents for every one hundred students enrolled for three consecutive fiscal years.

"Safe School" means a school in the same school district that is not currently identified by the Department of Education as a persistently dangerous school.

"School" means any public school including charter schools. School property shall have the same meaning as provided in 14 Del.C. §4112 (a)(9).

"Suspension" means, for the purpose of this regulation, the external (out of school) removal of a student from the general school population.

"Unsafe Incidents" means any of the following:

- The school suspended or expelled a student for a gun free schools” violation; or
- The school suspended or expelled a student for a crime committed on school property which is required to be reported under 14 Del.C. §4112; or
- The school reported a crime committed by a non-student on school property that is required to be reported under 14 Del.C. §4112.

"Violent Felony" shall have the same meaning as provided in 11 Del.C. §4201(c).

3.0. Identification of Persistently Dangerous Schools

3.1. The Department of Education shall identify each Persistently Dangerous School using the data reported to it pursuant to the provisions of 14 Del.C. §4112, 14 DE Admin. Code 601, and any expulsion and suspension data as required by the Department.

3.2. Notwithstanding any provision herein to the contrary, any year that a School fails to comply with the reporting mandates, as set forth in 3.1 above, to the Delaware Department of Education or to the appropriate police agency as set forth above, the Department of Education will consider the School as if it otherwise met the criteria to be classified as a Persistently Dangerous School for that year until such
time as it may be determined, in the sole discretion of the Department, that the School has met such reporting requirements.

3.3 A School identified as a Persistently Dangerous School will retain that designation for the entire fiscal year.

4.0 Students Attending Schools Labeled as Persistently Dangerous

4.1 A student attending a Persistently Dangerous School shall be allowed to choice to a Safe School in the same school district, including a charter school provided that a charter school option exists in that school district’s boundaries.

4.2 Each public school district having one or more Persistently Dangerous Schools and any charter school identified as a Persistently Dangerous School shall develop a plan and time line that describes the process for notifying parents of the School’s status and for relocating any student who exercises the right to choice to a Safe School. The plan shall also describe the corrective actions that will be implemented. The plan shall be forwarded to the Department of Education no later than September 15th of the year that the School is identified.

5.0 Students Who are Victims of a Violent Felony

5.1 A student who is the victim of a Violent Felony while in or on the grounds of a School in which the student is enrolled shall be allowed to choice to a Safe School in the same school district, including a charter school provided that a charter school option exists in that school district’s boundaries.

5.2 All school districts and charter schools shall establish a plan that describes their policies and procedures for providing school choice options to a student who is the victim of a Violent Felony, including the process for notifying parents.

5.3 Each school district and charter school shall post the policy and procedures on the school district’s or charter school’s website, with hard copies provided to any requesting parties.


1.0 Eligible Students

1.1 Except as otherwise provided in this regulation, any student who is expelled by a local school district, who is subject to expulsion or who otherwise seriously violates the district discipline code shall be eligible for placement at a Consortium Discipline Alternative Program (CDAP) site.

1.2 Subject to Section 11.0, local school districts shall place an eligible student at a Consortium Discipline Alternative Program site if the district board:

1.2.1 Has expelled the student for a violation of the district's discipline code or, determined that the student has been suspended for engaging in conduct that could result in expulsion and has not required the student to participate in other options such as behavioral contracts or counseling or, determined that the student has exhibited such severe discipline problems that expulsion is imminent.

1.3 School districts may place a student in a Consortium Discipline Alternative Program for classroom or school environment disruptions only if:

1.3.1 Such disruptions are chronic and repetitive; and

1.3.2 The student has participated in all available School Based Intervention Programs pursuant to 14 DE Admin. Code 609 and continues to routinely and seriously disrupt the classroom and impede the learning of other students.

2.0 Ineligible Students

2.1 Any student expelled or suspended pending expulsion for behavior equivalent to a violation of the following is not eligible for, and may not be placed at a Consortium Discipline Alternative Program site.
2.1.1 11 Del.C. §613 Assault in the First Degree; class C felony; or
2.1.2 11 Del.C. §1457 Possession of a Weapon in a Safe School and Recreation Zone; class D, E, or F: class A or B misdemeanor; or
2.1.3 11 Del.C. §802 Arson in the Second Degree affirmative defense; class D felony; or
2.1.4 11 Del.C. §803 Arson in the first degree; class C felony; or
2.1.5 11 Del.C. §770 Rape in the fourth degree; class C felony; or
2.1.6 11 Del.C. §771 Rape in the third degree; class B felony; or
2.1.7 11 Del.C. §772 Rape in the second degree class B felony; or
2.1.8 11 Del.C. §773 Rape in the first degree class A felony; or
2.1.9 16 Del.C. §4752 Drug dealing-Aggravated possession; class B felony; or
2.1.10 16 Del.C. §4752B Drug dealing - Resulting in death; class B felony; or
2.1.11 16 Del.C. §4753 Drug dealing-Aggravated possession; class C felony; or
2.1.12 16 Del.C. §4754 Drug dealing-Aggravated possession; class D felony; or
2.1.13 Any behavior equivalent to or greater than the offenses in subsections 2.1.1 through 2.1.12.

2.2 Provided further, any student expelled or suspended pending expulsion may not be placed at a Consortium Discipline Alternative Program if the school district determines, by a preponderance of the evidence, the student is inappropriate for such placement. When determining whether a student is inappropriate for placement in a Consortium Discipline Alternative Program, the school district shall consider the availability of space in the program to serve the student, the student’s age and the student's educational and behavioral modification needs.

3.0 Written Decision Required
When a school board expels a student but determines the student shall not be placed at a Consortium Discipline Alternative Program, the school district’s decision shall be in writing and address with specificity the reasons for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate within five working days of such decision with a copy to the student's parent, guardian, or Relative Caregiver.

4.0 Informing the Parents, Guardians, Relative Caregiver or Students (If the Student is Age 18 or Older)
Districts shall inform the parents, guardians, Relative Caregiver or students (if the student is age 18 or older) of the alternative education options that are then currently available to them if the students have been expelled or expulsion is being considered. These options may include, but are not be limited to, the Consortium Discipline Alternative Program, a GED Program, James H. Groves High School and continued special education and related services for children with disabilities as determined by the student's eligibility for participation in such programs. A student's eligibility for such alternative education options is determined by the requirements of such programs.

5.0 Grade Levels to be Served
Eligible students in the Consortium Discipline Alternative Program shall be primarily those who are enrolled in grades 6 through 12, however students in the lower grades may also be served through CDAP funds.

6.0 Placement at Consortium Discipline Alternative Program Sites
6.1 Each district shall establish an Alternative Placement Team to review each case and prescribe the appropriate placement for students. The Placement Team, in concert with the Consortium Discipline Alternative Program staff, shall design an Individual Service Plan (ISP) for each student that will include educational goals, behavioral goals, and services needed by both students and their families. The ISP shall include a tentative transition plan.
6.1.1 The Alternative Placement Team shall be composed of a representative of the Consortium Discipline Alternative Program staff; a district-level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's custodial adult; guidance counselor or school social worker; and a representative from the Department of Services for Children Youth and Their Families (DSCYF) with knowledge of the student's and family's needs as appropriate. Other individuals may be invited as determined by the placement team.

6.1.1.1 Students who are being placed at a Consortium Discipline Alternative Program site as a transition from DSCYF facilities shall have an ISP developed in concert with the DSCYF facility team, the Alternative Placement Team, and the student’s custodial adult.

6.1.2 If students from either a school district or DSCYF facility are children with disabilities, appropriate special education staff shall be included in placement considerations. The Alternative Placement Team and the Individual Education Program (IEP) Team may be the same so long as the membership of the IEP Team meets the requirements of 14 DE Admin. Code 925.

7.0 September 30 Enrollment Count

7.1 Students enrolled at a Consortium Discipline Alternative Program site shall be counted in the enrollment of the sending school.

7.2 Students shall be reported for the level of special education service as defined by the current IEP.

7.3 If a student was enrolled the previous year in a Career and Technical Program in the reporting school, the students shall be reported as enrolled in the next Career and Technical course in the program series.

8.0 Consortium Discipline Alternative Program Setting

8.1 The Consortium Discipline Alternative Program setting shall be apart from the regular school setting, however, a part of a school building may be used for these programs if the students do not interact with the regular school population or use any school facility at the same time as the regular school population.

8.1.1 Use of other agency facilities (Boys and Girls Club, YMCA, YWCA, etc.) is encouraged. Consortium Discipline Alternative Program settings shall meet all applicable health and safety laws and regulations for student occupancy.

9.0 Consortium Discipline Alternative Program Design

9.1 The Consortium Discipline Alternative Program shall include an educational program designed to maintain and improve skills aligned to the Delaware State Content Standards that will allow students to reenter the regular school program with a reasonable chance and expectation for success. Opportunities for academic acceleration shall also be provided.

9.1.1 The academic program shall include applied learning activities that encourage students’ active participation in the learning process as opposed to work sheets and other "seat oriented" drill exercises. Study skills, test-taking strategies for academic confidence building, and Character Education shall be integrated with the Delaware State Content Standards.

9.1.1.1 Credit for work accomplished in the Consortium Discipline Alternative Program setting shall be automatically transferred to the sending school.

9.1.2 All students enrolled in Consortium Discipline Alternative Programs shall participate in the Delaware Student Testing Program (DSTP) or successor statewide student assessment program, and Student Success Plans (SSP) as required by 14 DE Admin. Code 507.

10.0 Staffing
Instructional staff shall include educators who are licensed and certified in the content areas of English language arts, mathematics, science and social studies.

11.0 Children With Disabilities

11.1 Nothing in this regulation shall alter a district's or charter school's duties under the Individual with Disabilities Act (IDEA) or 14 DE Admin. Code 922 through 929. Nor shall this regulation prevent a district or charter school from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and Department regulations.

11.2 Nothing in this regulation shall alter a district's or charter school's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a district or charter school from providing supportive instruction to such students.

12.0 Charter School Students

12.1 A charter school, subject to the limitations of 14 Del.C. 504A(8), shall pursue referral of any student meeting the requirements of Subsection 1.2 into a Consortium Discipline Alternative Program pursuant to the provisions of Chapter 16 of Title 14 of the Delaware Code.

12.2 To the extent applicable, a charter school placing a student in a Consortium Discipline Alternative Program shall be subject to the provisions of this regulation.

13.0 Evaluation

The Department of Education shall annually evaluate the effectiveness of the Consortium Discipline Alternative Programs using criteria that includes student demographic data, types of interventions employed, and prior versus subsequent behavioral and academic patterns, parent involvement, agency involvement and recidivism. In addition, the Department of Education shall annually review the decisions acquired pursuant to Section 3.0 to assess the reasons for non-placement of students in the alternative programs, including lack of space and number, age, race and special education status of excluded students by district and charter school. Grantees shall compile and submit data based on uniform standards and format established by the Department.


1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

2.0. Terms and Definitions

In this regulation, the following terms and words shall have the following meaning unless the context clearly indicates otherwise:

"Administration" means administrative staff from a district, school, or charter school.

"Alternative Placement" means the removal of a student from his/her school on a temporary basis for a period of time as determined by the Alternative Placement Team and assignment to an Alternative Program.

"Alternative Placement Packet" means the documents submitted to the Alternative Placement Team including, but not limited to and as applicable, a student's academic information, behavioral information
including reason for referral to Alternative Placement, attendance information, Individualized Education Plan (IEP), 504 plan, and immunization records.

"Alternative Placement Team (APT)" means a committee composed of the following: a representative of the Alternative Program staff; a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker; and, if appropriate, a representative from the Department of Services for Children Youth and Their Families (DSCYF) with knowledge of the student's and family's needs. Other individuals may be invited as determined by the APT. The APT reviews and prescribes the appropriate placement for students being considered for Alternative Placement.

"Alternative Placement Team Meeting" means a meeting held by the district/charter school Alternative Placement Team to determine the appropriate educational setting for a student whose behavior is within the defined conduct under 14 DE Admin. Code 614 and who has been recommended for Assignment to an Alternative Program.

"Alternative Program" means a school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

"Appropriate Educational Services" means instruction and assessment provided by the district/charter and includes access to instructional materials, graded homework and communication with educators so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting a level of proficiency in that curriculum.

"Assignment to an Alternative Program" means student Assignment to an Alternative Program, including Consortium Discipline Alternative Program and any Alternative Program maintained by a district/charter school, until the student has fulfilled the requirements to return to the Regular School Program.

"Attorney General's Report (Juvenile Arrest Warrant and Complaint)" means the Department of Justice's report of alleged out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and drug offenses.

"Board of Education" means the Board of Education of a reorganized school district or the Board of Directors of a charter school.

"Building Level Conference" means a meeting which is held by phone or in person between the Principal, other appropriate school staff members as determined by the Principal, a student and a student's Parent to discuss the student's misconduct relative to a recommendation for Suspension, Alternative Placement, or Expulsion.

"Consortium Discipline Alternative Program" means a school discipline improvement program which serves an organized consortium of school districts and/or charter schools as provided for in 14 Del.C. Ch. 16.

"Disciplinary Action" means the student identified for Short or Long-Term Suspension, Expulsion, or Alternative Placement who may be excluded from all school activities, including but not limited to, extracurricular sports/programs, field trips, and ceremonies; is not allowed on School Property unless placed in an Alternative Placement on School Property.

"Discipline Record" means all information about Disciplinary Action taken against a specific student as a result of any infraction of the school's/district's Student Code of Conduct or other rules.

"Expulsion" means Disciplinary Action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student
days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Regardless of whether without or with services, including Alternative Placement, the expelled student is not eligible to enroll in any other Delaware public school during the period of the Expulsion and until any reasonable terms of the Expulsion are fulfilled.

"Grievance" means a formal complaint, filed per specific district/charter procedures, to school Administration regarding a student's rights or liberty interests having been denied or impaired. At a minimum, the procedures shall be similar to the Grievance Guidelines applicable to this regulation, as posted on the Department of Education website.

"Hearing Officer" means an official appointed by the district/charter to conduct a formal due process hearing for a student recommended for Disciplinary Action which requires a formal due process hearing. The Hearing Officer may be an employee of the district or charter school, but shall not have been involved in any review of the student incident at the building or district level.

"In-School Alternative Program" means a School-Based Intervention Program (SBI) as described in 14 DE Admin. Code 609. Placement is determined by the school's Student Intervention Team as described in 14 DE Admin. Code 609. The program design includes the student's regular curriculum, as well as character education, social skills development, conflict resolution, access to counseling services and behavior modification strategies.

"Intake Form" means the checklist used during the student Intake Meeting which ensures the inclusion of behavioral, academic, and other necessary information to facilitate the placement of a student at a Consortium Discipline Alternative Program.

"Intake Meeting" means the meeting at an Alternative Program site which includes the student, the Parent, district/charter school representative, program administrator and other appropriate Alternative Program staff. At this meeting the program's rules and expectations are reviewed, paperwork that requires student and Parent signatures is completed, and the district's/charter school's individualized goals and expectations for the alternatively-placed student are reviewed.

"Outside Agency" means any agency from which a student has received services, but does not include an Alternative Program. Examples include, but are not limited to: judicial placement, youth detention facility, substance abuse facility, and mental health facility.

"Parent" means a biological or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives and for whom a Relative Caregiver's School Authorization executed in compliance with 14 Del.C. §202(f)(1) is on file; an individual or entity who is otherwise legally responsible for the child's welfare; a surrogate parent who has been appointed in accordance with 14 DE Admin. Code 926.19; or a student who has reached the age of majority as defined in 1 Del.C. §701.

"Principal" means the building principal, or the equivalent of the building principal, of any district or charter school, or the principal's designee.

"Regular School Program" means student enrollment in a public school, not including specially assigned non-special education or student behavioral intervention programs within or outside the enrolled school, in which the student's classroom or course placement is based primarily on age, grade level and cognitive abilities as assigned by the school Administration or an IEP team and the student's participation in daily course instruction and activities within the assigned classroom or course.
"Repeated Violations of Student Code of Conduct" means five or more violations of the school's Student Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.

"School Discipline Committee" means a school-level committee consisting of appropriate school personnel, similar to those identified in 14 Del.C. Ch. 16, which meets to decide on student Disciplinary Action recommendations made by the Principal.

"School Environment" means within or on School Property, and at school sponsored or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

"School Property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

"Student Code of Conduct" means the district/charter school approved document which specifies the rights and responsibilities of students, defines conduct that disrupts/threatens a positive/safe School Environment, standardizes procedures for consequences and Disciplinary Action, and defines due process and Grievance procedures.

"Student Review" means a formal meeting that takes place at the Alternative Program with the district/charter school representative, the Alternative Program Administrator, and other appropriate Alternative Program staff to determine to what degree the student currently placed in the Alternative Program is progressing toward their behavioral and academic goals as determined during the student's Intake Meeting. The student and Parent shall be invited to attend this meeting.

"Superintendent" means the chief school officer of any public school district or charter school, or the equivalent of a superintendent, or the superintendent's designee.

"Suspension, Long-term (Long-term Suspension)" means Disciplinary Action approved by the Superintendent upon recommendation of the Principal or District Alternative Placement Team resulting in the student being removed from the Regular School Program for eleven (11) consecutive school days or more and not to exceed the total number of school days in a school year. Student chooses to waive his right to a formalized due process hearing as outlined in Section 10.0 of this regulation, maintains enrollment in the district/charter, and is provided Appropriate Educational Services during the term of the suspension, but is excluded from all school activities including, but not limited to, extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when suspension is out-of-school. A Long-term Suspension requires initial due process procedures as outlined in Section 4.0 of this regulation and the student choosing to waive his right to a formalized due process hearing as outlined in Section 10.0 of this regulation.

"Suspension, Short-term (Short-term Suspension)" means Disciplinary Action approved by the Principal or School Discipline Committee resulting in the student being removed from his Regular School Program for at least one (1) school day and not more than ten (10) consecutive school days. Student maintains enrollment in district/charter, but is excluded from all school activities including, but not limited to extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when Short-term Suspension is out-of-school. A Short-term Suspension requires initial due process procedures as outlined in subsection 5.1 of this regulation.

"Transition Meeting" means a meeting to discuss the student's return to the Regular School Program which takes place at the school in which the student is enrolled, with the Alternative Program
representative, the district/charter school representative, the student, the Parent, a school administrator, a teacher, a school counselor, a student advisor or disciplinarian if assigned, or other representative. "Violent Felony" means a crime designated in 11 Del.C. §4201(c).

3.0. Preliminary Discipline Investigation & Reporting Requirements

3.1. Investigatory Procedures & Timeline

3.1.1. In any instance when student Disciplinary Action which may result in removal of the student out of the Regular School Program for one day or more is contemplated, the Principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue Disciplinary Action.

3.1.1.1. The Principal may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal. Initial due process in accordance with subsection 4.2.1 of this regulation shall be provided.

3.1.1.2. When obtaining written statements from witnesses, reasonable efforts may be made to notify the Parent of each witness.

3.1.1.3. Reasonable efforts shall be made to include the allegedly offending student or Parent in the preliminary investigation.

3.1.2. The investigation shall be completed within three (3) school days of the date the incident in question was reported.

3.1.3. The Principal shall confiscate any contraband as defined in the Student's Code of Conduct or under the School's policy or state or federal law, which may be used for criminal/juvenile delinquency proceedings. Such contraband shall be labeled and secured in a locked area. Any confiscated contraband, or that reasonably understood to be illegal contraband, which may be used for criminal/juvenile proceedings shall be turned over to the appropriate police agency as soon as practicable.

3.2. Reporting Requirements

3.2.1. If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 Del.C. §4112 has been committed, the Principal shall immediately notify the appropriate law enforcement agency of the incident.

3.2.1.1. All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.

3.2.2. The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 Del.C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.

4.0. Initial Due Process

4.1. A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct.

4.1.1. Prior to any removal of one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct:

4.1.1.1. The student had prior opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations.
4.1.1.2. The administrator/designee shall inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated.

4.1.1.3. The student shall be given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

4.2. Due Process Delay Provision

4.2.1. A student whose presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures outlined in subsection 4.1 of this regulation are followed.

4.3. In addition to the initial due process rights, a student who is recommended for Alternative Placement or Expulsion shall receive applicable additional due process rights as outlined in Sections 7.0, 10.0, and 11.0 of this regulation.

5.0. Suspensions

5.1. Short-term Suspension

5.1.1. The Principal, in accordance with the rules of the district/charter school, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

5.1.2. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district/charter Alternative Placement Meeting decision or the district/charter's Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.

5.1.2.1. A student whose Short-term Suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the student's district/charter Alternative Placement Meeting decision has been rendered or the district/charter's Board of Education decision regarding the student's Expulsion hearing or other formalized Disciplinary Action hearing has concluded. This does not preclude a district/charter from providing Appropriate Educational Services during a Short-term Suspension prior to the extension.

5.2. Long-term Suspension

5.2.1. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in 14 DE Admin. Code 614.3. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

5.3. Prior to any Suspension from school, the initial due process procedures outlined in subsection 4.1 of this regulation shall be followed unless temporarily delayed as allowed in subsection 4.2 of this regulation.

5.4. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or
Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.

5.4.1. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district/charter's appeal or Grievance process.

5.5. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. A definite time, date, and place for the conference shall be designated by the Principal. The Principal may waive this conference requirement.

6.0. Requirement of Grievance Process

6.1. Each district/charter school shall have a written Grievance procedure. The district/charter school shall have the written Grievance procedures available for Parent review.

6.2. Grievance procedures, shall, at a minimum, be similar to the Grievance guidelines applicable to this regulation as posted on the Department of Education's website.

7.0. Assignment to an Alternative Program

7.1. Procedures for Student Referral

7.1.1. Criteria for student referral to an Alternative Placement.

7.1.1.1. A Principal may refer a student for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district/charter school Student Code of Conduct and the student's behavior is within the defined conduct under 14 DE Admin. Code 614.

7.1.1.2. A Principal may refer a student for Alternative Placement for any offense listed in 14 Del.C. §4112. Students ineligible as a result of an offense listed in 14 DE Admin. Code 611 shall not be referred to a Consortium Discipline Alternative Program.

7.1.1.3. A Principal may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment. Students ineligible as a result of an offense listed in 14 DE Admin Code 611 shall not be referred to a Consortium Discipline Alternative Program.

7.1.1.4. A Principal may refer a student for Alternative Placement in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school-based best practice interventions have been put into place for said student. This may include, but is not limited to, counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available In-School Alternative Program.

7.1.1.5. Referral to a state funded Consortium Discipline Alternative Program must also meet the criteria set forth in 14 DE Admin. Code 611.

7.1.1.5.1. A referral of a charter school student to a Consortium Discipline Alternative Program shall also comply with the provisions of 14 Del.C. §504A(8).

7.2. Responsibilities for Student Referral Which May Lead to Alternative Program Placement

7.2.1. When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur:

7.2.1.1. The Principal shall conduct a preliminary investigation pursuant to Section 3.0 of this regulation to determine if there is reasonable basis to pursue Disciplinary Action.

7.2.1.2. If the preliminary investigation verifies that Disciplinary Action may be warranted, initial due process procedures outlined in Section 4.0 of this regulation shall be followed.
7.2.1.3. After the student has been afforded initial due process procedures, and if the Principal decides that Disciplinary Action will be taken, the student and Parent shall be notified.

7.2.1.4. The Principal may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).

7.2.1.5. If the Principal decides that the Disciplinary Action should be a referral for an Alternative Placement, the Principal shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.

7.2.1.5.1. Schools/charters which utilize a site-based School Discipline Committee may have the committee meet to discuss the incident and make a recommendation to the Principal for the student to remain in the current school setting, or for referral to an Alternative Program.

7.2.1.6. A charter school Principal shall verify that the Alternative Placement referral meets the conditions set forth in 14 Del.C. §504A(8).

7.2.1.7. For all referrals for Alternative Placement for a general education or special education student, the Principal shall hold a Building Level Conference with the Parent and the student.

7.2.1.7.1. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the district/charter school Alternative Placement Team Meeting and; 3) of the procedures that will take place as follow-up to the referral for Alternative Placement.

7.2.1.7.2. The conference shall be held by phone or in person.

7.2.1.7.3. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

7.2.1.8. Notice of the Alternative Placement Meeting shall be mailed to the Parent and the student via regular U.S. and certified mail at least five business days before the meeting is to occur.

7.3. Alternative Placement Meeting for Districts/Charter Schools

7.3.1. A district/charter school Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.

7.3.1.1. The Parent and student shall receive verbal and written notification of the district/charter school's Alternative Placement Meeting. Parents and student may, but are not required to, attend the meeting.

7.3.1.2. The Parent and student shall be informed of the district/charter school Alternative Placement Team’s decision for placement within one (1) business day of the meeting.

7.3.1.2.1. If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

7.4. Student Assignment to an Alternative Program

7.4.1. The district/charter school representative shall contact the selected Alternative Program to set up a date and time for an Intake Meeting.

7.4.1.1. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.
7.4.1.1. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district/charter school representative, the Alternative Program administrator, and other appropriate Alternative Program staff.

7.4.1.2. A student assigned to a Consortium Discipline Alternative Program must be registered in a district/charter school before the Intake Meeting is held.

7.4.1.3. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.

7.4.1.4. During the Intake Meeting, the district/charter school representative shall communicate, to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.

7.4.1.4.1. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and district/charter school representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.

7.4.2. The district/charter school shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.

8.0. Procedures for Student Monitoring while in Alternative Placement

8.1. A Student Review for each student in the Alternative Program shall be completed. Quarterly reviews are recommended. Semi-annual reviews are required.

8.1.1. The Student Review shall include an examination of student attendance, grades and Discipline Records, including the student's strengths and weaknesses in connection with their individualized goals and expectations at the time of the Student Review.

8.1.2. The Student Review shall also include recommendations for continued progress and/or return (or recommendation not to return) to the Regular School Program.

9.0. Procedures for Student Return to the Regular School Program

When a Student Review results in a recommendation for return to the comprehensive school setting, a Transitional Meeting at the student's comprehensive school will be held between the Alternative Program representative, the district/charter school representative, the student, the Parent, the school administrator, a teacher, a school counselor, a student advisor or disciplinarian, if assigned. Other individuals may be invited as determined by the members of the Transitional Meeting team. This meeting shall take place prior to a student's return to that comprehensive school and shall result in a document setting forth the terms of the return.

10.0. Procedures for the Expulsion of Students

10.1. When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Expulsion, the following procedures shall be followed.

10.1.1. The Principal shall conduct a preliminary investigation pursuant to Section 3.0 of this regulation to determine if there is reasonable basis to pursue Disciplinary Action.

10.1.2. If the investigation verifies that Disciplinary Action may be warranted, initial due process procedures outlined in Section 4.0 of this regulation shall be followed.
10.2. After the student has been afforded initial due process procedures, if the Principal decides that Disciplinary Action in the form of a recommendation for Expulsion will be made, the following procedures shall be followed:

10.2.1. Student will be given written notice of charges and the Parent shall be notified verbally and in writing as soon as practicable thereafter.

10.2.2. The student shall be given a Short-term Suspension pursuant to the criteria outlined in Section 6.0 of this regulation. The Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).

10.2.3. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion.

10.2.3.1. The conference shall be held by phone or in person.

10.2.3.2. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

10.2.4. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

10.3. Expulsion Hearings

10.3.1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation.

10.3.1.1 The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.

10.3.2. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.

10.3.3. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.

10.3.4. If requested, the student and Parent will also be given a copy of the following:

10.3.4.1. The reason(s) for the recommendation;

10.3.4.2. The name(s) of witnesses who may appear; and

10.3.4.3. Copies of information that may be submitted as evidence.

10.3.5. The district/charter shall receive written Parent permission for any witness who is a minor.

10.3.6. The hearing shall be conducted by a district/charter Board of Education or Hearing Officer.

10.3.7. The Board of Education or Hearing Officer shall have full authority to admit or exclude evidence.
10.3.7.1. Evidence presented at the Expulsion hearing may include, but is not limited to, witness statements, police or Attorney General's Reports, and photocopies of evidence.

10.3.7.2. The Board of Education or Hearing Officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.

10.3.7.3. The Board of Education or Hearing Officer may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.

10.3.7.4. The Board of Education or Hearing Officer may limit unduly repetitive proof, rebuttal and cross examination.

10.3.8. In conducting the hearing, the district/charter school shall submit evidence first followed by the response of the student, if any.

10.3.8.1. Further evidence by either party may be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.

10.3.9. The Superintendent presenting the case on the part of the district/charter school shall not testify.

10.3.10. The hearing shall be recorded in a manner that will permit transcription.

10.3.11. The student shall have the following rights:

10.3.11.1. To be represented by legal counsel at the student's expense;
10.3.11.2. To cross-examine witnesses;
10.3.11.3. To testify and produce witnesses on his/her behalf; and
10.3.11.4. To obtain, at the student's expense, a copy of the transcript of the hearing.

10.3.12. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct.

10.4. Expulsion Decision by Board of Education

10.4.1. Decision after Hearing Officer Presides over Hearing

10.4.1.1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent.

10.4.1.1.1. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.

10.4.1.2. The Board of Education shall make its decision at the next scheduled public Board Meeting or additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

10.4.1.2.1. The Board shall conduct a review of the Hearing Officer's recommendation. The Board may accept, reject, or modify the recommendation of the Hearing Officer. The Board's decision shall be in writing in accordance with subsection 10.4.5 of this regulation and shall be based solely upon the report from the Hearing Officer and the record of the Expulsion hearing, if any.

10.4.2. Decision after Board of Education Presides over Hearing

10.4.2.1. Following the conclusion of an Expulsion hearing conducted by the Board of Education, the Board shall frame the issues, summarize the evidence, state conclusions of fact and render its decision.
10.4.2.2. The Board's decision shall be in writing in accordance with subsection 10.4.5 and shall be based solely upon the record of the Expulsion hearing of which it presided over.

10.4.3. Decision After Waiving of Hearing Rights and Admission to Violation Charges

10.4.3.1. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at it’s next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

10.4.4. Eligible expelled students shall be placed in a Consortium Discipline Alternative Program in accordance with 14 Del.C. §1604 and 14 DE Admin. Code 611. The Board shall determine if the students not eligible for placement in a Consortium Discipline Alternative Program shall be expelled with or without Appropriate Educational Services.

10.4.5. Any decision to expel a student shall be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.

10.4.6. Except as is otherwise provided herein, within ten (10) business days of the decision by the Board, the Board, through its designee, shall submit its decision to the Superintendent and Parent and student in writing. The written decision shall include notice of the right to appeal to the State Board of Education.

10.5. Calculation of Time

10.5.1. In calculating the period of time for the term of the Expulsion, school days will be used. Students receiving residential services from a Department of Services for Children, Youth and Their Families (DSCYF) program shall have the amount of school days served in such program counted as part of the calculation of time for an Expulsion. This does not preclude a district/charter from transitioning a student from a YRS program to the Regular School Program through an Alternative Program. However, transition through an Alternative Program is not required.

11.0. Students with Disabilities

11.1. Nothing in this regulation shall alter a district/charter school's duties under the Individual with Disabilities Act (IDEA) or 14 DE Admin. Code 922 through 929. Nothing in this regulation shall prevent a district/charter school from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and Delaware Department of Education regulations.

11.2. Nothing in this regulation shall alter a district/charter school's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a district/charter School from providing supportive instruction to such students.


30.0. Discipline Procedures Authority of School Personnel.

30.1. Case by case determination: School personnel may consider any unique circumstances on a case by case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
30.2. School personnel under 30.0 may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 36.0).

30.2.1. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency shall provide services to the extent required under 30.4 of this section.

30.3. Additional authority: For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to 30.5, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in 30.4.

30.4. Services:

30.4.1. A child with a disability who is removed from the child’s current placement pursuant to 30.3 or 30.7 shall continue to receive educational services, as provided in 14 DE Admin. Code 923.1.2 so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

30.4.2. The services required by paragraphs 30.4.1, 30.4.3, 30.4.4, and 30.4.5 may be provided in an interim alternative educational setting.

30.4.3. A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

30.4.4. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is for not more than ten (10) consecutive school days and is not a change of placement under 36.0, school personnel, in consultation with at least one (1) of the child’s teachers, determine the extent to which services are needed, as provided in 14 DE Admin. Code 923.1.2 so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.

30.4.5. If the removal is a change of placement in 36.0, the child’s IEP Team determines appropriate services in 30.4.1.

30.5. Manifestation determination: Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:

30.5.1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

30.5.2. If the conduct in question was the direct result of the LEA’s failure to implement the IEP.

30.5.3. The conduct shall be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either 30.5.1 or 30.5.2 was met.
30.5.4. If the LEA, the parent, and relevant members of the child’s IEP Team determine the condition described in 30.5.2 was met, the LEA shall take immediate steps to remedy those deficiencies.

30.6. Determination that the behavior was a manifestation: If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team shall either:

30.6.1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

30.6.2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

30.6.3. Except as provided in 30.7, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

30.7. Special circumstances: School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child:

30.7.1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the DOE or an LEA;

30.7.2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the DOE or an LEA; or

30.7.3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the DOE or an LEA.

30.8. Notification: The LEA or other public agency shall ensure that the parents, guardian or Relative Caregiver of each child with disabilities receive written notice of the rules and regulations applicable to such children with respect to discipline, suspension, expulsion, and exclusion as a treatment procedure at the beginning of each school year or upon entry into a special education program during the school year; and

30.8.1. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA shall notify the parents of that decision, and provide the parents the procedural safeguards notice described in 4.0.

30.9. Definitions: For purposes of this section, the following definitions apply:

“Controlled Substance” means a drug or other substance identified under schedules I, II, III, IV, or V in section 202c of the Controlled Substances Act (21 U.S.C. 812(c)).

“Illegal Drug” means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

“Serious Bodily Injury” has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

“Weapon” has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

31.0. Determination of Setting.
The child’s IEP Team determines the interim alternative educational setting for services in 30.3, 30.4.5 and 30.7.

32.0. Expeditied Appeal

32.1. General: The parent of a child with a disability who disagrees with any decision regarding placement in 30.0 and 31.0, or the manifestation determination in 30.5, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to 7.0, 8.1 and 8.2.

32.2. A single, impartial hearing officer appointed by the DOE from its Registry of Impartial Hearing Officers shall make a determination regarding an appeal under paragraph (a) of this section. The hearing officer may:

32.2.1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of 30.0 or that the child’s behavior was a manifestation of the child’s disability; or

32.2.2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

32.2.3. The procedures in 32.1 and 32.2 may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

32.3. Expedited due process hearing:

32.3.1. Whenever a hearing is requested in 32.1, the parents or the LEA involved in the dispute shall have an opportunity for an impartial due process hearing consistent with the requirements of 7.0 and 8.1 through 8.3, and 10.0 through 14.0, and 14 Del.C. Ch. 31, except as provided in 32.3.2 through 32.3.4.

32.3.2. The DOE shall be responsible for arranging the expedited due process hearing, which shall occur within twenty (20) school days of the date the complaint requesting the hearing is received by the DOE. The hearing officer shall make a determination within ten (10) school days after the hearing.

32.3.3. Unless the parents and LEA agree in writing to waive the resolution meeting described in 32.3.3.1 or agree to use the mediation process described in 6.0:

32.3.3.1. A resolution meeting shall occur within seven (7) days of receiving notice of the due process complaint; and

32.3.3.2. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of the receipt of the due process complaint.

32.3.4. The decisions on expedited due process hearings are appealable consistent with 14.0.

33.0. Placement During Appeals

When an expedited appeal under 32.0 has been made by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in 30.3 and 30.7, whichever occurs first, unless the parent and the DOE or LEA agree otherwise.

34.0. Protections for Children not Determined Eligible for Special Education and Related Services

34.1. General: A child who has not been determined to be eligible for special education and related services under these regulations and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in these regulations if the public agency had
knowledge (as determined in accordance with 34.2) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

34.2. Basis of knowledge: A public agency shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

34.2.1. The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

34.2.2. The parent of the child requested an evaluation of the child pursuant to 14 DE Admin. Code 925.1.0 through 925.12.0; or

34.2.3. The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

34.3. Exception: A public agency would not be deemed to have knowledge under 34.2 if the parent of the child has not allowed an evaluation of the child pursuant to 14 DE Admin. Code 925.1.0 through 925.12.0; or has refused services under these regulations; or the child has been evaluated in accordance with 14 DE Admin. Code 925.1.0 through 925.12.0 and determined to not be a child with a disability under these regulations.

34.4. Conditions that apply if no basis of knowledge: If a public agency does not have knowledge that a child is a child with a disability (in accordance with 34.2 and 34.3) prior to taking disciplinary measures against the child, the child may be subject to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with the following requirements:

34.4.1. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures in 30.0, the evaluation shall be conducted in an expedited manner.

34.4.2. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

34.4.3. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with these regulations, including the requirements of 30.0 through 36.0 and section 612(a)(1)(A) of the Act.

35.0. Referral to and Action by Law Enforcement and Judicial Authorities

35.1. Rule of construction: Nothing in these regulations prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents Delaware law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

35.2. Transmittal of records: An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

35.2.1. An agency reporting a crime under this section may transmit copies of the child’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

36.0. Change of Placement Because of Disciplinary Removals

36.1. For purposes of removals of a child with a disability from the child’s current educational placement in 30.0 through 35.0, a change of placement occurs if:

36.1.1. The removal is for more than ten (10) consecutive school days; or

36.1.2. The child has been subjected to a series of removals that constitute a pattern:
36.1.2.1. Because the series of removals total more than ten (10) school days in a school year;

36.1.2.2. Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and

36.1.2.3. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; or.

36.1.3. The child has been subjected to a series of in-school removals totaling more than ten (10) school days and it deprives the child from meeting the goals set out in the IEP; progressing in the general curriculum through another setting; and receiving those services and modifications described in the IEP; or the child has been subjected to a series of removals from transportation and it results in the child’s absence from school for more than ten (10) school days.

36.2. The public agency determines on a case by case basis whether a pattern of removals constitutes a change of placement.

36.3. This determination is subject to review through due process and judicial proceedings.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

11 Del.C. §1457. Possession of a weapon in a safe school and recreation zone; class D, E, or F felony: class A or B misdemeanor.

(a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who possesses a firearm or other deadly weapon, and does so while in or on a “Safe School and Recreation Zone” shall be guilty of the crime of possession of a weapon in a Safe School and Recreation Zone.

(b) The underlying offenses in Title 11 shall be:

(1) Section 1442. Carrying a concealed deadly weapon; class G felony; class D felony.

(2) Section 1444. Possessing a destructive weapon; class E felony.

(3) Section 1446. Unlawfully dealing with a switchblade knife; unclassified misdemeanor.

(4) Section 1448. Possession and purchase of deadly weapons by persons prohibited; class F felony.

(5) Section 1452. Unlawfully dealing with knuckles-combination knife; class B misdemeanor.

(6) Section 1453. Unlawfully dealing with martial arts throwing star; class B misdemeanor.

(c) For the purpose of this section, “Safe School and Recreation Zone” shall mean:

(1) Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university, within 1,000 feet thereof; or

(2) Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or any college or university; or

(3) Any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium.

(d) Nothing in this section shall be construed to preclude or otherwise limit a prosecution of or conviction for a violation of this chapter or any other provision of law. A person may be convicted both of the crime of possession of a weapon in a Safe School and Recreation Zone and of the underlying offense as defined elsewhere by the laws of the State.

(e) It shall not be a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place on or in a Safe School and Recreation Zone.

(f) It shall be an affirmative defense to a prosecution for a violation of this section that the weapon was possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity. The affirmative defense established in this section shall be proved by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for any offense defined in any other section of this chapter.
(g) It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, and that no person under the age of 18 was present in such private residence at any time during the commission of the offense. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(h) This section shall not apply to any law-enforcement or police officer, or to any "private security guard" defined in § 1302(20) of Title 24.

(i) For purposes of this section only, "deadly weapon" shall include any object described in § 222(5) or (12) of this title or BB guns.

(j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be:

1. If the underlying offense is a class B misdemeanor, the crime shall be a class A misdemeanor;
2. If the underlying offense is an unclassified misdemeanor, the crime shall be a class B misdemeanor;
3. If the underlying offense is a class E, F, or G felony, the crime shall be one grade higher than the underlying offense.
4. If the underlying offense is a class D felony, the crime shall also be a class D felony.
5. In the event that an elementary or secondary school student possesses a firearm in a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.
6. In the event that an elementary or secondary school student possesses a deadly weapon other than a firearm in a Safe School and Recreation Zone in addition or as an alternative to any other penalties contained in this section, the student may be suspended for a period of not less than 30 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the suspension.


(c) Student possession of weapons and unlawful drugs. Whenever a school employee has reliable information that would lead a reasonable person to believe that a person on school property or at a school function has on his or her person, concealed in that person’s possessions, or placed elsewhere on school property:

(2) Any deadly weapon, destructive weapon, dangerous instrument or incendiary or explosive device as prohibited by Title 11, the school employee shall immediately report the incident to the principal, who shall conduct a thorough investigation. If the investigation verifies that good reason exists to believe that a crime has been committed, the principal shall immediately notify the appropriate police agency of the incident. If the police agency determines that probable cause exists to believe that a crime has been committed, then the principal shall file a written report of the incident with the Department of Education within 5 working days.

REGULATIONS

1.0 Written Policy Required
1.1 Each school district and charter school shall have a written policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

1.1.1 A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.

1.1.2 Modification to the expulsion requirement may be made on a case by case basis by the chief school officer. Any modification to the expulsion requirement must be made in writing to the Department.

1.1.3 The definition of "Firearm" shall be the same as the meaning given to the term in the federal Gun-Free Schools Act.

2.0 Submission of the Policy to the State Department of Education

2.1 Each school district and charter school shall submit the following to the Delaware Department of Education annually, in such form as the Department requires:

2.1.1 An electronic copy of its policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute; and

2.1.2 An electronic copy of any revised policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute under the policy implemented in accord with this regulation within ninety (90) days of such revision regardless of whether revisions were made as a result of changes to federal, state or local law, regulations, guidance or policies; and

2.1.3 Descriptions of the expulsions imposed under 11 Del.C. §1457(j) or its successor statute and under the policy implemented in accord with this regulation.

3.0 Individuals with Disabilities Act Nothing in this regulation shall alter a district or charter school's duties pursuant to the Individuals with Disabilities Education Act.

Other weapons

LAWS

11 Del.C. §1457. Possession of a weapon in a safe school and recreation zone; class D, E, or F felony: class A or B misdemeanor.

(a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who possesses a firearm or other deadly weapon, and does so while in or on a "Safe School and Recreation Zone" shall be guilty of the crime of possession of a weapon in a Safe School and Recreation Zone.

(b) The underlying offenses in Title 11 shall be:

(1) Section 1442. Carrying a concealed deadly weapon; class G felony; class D felony.

(2) Section 1444. Possessing a destructive weapon; class E felony.

(3) Section 1446. Unlawfully dealing with a switchblade knife; unclassified misdemeanor.

(4) Section 1448. Possession and purchase of deadly weapons by persons prohibited; class F felony.

(5) Section 1452. Unlawfully dealing with knuckles-combination knife; class B misdemeanor.

(6) Section 1453. Unlawfully dealing with martial arts throwing star; class B misdemeanor.

(c) For the purpose of this section, "Safe School and Recreation Zone" shall mean:
(1) Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university, within 1,000 feet thereof; or
(2) Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or any college or university; or
(3) Any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium.

(d) Nothing in this section shall be construed to preclude or otherwise limit a prosecution of or conviction for a violation of this chapter or any other provision of law. A person may be convicted both of the crime of possession of a weapon in a Safe School and Recreation Zone and of the underlying offense as defined elsewhere by the laws of the State.

(e) It shall not be a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place or in a Safe School and Recreation Zone.

(f) It shall be an affirmative defense to a prosecution for a violation of this section that the weapon was possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity. The affirmative defense established in this section shall be proved by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for any offense defined in any other section of this chapter.

(g) It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, and that no person under the age of 18 was present in such private residence at any time during the commission of the offense. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for any offense defined in any other section of this chapter.

(h) This section shall not apply to any law-enforcement or police officer, or to any "private security guard" defined in § 1302(20) of Title 24.

(i) For purposes of this section only, "deadly weapon" shall include any object described in § 222(5) or (12) of this title or BB guns.

(j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be:
   (1) If the underlying offense is a class B misdemeanor, the crime shall be a class A misdemeanor;
   (2) If the underlying offense is an unclassified misdemeanor, the crime shall be a class B misdemeanor;
   (3) If the underlying offense is a class E, F, or G felony, the crime shall be one grade higher than the underlying offense.
   (4) If the underlying offense is a class D felony, the crime shall also be a class D felony.
   (5) In the event that an elementary or secondary school student possesses a firearm in a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.
   (6) In the event that an elementary or secondary school student possesses a deadly weapon other than a firearm in a Safe School and Recreation Zone in addition or as an alternative to any other penalties contained in this section, the student may be suspended for a period of not less than 30 days unless
otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the suspension.

(c) Student possession of weapons and unlawful drugs. Whenever a school employee has reliable information that would lead a reasonable person to believe that a person on school property or at a school function has on his or her person, concealed in that person's possessions, or placed elsewhere on school property:

(2) Any deadly weapon, destructive weapon, dangerous instrument or incendiary or explosive device as prohibited by Title 11, the school employee shall immediately report the incident to the principal, who shall conduct a thorough investigation. If the investigation verifies that good reason exists to believe that a crime has been committed, the principal shall immediately notify the appropriate police agency of the incident. If the police agency determines that probable cause exists to believe that a crime has been committed, then the principal shall file a written report of the incident with the Department of Education within 5 working days.

REGULATIONS

30.0. Discipline Procedures Authority of School Personnel.
30.7. Special circumstances: School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

30.7.1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the DOE or an LEA;

30.9. Definitions: For purposes of this section, the following definitions apply:

“Weapon” has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Students with chronic disciplinary issues

LAWS

(a)(1) A pupil accepted for enrollment in a school or program pursuant to this chapter shall be entitled to remain enrolled therein until graduation from the school or completion of the program provided that the pupil continues to meet the requirements for such school or program, provided however, that upon the concurrence of the boards of both the district of residence and the receiving district, a pupil's right to remain enrolled may be terminated prior to graduation from or completion of the program where such termination is based upon the pupil's

b. Multiple violations of, or one or more serious violations of, the receiving district's student code of conduct.

The Department of Education shall establish a program component which will provide alternative educational and related services for the more severe discipline problems in the public schools. This
component will serve primarily secondary school students, including but not limited to: youngsters who have been expelled from regular schools, students who may be subject to expulsion, and others who have serious violations of the local school district discipline code. The Department of Education shall provide rules and regulations for the conduct of programs authorized under this section subject to the following limitations:

1. School districts shall make application to the Department of Education for funding to implement programs authorized under this section. Preference shall be given to applications from consortia of school districts. To the extent feasible, programs offered under this component should serve eligible pupils within a county, however, multiple sites may be operated by a single consortia of school districts within a county.

2. Any application submitted under this section shall specify the types and level of services to be provided and an estimate of the number of youngsters to be served. The application shall also include a budget of proposed expenditures during a fiscal year. That budget shall indicate, at a minimum, the funds being requested from appropriations authorized under this section and funds to be obtained from all other sources.

3. All applications submitted to the Department of Education under this section shall indicate an agreement to fund at least 30 percent of the total cost of services provided from sources of funding other than those authorized under this section.

4. All projects funded under this section shall submit an annual evaluation report on the effectiveness of the program to the Department of Education. Such report shall incorporate the data and information specified by the Department.

5. School districts shall be permitted to use funds collected in accordance with the provisions of Chapter 6 of this title to make tuition payments for youngsters assigned to programs authorized under this section.

6. Nothing in this section shall prohibit a consortia of school districts from contracting for educational or related services with public or private agencies when operating programs authorized under this section.

7. The provisions of § 4130 of this title shall not apply to youngsters enrolled in programs authorized under this section.

8. A student 16 years of age or less who is expelled or suspended pending expulsion by a local school district or charter school shall be presumed appropriate for placement in a Consortium Discipline Alternative Program site, provided the student is not otherwise ineligible by statute or regulation for placement in such a program. The burden of establishing that a student is not appropriate for placement in a Consortium Discipline Alternative Program shall be on the local school district or charter school. Any student not shown by preponderance of evidence to be inappropriate for placement in a Consortium Discipline Alternative Program shall be placed in such a program.

REGULATIONS


1. Eligible Students

1.3 School districts may place a student in a Consortium Discipline Alternative Program for classroom or school environment disruptions only if:
1.3.1 Such disruptions are chronic and repetitive; Attendance and truancy

LAWS

14 Del.C. §2702. Compulsory attendance requirements; evaluation of readiness; exit interview.

(a) Except as otherwise provided, the following provisions are applicable to school attendance in this State:

(1) Every person in this State who has legal custody, guardianship of the person, or legal control of a child between 5 and 16 years of age, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, shall enroll the child in a public school in the school district of the person's residence.

(2) Every person who has legal custody, guardianship of the person, or legal control of a student, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, who is enrolled in a public school of this State shall send the student to the school each day of the minimum school term and to any academic improvement activities required by § 153 of this title.

(3) Every student who is enrolled in a public school of this State shall attend the school each day of the minimum school term and any academic improvement activities required by § 153 of this title. A student who has been absent from school without a valid excuse for more than 3 school days in a school year is a truant. A truant and the parent of a truant are subject to the administrative procedures and court proceedings set out in subchapter II of this chapter.

(b) For the purposes of this section, a child shall be considered 5 years of age if that child celebrates the child's fifth birthday according to the following schedule:

1993-94 school year - Fifth birthday on or before November 30, 1993.
1994-95 school year - Fifth birthday on or before October 31, 1994.
1995-96 school year - Fifth birthday on or before September 30, 1995.
1996-97 school year - Fifth birthday on or before August 31, 1996.

Subsequent school years - Fifth birthday on or before August 31 of the respective year.

Local school authorities may grant exceptions to the above schedule for entry into school if they determine that such exception is in the best interest of the child.

(c) The following provisions shall be applicable to the administration of subsection (a) of this section in regard to compulsory attendance in the kindergarten for a child age 5 years:

(1) If a child is a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and may request a delay of 1 year in that attendance. However, admission to first grade will be authorized only after school authorities evaluate the child's readiness for attendance.

(2) If a child was not a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and on the basis of that evaluation authorize admission to grade 1.

(3) The parent, guardian, legal custodian or relative care giver, as defined in § 202(f)(2) of this title, of a child who is eligible for admission to kindergarten at age 5 may opt for the child to attend kindergarten for a half-day per day, totaling 440 hours in a school year.
(d) The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year for children in grades K through 12.

1. Following the tenth day of unexcused absence by a student, the school shall immediately notify the parent or parents or guardian and a visiting teacher for the district shall visit the student's home;
2. Following the fifteenth day of unexcused absence by a student, the student's parent or parents or guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;
3. Following the twentieth day of unexcused absence by a student, the school shall refer the case for prosecution;
4. Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

(e) Following the tenth unexcused day of attendance by a student in grades 6 through 12 inclusive, the building principal shall notify a visiting teacher of such unexcused days.

(f) If contacted by the school pursuant to paragraph (d)(2) of this section, each parent or guardian of a student shall sign a contract with the district agreeing they will make every reasonable effort to:

1. Have their child or children abide by the school code of conduct;
2. Make certain their child attends school regularly; and
3. Provide written documentation for the reasons for any absence.

(g) Any day of summer school, any session of after school or Saturday extra instruction, or any session of mentoring which a child is required to attend as an academic improvement activity in conformity with § 153 of this title shall be considered a school day for purposes of this chapter, and for purposes of § 901 of Title 10, § 1100 of Title 11, and § 301 of Title 31 of this Code, or wherever the term school day or its equivalent is used in a provision of this Code designed to minimize or punish truancy.

(h) A child over the age of 16 may withdraw from public school prior to graduation if both of the following circumstances exist:

1. Where the student is fewer than 18 years of age, written consent is granted by the child's parent or guardian.
2. An exit interview is conducted where the student and the student's parent or legal guardian have been advised that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future. During the exit interview, the student who is withdrawing from school shall be given information that has been prepared and supplied by the Department regarding the detrimental impacts and effects of early withdrawal from school, along with any available information about training and employment opportunities. The school and the student and the student's parent or legal guardian shall also evaluate any available support services, interventions or programs that might assist the student in remaining enrolled until graduation. A school is required to make 3 good faith attempts to contact a student's parent or legal guardian to schedule an exit interview pursuant to this paragraph.

14 Del.C. §2705. Exemption of children from compulsory attendance requirements.

(a) Other provisions of this title notwithstanding, a child may be exempted from § 2702 of this title upon request of the parent, guardian or other person legally having control of that child when the request is supported by written documentation of a physician, psychiatrist, psychologist or neurologist, as the case may require. The request and documentation shall be addressed to the superintendent of schools of the district in which the child resides and, in the case of a child with a disability or disabilities, the child's
Individual Education Program (IEP) team, for the development of an educational program and determination of whether a change of placement is necessary to ensure that the child receives a free and appropriate public education.

(b) Any disputed decision under this section shall be presented first to the board of education of the school district of which the child is a resident and may thereafter be appealed to the State Board of Education. The decision of the State Board of Education shall be final. In the case of a child with a disability or disabilities, all of the federal regulatory due process procedures of Part B of the Individuals with Disabilities Education Act [20 U.S.C. §§ 1411 et seq.] shall apply.


Any child affected with diphtheria, measles, scarlet fever or smallpox shall be excluded from the schools until permission of the proper school officer for the child to return is granted; and intercourse between pupils of the schools and the family or house, when there is any case of 1 of these contagious diseases, must be forbidden until the official permission is given to return to the school.


In this chapter:

(1) "Court" means a Justice of the Peace Court.

(2) "Parent" means a biological or natural parent, an adoptive parent, a person legally charged with the care or custody of a person under 18 years of age, a person who has assumed responsibility for the care of a person under 18 years of age, or a person acting as a caregiver pursuant to the provisions of § 202(f) of this title who has enrolled the pupil in grades kindergarten through 12 of a public school in this State.

(3) "Principal" means the highest administrative official of a public school and includes a person or group of persons designated by the principal to deal with school attendance.

(4) "Record" means written materials and exhibits forwarded to a court by the school with a referral under this subchapter or admitted into evidence at a court hearing.

(5) "School year" means the period of attendance determined by a pupil's local school board pursuant to § 1049 of this title, or in the case of a charter school as determined by the board of directors of the charter school consistent with the school's charter, and any additional academic improvement activities identified in § 2702(g) of this title that a pupil may be required to attend during or following such period of attendance.

(6) "Student" means a person who is enrolled in kindergarten through grade 12 of a public school of this State.

(7) "Truant" means a student who has been absent from school without valid excuse for more than 3 school days during a school year.

(8) "Valid excuse" means an excuse which is approved in the regulations of the district board of education of the school district in which the pupil is or should be enrolled pursuant to the provisions of this title, or in the case of a pupil enrolled in a charter school, by the board of directors of the charter school.


(a) Subject to the rules and regulations of the local school board, pupils enrolled in the free public schools may be excused by the superintendent of schools or persons authorized by the superintendent. Pupils enrolled in charter schools may be excused by the principal of the school or persons authorized by the principal, subject to rules and regulations promulgated by the board of directors of the charter school.
(b) No pupil who could otherwise legally fail to attend school pursuant to § 2702(a) of this title may do so without the written consent of such person or persons having legal control of that pupil.


(a) Any pupil under the age of 16 identified by a police officer as being off school property without official authorization may be returned to that pupil's home school.

(b) Any pupil under the age of 16 identified by a police officer as being off school property without official authorization may be detained by the police for a period not to exceed 2 hours for the purpose of notification of parent or guardian. This detention may be within the police station but not in a criminally confined area.

14 Del.C. §2724. Notification to parents and students.

At the beginning of a school year each school district or public school shall notify each student and the parent of each student of the school attendance requirements of this Code, including the procedures and penalties applicable to truancy. The school district or school may determine the form of the notification.

14 Del.C. §2725. Absences without excuse; truancy conferences.

(a) If a student has been absent from school without a valid excuse 1 or more days, the principal of the school may take such action as the principal considers appropriate.

(b) If a student is truant, the principal may schedule a truancy conference with the student, the student's parent and the principal pursuant to § 2726 of this title. The conference may be attended by other persons as the principal may include.

(c) Following a truancy conference the school shall decide whether or not to file a charge against the parent for a violation of § 2702 of this title; provided however, that the principal shall refer the case for prosecution following the twentieth day of unexcused absence by a student during the school year, in compliance with § 2702(d) of this title, and may refer the case before the twentieth day of unexcused absence if the principal determines it is appropriate to do so.

(d) The fact that a student or student's parent may attend or has attended a truancy conference does not bar the principal filing a complaint with a court. The principal's failure to hold a truancy conference does not bar the filing of a complaint with a court and adjudication by a court.


The provisions of § 4122 of this title shall apply to truancy conferences. The principal shall determine the date, time and place of the conference and shall give all participants notice at least 1 week prior to the conference. In conducting a truancy conference, the principal may exclude any person, including a parent or a student, from the conference or part of a conference.


No person shall be prosecuted for violation of § 2702 of this title if that person, within 3 days from the time that the person is notified by the superintendent of schools or persons authorized by the superintendent, presents an excuse in writing satisfactory to such superintendent of schools, and complies with the requirements of such § 2702 of this title. The mailing of a notice to the usual address of the offending party shall be sufficient notification.


(a) When the school charges a parent or a student with a violation of § 2702 of this title, the school shall file a written complaint in the court. The complaint shall be on such form(s) as the court may require. The school shall be the complainant and the parent or the student shall be the defendant. The court must
determine whether probable cause exists to issue a warrant or summons against the person charged.
When there is probable cause to find that a student is truant, probable cause to issue a warrant or summons for a parent shall exist when the parent is named as the parent or guardian on the student's school records and the parent resides in Delaware.

(b) The school shall attach to the complaint any record relevant to the allegations of the complaint.

(c) When a complaint is filed, all sanctions imposed by the principal shall remain in effect unless suspended or terminated by the principal or stayed by the court.

(d) The school may request that the court postpone adjudication. The court in its discretion may postpone the proceedings and may impose conditions on the student or parent.

14 Del.C. § 2729. Failure to send; affirmative defense; penalties.

(a) If a charge is filed against a parent for a violation of § 2702 of this title, the court shall determine whether the evidence establishes beyond a reasonable doubt that the parent has violated the section.

(b) In the prosecution of a parent for a violation of § 2702 of this title, it shall be an affirmative defense that the parent has made substantial and reasonable efforts to comply with the compulsory attendance requirements of § 2702 but is unable to cause the child to attend school. It shall also be an affirmative defense that the parent does not have legal custody of the student. Other affirmative defenses may be permitted as required in the interests of justice. If the court determines the affirmative defense is valid it shall dismiss the complaint against the parent and the school may file a complaint against the student pursuant to § 2730 of this title.

(c) This section shall not apply to a parent whose child is receiving instruction pursuant to § 2703 of this title, to children exempted from compulsory attendance requirements pursuant to § 2705 of this title, or whose children are in compliance with school attendance requirements.

(d) A parent who is determined to have violated § 2702 of this title is guilty of an unclassified misdemeanor and shall be sentenced as follows:

(1) For a first offense, a fine of not less than $25 nor more than $300, or imprisonment for not more than 10 days or both;
(2) For a second offense, a fine of not less than $50 nor more than $500, or imprisonment for not more than 20 days or both;
(3) For a third or subsequent offense, a fine of not less than $230 nor more than $1,150, or imprisonment for not more than 30 days or both.

(e) To the extent possible the fine shall be commensurate with the number of days the student was absent from school without valid excuse.

(f) The court may order the parent to perform unpaid community service in lieu of a fine. The court may require that all or part of the service may be performed for a public school district.

(g) The court may also order as conditions of release prior to judgment or as conditions of sentence upon conviction such conditions as the court considers necessary to obtain compliance with school attendance requirements. These conditions include but are not limited to the following:

(1) Verifying the child's attendance with the school;
(2) Meeting with school officials;
(3) Taking the child to school;
(4) Taking the child to the bus stop;
(5) Attending school with the child;
(6) Undergoing medical, psychological or psychiatric evaluations and following the evaluator's recommendations;
(7) Undergoing an evaluation for drug, alcohol, or other substance abuse and following the evaluator's recommendations; and

(8) Taking the child for medical, psychological or psychiatric evaluation or for drug, alcohol or other substance abuse evaluation and following the evaluator's recommendations.

(h) Upon conviction, the name and address of the parent and a summary of the disposition of any offenses for which the parent was convicted shall be reported by the Court to the Division of Family Services of the Department of Services for Children, Youth and Their Families and to the Division of Social Services of the Department of Health and Social Services.

(i) The provisions of § 4218 of Title 11 (probation before judgment) shall apply to a parent charged with violation of § 2702 of this title.

14 Del.C. § 2730. Failure to attend; penalties.

(a) The school may file a civil charge of truancy against the student in the Justice of the Peace Court if:

(1) The student is age 12 or older; and/or

(2) The Court determines that a parent who is charged with violating § 2702 of this title has a valid affirmative defense under § 2729(b) of this title.

(b) The court shall determine whether a preponderance of the evidence establishes that the student has violated § 2702 of this title.

(c) If the Court determines the student has violated § 2702 of this title, it shall adjudicate the student a truant and may order the following remedial dispositions:

(1) Community service;

(2) Counseling;

(3) Substance abuse evaluation and treatment;

(4) Mental health evaluation and treatment;

(5) A curfew with hours set by the court;

(6), (7) [Repealed.]

(8) Prohibition of the student's participation in or attendance at any extra-curricular activity or social event which is an official school event or is sponsored by the school or held on school property;

(9) A recommendation that the student enroll in the school in alternative educational and related services in accordance with Chapter 16 of this title; and

(10) Such other action as is permitted by statute or by court rule.


(a) The court shall retain jurisdiction of the matter until all terms of the court's order have been complied with regardless of any change in the student's age, marital status or choice of educational source or location.

(b) Notwithstanding any provision of this Code to the contrary, if the court determines a student has not complied with the terms of the court's order, it may charge the noncompliant student with criminal contempt pursuant to § 1271 of Title 11, and fully adjudicate the matter in the Justice of the Peace Court.

(c) A juvenile against whom criminal contempt proceedings pursuant to this section and § 1271 of Title 11 have been initiated shall have the right to counsel at all stages.

(d) If a juvenile is not represented by counsel at his or her initial Justice of the Peace Court appearance, the Court shall order the Chief Defender to assign counsel to represent the juvenile.

(e) Prohibitions on the waiver of the right to counsel shall be as set forth in § 1007C of Title 10.
(f) Unless prohibited, the right to counsel may be waived in accordance with the Rules of the Justice of the Peace Court.

(a) A parent convicted of a violation of § 2702 of this title may appeal to the Court of Common Pleas in the county in which the judgment was given. The appeal shall be filed within 15 days from the date of conviction. On appeal the Court shall make a de novo determination.
(b) No stay shall be granted pending an appeal pursuant to subsection (a) of this section unless the person appealing shall, at the time the appeal is taken, gives bond in any amount with surety to be fixed by the Court.
(c) A student who has been adjudicated truant pursuant to § 2730 of this title, or has been adjudicated in contempt pursuant to § 2731 of this title, may appeal to the Family Court in the county in which the adjudication occurred. The appeal shall be filed within 15 days of the date of the adjudication. On appeal the Court shall make a de novo determination based on the record below.
(d) No appeal of the adjudication of truancy or truancy-related contempt pursuant to subsection (c) of this section shall stay execution of the remedial disposition unless a judge of the Family Court orders a stay.

14 Del.C. §2733. Jurisdiction; venue.
(a) The Justice of the Peace Court shall have exclusive original jurisdiction of complaints filed pursuant to this title.
(b) All complaints under this title shall be filed in a Justice of the Peace Court in the county where the school the child is required to attend is located or in the county in which the office of the school district which contains the child's school is located.
(c) In the event that a student withdraws from school for any reason other than age and does not re-enroll in another public school, the court, in its discretion, may retain jurisdiction for the purpose of ensuring that the student's alternative educational environment was not an attempt to avoid the compulsory attendance requirements of § 2702 of this title.

REGULATIONS

1.0. Required Attendance Policy
1.1 Each school district shall have an attendance policy that is in accordance with the requirements of the Delaware Code and which defines and describes the district's rules concerning attendance for students K to 12.
2.0. Distribution of Attendance Policy
2.1 Each district shall distribute and explain these policies to every student at the beginning of each school year.
2.2 Each district shall distribute and explain these policies to each student enrolling or re enrolling during the school year.
2.3 Each district shall post the attendance policy on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.
3.0. Reporting Requirements and Timelines
3.1 Each public school district shall have an electronic copy of its current attendance policy on file with the Department of Education.
3.2 Each public school district shall provide an electronic copy of any attendance policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

Substance use

LAWS

The General Assembly finds and declares that a substantial drug and alcohol trafficking and abuse problem exists in this State among school age children, in schools and on school campuses, parks and playgrounds. It is the purpose of this chapter to support increased efforts by local law enforcement agencies, working in conjunction with school districts and with state and local drug and alcohol prevention agencies, to suppress trafficking, and to prevent drug and alcohol abuse among school-age children in schools and on school campuses, through the development of innovative and model programs jointly undertaken by local law enforcement agencies and school districts. Further, it is the intent of the General Assembly to establish a program of financial and technical assistance for local law enforcement and school districts, and to formulate a joint policy of pursuing both demand reduction (through education and prevention programs), and supply reduction (through law enforcement).

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Division" shall mean the Division of Substance Abuse and Mental Health.
(2) "Enhanced apprehension, prevention and education efforts" shall mean projects and programs which do not compete with, but which supplement and improve currently existing substance abuse prevention and education programs.
(3) "Entity" shall mean any committee, agency or group approved by the Division; any law enforcement committee, agency or group approved by the Department of Safety and Homeland Security; or any committee, agency or group composed of public school teachers and/or administrators.

14 Del.C. §3803. Division of Substance Abuse and Mental Health.
(a) The Division of Substance Abuse and Mental Health shall allocate and award all funds appropriated for any purposes set forth in § 3801 and elsewhere in this chapter. Such funds shall be awarded only to programs or projects, undertaken jointly by a law enforcement entity and a local school district or other public school entity, to prevent and/or suppress substance abuse and the trafficking of prohibited or controlled substances in the public schools. All applications for such funds shall be applications made jointly by the school and law enforcement entities involved in the proposed project.
(b) In the allocation and awarding of funds to joint law enforcement and public school recipients, the Division shall obtain the comments and recommendations of the State Drug-free School Advisory Committee. All allocation and awarding of funds by the Division shall be in accordance with the Administrative Procedures Act, and with those guidelines promulgated by the State Drug-free School Advisory Committee which do not conflict with existing state laws.
(c) Each application shall be accompanied by a fiscal note, prepared by the joint applicants, which sets forth all anticipated first-year costs and the anticipated total costs of the project or program. The Division may return any application to the applicant with a request that any or all expenses be more fully set out, together with the applicant's explanations or reasons for each projected cost or expense.
(a) All criteria for the rating of applications for funds under this chapter shall be developed by the State Drug-free School Advisory Committee. The State Drug-free School Advisory Committee shall be composed of 16 members appointed by the Governor: 1 police chief; 1 sheriff; 1 prosecutor from the State Department of Justice who specializes in drug and/or alcohol cases; 1 attorney primarily engaged in criminal defense; 1 person from each county appointed by an active parent group or community-based group concerned primarily with drug and/or alcohol problems; 1 representative of the Division of Substance Abuse and Mental Health; 1 county drug and/or alcohol program administrator; and a permanent, full-time member of a drug treatment clinic or office, public or private. In addition, membership shall include the Attorney General or the Attorney General's designee; 4 members who are professional employees of the Department of Education, 1 of whom shall be the Secretary of Education; and a drug and/or alcohol prevention professional employed by the Department of Education. The Committee shall review applications made to the Division for those funds which are awarded pursuant to this chapter, and shall recommend approval for those applications which the Committee deems appropriate, and which it deems are consistent with the guidelines and procedures established pursuant to this chapter. The Division shall not approve nor release any funds until approval under § 3805(b) of this title is first obtained.
(b) The State Drug-free School Advisory Committee shall develop specific guidelines and procedures which shall set forth the terms and conditions upon which grants of funds are made. Funds disbursed under this chapter shall not be used for the acquisition of equipment.
(c) Funds disbursed under this chapter shall not be used to pay informants for information on drug and/or alcohol offenders. Not more than 10 percent of the total amount of funds disbursed under this chapter shall be used for administrative costs.

14 Del.C. §3805. Local drug-free school advisory committees.
(a) A local drug-free school advisory committee may be established and appointed by each local board of education. Such committee may be either a newly created committee, or an existing local drug and alcohol abuse committee formerly established by the county, municipality or school district. Although the committee may have additional members, its basic membership shall be composed of the following residents of the district or area affected:
   (1) One local law enforcement officer;
   (2) An administrator or teacher, employed by the local school district, who has expertise in drug and alcohol programs;
   (3) One administrator and 1 teacher from the school or school district which has direct involvement in the program;
   (4) One parent who has a son or daughter enrolled in the school;
   (5) Three high school students;
   (6) One person who is a permanent full-time employee of the state, county or municipality, and whose duties primarily involve drug education or treatment;
   (7) Any other person who is involved, by employment or as a volunteer, in any drug and/or alcohol prevention program.
(b) No project or program, financed in whole or in part with funds under this chapter, shall begin in any school until such project or program has first received the approval of the local drug-free school advisory committee.

(a) Funds shall be awarded primarily for projects undertaken jointly by the school district or other public school entity, and a law enforcement entity. In participating in any joint application for the funds, the public school entity shall consult with the superintendent of each affected school. Any funds disbursed under this chapter are supplemental to and shall not supplant local funds which would, in the absence of this chapter, be otherwise available to suppress and prevent drug and alcohol abuse among school age children, or which otherwise would be used to curtail drug and alcohol trafficking in and around schools, parks and playgrounds.

(b) When applying for funds under this chapter, the local law enforcement entity and the public school entity may jointly enter into those agreements between themselves which would allow and facilitate the administrative, fiscal and operational responsibilities created by their joint project or program.

(c) Funds disbursed under the provisions of this chapter shall be utilized primarily for enhanced apprehension, prevention, and education efforts, and for obtaining material and information resources relating to drug and alcohol abuse and drug trafficking in and around schools, parks and playgrounds. Enhanced apprehension, prevention and education efforts shall include, but are not limited to:

(1) Drug and alcohol trafficking intervention programs;

(2) School and classroom oriented programs, each of which shall utilize a tested drug and alcohol education curriculum that provides in-depth and accurate information on drugs and alcohol. Such programs may include the participation of local law enforcement agencies and/or qualified drug and alcohol use prevention specialists. Each such program shall be designed to increase, in both teachers and students, an awareness of the dangers of drugs and alcohol;

(3) Family-oriented programs aimed at preventing drug and alcohol abuse, which programs may include the participation of any community-based organization which is experienced in the successful operation of a family-oriented program;

(4) Development and distribution of appropriate written and audio-visual aids for the training of persons not otherwise trained or experienced in the handling of drug and alcohol-related problems and offenses within the public schools;

(5) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs, where appropriate;

(6) Development of a coordinated intervention system that identifies “at-risk” students, and students with chronic drug and alcohol abuse problems.

14 Del.C. §3807. State Board of Education; Department of Public Safety.

The Department of Safety and Homeland Security and the Department of Education shall both have the power to monitor and evaluate the projects and programs under this chapter, and to make comments and suggestions to the Division.


(c) Student possession of weapons and unlawful drugs. Whenever a school employee has reliable information that would lead a reasonable person to believe that a person on school property or at a school function has on his or her person, concealed in that person's possessions, or placed elsewhere on school property: (1) Any controlled substance prohibited by Title 16; or

(2) Any deadly weapon, destructive weapon, dangerous instrument or incendiary or explosive device as prohibited by Title 11, the school employee shall immediately report the incident to the principal, who shall conduct a thorough investigation. If the investigation verifies that good reason exists to believe that a crime has been committed, the principal shall immediately notify the appropriate police agency of the
incident. If the police agency determines that probable cause exists to believe that a crime has been committed, then the principal shall file a written report of the incident with the Department of Education within 5 working days.

(a) The Department of Education with approval of the State Board of Education shall establish and implement statewide alcohol/substance abuse educational programs to be provided in each grade, kindergarten through grade 12, in each public school in this State. The programs required by this section shall consist of no fewer than 10 hours per school year in grades kindergarten through 4 and 15 hours per school year in grades 5 through 12. Each program shall be taught by appropriately trained certified teachers and the instruction shall be comprehensive, age-appropriate and sequential in nature.
(b) Any in-service training required by this section shall be provided within the contracted school year as provided in § 1305 of this title.

14 Del.C. §4117. Substance abuse.
(a) Each school district shall designate an administrator in every school as the person responsible for reporting, to parents and/or law enforcement agencies, any violation and/or problems relating to the abuse of controlled substances. Such administrator shall not be liable under the laws of this State for any act or omission committed by the administrator in the performance of that administrator’s duties and responsibilities under this section.
(b) No administrator having reporting responsibilities under this section shall be required to report any substance abuse violation and/or problem to a parent if such person, being the principal of the school, reasonably believes that a parent or parents are a cause of or are involved in the violation and/or problem; nor shall any other administrator, having reporting responsibilities under this section, be required to report any substance abuse violation and/or problem to a parent, if such administrator and the principal of the school both believe that a parent or parents are a cause of or are involved in the violation or problem.

REGULATIONS

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.
1.0. Purpose
The purpose of this regulation is to outline the minimum requirements to be included in all public school district and charter school policies on the Possession, Use, or Distribution of Drugs and Alcohol.
2.0. General Provisions
2.1. The following provisions shall apply to all public school district and charter schools:
2.1.1. The possession, use or distribution of Alcohol, a Drug, a Drug Like Substance, a Look Alike Substance and Drug Paraphernalia are prohibited within the School Environment, unless medically necessary.
2.1.2. Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion.
2.1.3. Student motor vehicle use to and in the School Environment is a privilege which may be extended by school districts or charter schools to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of Alcohol, a Drug, a Drug Like Substance, a Look Alike substance or Drug Paraphernalia in the School Environment, may result in the student being asked to open an automobile in the School Environment to permit school authorities to look for such items. Failure to open any part of the motor
vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

2.1.4. All Alcohol, Drugs, Drug Like Substances, Look Alike Substances and Drug Paraphernalia found in a student's possession shall be turned over to the principal or designee, and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented, and, in the case of substances covered by 16 Del.C. Ch. 47, turned over to police as potential evidence.

3.0. Definitions

The following definitions shall apply to this regulation, unless a specific regulation, statute or the context in which they are used clearly indicates otherwise, and shall apply to all public school districts and charter schools.

"Alcohol" means alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in 4 Del.C. §101 including alcohol, spirits, wine and beer.

“Designated Caregiver” means, pursuant to 16 Del.C. §4902A(5), a person who: is at least 21 years of age unless the person is the parent or legal guardian of a minor who is a qualifying patient; has agreed to assist with a patient's medical use of marijuana; has not been convicted of an excluded felony offense; and assists no more than 5 qualifying patients with their medical use of marijuana.

"Distribute", "Distributing" or "Distribution" means the transfer or attempted transfer of Alcohol, a Drug, a Drug Like Substance, or Drug Paraphernalia to any other person with or without the exchange of money or other valuable consideration.

"Drug" means any controlled substance or counterfeit substance as defined in 16 Del.C. §4701 including, for example, narcotic Drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.

"Drug Like Substance" means any noncontrolled and nonprescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over the counter cough medicines, certain types of glue, caffeine pills and diet pills. The definition of Drug Like Substance does not include tobacco or tobacco products which are governed by 14 DE Admin. Code 877 Tobacco Policy.

"Drug Paraphernalia" means all equipment, products and materials as defined in 16 Del.C. §4701 including, for example, roach clips, miniature cocaine spoons and containers for packaging Drugs.

"Look Alike Substance" means any noncontrolled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a Drug or a noncontrolled substance capable of producing a change in behavior or altering a state of mind or feeling. See 16 Del.C. §4752A.

"Medical Marijuana Oil" means as defined in 16 Del.C. §4902A(10).

"Nonprescription Medication" means any over the counter medication; some of these medications may be a "Drug Like Substance."

"Possess" "Possessing" or "Possession" means that a student has on the student's person, in the student's belongings, or under the student's reasonable control by placement of and knowledge of the whereabouts of, Alcohol, a Drug, a Drug Like Substance, a Look Alike Substance, or Drug Paraphernalia.

"Prescription Medication(s)" means any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del.C. §4701(24), while acting in the course of
his or her professional practice, and which is specifically intended for the student in whose possession it is found.

“Relative Caregiver” means an individual who meets the criteria and requirements of 14 Del.C. §202 (f)(1).

“School Environment” means within or on school property, and at school sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extra curricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

“Use” means that a student is reasonably known to have ingested, smoked or otherwise assimilated Alcohol, a Drug or a Drug Like Substance, or is reasonably found to be under the influence of such a substance.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.1. A system of notification of each student and their parent, guardian or Relative Caregiver at the beginning of the school year, of the state and district policies and regulations. In addition a system for the notification of each student and their parent, guardian or Relative Caregiver whenever a student enrolls or re-enrolls during the school year of the state and district policies and regulations.

4.1.2. A statement that state and district or charter school policies shall apply to all students, except that with respect to children with disabilities, applicable federal and state laws will be followed.

4.1.3. A written policy which sets out procedures for reporting incidents to police authorities, parents, guardians or Relative Caregivers and to the Department of Education, while maintaining confidentiality.

4.1.4. A written policy on how evidence is to be kept, stored and documented, so that the chain of custody is clearly established prior to giving such evidence over to the police.

4.1.5. A written policy on search and seizure.

4.1.6. A program of assistance for students with counseling and referral to services as needed.

4.1.7. A policy in cases involving a Drug Like Substance or a Look Alike Substance for establishing that the student intended to use, possess or distribute the substance as a Drug.

4.1.8. A policy which establishes how Prescription Medications and Nonprescription Medications shall be handled in the School Environment and when they will be considered unauthorized and subject to these state and local policies.

4.1.9. A policy which sets out the conditions for return after expulsion for Alcohol or Drug infractions.

4.2. Notwithstanding any of the foregoing to the contrary, all policies adopted by public school districts or charter schools relating to the possession or use of Drugs shall permit a student's discretionary use and possession of an asthma rescue inhaler with an individual prescription label, an autoinjectable epinephrine with individual prescription label, or an insulin pump for continuous subcutaneous insulin infusion (“insulin pump”); provided, nevertheless, that the student uses the inhaler, autoinjectable epinephrine, or an insulin pump pursuant to prescription or written direction from a state licensed health care practitioner; a copy of which shall be provided to the school district or charter school; and further provided that the parent(s) or legal custodian(s) of such student provide the school district or charter school with written authorization for the student to possess and use the inhaler, autoinjectable epinephrine, or an insulin pump at such student's discretion or under the school nurse’s supervision, together with a form of release satisfactory to the school district or charter school releasing the school district or charter school and its employees from any and all liability resulting or arising from

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the student's discretionary use and possession of the inhaler, autoinjectable epinephrine, or an insulin pump, and further provided that the school nurse may impose reasonable limitations or restrictions upon the student's use and possession of the inhaler, autoinjectable epinephrine, or an insulin pump based upon the student's age, level of maturity, behavior, or other relevant considerations.

4.2.1. Parents or legal custodians shall not be required to provide or sign a form of release where the student's use and possession of an asthmatic quick relief inhaler, autoinjectable epinephrine, or an insulin pump is determined by the student's IEP or Section 504 Team to be necessary for the student's educational placement.

4.2.2. Except as provided for in a student's Section 504 Plan or IEP, the school nurse may not unilaterally impose limitations or restrictions on a student's use and possession of an asthmatic quick relief inhaler, autoinjectable epinephrine, or an insulin pump if a Section 504 or IEP Team has determined the use of the medication is necessary for the student's educational placement.

(For students who use prescribed asthmatic quick relief inhalers, autoinjectable epinephrine, or an insulin pump for continuous subcutaneous insulin therapy, see 14 DE Admin. Code 817, Administration of Medications and Treatments)

4.3. A Designated Caregiver may possess for the purpose of administering and may administer to a minor qualifying patient Medical Marijuana Oil in a school bus and on the grounds or property of the preschool, or primary or secondary school in which a minor qualifying patient is enrolled. The Designated Caregiver shall not be a school nurse or other school employee hired or contracted by a school unless he or she is a parent or legal guardian of the minor qualifying patient, and said parent or legal guardian possesses no more than the number of dose(s) prescribed per day of Medical Marijuana Oil which is kept at all times on their person.

5.0. Reporting Requirements and Timelines

5.1. Each local school district and charter school shall have an electronic copy of its current possession, use and distribution of Drugs and Alcohol policy on file with the Department of Education.

5.2. When a local school district or charter school revises its possession, use, and distribution of Drugs and Alcohol policy, it shall notify the Department of Education of the revised policy within thirty (30) days of the revision, even if the revision was made because of changes in federal, state or local law, regulations, guidance or policies.


1.0. Program Requirements

1.1. Each school district and charter school shall have a sequential, skill-based K to 12 Comprehensive Health Education Program based on the Delaware Health Education Standards that establishes a foundation of understanding the relationship between personal behavior and health and shall include at a minimum the following:

1.1.3. The use of the state content standards for health education for grades K to 12 to address the core concepts: tobacco, alcohol and other drugs, injury prevention and safety, nutrition and physical activity, family life and sexuality, personal health and wellness, mental health and community and environmental health with minimum hours of instruction as follows:

1.1.3.1. In grades K to 4, a minimum of thirty (30) hours in each grade of comprehensive health education and family life education of which ten (10) hours, in each grade, must address drug and alcohol education.

1.1.3.2. In grades 5 and 6, a minimum of thirty five (35) hours in each grade of comprehensive health education and family life education of which fifteen (15) hours, in each grade, must address drug and alcohol education.
1.1.3.3. In grades 7 and 8, separate from other subject areas, a minimum of sixty (60) hours of comprehensive health education and family life education of which fifteen (15) hours, in each grade, must address drug and alcohol education. If all of the 60 hours are provided in one year at grade 7 or 8, an additional fifteen hours of drug and alcohol education must be provided in the other grade.

1.1.3.4. In grades 9 to 12, one half (1/2) credit of comprehensive health education is required for graduation of which fifteen (15) hours of this 1/2 credit course must address drug and alcohol education. In addition, no less than two (2) hours of this 1/2 credit course shall include a cardiopulmonary resuscitation (CPR) instructional program which uses the most current evidence-based emergency cardiovascular care guidelines, and incorporates psychomotor skills learning into the instruction, use of an Automated External Defibrillator (AED) as well as a component on the life saving and life enhancing effects of organ and tissue donation. This 1/2 credit course may be provided in the 9th, 10th, 11th or 12th grade. In each of the remaining three grades, fifteen (15) hours of drug and alcohol education must be provided for all students. CPR instruction, use of an AED and organ/tissue donation awareness shall be integrated into each high school Health Education Program no later than the 2015-2016 school year.

1.1.7. Inclusion of an evidence-based tobacco, alcohol, drug and interpersonal violence prevention program.


1.0. Required Policy

In order to improve the health of students and school personnel, each school district and charter school in Delaware shall have a policy which at a minimum:

1.1. Prohibits the use of or distribution of tobacco products in school buildings, on school grounds, in school leased or owned vehicles, even when they are not used for student purposes, and at all school affiliated functions.

1.2. Includes procedures for communicating the policy to students, school staff, parents, guardians or Relative Caregivers, families, visitors and the community at large.

1.3. Makes provisions for or refers individuals to voluntary cessation education and support programs that address the physical and social issues associated with nicotine addiction.

2.0. The Tobacco Policy Shall Apply to

2.1. Any building, property or vehicle leased, owned or operated by a school district, charter school or assigned contractor.

2.1.1. School bus operators under contract shall be considered staff for the purpose of this policy.

2.2. Any private building or other property including automobiles or other vehicles used for school activities when students and staff are present.

2.3. Any non educational groups utilizing school buildings or other educational assets.

2.4. Any individual or a volunteer who supervises students off school grounds.

4.0. Reporting Requirements and Timelines

4.1. Each public school district and charter school shall have an electronic copy of its current tobacco policy on file with the Department of Education.

4.2. Each public school district and charter school shall provide an electronic copy of any tobacco policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

30.0. Discipline Procedures Authority of School Personnel.

30.7.2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the DOE or an LEA; or

30.9. Definitions: For purposes of this section, the following definitions apply:

“Controlled Substance” means a drug or other substance identified under schedules I, II, III, IV, or V in section 202c of the Controlled Substances Act (21 U.S.C. 812(c)).

“Illegal Drug” means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.


9.0. Pupil Conduct on School Buses

9.1. Districts shall have a policy concerning the behavior of pupils on school buses that shall, at a minimum, contain the following rules which if not followed may result in the suspension or denial of bus riding privileges:

9.1.18. Do not smoke, use profanity, eat or drink on the bus.

Bullying, harassment, or hazing

LAWS

For the purposes of this chapter, the following terms shall have the following meanings:

(2) "Good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parent's marital status, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange program, a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4161 of this title, or participation by a child in a substance abuse or mental health treatment program, or a set of circumstances consistent with this definition of "good cause."

(a)(2) A pupil accepted for enrollment in a school or program pursuant to this chapter shall remain enrolled therein for a minimum of 2 years unless, during that 2-year period,

 g. The pupil's parents or guardians wish to terminate the agreement due to a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4161 of this title

(d) A pupil accepted for enrollment in a charter school pursuant to this chapter shall remain enrolled therein for a minimum of 1 year unless, during that 1-year period, good cause exists for the failure to meet this requirement. For purposes of this section only, "good cause" shall be defined as a change in a child's residence due to a change in family residence, a change in the state in which the family residence is
located, a change in the marital status of the child's parents, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange program, participation by a child in a substance abuse or mental health treatment program, a reported, recorded and substantiated instance of "bullying" against their child as defined in § 4161 of this title, mutual agreement by the board of directors of the charter school, the board of the receiving district and the parent or parents or guardian of such child to the termination of such enrollment, or a set of circumstances consistent with this definition of "good cause."

14 Del.C. §4112A. Office of school criminal offense and bullying ombudsperson.
(a) There is hereby established within the State Department of Justice, the Office of School Criminal Offense and Bullying Ombudsperson.
(b) The purpose of the Ombudsperson is to ensure the proper administration of the school criminal offense reporting law contained in § 4112 of this title and the school bullying prevention law contained in § 4164 of this title.
(c) The Ombudsperson shall have the power to:
   (1) Investigate and seek to resolve complaints made by and concerns of members of the public, school officials, and pupils regarding criminal offenses and incidents of bullying committed on school property;
   (2) Investigate complaints regarding the alleged failure of school officials to report criminal offenses as required under § 4112 of this title and incidents of bullying as required under § 4164 of this title;
   (3) Establish policies and procedures for eliciting, receiving, investigating, verifying, and resolving complaints; and
   (4) Perform such other acts as are necessary to carry out the purpose set forth in subsection (b) of this section.

14 Del.C. §4112B. Ombudsperson access.
(a) The Ombudsperson shall have access to any school record or pupil file which is relevant to the performance of the Ombudsperson's duties, including any record otherwise considered confidential under Delaware law.
(b) The Ombudsperson may initiate an investigation of any criminal offense committed on school property or any incident of bullying independent of the receipt of a specific complaint.
(c) The Ombudsperson shall protect the confidentiality of pupils' records and files as required under Delaware law.
(d) Notwithstanding any other provision of law, the Ombudsperson shall not disclose the identity of any complainant unless a court orders such disclosure or the complainant consents in writing to the disclosure of the complainant's identity.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.
(a) School bullying prevention and criminal youth gang detection training program. The Department of Justice and the Department of Education, in collaboration with law-enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association, and the Delaware Association of School Administrators, shall identify and maintain a school bullying prevention and criminal youth gang detection training program for school district and charter school employees.
(b) Prohibition of bullying.
   (1) Each school district and charter school shall prohibit bullying and reprisal, retaliation, or false accusation against a target, witness, or one with reliable information about an act of bullying.
(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology of a school district or charter school from kindergarten through grade 12. For purposes of this section, "school property" and "school functions" mean as defined in § 4112 of this title.

b. A definition of bullying no less inclusive than that in § 4161 of this title.

c. Direction to develop a school-wide bullying prevention program.

d. A requirement that each school establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval, and monitoring of the program. A majority of the members of the site-based committee must be members of the school professional staff, of which a majority must be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for a school enrolling students in grades 7 through 12), parents, and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group, except that the school principal shall appoint the representatives of the nonemployee groups. The committee shall operate on a 1-person, 1-vote principle. If a site-based school discipline committee has been established under § 1605(7)a. and b. of this title, that committee shall vote whether to accept the responsibilities of this paragraph (b)(2)d.

e. A requirement that any school district or charter school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying must immediately report it to the administration.

f. A requirement that each school have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred, and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This subsection does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.

g. A requirement that, to the extent that funding is available, each school develop a plan for a system of supervision in nonclassroom areas. The plan must provide for the review and exchange of information regarding nonclassroom areas.

h. An identification of an appropriate range of consequences for bullying.

i. A procedure for a student or parent to provide information on bullying activity. However, this paragraph does not permit formal disciplinary action solely based on an anonymous report.

j. A requirement that a parent of any target of bullying or perpetrator of bullying be notified and provided with a form to be generated by the Department of Justice describing the role of the Department of Justice School Ombudsman and providing contact information. This form must also inform a parent of the parent's right to know when the bullying incident in question has been reported to the Department of Education under paragraph (b)(2)k. of this section.

k. A requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident, be reported to the Department of Education within 5 working days under Department of Education regulations. The school shall notify a parent of all students involved in the reported incident when the report is made.

l. A statement prohibiting retaliation following a report of bullying.
m. A procedure for communication between school staff members and medical professionals who are involved in treating students for bullying issues.

n. A requirement that the school bullying prevention program be implemented throughout the year, and integrated with the school's discipline policies and § 4112 of this title.

c) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Department of Education by January 1 of each year, or by January 1 of a newly approved charter school's first year of operation. For purposes of this paragraph, "submit" includes providing access to the policy via the school district's or charter school's website. Each school district and charter school shall submit a revised policy to the Department of Education within 30 calendar days of a school district's or charter school's revision. The Department of Education shall review a policy or a revised policy submitted under this paragraph for compliance with state and federal law.

(2) Each school district and charter school shall include the policy adopted under subsection (b) of this section in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall distribute a copy of the policy annually to all students, parents, faculty, and staff. Each school district and charter school shall provide the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district's or charter school's website and the website of each school in the school district. Each school district shall prominently display the telephone number of the Department of Justice School Ombudsperson in each school in the school district. Each charter school shall prominently display the telephone number of the Department of Justice School Ombudsperson in the school.

(3) [Repealed.]

(4) The Department of Education shall prepare an annual report, which must include a summary of all reported and all substantiated incidences of bullying, a summary of the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section. The Department shall post the report required by this subsection on its website.

d) Duties of the Department of Education.

(1) The Department of Education shall collaborate with the Department of Justice to identify and maintain a model policy that is applicable to kindergarten through grade 12, and post this policy, along with the contact information for the School Ombudsperson, on their websites in order to assist the school districts and charter schools. In addition, the Department of Education shall promulgate a uniform cyberbullying policy, which shall be based upon a model prepared by the Department of Justice and public comment upon that model. Each school district and charter school shall adopt the Department's uniform cyberbullying policy within 90 days of the policy becoming final.

(2) Distribution of the Comprehensive School Discipline Improvement Program funds to a school district and charter school provided in the General Appropriations Act starting in fiscal year 2009 and thereafter is contingent upon Department of Education approval of the school district's or charter school's bullying prevention policy.

(3) To the extent that funding is available, the Department of Education shall provide for an award system for schools with exemplary programs based on criteria promulgated by the Department.

(4) The Department of Education shall conduct random audits of schools to insure compliance with paragraphs (b)(2)i. and (b)(2)k. of this section. The Department shall report the results of these audits annually in the report required by paragraph (c)(4) of this section.
(e) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person using the procedures specified in the school district's or charter school's bullying prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

(f) Other defenses.

(1) The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district or charter school initiated under this section provided there is sufficient school nexus.

(2) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology when acting within the scope of that person's lawful employment or investigation of a violation of this section in accordance with school district or charter school policy.

(g) Relationship to reporting requirements. An incident may meet the definition of bullying and also the definition of a particular crime under state or federal law. Nothing in this section or in the policies promulgated as a result of this section prevents school officials from fulfilling all of the reporting requirements of § 4112 of this title or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under § 4112 of this title. Nothing in this section abrogates the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 or any other reporting requirement under state or federal law.

(h) [Repealed.]

This chapter shall be known and may be cited as the "Anti-Hazing Law."

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher learning. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Any person who causes or participates in hazing commits a class B misdemeanor.
14 Del.C. §9304. Enforcement by institution.

(a) Anti-hazing policy. Each institution shall adopt a written anti-hazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

(b) Enforcement and penalties.

(1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension or dismissal.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include decision of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of paragraph (3) of this subsection or any of the criminal laws of this State or for violation of any other institutional rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

REGULATIONS


1.0. Cyberbullying Forbidden

In addition to the policy prohibiting bullying put in place by school districts and charter schools pursuant to 14 Del.C. §4112D(b)(2), each school district and charter school shall also prohibit cyberbullying (as defined herein) by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying, and notice of each school district's and charter school's policy against cyberbullying shall be provided to students, staff, and faculty in the same manner as notice of the school district's and charter school's policy against bullying.

2.0. Definition of Cyberbullying

2.1. Cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

2.2. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.

2.3. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school district or charter school materials.

2.4. Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be
presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy through the end of the 2013-2014 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall be included in each district’s and charter school’s list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

2.5. Nothing in this policy shall limit in any way a school district’s or charter school’s ability to regulate student conduct, including bullying, in any manner provided for by existing law, regulation, or policy.


9.0. Pupil Conduct on School Buses

9.1. Districts shall have a policy concerning the behavior of pupils on school buses that shall, at a minimum, contain the following rules which if not followed may result in the suspension or denial of bus riding privileges:

9.1.20. Other forms of misconduct that shall not be tolerated on the bus and at bus stops are acts such as, but not limited to, bullying, indecent exposure, obscene gestures, spitting, and other actions that may be addressed in the District or school code of conduct.

Other special infractions or conditions

LAWS

14 Del.C. §4120. School dress codes and uniforms.

(a) The school board of each public school district shall have authority to establish and enforce a dress code program, which may include school uniforms, for students within the district to promote an orderly, disciplined school environment and to encourage uniformity of student dress. Any school board exercising its authority under this section shall promulgate rules and regulations governing the establishment and enforcement of its dress code program.

(b) In establishing a dress code that adopts school uniforms, the rules and regulations of the school board shall ensure that any uniform required is available at an affordable price, and shall include provision to assist economically disadvantaged students in obtaining school uniforms.


(a) Teen dating violence and sexual assault training program. The Delaware Domestic Violence Coordinating Council shall identify and maintain a teen dating violence and sexual assault training program for school administrators, school nurses, and school counselors serving 1 or more of the grades in grades 7 through 12.

(b) Teen dating violence and sexual assault policies. Each school district and charter school serving 1 or more of the grades in grades 7 through 12 shall establish a policy for responding to teen dating violence and sexual assault that includes, at a minimum, all of the following components:

(1) Definitions of teen dating violence and sexual assault, the behaviors which constitute each, and the consequences for committing offenses.

(2) Guidelines on mandatory reporting and confidentiality as required by the law of this State and school district or charter school policy.

(3) A protocol for responding to incidents of teen dating violence and sexual assault which includes all of the following:
a. Procedures regarding initial response.
b. Procedures for reporting incidents of teen dating violence and sexual assault when a report is required.
c. Procedures for the documentation of incidents.
d. Procedures for working with victims.
e. Procedures for working with perpetrators.

(c) [Repealed.]

(d) Each school district and charter school shall ensure existing health standard programming related to comprehensive healthy relationships, based on the health standards adopted by the Department of Education as approved by the State Board of Education, is provided in health education programs or related classes. The Domestic Violence Coordinating Council shall have the authority to review and advise on the implementation of school district policies and charter school policies related to teen dating violence and sexual assault.

(e) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt a policy consistent with subsection (b) of this section. Following review by the Domestic Violence Coordinating Council, each school district and charter school shall submit a copy to the Department of Education by January 5, 2015, or by January 5 of a newly approved charter school's first year of operation.

(2) Each school district and charter school shall ensure that its policy adopted under subsection (b) of this section appears in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall ensure that a copy of the policy is distributed annually to all students, parents, faculty, and staff.

(3) The Department of Education shall prepare an annual report, which shall include a summary of reported incidences of teen dating violence and sexual assault. The Department shall submit the report to the Domestic Violence Coordinating Council by August 1 of each year.

(f) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting teen dating violence or sexual assault in good faith and to the appropriate person using the procedures specified in the school district's or charter school's teen dating violence and sexual assault policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

(g) Relationship to reporting requirements. Nothing in this section or in the policies promulgated as a result of this section prevents school officials from fulfilling all of the reporting requirements of § 4112 of this title or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. For purposes of this subsection, "school property" and "school function" mean as defined in § 4112 of this title. Nothing in this section abrogates the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 or any other reporting requirement under state or federal law.

(h), (i) [Repealed.]

(j) Short title. This section shall be known and may be cited as the "Liane Sorenson Act."

REGULATIONS


9.0. Pupil Conduct on School Buses
9.1. Districts shall have a policy concerning the behavior of pupils on school buses that shall, at a minimum, contain the following rules which if not followed may result in the suspension or denial of bus riding privileges:

9.1.1. Obey the driver promptly, and be courteous to the driver and to fellow pupils. Pupils are to conduct themselves while on the bus in such a way that they shall not distract the driver from driving tasks.


9.1.15. Do not open the bus windows without permission from the driver, extend any body part out of the windows or call out to passers-by.

9.1.16. Do not leave the bus without the driver’s consent, except on arrival at their regular bus stop or at school.

9.1.17. Keep the bus clean, sanitary, and orderly and do not damage or abuse the equipment.

9.1.18. Do not smoke, use profanity, eat or drink on the bus.

9.1.19. Do not throw articles of any kind inside, around the bus or out of the bus windows.

9.1.20. Other forms of misconduct that shall not be tolerated on the bus and at bus stops are acts such as, but not limited to, bullying, indecent exposure, obscene gestures, spitting, and other actions that may be addressed in the District or school code of conduct.
Prevention

**LAWs**

**14 Del.C. §1601. Purpose.**
It is the purpose of this chapter to provide for the establishment of a statewide comprehensive program to improve student discipline in the public elementary and secondary schools of the State. The program shall provide for the treatment of pupils who are exhibiting discipline problems and for the establishment of services to school pupils which will reduce the rate and severity of discipline problems in the future. The program shall operate under the supervision and direction of the Department of Education.

**14 Del.C. §1605A. Prevention component.**
The Family Services Cabinet Council (Council), with the Department of Education and the Department of Services for Children, Youth and Their Families acting as lead agencies, shall administer a program to offer prevention-related student support services (prevention services) to students to prevent them from becoming discipline problems and from failing academically in our schools.

**14 Del.C. §4116. Drug/alcohol educational programs.**
(a) The Department of Education with approval of the State Board of Education shall establish and implement statewide alcohol/substance abuse educational programs to be provided in each grade, kindergarten through grade 12, in each public school in this State. The programs required by this section shall consist of no fewer than 10 hours per school year in grades kindergarten through 4 and 15 hours per school year in grades 5 through 12. Each program shall be taught by appropriately trained certified teachers and the instruction shall be comprehensive, age-appropriate and sequential in nature.

(b) Any in-service training required by this section shall be provided within the contracted school year as provided in § 1305 of this title.

**14 Del.C. §4161. Definitions.**
For purposes of this subchapter:

(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

   a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.

   b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.

   c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

   d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee.
(2) “Charter school” means a public school established under Chapter 5 of this title.

(3) “Child abuse” means causing or inflicting any of the following on a child:

   a. Sexual abuse.
   b. Serious physical injury or death, or physical injury through unjustified force not permitted under § 468 of Title 11. For purposes of this paragraph (3)b., “serious physical injury” and “physical injury” mean as defined in § 222 of Title 11.
   c. Emotional abuse.
   d. Torture.
   e. Exploitation.
   f. Maltreatment or mistreatment.

(4) “Child sexual abuse”, “sexual abuse”, or “sexually abused” means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

   a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.
   b. A current or previous dating, social, or sexual relationship.

(6) “Criminal youth gang” means as defined in § 617(a) of Title 11.

(7) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(8) “Personal body safety” means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.

(9) “School district” means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

(10) “School district and charter school employee,” “school district or charter school employee,” or “employee” means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district or charter school or a program established under Chapter 16 of this title, who provide services to students on a regular, ongoing basis. “School district and charter school employee,” “school district or charter school employee,” or “employee” does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

(11) “Sexual assault” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. “Sexual assault” includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

(12) “Teen dating violence” means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.
(a) Each school district and charter school shall require its employees to receive 12.5 hours of training every 3 years consisting of all of the following:
   1) Three hours of a child abuse and child safety awareness, prevention, detection, and reporting training program established under § 4163(b)(1) of this title.
   2) Three hours of a school bullying prevention and criminal youth gang detection training program established under § 4164(a) of this title.
   3) Four and one-half hours of a suicide prevention training program established under § 4165(a) of this title, with each school district and charter school employee receiving 90 minutes of such training each year.
   4) Two hours of additional, nonacademic training programs that are evidence-based, whenever available, and are related to a training subject required by this subchapter, as selected by the school district or charter school.
(b) Each school district and charter school shall require a school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 to receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title every 3 years. This training may be included in paragraph (a)(4) of this section.
(c) Notwithstanding subsection (a) of this section, a school district or charter school shall require all of the following:
   1) That a new school district or charter school employee receive 1 hour of a child abuse detection and reporting training program established under § 4163(b)(1) of this title within 30 days of employment with the school district or charter school, unless the new school district or charter school employee received such training within the last year.
   2) That a new school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 in a school district or charter school receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title within 1 year of employment in such position.
(d) A school district or charter school shall provide any in-service training required under this section within the contracted school year as provided in § 1305(e) of this title.
(e) A school district or charter school may provide the trainings required under this section to any of its volunteers or contractors.

(a) [Repealed.]
(b) Educational programming. The Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families shall identify and maintain educational programming to be used by each school district and charter school for informing school district and charter school employees, students, and parents about personal body safety and child abuse and about how to detect and report child abuse. The educational programming must include all of the following:
   1) Training and education for school district and charter school employees that is evidence-based, whenever available, in order to raise awareness of issues regarding personal body safety, child abuse, and child safety. Such training and education must include the warning signs indicating that a child may be a victim of sexual abuse and other forms of child abuse, techniques for responding when child abuse is suspected or disclosed, and the employee's mandatory reporting requirement under § 903 of Title 16.
(2) Evidence-based age-appropriate instruction for students enrolled in grades pre-kindergarten through 6 that is related to personal body safety and child sexual abuse. Such instruction shall include information on the difference between appropriate and inappropriate conduct and the actions that a child may take to be protected from sexual abuse. Such instruction shall be designed to build on skills learned the previous year.

(3) Information for parents of students enrolled in grades pre-kindergarten through 6 on all of the following:
   a. Warning signs of a child who is being sexually abused or suffering from other forms of child abuse.
   b. Effective, age-appropriate methods for discussing personal body safety and sexual abuse and other forms of child abuse with a child.
   c. Resources for reporting child abuse.
   d. Counseling and other resources available to a child who has been the victim of child abuse.

(c) Role of the Department of Education. The Department of Education shall provide technical expertise to assist the Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families in their identification of educational programming under subsection (b) of this section and the Department of Education shall make a list of the approved educational programming available to each school district and charter school.

(d) Implementation of training program. Each school district and charter school shall implement the educational programming provided under subsection (b) of this section as follows:
   (1) The educational programing provided under paragraph (b)(1) of this section must be provided to all of its employees as required by § 4162 of this title.
   (2) The educational programing provided under paragraph (b)(2) of this section must be provided to all students enrolled in grades pre-kindergarten through 6 through health education programs or related classes.
   (3) The educational programing provided under paragraph (b)(3) of this section must be provided to parents of students enrolled in grades pre-kindergarten through 6 through written materials, available online through the school district's or charter school's website or in hard copy upon a request by parents, on an annual basis and may be provided through live presentations.

(e) Notification of parents. Prior to providing any instruction under paragraph (d)(2) of this section, each school district and charter school shall inform the parent of any student enrolled in grades pre-kindergarten through 6 in writing that the parent may examine and review the educational materials before the materials are taught.

(f) Accountability.
   (1) Each school district and charter school shall designate an individual responsible for overseeing the implementation of the educational programing provided under subsection (b) of this section. Each school district and charter school shall provide the name and contact information for the individual designated under this subsection to the Department of Education no later than November 15 of each year.
   (2) Each individual designated under paragraph (f)(1) of this section shall report to the Department of Education no later than November 15 of each year how the educational programming has been implemented by that individual's school district or charter school.
   (3) The Department of Education shall submit a written report to the Governor, the members of the General Assembly, and the Director of the Division of Research no later than January 15 of each year. The report must include the educational programing provided under subsection (b) of this section and
how the curriculum has been implemented by each school district and charter school under subsection (d) of this section.

(g)(1) Each school in a school district and each charter school shall post, in a conspicuous location where notices to students are customarily posted, the number for the toll-free telephone report line for child abuse and neglect as established under § 905 of Title 16. The posting must be made in English and Spanish and must be made in a format and language that is clear, simple, and understandable to students.

(2) There is no private right of action for a violation of this subsection.

(h) Short title. This section shall be known and may be cited as "Erin's Law".

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

   c. Direction to develop a school-wide bullying prevention program.

   d. A requirement that each school establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval, and monitoring of the program. A majority of the members of the site-based committee must be members of the school professional staff, of which a majority must be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for a school enrolling students in grades 7 through 12), parents, and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group, except that the school principal shall appoint the representatives of the nonemployee groups. The committee shall operate on a 1-person, 1-vote principle. If a site-based school discipline committee has been established under § 1605(7)a. and b. of this title, that committee shall vote whether to accept the responsibilities of this paragraph (b)(2)d.

   n. A requirement that the school bullying prevention program be implemented throughout the year, and integrated with the school's discipline policies and § 4112 of this title.

14 Del.C. §4165. Suicide awareness and prevention.

(a) Suicide prevention training program. The Department of Health and Social Services, the Department of Services for Children, Youth and their Families, and the Department of Education shall identify and maintain a suicide prevention training program for school district and charter school employees that is evidence-based, whenever available.

(b) Suicide prevention policy. Each school district and charter school shall establish a policy which shall require, at a minimum, all of the following:

   (1) Recognition of the serious problem of youth suicide.

   (2) The development of a suicide prevention program.

   (3) That each school within a school district and each charter school establish a committee that is responsible for coordinating the suicide prevention program within that school.

   (4) A statement prohibiting retaliation against a school district or charter school employee, a school district or charter school volunteer, or student for reporting the warning signs of suicide.

   (5) That a procedure be established for the confidential and anonymous reporting of the warning signs of suicide.
(6) That a procedure be established for communication between school staff members and medical professionals who are involved in treating students for suicide issues.

(c) Accountability. Each school district and charter school shall adopt the policy required by subsection (b) of this section and shall submit a copy to the Department of Education by September 1, 2016, and by September 1 of a newly approved charter school's first year of operation. Each school district and charter school shall provide any changes to the policy to the Department within 60 calendar days.

(d) Dissemination of policy. Each school district and charter school shall ensure that the policy adopted under this section appears in the student and staff handbook and on its website.

(e) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting warning signs of suicide to the appropriate person using the procedures specified in the school district's or charter school's suicide prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

REGULATIONS


1.0. Program Requirements

1.1. Each school district and charter school shall have a sequential, skill-based K to 12 Comprehensive Health Education Program based on the Delaware Health Education Standards that establishes a foundation of understanding the relationship between personal behavior and health and shall include at a minimum the following:

1.1.3. The use of the state content standards for health education for grades K to 12 to address the core concepts: tobacco, alcohol and other drugs, injury prevention and safety, nutrition and physical activity, family life and sexuality, personal health and wellness, mental health and community and environmental health with minimum hours of instruction as follows:

1.1.3.1. In grades K to 4, a minimum of thirty (30) hours in each grade of comprehensive health education and family life education of which ten (10) hours, in each grade, must address drug and alcohol education.

1.1.3.2. In grades 5 and 6, a minimum of thirty five (35) hours in each grade of comprehensive health education and family life education of which fifteen (15) hours, in each grade, must address drug and alcohol education.

1.1.3.3. In grades 7 and 8, separate from other subject areas, a minimum of sixty (60) hours of comprehensive health education and family life education of which fifteen (15) hours, in each grade, must address drug and alcohol education. If all of the 60 hours are provided in one year at grade 7 or 8, an additional fifteen hours of drug and alcohol education must be provided in the other grade.

1.1.3.4. In grades 9 to 12, one half (1/2) credit of comprehensive health education is required for graduation of which fifteen (15) hours of this 1/2 credit course must address drug and alcohol education. In addition, no less than two (2) hours of this 1/2 credit course shall include a cardiopulmonary resuscitation (CPR) instructional program which uses the most current evidence-based emergency cardiovascular care guidelines, and incorporates psychomotor skills learning into the instruction, use of an Automated External Defibrillator (AED) as well as a component on the life saving and life enhancing effects of organ and tissue donation. This 1/2 credit course may be provided in the 9th, 10th, 11th or 12th grade. In each of the remaining three grades, fifteen (15) hours of drug and alcohol education must be provided for all students. CPR instruction, use of an AED and organ/tissue donation awareness shall be integrated into each high school Health Education Program no later than the 2015-2016 school year.
1.1.7. Inclusion of an evidence-based tobacco, alcohol, drug and interpersonal violence prevention program.

Behavioral interventions and student support services

LAWS

14 Del.C. §2729. Failure to send; affirmative defense; penalties.

(g) The court may also order as conditions of release prior to judgment or as conditions of sentence upon conviction such conditions as the court considers necessary to obtain compliance with school attendance requirements. These conditions include but are not limited to the following:

1. Verifying the child's attendance with the school;
2. Meeting with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing medical, psychological or psychiatric evaluations and following the evaluator's recommendations;
7. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the evaluator's recommendations; and
8. Taking the child for medical, psychological or psychiatric evaluation or for drug, alcohol or other substance abuse evaluation and following the evaluator's recommendations.

14 Del.C. §2730. Failure to attend; penalties.

(c) If the Court determines the student has violated § 2702 of this title, it shall adjudicate the student a truant and may order the following remedial dispositions:

1. Community service;
2. Counseling;
3. Substance abuse evaluation and treatment;
4. Mental health evaluation and treatment;
5. A curfew with hours set by the court;
6, 7) [Repealed.]
8. Prohibition of the student's participation in or attendance at any extra-curricular activity or social event which is an official school event or is sponsored by the school or held on school property;
9. A recommendation that the student enroll in the school in alternative educational and related services in accordance with Chapter 16 of this title; and
10. Such other action as is permitted by statute or by court rule.

REGULATIONS


1.0. Provision of Services

Each school district shall provide services for students whose behavior disrupts the classroom setting and creates distractions that impede the learning process, but who are not eligible for placement in an
alternative program pursuant to 14 DE Admin. Code 611. School districts may offer such services based on the identified needs of the district and its individual schools, subject to the requirements of this regulation.

2.0. Application for Funding

2.1. Any school district requesting an incentive or supplemental grant to provide intervention services shall apply for such funds using the LEA Consolidated Application process provided by the Department of Education.

2.2. Any incentive or supplemental grant approved as part of the LEA Consolidated Application process shall be in the amount appropriated for that purpose by law.

3.0. Student Population to be Served

Services funded under this regulation may be provided to any student in grades K to 12, subject to the terms of the district’s approved LEA Consolidated Application. Notwithstanding any of the provisions to the contrary, IDEA-identified students with disabilities shall be served pursuant to the provisions in 14 DE Admin. Code 925 and students with disabilities identified under Section 504 of the Rehabilitation Act shall be served in conformity with 34 C.F.R. Part 104.

4.0. School Based Intervention Programs

4.1. If a district, through its LEA Consolidated Application, provides a School Based Intervention Program as part of the services provided to disruptive students, such Program shall meet the following requirements:

4.2. A School Based Intervention Program shall include both short term and long term intervention strategies. Such strategies may include character education, short or long term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer students for additional services either within the district or to other agencies. The Program shall also include support services to provide a smooth transition for students who are returning to their regular school from a Consortium Discipline Alternative Program or from a Department of Services to Children, Youth and their Families (DSCYF) setting.

4.3. The decision to place a student in the School Based Intervention Program shall be made by the student’s Intervention Team. The Intervention Team shall include the building principal or assistant principal, school nurse, counselor, social worker (if the student receives social work services), and a teacher familiar with the student. Other individuals, including parents, guardians or Relative Caregivers, may be invited as appropriate.

4.4. When placing an IDEA-identified student with a disability in a School Based Intervention Program, the Intervention Team and a student’s IEP team may be the same as long as the membership of the Intervention Team also meets the requirements of 14 DE Admin. Code 925. When placing a student with a disability identified under Section 504 of the Rehabilitation Act, the Intervention Team may be the same as a multidisciplinary team authorized to make placement decisions as long the Intervention Team also meets the requirements of 34 C.F.R. 104.35.

5.0. Evaluation of Services

Any local school district receiving a grant pursuant to this regulation shall submit an annual evaluation report on the effectiveness of its District and School Based Intervention Services. Such report shall be submitted as part of the LEA Consolidated Application process and shall conform to content and format standards.

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy
4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.6. A program of assistance for students with counseling and referral to services as needed.


7.0. Assignment to an Alternative Program

7.1. Procedures for Student Referral

7.1.1. Criteria for student referral to an Alternative Placement.

7.1.1.4. A Principal may refer a student for Alternative Placement in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school-based best practice interventions have been put into place for said student. This may include, but is not limited to, counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available In-School Alternative Program.

Professional development

LAWS

14 Del.C. §4112F. Limitations on use of seclusion and restraint.

(c) Department of Education Role; Regulations.

(1) The Department of Education shall promulgate regulations implementing this section. Such regulations shall include, but not be limited to, the following:

d. Recommended or required training of public school personnel in implementing this section.


(a) The Department of Education with approval of the State Board of Education shall establish and implement statewide alcohol/substance abuse educational programs to be provided in each grade, kindergarten through grade 12, in each public school in this State. The programs required by this section shall consist of no fewer than 10 hours per school year in grades kindergarten through 4 and 15 hours per school year in grades 5 through 12. Each program shall be taught by appropriately trained certified teachers and the instruction shall be comprehensive, age-appropriate and sequential in nature.

(b) Any in-service training required by this section shall be provided within the contracted school year as provided in § 1305 of this title.


For purposes of this subchapter:

(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.
b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.

c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee.

(2) “Charter school” means a public school established under Chapter 5 of this title.

(3) “Child abuse” means causing or inflicting any of the following on a child:

a. Sexual abuse.

b. Serious physical injury or death, or physical injury through unjustified force not permitted under § 468 of Title 11. For purposes of this paragraph (3)b., “serious physical injury” and “physical injury” mean as defined in § 222 of Title 11.

c. Emotional abuse.

d. Torture.

e. Exploitation.

f. Maltreatment or mistreatment.

(4) “Child sexual abuse”, “sexual abuse”, or “sexually abused” means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.

b. A current or previous dating, social, or sexual relationship.

(6) “Criminal youth gang” means as defined in § 617(a) of Title 11.

(7) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(8) “Personal body safety” means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.

(9) “School district” means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

(10) “School district and charter school employee,” “school district or charter school employee,” or “employee” means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district or charter school or a program established under Chapter 16 of this title, who provide services to students on a regular, ongoing basis. “School district and charter school employee,” “school district or charter school employee,” or “employee” does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.
"Sexual assault" means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. "Sexual assault" includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

"Teen dating violence" means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.


(a) Each school district and charter school shall require its employees to receive 12.5 hours of training every 3 years consisting of all of the following:

(1) Three hours of a child abuse and child safety awareness, prevention, detection, and reporting training program established under § 4163(b)(1) of this title.

(2) Three hours of a school bullying prevention and criminal youth gang detection training program established under § 4164(a) of this title.

(3) Four and one-half hours of a suicide prevention training program established under § 4165(a) of this title, with each school district and charter school employee receiving 90 minutes of such training each year.

(4) Two hours of additional, nonacademic training programs that are evidence-based, whenever available, and are related to a training subject required by this subchapter, as selected by the school district or charter school.

(b) Each school district and charter school shall require a school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 to receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title every 3 years. This training may be included in paragraph (a)(4) of this section.

(c) Notwithstanding subsection (a) of this section, a school district or charter school shall require all of the following:

(1) That a new school district or charter school employee receive 1 hour of a child abuse detection and reporting training program established under § 4163(b)(1) of this title within 30 days of employment with the school district or charter school, unless the new school district or charter school employee received such training within the last year.

(2) That a new school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 in a school district or charter school receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title within 1 year of employment in such position.

(d) A school district or charter school shall provide any in-service training required under this section within the contracted school year as provided in § 1305(e) of this title.

(e) A school district or charter school may provide the trainings required under this section to any of its volunteers or contractors.


(a) [Repealed.]

(b) Educational programming. The Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families shall identify and maintain
Educational programming to be used by each school district and charter school for informing school district and charter school employees, students, and parents about personal body safety and child abuse and about how to detect and report child abuse. The educational programming must include all of the following:

1. Training and education for school district and charter school employees that is evidence-based, whenever available, in order to raise awareness of issues regarding personal body safety, child abuse, and child safety. Such training and education must include the warning signs indicating that a child may be a victim of sexual abuse and other forms of child abuse, techniques for responding when child abuse is suspected or disclosed, and the employee's mandatory reporting requirement under § 903 of Title 16.

2. Evidence-based age-appropriate instruction for students enrolled in grades pre-kindergarten through 6 that is related to personal body safety and child sexual abuse. Such instruction shall include information on the difference between appropriate and inappropriate conduct and the actions that a child may take to be protected from sexual abuse. Such instruction shall be designed to build on skills learned the previous year.

3. Information for parents of students enrolled in grades pre-kindergarten through 6 on all of the following:
   a. Warning signs of a child who is being sexually abused or suffering from other forms of child abuse.
   b. Effective, age-appropriate methods for discussing personal body safety and sexual abuse and other forms of child abuse with a child.
   c. Resources for reporting child abuse.
   d. Counseling and other resources available to a child who has been the victim of child abuse.

(c) Role of the Department of Education. The Department of Education shall provide technical expertise to assist the Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families in their identification of educational programming under subsection (b) of this section and the Department of Education shall make a list of the approved educational programming available to each school district and charter school.

(d) Implementation of training program. Each school district and charter school shall implement the educational programming provided under subsection (b) of this section as follows:

1. The educational programming provided under paragraph (b)(1) of this section must be provided to all of its employees as required by § 4162 of this title.

2. The educational programming provided under paragraph (b)(2) of this section must be provided to all students enrolled in grades pre-kindergarten through 6 through health education programs or related classes.

3. The educational programming provided under paragraph (b)(3) of this section must be provided to parents of students enrolled in grades pre-kindergarten through 6 through written materials, available online through the school district's or charter school's website or in hard copy upon a request by parents, on an annual basis and may be provided through live presentations.

(e) Notification of parents. Prior to providing any instruction under paragraph (d)(2) of this section, each school district and charter school shall inform the parent of any student enrolled in grades pre-kindergarten through 6 in writing that the parent may examine and review the educational materials before the materials are taught.

(f) Accountability.

1. Each school district and charter school shall designate an individual responsible for overseeing the implementation of the educational programming provided under subsection (b) of this section. Each school district and charter school shall provide the name and contact information for the individual
designated under this subsection to the Department of Education no later than November 15 of each year.

(2) Each individual designated under paragraph (f)(1) of this section shall report to the Department of Education no later than November 15 of each year how the educational programming has been implemented by that individual's school district or charter school.

(3) The Department of Education shall submit a written report to the Governor, the members of the General Assembly, and the Director of the Division of Research no later than January 15 of each year. The report must include the educational programming provided under subsection (b) of this section and how the curriculum has been implemented by each school district and charter school under subsection (d) of this section.

(g)(1) Each school in a school district and each charter school shall post, in a conspicuous location where notices to students are customarily posted, the number for the toll-free telephone report line for child abuse and neglect as established under § 905 of Title 16. The posting must be made in English and Spanish and must be made in a format and language that is clear, simple, and understandable to students.

(2) There is no private right of action for a violation of this subsection.

(h) Short title. This section shall be known and may be cited as "Erin's Law".

14 Del.C. §4165. Suicide awareness and prevention.

(a) Suicide prevention training program. The Department of Health and Social Services, the Department of Services for Children, Youth and their Families, and the Department of Education shall identify and maintain a suicide prevention training program for school district and charter school employees that is evidence-based, whenever available.

(b) Suicide prevention policy. Each school district and charter school shall establish a policy which shall require, at a minimum, all of the following:

(1) Recognition of the serious problem of youth suicide.
(2) The development of a suicide prevention program.
(3) That each school within a school district and each charter school establish a committee that is responsible for coordinating the suicide prevention program within that school.
(4) A statement prohibiting retaliation against a school district or charter school employee, a school district or charter school volunteer, or student for reporting the warning signs of suicide.
(5) That a procedure be established for the confidential and anonymous reporting of the warning signs of suicide.
(6) That a procedure be established for communication between school staff members and medical professionals who are involved in treating students for suicide issues.

(c) Accountability. Each school district and charter school shall adopt the policy required by subsection (b) of this section and shall submit a copy to the Department of Education by September 1, 2016, and by September 1 of a newly approved charter school's first year of operation. Each school district and charter school shall provide any changes to the policy to the Department within 60 calendar days.

(d) Dissemination of policy. Each school district and charter school shall ensure that the policy adopted under this section appears in the student and staff handbook and on its website.

(e) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting warning signs of suicide to the appropriate person using the procedures specified in the school district's or charter school's
suicide prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

REGULATIONS


4.0. Training Component

4.1. Any school administrator responsible for reporting school crimes or reporting school conduct incidents to law enforcement and to the Department of Education; or any school administrator responsible for reporting suspension and expulsion data to the Department; or any school administrator responsible for any disciplinary process involving staff or students shall complete Department of Education approved training and any such additional training the Department of Education may prescribe from time to time.

4.2. The approved training shall be primarily provided by staff at the Department of Education. The training may be provided by a school administrator at the district, charter school, or Alternative Program who is qualified to provide such training by having completed the Department of Education approved training within the last twenty-four (24) months. The district, charter school, or Alternative Program shall provide the name(s) of the trainer(s) conducting the training and the name(s) of those school administrator(s) attending the training if such training was provided by the district, charter school, or Alternative Program.

4.3. Each school district, charter school, and Alternative Program shall, at the time of hiring and at the beginning of each school year thereafter, advise each School Employee of his/her duty to report school crimes and the penalty for failure to so report as prescribed in 14 Del.C. §4112 (e).


4.0. Training of Personnel

4.1. Except as provided in 14 Del.C. §702(c), a student may be physically restrained only by public school personnel, private program personnel, or alternative program personnel who have completed training in physical restraint procedures.

4.1.1. Such personnel shall receive annual training in the use of crisis prevention and intervention techniques consistent with nationally-recognized training programs, which shall meet the following minimum requirements:

4.1.1.1. The training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies and supports;

4.1.1.2. The training shall be designed to meet the needs of such personnel consistent with their duties and the potential need for emergency safety interventions; and

4.1.2. Each public school, private program, and alternative program shall maintain written or electronic documentation of each training provided, which shall include a list of all personnel who participated in the training.

4.2. Any public school personnel responsible for reporting the physical restraint of a student to the Department shall complete training on the reporting process approved by the Department and any additional training that the Department may prescribe from time to time.

4.2.1. The approved training shall be provided using a web-based platform through the Department’s Professional Development Management System (PDMS) or similar system. The training will be provided on an annual basis and made available throughout each school year.
4.2.2. Such personnel responsible for reporting the physical restraint of a student shall complete the approved training at least once every three (3) years and during any year in which reporting procedures were changed from the previous year as indicated by the Department.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

(b) Criminal violation; mandatory reports.

(1) Whenever a school employee has reliable information that would lead a reasonable person to believe that:
   a. A student, school volunteer, or a school employee, has been the victim of:
      1. A violent felony,
      2. An assault III, or
      3. An unlawful sexual contact III, which occurred on school property or at a school function; or
   b. A student has been the victim of:
      1. A violent felony
      2. An assault III, or
      3. Any sexual offense, as defined in § 761(h) of Title 11, and the offense was committed by another school employee regardless of whether the offense occurred on school property or at a school function; then the school employee who has reliable information that would lead a reasonable person to believe that a crime has been committed shall immediately report the incident to the principal.

(2) The principal must immediately make reasonable efforts to notify the parents of any juvenile victim and must send written notification of the incident to the parents within 3 business days. This paragraph does not apply if the parent is alleged to be the offender.

(3) The principal shall immediately report the incident to the appropriate police agency. The report shall be made by telephone or in person immediately and shall be followed by a written report of the school's investigation within 3 business days.

(4) If the police agency determines that probable cause exists to believe that a crime has been committed, or if the principal later learns that a suspect has been arrested for the offense, then the principal must file a written report of the incident to the Department of Education within 5 days.

(5) Nothing in this section shall preclude a school employee who has reliable information that would lead a reasonable person to believe a crime has been committed from reporting the incident to the principal within a reasonable amount of time. In such instances where a report is made, the school officials shall follow the procedure set forth in paragraphs (b)(2) through (6) of this section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in § 903 et seq. of Title 16.

(6) Offenders under the age of 12. When a misdemeanor offense listed in this subsection has allegedly been committed by a child under the age of 12, the principal is not required to notify the appropriate police agency but must file a written report of the incident with the Department of Education within 5 working days. When the alleged offense is a violent felony, the appropriate police agency must be notified by the principal of the incident even when the suspect is under the age of 12.
(7) Sexual harassment. Whenever a school employee has reliable information that would lead a reasonable person to believe that a student has been the victim of sexual harassment, as defined in Title 11, which occurred on school property or at a school function, the harassment must be reported to the principal, who, immediately after conducting a preliminary investigation to determine if good reason exists to believe that harassment has occurred, must notify the victim's parent of that determination, if the parent is not alleged to be the offender. The principal is not required to notify the appropriate police agency, but must file a written report with the Department of Education.

(8) Under no circumstances shall any person who has supervisory authority over the principal or any school board member exercise any control of, hinder or delay the lodging of any oral or written report required to be made pursuant to this subsection or the forwarding of such report to the Department of Education or the police. A principal (or acting principal if the principal is absent) may not delegate to or rely upon any other person except an assistant principal to make the immediate report to the police. A person with supervisory authority over the principal or any school board member who has knowledge of an incident which is required to be reported under this section, and who has information that would lead a reasonable person to believe that it has not been reported to the police, has an affirmative duty to report the incident to the police immediately. This includes, but is not limited to, incidents in which a school employee is a possible suspect and when an administrative review is ongoing.

14 Del.C. §4112A. Office of school criminal offense and bullying ombudsperson.
(a) There is hereby established within the State Department of Justice, the Office of School Criminal Offense and Bullying Ombudsperson.
(b) The purpose of the Ombudsperson is to ensure the proper administration of the school criminal offense reporting law contained in § 4112 of this title and the school bullying prevention law contained in § 4164 of this title.
(c) The Ombudsperson shall have the power to:
   (1) Investigate and seek to resolve complaints made by and concerns of members of the public, school officials, and pupils regarding criminal offenses and incidents of bullying committed on school property;
   (2) Investigate complaints regarding the alleged failure of school officials to report criminal offenses as required under § 4112 of this title and incidents of bullying as required under § 4164 of this title;
   (3) Establish policies and procedures for eliciting, receiving, investigating, verifying, and resolving complaints; and
   (4) Perform such other acts as are necessary to carry out the purpose set forth in subsection (b) of this section.

14 Del.C. §4112B. Ombudsperson access.
(a) The Ombudsperson shall have access to any school record or pupil file which is relevant to the performance of the Ombudsperson's duties, including any record otherwise considered confidential under Delaware law.
(b) The Ombudsperson may initiate an investigation of any criminal offense committed on school property or any incident of bullying independent of the receipt of a specific complaint.
(c) The Ombudsperson shall protect the confidentiality of pupils' records and files as required under Delaware law.
(d) Notwithstanding any other provision of law, the Ombudsperson shall not disclose the identity of any complainant unless a court orders such disclosure or the complainant consents in writing to the disclosure of the complainant's identity.

For purposes of this subchapter:

(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.

b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.

c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee.

(2) “Charter school” means a public school established under Chapter 5 of this title.

(3) “Child abuse” means causing or inflicting any of the following on a child:

a. Sexual abuse.

b. Serious physical injury or death, or physical injury through unjustified force not permitted under § 468 of Title 11. For purposes of this paragraph (3)b., “serious physical injury” and “physical injury” mean as defined in § 222 of Title 11.

c. Emotional abuse.

d. Torture.

e. Exploitation.

(4) “Child sexual abuse”, “sexual abuse”, or “sexually abused” means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.

b. A current or previous dating, social, or sexual relationship.

(6) “Criminal youth gang” means as defined in § 617(a) of Title 11.

(7) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(8) “Personal body safety” means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.
(9) “School district” means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

(10) “School district and charter school employee,” “school district or charter school employee,” or “employee” means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district or charter school or a program established under Chapter 16 of this title, who provide services to students on a regular, ongoing basis. “School district and charter school employee,” “school district or charter school employee,” or “employee” does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

(11) “Sexual assault” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. “Sexual assault” includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

(12) “Teen dating violence” means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

14 Del.C. § 4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

   e. A requirement that any school district or charter school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying must immediately report it to the administration.

   j. A requirement that a parent of any target of bullying or perpetrator of bullying be notified and provided with a form to be generated by the Department of Justice describing the role of the Department of Justice School Ombudsman and providing contact information. This form must also inform a parent of the parent's right to know when the bullying incident in question has been reported to the Department of Education under paragraph (b)(2)k. of this section.

   k. A requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident, be reported to the Department of Education within 5 working days under Department of Education regulations. The school shall notify a parent of all students involved in the reported incident when the report is made.

REGULATIONS


5.0. Reporting of Crimes to the Delaware Department of Education

5.1. The superintendent or head administrator of each school district, charter school, and Alternative Program or his/her designee, shall ensure each school within his/her jurisdiction reports to the Department of Education all school crimes required to be reported pursuant to 14 Del.C. §4112, and any subsequent amendment thereto. Such reports shall be submitted in a format as designated by the
Department of Education and filed with the Department of Education within the time prescribed by Delaware statutes.

6.0. Reporting Specific Incidents of Misconduct

6.1. In addition to those school crimes required to be reported to law enforcement pursuant to 14 Del.C. §4112, the superintendent or head administrator of each school district, charter school, and Alternative Program, or his/her designee, shall report to the Department of Education incidents of misconduct 6.1.1 through 6.1.14. Such reports shall be submitted in a format as designated by the Department of Education and filed with the Department of Education not later than five working days following the incident.

6.1.1. Pornography, possession and production
6.1.2. Criminal mischief (vandalism)
6.1.3. Tampering with public records
6.1.4. Alcohol, possession and use
6.1.5. Felony theft
6.1.6. Bullying (allegations and substantiated incidents)
6.1.7. Offensive Touching (student or employee victim)
6.1.8. Terroristic Threatening (student or employee victim)
6.1.9. Sexual Harassment
6.1.10. Fighting
6.1.11. Inhalants
6.1.12. Drug Paraphernalia
6.1.13. Teen Dating Violence
6.1.14. Unlawful Drug Use/Influence


1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

3.0. Preliminary Discipline Investigation & Reporting Requirements

3.1. Investigatory Procedures & Timeline

3.1.1. In any instance when student Disciplinary Action which may result in removal of the student out of the Regular School Program for one day or more is contemplated, the Principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue Disciplinary Action.

3.1.1.1. The Principal may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal. Initial due process in accordance with subsection 4.2.1 of this regulation shall be provided.
3.1.1.2. When obtaining written statements from witnesses, reasonable efforts may be made to notify the Parent of each witness.
3.1.1.3. Reasonable efforts shall be made to include the allegedly offending student or Parent in the preliminary investigation.
3.1.2. The investigation shall be completed within three (3) school days of the date the incident in question was reported.
3.1.3. The Principal shall confiscate any contraband as defined in the Student's Code of Conduct or under the School's policy or state or federal law, which may be used for criminal/juvenile delinquency proceedings. Such contraband shall be labeled and secured in a locked area. Any confiscated contraband, or that reasonably understood to be illegal contraband, which may be used for criminal/juvenile proceedings shall be turned over to the appropriate police agency as soon as practicable.

3.2. Reporting Requirements

3.2.1. If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 Del.C. §4112 has been committed, the Principal shall immediately notify the appropriate law enforcement agency of the incident.
3.2.1.1. All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.
3.2.2. The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 Del.C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.

4.0. Initial Due Process

4.1. A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct.
4.1.1. Prior to any removal of one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct:
4.1.1.1. The student had prior opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations.
4.1.1.2. The administrator/designee shall inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated.
4.1.1.3. The student shall be given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

4.2. Due Process Delay Provision

4.2.1. A student whose presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures outlined in subsection 4.1 of this regulation are followed.

4.3. In addition to the initial due process rights, a student who is recommended for Alternative Placement or Expulsion shall receive applicable additional due process rights as outlined in Sections 7.0, 10.0, and 11.0 of this regulation.
Parental notification

LAWS

14 Del.C. §2702. Compulsory attendance requirements; evaluation of readiness.
(d) The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year for children in grades K through 12.
(1) Following the tenth day of unexcused absence by a student, the school shall immediately notify the parent or parents or guardian and a visiting teacher for the district shall visit the student's home;
(2) Following the fifteenth day of unexcused absence by a student, the student's parent or parents or guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;
(3) Following the twentieth day of unexcused absence by a student, the school shall refer the case for prosecution;
(4) Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.
(e) Following the tenth unexcused day of attendance by a student in grades 6 through 12 inclusive, the building principal shall notify a visiting teacher of such unexcused days.
(f) If contacted by the school pursuant to paragraph (d)(2) of this section, each parent or guardian of a student shall sign a contract with the district agreeing they will make every reasonable effort to:
(1) Have their child or children abide by the school code of conduct;
(2) Make certain their child attends school regularly; and
(3) Provide written documentation for the reasons for any absence.

(b) Criminal violation; mandatory reports.
(2) The principal must immediately make reasonable efforts to notify the parents of any juvenile victim and must send written notification of the incident to the parents within 3 business days. This paragraph does not apply if the parent is alleged to be the offender.

14 Del.C. §4112F. Limitations on use of seclusion and restraint.
(c) Department of Education role; regulations.
(1) The Department of Education shall promulgate regulations implementing this section. Such regulations shall include, but not be limited to, the following:
   b. Requirement of timely parental notice in event of use of physical restraint;
(4) Unless proscribed by federal law, the Secretary of Education may issue a waiver of the prohibition on mechanical restraint and seclusion for an individual student based on compelling justification and subject to specific conditions and safeguards which must include a requirement of continuous visual staff monitoring and parental notice of each use of mechanical restraint or seclusion. 14 Del.C. §4117. Substance abuse.
(a) Each school district shall designate an administrator in every school as the person responsible for reporting, to parents and/or law enforcement agencies, any violation and/or problems relating to the abuse of controlled substances. Such administrator shall not be liable under the laws of this State for
any act or omission committed by the administrator in the performance of that administrator's duties and responsibilities under this section.

(b) No administrator having reporting responsibilities under this section shall be required to report any substance abuse violation and/or problem to a parent if such person, being the principal of the school, reasonably believes that a parent or parents are a cause of or are involved in the violation and/or problem; nor shall any other administrator, having reporting responsibilities under this section, be required to report any substance abuse violation and/or problem to a parent, if such administrator and the principal of the school both believe that a parent or parents are a cause of or are involved in the violation or problem.

14 Del.C. §4122. Parent's failure to attend school conference with superintendent; subpoena to compel attendance.

(a) "Parent" as used in this section means natural parent, adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(b) When a parent fails to attend, participate or respond to a public school or charter school superintendent's request for a conference to discuss matters involving alleged violations of school rules or regulations by the parent's child, the public school or charter school superintendent or the superintendent's designee may request that the Justice of the Peace Court issue a subpoena to compel the presence of the parent at a conference with the superintendent.

(c) Prior to the issuance of a subpoena to compel the presence of a parent, the superintendent or a designee must provide evidence that the superintendent or a designee has:

(1) Made a reasonable attempt to schedule the conference at a time that does not conflict with the employment hours of the parent; and

(2) Sent written notice of the conference by regular United States mail to the address of record of the parent, which notice shall include the reason for the conference and a statement that failure to schedule or attend the conference may result in the issuance of a subpoena.

(d) After verifying that the superintendent or a designee has sent the required notice, the Justice of the Peace Court may, in its discretion, issue a subpoena pursuant to Justice of the Peace Civil Rule 18 which shall compel the presence of the parent at a conference with the superintendent.

(e) If a parent fails to obey a subpoena properly served under this section, the superintendent may file a motion for an order holding the parent in contempt of court. The Justice of the Peace Court shall have jurisdiction over this matter. A parent found guilty of contempt for failure to appear at a conference after receiving a subpoena may be ordered by the Court to attend school with the student, attend family counseling, and/or comply with such other conditions as the Court may order.

(f) Proceedings against a parent of a suspended or expelled child may also be filed pursuant to subchapter II of Chapter 27 of this title for each day that the child is absent beyond the period of suspension or expulsion without a valid excuse as a result of the parent's failure to attend or schedule a conference after having received notification of the suspension or expulsion.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:
j. A requirement that a parent of any target of bullying or perpetrator of bullying be notified and provided with a form to be generated by the Department of Justice describing the role of the Department of Justice School Ombudsman and providing contact information. This form must also inform a parent of the parent’s right to know when the bullying incident in question has been reported to the Department of Education under paragraph (b)(2)k. of this section.

k. A requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident, be reported to the Department of Education within 5 working days under Department of Education regulations. The school shall notify a parent of all students involved in the reported incident when the report is made.

REGULATIONS

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, requires that a State Education Agency establish a State Unsafe School Choice Option policy in order to receive funding under ESEA.

4.0. Students Attending Schools Labeled as Persistently Dangerous

4.1. A student attending a Persistently Dangerous School shall be allowed to choice to a Safe School in the same school district, including a charter school provided that a charter school option exists in that school district’s boundaries.

4.2. Each public school district having one or more Persistently Dangerous Schools and any charter school identified as a Persistently Dangerous School shall develop a plan and timeline that describes the process for notifying parents of the School’s status and for relocating any student who exercises the right to choice to a Safe School. The plan shall also describe the corrective actions that will be implemented. The plan shall be forwarded to the Department of Education no later than September 15th of the year that the School is identified.


5.0. Parental Notification of Use of Physical Restraint

5.1. Except as provided in Section 5.1.1, if a student is physically restrained, a reasonable attempt shall be made to notify the parent on the same day, but in no event later than twenty-four hours after, the physical restraint is used. Such notification shall be made in person, by phone or by voicemail, or by email. The school shall maintain written documentation of successful and unsuccessful attempts to notify the parent.

5.1.1. Where physical restraint is included in the student’s IEP or Section 504 Plan, the IEP Team or Section 504 Team, including the parent, shall determine a timeframe and manner of notification of each incident of physical restraint.

5.2. The parent shall be provided a copy of a final written report no later than the date on which such report is filed with the Department. The written report shall contain, at a minimum, the information required under Section 6.0.


3.0 Written Decision Required

When a school board expels a student but determines the student shall not be placed at a Consortium Discipline Alternative Program, the school district's decision shall be in writing and address with specificity the reasons for non-placement and the evidence in support thereof. Such decisions shall be submitted to
the Delaware Department of Education's Office of School Climate within five working days of such decision with a copy to the student's parent, guardian, or Relative Caregiver.

4.0 Informing the Parents, Guardians, Relative Caregiver or Students (If the Student is Age 18 or Older)

Districts shall inform the parents, guardians, Relative Caregiver or students (if the student is age 18 or older) of the alternative education options that are then currently available to them if the students have been expelled or expulsion is being considered. These options may include, but are not be limited to, the Consortium Discipline Alternative Program, a GED Program, James H. Groves High School and continued special education and related services for children with disabilities as determined by the student's eligibility for participation in such programs. A student's eligibility for such alternative education options is determined by the requirements of such programs.

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.3. A written policy which sets out procedures for reporting incidents to police authorities, parents, guardians or Relative Caregivers and to the Department of Education, while maintaining confidentiality.


1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

2.0. Terms and Definitions

In this regulation, the following terms and words shall have the following meaning unless the context clearly indicates otherwise:

"Alternative Placement Team (APT)" means a committee composed of the following: a representative of the Alternative Program staff; a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker; and, if appropriate, a representative from the Department of Services for Children Youth and Their Families (DSCYF) with knowledge of the student's and family's needs. Other individuals may be invited as determined by the APT. The APT reviews and prescribes the appropriate placement for students being considered for Alternative Placement.

"Alternative Placement Team Meeting" means a meeting held by the district/charter school Alternative Placement Team to determine the appropriate educational setting for a student whose behavior is within the defined conduct under 14 DE Admin. Code 614 and who has been recommended for Assignment to an Alternative Program.

"Building Level Conference" means a meeting which is held by phone or in person between the Principal, other appropriate school staff members as determined by the Principal, a student and a student's Parent to discuss the student's misconduct relative to a recommendation for Suspension, Alternative Placement, or Expulsion.
"Intake Meeting" means the meeting at an Alternative Program site which includes the student, the Parent, district/charter school representative, program administrator and other appropriate Alternative Program staff. At this meeting the program's rules and expectations are reviewed, paperwork that requires student and Parent signatures is completed, and the district's/charter school's individualized goals and expectations for the alternatively-placed student are reviewed.

"Parent" means a biological or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives and for whom a Relative Caregiver's School Authorization executed in compliance with 14 Del.C. §202(f)(1) is on file; an individual or entity who is otherwise legally responsible for the child's welfare; a surrogate parent who has been appointed in accordance with 14 DE Admin. Code 926.19; or a student who has reached the age of majority as defined in 1 Del.C. §701.

"Student Review" means a formal meeting that takes place at the Alternative Program with the district/charter school representative, the Alternative Program Administrator, and other appropriate Alternative Program staff to determine to what degree the student currently placed in the Alternative Program is progressing toward their behavioral and academic goals as determined during the student's Intake Meeting. The student and Parent shall be invited to attend this meeting.

"Transition Meeting" means a meeting to discuss the student's return to the Regular School Program which takes place at the school in which the student is enrolled, with the Alternative Program representative, the district/charter school representative, the student, the Parent, a school administrator, a teacher, a school counselor, a student advisor or disciplinarian if assigned, or other representative.

5.0. Suspensions

5.4. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.

5.4.1. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district/charter's appeal or Grievance process.

5.5. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. A definite time, date, and place for the conference shall be designated by the Principal. The Principal may waive this conference requirement.

6.0. Requirement of Grievance Process

6.1. Each district/charter school shall have a written Grievance procedure. The district/charter school shall have the written Grievance procedures available for Parent review.

7.2. Responsibilities for Student Referral Which May Lead to Alternative Program Placement

7.2.1. When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur:

7.2.1.6. A charter school Principal shall verify that the Alternative Placement referral meets the conditions set forth in 14 Del.C. §504A(8).

7.2.1.7. For all referrals for Alternative Placement for a general education or special education student, the Principal shall hold a Building Level Conference with the Parent and the student.
7.2.1.7.1. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the district/charter school Alternative Placement Team Meeting and; 3) of the procedures that will take place as follow-up to the referral for Alternative Placement.

7.2.1.7.2. The conference shall be held by phone or in person.

7.2.1.7.3. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

7.2.1.8. Notice of the Alternative Placement Meeting shall be mailed to the Parent and the student via regular U.S. and certified mail at least five business days before the meeting is to occur.

7.3. Alternative Placement Meeting for Districts/Charter Schools

7.3.1. A district/charter school Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.

7.3.1.1. The Parent and student shall receive verbal and written notification of the district/charter school's Alternative Placement Meeting. Parents and student may, but are not required to, attend the meeting.

7.3.1.2. The Parent and student shall be informed of the district/charter school Alternative Placement Team's decision for placement within one (1) business day of the meeting.

7.3.1.2.1. If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

7.4. Student Assignment to an Alternative Program

7.4.1. The district/charter school representative shall contact the selected Alternative Program to set up a date and time for an Intake Meeting.

7.4.1.1. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.

7.4.1.1.1. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district/charter school representative, the Alternative Program administrator, and other appropriate Alternative Program staff.

9.0. Procedures for Student Return to the Regular School Program

When a Student Review results in a recommendation for return to the comprehensive school setting, a Transitional Meeting at the student's comprehensive school will be held between the Alternative Program representative, the district/charter school representative, the student, the Parent, the school administrator, a teacher, a school counselor, a student advisor or disciplinarian, if assigned. Other individuals may be invited as determined by the members of the Transitional Meeting team. This meeting shall take place prior to a student's return to that comprehensive school and shall result in a document setting forth the terms of the return.

10.0. Procedures for the Expulsion of Students

10.2. After the student has been afforded initial due process procedures, if the Principal decides that Disciplinary Action in the form of a recommendation for Expulsion will be made, the following procedures shall be followed:

10.2.1. Student will be given written notice of charges and the Parent shall be notified verbally and in writing as soon as practicable thereafter.
10.2.3. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion.

10.2.3.1. The conference shall be held by phone or in person.
10.2.3.2. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.
10.2.4. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

10.3. Expulsion Hearings

10.3.1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation.

10.3.1.1 The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
10.3.2. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
10.3.3. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.
10.3.4. If requested, the student and Parent will also be given a copy of the following:

10.3.4.1. The reason(s) for the recommendation;
10.3.4.2. The name(s) of witnesses who may appear; and
10.3.4.3. Copies of information that may be submitted as evidence.
10.3.5. The district/charter shall receive written Parent permission for any witness who is a minor.

10.4. Expulsion Decision by Board of Education

10.4.5. Any decision to expel a student shall be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.

30.0. Discipline Procedures Authority of School Personnel.
30.8. Notification: The LEA or other public agency shall ensure that the parents, guardian or Relative Caregiver of each child with disabilities receive written notice of the rules and regulations applicable to such children with respect to discipline, suspension, expulsion, and exclusion as a treatment procedure at the beginning of each school year or upon entry into a special education program during the school year; and

30.8.1. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA shall notify the parents of that decision, and provide the parents the procedural safeguards notice described in 4.0.

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

**LAWS**

**11 Del.C. §4120. Registration of sex offenders.**

(b)(3) If an offender is attending school, the offender shall inform the principal of the school upon enrollment of the offender's registration, unless pursuant to § 4123 of this title, the Family Court has not required a juvenile adjudicated delinquent of a sex offense to register.

**14 Del.C. §4112. Reporting school crimes.**

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

(1) “Crime” includes a felony, misdemeanor or violation defined in the Delaware Code, as well as behavior by a person under 18 years of age which would be considered a felony, misdemeanor or violation if it had been committed by an adult.

(2) “Non-instructional designee” means a school employee whose primary job duty does not include teaching students.

(3) "Notification" means direct contact by telephone, facsimile, electronic mail, Department of Education electronic filings, in person, or by certified mail, unless otherwise designated.

(4) “Parent” includes natural parent, adoptive parent, or any person, agency, or institution that has temporary or permanent custody or guardianship over a student.

(5) “Parent conference” includes a meeting by telephone or in person, unless otherwise designated.

(6) “Principal” means the building principal, or the equivalent of the building principal, of any public school or charter school, or the building principal’s designee.

(7) “School employee” includes all persons hired by a school district, attendance zone or charter school; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.

(8) “School function” includes any field trip or any officially sponsored public or charter school event.

(9) “School property” means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

(10) “School volunteer” means a person 18 years of age or older who, without compensation, renders service to a public or charter school. “School volunteer” includes parents who assist in school activities or chaperone school functions.
(11) "Superintendent" means the superintendent of any public school district or charter school, or the equivalent of a superintendent, or the superintendent's designee.

(12) "Suspension" means either an external or an internal removal of a student from the general school population.

(13) "Violent felony" means a crime designated in § 4201(c) of Title 11.

(14) "Written report" includes printed paper filings and electronic filings that can be printed.

(b) Criminal violation; mandatory reports.

(1) Whenever a school employee has reliable information that would lead a reasonable person to believe that:

a. A student, school volunteer, or a school employee, has been the victim of:
   1. A violent felony,
   2. An assault III, or
   3. An unlawful sexual contact III, which occurred on school property or at a school function; or

b. A student has been the victim of:
   1. A violent felony
   2. An assault III, or
   3. Any sexual offense, as defined in § 761(h) of Title 11, and the offense was committed by another school employee regardless of whether the offense occurred on school property or at a school function; then the school employee who has reliable information that would lead a reasonable person to believe that a crime has been committed shall immediately report the incident to the principal.

(2) The principal must immediately make reasonable efforts to notify the parents of any juvenile victim and must send written notification of the incident to the parents within 3 business days. This paragraph does not apply if the parent is alleged to be the offender.

(3) The principal shall immediately report the incident to the appropriate police agency. The report shall be made by telephone or in person immediately and shall be followed by a written report of the school's investigation within 3 business days.

(4) If the police agency determines that probable cause exists to believe that a crime has been committed, or if the principal later learns that a suspect has been arrested for the offense, then the principal must file a written report of the incident to the Department of Education within 5 days.

(5) Nothing in this section shall preclude a school employee who has reliable information that would lead a reasonable person to believe a crime has been committed from reporting the incident to the principal within a reasonable amount of time. In such instances where a report is made, the school officials shall follow the procedure set forth in paragraphs (b)(2) through (6) of this section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in § 903 et seq. of Title 16.

(6) Offenders under the age of 12. When a misdemeanor offense listed in this subsection has allegedly been committed by a child under the age of 12, the principal is not required to notify the appropriate police agency but must file a written report of the incident with the Department of Education within 5 working days. When the alleged offense is a violent felony, the appropriate police agency must be notified by the principal of the incident even when the suspect is under the age of 12.

(7) Sexual harassment. Whenever a school employee has reliable information that would lead a reasonable person to believe that a student has been the victim of sexual harassment, as defined in Title 11, which occurred on school property or at a school function, the harassment must be reported to
the principal, who, immediately after conducting a preliminary investigation to determine if good reason exists to believe that harassment has occurred, must notify the victim’s parent of that determination, if the parent is not alleged to be the offender. The principal is not required to notify the appropriate police agency, but must file a written report with the Department of Education.

(8) Under no circumstances shall any person who has supervisory authority over the principal or any school board member exercise any control of, hinder or delay the lodging of any oral or written report required to be made pursuant to this subsection or the forwarding of such report to the Department of Education or the police. A principal (or acting principal if the principal is absent) may not delegate to or rely upon any other person except an assistant principal to make the immediate report to the police. A person with supervisory authority over the principal or any school board member who has knowledge of an incident which is required to be reported under this section, and who has information that would lead a reasonable person to believe that it has not been reported to the police, has an affirmative duty to report the incident to the police immediately. This includes, but is not limited to, incidents in which a school employee is a possible suspect and when an administrative review is ongoing.

(c) Student possession of weapons and unlawful drugs. Whenever a school employee has reliable information that would lead a reasonable person to believe that a person on school property or at a school function has on his or her person, concealed in that person’s possessions, or placed elsewhere on school property:

(1) Any controlled substance prohibited by Title 16; or

(2) Any deadly weapon, destructive weapon, dangerous instrument or incendiary or explosive device as prohibited by Title 11, the school employee shall immediately report the incident to the principal, who shall conduct a thorough investigation. If the investigation verifies that good reason exists to believe that a crime has been committed, the principal shall immediately notify the appropriate police agency of the incident. If the police agency determines that probable cause exists to believe that a crime has been committed, then the principal shall file a written report of the incident with the Department of Education within 5 working days.

(d) School officials who report a crime committed by a child with a disability, as defined by § 3101(2) of this title, shall comply with 20 U.S.C. § 1415(k)(6)(B) by ensuring that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the crime is reported. An agency reporting a crime under this section may transmit copies of the child’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act [20 U.S.C. § 1232g].

(e) Penalties. Any school employee who fails to report an incident as required by subsection (b) of this section or subsection (c) of this section shall be guilty of a violation and shall be fined not more than $250 for a first offense and not more than $500 for a subsequent offense. Any person with supervisory authority over the principal or any school board member who exercises any control of, hinders or delays the lodging of any report required to be made pursuant to this subsection or the forwarding of such report to the Department of Education or the police shall be guilty of a class B misdemeanor.

(f) Immunity from civil liability; review of criminal complaint. (1) Any school employee who in good faith provides information to a police agency, a principal, a superintendent, or to the Department of Education under subsection (b) of this section or subsection (c) of this section shall not be held civilly liable for providing such information.

(2) Prior to lodging any criminal charge against a school employee for providing information pursuant to subsection (b) of this section or subsection (c) of this section to a police agency, a principal, a superintendent, or to the Department of Education, the Attorney General’s office shall be consulted to determine the appropriateness of the charge.
(3) Any report of an actual or suspected crime made by a school employee or principal pursuant to subsection (b) of this section shall be exempt from public disclosure pursuant to the Freedom of Information Act as set forth in Chapter 100 of Title 29.

(g) Confidential list of young student offenders. Following the start of each school year, the Department of Education shall, upon request, provide to the principal of any school a list of the students enrolled in that school for the coming year who committed offenses during the previous year which were reported to the Department of Education pursuant to this section. The list shall remain confidential and shall be used by the principal only for the purpose of identifying students who may be in need of beneficial programs such as mentoring.

(h) A copy of any report required by this section to go to a principal shall be immediately submitted to the superintendent by the principal.

(i) If any report required by this section alleges any wrongdoing involving the principal, the report shall be given to the superintendent and the duties required of the principal by this section shall be the duties of the superintendent.

14 Del.C. §4117. Substance abuse.

(a) Each school district shall designate an administrator in every school as the person responsible for reporting, to parents and/or law enforcement agencies, any violation and/or problems relating to the abuse of controlled substances. Such administrator shall not be liable under the laws of this State for any act or omission committed by the administrator in the performance of that administrator’s duties and responsibilities under this section.

(b) No administrator having reporting responsibilities under this section shall be required to report any substance abuse violation and/or problem to a parent if such person, being the principal of the school, reasonably believes that a parent or parents are a cause of or are involved in the violation and/or problem; nor shall any other administrator, having reporting responsibilities under this section, be required to report any substance abuse violation and/or problem to a parent, if such administrator and the principal of the school both believe that a parent or parents are a cause of or are involved in the violation or problem.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(g) Relationship to reporting requirements. An incident may meet the definition of bullying and also the definition of a particular crime under state or federal law. Nothing in this section or in the policies promulgated as a result of this section prevents school officials from fulfilling all of the reporting requirements of § 4112 of this title or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under § 4112 of this title. Nothing in this section abrogates the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 or any other reporting requirement under state or federal law.

REGULATIONS

14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically. The policy shall include, at a minimum, the following:

4.1.3. A written policy which sets out procedures for reporting incidents to police authorities, parents, guardians or Relative Caregivers and to the Department of Education, while maintaining confidentiality.
4.1.4. A written policy on how evidence is to be kept, stored and documented, so that the chain of custody is clearly established prior to giving such evidence over to the police.

**14 DE Admin. Code §616. Uniform due process procedures for alternative placement meetings and expulsion hearings.**

1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

3.0. Preliminary Discipline Investigation & Reporting Requirements

3.2. Reporting Requirements

3.2.1. If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 Del.C. §4112 has been committed, the Principal shall immediately notify the appropriate law enforcement agency of the incident.

3.2.1.1. All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.

3.2.2. The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 Del.C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.

**Disclosure of school records**

**LAWS**

**14 Del.C. §4111. Disclosure of pupils' school records.**

(a) Educational records of students in all public and private schools in this State are deemed to be confidential. Educational records may be released, and personally identifiable information contained therein disclosed, only in accordance with rules and regulations of the Department of Education. Such rules and regulations shall authorize the release of educational records upon written consent and shall establish the other terms and conditions on which educational records may and must be released.

(b) The provisions of subsection (a) of this section notwithstanding, educational institutions and programs operating in this State, including postsecondary institutions and programs regulated by a state agency, shall disclose to the Department such education records, and personally identifiable information contained therein, necessary for the audit or evaluation of state and federal education programs in accordance with the terms and conditions of a written agreement negotiated between the Department and each educational institution or program from which education records are sought. Such agreements shall:

(1) State the term of the agreement;

(2) Comply with the requirements of the Family Educational Rights and Privacy Act Regulations set forth in 34 CFR Part 99 regarding the Department's use, compilation, maintenance, protection, distribution, re-disclosure and return/destruction of education records obtained hereunder;

(3) Specify the data elements to be disclosed by the educational institution or program;
(4) State the purpose for which the information will be used;
(5) Prohibit any disclosure of education records or personally identifiable information contained therein by an educational institution or program in violation of applicable state or federal privacy laws;
(6) Prohibit any modification or amendment except by written agreement duly executed by the parties; and
(7) Contain such additional provisions as agreed upon.

All disclosures required by this section shall be for the purpose of ensuring the effectiveness of publicly-funded programs by connecting pre-kindergarten through grade 12 and post-secondary data, and sharing information to improve early childhood and workforce programs as set forth in Delaware's State Fiscal Stabilization Plan and Delaware's Race to the Top Plan, or as otherwise approved by the P-20 Council.

c) All public and private schools in this State shall allow parents and eligible students to inspect and review the education records of their children or themselves who are, or have been, in attendance at the school. The right to inspect and review educational records shall be in accordance with rules and regulations of the Department of Education.

d) No cause of action or claim for relief, civil or criminal, shall lie or damages be recoverable against any school officer or employee by reason of such officer's or employee's participation in the formulation of such records or any statements made or of judgments expressed therein concerning a student's academic performance, personal conduct, health, habits, school related activities or potential; nor by reason of the disclosure of the records or personally identifiable information from the records, nor lack of access thereto, in accordance with subsections (a) through (c) of this section.

14 Del.C. §4112B. Ombudsperson access.

(a) The Ombudsperson shall have access to any school record or pupil file which is relevant to the performance of the Ombudsperson's duties, including any record otherwise considered confidential under Delaware law.

(b) The Ombudsperson may initiate an investigation of any criminal offense committed on school property or any incident of bullying independent of the receipt of a specific complaint.

(c) The Ombudsperson shall protect the confidentiality of pupils' records and files as required under Delaware law.

(d) Notwithstanding any other provision of law, the Ombudsperson shall not disclose the identity of any complainant unless a court orders such disclosure or the complainant consents in writing to the disclosure of the complainant's identity.

REGULATIONS

14 DE Admin. Code §252. Required educational records and transfer and maintenance of educational records.

1.0. Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly states otherwise:

"Court Orders" means any written direction from a court of competent jurisdiction directed to the student or affecting the student’s care or custody.

"Delaware School Health Record" means the form required by 14 DE Admin Code 811 for Delaware public school students.
“Discipline Record” means information about any and all periods of suspension or of expulsion from the regular school setting imposed on a student as a result of an infraction of the school or district’s code of conduct or other rules.

“Emergency/Nursing Treatment Card” means the card containing the general emergency information and procedures for the care of a student when the student becomes sick or injured in school as required in 14 DE Admin. Code 811.

“Identifying Data” means the name of the student, date of birth, sex, race and ethnicity, address, telephone number, Delaware student identification number and the name of the parent(s), guardian(s) or Relative Caregiver.

“Progress Report” means a single record maintained for each student in kindergarten through grade 8 that contains end of year and up to date grades; standardized test(s) scores such as the state student assessment; and attendance data for each year of the student’s attendance.

"Public School" means a school or charter school having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators.

“Student Transcript” means a single record maintained for each student in grades 9 and above that contains the following: end of year and up to date grades; credits earned; class rank; Grade Point Average (GPA); withdrawal or graduation date; standardized test(s) scores such as the state student assessment, SAT, PSAT, ACT; attendance data and school activities. If applicable, a list of the career technical competencies achieved by a student enrolled in a specific career technical program shall also be included.

2.0. Education Records Required by Schools in Delaware

2.1. Each Delaware school shall maintain a Cumulative Record File either as an electronic or paper file for each student enrolled.

2.1.1. The student Cumulative Record File shall contain the Emergency/Nursing Treatment Card, Identifying Data, School Health Record, Progress Report, Student Transcript (for students in grades 9 and above) and Discipline Record.

2.1.2. The student Cumulative Record File shall also contain any Court Orders in the school or district’s possession, and;

2.1.3. The Cumulative Record File for a child with a disability as defined in 14 DE Admin Code 925 or for a child identified under Section 504 shall contain any records related to the identification, evaluation, placement, and provision of a free appropriate public education. Such documents may be collected and maintained separately.

3.0. Transfer of the Records of Public School and Private Schools Students

3.1. When a student transfers from a public school, private school or an educational program operated by the Department of Services for Children, Youth and Their Families to any other school in Delaware, the receiving school shall immediately request the Cumulative Record File from the sending school or program.

3.2. The Cumulative Record File shall follow each student transferred from one school to another including files for each student with disabilities transferred from one school to another.

3.2.1. Public schools, school districts, private schools and educational programs operated by the Department of Services for Children, Youth and Their Families shall promptly transfer a student’s Cumulative Record File upon the request of a receiving school.

3.2.1.1. Public schools and school districts shall maintain the original Cumulative Record File and provide a copy of the file when students transfer to a private school or educational program operated by the Department of Services for Children, Youth and Their Families.
3.2.1.2. Public schools and school districts shall provide the original Cumulative Record File when transferring records to another public school.

3.2.2. Unpaid student fees or fines shall not be a basis for a public school, school district or an educational program operated by the Department of Services for Children, Youth and Their Families to deny or to delay transfer of the Cumulative Record File.

3.2.3. Students shall not be denied enrollment into a public school on the grounds that the student’s Cumulative Record File has not been received.

3.3. Before transferring student records, a public school, school district or private school shall specifically confirm that the Cumulative Record File contains the student’s Discipline Record.

3.4. When students transfer to a Delaware school from any other school including a school in a foreign country the receiving school is responsible for having the transcripts evaluated.

4.0. Maintenance of the Education Records of Public Schools

4.1. The Delaware School District General Records Retention Schedule published by the Delaware Public Archives shall be followed as to the length of time and special considerations for the maintenance of education records.

4.2. Contracts for storage of student records of graduates, withdrawals and special education students shall be initiated between the school district or charter school and the Delaware Public Archives.

4.3. The Cumulative Record Files for students who have graduated from or who left school prior to graduation from high school shall be stored at the school or district of last attendance or in the Delaware Public Archives.

5.0. Destruction of Education Records of Public Schools

5.1. The Delaware School District General Records Retention Schedule published by the Delaware Public Archives shall be followed as to the length of time and special considerations for the destruction of any education records.

5.2. The destruction of educational records of children with disabilities shall also comply with the requirements of 14 DE Admin. Code 927.

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

LAWS

14 Del. C. §703. Student discipline report; school discipline improvement plan.

(a) The Department shall compile and release an annual report on student discipline in all schools as follows:

(1) The analysis must be based on data, as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, collected over the 3 most recent consecutive school years.

(2) The report must be posted on the Department’s website no later than October 30.

(3) The report shall include both statewide totals and individual school data, for each of the school years in the report, on the issuance of out-of-school suspensions, expulsions, alternative school assignments, and in-school suspensions, disaggregated by race, ethnicity, gender, grade level, limited English proficiency, incident type, discipline duration, and if the student is identified as having a disability.

(4) The report must identify, for each school year in the report, schools that meet any of the following thresholds:
a. Calculations under this subsection should exclude subgroups that contain fewer than 15 students.

b. A school with an out-of-school suspension rate for all students or any 1 subgroup that exceeds any of the following:
   1. A rate of 20 suspensions per 100 students for the 2018 through 2019 school year.
   2. A rate of 15 suspensions per 100 students for the 2019 through 2020 school year and each school year thereafter.

c. A school for which the out-of-school suspension gap between the lowest-suspended racial subgroup and the highest suspended racial subgroup, or the suspension gap between students with disabilities and students without disabilities, exceeds any of the following:
   1. Twenty percent for the 2018 through 2019 school year.
   2. Fifteen percent for the 2019 through 2020 school year.
   3. Ten percent for the 2020 through 2021 school year and each school year thereafter.

(b) [Subsection (b) effective Dec. 1, 2019] If a school is identified as meeting a threshold under paragraph (a)(4) of this section for 3 consecutive school years, the Department shall notify the school of this status by December 1 and the school must do all of the following:

1. Review its discipline policies, practices, and data.
2. If a school has already implemented restorative justice practices, the school must review the interventions being used to assure research-based quality, scope of training provided, and follow-up support to assure proper implementation. Restorative justice practices program improvements should be made based on this review.
3. Submit a plan to the Department that identifies the strategies the school will implement beginning in the following school year to reduce the use of exclusionary disciplinary practices or disproportionate use of exclusionary disciplinary practices with racial subgroups or students with disabilities, or both.
   a. The plan may be part of their school improvement plan.
   b. The plan must be developed with input from students, parents, educators, administrators, and community stakeholders to incorporate strategies to promote fairness and equity in discipline.
   c. The plan may increase or improve professional development opportunities for educators, administrators, and staff. Components of such professional development may include 1 or more of the following:
      1. Restorative practices.
      2. Trauma informed care.
      3. Implicit bias awareness.
      5. Classroom management.
      6. Other appropriate programming.
   d. The plan must be approved at either a public local school board meeting or a charter school’s public board of directors meeting.
   e. The school must submit the plan to the Department and post the plan on the school’s internet website no later than the beginning of the following school year.
   f. The school shall submit to the Department an annual progress report describing the implementation of the plan and post the progress report on the school’s internet website no later than October 30. The school may cease submitting a progress report when the school does not meet a threshold under paragraph (a)(4) of this section for 3 consecutive years.
(c) The Department may promulgate regulations necessary to implement and enforce this section. The Department must consult with school administrators, parents, educators, and other stakeholders in developing regulations under this section.

14 Del.C. §3807. State Board of Education; Department of Public Safety.
The Department of Safety and Homeland Security and the Department of Education shall both have the power to monitor and evaluate the projects and programs under this chapter, and to make comments and suggestions to the Division.

14 Del.C. §4112F. Limitations on use of seclusion and restraint.
(c) Department of Education role; regulations.
(1) The Department of Education shall promulgate regulations implementing this section. Such regulations shall include, but not be limited to, the following:
   a. Requirement of uniform public school data collection on each use of physical restraint, by school, which includes demographic information on affected students such as age, gender, race, ethnicity, and disability category, if any;
   b. Requirement of timely parental notice in event of use of physical restraint;
(2) To facilitate data collection and analysis, the Department of Education may adopt a uniform reporting document and may require reporting of data in a standardized electronic or nonelectronic format.
(3) The Department of Education shall issue an annual report on use of physical restraint which includes rates of usage by school and by subcategories identified in paragraph (c)(1)a. of this section, identifies trends, and analyzes significant results.
(4) Unless proscribed by federal law, the Secretary of Education may issue a waiver of the prohibition on mechanical restraint and seclusion for an individual student based on compelling justification and subject to specific conditions and safeguards which must include a requirement of continuous visual staff monitoring and parental notice of each use of mechanical restraint or seclusion.

For purposes of this subchapter:
(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:
   a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.
   b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.
   c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
   d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee.
(2) “Charter school” means a public school established under Chapter 5 of this title.
(3) “Child abuse” means causing or inflicting any of the following on a child:
   a. Sexual abuse.
   b. Serious physical injury or death, or physical injury through unjustified force not permitted under § 468 of Title 11. For purposes of this paragraph (3)b., “serious physical injury” and “physical injury” mean as defined in § 222 of Title 11.
   c. Emotional abuse.
   d. Torture.
   e. Exploitation.
   f. Maltreatment or mistreatment.

(4) “Child sexual abuse”, “sexual abuse”, or “sexually abused” means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:
   a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.
   b. A current or previous dating, social, or sexual relationship.

(6) “Criminal youth gang” means as defined in § 617(a) of Title 11.

(7) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(8) “Personal body safety” means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.

(9) “School district” means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

(10) “School district and charter school employee,” “school district or charter school employee,” or “employee” means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district or charter school or a program established under Chapter 16 of this title, who provide services to students on a regular, ongoing basis. “School district and charter school employee,” “school district or charter school employee,” or “employee” does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

(11) “Sexual assault” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. “Sexual assault” includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

(12) “Teen dating violence” means assautive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

(f) Accountability.

(1) Each school district and charter school shall designate an individual responsible for overseeing the implementation of the educational programing provided under subsection (b) of this section. Each school district and charter school shall provide the name and contact information for the individual designated under this subsection to the Department of Education no later than November 15 of each year.

(2) Each individual designated under paragraph (f)(1) of this section shall report to the Department of Education no later than November 15 of each year how the educational programming has been implemented by that individual's school district or charter school.

(3) The Department of Education shall submit a written report to the Governor, the members of the General Assembly, and the Director of the Division of Research no later than January 15 of each year. The report must include the educational programing provided under subsection (b) of this section and how the curriculum has been implemented by each school district and charter school under subsection (d) of this section.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(c) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Department of Education by January 1 of each year, or by January 1 of a newly approved charter school's first year of operation. For purposes of this paragraph, "submit" includes providing access to the policy via the school district's or charter school's website. Each school district and charter school shall submit a revised policy to the Department of Education within 30 calendar days of a school district's or charter school's revision. The Department of Education shall review a policy or a revised policy submitted under this paragraph for compliance with state and federal law.

(2) Each school district and charter school shall include the policy adopted under subsection (b) of this section in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall distribute a copy of the policy annually to all students, parents, faculty, and staff. Each school district and charter school shall provide the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district's or charter school's website and the website of each school in the school district. Each school district shall prominently display the telephone number of the Department of Justice School Ombudsperson in each school in the school district. Each charter school shall prominently display the telephone number of the Department of Justice School Ombudsperson in the school.

(3) [Repealed.]

(4) The Department of Education shall prepare an annual report, which must include a summary of all reported and all substantiated incidences of bullying, a summary of the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section. The Department shall post the report required by this subsection on its website.


(e) Dissemination of policy and accountability.

(1) Each school district and charter school shall adopt a policy consistent with subsection (b) of this section. Following review by the Domestic Violence Coordinating Council, each school district and
charter school shall submit a copy to the Department of Education by January 5, 2015, or by January 5 of a newly approved charter school's first year of operation.

REGULATIONS

7.0 Compliance Component
A school that fails to comply with the reporting mandates as set forth herein shall be subject to identification as a "Persistently Dangerous School" as this term is defined in 14 DE Admin. Code 608. A school identified as Persistently Dangerous will retain that designation for the entire fiscal year.

3.0. Reporting Requirements and Timelines
3.1. Each local school district and charter school shall have an electronic copy of its current student rights and responsibilities policy(s) on file with the Department of Education.
3.2. Each local school district and charter school shall provide an electronic copy of any student rights and responsibilities policy(s) to the Department within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

1.0. Purpose
The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, requires that a State Education Agency establish a State Unsafe School Choice Option policy in order to receive funding under ESEA.
2.0. Definitions
In this regulation, the following terms shall have the meanings indicated below:
"Crime" shall have the same meaning as provided in 14 Del.C. §4112.
"Enrolled Students" unless the context indicates otherwise, means all students included in the Delaware Student Information System (DELSIS) report for the year of the data collection.
"Expulsion" means, for purposes of this regulation, the exclusion from the regular school setting for a period determined by the local district board or charter school board not to exceed one year. The process for readmission shall be determined by the local district board or charter school board.
"Firearm" means handgun, rifle, shotgun, or other type of firearm as that term is defined in the federal Gun Free Schools Zone Act at 18 U.S.C.A. §921
"Fiscal Year" means the period of July 1 through June 30.
"Gun Free Schools Violation" means the prohibited bringing to school, or possession while in school of a firearm by a student.
"Persistently Dangerous School" means a school that has five or more unsafe incidents for every one hundred students enrolled for three consecutive fiscal years.
"Safe School" means a school in the same school district that is not currently identified by the Department of Education as a persistently dangerous school.
"School" means any public school including charter schools. School property shall have the same meaning as provided in 14 Del.C. §4112 (a)(9).
"Suspension" means, for the purpose of this regulation, the external (out of school) removal of a student from the general school population.

"Unsafe Incidents" means any of the following:

- The school suspended or expelled a student for a gun free schools’ violation; or
- The school suspended or expelled a student for a crime committed on school property which is required to be reported under 14 Del.C. §4112; or
- The school reported a crime committed by a non-student on school property that is required to be reported under 14 Del.C. §4112.

"Violent Felony" shall have the same meaning as provided in 11 Del.C. §4201(c).

3.0. Identification of Persistently Dangerous Schools

3.1. The Department of Education shall identify each Persistently Dangerous School using the data reported to it pursuant to the provisions of 14 Del.C. §4112, 14 DE Admin. Code 601, and any expulsion and suspension data as required by the Department.

3.2. Notwithstanding any provision herein to the contrary, any year that a School fails to comply with the reporting mandates, as set forth in 3.1 above, to the Delaware Department of Education or to the appropriate police agency as set forth above, the Department of Education will consider the School as if it otherwise met the criteria to be classified as a Persistently Dangerous School for that year until such time as it may be determined, in the sole discretion of the Department, that the School has met such reporting requirements.

3.3. A School identified as a Persistently Dangerous School will retain that designation for the entire fiscal year.

4.0. Students Attending Schools Labeled as Persistently Dangerous

4.1. A student attending a Persistently Dangerous School shall be allowed to choice to a Safe School in the same school district, including a charter school provided that a charter school option exists in that school district’s boundaries.

4.2. Each public school district having one or more Persistently Dangerous Schools and any charter school identified as a Persistently Dangerous School shall develop a plan and time line that describes the process for notifying parents of the School’s status and for relocating any student who exercises the right to choice to a Safe School. The plan shall also describe the corrective actions that will be implemented. The plan shall be forwarded to the Department of Education no later than September 15th of the year that the School is identified.

5.0. Students Who are Victims of a Violent Felony

5.1. A student who is the victim of a Violent Felony while in or on the grounds of a School in which the student is enrolled shall be allowed to choice to a Safe School in the same school district, including a charter school provided that a charter school option exists in that school district’s boundaries.

5.2. All school districts and charter schools shall establish a plan that describes their policies and procedures for providing school choice options to a student who is the victim of a Violent Felony, including the process for notifying parents.

5.3. Each school district and charter school shall post the policy and procedures on the school district’s or charter school’s website, with hard copies provided to any requesting parties.


6.0. Uniform Data Collection

6.1. When an incident of physical restraint of a student by school personnel occurs:
6.1.1. As soon as practicable thereafter, a reasonable attempt shall be made to interview the student regarding the incident; and

6.1.2. The school principal must provide a written report, in a uniform format as determined by the Department, of the restraint to the Department within seventy-two (72) hours of the restraint, or within seventy-two (72) hours of the time in which the student’s district or charter school of residence receives notice of the restraint from the contracted private program or alternative program, whichever the case may be; and

6.1.3. The written report shall include, at a minimum:

6.1.3.1. Details of the restraint incident, including, but not limited to, the student behavior and description of events leading to the use of physical restraint; de-escalation techniques utilized by school personnel prior to the restraint; a description of the student’s behavior during the restraint; a summary of witness interviews, if applicable; any injury caused to the student, staff member(s), or other student(s); and any related treatment deemed necessary as a result of the restraint.

6.1.3.2. Demographic information on affected students to include age, race, ethnicity, and disability category;

6.1.3.3. A description of the interview conducted with the student, if applicable; and

6.1.3.4. If applicable, a description of changes to any or all of the following that resulted from the restraint incident:

6.1.3.4.1. For a student with a disability as defined in Chapter 31 of Title 14 or 34 C.F.R. Part 104, the student’s IEP, behavioral support, crisis intervention plan, accommodation plan, or any other planning document for the individual student;

6.1.3.4.2. School/LEA policy or procedure; or

6.1.3.4.3. Additional staff training.

7.0. Annual Reporting Requirement

The Department shall issue an annual report on the use of physical restraint, which shall include rates of usage by school and by subcategories identified pursuant to Section 6.0, identify trends, and analyze significant results. The report shall be posted on the Department’s website.


6.0. Placement at Consortium Discipline Alternative Program Sites

6.1 Each district shall establish an Alternative Placement Team to review each case and prescribe the appropriate placement for students. The Placement Team, in concert with the Consortium Discipline Alternative Program staff, shall design an Individual Service Plan (ISP) for each student that will include educational goals, behavioral goals, and services needed by both students and their families. The ISP shall include a tentative transition plan.

13.0. Evaluation

The Department of Education shall annually evaluate the effectiveness of the Consortium Discipline Alternative Programs using criteria that includes student demographic data, types of interventions employed, and prior versus subsequent behavioral and academic patterns, parent involvement, agency involvement and recidivism. In addition, the Department of Education shall annually review the decisions acquired pursuant to Section 3.0 to assess the reasons for non-placement of students in the alternative programs, including lack of space and number, age, race and special education status of excluded students by district and charter school. Grantees shall compile and submit data based on uniform standards and format established by the Department.
14 DE Admin. Code §612. Possession, use or distribution of drugs and alcohol.

4.0. Requirement of Each School District and Charter School to have a Policy

4.1. Each school district and charter school shall have a policy on file and update it periodically.

5.0. Reporting Requirements and Timelines

5.1. Each local school district and charter school shall have an electronic copy of its current possession, use and distribution of Drugs and Alcohol policy on file with the Department of Education.

5.2. When a local school district or charter school revises its possession, use, and distribution of Drugs and Alcohol policy, it shall notify the Department of Education of the revised policy within thirty (30) days of the revision, even if the revision was made because of changes in federal, state or local law, regulations, guidance or policies.


1.0. Purpose

Pursuant to 14 Del.C. §122(b)(26), this regulation, which applies to all public school districts and charter schools, provides uniform procedures for the following situations: referral of students who warrant consideration for placement outside the Regular School Program into an Alternative Program; placement of students into an Alternative Program; monitoring student progress while in Alternative Placement; return of students back into the Regular School Program from an Alternative Program; Suspensions; and Expulsion hearings.

3.0. Preliminary Discipline Investigation & Reporting Requirements

3.2. Reporting Requirements

3.2.2. The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 Del.C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.

REGULATIONS

3.0. Written Policy and Memorandum of Agreement (MOA)

3.1. All local school districts, charter schools, and Alternative Programs shall establish a written policy on effectively communicating and working with law enforcement agencies. Each school district, charter school and Alternative Program shall develop a Memorandum of Agreement (MOA) with each law enforcement agency which provides services to it. Each MOA shall be in a form substantially similar to a Model MOA as developed, approved and from time to time revised by the Department of Education.

3.2. The Department shall review the Model MOA and each school district, charter school, or Alternative Program shall review its current MOA at least once every three years.
State Education Agency Support

State model policies and implementation support

LAWS


For purposes of this subchapter:

(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.

b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.

c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee.

(2) “Charter school” means a public school established under Chapter 5 of this title.

(3) “Child abuse” means causing or inflicting any of the following on a child:

a. Sexual abuse.

b. Serious physical injury or death, or physical injury through unjustified force not permitted under § 468 of Title 11. For purposes of this paragraph (3)b., “serious physical injury” and “physical injury” mean as defined in § 222 of Title 11.

c. Emotional abuse.

d. Torture.

e. Exploitation.

f. Maltreatment or mistreatment.

(4) “Child sexual abuse”, “sexual abuse”, or “sexually abused” means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.

b. A current or previous dating, social, or sexual relationship.

(6) “Criminal youth gang” means as defined in § 617(a) of Title 11.
(7) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(8) “Personal body safety” means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.

(9) “School district” means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

(10) “School district and charter school employee,” “school district or charter school employee,” or “employee” means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district or charter school or a program established under Chapter 16 of this title, who provide services to students on a regular, ongoing basis. “School district and charter school employee,” “school district or charter school employee,” or “employee” does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

(11) “Sexual assault” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. “Sexual assault” includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

(12) “Teen dating violence” means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

14 Del.C. § 4164. School bullying awareness and prevention; criminal youth gang detection.

(d) Duties of the Department of Education.

1. The Department of Education shall collaborate with the Department of Justice to identify and maintain a model policy that is applicable to kindergarten through grade 12, and post this policy, along with the contact information for the School Ombudsperson, on their websites in order to assist the school districts and charter schools. In addition, the Department of Education shall promulgate a uniform cyberbullying policy, which shall be based upon a model prepared by the Department of Justice and public comment upon that model. Each school district and charter school shall adopt the Department's uniform cyberbullying policy within 90 days of the policy becoming final.

4. The Department of Education shall conduct random audits of schools to insure compliance with paragraphs (b)(2)i. and (b)(2)k. of this section. The Department shall report the results of these audits annually in the report required by paragraph (c)(4) of this section.

REGULATIONS


4.0. Training Component

4.1. Any school administrator responsible for reporting school crimes or reporting school conduct incidents to law enforcement and to the Department of Education; or any school administrator responsible for reporting suspension and expulsion data to the Department; or any school administrator
responsible for any disciplinary process involving staff or students shall complete Department of Education approved training and any such additional training the Department of Education may prescribe from time to time.

4.2. The approved training shall be primarily provided by staff at the Department of Education. The training may be provided by a school administrator at the district, charter school, or Alternative Program who is qualified to provide such training by having completed the Department of Education approved training within the last twenty-four (24) months. The district, charter school, or Alternative Program shall provide the name(s) of the trainer(s) conducting the training and the name(s) of those school administrator(s) attending the training if such training was provided by the district, charter school, or Alternative Program.

4.3. Each school district, charter school, and Alternative Program shall, at the time of hiring and at the beginning of each school year thereafter, advise each School Employee of his/her duty to report school crimes and the penalty for failure to so report as prescribed in 14 Del.C. §4112 (e).

Funding appropriations

LAWS

The General Assembly shall annually provide an appropriation for the operation of the Comprehensive School Discipline Improvement Program in the budget appropriation bill. From the funds appropriated, the Department may allocate funds to the public school districts for the financial support of various components of the program.

14 Del.C. §1605A. Prevention component.
(1) The Council shall issue prevention funding to local school districts proposing to establish an integrated plan to deliver prevention services including, but not limited to, academic tutoring and student mentoring programs to provide at-risk students with the extra help they may need to succeed academically and with positive adult role models; outreach programs to promote parental, family and community involvement in students’ academic studies and in reducing and resolving school discipline problems; school-linked support services to help students with family or health problems that may be adversely affecting their academic performance and their conduct at school; training to help students and school personnel resolve conflicts peacefully and non-disruptively; and assistance to help teachers better manage the behavior of students in their classrooms.

(3) The Council shall provide technical assistance to districts preparing applications and ongoing assistance to districts awarded funding pursuant to this section.

14 Del.C. §3803. Division of Substance Abuse and Mental Health.
(a) The Division of Substance Abuse and Mental Health shall allocate and award all funds appropriated for any purposes set forth in § 3801 and elsewhere in this chapter. Such funds shall be awarded only to programs or projects, undertaken jointly by a law enforcement entity and a local school district or other public school entity, to prevent and/or suppress substance abuse and the trafficking of prohibited or controlled substances in the public schools. All applications for such funds shall be applications made jointly by the school and law enforcement entities involved in the proposed project.

(b) In the allocation and awarding of funds to joint law enforcement and public school recipients, the Division shall obtain the comments and recommendations of the State Drug-free School Advisory Committee. All allocation and awarding of funds by the Division shall be in accordance with the
Administrative Procedures Act, and with those guidelines promulgated by the State Drug-free School Advisory Committee which do not conflict with existing state laws.

(c) Each application shall be accompanied by a fiscal note, prepared by the joint applicants, which sets forth all anticipated first-year costs and the anticipated total costs of the project or program. The Division may return any application to the applicant with a request that any or all expenses be more fully set out, together with the applicant’s explanations or reasons for each projected cost or expense.


(a) All criteria for the rating of applications for funds under this chapter shall be developed by the State Drug-free School Advisory Committee. The State Drug-free School Advisory Committee shall be composed of 16 members appointed by the Governor: 1 police chief; 1 sheriff; 1 prosecutor from the State Department of Justice who specializes in drug and/or alcohol cases; 1 attorney primarily engaged in criminal defense; 1 person from each county appointed by an active parent group or community-based group concerned primarily with drug and/or alcohol problems; 1 representative of the Division of Substance Abuse and Mental Health; 1 county drug and/or alcohol program administrator; and a permanent, full-time member of a drug treatment clinic or office, public or private. In addition, membership shall include the Attorney General or the Attorney General’s designee; 4 members who are professional employees of the Department of Education, 1 of whom shall be the Secretary of Education; and a drug and/or alcohol prevention professional employed by the Department of Education. The Committee shall review applications made to the Division for those funds which are awarded pursuant to this chapter, and shall recommend approval for those applications which the Committee deems appropriate, and which it deems are consistent with the guidelines and procedures established pursuant to this chapter. The Division shall not approve nor release any funds until approval under § 3805(b) of this title is first obtained.

(b) The State Drug-free School Advisory Committee shall develop specific guidelines and procedures which shall set forth the terms and conditions upon which grants of funds are made. Funds disbursed under this chapter shall not be used for the acquisition of equipment.

(c) Funds disbursed under this chapter shall not be used to pay informants for information on drug and/or alcohol offenders. Not more than 10 percent of the total amount of funds disbursed under this chapter shall be used for administrative costs.

14 Del.C. §3805. Local drug-free school advisory committees.

(a) A local drug-free school advisory committee may be established and appointed by each local board of education. Such committee may be either a newly created committee, or an existing local drug and alcohol abuse committee formerly established by the county, municipality or school district. Although the committee may have additional members, its basic membership shall be composed of the following residents of the district or area affected:

1. One local law enforcement officer;
2. An administrator or teacher, employed by the local school district, who has expertise in drug and alcohol programs;
3. One administrator and 1 teacher from the school or school district which has direct involvement in the program;
4. One parent who has a son or daughter enrolled in the school;
5. Three high school students;
6. One person who is a permanent full-time employee of the state, county or municipality, and whose duties primarily involve drug education or treatment;
(7) Any other person who is involved, by employment or as a volunteer, in any drug and/or alcohol prevention program.

(b) No project or program, financed in whole or in part with funds under this chapter, shall begin in any school until such project or program has first received the approval of the local drug-free school advisory committee.


(a) Funds shall be awarded primarily for projects undertaken jointly by the school district or other public school entity, and a law enforcement entity. In participating in any joint application for the funds, the public school entity shall consult with the superintendent of each affected school. Any funds disbursed under this chapter are supplemental to and shall not supplant local funds which would, in the absence of this chapter, be otherwise available to suppress and prevent drug and alcohol abuse among school age children, or which otherwise would be used to curtail drug and alcohol trafficking in and around schools, parks and playgrounds.

(b) When applying for funds under this chapter, the local law enforcement entity and the public school entity may jointly enter into those agreements between themselves which would allow and facilitate the administrative, fiscal and operational responsibilities created by their joint project or program.

(c) Funds disbursed under the provisions of this chapter shall be utilized primarily for enhanced apprehension, prevention, and education efforts, and for obtaining material and information resources relating to drug and alcohol abuse and drug trafficking in and around schools, parks and playgrounds. Enhanced apprehension, prevention and education efforts shall include, but are not limited to:

(1) Drug and alcohol trafficking intervention programs;

(2) School and classroom oriented programs, each of which shall utilize a tested drug and alcohol education curriculum that provides in-depth and accurate information on drugs and alcohol. Such programs may include the participation of local law enforcement agencies and/or qualified drug and alcohol use prevention specialists. Each such program shall be designed to increase, in both teachers and students, an awareness of the dangers of drugs and alcohol;

(3) Family-oriented programs aimed at preventing drug and alcohol abuse, which programs may include the participation of any community-based organization which is experienced in the successful operation of a family-oriented program;

(4) Development and distribution of appropriate written and audio-visual aids for the training of persons not otherwise trained or experienced in the handling of drug and alcohol-related problems and offenses within the public schools;

(5) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs, where appropriate;

(6) Development of a coordinated intervention system that identifies “at-risk” students, and students with chronic drug and alcohol abuse problems.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(d) Duties of the Department of Education.

(2) Distribution of the Comprehensive School Discipline Improvement Program funds to a school district and charter school provided in the General Appropriations Act starting in fiscal year 2009 and thereafter is contingent upon Department of Education approval of the school district's or charter school's bullying prevention policy.

(3) To the extent that funding is available, the Department of Education shall provide for an award system for schools with exemplary programs based on criteria promulgated by the Department.
REGULATIONS


2.0. Application for Funding

2.1. Any school district requesting an incentive or supplemental grant to provide intervention services shall apply for such funds using the LEA Consolidated Application process provided by the Department of Education.

2.2. Any incentive or supplemental grant approved as part of the LEA Consolidated Application process shall be in the amount appropriated for that purpose by law.
Other or Uncategorized

Professional immunity or liability

LAWS

14 Del.C. §701. Authority of teachers and administrators to control the disruptive behavior of students.

(i) No teacher who purports to have acted pursuant to the teacher’s rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience.


(f) Immunity from civil liability; review of criminal complaint. (1) Any school employee who in good faith provides information to a police agency, a principal, a superintendent, or to the Department of Education under subsection (b) of this section or subsection (c) of this section shall not be held civilly liable for providing such information.

(2) Prior to lodging any criminal charge against a school employee for providing information pursuant to subsection (b) of this section or subsection (c) of this section to a police agency, a principal, a superintendent, or to the Department of Education, the Attorney General's office shall be consulted to determine the appropriateness of the charge.

(3) Any report of an actual or suspected crime made by a school employee or principal pursuant to subsection (b) of this section shall be exempt from public disclosure pursuant to the Freedom of Information Act as set forth in Chapter 100 of Title 29.

14 Del.C. §4112C. Good faith immunity.

Persons and agencies participating in an investigation of the Ombudsperson shall be immune from civil liability which may result from their good faith participation in such investigation.

14 Del.C. §4112E. Teen dating violence and sexual assault awareness and prevention.

(f) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting teen dating violence or sexual assault in good faith and to the appropriate person using the procedures specified in the school district's or charter school's teen dating violence and sexual assault policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(e) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person using the procedures specified in the school district's or charter school's bullying prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

14 Del.C. §4165. Suicide awareness and prevention.

(e) Immunity. A school district or charter school employee, school district or charter school volunteer, or student is individually immune from a cause of action for damages arising from reporting warning signs of suicide to the appropriate person using the procedures specified in the school district's or charter school's
suicide prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

The Department of Education shall establish a program component which will provide alternative educational and related services for the more severe discipline problems in the public schools. This component will serve primarily secondary school students, including but not limited to: youngsters who have been expelled from regular schools, students who may be subject to expulsion, and others who have serious violations of the local school district discipline code. The Department of Education shall provide rules and regulations for the conduct of programs authorized under this section subject to the following limitations:

(1) School districts shall make application to the Department of Education for funding to implement programs authorized under this section. Preference shall be given to applications from consortia of school districts. To the extent feasible, programs offered under this component should serve eligible pupils within a county, however, multiple sites may be operated by a single consortia of school districts within a county.

(2) Any application submitted under this section shall specify the types and level of services to be provided and an estimate of the number of youngsters to be served. The application shall also include a budget of proposed expenditures during a fiscal year. That budget shall indicate, at a minimum, the funds being requested from appropriations authorized under this section and funds to be obtained from all other sources.

(3) All applications submitted to the Department of Education under this section shall indicate an agreement to fund at least 30 percent of the total cost of services provided from sources of funding other than those authorized under this section.

(4) All projects funded under this section shall submit an annual evaluation report on the effectiveness of the program to the Department of Education. Such report shall incorporate the data and information specified by the Department.

(5) School districts shall be permitted to use funds collected in accordance with the provisions of Chapter 6 of this title to make tuition payments for youngsters assigned to programs authorized under this section.

(6) Nothing in this section shall prohibit a consortia of school districts from contracting for educational or related services with public or private agencies when operating programs authorized under this section.

(7) The provisions of § 4130 of this title shall not apply to youngsters enrolled in programs authorized under this section.

(8) A student 16 years of age or less who is expelled or suspended pending expulsion by a local school district or charter school shall be presumed appropriate for placement in a Consortium Discipline Alternative Program site, provided the student is not otherwise ineligible by statute or regulation for placement in such a program. The burden of establishing that a student is not appropriate for placement in a Consortium Discipline Alternative Program shall be on the local school district or charter school.
Any student not shown by preponderance of evidence to be inappropriate for placement in a Consortium Discipline Alternative Program shall be placed in such a program.

14 Del.C. §1604A. Site selection for alternative educational facilities.

(a) New alternative school programs funded on or after July 1, 2002, or alternative school programs except for those located on school property currently funded pursuant to § 1604 of this title that change locations on or after July 1, 2002, shall be subject to the following process:

1. The school district or consortium of school districts shall notify by mail the Secretary of Education and every property owner located within 200 feet of the site's boundary lines that there is a plan to establish an alternative educational facility for children exhibiting discipline problems on the site. The notice must include the date, time and location of an informational meeting that will explain the details of the site, facility and program plans.

2. The school district or consortium of school districts shall notify city council members and state legislators who represent residents of the school district in which the proposed site is located and the chief elected official of the county and town or city in which the proposed site is located of the time, date and location of the informational meeting. Further, the school district or consortium of school districts shall publish public notice of the time, date and location of the informational meeting once a week for 2 weeks in a newspaper in general circulation in the school district of the proposed site selection.

3. Written comments shall be directed to the superintendent of the district in which the facility is to be located within 10 business days of the informational meeting.

   a. If there are objections to the proposed site by at least 5 citizens who reside within 200 feet of the site or by at least 25 citizens who reside within the school district in which the site is located, the local school board shall hold a special public meeting to consider the concerns of the community and the responses of the school district or consortium of school districts proposing the facility site.

   b. The local school board shall take action on the proposed site at its next regularly scheduled meeting after the informational meeting or special public meeting, whichever occurs last. The decision by the local school board is final and not subject to appeal.

(b) This section does not apply to a facility site that is located in a public school building or on the grounds of a public school building or on land owned by a reorganized school district, vocational-technical school district or charter school.

14 Del.C. §1605. School and district level component.

The Department of Education shall be authorized to approve and provide financial support for programs to provide alternative educational and related services to disruptive students in the public schools. This component will serve students, in schools enrolling pupils in grades K through 12, who are causing repeated disruptions in the regular classes to which they are assigned. Services may be delivered in a variety of modes with students assigned to the specific programs for short- or long-term assistance. Programs authorized under this section could also serve as a transition for youngsters returning from programs operated under the provisions of § 1604 of this title. The Department of Education shall provide rules and regulations for the conduct of programs authorized under this section subject to the following limitations:

1. School districts shall be permitted to use personnel authorized by any of the provisions of this title to establish alternative educational and related service programs for disruptive students. Such personnel shall continue to be paid in accordance with salary schedules specified in Chapter 13 of this title.

2. In the event that a school district uses personnel authorized under various sections of this title to establish and operate a program for disruptive students, the district may elect to employ 2 service
paraprofessionals or 2 instructional paraprofessionals, paid in accordance with § 1324 of this title, in lieu of 1 staff member paid in accordance with § 1305 of this title.

(3) Any school which either enrolls pupils in at least 2 of the grades 3 through 12 or enrolls pupils solely in 1 or more of grades K through 3, and which establishes a program for disruptive students in accordance with the provisions of this section and the rules and regulations of the Department of Education may make application to the Department for an incentive grant to help defray the cost of operating such program. No school may qualify for more than 1 incentive grant per fiscal year, and all applications for such grants must have the prior approval of the board of education of the school district in which the applicant school is located. The maximum dollar value of an incentive grant shall be specified in the annual budget appropriation bill. Funds available to the Department of Education shall be allocated on a competitive basis if in any fiscal year more schools are eligible for funding than there are funds appropriated for the incentive grants.

(4) Funds provided to a school under an incentive grant provided under paragraph (3) of this section may be used for any purpose that Division I or II funds may be used, provided, however, that such funds shall not be used to pay salaries to employees beyond the state-supported salaries specified in Chapter 13 of this title.

(5) To achieve the most cost-effective impact from the incentive funds authorized by this section and to increase the coordination of services by schools and other governmental and nongovernmental social service agencies consistent with § 1607 of this title, schools and school districts shall consider contracting for educational or related goods and services with the State Departments of Services for Children, Youth and Their Families and Health and Social Services, and other governmental and nongovernmental social service agencies using funds authorized by this section. Each school filing a report pursuant to paragraph (6) of this section shall include information regarding the provisions of this paragraph (5).

(6) All schools receiving an incentive grant pursuant to paragraph (3) of this section shall submit an annual evaluation report on the effectiveness of the program to the Department of Education. The report shall be in a format and shall include the data and information specified by the Department.

(7) To receive a supplemental grant greater than the dollar amount for base grants funded in support of programs defined in this section by the annual budget act, schools shall establish a site-based committee in the school to govern discipline matters and shall meet the criteria set forth in this subdivision. Supplemental grants shall be available for grades 7, 8, 9 and 10 only. The annual budget act shall establish the dollar amount of such supplemental grants. Before issuing funding pursuant to this paragraph, the Department shall determine that the school's application meets the following criteria:

a. The grant application must certify that the majority of the members of the school level committee are members of the school professional staff, of which a majority shall be instructional staff; that the committee contains representatives of the support staff, student body (for schools enrolling students, grades 7 through 12), parents and the community; that representatives of the employee groups are chosen by members of each respective group and representatives of the nonemployee groups are appointed by the local board of education; and that the committee operates on the 1-person, 1-vote principle for reaching all decisions.

b. The grant application must certify that the committee has the authority, within established local district budgetary guidelines and at its sole discretion, to:

1. Establish a school code of conduct which defines the roles and responsibilities of all members of the school community (administrators, teachers, support staff, contracted service personnel, students, families and child/family advocates) and which is consistent with the established state and federal laws, state and federal regulations, local board policies, local district codes of conduct and local district budgetary guidelines, unless relevant waivers have been granted.
2. Hear concerns from a staff member dissatisfied with the disposition of any disciplinary matter by the school administration;

3. Refer students to programs defined in § 1604 of this title; provided, however, that any child with disabilities be referred to such programs through the child's Individualized Education Plan;

4. Design, approve and oversee the implementation of programs established in the school as defined in this chapter;

5 Establish and enforce the school's attendance policy, including mandating attendance in programs established in paragraph (7) b.7. of this section;

6 Establish extended day, week or year programs, for students with discipline or attendance problems, or at risk of academic failure, that provide for the assessment of penalties for violations of school discipline or attendance policies and for academic acceleration and tutoring, mentoring and counseling services for such students and their families as an integral program component;

7 Establish staff development programs for conflict resolution for all school staff, and establish programs in classroom and behavioral management for schools staff identified as needing improvement;

8 Design student mentoring, conflict resolution and/or peer counseling programs for all students, especially for those who are identified as having chronic discipline, academic or attendance problems.

14 Del.C. §1605A. Prevention component.
The Family Services Cabinet Council (Council), with the Department of Education and the Department of Services for Children, Youth and Their Families acting as lead agencies, shall administer a program to offer prevention-related student support services (prevention services) to students to prevent them from becoming discipline problems and from failing academically in our schools. Within the limits of appropriations made for this purpose, the Council shall provide rules and regulations for the award of prevention grants and the conduct of prevention programs authorized under this section, subject to the following limitations:

(1) The Council shall issue prevention funding to local school districts proposing to establish an integrated plan to deliver prevention services including, but not limited to, academic tutoring and student mentoring programs to provide at-risk students with the extra help they may need to succeed academically and with positive adult role models; outreach programs to promote parental, family and community involvement in students' academic studies and in reducing and resolving school discipline problems; school-linked support services to help students with family or health problems that may be adversely affecting their academic performance and their conduct at school; training to help students and school personnel resolve conflicts peacefully and non-disruptively; and assistance to help teachers better manage the behavior of students in their classrooms.

(2) Applications for funding pursuant to this section shall be made by school districts in accordance with procedures and standards established by the Council. Each applicant shall set forth an integrated plan to provide prevention services consistent with paragraph (1) of this section. To avoid duplication of effort, maximize the impact of limited resources, and increase the effort of efforts by state, local, community and private, nonprofit agencies through increased coordination and cooperation, the Council shall give preference to applications which:

a. Are submitted by 2 or more school districts working in concert, where appropriate;

b. Include private, nonprofit agencies and community organizations as partners in the application, and identify the roles those agencies and organizations are to play in delivering prevention services in the community;
c. Indicate how grants from the federal government and foundations will be used or sought to help deliver prevention services in the community; and

d. Identify the roles state and local agencies are to play in delivering prevention services in the community.

(3) The Council shall provide technical assistance to districts preparing applications and ongoing assistance to districts awarded funding pursuant to this section.

(4) The Council shall establish a timetable for the award of grants pursuant to this section which shall provide, at minimum, for a period of 1 month for joint planning between the Council and the applicants that the Counsel selects as finalists eligible for a funding award. During such joint planning, the Council and the applicant shall refine the applicant's prevention plan, ensure that the plan makes cost-effective use of the resources and services of state, local, community and private, nonprofit agencies, and consider the incorporation of successful elements of other districts' prevention programs into the applicant's plans. Final awards shall be made by the Council on or before January 15 of each year for the subsequent school year, contingent upon the appropriation of funds for such purpose in the annual appropriations act.


(a) All criteria for the rating of applications for funds under this chapter shall be developed by the State Drug-free School Advisory Committee. The State Drug-free School Advisory Committee shall be composed of 16 members appointed by the Governor: 1 police chief; 1 sheriff; 1 prosecutor from the State Department of Justice who specializes in drug and/or alcohol cases; 1 attorney primarily engaged in criminal defense; 1 person from each county appointed by an active parent group or community-based group concerned primarily with drug and/or alcohol problems; 1 representative of the Division of Substance Abuse and Mental Health; 1 county drug and/or alcohol program administrator; and a permanent, full-time member of a drug treatment clinic or office, public or private. In addition, membership shall include the Attorney General or the Attorney General's designee; 4 members who are professional employees of the Department of Education, 1 of whom shall be the Secretary of Education; and a drug and/or alcohol prevention professional employed by the Department of Education. The Committee shall review applications made to the Division for those funds which are awarded pursuant to this chapter, and shall recommend approval for those applications which the Committee deems appropriate, and which it deems are consistent with the guidelines and procedures established pursuant to this chapter. The Division shall not approve nor release any funds until approval under § 3805(b) of this title is first obtained.

(b) The State Drug-free School Advisory Committee shall develop specific guidelines and procedures which shall set forth the terms and conditions upon which grant of funds are made. Funds disbursed under this chapter shall not be used for the acquisition of equipment.

(c) Funds disbursed under this chapter shall not be used to pay informants for information on drug and/or alcohol offenders. Not more than 10 percent of the total amount of funds disbursed under this chapter shall be used for administrative costs.

14 Del.C. §3805. Local drug-free school advisory committees.

(a) A local drug-free school advisory committee may be established and appointed by each local board of education. Such committee may be either a newly created committee, or an existing local drug and alcohol abuse committee formerly established by the county, municipality or school district. Although the committee may have additional members, its basic membership shall be composed of the following residents of the district or area affected:

(1) One local law enforcement officer;
(2) An administrator or teacher, employed by the local school district, who has expertise in drug and alcohol programs;
(3) One administrator and 1 teacher from the school or school district which has direct involvement in the program;
(4) One parent who has a son or daughter enrolled in the school;
(5) Three high school students;
(6) One person who is a permanent full-time employee of the state, county or municipality, and whose duties primarily involve drug education or treatment;
(7) Any other person who is involved, by employment or as a volunteer, in any drug and/or alcohol prevention program.

(b) No project or program, financed in whole or in part with funds under this chapter, shall begin in any school until such project or program has first received the approval of the local drug-free school advisory committee.

14 Del.C. §4164. School bullying awareness and prevention; criminal youth gang detection.

(b) Prohibition of bullying.
(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:
   d. A requirement that each school establish a site-based committee that is responsible for coordinating the school’s bully prevention program including the design, approval, and monitoring of the program. A majority of the members of the site-based committee must be members of the school professional staff, of which a majority must be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for a school enrolling students in grades 7 through 12), parents, and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group, except that the school principal shall appoint the representatives of the nonemployee groups. The committee shall operate on a 1-person, 1-vote principle. If a site-based school discipline committee has been established under § 1605(7)a. and b. of this title, that committee shall vote whether to accept the responsibilities of this paragraph (b)(2)d.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS

1.0. Definitions
The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
“Diversity” in a school community means it embraces and builds on the strengths of individual and group differences, and by so doing enriches the educational program for all students. The curriculum is
inclusive of many racial, ethnic, regional, religious, linguistic, and socioeconomic groups, gives visibility to both women and men, to people of all ages, and to persons with disabilities, and affirms the richness of our pluralistic society. The Secretary of Education believes that students achieve their best in classrooms where diversity is commonplace.

"Success Plan" means the web-based document submitted to the Department of Education as part of the request for state and federal funds that provides the mission, goals, objectives, measures, and strategies of the district or school. 12 DE Reg. 1203 (03/01/09)

2.0. Each School District Shall

2.1. Infuse information on diverse cultural groups throughout the K to 12 curriculum in order to equip students with the knowledge and skills necessary to participate productively in a culturally diverse society.

2.2. Provide professional development to equip all teachers with various instructional techniques and best practices.

2.3. Describe in district success plans and school success plans how disparities and gaps in student achievement associated with the student’s gender, race, ethnicity, socioeconomic status, limited English proficiency, or disability will be identified and eliminated.

2.4. Provide student counseling, assessment, discipline and placement that is sensitive to the needs of diverse populations.

2.5. Provide appropriate instruction to limited English proficient students so that they will have success in a mainstream classroom where the medium of instruction is English.

2.6. Describe in the district success plan a strategy to attract and retain a highly skilled and committed faculty and staff reflective of the diversity in the school community.

2.7. Enact measures to avoid and address inequitable and prejudicial behaviors among employees and students.

2.8. Describe in the school success plans specific ways principals and building staff create an atmosphere which recognizes, accepts and values diversity as a positive, integral resource of a democratic society. 2 DE Reg. 1244 (1/1/99) 7 DE Reg. 1177 (3/1/04) 12 DE Reg. 1203 (03/01/09)
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Delaware provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Delaware Positive Behavior Support Project, University of Delaware</td>
<td>Serves as a technical assistance (TA) center for the Delaware Department of Education to provide statewide professional development, TA and coaching to Delaware educators to implement Positive Behavior Support (PBS) as a multi-tiered system of support (MTSS).</td>
<td><a href="http://wh1.oet.udel.edu/pbs/">http://wh1.oet.udel.edu/pbs/</a></td>
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<tr>
<td>College of Education &amp; Human Development</td>
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<tr>
<td>School Climate and Discipline, Delaware Department of Education</td>
<td>Provides information and weblinks to best practices and other resources to assist Delaware public schools in their efforts to provide every student with a safe, secure and supportive learning environment.</td>
<td><a href="https://www.doe.k12.de.us/domain/470">https://www.doe.k12.de.us/domain/470</a></td>
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<td>(DDOE)</td>
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<tr>
<td>School Climate and Discipline - Best Practices, DDOE</td>
<td>Provides information on best practices in school climate and discipline, including links to resources and training on the trauma-informed compassionate schools model, character education, restorative practices, and teaching tolerance.</td>
<td><a href="https://www.doe.k12.de.us/Page/3313">https://www.doe.k12.de.us/Page/3313</a></td>
</tr>
<tr>
<td>School Climate and Discipline - Bullying, DDOE</td>
<td>Provides information and weblinks to district bullying prevention policies, frequently asked questions (FAQs), reporting forms, laws and regulations, and resources and training materials.</td>
<td><a href="https://www.doe.k12.de.us/Page/3311">https://www.doe.k12.de.us/Page/3311</a></td>
</tr>
<tr>
<td>School Climate and Discipline - School Safety, DDOE</td>
<td>Provides an overview of the Comprehensive School Safety Program and links resources, training, reports, forms, and laws and regulations related to school safety.</td>
<td><a href="https://www.doe.k12.de.us/Page/3314">https://www.doe.k12.de.us/Page/3314</a></td>
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<tr>
<td>School Climate and Discipline - Student Conduct and Discipline, DDOE</td>
<td>Provides information and weblinks to district codes of conduct, frequently asked questions (FAQs), reporting forms, laws and regulations, and resources and training materials.</td>
<td><a href="https://www.doe.k12.de.us/Page/3312">https://www.doe.k12.de.us/Page/3312</a></td>
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**Documents**

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**Other Resources**

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<th>Website address (if applicable)</th>
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<tr>
<td>Bullying Allegations and Incidents Reported in Delaware Public Schools (November 2019), DDOE</td>
<td>Statewide annual report summarizing data on the number of alleged and substantiated bullying incidents, the results of random district audits assessing policy compliance, and the number of substantiated incidents by enumerated reason.</td>
<td><a href="https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/470/FINAL%202018%202019%20Bullying%20Report.pdf">https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/470/FINAL%202018%202019%20Bullying%20Report.pdf</a></td>
</tr>
<tr>
<td>Delaware Report Card, DDOE</td>
<td>Education data dashboard with searchable district and school report cards presenting data on range of educational indicators including enrollment, attendance, and student behavior (i.e., expulsions, in-school and out-of-school suspension and incidents of violence).</td>
<td><a href="https://reportcard.doe.k12.de.us/">https://reportcard.doe.k12.de.us/</a></td>
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<tr>
<td>Due Process Calculator Worksheet, DDOE</td>
<td>Tool designed to assist school administrators in meeting required building- and district-level due process requirements.</td>
<td><a href="https://www.doe.k12.de.us/Page/3370">https://www.doe.k12.de.us/Page/3370</a></td>
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</tbody>
</table>
| School Climate and Discipline Non-Academic Mandatory Training, DDOE | Mandatory training curricula required under Delaware law and DDOE regulation for school personnel related to school climate & discipline programming:  
  - Bullying Prevention  
  - Gang Identification  
  - Child Abuse Reporting  
  - Restraint Reporting  
  - Teen Dating Violence | [https://www.doe.k12.de.us/Page/3324](https://www.doe.k12.de.us/Page/3324)                         |
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Chapter 397. Substance Abuse Services

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LAWS

1001.43. Supplemental powers and duties of district school board.
The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) Student management. - The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

   (a) Prohibit the possession of weapons and drugs on campus, student hazing, and other activities that could threaten the operation of the school or the safety and welfare of the student body or school personnel.

   (b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel. However, students may wear sunglasses, hats, or other sun-protective wear while outdoors during school hours, such as when students are at recess. A district school board that implements a districtwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

   (c) Provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or for public appearances of school groups.

   (d) Provide procedures for managing protests, demonstrations, sit-ins, walk-outs, or other acts of civil disobedience.

   (e) Provide procedures for detaining students and for readmission of students after expulsion.

   (f) Regulate student automobile use and parking.

1003.02. District school board operation and control of public K-12 education within the school district.
As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following areas:

   (a) Admission, classification, promotion, and graduation of students. Adopt rules for admitting, classifying, promoting, and graduating students to or from the various schools of the district.

   (b) Enforcement of attendance laws. Provide for the enforcement of all laws and rules relating to the attendance of students at school. District school boards are authorized to establish policies that allow
accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences. District school boards are also authorized to establish policies that require referral to a school’s child study team for students who have fewer absences than the number required by s. 1003.26(1)(b).

(c) Control of students.
1. Adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion.
2. Maintain a code of student conduct as provided in chapter 1006.

1003.31. Students subject to control of school.
(1) Subject to law and rules of the State Board of Education and of the district school board, each student enrolled in a school shall:

(d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. Each district school board, each district school superintendent, and each school principal shall fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

1003.53. Dropout prevention and academic intervention.
(7) The State Board of Education shall have the authority pursuant to ss. 120.536(1) and 120.54 to adopt rules necessary to implement the provisions of this section; such rules shall require the minimum amount of necessary paperwork and reporting.

1003.573. Use of restraint and seclusion on students with disabilities.
(3) School district policies and procedures.
(a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:
1. Incident-reporting procedures.
2. Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
3. Monitoring and reporting of data collected.
4. Training programs relating to manual or physical restraint and seclusion.
5. The district’s plan for selecting personnel to be trained.
6. The district’s plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:
a. Additional training in positive behavioral support and crisis management;
b. Parental involvement;
c. Data review;
d. Updates of students’ functional behavioral analysis and positive behavior intervention plans;
e. Additional student evaluations;
f. Debriefing with staff;
g. Use of schoolwide positive behavior support; and
h. Changes to the school environment.

(b) Any revisions to the district’s policies and procedures, which must be prepared as part of its special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2012.

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(1) Control of Students.

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student’s parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services by the school district, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board’s code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.
2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.
3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d) 1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.

   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.

   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:
1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student’s privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board’s sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred for
criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) Student Crime Watch Program. By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

(4) Emergency Drills; Emergency Procedures.

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response policy shall identify the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(c) Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school’s campus.

(5) Educational Services in Detention Facilities. Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student’s current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.
(6) Safety and Security Best Practices. Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff’s office located in the school district. Any school safety specialist designated from the sheriff’s office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff’s office remains the employee of the office for purposes of compensation, insurance, workers’ compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff’s office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:

1. Review school district policies and procedures for compliance with state law and rules, including the district’s timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8).

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.

3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

4. In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district’s school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist’s recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school’s campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(c) Each district school board and charter school governing board must adopt an active assailant response plan. By October 1, 2019, and annually thereafter, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school.
(7) Threat assessment teams. - Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

(b) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee shall immediately attempt to notify the student’s parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.

(c) Upon a preliminary determination by the threat assessment team that a student poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history record information pursuant to s. 985.04(1). A member of a threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team (d) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(e) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions. Upon the student’s transfer to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.
(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office and shall utilize the threat assessment database developed pursuant to s. 1001.212(13) upon the availability of the database.

(8) Safety in Construction Planning. A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district’s campus and school’s campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

(9) School environmental safety incident reporting. - Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report.

1006.13. Policy of zero tolerance for crime and victimization.

(2) Each district school board shall adopt a policy of zero tolerance that:

(a) Defines criteria for reporting to a law enforcement agency any act that occurs whenever or wherever students are within the jurisdiction of the district school board.

(b) Defines acts that pose a serious threat to school safety.

(c) Defines petty acts of misconduct.

(d) Minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(e) Establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed pursuant to s. 1006.07.

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

1006.135. Hazing prohibited at schools with any of grades 6-12.

(2) School District Policy. Each school district shall adopt in rule a policy that prohibits hazing and establishes consequences for a student who commits an act of hazing. The policy must include:

(a) A definition of hazing, which must include the definition provided in this section.

(b) A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act. However, disciplinary action may not be based solely on an anonymous report.

(c) A requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria established under subsection (3).

(d) A provision for referral of victims and perpetrators of hazing to a certified school counselor.

(e) A requirement that each incident of hazing be reported in the school’s safety and discipline report required under s. 1006.09(6). The report must include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.
1006.147. Bullying and harassment prohibited.

(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district’s policy shall be in substantial conformity with the Department of Education’s model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for receiving reports of an alleged act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.

(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.

(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.

(k) A procedure for including incidents of bullying or harassment in the school’s report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A list of programs authorized by the school district that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and
responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

(m) A procedure for regularly reporting to a victim’s parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

1006.148. Dating violence and abuse prohibited.

(1) Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:

(a) Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.

(b) Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.

(c) Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n), with emphasis on prevention education.

(d) Be implemented in a manner that is integrated with a school district’s discipline policies.

REGULATIONS
No relevant regulations found.

Scope

LAWS

1003.31. Students subject to control of school.

(1) Subject to law and rules of the State Board of Education and of the district school board, each student enrolled in a school shall:

(a) During the time she or he is being transported to or from school at public expense;

(b) During the time she or he is attending school;

(c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and

(d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school.

(2) There is a rebuttable presumption that the term “reasonable time” means 30 minutes before or after the activity is scheduled or actually begins or ends, whichever period is longer. A school or district school board may, by policy or other formal action, assume a longer period of supervision. Casual or incidental contact between school district personnel and students on school property shall not result in a legal duty to supervise outside of the reasonable times set forth in this section, provided that parents shall be advised in writing twice per year or by posted signs of the school’s formal supervisory responsibility and
that parents should not rely on additional supervision. The duty of supervision shall not extend to anyone other than students attending school and students authorized to participate in school-sponsored activities.

1006.147. Bullying and harassment prohibited.
(2) Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited:
   (a) During any education program or activity conducted by a public K-12 educational institution;
   (b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution;
   (c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution; or
   (d) Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program.
(3) For purposes of this section:
   (d) “Within the scope of a public K-12 educational institution” means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.
(6)(a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
   (b) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.

1006.148. Dating violence and abuse prohibited.
(1) Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:
   (a) Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:
(16) School Accountability and School Improvement Rating Reports; Fiscal Transparency. Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable under s. 1008.341, the school's improvement rating, and the school's accountability report, including the school financial report as required under s. 1010.215. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. [...]
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

(3) A teacher may send a student to the principal’s office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. The principal shall respond by employing the teacher’s recommended consequence or a more serious disciplinary action if the student’s history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher’s class without the teacher’s consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

1003.53. Dropout prevention and academic intervention.

(1)(d) 6. Prior to assignment of students to second chance schools, district school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(d) 1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing
clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:
   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

**1006.10. Authority of school bus drivers and district school boards relating to student discipline and student safety on school buses.**

(2) The district school board shall require a system of progressive discipline of transported students for actions which are prohibited by the code of student conduct. Disciplinary actions, including suspension of students from riding on district school board owned or contracted school buses, shall be subject to district school board policies and procedures and may be imposed by the principal or the principal’s designee. The principal or the principal’s designee may delegate any disciplinary authority to school bus drivers except for suspension of students from riding the bus.

**REGULATIONS**

No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**

**1003.04. Student conduct and parental involvement.**

(2) The parent of each public K-12 student must cooperate with the authority of the student’s district school board, superintendent, principal, teachers, and school bus drivers, according to ss.1003.31 and 1003.32, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

**1003.31. Students subject to control of school.**

(1) Each district school board, each district school superintendent, and each school principal shall fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.
1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board’s code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

(a) Establish classroom rules of conduct.
(b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.
(c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.
(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.
(e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
(f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.
(g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
(h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
(i) Press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(3) A teacher may send a student to the principal’s office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher’s ability to communicate effectively with the students in the class or with the ability of the student’s classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

1006.08. District school superintendent duties relating to student discipline and school safety.

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, and for the proper attention to health, safety, and other matters which will best promote the welfare of students. Each district school superintendent shall fully support the authority of his or her principals, teachers, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an
alternative educational setting. When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student’s parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student’s right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

1006.09. Duties of school principal relating to student discipline and school safety.

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal’s designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher’s class without the teacher’s consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

1003.53. Dropout prevention and academic intervention.

(1)(d) 6. Prior to assignment of students to second chance schools, district school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

1006.09. Duties of school principal relating to student discipline and school safety.

(1)(b) […] A good faith effort shall be made by the principal or the principal’s designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or
disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. [...]

(c) [...] Any recommendation of expulsion shall include a detailed report by the principal or the principal's designated representative on the alternative measures taken prior to the recommendation of expulsion.

1006.13. Policy of zero tolerance for crime and victimization.
(1) District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(4) Discipline.

(c) Corporal punishment.

1. In accordance with the provisions of s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student’s presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board’s policy authorizing corporal punishment expires.
1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.
(1) In accordance with this section and within the framework of the district school board’s code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student’s presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student’s parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

1006.11. Standards for use of reasonable force.
(1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).

(2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal’s designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s. 1006.09.
REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

**1006.09. Duties of school principal relating to student discipline and school safety.**
(9) A school principal or a school employee designated by the principal, if she or he has reasonable suspicion that a prohibited or illegally possessed substance or object is contained within a student's locker or other storage area, may search the locker or storage area. The district school board shall require and each school principal shall cause to be posted in each public K-12 school, in a place readily seen by students, a notice stating that a student's locker or other storage area is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects. This subsection does not prohibit the use of metal detectors or specially trained animals in the course of a search for illegally possessed substances or objects.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

**1002.20. K-12 student and parent rights.**
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(18) Extracurricular Activities. In accordance with the provisions of s. 1006.15:

(a) Eligibility. Students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities.

**1003.53. Dropout prevention and academic intervention.**
(1)(d) 6. Prior to assignment of students to second chance schools, district school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

**1006.07. District school board duties relating to student discipline and school safety.**
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(d) 1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:
   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

1003.31. Students subject to control of school. (3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

(a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;

(b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or

(c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in State Board of Education rule.

1006.07. District school board duties relating to student discipline and school safety. The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(1) Control of Students.

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student’s parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services by the school district, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board’s code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.

2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of
the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d) 1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:

   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.

   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.

   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.
(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student’s privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board’s sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

1006.09. Duties of school principal relating to student discipline and school safety.

(1)(b) The principal or the principal’s designee may suspend a student only in accordance with the rules of the district school board. The principal or the principal’s designee shall make a good faith effort to immediately inform a student’s parent by telephone of a student’s suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student’s parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal’s designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the
district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. […]

(c) The principal or the principal’s designee may recommend to the district school superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. A recommendation of expulsion or assignment to a second chance school may also be made for any student found to have intentionally made false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff, according to the district school board code of student conduct. Any recommendation of expulsion shall include a detailed report by the principal or the principal’s designated representative on the alternative measures taken prior to the recommendation of expulsion.

(2) […] If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the district school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

(a) If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.

(b) If the student commits himself or herself, or is referred to a state-licensed drug abuse program and successfully completes the program.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(1) Control of Students.

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student’s parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any
corresponding referral to mental health services by the school district, and have the authority as the
district school board of a receiving school district to honor the final order of expulsion or dismissal of a
student by any in-state or out-of-state public district school board or private school, or lab school, for
an act which would have been grounds for expulsion according to the receiving district school board’s
code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.

2. The expelled student applying for admission to the receiving school district shall be advised of
the final order of expulsion.

3. The district school superintendent of the receiving school district may recommend to the district
school board that the final order of expulsion be waived and the student be admitted to the school
district, or that the final order of expulsion be honored and the student not be admitted to the school
district. If the student is admitted by the district school board, with or without the recommendation of
the district school superintendent, the student may be placed in an appropriate educational program
and referred to mental health services identified by the school district pursuant to s. 1012.584(4),
when appropriate, at the direction of the district school board.

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of
student conduct for middle and high schools and distribute the appropriate code to all teachers, school
personnel, students, and parents, at the beginning of every school year. Each code shall be organized
and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and
teacher association or organization meetings. Each code shall be based on the rules governing student
conduct and discipline adopted by the district school board and shall be made available in the student
handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension,
out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the
possession or use of alcohol on school property or while attending a school function or for the illegal
use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for
persons and property, knowledge and observation of rules of conduct, the right to learn, free speech
and student publications, assembly, privacy, and participation in school programs and activities.

(d) 1. An explanation of the responsibilities of each student with regard to appropriate dress, respect
for self and others, and the role that appropriate dress and respect for self and others has on an
orderly learning environment. Each district school board shall adopt a dress code policy that prohibits
a student, while on the grounds of a public school during the regular school day, from wearing
clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the
orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following
disciplinary actions:

a. For a first offense, a student shall be given a verbal warning and the school principal shall call
the student’s parent or guardian.

b. For a second offense, the student is ineligible to participate in any extracurricular activity for a
period of time not to exceed 5 days and the school principal shall meet with the student’s parent
or guardian.

c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to
s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any
extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student’s privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
(j) Notice that violation of the district school board’s sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

1006.13. Policy of zero tolerance for crime and victimization.

(1) District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a serious threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

(2) Each district school board shall adopt a policy of zero tolerance that:

(a) Defines criteria for reporting to a law enforcement agency any act that poses a threat to school safety that occurs whenever or wherever students are within the jurisdiction of the district school board.

(b) Defines acts that pose a threat to school safety.

(c) Defines petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.

(d) Minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(e) Establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed pursuant to s. 1006.07.
(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(3) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

(4)(a) Each district school board shall enter into agreements with the county sheriff’s office and local police department specifying guidelines for ensuring that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must include the role of school resource officers, if applicable, in handling reported incidents and a procedure requiring school personnel to consult with school resource officers concerning appropriate delinquent acts and crimes.

(c) The school principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the school principal, or his or her designee, and that the disposition of the incident is properly documented.

(5) Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed any offense in s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

(6)(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending a public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of:

1. Chapter 782, relating to homicide;
2. Chapter 784, relating to assault, battery, and culpable negligence;
3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
4. Chapter 794, relating to sexual battery;
5. Chapter 800, relating to lewdness and indecent exposure;
6. Chapter 827, relating to abuse of children;
7. Section 812.13, relating to robbery;
8. Section 812.131, relating to robbery by sudden snatching;
9. Section 812.133, relating to carjacking; or
10. Section 812.135, relating to home-invasion robbery,
and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was
attending a school attended by the victim or a sibling of the victim of the offense, the Department of
Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the
requirements in this paragraph, and whether the offender is prohibited from attending that school or
riding on a school bus whenever the victim or a sibling of the victim is attending the same school or
riding on the same school bus, except as provided pursuant to a written disposition order under s.
985.455(2). Upon receipt of such notice, the district school board shall take appropriate action to
effectuate the provisions in paragraph (b).

(b) Each district school board shall adopt a cooperative agreement with the Department of Juvenile
Justice which establishes guidelines for ensuring that any no contact order entered by a court is
reported and enforced and that all of the necessary steps are taken to protect the victim of the offense.
Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), may not
attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus
on which the victim or a sibling of the victim is riding. The offender shall be permitted by the district
school board to attend another school within the district in which the offender resides, only if the other
school is not attended by the victim or sibling of the victim of the offense; or the offender may be
permitted by another district school board to attend a school in that district if the offender is unable to
attend any school in the district in which the offender resides.

(c) If the offender is unable to attend any other school in the district in which the offender resides and is
prohibited from attending a school in another school district, the district school board in the school
district in which the offender resides shall take every reasonable precaution to keep the offender
separated from the victim while on school grounds or on school transportation. The steps to be taken by
a district school board to keep the offender separated from the victim must include, but are not limited
to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities
of the victim and the offender so as not to coincide.

(d) The offender, or the parents of the offender if the offender is a juvenile, shall arrange and pay for
transportation associated with or required by the offender’s attending another school or that would be
required as a consequence of the prohibition against riding on a school bus on which the victim or a
sibling of the victim is riding. However, the offender or the parents of the offender may not be charged
for existing modes of transportation that can be used by the offender at no additional cost to the district
school board.

(7) Any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy
must be based on the particular circumstances of the student’s misconduct.

(8) A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies
unless the use of such alternatives will pose a threat to school safety.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

1003.31. Students subject to control of school.
(3) However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in State Board of Education rule.

1006.09. Duties of school principal relating to student discipline and school safety.
(1)(b) The principal or the principal’s designee may suspend a student only in accordance with the rules of the district school board. The principal or the principal’s designee shall make a good faith effort to immediately inform a student’s parent by telephone of a student’s suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student’s parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal’s designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal’s designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal’s designee shall give notice in writing to the student’s parent and to the district school superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(2) [...] Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

   (a) If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.

   (b) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(5) Any recommendation for the suspension or expulsion of a student with a disability must be made in accordance with rules adopted by the State Board of Education.

REGULATIONS
No relevant regulations found.
Administrative procedures related to suspension and expulsion

LAWS

1002.20. K-12 student and parent rights.

Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(4) Discipline.

(a) Suspension of public school student. In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student’s suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

(b) Expulsion. Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process, in accordance with the provisions of s. 1006.08(1).

(c) Corporal punishment.

1. In accordance with the provisions of s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student’s presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board’s policy authorizing corporal punishment expires.

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

(6)(d) The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee’s decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher’s class, the teacher may appeal the committee’s decision to the district school superintendent.

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:
(1) Control of Students.

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student's parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services the student has had, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board’s code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.

2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d) An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing
clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:
   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:
   1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
   2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
   3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
   4. Using a finger or hand to simulate a firearm or weapon.
   5. Vocalizing an imaginary firearm or weapon.
   6. Drawing a picture, or possessing an image, of a firearm or weapon.
   7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a
substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student’s privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board’s sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) Student Crime Watch Program. By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

(4) Emergency Drills; Emergency Procedures.

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all
public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response policy shall identify the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus.
2. Hazardous materials or toxic chemical spills.
3. Weather emergencies, including hurricanes, tornadoes, and severe storms.
4. Exposure as a result of a manmade emergency.

(c) Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school’s campus.

(5) Educational Services in Detention Facilities. Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student’s current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

(6) Safety and Security Best Practices. Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff’s office located in the school district. Any school safety specialist designated from the sheriff’s office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff’s office remains the employee of the office for purposes of compensation, insurance, workers’ compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff’s office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:
1. Review school district policies and procedures for compliance with state law and rules, including the district’s timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8).

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.

3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

4. In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district’s school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist’s recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school’s campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(c) Each district school board and charter school governing board must adopt an active assailant response plan. By October 1, 2019, and annually thereafter, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school.

(7) Threat assessment teams. - Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

(b) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee shall
immediately attempt to notify the student’s parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.

(c) Upon a preliminary determination by the threat assessment team that a student poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history record information pursuant to s. 985.04(1). A member of a threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

(d) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(e) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions. Upon the student’s transfer to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office and shall utilize the threat assessment database developed pursuant to s. 1001.212(13) upon the availability of the database.

(8) Safety in Construction Planning. A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district’s campus and school’s campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

(9) School environmental safety incident reporting. - Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report.
1006.08. District school superintendent duties relating to student discipline and school safety.

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, and for the proper attention to health, safety, and other matters which will best promote the welfare of students. Each district school superintendent shall fully support the authority of his or her principals, teachers, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting. When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student’s parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student’s right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

1006.09. Duties of school principal relating to student discipline and school safety.

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal’s designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal’s designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

(b) The principal or the principal’s designee may suspend a student only in accordance with the rules of the district school board. The principal or the principal’s designee shall make a good faith effort to immediately inform a student’s parent by telephone of a student’s suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student’s parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal’s designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal’s designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal’s designee shall give notice in writing to the student’s parent and to the district school superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(c) The principal or the principal’s designee may recommend to the district school superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. A
recommendation of expulsion or assignment to a second chance school may also be made for any student found to have intentionally made false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff, according to the district school board code of student conduct. Any recommendation of expulsion shall include a detailed report by the principal or the principal’s designated representative on the alternative measures taken prior to the recommendation of expulsion.

(2) Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to s. 1001.54, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the district school superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the district school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

(a) If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.

(b) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(3) A student may be disciplined or expelled for unlawful possession or use of any substance controlled under chapter 893 upon the third violation of this provision.

(4) When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the school principal shall make full and effective use of the provisions of subsection (2) and s. 1006.13(6). A school principal who fails to comply with this subsection shall be ineligible for any portion of the performance pay or the differentiated pay under s. 1012.22. However, if any party responsible for notification fails to properly notify the school, the school principal shall be eligible for the performance pay or differentiated pay.

(5) Any recommendation for the suspension or expulsion of a student with a disability must be made in accordance with rules adopted by the State Board of Education.

(6) Each school principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the department. The school principal must develop a plan to verify the accuracy of reported incidents.

(7) The State Board of Education shall adopt by rule a standardized form to be used by each school principal to report data concerning school safety and discipline.
(8) The school principal shall require all school personnel to report to the principal or principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal's designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a verified report made under this subsection with respect to the student has been made and forwarded.

(9) A school principal or a school employee designated by the principal, if she or he has reasonable suspicion that a prohibited or illegally possessed substance or object is contained within a student’s locker or other storage area, may search the locker or storage area. The district school board shall require and each school principal shall cause to be posted in each public K-12 school, in a place readily seen by students, a notice stating that a student’s locker or other storage area is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects. This subsection does not prohibit the use of metal detectors or specially trained animals in the course of a search for illegally possessed substances or objects.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

1003.53. Dropout prevention and academic intervention.
(1)(d) Prior to assignment of students to second chance schools, district school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

1006.07. District school board duties relating to student discipline and school safety.
(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.
(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d)1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:
   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:
   1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
   2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
   3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
   4. Using a finger or hand to simulate a firearm or weapon.
   5. Vocalizing an imaginary firearm or weapon.
   6. Drawing a picture, or possessing an image, of a firearm or weapon.
   7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.
However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student’s privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board’s sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

1006.13 Policy of zero tolerance for crime and victimization.
District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.
Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal’s designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-
school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher’s class without the teacher’s consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)(a) Each school shall establish a placement review committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher’s class. A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher’s withholding consent for a removed student to return to the teacher’s class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district’s compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:
   1. Two teachers, one selected by the school’s faculty and one selected by the teacher who has removed the student.
   2. One member from the school’s staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee’s decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher’s class, the teacher may appeal the committee’s decision to the district school superintendent.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

1003.573. Use of restraint and seclusion on students with disabilities.

(1) Documentation and reporting.
   (a) A school shall prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student’s release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.
   (b) The following must be included in the incident report:
      1. The name of the student restrained or secluded.
      2. The age, grade, ethnicity, and disability of the student restrained or secluded.
      3. The date and time of the event and the duration of the restraint or seclusion.
4. The location at which the restraint or seclusion occurred.
5. A description of the type of restraint used in terms established by the Department of Education.
6. The name of the person using or assisting in the restraint or seclusion of the student.
7. The name of any nonstudent who was present to witness the restraint or seclusion.
8. A description of the incident, including:
   a. The context in which the restraint or seclusion occurred.
   b. The student’s behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others.
   c. The specific positive behavioral strategies used to prevent and deescalate the behavior.
   d. What occurred with the student immediately after the termination of the restraint or seclusion.
   e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies.
   f. Evidence of steps taken to notify the student’s parent or guardian.

c) A school shall notify the parent or guardian of a student each time manual or physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent’s or guardian’s signed acknowledgment that he or she was notified of his or her child’s restraint or seclusion.

d) A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was manually or physically restrained or secluded. The school shall obtain, and keep in its records, the parent’s or guardian’s signed acknowledgment that he or she received a copy of the incident report.

2) Monitoring.
   a) Monitoring of the use of manual or physical restraint or seclusion on students shall occur at the classroom, building, district, and state levels.
   b) Documentation prepared as required in subsection (1) shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.
   c) The department shall maintain aggregate data of incidents of manual or physical restraint and seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used. This information shall be updated monthly.
   d) The department shall establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion. These standards shall be provided to school districts by October 1, 2011.

3) School district policies and procedures.
   a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:
      1. Incident-reporting procedures.
      2. Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
3. Monitoring and reporting of data collected.
4. Training programs relating to manual or physical restraint and seclusion.
5. The district’s plan for selecting personnel to be trained.
6. The district’s plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:
   a. Additional training in positive behavioral support and crisis management;
   b. Parental involvement;
   c. Data review;
   d. Updates of students’ functional behavioral analysis and positive behavior intervention plans;
   e. Additional student evaluations;
   f. Debriefing with staff;
   g. Use of schoolwide positive behavior support; and
   h. Changes to the school environment.
(b) Any revisions to the district’s policies and procedures, which must be prepared as part of its special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2012.
(4) Prohibited restraint. School personnel may not use a mechanical restraint or a manual or physical restraint that restricts a student’s breathing.
(5) Seclusion. School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:
(2) Attendance.
   (e) Dropout prevention and academic intervention programs. The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student’s placement, in accordance with the provisions of s. 1003.53(5).
(5) Safety. In accordance with the provisions of s. 1006.13(6), students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

(6) Educational Choice.

(a) Public educational school choices. Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE industry certifications, collegiate high school programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) Private educational choices. Parents of public school students may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

3. Under the Florida Personal Learning Scholarship Accounts Program, the parent of a student with a qualifying disability may apply for a personal learning scholarship to be used for individual educational needs in accordance with s. 1002.385.

(c) Home education. The parent of a student may choose to place the student in a home education program in accordance with the provisions of s. 1002.41.

(d) Private tutoring. The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).

(20) Juvenile Justice Programs. Students who are in juvenile justice programs have the right to receive educational programs and services in accordance with the provisions of s. 1003.52.
1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(5) Educational Services in Detention Facilities. Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student’s current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

1006.08. District school superintendent duties relating to student discipline and school safety.
(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, and for the proper attention to health, safety, and other matters which will best promote the welfare of students. Each district school superintendent shall fully support the authority of his or her principals, teachers, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting. When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student’s parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student’s right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

1006.09. Duties of school principal relating to student discipline and school safety.
(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the
principal’s designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

(2) Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to s. 1001.54, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the district school superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the district school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. [...] 1006.13. Policy of zero tolerance for crime and victimization.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

790.115. Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade, box cutter, or common pocketknife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a career center having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) 1. A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock; if the minor obtains the firearm as a result of an unlawful entry by
any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other
law enforcement officers, with respect to firearm possession by a minor which occurs during or
incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless
discharged for lawful defense of himself or herself or another or for a lawful purpose, commits a felony
of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons
licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder
who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection
commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6),
(7), (8), (9), or (14).

(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1), any minor under 18 years of age who is
charged under this section with possessing or discharging a firearm on school property shall be detained
in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a
probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may
order that the minor continue to be held in secure detention for a period of 21 days, during which time the
minor shall receive medical, psychiatric, psychological, or substance abuse examinations pursuant to s.
985.18, and a written report shall be completed.

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and
control of students at school, and for proper attention to health, safety, and other matters relating to the
welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of
student conduct for middle and high schools and distribute the appropriate code to all teachers, school
personnel, students, and parents, at the beginning of every school year. Each code shall be organized
and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and
teacher association or organization meetings. Each code shall be based on the rules governing student
conduct and discipline adopted by the district school board and shall be made available in the student
handbook or similar publication. Each code shall include, but is not limited to:

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while
the student is on school property or in attendance at a school function is grounds for disciplinary
action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or
wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a
right guaranteed by the Second Amendment to the United States Constitution is not grounds for
disciplinary action or referral to the criminal justice or juvenile justice system under this section or s.
1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.
However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion.

District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

1006.13. Policy of zero tolerance for crime and victimization.

(3) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student’s parent. Disciplinary action resulting from a student’s clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

1006.13. Policy of zero tolerance for crime and victimization.

(3) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.
(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

1003.53. Dropout prevention and academic intervention.

(1)(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board’s code of student conduct. For the purposes of this program, “disruptive behavior” is behavior that:
   a. Interferes with the student’s own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or
   b. Severely threatens the general welfare of students or others with whom the student comes into contact.

(d) 3. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:
   a. The student is a habitual truant as defined in s. 1003.01.
   b. The student’s excessive absences have detrimentally affected the student’s academic progress and the student may have unique needs that a traditional school setting may not meet.
   c. The student’s high incidences of truancy have been directly linked to a lack of motivation.
   d. The student has been identified as at risk of dropping out of school.

4. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

5. A student may be assigned to a second chance school if the district school board in which the student resides has a second chance school and if the student meets one of the following criteria:
   a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the district school board.
   b. The student interferes with the student’s own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.
c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district school board’s code of student conduct. For the purposes of this program, “serious offense” is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) Attendance.

(a) Compulsory school attendance. The compulsory school attendance laws apply to all children between the ages of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a), and, in accordance with the provisions of s. 1003.21(1) and (2)(a):

1. A student who attains the age of 16 years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the school district of the district’s receipt of the student’s declaration of intent to terminate school enrollment.

2. Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students.

(b) Regular school attendance. Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(13).

(c) Absence for religious purposes. A parent of a public school student may request and be granted permission for absence of the student from school for religious instruction or religious holidays, in accordance with the provisions of s. 1003.21(2)(b).1.

(d) Absence for treatment of autism spectrum disorder. A parent of a public school student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

(e) Dropout prevention and academic intervention programs. The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout
prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student’s placement, in accordance with the provisions of s. 1003.53(5).

The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) Contact, Refer, and Enforce.

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student’s parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student’s primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school’s child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

(c) If an initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.
2. Evaluation for alternative education programs.
3. Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.
(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board’s final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f) 1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district’s regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of “regular school attendance” under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) Give Written Notice.

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student’s non-enrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, who may refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies or to the case staffing committee, established pursuant to s. 984.12. The child study team shall diligently facilitate intervention services and shall report the case back to the district school superintendent only when all reasonable efforts to resolve the non-enrollment behavior are exhausted. If the parent still refuses to cooperate or enroll the child in school, the district
school superintendent shall take such steps as are necessary to bring criminal prosecution against
the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his
or her designee shall give written notice in person or by return-receipt mail to the parent that criminal
prosecution is being sought for nonattendance. The district school superintendent may file a truancy
petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) Return Student to Parent. A designated school representative may visit the home or place of
residence of a student and any other place in which he or she is likely to find any student who is
required to attend school when the student is not enrolled or is absent from school during school hours
without an excuse, and, when the student is found, shall return the student to his or her parent or to the
principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile
assessment center or other location established by the district school board to receive students who are
absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) Report to Appropriate Authority. A designated school representative shall report to the appropriate
authority designated by law to receive such notices, all violations of the Child Labor Law that may come
to his or her knowledge.

(5) Right to Inspect. A designated school representative shall have the right of access to, and inspection
of, establishments where minors may be employed or detained only for the purpose of ascertaining
whether students of compulsory school age are actually employed there and are actually working there
regularly. The designated school representative shall, if he or she finds unsatisfactory working
conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

1003.27. Court procedure and penalties.
The court procedure and penalties for the enforcement of the provisions of this part, relating to
compulsory school attendance, shall be as follows:

(3) Habitual truancy cases. - The district school superintendent is authorized to file a truancy petition, as
defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent
chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be
commenced pursuant to this subsection and chapter 984. In accordance with procedures established
by the district school board, the designated school representative shall refer a student who is habitually
truant and the student’s family to the children-in-need-of-services and families-in-need-of-services
provider or the case staffing committee, established pursuant to s. 984.12, as determined by the
cooperative agreement required in this section. The case staffing committee may request the
Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the
report and efforts of the district school board or other community agency or may seek to resolve the
truant behavior through the school or community-based organizations or agencies. Prior to and
subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate
governmental agencies must allow a reasonable time to complete actions required by this section and
s. 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the
district school board must have complied with the requirements of s. 1003.26, and those efforts must
have been unsuccessful.

(7) Penalties. - The penalties for refusing or failing to comply with this chapter shall be as follows:

(d) The student.

1. In addition to any other authorized sanctions, the court shall order a student found to be a
habitual truant to make up all school work missed and may order the student to pay a civil penalty of
up to $2, based on the student's ability to pay, for each day of school missed, perform up to 25
community service hours at the school, or participate in counseling or other services, as appropriate.

2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to $5, based on the student’s ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

1003.53. Dropout prevention and academic intervention. 

(1)(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

(d) 3. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 1003.01.

b. The student’s excessive absences have detrimentally affected the student’s academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student’s high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

4. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

381.84. Comprehensive Statewide Tobacco Education and Use Prevention Program.

(1) Definitions. - As used in this section and for purposes of the provisions of s. 27, Art. X of the State Constitution, the term:

(a) “AHEC network” means an area health education center network established under s. 381.0402.

(b) “CDC” means the United States Centers for Disease Control and Prevention.

(c) “Council” means the Tobacco Education and Use Prevention Advisory Council.

(d) “Department” means the Department of Health.

(e) “Tobacco” means, without limitation, tobacco itself and tobacco products that include tobacco and are intended or expected for human use or consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco.

(f) “Youth” means minors and young adults.

(2) Purpose, findings, and intent. - It is the purpose of this section to implement s. 27, Art. X of the State Constitution. The Legislature finds that s. 27, Art. X of the State Constitution requires the funding of a statewide tobacco education and use prevention program that focuses on tobacco use by youth. The Legislature further finds that the primary goals of the program are to reduce the prevalence of tobacco
use among youth, adults, and pregnant women; reduce per capita tobacco consumption; and reduce exposure to environmental tobacco smoke. Further, it is the intent of the Legislature to base increases in funding for individual components of the program on the results of assessments and evaluations. Recognizing that some components will need to grow faster than inflation, it is the intent of the Legislature to fund portions of the program on a nonrecurring basis in the early years so that those components that are most effective can be supported as the program matures.

(3) Program components and requirements. - The department shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people, particularly youth and their parents, about the health hazards of tobacco and discouraging the use of tobacco:

(a) Counter-marketing and advertising; internet resource center. - The counter-marketing and advertising campaign shall include, at a minimum, Internet, print, radio, and television advertising and shall be funded with a minimum of one-third of the total annual appropriation required by s. 27, Art. X of the State Constitution.

1. The campaign shall include an Internet resource center for copyrighted materials and information concerning tobacco education and use prevention, including cessation. The Internet resource center must be accessible to the public, including parents, teachers, and students, at each level of public and private schools, universities, and colleges in the state and shall provide links to other relevant resources. The Internet address for the resource center must be incorporated in all advertising. The information maintained in the resource center shall be used by the other components of the program.

2. The campaign shall use innovative communication strategies, such as targeting specific audiences who use personal communication devices and frequent social networking websites.

(b) Cessation programs, counseling, and treatment. - This program component shall include two subcomponents:

1. A statewide toll-free cessation service, which may include counseling, referrals to other local resources and support services, and treatment to the extent funds are available for treatment services; and

2. A local community-based program to disseminate information about tobacco-use cessation, how tobacco-use cessation relates to prenatal care and obesity prevention, and other chronic tobacco-related diseases.

(c) Surveillance and evaluation. - The program shall conduct ongoing epidemiological surveillance and shall contract for annual independent evaluations of the effectiveness of the various components of the program in meeting the goals as set forth in subsection (2).

(d) Youth school programs. - School and after-school programs shall use current evidence-based curricula and programs that involve youth to educate youth about the health hazards of tobacco, help youth develop skills to refuse tobacco, and demonstrate to youth how to stop using tobacco.

(e) Community programs and chronic disease prevention. - The department shall promote and support local community-based partnerships that emphasize programs involving youth, including programs for the prevention, detection, and early intervention of tobacco-related chronic diseases.

(f) Training. - The program shall include the training of health care practitioners, tobacco-use cessation counselors, and teachers by health professional students and other tobacco-use prevention specialists who are trained in preventing tobacco use and health education. Tobacco-use cessation counselors shall be trained by specialists who are certified in tobacco-use cessation.
(g) Administration and management, statewide programs, and county health departments. - The department shall administer the program within the expenditure limit established in subsection (8). Each county health department is eligible to receive a portion of the annual appropriation, on a per capita basis, for coordinating tobacco education and use prevention programs within that county. Appropriated funds may be used to improve the infrastructure of the county health department to implement the comprehensive, statewide tobacco education and use prevention program. Each county health department shall prominently display in all treatment rooms and waiting rooms counter-marketing and advertisement materials in the form of wall posters, brochures, television advertising if televisions are used in the lobby or waiting room, and screensavers and Internet advertising if computer kiosks are available for use or viewing by people at the county health department.

(h) Enforcement and awareness of related laws. - In coordination with the Department of Business and Professional Regulation, the program shall monitor the enforcement of laws, rules, and policies prohibiting the sale or other provision of tobacco to minors, as well as the continued enforcement of the Clean Indoor Air Act prescribed in chapter 386. The advertisements produced in accordance with paragraph (a) may also include information designed to make the public aware of these related laws and rules. The departments may enter into interagency agreements to carry out this program component.

(i) Ahec tobacco-use cessation initiative. - The AHEC network may administer the AHEC tobacco-use cessation initiative in each county within the state and perform other activities as determined by the department.

(4) Advisory council; members, appointments, and meetings. - The Tobacco Education and Use Prevention Advisory Council is created within the department.

(a) The council shall consist of 23 members, including:

1. The State Surgeon General, who shall serve as the chairperson.
2. One county health department director, appointed by the State Surgeon General.
3. Two members appointed by the Commissioner of Education, of whom one must be a school district superintendent.
4. The chief executive officer of the Florida Division of the American Cancer Society, or his or her designee.
5. The chief executive officer of the Greater Southeast Affiliate of the American Heart Association, or his or her designee.
6. The chief executive officer of the American Lung Association of Florida, or his or her designee.
7. The dean of the University of Miami School of Medicine, or his or her designee.
8. The dean of the University of Florida College of Medicine, or his or her designee.
9. The dean of the University of South Florida College of Medicine, or his or her designee.
10. The dean of the Florida State University College of Medicine, or his or her designee.
11. The dean of Nova Southeastern College of Osteopathic Medicine, or his or her designee.
12. The dean of the Lake Erie College of Osteopathic Medicine in Bradenton, Florida, or his or her designee.
13. The chief executive officer of the Campaign for Tobacco Free Kids, or his or her designee.
14. The chief executive officer of the Legacy Foundation, or his or her designee.
15. Four members appointed by the Governor, of whom two must have expertise in the field of tobacco-use prevention and education or tobacco-use cessation and one individual who shall be between the ages of 16 and 21 at the time of his or her appointment.
16. Two members appointed by the President of the Senate, of whom one must have expertise in the field of tobacco-use prevention and education or tobacco-use cessation.

17. Two members appointed by the Speaker of the House of Representatives, of whom one must have expertise in the field of tobacco-use prevention and education or tobacco-use cessation.

(b) The appointments shall be for 3-year terms and shall reflect the diversity of the state’s population. A vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term.

(c) An appointed member may not serve more than two consecutive terms.

(d) The council shall meet at least quarterly and upon the call of the chairperson. Meetings may be held via teleconference or other electronic means.

(e) Members of the council shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Members who are state officers or employees or who are appointed by state officers or employees shall be reimbursed for per diem and travel expenses pursuant to s. 112.061 from the state agency through which they serve.

(f) The department shall provide council members with information and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(5) Council duties and responsibilities. - The council shall advise the State Surgeon General as to the direction and scope of the Comprehensive Statewide Tobacco Education and Use Prevention Program. The responsibilities of the council include, but are not limited to:

(a) Providing advice on program priorities and emphases.

(b) Providing advice on the overall program budget.

(c) Providing advice on copyrighted material, trademark, and future transactions as they pertain to the tobacco education and use prevention program.

(d) Reviewing broadcast material prepared for the Internet, portable media players, radio, and television as it relates to the advertising component of the tobacco education and use prevention program.

(e) Participating in periodic program evaluation.

(f) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.

(g) Assisting in the development of administrative procedures relating to solicitation, review, and award of contracts and grants in order to ensure an impartial, high-quality peer review system.

(h) Assisting in the development and supervision of peer review panels.

(i) Reviewing reports of peer review panels and making recommendations for contracts and grants.

(j) Reviewing the activities and evaluating the performance of the AHEC network to avoid duplicative efforts using state funds.

(k) Recommending meaningful outcome measures through a regular review of tobacco-use prevention and education strategies and programs of other states and the Federal Government.

(l) Recommending policies to encourage a coordinated response to tobacco use in this state, focusing specifically on creating partnerships within and between the public and private sectors.

(6) Contract requirements. - Contracts or grants for the program components or subcomponents described in paragraphs (3)(a)-(f) shall be awarded by the State Surgeon General, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality. The department shall award such grants or contracts no later than October 1 for each fiscal year. A recipient of a contract or grant for the program component described in paragraph (3)(c) is not eligible for a contract or grant award for any other program.
component described in subsection (3) in the same state fiscal year. A school or college of medicine that is represented on the council is not eligible to receive a contract or grant under this section. The department shall award a contract or grant in the amount of $10 million to the AHEC network for the purpose of developing the components described in paragraph (3)(i). The AHEC network may apply for competitive contracts or grants.

(a) In order to ensure that all proposals for funding are appropriate and are evaluated fairly on the basis of merit, the State Surgeon General, in consultation with the council, shall appoint a peer review panel of independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals will be recommended for funding.

(b) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(c) In each contract or grant agreement, the department shall limit the use of food and promotional items to no more than 2.5 percent of the total amount of the contract or grant and limit overhead or indirect costs to no more than 7.5 percent of the total amount of the contract or grant. The department, in consultation with the Department of Financial Services, shall publish guidelines for appropriate food and promotional items.

(d) In each advertising contract, the department shall limit the total of production fees, buyer commissions, and related costs to no more than 10 percent of the total contract amount.

(e) Notwithstanding the competitive process for contracts prescribed in this subsection, each county health department is eligible for core funding, on a per capita basis, to implement tobacco education and use prevention activities within that county.

(7) Annual report required. - By January 31 of each year, the department shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that evaluates the program’s effectiveness in reducing and preventing tobacco use and that recommends improvements to enhance the program’s effectiveness. The report must contain, at a minimum, an annual survey of youth attitudes and behavior toward tobacco, as well as a description of the progress in reducing the prevalence of tobacco use among youth, adults, and pregnant women; reducing per capita tobacco consumption; and reducing exposure to environmental tobacco smoke.

(8) Limitation on administrative expenses. - From the total funds appropriated for the Comprehensive Statewide Tobacco Education and Use Prevention Program in the General Appropriations Act, an amount of up to 5 percent may be used by the department for administrative expenses.

(9) Rulemaking authorized. - The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

386.212. Smoking and vaping prohibited near school property; penalty.

(1) It is unlawful for any person under 18 years of age to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to any person occupying a moving vehicle or within a private residence.

(2) A law enforcement officer may issue a citation in such form as prescribed by a county or municipality to any person violating this section. Any such citation must contain:
(a) The date and time of issuance.
(b) The name and address of the person cited.
(c) The date and time the civil infraction was committed.
(d) The statute violated.
(e) The facts constituting the violation.
(f) The name and authority of the law enforcement officer.
(g) The procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear in court.
(h) The applicable civil penalty if the person elects not to contest the citation.
(i) The applicable civil penalty if the person elects to contest the citation.

(3) Any person issued a citation pursuant to this section shall be deemed to be charged with a civil infraction punishable by a maximum civil penalty not to exceed $25, or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco or anti-vaping “alternative to suspension” program.

(4) Any person who fails to comply with the directions on the citation shall be deemed to waive his or her right to contest the citation and an order to show cause may be issued by the court.


(1) Grant program. -
(a) In order to encourage the development of effective substance abuse prevention and early intervention strategies for school-age populations, the school substance abuse prevention partnership grant program is established.
(b) The department shall administer the program in cooperation with the Department of Education and the Department of Juvenile Justice.

(2) Application procedures; funding requirements. -
(a) Schools, or community-based organizations in partnership with schools, may submit a grant proposal for funding or continued funding to the department by March 1 of each year. The department shall establish grant application procedures which ensure that grant recipients implement programs and practices that are effective. The department shall include the grant application document on an Internet website.
(b) Grants may fund programs to conduct prevention activities serving students who are not involved in substance use, intervention activities serving students who are experimenting with substance use, or both prevention and intervention activities, if a comprehensive approach is indicated as a result of a needs assessment.
(c) Grants may target youth, parents, and teachers and other school staff, coaches, social workers, case managers, and other prevention stakeholders.
(d) Performance measures for grant program activities shall measure improvements in student attitudes or behaviors as determined by the department.
(e) At least 50 percent of the grant funds available for local projects must be allocated to support the replication of prevention programs and practices that are based on research and have been evaluated and proven effective. The department shall develop related qualifying criteria.
(f) In order to be considered for funding, the grant application shall include the following assurances and information:
1. A letter from the administrators of the programs collaborating on the project, such as the school principal, community-based organization executive director, or recreation department director, confirming that the grant application has been reviewed and that each partner is committed to supporting implementation of the activities described in the grant proposal.

2. A rationale and description of the program and the services to be provided, including:
   a. An analysis of prevention issues related to the substance abuse prevention profile of the target population.
   b. A description of other primary substance use and related risk factors.
   c. Goals and objectives based on the findings of the needs assessment.
   d. The selection of programs or strategies that have been shown to be effective in addressing the findings of the needs assessment.
   e. A method of identifying the target group for universal prevention strategies, and a method for identifying the individual student participants in selected and indicated prevention strategies.
   f. A description of how students will be targeted.
   g. Provisions for the participation of parents and guardians in the program.
   h. An evaluation component to measure the effectiveness of the program in accordance with performance-based program budgeting effectiveness measures.
   i. A program budget, which includes the amount and sources of local cash and in-kind resources committed to the budget and which establishes, to the satisfaction of the department, that the entity will make a cash or in-kind contribution to the program of a value that is at least 25 percent of the amount of the grant.

(g) The department shall consider the following in awarding such grants:
   1. The number of youths that will be targeted.
   2. The validity of the program design to achieve project goals and objectives that are clearly related to performance-based program budgeting effectiveness measures.
   3. The desirability of funding at least one approved project in each of the department’s substate entities.

(3) The department shall coordinate the review of grant applications with the Department of Education and the Department of Juvenile Justice and shall make award determinations no later than June 30 of each year. All applicants shall be notified by the department of its final action.

(4) Each entity that is awarded a grant as provided for in this section shall submit performance and output information as determined by the department.

1002.20. K-12 student and parent rights.

Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) Health issues.

   (g) Substance abuse reports. The parent of a public school student must be timely notified of any verified report of a substance abuse violation by the student, in accordance with the provisions of s. 1006.09(8).
6.09. Duties of school principal relating to student discipline and school safety.

(8) The school principal shall require all school personnel to report to the principal or principal’s designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal’s designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a verified report made under this subsection with respect to the student has been made and forwarded.

(9) A school principal or a school employee designated by the principal, if she or he has reasonable suspicion that a prohibited or illegally possessed substance or object is contained within a student’s locker or other storage area, may search the locker or storage area. The district school board shall require and each school principal shall cause to be posted in each public K-12 school, in a place readily seen by students, a notice stating that a student’s locker or other storage area is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects. This subsection does not prohibit the use of metal detectors or specially trained animals in the course of a search for illegally possessed substances or objects.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

1006.135. Hazing prohibited at schools with any of grades 6-12.

(1) Definition. As used in this section, “hazing” means any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12. “Hazing” includes, but is not limited to:

(a) Pressuring, coercing, or forcing a student into:
   1. Violating state or federal law;
   2. Consuming any food, liquor, drug, or other substance; or
   3. Participating in physical activity that could adversely affect the health or safety of the student.

(b) Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

(2) School District Policy. Each school district shall adopt in rule a policy that prohibits hazing and establishes consequences for a student who commits an act of hazing. The policy must include:

(a) A definition of hazing, which must include the definition provided in this section.

(b) A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act. However, disciplinary action may not be based solely on an anonymous report.

(c) A requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria established under subsection (3).
(d) A provision for referral of victims and perpetrators of hazing to a certified school counselor.

(e) A requirement that each incident of hazing be reported in the school’s safety and discipline report required under s. 1006.09(6). The report must include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

(3) Criminal Penalties. This subsection applies only to students in any of grades 9 through 12.

(a) 1. A person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in serious bodily injury or death of such other person.

2. A person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death to such other person.

(b) As a condition of any sentence imposed pursuant to paragraph (a), the court:

1. Shall order the defendant to attend and complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation.

2. May require the defendant to make a public apology to the students and victims at the school.

3. May require the defendant to participate in a school-sponsored antihazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

(c) It is not a defense to a charge of hazing that:

1. Consent of the victim had been obtained;

2. The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or

3. The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

(4) Construction. This section shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

1006.147. Bullying and harassment prohibited.

(1) This section may be cited as the “Jeffrey Johnston Stand Up for All Students Act.”

(2) Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited:

(a) During any education program or activity conducted by a public K-12 educational institution;

(b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution;

(c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution; or

(d) Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a
school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program.

(3) For purposes of this section:

(a) “Bullying” includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:

1. Teasing;
2. Social exclusion;
3. Threat;
4. Intimidation;
5. Stalking;
6. Physical violence;
7. Theft;
8. Sexual, religious, or racial harassment;
9. Public or private humiliation; or
10. Destruction of property.

(b) “Cyberbullying” means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

(c) “Harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

(d) “Within the scope of a public K-12 educational institution” means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

(f) The definitions of “bullying” and “harassment” include:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in paragraph (a), paragraph (b), or paragraph (c) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:
   a. Incitement or coercion;
   b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
   c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education’s model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.
(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.
(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.
(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.
(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.
(f) A procedure for receiving reports of an alleged act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.
(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.
(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.
(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.
(k) A procedure for including incidents of bullying or harassment in the school’s report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A list of programs authorized by the school district that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

(m) A procedure for regularly reporting to a victim’s parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

(5) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district’s policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

(6)(a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.

(b) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.

(7) Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district’s compliance with all reporting procedures contained in this section.

(8) On or before January 1 of each year, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this section. The report shall include data collected pursuant to paragraph (4)(k).

(9) Nothing in this section shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the
beginning of every school year in student classes, school advisory council meetings, and parent and
teacher association or organization meetings. Each code shall be based on the rules governing student
conduct and discipline adopted by the district school board and shall be made available in the student
handbook or similar publication. Each code shall include, but is not limited to:

(d)1. An explanation of the responsibilities of each student with regard to appropriate dress, respect
for self and others, and the role that appropriate dress and respect for self and others has on an
orderly learning environment. Each district school board shall adopt a dress code policy that prohibits
a student, while on the grounds of a public school during the regular school day, from wearing
clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the
orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following
disciplinary actions:

   a. For a first offense, a student shall be given a verbal warning and the school principal shall call
      the student’s parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a
      period of time not to exceed 5 days and the school principal shall meet with the student’s parent
      or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to
      s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any
      extracurricular activity for a period not to exceed 30 days, and the school principal shall call the
      student’s parent or guardian and send the parent or guardian a written letter regarding the
      student’s in-school suspension and ineligibility to participate in extracurricular activities.


(1) It is unlawful for any person, group, or organization to organize or establish a fraternity, sorority, or
other secret society whose membership is comprised in whole or in part of students enrolled in any public
K-12 school or to go upon any public K-12 school premises for the purpose of soliciting any students to
join such an organization.

(2) A secret society shall be interpreted to be a fraternity, sorority, or other organization whose active
membership is comprised wholly or partly of students enrolled in public K-12 schools and which
perpetuates itself wholly or partly by taking in additional members from the students enrolled in public K-
12 schools on the basis of the decision of its membership rather than on the right of any student who is
qualified by the rules of the school to be a member of and take part in any class or group exercise
designated and classified according to gender, subjects included in the course of study, or program of
school activities fostered and promoted by the district school board and district school superintendent or
by school principals.

(3) This section shall not be construed to prevent the establishment of an organization fostered and
promoted by school authorities, or approved and accepted by school authorities, and whose membership
is selected on the basis of good character, good scholarship, leadership ability, and achievement. Full
information regarding the charter, principles, purposes, and conduct of any such accepted organization
shall be made available to all students and instructional personnel of the school.

(4) This section shall not be construed to relate to any junior organization or society sponsored by the
Police Athletic League, Knights of Pythias, Oddfellows, Moose, Woodmen of the World, Knights of
Columbus, Elks, Masons, B’nai B’rith, Young Men’s and Young Women’s Hebrew Associations, Young
Men’s and Young Women’s Christian Associations, Kiwanis, Rotary, Optimist, Civitan, Exchange Clubs,
Florida Federation of Garden Clubs, and Florida Federation of Women’s Clubs.
5 It is unlawful for any student enrolled in any public K-12 school to be a member of, to join or to become a member of or to pledge himself or herself to become a member of any secret fraternity, sorority, or group wholly or partly formed from the membership of students attending public K-12 schools or to take part in the organization or formation of any such fraternity, sorority, or secret society; provided that this does not prevent any student from belonging to any organization fostered and promoted by the school authorities, or approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability, and achievement.

6 The district school board may enforce the provisions of this section and prescribe and enforce such rules as are necessary. District school boards shall enforce the provisions of this section by suspending or, if necessary, expelling any student in any public K-12 school who violates this section.

1006.148. Dating violence and abuse prohibited.

1 Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:

(a) Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.

(c) Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n), with emphasis on prevention education.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) Attendance.

(e) Dropout prevention and academic intervention programs. The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement, in accordance with the provisions of s. 1003.53(5).

1003.42. Required instruction.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(j) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(n) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.
The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

1003.4205. Disability history and awareness instruction.
(1) Each district school board may provide disability history and awareness instruction in all K-12 public schools in the district during the first 2 weeks in October each year. The district school board shall designate these 2 weeks as “Disability History and Awareness Weeks.”
(2)(a) During this 2-week period, students may be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. Disability history may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals with disabilities. Disability history may also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.
   (b) The instruction may be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, holding school assemblies, or providing other school-related activities. The instruction may be delivered by qualified school personnel or by knowledgeable guest speakers, with a particular focus on including individuals with disabilities.
(3) The goals of disability history and awareness instruction include:
   (a) Better treatment for individuals with disabilities, especially for youth in school, and increased attention to preventing the bullying or harassment of students with disabilities.
   (b) Encouragement to individuals with disabilities to develop increased self-esteem, resulting in more individuals with disabilities gaining pride in being an individual with a disability, obtaining postsecondary education, entering the workforce, and contributing to their communities.
   (c) Reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities.

1003.53. Dropout prevention and academic intervention.
(1)(a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs shall be voluntary. District school boards may, however, assign students to a program for disruptive students. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family.
   (c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:
      3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board’s code of student conduct. For the purposes of this program, “disruptive behavior” is behavior that:
a. Interferes with the student’s own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or
b. Severely threatens the general welfare of students or others with whom the student comes into contact.

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(3) Student Crime Watch Program. By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

1006.148. Dating violence and abuse prohibited.
(1) Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:

(c) Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n), with emphasis on prevention education.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

1003.573. Use of restraint and seclusion on students with disabilities.
(3) School district policies and procedures.

(a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:

6. The district’s plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:

a. Additional training in positive behavioral support and crisis management;
b. Parental involvement;
c. Data review;
d. Updates of students’ functional behavioral analysis and positive behavior intervention plans;
e. Additional student evaluations;
f. Debriefing with staff;
g. Use of schoolwide positive behavior support; and
h. Changes to the school environment.

**1006.148. Dating violence and abuse prohibited.**

(1) Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:

(b) Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.

**1006.1493. Florida Safe Schools Assessment Tool.**

(1) The department, through the Office of Safe Schools pursuant s. 1001.212, shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be the primary physical site security assessment tool as revised and required by the Office of Safe Schools which is used by school officials at each school district and public school site in the state in conducting security assessments.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

4. Review recommendations of the School Hardening and Harm Mitigation Workgroup established under s. 1001.212(11) to address physical security measures identified by the FSSAT.

(3) The Office of Safe Schools shall make the FSSAT available no later than May 1 of each year. The office must provide annual training to each district’s school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

(4) By December 1 of each year, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the
time of the assessment and any recommendations for policy changes or funding needed to facilitate
continued school safety planning, improvement, and response at the state, district, or school levels.
(5) In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk
assessments administered pursuant to this section and s. 1006.07(6) and the security information
contained in the annual report required pursuant to subsection (4) are confidential and exempt from public
records requirements.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and
principal duties.
(1) In accordance with this section and within the framework of the district school board’s code of student
conduct, teachers and other instructional personnel shall have the authority to undertake any of the
following actions in managing student behavior and ensuring the safety of all students in their classes and
school and their opportunity to learn in an orderly and disciplined classroom:
   (h) Request and receive training and other assistance to improve skills in classroom management,
violence prevention, conflict resolution, and related areas.
(2) Teachers and other instructional personnel shall:
   (b) Seek professional development to improve classroom management skills when data show that they
are not effective in handling minor classroom disruptions.
(3) Each district school board shall provide training for teachers, staff, and school administrators to
implement this section.
(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete
professional development to improve classroom management skills.

1003.573. Use of restraint and seclusion on students with disabilities.
(3) School district policies and procedures.
   (a) Each school district shall develop policies and procedures that are consistent with this section and
that govern the following:
      4. Training programs relating to manual or physical restraint and seclusion.
      5. The district’s plan for selecting personnel to be trained.
      6. The district’s plan for reducing the use of restraint and seclusion particularly in settings in which it
occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone
restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and
seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may
include, but are not limited to:
         a. Additional training in positive behavioral support and crisis management;

1006.147. Bullying and harassment prohibited.
(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and
harassment of a student or employee of a public K-12 educational institution. Each school district’s policy
shall be in substantial conformity with the Department of Education’s model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

1. A list of programs authorized by the school district that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

1006.148. Dating violence and abuse prohibited.

(2) Each district school board shall provide training for teachers, staff, and school administrators to implement this section.

1006.1493. Florida Safe Schools Assessment Tool.

(1) The department, through the Office of Safe Schools pursuant s. 1001.212, shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be the primary physical site security assessment tool as revised and required by the Office of Safe Schools which is used by school officials at each school district and public school site in the state in conducting security assessments.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

(4) By December 1 of each year, and annually by that date thereafter, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

(5) In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in the annual report required pursuant to subsection (4) are confidential and exempt from public records requirements.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

1003.573. Use of restraint and seclusion on students with disabilities.
(3) School district policies and procedures.
   (a) Each school district shall develop policies and procedures that are consistent with this section and
       that govern the following:
       1. Incident-reporting procedures.

1006.09. Duties of school principal relating to student discipline and school safety.
(8) The school principal shall require all school personnel to report to the principal or principal’s designee
   any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in
   s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as
   defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in
   good faith to the proper school authority such suspected unlawful use, possession, or sale by a student.
   Only a principal or principal’s designee is authorized to contact a parent or legal guardian of a student
   regarding this situation. Reports made and verified under this subsection shall be forwarded to an
   appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a
   verified report made under this subsection with respect to the student has been made and forwarded.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s
academic progress and must be informed of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory rights including, but not limited to, the
following:

(2) Attendance.
   (a) Compulsory school attendance. The compulsory school attendance laws apply to all children
       between the ages of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a), and, in accordance with
       the provisions of s. 1003.21(1) and (2)(a):
       1. A student who attains the age of 16 years during the school year has the right to file a formal
          declaration of intent to terminate school enrollment if the declaration is signed by the parent. The
          parent has the right to be notified by the school district of the district’s receipt of the student’s
          declaration of intent to terminate school enrollment.
       2. Students who become or have become married or who are pregnant and parenting have the right
          to attend school and receive the same or equivalent educational instruction as other students.
(b) Regular school attendance. Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(13).

(c) Absence for religious purposes. A parent of a public school student may request and be granted permission for absence of the student from school for religious instruction or religious holidays, in accordance with the provisions of s. 1003.21(2)(b)1.

(d) Absence for treatment of autism spectrum disorder. A parent of a public school student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

(e) Dropout prevention and academic intervention programs. The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student’s placement, in accordance with the provisions of s. 1003.53(5).

(3) Health Issues.

(a) School-entry health examinations. The parent of any child attending a public or private school shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds in accordance with the provisions of s. 1003.22(1) and (2).

(b) Immunizations. The parent of any child attending a public or private school shall be exempt from the school immunization requirements upon meeting any of the exemptions in accordance with the provisions of s. 1003.22(5).

(c) Biological experiments. Parents may request that their child be excused from performing surgery or dissection in biological science classes in accordance with the provisions of s. 1003.47.

(d) Reproductive health and disease education. A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, in accordance with the provisions of s. 1003.42(3).

(e) Contraceptive services to public school students. In accordance with the provisions of s. 1006.062(7), students may not be referred to or offered contraceptive services at school facilities without the parent’s consent.

(f) Career education courses involving hazardous substances. High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

(g) Substance abuse reports. The parent of a public school student must be timely notified of any verified report of a substance abuse violation by the student, in accordance with the provisions of s. 1006.09(8).

(h) Inhaler use. Asthmatic students whose parent and physician provide their approval to the school principal may carry a metered dose inhaler on their person while in school. The school principal shall be provided a copy of the parent’s and physician’s approval.

(i) Epinephrine use and supply.
1. A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this paragraph.

2. A public school may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained in a secure location on the public school’s premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection. The supply of epinephrine auto-injectors may be provided to and used by a student authorized to self-administer epinephrine by auto-injector under subparagraph 1. or trained school personnel.

3. The school district and its employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:
   a. Unless the trained school personnel’s action is willful and wanton;
   b. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and
   c. Regardless of whether authorization has been given by the student’s parents or guardians or by the student’s physician, physician’s assistant, or advanced practice registered nurse.

(j) Diabetes management. A school district may not restrict the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel. Diabetic students whose parent and physician provide their written authorization to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia. The State Board of Education, in cooperation with the Department of Health, shall adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care. The State Board of Education, in cooperation with the Department of Health, shall also adopt rules for the management and care of diabetes by students in schools that include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment. A school district,
county health department, and public-private partner, and the employees and volunteers of those entities, shall be indemnified by the parent of a student authorized to carry diabetic supplies or equipment for any and all liability with respect to the student’s use of such supplies and equipment pursuant to this paragraph.

(k) Use of prescribed pancreatic enzyme supplements. A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with authorization from the student’s parent and prescribing practitioner. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for the use of prescribed pancreatic enzyme supplements which shall include provisions to protect the safety of all students from the misuse or abuse of the supplements. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student’s use of the supplements under this paragraph.

(l) Notification of involuntary examinations. The public school principal or the principal’s designee shall immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. The principal or the principal’s designee may delay notification for no more than 24 hours after the student is removed if the principal or designee deems the delay to be in the student’s best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. Each district school board shall develop a policy and procedures for notification under this paragraph.

(m) Sun-protective measures in school. A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician’s note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

(4) Discipline.

(a) Suspension of public school student. In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student’s suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

(b) Expulsion. Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process, in accordance with the provisions of s. 1006.08(1).

(c) Corporal punishment.

1. In accordance with the provisions of s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student’s presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.
2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board’s policy authorizing corporal punishment expires.

(6) Educational Choice.

(a) Public educational school choices. Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE industry certifications, collegiate high school programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) Private educational choices. Parents of public school students may seek private educational choice options under certain programs.

   1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

   2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

   3. Under the Florida Personal Learning Scholarship Accounts Program, the parent of a student with a qualifying disability may apply for a personal learning scholarship to be used for individual educational needs in accordance with s. 1002.385.

(c) Home education. The parent of a student may choose to place the student in a home education program in accordance with the provisions of s. 1002.41.

(d) Private tutoring. The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).

(13) Student Records.

(a) Parent rights. Parents have rights regarding the student records of their children, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of s. 1002.22.

(b) Student rights. In accordance with the provisions of s. 1008.386, a student is not required to provide his or her social security number as a condition for enrollment or graduation.

(14) Student Report Cards. Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student’s academic performance in each class or course, the student’s conduct, and the student’s attendance, in accordance with the provisions of s. 1003.33.

(15) Student Progress Reports. Parents of public school students shall be apprised at regular intervals of the academic progress and other needed information regarding their child, in accordance with the provisions of s. 1003.02(1)(h)2.
(16) School Accountability and School Improvement Rating Reports; Fiscal Transparency. Parents of public school students have the right to an easy-to-read report card about the school’s grade designation or, if applicable under s. 1008.341, the school’s improvement rating, and the school’s accountability report, including the school financial report as required under s. 1010.215. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

(21) Parental Input and Meetings.

(a) Meetings with school district personnel. Parents of public school students may be accompanied by another adult of their choice at a meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through an action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend a meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an individual education plan (IEP); the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.

2. The parents and school district personnel attending the meeting shall sign a document at the meeting’s conclusion which states whether any school district personnel have prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting.

(b) District school board educational facilities programs. Parents of public school students and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the district school board’s educational facilities work program, in accordance with the provisions of s. 1013.35.


(1) Contact, Refer, and Enforce.

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student’s parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student’s primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school’s child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.
(c) If an initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.
2. Evaluation for alternative education programs.
3. Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board’s final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f) 1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district’s regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of “regular school attendance” under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) Give Written Notice.

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in
person or by return-receipt mail, to the parent when no valid reason is found for a student’s non-enrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, who may refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies or to the case staffing committee, established pursuant to s. 984.12. The child study team shall diligently facilitate intervention services and shall report the case back to the district school superintendent only when all reasonable efforts to resolve the non-enrollment behavior are exhausted. If the parent still refuses to cooperate or enroll the child in school, the district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) Return Student to Parent. A designated school representative may visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

1003.53. Dropout prevention and academic intervention.

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student’s eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student’s academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student’s parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. The parents of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

1003.573. Use of restraint and seclusion on students with disabilities.

(c) A school shall notify the parent or guardian of a student each time manual or physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent’s or guardian’s signed acknowledgment that he or she was notified of his or her child’s restraint or seclusion.

(d) A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was manually or physically restrained or secluded. The school shall obtain, and keep in its records, the parent’s or guardian’s signed acknowledgment that he or she received a copy of the incident report.
1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(d)1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:
   a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
   b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.
   c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

1006.09. Duties of school principal relating to student discipline and school safety.

(1)(b) The principal or the principal’s designee may suspend a student only in accordance with the rules of the district school board. The principal or the principal’s designee shall make a good faith effort to immediately inform a student’s parent by telephone of a student’s suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student’s parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal’s designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal’s designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at
school bus stops, and the principal or the principal’s designee shall give notice in writing to the student’s parent and to the district school superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(8) The school principal shall require all school personnel to report to the principal or principal’s designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal’s designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a verified report made under this subsection with respect to the student has been made and forwarded.

1006.147. Bullying and harassment prohibited.

(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district’s policy shall be in substantial conformity with the Department of Education’s model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

943.082. School Safety Awareness Program.

(1) In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named “FortifyFL.” At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.

(2) The reporting tool must notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.
(b) That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

(4)(a) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department must be made aware of the mobile suspicious activity reporting tool.

(b) The district school board shall promote the use of the mobile suspicious activity reporting tool by advertising it on the school district website, in newsletters, on school campuses, and in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.

(5) The department, in collaboration with the Division of Victim Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

(6) The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is confidential and exempt from s. 119.07 (1) and s. 24 (a), Art. I of the State Constitution. Any other information received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is exempt from s. 119.07 (1) and s. 24 (a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

985.04. Oaths; records; confidential information.

(1)(a) Except as provided in subsections (2), (3), (6), and (7) and s. 943.053, all information obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Florida Commission on Offender Review, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information obtained before, on, or after the effective date of this exemption.

(b) Such confidential and exempt information may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Florida Commission on Offender Review, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court.

(c) Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher’s classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.
(2)(a) 1. Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:
   a. Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
   b. Charged with a violation of law which, if committed by an adult, would be a felony;
   c. Found to have committed an offense which, if committed by an adult, would be a felony; or
   d. Transferred to adult court pursuant to part X of this chapter, are not considered confidential and exempt from s. 119.07(1) solely because of the child’s age.

2. A public records custodian may choose not to electronically publish on the custodian’s website the arrest or booking photographs of a child which are not confidential and exempt under this section or otherwise restricted from publication by law; however, this subparagraph does not restrict public access to records as provided by s. 119.07.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

(4)(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child’s school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools under this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child and the director of transportation. The principal must immediately notify the child’s immediate classroom teachers, the child’s assigned bus driver, and any other school personnel whose duties include direct supervision of the child. Upon notification, the principal is authorized to begin disciplinary actions under s. 1006.09(1)-(4).

(c) The superintendent must notify the other school personnel whose duties include direct supervision of the child of the disposition of the charges against the child.

(d) The department shall disclose to the school superintendent the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is alleged to have committed juvenile sexual abuse as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

985.101. Taking a child into custody.

(1) A child may be taken into custody under the following circumstances:
(a) Pursuant to an order of the circuit court issued under this chapter, based upon sworn testimony, either before or after a petition is filed.

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence, the arresting authority shall immediately notify the district school superintendent, or the superintendent’s designee, of the school district with educational jurisdiction of the child. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the child’s school, or as otherwise provided by law. The principal must immediately notify the child’s immediate classroom teachers. Information provided by an arresting authority under this paragraph may not be placed in the student’s permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.


(2) Give Written Notice.

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student’s non-enrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, who may refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies or to the case staffing committee, established pursuant to s. 984.12. The child study team shall diligently facilitate intervention services and shall report the case back to the district school superintendent only when all reasonable efforts to resolve the non-enrollment behavior are exhausted. If the parent still refuses to cooperate or enroll the child in school, the district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(4) Report to Appropriate Authority. A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

1003.29. Notice to schools of court action.

If a court takes action that directly involves a student’s school, including, but not limited to, an order that a student attend school, attend school with his or her parent, perform at grade level, or perform community service hours at the school, the office of the clerk of the court shall provide notice to the school of the court’s action.

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

(8) Each teacher or other member of the staff of any school who knows or has reason to suspect that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of s.1006.13. Each district
school superintendent and each school principal shall fully support good faith reporting in accordance with the provisions of this subsection and s. 1006.13.

1006.07. District school board duties relating to student discipline and school safety.
The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(5) Educational Services in Detention Facilities. Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student’s current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

1006.08. District school superintendents duties relating to student discipline and school safety.
(2) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, the name and address of any student found guilty of a felony, or the name and address of any student the court refers to mental health services. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

1006.09. Duties of school principal relating to student discipline and school safety.
(8) [...]. Reports made and verified under this subsection shall be forwarded to an appropriate agency. [...]

1006.13. Policy of zero tolerance for crime and victimization.
(1) District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a serious threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

(2) Each district school board shall adopt a policy of zero tolerance that:
   (a) Defines criteria for reporting to a law enforcement agency any act that occurs whenever or wherever students are within the jurisdiction of the district school board.
   (b) Defines acts that pose a serious threat to school safety.
   (c) Defines petty acts of misconduct.
   (d) Minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization.
   (e) Establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed pursuant to s. 1006.07.
(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(3) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

   (a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

   (b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

(4)(a) Each district school board shall enter into agreements with the county sheriff’s office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

   (b) The agreements must include the role of school resource officers, if applicable, in handling reported incidents, circumstances in which school officials may handle incidents without filing a report with a law enforcement agency, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes.

   (c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, simple assault or battery, affray, theft of less than $300, trespassing, and vandalism of less than $1,000. However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.

   (d) The school principal shall ensure that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

(5) Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed any offense in s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

(6)(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending a public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of:

   1. Chapter 782, relating to homicide;

   2. Chapter 784, relating to assault, battery, and culpable negligence;

   3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
4. Chapter 794, relating to sexual battery;
5. Chapter 800, relating to lewdness and indecent exposure;
6. Chapter 827, relating to abuse of children;
7. Section 812.13, relating to robbery;
8. Section 812.131, relating to robbery by sudden snatching;
9. Section 812.133, relating to carjacking; or
10. Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements in this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under s. 985.455(2). Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions in paragraph (b).

(b) Each district school board shall adopt a cooperative agreement with the Department of Juvenile Justice which establishes guidelines for ensuring that any no contact order entered by a court is reported and enforced and that all of the necessary steps are taken to protect the victim of the offense. Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), may not attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the district school board to attend another school within the district in which the offender resides, only if the other school is not attended by the victim or sibling of the victim of the offense; or the offender may be permitted by another district school board to attend a school in that district if the offender is unable to attend any school in the district in which the offender resides.

(c) If the offender is unable to attend any other school in the district in which the offender resides and is prohibited from attending a school in another school district, the district school board in the school district in which the offender resides shall take every reasonable precaution to keep the offender separated from the victim while on school grounds or on school transportation. The steps to be taken by a district school board to keep the offender separated from the victim must include, but are not limited to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities of the victim and the offender so as not to coincide.

(d) The offender, or the parents of the offender if the offender is a juvenile, shall arrange and pay for transportation associated with or required by the offender’s attending another school or that would be required as a consequence of the prohibition against riding on a school bus on which the victim or a sibling of the victim is riding. However, the offender or the parents of the offender may not be charged for existing modes of transportation that can be used by the offender at no additional cost to the district school board.

(7) Any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy must be based on the particular circumstances of the student’s misconduct.

(8) A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

REGULATIONS
No relevant regulations found.
Disclosure of school records

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:
(13) Student Records.
   (a) Parent rights. Parents have rights regarding the student records of their children, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of s. 1002.22.
   (b) Student rights. In accordance with the provisions of s. 1008.386, a student is not required to provide his or her social security number as a condition for enrollment or graduation.

1002.22. Education records and reports of K-12 students; rights of parents and students; notification; penalty
(1) Definitions. As used in this section, the term:
   (a) “Agency” means any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions as defined in this chapter.
   (b) “Institution” means any public school, center, institution, or other entity that is part of Florida’s education system under s. 1000.04(1), (3), and (4).
(2) Rights of Students and Parents. The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies shall be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, the implementing regulations issued pursuant thereto, and this section. In order to maintain the eligibility of public educational institutions and agencies to receive federal funds and participate in federal programs, the State Board of Education shall comply with the FERPA after the board has evaluated and determined that the FERPA is consistent with the following principles:
   (a) Students and their parents shall have the right to access their education records, including the right to inspect and review those records.
   (b) Students and their parents shall have the right to waive their access to their education records in certain circumstances.
   (c) Students and their parents shall have the right to challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
   (d) Students and their parents shall have the right of privacy with respect to such records and reports.
   (e) Students and their parents shall receive annual notice of their rights with respect to education records.
(3) Duties and Responsibilities. The State Board of Education shall:
   (a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.
   (b) Monitor the FERPA and notify the Legislature of any significant change to the requirements of the FERPA or other major changes in federal law which may impact this section.
(c) Advise the Legislature of any change in the FERPA which may create a need for an exemption to the requirements of s. 24(a), Art. I of the State Constitution.

(4) Penalty. If any official or employee of an institution refuses to comply with this section, the aggrieved parent or student has an immediate right to bring an action in circuit court to enforce his or her rights by injunction. Any aggrieved parent or student who receives injunctive relief may be awarded attorney fees and court costs.

(5) Applicability to Records of Defunct Institutions. This section applies to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

1002.221. K-12 education records; public records exemption.

(1) Education records, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(a) An agency or institution, as defined in s. 1002.22, may not release a student’s education records without the written consent of the student or parent to any individual, agency, or organization, except in accordance with and as permitted by the FERPA.

(b) Education records released by an agency or institution, as defined in s. 1002.22, to the Auditor General or the Office of Program Policy Analysis and Government Accountability, which are necessary for such agencies to perform their official duties and responsibilities, must be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability in accordance with the FERPA.

(c) In accordance with the FERPA and the federal regulations issued pursuant to the FERPA, an agency or institution, as defined in s. 1002.22, may release a student’s education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile’s family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

1002.222. Limitations on collection of information and disclosure of confidential and exempt student records.

(1) An agency or institution as defined in s. 1002.22(1) may not:

(a) Collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of the student. For purposes of this subsection, the term “biometric information” means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan. Notwithstanding the provisions of this paragraph, a school district that used a palm scanner system for identifying students for breakfast and lunch programs on March 1, 2014, may continue to use the palm scanner system through the 2014-2015 school year.

(b) Provide education records made confidential and exempt by s. 1002.221 or federal law to:
1. A person as defined in s. 1.01(3) except when authorized by s. 1002.221 or in response to a lawfully issued subpoena or court order;

2. A public body, body politic, or political subdivision as defined in s. 1.01(8) except when authorized by s. 1002.221 or in response to a lawfully issued subpoena or court order; or

3. An agency of the Federal Government except when authorized by s. 1002.221, required by federal law, or in response to a lawfully issued subpoena or court order.

(2) The governing board of an agency or institution may only designate information as directory information in accordance with 20 U.S.C. s. 1232g and applicable federal regulations. Such designation must occur at a regularly scheduled meeting of the governing board. The governing board of an agency or institution must consider whether designation of such information would put students at risk of becoming targets of marketing campaigns, the media, or criminal acts. An agency or institution may charge fees for copies of designated directory information as provided in s. 119.07(4).

1003.53. Dropout prevention and academic intervention.

(6) District school board dropout prevention and academic intervention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies and juvenile assessment centers in the school district. Notwithstanding the provisions of s. 1002.22, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). District school boards and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention and academic intervention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.

1006.08. District school superintendent duties relating to student discipline and school safety.

(3) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the district school superintendent pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

1006.09. Duties of school principal relating to student discipline and school safety.

(8) The school principal shall require all school personnel to report to the principal or principal’s designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal’s designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a verified report made under this subsection with respect to the student has been made and forwarded.

REGULATIONS

No relevant regulations found.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.

(6)(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher’s withholding consent for a removed student to return to the teacher’s class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district’s compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

1003.53. Dropout prevention and academic intervention.

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student’s eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student’s academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student’s parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. The parents of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

1003.573. Use of restraint and seclusion on students with disabilities.

(1) Documentation and Reporting.

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student’s release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(b) The following must be included in the incident report:

1. The name of the student restrained or secluded.
2. The age, grade, ethnicity, and disability of the student restrained or secluded.
3. The date and time of the event and the duration of the restraint or seclusion.
4. The location at which the restraint or seclusion occurred.
5. A description of the type of restraint used in terms established by the Department of Education.
6. The name of the person using or assisting in the restraint or seclusion of the student.
7. The name of any nonstudent who was present to witness the restraint or seclusion.
8. A description of the incident, including:
a. The context in which the restraint or seclusion occurred.
b. The student’s behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others.
c. The specific positive behavioral strategies used to prevent and deescalate the behavior.
d. What occurred with the student immediately after the termination of the restraint or seclusion.
e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies.
f. Evidence of steps taken to notify the student’s parent or guardian.

(3) School district policies and procedures.
   (a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:
      1. Incident-reporting procedures.
      2. Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
      3. Monitoring and reporting of data collected.
   (b) Any revisions to the district’s policies and procedures, which must be prepared as part of its special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2012.
      6. The district’s plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:
         c. Data review;

1006.09. Duties of school principal relating to student discipline and school safety.
   (1)(b) [...] Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. [...] The principal or the principal’s designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal’s designee shall give notice in writing to the student’s parent and to the district school superintendent within 24 hours.
   (c) [...] Any recommendation of expulsion shall include a detailed report by the principal or the principal’s designated representative on the alternative measures taken prior to the recommendation of expulsion.
   (6) Each school principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the department. The school principal must develop a plan to verify the accuracy of reported incidents.
   (7) The State Board of Education shall adopt by rule a standardized form to be used by each school principal to report data concerning school safety and discipline.
1006.147. Bullying and harassment prohibited.

(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district’s policy shall be in substantial conformity with the Department of Education’s model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(k) A procedure for including incidents of bullying or harassment in the school’s report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(8) On or before January 1 of each year, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this section. The report shall include data collected pursuant to paragraph (4)(k).

1006.1493. Florida Safe Schools Assessment Tool.

(1) The department, through the Office of Safe Schools pursuant s. 1001.212, shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

(3) By December 1, 2018, and annually by that date thereafter, the department must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

(4) In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in the annual report required pursuant to subsection (3) are confidential and exempt from public records requirements.

REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

1006.12. Safe-school officers at each public school.
(2) Commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943 and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer’s salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

1006.12. Safe-school officers at each public school.
(2) Commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943 and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.
(c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer’s salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

1006.12. Safe-school officers at each public school.

For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:

1. Establish school resource officer programs, through a cooperative agreement with law enforcement agencies.
   
   (a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee’s tenure as a school resource officer.
   
   (b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.
   
   (c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers’ knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

2. Commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.
   
   (a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943 and must comply with the provisions of that chapter.
   
   (b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.
   
   (c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer’s salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.
(3) At the school district’s discretion, participate in the Coach Aaron Feis Guardian Program if such program is established pursuant to s. 30.15, to meet the requirement of establishing a safe-school officer.

(4) Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

1006.13. Policy of zero tolerance for crime and victimization.

(4)(a) Each district school board shall enter into agreements with the county sheriff’s office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must include the role of school resource officers, if applicable, in handling reported incidents, circumstances in which school officials may handle incidents without filing a report with a law enforcement agency, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes.

(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, simple assault or battery, affray, theft of less than $300, trespassing, and vandalism of less than $1,000. However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.

(d) The school principal shall ensure that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

1003.42. Required instruction.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(j) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(n) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

1006.147. Bullying and harassment prohibited.

(4) Each school district shall adopt and review at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of
students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. The school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and integrated with the school’s curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.
(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.
(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.
(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.
(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.
(f) A procedure for receiving reports of an alleged act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.
(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.
(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.
(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.
(k) A procedure for including incidents of bullying or harassment in the school’s report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.
(l) A list of programs authorized by the school district that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.
(m) A procedure for regularly reporting to a victim’s parents the actions taken to protect the victim.
(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.
REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

1006.10. Authority of school bus drivers and district school boards relating to student discipline and student safety on school buses.
(7) Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district’s compliance with all reporting procedures contained in this section.

1006.147. Bullying and harassment prohibited.
(7) Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district’s compliance with all reporting procedures contained in this section.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

1003.32. Authority of teacher; responsibility for control of students; district school board and principal duties.
(8) [...] Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

1006.09. Duties of school principal relating to student discipline and school safety.
(1)(b) [...] School personnel shall not be held legally responsible for suspensions of students made in good faith.
(8) The school principal shall require all school personnel to report to the principal or principal’s designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal’s designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal’s designee shall timely notify the student’s parent that a verified report made under this subsection with respect to the student has been made and forwarded.

1006.11. Standards for use of reasonable force.
(1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).
(2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal’s designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s.1006.09.

1006.147. Bullying and harassment prohibited.
(5) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district’s policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

1011.78. Standard student attire incentive payments.
There is created an incentive payment for school districts and charter schools that implement a standard student attire policy for all students in kindergarten through grade 8 in accordance with this section.
(2) Purpose. The purpose of a standard student attire policy is to provide a safe environment for students which fosters learning and improves school safety and discipline by:
(a) Encouraging students to express their individuality through personality and academic achievements, rather than outward appearance.

(b) Enabling students to focus on academics, rather than fashion, because they are able to convey a neat, serious, and studious image.

(c) Minimizing disciplinary problems because students are not distracted by clothing.

(d) Reducing the time needed to correct dress code violations through a readily available inventory of compliant attire.

(e) Minimizing visible differences between students and eliminating social pressures to wear brand-name clothing or colors to show gang affiliation, thereby easing financial pressures on parents and enhancing school safety.

(f) Creating a sense of school pride and belonging.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

1001.42. Powers and duties of district school board.

The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(17) Public information and parental involvement program. -

(a) Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district, including educational opportunities available through the Florida Virtual School.

(b) Adopt rules to strengthen family involvement and empowerment pursuant to s. 1002.23. The rules shall be developed in collaboration with administrative personnel, parents, teachers, and community partners.

(c) Develop and disseminate a parent guide to successful student achievement which addresses what parents need to know about their child’s educational progress and how they can help their child to succeed in school.

(d) Develop and disseminate a checklist for parents to assist parents in becoming involved in their child’s educational progress.

(e) Encourage teachers and administrators to keep parents informed of student progress, student programs, student attendance requirements pursuant to ss. 1003.26, 1003.27, 414.1251, and 984.151, and availability of resources for academic assistance.

1006.07. District school board duties relating to student discipline and school safety.

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) Code of Student Conduct. Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and
teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. [...]

1006.147. Bullying and harassment prohibited.
(4) [...] The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy. [...]

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

1002.20. K-12 student and parent rights.
Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(7) Nondiscrimination. All education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status, in accordance with the provisions of s. 1000.05.

(16) School Accountability and School Improvement Rating Reports; Fiscal Transparency. Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable under s. 1008.341, the school's improvement rating, and the school's accountability report, including the school financial report as required under s. 1010.215. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

(18) Extracurricular Activities. In accordance with the provisions of s. 1006.15:

(e) Discrimination prohibited. Organizations that regulate or govern extracurricular activities of public schools shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(23) Orderly, Disciplined Classrooms. Public school students shall be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students, in accordance with s. 1003.32.

1003.31. Students subject to control of school.
(4) Each student enrolled in a school may be required to take the following school child's daily conduct pledge:

(a) I will be respectful at all times and obedient unless asked to do wrong.
(b) I will not hurt another person with my words or my acts, because it is wrong to hurt others.
(c) I will tell the truth, because it is wrong to tell a lie.
(d) I will not steal, because it is wrong to take someone else's property.
(e) I will respect my body, and not take drugs.
(f) I will show strength and courage, and not do something wrong, just because others are doing it.
(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Florida provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying Prevention, Florida Department of Education (FLDOE)</td>
<td>Provides comprehensive information and resources on bullying prevention including definitions of bullying and harassment, and resources for educators, parents, and youth.</td>
<td><a href="http://www.fldoe.org/safe-schools/bullying-prevention.stml">http://www.fldoe.org/safe-schools/bullying-prevention.stml</a></td>
</tr>
<tr>
<td>Climate &amp; Discipline, FLDOE</td>
<td>Provides links to school climate, discipline, restorative practices, and other tools, and contact information for the Office of Safe Schools.</td>
<td><a href="http://www.fldoe.org/safe-schools/sesir-discipline-data/climate-discipline.stml">http://www.fldoe.org/safe-schools/sesir-discipline-data/climate-discipline.stml</a></td>
</tr>
<tr>
<td>Office of Safe Schools, FLDOE</td>
<td>Provides comprehensive resources and materials addressing school safety including information on laws and regulations, best practices, links to prevention and intervention, climate and discipline, and discipline data.</td>
<td><a href="http://www.fldoe.org/safe-schools/">http://www.fldoe.org/safe-schools/</a></td>
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<tr>
<td>Prevention &amp; Intervention, FLDOE</td>
<td>Provides links to intervention and prevention programs, bullying prevention, teen dating violence prevention, alcohol prevention, internet safety, gang resources, and the student support services project.</td>
<td><a href="http://www.fldoe.org/safe-schools/prevent-intervent.stml">http://www.fldoe.org/safe-schools/prevent-intervent.stml</a></td>
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Documents

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<td>Mental Health Plans</td>
<td>Compilation of district mental health assistance plans outlining awareness and prevention efforts, screening and assessment procedures, use of evidence-based mental health services, coordination with providers, and outcome measurement</td>
<td><a href="http://www.fldoe.org/safe-schools/mental-health.shtml">http://www.fldoe.org/safe-schools/mental-health.shtml</a></td>
</tr>
<tr>
<td>School Environmental Safety Incident Reporting (SESIR) System - District &amp; State Reports, Florida Department of Education</td>
<td>District and statewide reports on crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, or at school-sponsored events.</td>
<td><a href="http://www.fldoe.org/safe-schools/discipline-data.shtml">http://www.fldoe.org/safe-schools/discipline-data.shtml</a></td>
</tr>
</tbody>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Title 15. Courts

Chapter 11. Juvenile Code

Article 9. Access to Hearings and Records
15-11-707. Notice to school superintendent
15-11-710. Exchange of information

Title 16. Crimes and Offenses

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Authority to develop and establish rules of conduct

LAWS

20-2-730. Policies and regulations on use of corporal punishment.
All area, county, and independent boards of education shall be authorized to determine and adopt policies and regulations relating to the use of corporal punishment by school principals and teachers employed by such boards.

20-2-735. Adoption of policies by local boards to improve student learning environment.
(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

(b) Student standards of behavior developed pursuant to this subpart shall be designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools.

(c) Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be available through the school, the school system, other public entities, or community organizations.

20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.
(b) Local boards of education shall provide for disciplinary action against students who violate student codes of conduct.

REGULATIONS

160-4-7-.10. Discipline.
(1) General provisions.
   (a) According to Georgia school laws, LEAs are given the responsibility to develop appropriate and legally based disciplinary procedures.

160-4-8-.15. Student discipline.
(2) Requirements.
(d) Local boards of education shall provide for disciplinary actions against students who violate student codes of conduct;

**Scope**

**LAWS**

16-11-127.1. Carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school.

(a) As used in this Code section, the term:

(1) "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) "School function" means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.

(3) "School safety zone" means in or on any real property or building owned by or leased to:

(A) Any public or private elementary school, secondary school, or local board of education and used for elementary or secondary education; and

(B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.

(a) As used in this Code section, the term "bullying" means an act that is:

(D) Has the effect of substantially disrupting the orderly operation of the school. The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. For purposes of this Code Section, electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

(9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;

(11) Marking, defacing, or destroying school property;

(17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.
With regard to paragraphs (9), (11), and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

(A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;
(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and
(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devises in a manner that might interfere with the school bus driver's operation of the school bus.

(c) Each student code of conduct shall also contain provisions that address any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

REGULATIONS

160-4-8-.15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

1. Standards for student behavior during school hours, at school-related functions, on school buses, and at school bus stops designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education,

15. Any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student’s continued presence at school a potential danger to persons or property at the school or which disrupts the educational process;

Communication of policy

LAWS

16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools.

(f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."
20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.
(a) At the beginning of each school year, local boards of education shall provide for the distribution of student codes of conduct developed pursuant to Code Section 20-2-735 to each student upon enrollment. Local boards of education shall provide for the distribution of such student codes of conduct to the parents or guardians of each student through such means as may best accomplish such distribution at the local level and are appropriate in light of the grade level of the student, including distribution of student codes of conduct to students and parents or guardians jointly. Local boards of education shall solicit or require the signatures or confirmation of receipt of students and parents or guardians in acknowledgment of the receipt of such student codes of conduct. A signature or confirmation of receipt may be obtained in writing, via electronic mail or facsimile, or by any other electronic or other means as designated by the local board. A parent or legal guardian that does not acknowledge receipt of the student code of conduct shall not be absolved of any responsibility with respect to the information contained in the student code of conduct. In addition, student codes of conduct shall be available in each school and classroom.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.
(b) No later than August 1, 2011:
(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and
(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.
(e) Any student handbook which is prepared by a local board or school shall include a copy of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school as annually distributed pursuant to Code Section 20-2-736. When distributing a student code of conduct, a local school shall include a form for acknowledgment of the student’s parent or guardian’s receipt of the code, and the local school shall solicit or require that the form be signed and returned to the school.

REGULATIONS
160-4-8-.15. Student discipline.
(2) Requirements.
(b) Local boards of education shall provide for the distribution of student codes of conduct to each student upon enrollment and to the parents and guardians of each student and may solicit the signatures of students and parents or guardians in acknowledgment of the receipt of such student codes of conduct.
(c) Student codes of conduct shall be available in each school and classroom.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

20-2-735. Adoption of policies by local boards to improve student learning environment.
(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

(d) Progressive discipline processes developed pursuant to this subpart shall be designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior leading to the discipline, that the previous discipline history of the student being disciplined and other relevant factors will be taken into account, and that all due process procedures required by federal and state law will be followed.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.
(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.
(b)(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be not limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

20-2-1181. Disrupting operations of public school, school bus, or school bus stop; penalty; progressive discipline.
(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local boards of education. Except as provided in subsection (b) of this Code section, a person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.
(b)(1) As used in this subsection, the term "complaint" shall have the same meaning as set forth in Code Section 15-11-2.

(2) A local board of education shall develop a system of progressive discipline that may be imposed on a child accused of violating this Code section before initiating a complaint.

(3) When a complaint is filed involving a violation of this Code section by a child not included in paragraph (4) of this subsection, it shall include information showing that the local board of education sought to:

(A) Resolve the expressed problem through available educational approaches; and

(B) Engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

(4) When a complaint is filed involving a violation of this Code section by a child who is eligible for or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, it shall include information showing that the local board of education:

(A) Has determined that such child is eligible or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973;

(B) Has reviewed for appropriateness such child’s current Individualized Education Program (IEP) and placement and has made modifications where appropriate;

(C) Sought to resolve the expressed problem through available educational approaches; and

(D) Sought to engage the child’s parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

REGULATIONS

160-4-8-.15. Student discipline.

(1) Definitions.

(a) Behavior Support Process - a student support process for identifying and addressing the behavioral needs through providing integrated resources that promote behavioral change.

(b) Disciplinary Order - any public or private school or school system order that imposes short-term suspension, long-term suspension, or expulsion upon a student in such school or system.

(c) Discipline Policies - outlines consequences and punishments that will occur in the response to specify unacceptable behaviors.

(d) Multi-tiered system of supports or MTSS - a systemic, continuous improvement framework in which data based problem-solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

17. Behavior support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services that may be available through the school, school system, other public entities, or community organizations that may help the student address behavioral problems;
This rule neither mandates nor prohibits the use of student support teams as part of the student support process:

18. Progressive discipline processes designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior, that the previous discipline history of the student and other relevant factors will be taken into account; and that all due process procedures required by federal and state law will be followed;

160-5-1-.10. Student attendance.

(2) Requirements.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

Teacher authority to remove students from classrooms

LAWS

20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.

(a) A teacher shall have the authority, consistent with local board policy, to manage his or her classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with local board policy.

(b) A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section. Each school principal shall implement the policies and procedures of the superintendent and local board of education relating to the authority of every teacher to remove a student from the classroom and shall disseminate such policies and procedures to faculty, staff, and parents or guardians of students. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal's designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher gives his or her consent, the
student shall be returned to the class, and the principal or the principal's designee may take action to
discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code
section. If, after such discussions, the principal or the principal's designee seeks to return the student to
the teacher's class and the teacher withholds his or her consent to the student's return to his or her class,
the principal or the principal's designee shall determine an appropriate temporary placement for the
student by the end of the first school day following such removal and shall also take steps to convene a
meeting of a placement review committee. The placement review committee shall convene by the end of
the second school day following such removal by the teacher and shall issue a decision by the end of the
third school day following such removal by the teacher. An appropriate temporary placement for the
student shall be a placement that, in the judgment of the principal or the principal's designee, provides the
least interruption to the student's education and reflects other relevant factors, including, but not limited
to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the
student's need for support services, and the available education settings; provided, however, that the
student shall not be returned to the class of the teacher who removed him or her, as an appropriate
temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in
effect from the time of removal until the decision of the placement review committee is issued or, if
applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code
section.

(d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the establishment at
each school of one or more placement review committees, each of which is to be composed of three
members, to determine the placement of a student when a teacher withholds his or her consent to the
return of a student to the teacher's class. For each committee established, the faculty shall choose two
teachers to serve as members and one teacher to serve as an alternate member, and the principal shall
choose one member of the professional staff of the school to serve as a member. The teacher
withholding consent to readmit the student may not serve on the committee. The placement review
committee shall have the authority to:

(1) Return the student to the teacher's class upon determining that such placement is the best
alternative or the only available alternative; or

(2) Refer the student to the principal or the principal's designee for appropriate action consistent with
paragraph (2) of subsection (e) of this Code section.

The decision of the placement review committee shall be in writing and shall be made within three school
days after the teacher withholds consent to the return of a student. Local boards of education shall
provide training for members of placement review committees regarding the provisions of this subpart,
including procedural requirements; local board policies relating to student discipline; and the student code
of conduct that is applicable to the school.

(e)(1) If a placement review committee decides to return a student to a class from which he or she was
removed, the principal or the principal's designee shall implement such decision of the placement review
committee. In addition, the principal or the principal's designee may, consistent with any applicable
procedural requirements of the Constitutions of the United States and this state and after considering the
use of any appropriate student support services, take any of the following actions which are authorized as
a response to the alleged violation of the student code of conduct by local board policies adopted
pursuant to Code Section 20-2-735:

(A) Place the student in an alternative education program;

(B) Impose out-of-school suspension for not more than ten school days, including any time during
which the student was subject to out-of-school suspension after his or her removal from class
pursuant to subsection (b) of this Code section; or

(C) Make another disciplinary decision or recommendation consistent with local board policy.
(2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee shall determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, as follows, provided that the placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student into another appropriate classroom or an alternative education program;

(B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section;

(C) Make another placement or disciplinary decision or recommendation consistent with local board policy; or

(D) Implement or recommend any appropriate combination of the above and return the student to the class from which he or she was removed upon the completion of any disciplinary or placement action taken pursuant to this paragraph.

(f) Within one school day of taking action pursuant to subsection (e) of this Code section, the principal or the principal's designee shall send written notification of such action to the teacher and the parents or guardians of the student and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.

(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.

(h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

REGULATIONS

160-4-8-.15. Student discipline.

(2) Requirements.

(e) Local board policies relating to student codes of conduct shall provide that each local superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to O.C.G.A. § 20-2-738, including establishing and disseminating procedures.
Alternatives to suspension

LAWS

20-2-735. Adoption of policies by local boards to improve student learning environment.
(f) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.
(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

REGULATIONS

160-4-8-.15. Student discipline.
(2) Requirements.
(f) It is the preferred policy of the board that disruptive students are placed in alternative education settings in lieu of being suspended or expelled.

Use of corporal punishment

LAWS

20-2-730. Policies and regulations on use of corporal punishment.
All area, county, and independent boards of education shall be authorized to determine and adopt policies and regulations relating to the use of corporal punishment by school principals and teachers employed by such boards.

20-2-731. When and how corporal punishment may be administered.
An area, county, or independent board of education may, upon the adoption of written policies, authorize any principal or teacher employed by the board to administer, in the exercise of his sound discretion, corporal punishment on any pupil or pupils placed under his supervision in order to maintain proper control and discipline. Any such authorization shall be subject to the following requirements:

(1) The corporal punishment shall not be excessive or unduly severe;

(2) Corporal punishment shall never be used as a first line of punishment for misbehavior unless the pupil was informed beforehand that specific misbehavior could occasion its use; provided, however, that corporal punishment may be employed as a first line of punishment for those acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience;

(3) Corporal punishment must be administered in the presence of a principal or assistant principal, or the designee of the principal or assistant principal, employed by the board of education authorizing such punishment, and the other principal or assistant principal, or the designee of the principal or assistant principal, must be informed beforehand and in the presence of the pupil of the reason for the punishment;
(4) The principal or teacher who administered corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the principal or assistant principal, or designee of the principal or assistant principal, who was present; provided, however, that such an explanation shall not be used as evidence in any subsequent civil action brought as a result of the corporal punishment; and

(5) Corporal punishment shall not be administered to a child whose parents or legal guardian has upon the day of enrollment of the pupil filed with the principal of the school a statement from a medical doctor licensed in Georgia stating that it is detrimental to the child's mental or emotional stability.

20-2-732. When principal or teacher not liable for administering corporal punishment.
No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county, or independent board of education employing him and in accordance also with this subpart shall be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment where the corporal punishment is administered in good faith and is not excessive or unduly severe.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

20-1A-15. "Inspection warrant" defined; procedure for issuance; evidence generated inadmissible in criminal proceedings.
(a) As used in this chapter, the term "inspection warrant" means a warrant authorizing a search or inspection of private property where such a search or inspection is one that is necessary for the enforcement of any of the provisions of laws authorizing licensure, inspection, or regulation by the department.

(b) The commissioner or the commissioner's delegate, in addition to other procedures now or hereafter provided, may obtain an inspection warrant under the conditions specified in this Code section. Such warrant shall authorize the commissioner or the commissioner's agents to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, if such search or inspection is one that is elsewhere authorized under the rules and regulations duly promulgated under this chapter or any provision of law which authorizes licensure, inspection, or regulation by the department.

(c) Inspection warrants shall be issued only by a judge of a court of record whose territorial jurisdiction encompasses the property to be inspected.

(d) The issuing judge shall issue the warrant when such judge is satisfied that the following conditions are met:

(1) The one seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and

(2) The issuing judge determines that the issuance of the warrant is authorized by this Code section.

(e) The inspection warrant shall be validly issued only if it meets the following requirements:

(1) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
(2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property of which the warrant authorizes an inspection;

(3) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and

(4) The warrant refers, in general terms, to the statutory or regulatory provisions sought to be enforced.

(f) No facts discovered or evidence obtained in an inspection conducted under authority of an inspection warrant issued pursuant to this chapter shall be competent as evidence in any criminal proceeding against any party.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

20-2-751. Definitions.
As used in this subpart, the term:

(1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.

(2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.

(3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.

(4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun cha, nunchaku, nunchaku, shuriken, or fighting chain, or any disc, or whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.

(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.

(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.
(a) As used in this Code section, the term "physical violence" means:

(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(c)(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

REGULATIONS
No relevant regulations found.
Grounds for mandatory suspension or expulsion

LAWS

20-2-751. Definitions.

As used in this subpart, the term:

(1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.
(2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
(3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.
(4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun cha hka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.
(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.
(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.

(a) As used in this Code section, the term "physical violence" means:

   (1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

   (2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.
(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. Such disciplinary hearing officer, panel, or tribunal shall hold any disciplinary hearing in accordance with the provisions of Code Section 20-2-754. Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. The decision of the disciplinary hearing officer, panel, or tribunal may be appealed to the local school board pursuant to Code Section 20-2-754. If appropriate under paragraph (1) of subsection (c) of this Code section, the decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c)(1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student’s eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

20-2-731. When and how corporal punishment may be administered.
(3) Corporal punishment must be administered in the presence of a principal or assistant principal, or the designee of the principal or assistant principal, employed by the board of education authorizing such punishment, and the other principal or assistant principal, or the designee of the principal or assistant principal, must be informed beforehand and in the presence of the pupil of the reason for the punishment;

20-2-742. Multi-tiered system of supports prior to suspension or expulsion for certain students.
(a) As used in this Code section, the term:
(1) "Multi-tiered system of supports" or "MTSS" means a systemic, continuous-improvement framework in which data based problem solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.

(2) "Public preschool through third grade" means a public preschool, a Pre-K program in a public school administered pursuant to Code Section 20-1A-4, and kindergarten through third grade in a public school.

(3) "Response to intervention" or "RTI" means a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.

(4) "Weapon" shall include dangerous weapons, firearms, and hazardous objects as defined in Code Section 20-2-751.

(b) No student in public preschool through third grade shall be expelled or suspended from school for more than five consecutive or cumulative days during a school year without first receiving a multi-tiered system of supports, such as response to intervention, unless such student possessed a weapon, illegal drugs, or other dangerous instrument or such student's behavior endangers the physical safety of other students or school personnel. If such student is receiving or has received a multi-tiered system of supports, the school shall be deemed to have met the requirements of this Code section. The school or program shall comply with all federal laws and requirements regarding obtaining parental consent during any advanced tier within the system of supports prior to certain screenings or evaluations.

(c) In addition to the requirements in subsection (b) of this Code section, prior to assigning any student in preschool through third grade to out-of-school suspension for more than five consecutive or cumulative days during a school year, if such student has an Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school or program shall also convene an IEP or Section 504 meeting to review appropriate supports being provided as part of such Individualized Education Program or Section 504 plan.

20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

20-2-768. Expulsion or suspension of students for felonies; alternative educational system; policy.

(c) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.
REGULATIONS

160-4-7-.10. Discipline

(1) General provisions.

(b) The code of student conduct shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise. The LEA shall ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.

(2) Authority of school personnel.

(a) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct.

Administrative procedures related to suspension and expulsion

LAWS

20-2-750. Short title.
This subpart shall be known and may be cited as the “Public School Disciplinary Tribunal Act.”

20-2-751. Definitions.
As used in this subpart, the term:

(1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.
(2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
(3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.
(4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.
(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.
(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.

(a) As used in this Code section, the term "physical violence" means:
(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. Such disciplinary hearing officer, panel, or tribunal shall hold any disciplinary hearing in accordance with the provisions of Code Section 20-2-754. Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. The decision of the disciplinary hearing officer, panel, or tribunal may be appealed to the local school board pursuant to Code Section 20-2-754. If appropriate under paragraph (1) of subsection (c) of this Code section, the decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c)(1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(2) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court with a request for a petition alleging delinquent behavior; and

(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

20-2-752. Establishment of disciplinary hearing officers, panels, or tribunals for imposition of suspension or expulsion; rules and regulations; appeals.

Local boards of education may establish by policy, rule, or regulation disciplinary hearing officers, panels, or tribunals of school officials to impose suspension or expulsion. If such hearing officers, panels, or tribunals are established, such rules and regulations must include the following:

(1) Provisions governing the manner of selecting the hearing officers or members of the panels or tribunals and the number of members thereof;

(2) Provisions governing procedures to be followed by such hearing officers, panels, or tribunals in fact-finding, hearings, and reporting recommendations to the local board;
(3) Provisions granting a right to appeal to the local board when the punishment imposed by hearing officers, panels, or tribunals is long-term suspension or expulsion; and

(4) Provisions whereby the local school superintendent may suspend enforcement of the suspension or expulsion ordered by the hearing officers, panels, or tribunals pending the outcome of any appeal to the local board.

20-2-753. Disciplinary hearing officer, panel, or tribunal to hold disciplinary hearing following allegation of assault and battery or recommended suspension or expulsion exceeding 10 days.

(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of an alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten school days or an alleged assault or battery by a student upon any teacher or other school official or employee, if such teacher or other school official or employee so requests.

(b) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

20-2-754. Procedures to be followed by disciplinary officer, panel, or tribunal; review.

(a) The provisions of Code Section 20-2-1160 shall apply to disciplinary proceedings under this subpart.

(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) The hearing is held no later than ten school days after the beginning of the suspension unless the school system and parents or guardians mutually agree to an extension;

(3) All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved;

(4) Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing; and

(5) A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(c) If appointed to review an instance pursuant to Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal.

(d) The local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record and shall be given to all parties within ten days, excluding
weeks of weekends and public and legal holidays provided for in Code Section 1-4-1, from the date the local board of education receives the notice of appeal. The board may take any action it determines appropriate, and any decision of the board shall be final. All parties shall have the right to be represented by legal counsel at any such appeal and during all subsequent proceedings.

(e) Either or both parents or guardians or legal counsel of the student involved may obtain a copy of any documents relating to a disciplinary proceeding conducted pursuant to this Code section.

20-2-755. Authorization of disciplinary officer, panel, or tribunal to determine disciplinary action.

The disciplinary officer, panel, or tribunal of school officials, when appointed as required in Code Section 20-2-753, shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, expulsion, long-term suspension, or short-term suspension. Any action taken by such officer, panel, or tribunal shall be subject to modification by the local school board on appeal.

20-2-757. Applicability of public inspection and open meeting laws.

(a) All proceedings and hearings conducted under this subpart shall be confidential and shall not be subject to the open meetings requirement of Code Section 50-14-1 or other open meetings laws.

(b) All electronic or other written records of all hearings conducted under this subpart; all statements of charges; all notices of hearings; and all written decisions rendered by a hearing officer, tribunal, the local board of education, or the State Board of Education shall not be subject to public inspection or other disclosure under Article 4 of Chapter 18 of Title 50 or other public disclosure laws; provided, however, the board of education shall prepare a written summary of any proceeding conducted under this subpart, which summary shall include a description of the incident and the disposition thereof but shall not contain the names of any party to the incident. The summary shall be a public record.

20-2-758. Legal actions not prohibited, restricted, or limited by disciplinary hearing; rights to appeal from decision of school board.

Nothing in this subpart shall be construed to prohibit, restrict, or limit in any manner any cause of action otherwise provided by law and available to any teacher, school official, employee, or student. The provisions of subsections (b) through (f) of Code Section 20-2-1160 shall apply to all proceedings under this subpart.

REGULATIONS

160-4-7-.10. Discipline.

(2) Authority of school personnel.

(b) School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under this Rule).

(c) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required under this Rule.

(d) For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability under this Rule, school personnel may apply the relevant disciplinary procedures to children
with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except as provided in (e) of this Rule.

(e) Services. A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

1. Continue to receive educational services, as provided in Rule 160-4-7-.02 Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation so it does not recur.

3. The LEA is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed.

4. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

5. If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

6. The services required in (e) may be provided in an interim alternative educational setting.

(3) Manifestation determination.

(a) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and the relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the Child's disability; or

2. If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(b) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent and relevant members of the child's IEP Team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of the LEA's failure to implement the IEP.

(c) If the LEA, the parent and the relevant members of the child's IEP Team determines the conduct in question was a direct result of the failure of the LEA to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

(4) Determination that behavior was a manifestation.
(a) If the LEA, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior, and except as provided in paragraph (5) below, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(5) Special circumstances.

(a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA;

2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.

(b) The interim alternative educational setting is determined by the IEP Team.

(6) Notification.

(a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in Rule 160-4-7-.09 Procedural Safeguards.

(7) Definitions.

For purpose of this section, the following definitions apply:

(a) Controlled substance - a drug or other substance identified under schedules I, 11, 111, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(b) Illegal drug - a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(c) Serious bodily injury - has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

(d) Weapon - has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(8) Appeal

(a) The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request pursuant to Rule 160-4-7-.12 Dispute Resolution.
(b) Authority of administrative law judge or hearing officer. A judge or hearing officer under Rule 160-4-7-.12 Dispute Resolution makes a determination regarding an appeal under the disagreement C.F.R. § 300.531(b)(1)) administrative law hears the facts and in (8)(a) above.

1. In making a determination under this Rule, the administrative law judge or hearing officer may:
   (i) Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of this Rule or that the child’s behavior was a manifestation of the child’s disability; or
   (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the administrative law judge or hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(c) These appeal procedures may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(d) Expedited due process hearing. Whenever a hearing is requested under paragraph (8)(a) this Rule, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with Rule 160-4-7-.12 Dispute Resolution, except as provided in (d) 1 and 2 below.

1. The State is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing.

2. Unless the parents and LEA agree in writing to waive the resolution meeting described in Rule 160-4-7-.12 Dispute Resolution or agree to use the mediation process described in the same Rule:
   (a) A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint; and
   (b) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint.
   (c) The decisions on expedited due process hearings are appealable consistent with Rule 160-4-7-.12 Dispute Resolution.

(9) Placement during appeals.

(a) When an appeal under this Rule has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the LEA agree otherwise.

(10) Protections for children not yet eligible for special education and related services.

(a) A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this Rule if the LEA had knowledge (as determined in accordance with this Rule) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

1. An LEA must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred -
   (i) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child is in need of special education and related services;
   (ii) The parent of the child requested an evaluation of the child pursuant to Rule 160-4-7-.04 Eligibility Determinations and Criteria; or
(iii) The teacher of the child or other personnel of the LEA expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the LEA or to other supervisory personnel of the LEA.

2. An LEA would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability as described in Rule 160-4-7-.04 Eligibility Determinations and Criteria.

3. If an LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

4. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and the information provided by the parents, the agency must provide special education and related services.

(11) Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this Rule prohibits a LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) A LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(c) A LEA reporting a crime under this Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(12) Change of placement because of disciplinary removals.

(a) For purposes of removals of a child with a disability from the child’s current educational placement under this Rule, a change in placement occurs if:

1. The removal is for more than 10 consecutive school days, or

2. The child has been subjected to a series of removals that constitute a pattern -
   (i) Because the series of removals total more than 10 school days in a school year;
   (ii) Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals, and;
   (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

(b) The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

1. This determination is subject to review through due process hearings and judicial proceedings.

160-4-8-.15. Student discipline.

(2) Requirements.
(f) It is the preferred policy of the board that disruptive students are placed in alternative education settings in lieu of being suspended or expelled.

(g) Local board policies shall require the filing of a report by a teacher documenting a student’s violation of the student code of conduct which repeatedly or substantially interferes with the teacher’s ability to communicate effectively with the students in his or her class or with the ability of such student’s classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal’s designee, shall not exceed one page, and shall describe the behavior. The principal or principal’s designee shall, within one day of receiving such report, send to the student’s parents or guardians a copy of the report, and information regarding how the principal or principal’s designee may be contacted.

(h) The principal or the principal’s designee shall send written notification to the teacher and to the student’s parents or guardians of the student support services being utilized or the disciplinary action taken within one school day and shall make a reasonable attempt to confirm receipt of such written notification by the student’s parents or guardians. Written notification shall include information regarding how student’s parents or guardians may contact the principal or principal’s designee.

(i) Each local board of education shall approve Tribunal Training Provider(s).

(j) Each local board of education shall make available to all Qualified Student Discipline Hearing Officers and Disciplinary Tribunal or Panel Members the initial and ongoing tribunal training course prior to the individual(s) serving in such capacity. The local board of education shall ensure initially trained student discipline hearing officers and disciplinary tribunal or panel members undergo continuing education so as to continue to serve in such capacity.

(k) Each local board of education shall observe Georgia law in developing and implementing disciplinary hearings held by a disciplinary hearing officer, disciplinary panel, or disciplinary tribunal pursuant to O.C.G.A. § 20-2-751 through § 20-2-759 including the ability to honor disciplinary orders of private schools and other public schools/school systems pursuant to O.C.G.A. § 20-2-751.2.

   1. Disciplinary hearings shall be held no later than ten school days after the beginning of the student’s suspension unless the school system and parents or guardians mutually agree to an extension.

   2. Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

160-4-8-.12. Alternative/Non-traditional education programs.

(1) Definitions.

   (j) In-School Suspension program - any program that serves the instructional needs of students who have been suspended from his/her regular classroom for a maximum of ten consecutive days.
Return to school following removal

LAWS

20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.

(c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal’s designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher’s class and the teacher gives his or her consent, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code section. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher’s class and the teacher withholds his or her consent to the student's return to his or her class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee shall convene by the end of the second school day following such removal by the teacher and shall issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings; provided, however, that the student shall not be returned to the class of the teacher who removed him or her, as an appropriate temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code section.

(d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the establishment at each school of one or more placement review committees, each of which is to be composed of three members, to determine the placement of a student when a teacher withholds his or her consent to the return of a student to the teacher’s class. For each committee established, the faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member, and the principal shall choose one member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student may not serve on the committee. The placement review committee shall have the authority to:

1. Return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or

2. Refer the student to the principal or the principal's designee for appropriate action consistent with paragraph (2) of subsection (e) of this Code section.

The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to the return of a student. Local boards of education shall provide training for members of placement review committees regarding the provisions of this subpart,
including procedural requirements; local board policies relating to student discipline; and the student code of conduct that is applicable to the school.

(e)(1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student in an alternative education program;
(B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section; or
(C) Make another disciplinary decision or recommendation consistent with local board policy.

20-2-766. Students returning from expulsion or suspension; notice to parents; conference with principal or teacher to devise disciplinary and behavioral correction plan.

Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted shall request by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or his or her designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

160-5-1-.35. Seclusion and restraint for all students.

(1) Definitions.

(a) Chemical restraint - any medication that is used to control behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition. Use of chemical restraint is prohibited in Georgia public schools and educational programs.

(b) Mechanical restraint - the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not
include seatbelts and other safety equipment when used to secure students during transportation. Use of Mechanical restraint is prohibited in Georgia public schools and educational programs.

(c) Physical restraint - direct physical contact from an adult that prevents or significantly restricts a student’s movement. The term physical restraint does not include prone restraint, mechanical restraint, or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.

(d) Prone restraint - a specific type of restraint in which a student is intentionally placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the prone position. Use of prone restraint is prohibited in Georgia public schools and educational programs.

(e) Seclusion - a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1)(g) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. Use of seclusion is prohibited in Georgia public schools and educational programs.

(g) Time-out - a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

(2) Requirements.

(a) The use of seclusion is prohibited in Georgia public schools and educational programs.

(b) The use of prone restraint is prohibited in Georgia public schools and educational programs.

(c) The use of mechanical restraint is prohibited in Georgia public schools and educational programs.

(d) The use of chemical restraint is prohibited in Georgia public schools and educational programs.

(e) The use of physical restraint is prohibited in Georgia public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.

1. Notwithstanding the foregoing, physical restraint is prohibited in Georgia public schools and educational programs:
   (i) as a form of discipline or punishment,
   (ii) when the student cannot be safely restrained, and
   (iii) when the use of the intervention would be contraindicated due to the student’s psychiatric, medical, or physical conditions as described in the student’s educational records.

(f) All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

(g) Schools and programs that use physical restraint in accordance with paragraph (2)(e) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program’s policies governing the use of physical restraint. The written policies must include the following provisions:

1. Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,
2. Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,
3. Procedures for observing and monitoring the use of physical restraint.
4. The use of physical restraint to be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained.
5. Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2)(g)(4).

(h) Schools and programs that use physical restraints in accordance with paragraph (2)(e) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses a full continuum of positive behavioral intervention strategies as well as prevention and deescalation techniques. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Georgia Department of Education or any member of the public upon request.

(i) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee's authority to utilize time-out as defined in paragraph (1)(g) of this rule or any other classroom management technique or approach, including a student's removal from the classroom, that is not specifically addressed in this rule.

(j) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking appropriate action to diffuse a student fight or altercation.

(k) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to impose ministerial duties on individual employees of a school system, school or program when acting to protect students or others from imminent harm or bodily injury.

Alternative placements

LAWS

20-2-154.1. Alternative education programs; intent; description; funding.

(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school.

(b) Alternative education programs are intended to meet the education needs of a student who is suspended from his or her regular classroom and also of a student who is eligible to remain in his or her regular classroom but is more likely to succeed in a nontraditional setting such as that provided in an alternative education program.

(c) As part of the process of assigning a student to an alternative education program for academic or nondisciplinary reasons, the school shall assess, through policies and procedures promulgated by the local board of education, the needs of the student and consider options for addressing those needs.

(d) Each local school system shall provide an alternative education program that:

(1) Is provided in a setting other than a student's regular classroom;
(2) Is located on or off of a regular school campus and may include in-school suspension that provides continued progress on regular classroom assignments;

(3) Provides for disruptive students who are assigned to the alternative education program to be separated from nondisruptive students who are assigned to the program;

(4) Focuses on English language arts, mathematics, science, social studies, and self-discipline;

(5) Provides for students' educational and behavioral needs; and

(6) Provides supervision and counseling.

(e) An alternative education program may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school.

(f) A local school system may provide an alternative education program jointly with one or more other systems.

(g) Each local school system shall cooperate with government agencies and community organizations that provide services in the school district to students placed in an alternative education program.

(h) The amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the middle school program, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12.

(i) A local school system shall allocate to an alternative education program the same expenditure for each student attending the alternative education program, including federal, state, and local funds, that would be allocated to the student’s school if the student were attending the student’s regularly assigned education program, including a special education program, except as otherwise provided in this Code section.

(j) Upon the request of a local school system, a regional educational service agency may provide to the system information on developing an alternative education program that takes into consideration the system's size, wealth, and existing facilities in determining the program best suited to the system.

(k) If a student placed in an alternative education program enrolls in another local school system before the expiration of the period of placement, the local board of education requiring the placement shall provide to the local school system in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The local school system in which the student enrolls may continue the alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement.

(1) The State Board of Education shall adopt rules necessary to administer the provisions of this Code section. Academically, the mission of alternative education programs shall be to enable students to perform at grade level. Annually, the Office of Student Achievement shall define for alternative education programs acceptable performance and performance indicating a need for peer review, based principally on standards defined by the Office of Student Achievement that measure the academic progress of students toward performing at grade level while attending an alternative education program.

20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.

(e)(1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the
use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student in an alternative education program;

(2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee shall determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, as follows, provided that the placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student into another appropriate classroom or an alternative education program;

(C) Make another placement or disciplinary decision or recommendation consistent with local board policy; or

(D) Implement or recommend any appropriate combination of the above and return the student to the class from which he or she was removed upon the completion of any disciplinary or placement action taken pursuant to this paragraph.

20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;


As used in this subpart, the term:

(1) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.

(2) "Suspension" means the short-term suspension of a student from a public school for not more than ten days or long-term suspension for more than ten days pursuant to Code Section 20-2-751.

20-2-768. Expulsion or suspension of students for felonies; alternative educational system; policy.

(a) Each local board of education is authorized to refuse to readmit or enroll any student who has been suspended or expelled for being convicted of, being adjudicated to have committed, being indicted for, or having information filed for the commission of any felony or any delinquent act under Code Section 15-11-602 and 15-11-707 which would be a felony if committed by an adult. If refused readmission or
enrollment, the student or the student's parent or legal guardian has the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student denied enrollment in a local school system under subsection (a) of this Code section in an alternative educational system as appropriate and in the best interest of the student and the education of other students within the school system.

(c) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

REGULATIONS

160-4-7-.10. Discipline.

(2) Authority of school personnel.

(b) School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under this Rule).

(c) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required under this Rule.

(d) For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability under this Rule, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except as provided in (e) of this Rule.

(e) Services. A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

1. Continue to receive educational services, as provided in Rule 160-4-7-.02 Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation so it does not recur.

3. The LEA is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed.

4. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child’s teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
5. If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

6. The services required in (e) may be provided in an interim alternative educational setting.

(9) Placement during appeals.

(a) When an appeal under this Rule has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the LEA agree otherwise.

160-4-8-.12. Alternative/Non-traditional education programs.

(1) Definitions.

(a) Alternative/ Non-traditional Education Program - an Alternative/Nontraditional Education Program that operates in affiliation with a school(s). A program does not report Full-Time Equivalent (FTE) or receive a state or federal accountability determination. Achievement data for students enrolled in the program are reported back to the school where the student is reported for FTE. The program may be housed within a school, on the same site, or at a different location. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case Management Consultation for Agency Placed Transfer Students is required. Programs may include Attendance Recovery, Credit Recovery, Disciplinary Program, Early College, Evening School, and Open Campus.

(b) Alternative/Non-traditional Education School - an Alternative/Nontraditional Education School has an official school code and serves as the home school for students enrolled. The school receives a state or federal accountability determination; reports FTE counts for all enrolled students; and earns Quality Basic Education (QBE) formula funds directly. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case Management Consultation for Agency Placed Transfer Students is required.

(c) Attendance Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to make-up an absence(s) by attending a program outside the normal school day (e.g., Saturday program) that provides the equivalent instructional time and curriculum for the time the student was absent within the current academic year.

(d) Community-based Alternative Education/Non-traditional Program - a type of Alternative Education/Non-traditional Program where students are engaged in educationally relevant and meaningful learning experiences in the school and larger community. The academic curriculum is integrated into work-based learning and structured work experiences utilizing partnerships among business, industry, government, community, and school, including Performance Learning Centers.

(e) Credit Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to retake a course that he/she previously did not earn credits toward graduation.

(f) Educational Management Organization - any type of alternative/nontraditional program or school operated by a private vendor. The program or school may operate on or off campus.

(g) Facility and School Registry (FSR) - a database for the creation of all site, facility, school and program codes.

(h) Georgia Department of Education (GaDOE) - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education; including the implementation of
federal and state mandates. Such management is subject to monitoring and oversight by the State Board of Education.

(i) Georgia Professional Standards Commission - a government agency, separate from the Georgia Department of Education, with the central responsibility for establishing a certification/licensure process for educational personnel in Georgia.

(j) In-School Suspension program - any program that serves the instructional needs of students who have been suspended from his/her regular classroom for a maximum of ten consecutive days.

(k) Local Educational Agency (LEA) - local school system pursuant to local board of education control and management.

(l) Sparsity Grant - grant provided to each LEA that is unable to offer its students or a portion of its student’s educational programs and services comparable to those which are typically being offered to students in this state. The inability to offer students comparable programs and services is attributable, at least in part, to the fact that the LEA has full-time equivalent counts less than base size specified in state law.

(2) Requirements

(a) Each LEA shall provide an Alternative/Non-traditional Education Program/School to serve students in grades 6-12 with appropriate due process, who have been suspended from his or her regular classroom.

(b) Each LEA may provide an Alternative/Non-traditional Education Program/School to serve students who are eligible to remain in his or her regular classroom but are more likely to succeed in a non-traditional educational setting.

(c) Each LEA may provide an Alternative Education/Non-traditional Program/School jointly with one or more other LEAs.

(d) Each LEA may contract with Educational Management Organizations to provide a Non-traditional/Alternative Education Program/School. If contracting with an Educational Management Organization to provide Non-traditional/Alternative Education Program(s)/School(s), the LEA must:
   1. Ensure that no federal or state funding of any kind disbursed by GaDOE is expended on any resources, educational or otherwise, for any student not pursuing a Georgia High School Diploma as defined by SBOE Rules and state law.
   2. Maintain and report to GaDOE annually by a date established by GaDOE the Georgia Testing Identifier (GTID) of each student served in Nontraditional/Alternative Education Programs and Schools operated by Educational Management Organizations.
   3. Maintain and report to GaDOE annually by a date established by the department the GTID of each student who transferred from the Full-Time Equivalent (FTE) reporting school to the private school operated by the Educational Management Organization prior to receiving a Georgia high school diploma.

(e) A LEA may use Sparsity grant funds for all Alternative/Non-traditional Education Program(s)/School(s). Funds must be used exclusively for salaries and benefits for certified positions and assistants/paraprofessionals working in the Alternative/Non-traditional Education Program/School.

(f) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) only provide curriculum aligned to Georgia Performance Standards (GPS). Curriculum may be delivered through Computer Assisted Instruction and On-line courses.

(g) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide standardized testing as specified in SBOE Rule 160-3-1-.07 TESTING PROGRAMS - STUDENT ASSESSMENT.
(h) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide counseling services to enable the student to make academic progress.

(i) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools operate in full compliance with federal and state laws and State Board Rules governing special education students and students with special needs.

(j) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide teachers that meet the requirements of the Georgia Professional Standards Commission in all classes.

Par earns at his or her Full Time Equivalent reporting school. These funds include federal and state funds allocated to the LEA for the student.

(n) For students in grades 9-12, each LEA may award course credit based on the student’s demonstrated competency on course examination(s) for course work completed while enrolled in the Alternative/Non-traditional Education Program/School in lieu of the 150/135 clock hours of instruction as required by SBOE rules. Each Alternative/Non-traditional Education Program/School shall adhere to all instructional time requirements for all other grades.

(o) For students in grades 9-12, each LEA may determine the length of time students will be in classes in the Alternative/Non-traditional Education Program(s)/School(s) in lieu of the requirement of as specified in SBOE Rule 160-5-1-.02. Each Alternative/Non-traditional Education Program/School shall adhere to all instructional time requirements for all other grades.

3) Reporting Requirements.

(a) Each LEA shall adhere to all reporting requirements established by SBOE Rule 160-5-1-.07 Student and Staff Data Collections.

(b) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) report to GaDOE both the number of actual absences (excused and unexcused) that students served by the Attendance Recovery Program incurred during the school year and the number of absences the students served by the Attendance Recovery Program recovered during the same school year.

(c) Each LEA shall submit official requests for state entity (facility/school/program codes for the Alternative/Non-traditional Education Program/School) through the Facility and School Registry (FSR).

4) School Improvement Plan.

(a) Each LEA shall maintain and report to GaDOE a school improvement plan for each of its Alternative/Non-traditional Education Programs/Schools annually by a date established by GaDOE.

(b) Each Alternative/Non-traditional Education Program/School school improvement plan shall meet the requirements established by GaDOE and contained in the Alternative Education Program Standards.

(c) Each Alternative/Non-traditional Education Program/School school improvement plan must demonstrate how the Alternative/Non-traditional Education Program/School modified SBOE rules, including, but not limited to, methods to measure competency as well as what is defined as a full school day.

(d) Each LEA should seek public and parental input on each Alternative/Nontraditional Education Program/School school improvement plan prior to submitting the plan to GaDOE.

(e) Alternative/Non-traditional Education Program/School school improvement plans shall be presented to the LEA’s Local Board of Education at a regularly scheduled public meeting and published on the LEA’s website for the duration of the plan. For those stakeholders that may not have access to the Internet, the LEA shall make copies available upon request in accordance with the state’s Open Records law (O.C.G.A § 50-18-70).
(f) Each Alternative/Non-traditional Education Program/School school improvement plan will be evaluated by GaDOE based on demonstrated elements and requirements as specified by GaDOE in the Alternative Education Program Standards.

160-4-8-.16. Unsafe School Choice Option (USCO).

(1) Definitions.

(a) Corrective action plan- a written plan developed by a local school system and adopted by the local board of education for a public school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.

(b) Jurisdiction of a public school- events that are sponsored by a public school and that occur away from the property of a public school over which the public school has direct control or authority.

(c) Official action- an official tribunal held by the school system; a hearing conducted by a disciplinary hearing officer of the school system (O.C.G.A. § 20-2-752 through§ 20-2-758); through a disciplinary process; through an action of the local board of education; or for non-felony drug offenses that result in placement in a drug intervention program.

(d) Persistently dangerous school- a public school in which for each of three consecutive years on the property of the public school, or at an event within the jurisdiction of a public school, or at a school sponsored event:

1. At least one student enrolled in that school is found by official action to have committed an offense in violation of a school rule that involved one or more of the following criminal offenses.
   (i) Aggravated battery (O.C.G.A. § 16-5-24)
   (ii) Aggravated child molestation (O.C.G.A. § 16-6-4)
   (iii) Aggravated sexual battery (O.C.G.A. § 16-6-22.2)
   (iv) Aggravated sodomy (O.C.G.A. § 16-6-2)
   (v) Armed robbery (O.C.G.A. § 16-8-41)
   (vi) Arson- first degree (O.C.G.A. § 16-7-60)
   (vii) Kidnapping (O.C.G.A. § 16-5-40)
   (viii) Murder (O.C.G.A. § 16-5-1)
   (ix) Rape (O.C.G.A. § 16-6-1)
   (x) Voluntary manslaughter (O.C.G.A. § 16-5-2)

or

2. Two percent or more of the student population or ten students, whichever is greater are found by official action to have committed an offense in violation of a school rule that involved one or more of the following offenses:
   (i) Non-felony drugs (O.C.G.A. § 16-13-2)
   (ii) Felony drugs (O.C.G.A. § 16-13-30; 16-13-31; 16-13-32.4)
   (iii) Felony weapons (O.C.G.A. § 16-11-127.1)
   (iv) Terroristic threats (O.C.G.A. § 16-11-37)

or

3. Any combination of paragraphs (l)(d)1 or (l)(d)2.

(e) Property of a public school- Any building, land, school bus, or other vehicular equipment owned or leased by the local school system.

(f) Student population- the unduplicated October full-time equivalent (FTE) count.
(g) Unsafe School Choice Option (USCO) - the process of allowing students who attend a persistently dangerous public school or students who become victims of a violent criminal offense while on the property of a public school in which they are enrolled to transfer to a safe public school.

(h) Victim - a person against whom a violent criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to the violent criminal offense.

(i) Violent criminal offense - for the purposes of this rule, the following felony transgressions of law as defined in state statute, including aggravated battery (O.C.G.A. § 16-5-24), aggravated child molestation (O.C.G.A. § 16-6-4), aggravated sexual battery (O.C.G.A. § 16-6-22.2), aggravated sodomy (O.C.G.A. § 16-6-2), armed robbery (O.C.G.A. § 16-8-41), first degree arson (O.C.G.A. § 16-7-60), felony weapons charge (O.C.G.A. § 16-11-127.1), kidnapping (O.C.G.A. § 16-5-40), murder (O.C.G.A. § 16-5-1), rape (O.C.G.A. § 16-6-1), voluntary manslaughter (O.C.G.A. § 16-5-2), or terroristic threats (O.C.G.A. § 16-11-37).

(2) Requirements.

(a) Local school systems (LSSs) shall annually report to the Georgia Department of Education on a date and in a manner specified by the Department data regarding students found by official action to be in violation of a school rule related to a criminal offense as identified in paragraphs (1)(d)1 and (l)(d)2.

(b) The Georgia Department of Education shall identify by July 1 of each year persistently dangerous public schools using the criteria specified in paragraph (l)(d) and shall notify the LSS superintendent of such identification.

(c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the Elementary and Secondary Education Act (ESEA) as currently reauthorized, LSSs shall allow students to transfer to a school that is in compliance with current state and/or federal accountability. Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

(d) Any student who is the victim of a violent criminal offense that occurs on the property of a public school in which the student is enrolled, while attending a school sponsored event that occurs on the property of a public school, or while attending an event under the jurisdiction of a public school shall be permitted to attend a safe public school, including a charter school. Each local board of education shall adopt a policy that facilitates the transfer of students who are victims of violent criminal offenses. This policy shall provide that the transfer shall occur within ten school days of the commission of the violent criminal offense, and to the extent possible, shall allow victims to transfer to a school that is in compliance with current state and/or federal accountability requirements.

(e) A local board of education with one or more of its schools identified as persistently dangerous is not required to cover the cost of transportation to a safe public school beyond the levels identified by federal legislation.

(f) LSSs shall develop and local boards of education shall adopt a corrective action plan for each school identified by the Georgia Department of Education as a persistently dangerous school. The corrective action plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as persistently dangerous. The LSS shall submit
to the Georgia Department of Education for approval the corrective action plan. This plan shall be submitted within 20 school days after the Georgia Department of Education notifies the local school system that a school has been classified as a persistently dangerous school.

1. Upon completion of its planned corrective action, a LSS may apply to the Georgia Department of Education to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the Georgia Department of Education shall reassess the school using the criteria for persistently dangerous schools as specified in paragraph (1)(d) of this rule.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

16-11-127.1. Carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school.

(a) As used in this Code section, the term:
   (4) "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chakka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone, at a school function, or on a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of Title 25.
   (2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than $10,000.00, by imprisonment for not less than two nor more than ten years, or both.
   (3) Any person convicted of a violation of this subsection involving a dangerous weapon or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than $10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.
   (4) A child who violates this subsection may be subject to the provisions of Code Section 15-11-601.

20-2-751. Definitions.

As used in this subpart, the term:
   (1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.
   (2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
   (3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.
   (4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether...
made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun cha hka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.

(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.

(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

(12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

16-11-127.1. Carrying weapons within school safety zones, at school functions, or on school property.

(a) As used in this Code section, the term:

(1) "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.
(2) "School function" means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.

(3) "School safety zone" means in or on any real property or building owned by or leased to:

   (A) Any public or private elementary school, secondary school, or local board of education and used for elementary or secondary education; and

   (B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

(4) "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone, at a school function, or on a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than $10,000.00, by imprisonment for not less than two nor more than ten years, or both.

(3) Any person convicted of a violation of this subsection involving a dangerous weapon or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than $10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.

(4) A child who violates this subsection may be subject to the provisions of Code Section 15-11-601.

(c) The provisions of this Code section shall not apply to:

   (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;

   (2) Participants in organized sport shooting events or firearm training courses;

   (3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;

   (4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;

   (5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

      (A) A peace officer as defined by Code Section 35-8-2;

      (B) A law enforcement officer of the United States government;
(C) A prosecuting attorney of this state or of the United States;
(D) An employee of the Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such department or correctional agency or facility to carry a firearm;
(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;
(F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
(G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;

provided, however, that this Code section shall not apply to any extent to persons who are provided for under Code Section 16-11-130;

(6) A person who has been authorized in writing by a duly authorized official of a public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education or a local board of education as provided in Code Section 16-11-130.1 to have in such person's possession or use within a school safety zone, at a school function, or on a bus or other transportation furnished by a school a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;

(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked within a school safety zone or is in transit through a designated school safety zone;

(8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school, or when such vehicle is used to transport someone to an activity being conducted within a school safety zone which has been authorized by a duly authorized official or local board of education as provided by paragraph (6) of this subsection; provided, however, that this exception shall not apply to a student attending a public or private elementary or secondary school;

(9) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;

(11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;

(12) Community supervision officers employed by and under the authority of the Department of Community Supervision when specifically designated and authorized in writing by the commissioner of community supervision;

(13) Public safety directors of municipal corporations;

(14) State and federal trial and appellate judges;
(15) United States attorneys and assistant United States attorneys;
(16) Clerks of the superior courts;
(17) Teachers and other personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle;
(18) Constables of any county of this state;
(19) Any person who is 18 years of age or older or currently enrolled in classes on the campus in question and carrying, possessing, or having under such person's control an electroshock weapon while in or on any building or real property owned by or leased to such public technical school, vocational school, college or university or other public institution of postsecondary education; provided, however, that, if such person makes use of such electroshock weapon, such use shall be in defense of self or others. The exemption under this paragraph shall apply only to such person in regard to such electroshock weapon. As used in this paragraph, the term "electroshock weapon" means any commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge, including, but not limited to, a stun gun or taser as defined in subsection (a) of Code Section 16-11-106; or
(20)(A) Any weapons carry license holder when he or she is in any building or on real property owned by or leased to any public technical school, vocational school, college, or university, or other public institution of postsecondary education; provided, however, that such exception shall:
   (i) Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
   (ii) Not apply to any preschool or childcare space located within such buildings or real property;
   (iii) Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Code Section 20-4-37;
   (iv) Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the "Move on When Ready Act" as provided for under Code Section 20-2-161.3;
   (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;
   (vi) Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code Section 16-11-129; and
   (vii) Only apply to the carrying of handguns which are concealed.
(B) Any weapons carry license holder who carries a handgun in a manner or in a building, property, room, or space in violation of this paragraph shall be guilty of a misdemeanor; provided, however, that for a conviction of a first offense, such weapons carry license holder shall be punished by a fine of $25.00 and not be sentenced to serve any term of confinement.
(C) As used in this paragraph, the term:
   (i) "Concealed" means carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one's person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such person, carrying within a bag of a nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others.
   (ii) "Preschool or childcare space" means any room or continuous collection of rooms or any enclosed outdoor facilities which are separated from other spaces by an electronic mechanism or human-
staffed point of controlled access and designated for the provision of preschool or childcare services, including, but not limited to, preschool or childcare services licensed or regulated under Article 1 of Chapter 1A of Title 20.

(d)(1) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, that it shall be unlawful for any such person to carry, possess, or have under such person's control while at a school building or school function or on school property or a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

(e) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a bus or other transportation furnished by a school.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area of the real property of a school board or a private or public elementary or secondary school that is used for school purposes or the area of any public or private technical school, vocational school, college, university, or other institution of postsecondary education, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(g) A county school board may adopt regulations requiring the posting of signs designating the areas of school boards and private or public elementary and secondary schools as "Weapon-free and Violence-free School Safety Zones."

(h) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130.

20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.
(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

   (12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;

REGULATIONS

160-4-7-.10. Discipline.

(5) Special circumstances.

   (a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

       1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA;

       3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.

(7) Definitions.

For purpose of this section, the following definitions apply:

   (c) Serious bodily injury - has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

   (d) Weapon - has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

160-4-8-.15. Student discipline.

(2) Requirements.

   11. Possession of a weapon, as provided for in O.C.G.A. § 16-11-127.1;

   20. A statement that major offenses including, but not limited to, drug and weapon offenses can lead to schools being named as an Unsafe School according to the provisions of State Board of Education Rule 160-4-8-.16 Unsafe School Choice Option.
Students with chronic disciplinary issues

LAWS

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.
(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

(14) Willful and persistent violation of the student code of conduct;

As used in this subpart, the term:

(1) “Chronic disciplinary problem student” means a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur.

(2) “Expulsion” means expulsion of a student from a public school beyond the current school quarter or semester.

(3) “Suspension” means the short-term suspension of a student from a public school for not more than ten days or long-term suspension for more than ten days pursuant to Code Section 20-2-751.

20-2-765. Notification of parent or guardian of chronic disciplinary problem student; observance of child by parent or guardian; attendance of conference with principal or teacher or both.
Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail the student’s parent or guardian of the disciplinary problem, invite such parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference with the principal or the teacher or both to devise a disciplinary and behavioral correction plan.

20-2-766. Students returning from expulsion or suspension; notice to parents; conference with principal or teacher to devise disciplinary and behavioral correction plan.
Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted shall request by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or his or her designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.

20-2-766.1. Proceeding against parents for failure to cooperate in educational programs; penalty.
The local board of education may, by petition to the juvenile court, proceed against a parent or guardian as provided in this Code section. If the court finds that the parent or guardian has willfully and unreasonably failed to attend a conference requested by a principal pursuant to Code Section 20-2-765 or 20-2-766, the court may order the parent or guardian to attend such a conference, order the parent or guardian to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, or both. After notice and opportunity for hearing, the court may impose a fine, not to exceed $500.00, on a parent or guardian who willfully disobeys an order of the court entered under this
Code section. The court may use its contempt and other powers specified in Code Section 15-11-31 to enforce any order entered under this Code section.

REGULATIONS

160-4-7-.10. Discipline.
(12) Change of placement because of disciplinary removals.
   (a) For purposes of removals of a child with a disability from the child’s current educational placement under this Rule, a change in placement occurs if:
      1. The removal is for more than 10 consecutive school days, or
      2. The child has been subjected to a series of removals that constitute a pattern -
         (i) Because the series of removals total more than 10 school days in a school year;
         (ii) Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals, and;
         (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

160-4-8-.15. Student discipline.
(2) Requirements.
   13. Willful and persistent violation of student codes of conduct;

Attendance and truancy

LAWS

(a) Mandatory attendance in a public school, private school, or home school program shall be required for children between their sixth and sixteenth birthdays. Such mandatory attendance shall not be required where the child has successfully completed all requirements for a high school diploma.

(b) Every parent, guardian, or other person residing within this state having control or charge of any child or children during the ages of mandatory attendance as required in subsection (a) of this Code section shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program under such penalty for noncompliance with this subsection as is provided in Chapter 11 of Title 15, unless the child’s failure to enroll and attend is caused by the child's parent, guardian, or other person, in which case the parent, guardian, or other person alone shall be responsible; provided, however, that tests and physical exams for military service and the National Guard and such other approved absences shall be excused absences. The requirements of this subsection shall apply to a child during the ages of mandatory attendance as required in subsection (a) of this Code section who has been assigned by a local board of education or its delegate to attend an alternative public school program established by that local board of education, including an alternative public school program provided for in Code Section 20-2-154.1, regardless of whether such child has been suspended or expelled from another public school program by that local board of education or its delegate, and to the parent, guardian, or other person residing in this state who has control or charge of such child. Nothing in this Code section shall be
construed to require a local board of education or its delegate to assign a child to attend an alternative public school program rather than suspending or expelling the child.

(c) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who violates this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $25.00 and not greater than $100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested, or first-class mail. Prior to any action to commence judicial proceedings to impose a penalty for violating this subsection on a parent, guardian, or other person residing in this state who has control or charge of a child or children, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child or children. Public schools shall retain signed copies of statements through the end of the school year.

(d) Local school superintendents in the case of private schools, the Department of Education in the case of home study programs, and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

(e) An unemancipated minor who is older than the age of mandatory attendance as required in subsection (a) of this Code section who has not completed all requirements for a high school diploma who wishes to withdraw from school shall have the written permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting such permission, the school principal or designee shall convene a conference with the child and parent or legal guardian within two school days of receiving notice of the intent of the child to withdraw from school. The principal or designee shall make a reasonable attempt to share with the student and parent or guardian the educational options available, including the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Every local board of education shall adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The policy shall be filed with the Department of Education no later than January 1, 2007. The Department of Education shall provide annually to all local school superintendents model forms for the parent or guardian signature requirement contained in this subsection and updated information from reliable sources relating to the consequences of withdrawing from school without completing all requirements for a high school diploma. Such form shall include information relating to the opportunity to pursue a general educational development (GED)
diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Each local school superintendent shall provide such forms and information to all of its principals of schools serving grades six through twelve for the principals to use during the required conference with the child and parent or legal guardian.

20-2-690.2. Establishment of student attendance and school climate committee; membership; summary of penalties for failure to comply; review and policy recommendations; reporting.

(a) The chief judge of the superior court of each county shall establish a student attendance and school climate committee for such county. The purpose of the committee shall be to ensure coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, to increase the percentage of students present to take tests which are required to be administered under the laws of this state, and to improve the school climate in each school. The chief judge is responsible for ensuring that all members of the committee are notified of their responsibility to the committee and shall call the first meeting of the committee in each county. The committee shall elect a chairperson and may elect other officers.

(b) Each local board of education shall participate in, consider, and make publicly available, including, but not limited to, posting in a conspicuous location, its decision regarding the recommendations of the committee as provided in this Code section. Independent school systems may participate in the committee in the county where the system is located. Independent school systems whose geographic area encompasses more than one county may select one of such counties in which to participate. An independent school system that elects not to participate in the committee in the county where it is located shall request that the chief judge of the superior court of a county encompassed by its geographic area establish an independent student attendance and school climate committee in the same manner as established for the county school system.

(c) Each of the following agencies, officials, or programs shall designate a representative to serve on the committee:

(1) The chief judge of the superior court;
(2) The juvenile court judge or judges of the county;
(3) The district attorney for the county;
(4) The solicitor-general of state court, if the county has a state court;
(5) The Department of Juvenile Justice, which may include representatives from area juvenile detention facilities as defined in Code Section 49-4A-1;
(6) The superintendent, a certificated school employee, and a local school board member from each public school system in the county and a certificated school social worker from each public school system, if any are employed by the school system;
(7) The sheriff of the county;
(8) The chief of police of the county police department;
(9) The chief of police of each municipal police department in the county;
(10) The county department of family and children services;
(11) The county board of health;
(12) The county mental health organization;
(13) The county Family Connection commission, board, or authority, or other county agency, board, authority, or commission having the duty and authority to study problems of families, children, and youth and provide services to families, children, and youth; and
(14) The court approved community-based risk reduction program established by the juvenile court in accordance with Code Section 15-11-38, if such a program has been established.

(d) The committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the committee.

(e)(1) Each committee shall, by June 1, 2005, adopt a written student attendance protocol for its county school system and for each independent school system within its geographic boundaries which shall be filed with the Department of Education. The protocol shall outline in detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1, relating to mandatory school attendance. The protocol shall outline in detail methods for determining the causes of failing to comply with compulsory attendance and appropriately addressing the issue with children and their parents or guardians. The protocol shall also include recommendations for policies relating to tardiness. The Department of Education shall provide model school attendance protocols, if requested by the committee.

(2) A copy of the protocol shall be furnished to each agency, official, or program within the county that has any responsibility in assisting children and their parents or guardians in complying with Code Section 20-2-690.1.

(3) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for children in need of services and possible denial of a driver's license for a child in accordance with Code Section 40-5-22.

(f) The committee shall review and make recommendations for policies relating to school climate for the purpose of promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts, and other negative aspects of the total school environment. Such review may include school climate ratings established pursuant to Code Section 20-14-33 for each school in the county school system and any independent school systems, if applicable. The committee may review, if available, nonidentifying data from student health surveys, data on environmental and behavioral indicators, data on student behavioral and school-based reactions, and teacher and parent survey instruments. The committee may recommend the use of positive behavioral interventions and supports and response to intervention, trauma informed care training, and the optimization of local resources through voluntary community, student, teacher, administrator, and other school personnel participation.

(g) The chief judge of the superior court of each county shall ensure that the committee meets at least twice annually to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications and to review and revise, if necessary, recommendations relating to school climate.

(h) Each local board of education shall report student attendance rates and aggregated student discipline data to the committee and the State Board of Education at the end of each school year, according to a schedule established by the State Board of Education.

20-2-701. Responsibility for reporting truants to juvenile or other courts.

Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The
Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

REGULATIONS

160-4-8-.12. Alternative/Non-traditional education programs.

(1) Definitions.

(c) Attendance Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to make-up an absence(s) by attending a program outside the normal school day (e.g., Saturday program) that provides the equivalent instructional time and curriculum for the time the student was absent within the current academic year.

(3) Reporting Requirements.

(b) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) report to GaDOE both the number of actual absences (excused and unexcused) that students served by the Attendance Recovery Program incurred during the school year and the number of absences the students served by the Attendance Recovery Program recovered during the same school year.

160-4-8-.15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

7. Guidelines and consequences resulting from failure to comply with compulsory attendance as required under O.C.G.A § 20-2-690.1;

160-5-1-.10 Student Attendance.

(1) Definitions.

(a) Foster Care Student- a student who is in a foster home or otherwise in the foster care system under the Division of Family and Children Services of the Department of Human Services.

(b) Student Attendance Protocol- procedures to be used in identifying, reporting, investigating and prosecuting cases of alleged violations of O.C.G.A. § 20-2-690.1, relating to mandatory school attendance and appropriately addressing the issue with parents and guardians. The protocol shall also include recommendations for policies relating to tardiness.

(c) Student Attendance and School Climate Committee- a committee established, pursuant to O.C.G.A. § 20-2-690.2, by the chief judge of the superior court of each county for the purpose of ensuring coordination and cooperation among officials, agencies and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state, and to improve the school climate in each school.

(d) Student Teen Election Participant (STEP)- a program designed to permit full-time public, private, and home schooled high school students the opportunity to volunteer to work as poll officers during any primary, special, or general election according to the provisions set forth in O.C.G.A. § 21-2-92.

(e) Truant- any child subject to compulsory attendance who during the school calendar year has more than five days of unexcused absences.

(2) Requirements.
(a) School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy.

(b) Local boards of education shall adopt policies and procedures excusing students from school under the following circumstances, as a minimum. Policies may require submission of appropriate documentation.

1. Personal illness or when attendance in school endangers the student's health or the health of others.
   (i) Local boards of education may require students to present appropriate medical documentation upon return to school for the purpose of validating that the absence is an excused absence. With proper verification a student may be eligible for hospital/homebound instruction as outlined in State Board of Education Rule 160-4-2-.31 Hospital/Homebound (HHB) Services.

2. A serious illness or death in a student's immediate family necessitating absence from school.
   (i) In the event of a serious illness in a student's immediate family, local boards of education may require students to present appropriate medical documentation regarding the family member upon return to school for the purpose of validating that the absence is an excused absence.

3. A court order or an order by a government agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.

4. The observation of religious holidays, necessitating absence from school.

5. Conditions rendering attendance impossible or hazardous to student health or safety.

6. Registering to vote or voting in a public election, which shall not exceed one day.

7. A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave.

8. A student whose parent or legal guardian is currently serving or previously served on active duty in the armed forces of the United States, in the Reserves of the armed forces of the United States on extended active duty, or in the National Guard on extended active duty may be granted excused absences, up to a maximum of five school days per school year, not to exceed two school years, for the day or days missed from school to attend military affairs sponsored events, provided the student provides documentation prior to absence from:
   (i) A provider of care at or sponsored by a medical facility of the United States Department of Veterans Affairs; or
   (ii) An event sponsored by a corporation exempt from taxation under Section 501(c)(19) of the Internal Revenue Code.

9. Nothing in Sections (2)(b)7 and (2)(b)8 of this rule shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes.

10. Any other absence not explicitly defined herein but deemed by the local school board of education to have merit based on circumstances.

(c) Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly as set forth in O.C.G.A. § 20-2-692.

(d) A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school and shall not be counted as an absence, either excused or
unexcused, for any day, portion of a day, or days missed from school as set forth in O.C.G.A. § 20-2-692.2.

(e) A student who successfully participates in the Student Teen Election Participant (STEP) program shall be counted as present and given full credit for the school day during which he or she served in the STEP program. No student shall be permitted to be absent from school or participate in the STEP program for more than two school days per school year.

(f) Final course grades of students shall not be penalized because of absences if the following conditions are met:

1. Absences are justified and validated for excusable reasons.
2. Make up work for excused absences was completed satisfactorily.

(g) Local boards of education are not required to provide make-up work for unexcused absences.

(h) Nothing in this rule should be construed to encourage student absences or as an approval of excessive unexcused absences.

(i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:

1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and

2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and

3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student’s enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for non-compliance to the local system’s policy.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

(k) Each local board of education shall adopt as a part of the student codes of conduct developed pursuant to O.C.G.A. § 20-2-735 a definition of truancy that contains the minimum standards established by State Board of Education Rule 160-5-1-.10 Student Attendance and a summary of possible consequences and penalties for truancy.

(l) Pursuant to O.C.G.A. § 20-2-690.2, each local school system shall participate in a student attendance and school climate committee. Independent school systems may participate in the committee in the county where the system is located. Independent school systems whose geographic
area encompasses more than one county may select one of such counties in which to participate. An independent school system that elects not to participate in the committee of the county where it is located shall request the chief judge of the superior court of a county encompassed by its geographic area to establish an independent student attendance and school climate committee.

1. The superintendent or the superintendent's designee of the local school system shall fully and actively assist in the planning, implementation, and evaluation activities of the local school system student attendance and school climate committee.

2. The superintendent, a certificated school employee, a local school board member from each public school system in the county, and a certificated school social worker from each public school system, if any are employed by the school system, shall serve on the student attendance and school climate committee.

3. Each local board of education shall consider and publicly announce its decisions regarding the recommendations of the student attendance and school climate committee.

4. Each local board of education shall report annual student attendance rates to the student attendance and school climate committee and the State Board of Education by September 1 following each school year.

5. The local school system shall be responsible for providing a copy of the written student attendance protocol to the Department by July 1, 2005, and upon any subsequent revisions or amendments.

6. The Department shall develop and disseminate exemplary model protocols that may be implemented by local boards of education.

### Substance use

**LAWS**

**16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools.**

(a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary education.

(b) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

- (1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or
- (2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) It shall be no defense to a prosecution for a violation of this Code section that:

- (1) School was or was not in session at the time of the offense;
(2) The real property was being used for other purposes besides school purposes at the time of the offense; or
(3) The offense took place on a school vehicle.

(e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of a school board or a private or public elementary or secondary school that is used for school purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."

(g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain. Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsection (a) of this Code section.

20-2-142. Prescribed courses.

(b)(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) The alcohol and drug course required by this subsection shall make available as a part of such course a voluntary parent or guardian participation component which substantially complies with the following requirements:

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

(B) A separate voluntary component solely for parental or guardian instruction that provides drug prevention strategies, legal accountability information, an opportunity for parent or guardian
questions, and any other information that would offer parents or guardians a framework for the protection of their children from alcohol and other drug use.

(3) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students and their parents or guardians the alcohol and drug course provided in this subsection.

(4) The commissioner of driver services shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of driver services shall offer the alcohol and drug course periodically at various locations in this state in the manner provided by the Board of Driver Services. The commissioner shall also be authorized to offer such course electronically online or in such other manner as determined appropriate by the commissioner.

(c) The State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish minimum time requirements and standards for its administration. The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health. A manual setting out the details of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Public Health, the state board, and such expert advisers as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning alcohol and drug abuse, taking into consideration technological enhancements available for utilization of such instructional resources.

(d) The funds allocated under Code Section 20-2-13 shall be used for the purpose of creating and maintaining state educational research services for purposes which shall include, but shall not be limited to, the following:

(1) For the development, production, and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health and behavior and on social and economic conditions, including suggested methods of instruction in ways of working with boys and girls and young people in the various age groups and grade levels of the public schools of the state, as aids to classroom teachers and others responsible for the conduct of the educational program in the public schools;

(2) For the publication, procurement, and dissemination of curriculum materials, units of instruction, and suggested methods of instruction relating to the influence and effect of alcohol on human health and behavior and on social and economic conditions for the school teachers and educational officials in the various local school systems of the state, the Department of Education, and the various educational institutions of the state which are engaged in the education and training of teachers; and

(3) For cooperative work, by and between the state educational research service and the local school systems of the state, the Department of Education, and the educational institutions of the state which are engaged in the education and training of teachers, through conferences, study groups, demonstrations of methods and materials of instruction, and other means.

(e) The state board is authorized to expend such amounts as may be necessary of the moneys allocated to it under Code Section 20-2-13 for the employment of a specialist or specialists or for contracting for the services of specialists in research and in development and production of curriculum materials and units of instruction on the scientific facts in regard to the influence of alcohol on human health and behavior and on social and economic conditions, including methods of instruction; for the employment of secretarial and clerical assistants and other office expenses; for expenses of conferences, study groups, and demonstrations; and for all other expenses necessary in carrying out the purposes of this Code section.
20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.
(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:
   (13) Unlawful use or possession of illegal drugs or alcohol;

REGULATIONS

160-4-2-.12. Comprehensive health and physical education program plan.
(1) Definitions.
   (a) Alcohol and other drug use education - a planned program of instruction that provides information about the use, misuse and abuse of alcohol, tobacco, legal and illegal drugs.
(2) Requirements.
   (a) The local board of education shall develop and implement an accurate, comprehensive health and physical education program that shall include information and concepts in the following areas.
      1. Alcohol and other drug use
   (d) Each school containing any grade K-12 shall provide alcohol and other drug use education on an annual basis at each grade level.

160-4-7-.10. Discipline.
(5) Special circumstances.
   (a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
      2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA; or
(7) Definitions.
For purpose of this section, the following definitions apply:
   (a) Controlled substance - a drug or other substance identified under schedules I, 11, 111, IV , or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
   (b) Illegal drug - a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

160-4-8-.15. Student discipline.
(2) Requirements.
   12. Unlawful use or possession of illegal drugs or alcohol;
Bullying, harassment, or hazing

LAWS

16-5-61. Hazing.
(a) As used in this Code section, the term:
   (1) “Haze” means to subject a student to an activity which endangers or is likely to endanger the physical health of a student, regardless of a student's willingness to participate in such activity.
   (2) “School” means any school, college, or university in this state.
   (3) “School organization” means any club, society, fraternity, sorority, or a group living together which has students as its principal members.
   (4) “Student” means any person enrolled in a school in this state.
(b) It shall be unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization.
(c) Any person who violates this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.
(a) As used in this Code section, the term "bullying" means an act that is:
   (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;
   (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or
   (3) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:
      (A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;
      (B) Has the effect of substantially interfering with a student's education;
      (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
      (D) Has the effect of substantially disrupting the orderly operation of the school. The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students’ or school personnel's person or property or has a high likelihood of succeeding in that purpose. For purposes of this Code Section, electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system.
(b) No later than August 1, 2011:
(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

   (1) A statement prohibiting bullying;
   
   (2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;
   
   (3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;
   
   (4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;
   
   (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;
   
   (6) A statement prohibiting retaliation following a report of bullying; and
   
   (7) Provisions consistent with the requirements of subsection (b) of this Code section.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

(f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

   (15) Bullying as defined by Code Section 20-2-751.4;
(b)(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

REGULATIONS

160-4-8-.15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct that contain the following, at a minimum:

14. Bullying as defined in O.C.G.A. § 20-2-751.4;
16. Each local board of education shall adopt policies, applicable to students in grades 6 through 12 that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct in that school system. Local board policies shall require that, upon a finding that a student in grades 6 through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school.

Other special infractions or conditions

LAWS

20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

1. Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;
2. Physical assault or battery of teachers, administrators, and other school personnel;
3. Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;
4. Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
5. Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
6. Disrespectful conduct toward other students, including use of vulgar or profane language;
7. Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions;
8. Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;
(9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
(10) Inciting, advising, or counseling of others to engage in prohibited acts;
(11) Marking, defacing, or destroying school property;
(12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;
(13) Unlawful use or possession of illegal drugs or alcohol;
(14) Willful and persistent violation of the student code of conduct;
(15) Bullying as defined by Code Section 20-2-751.4;
(16) Marking, defacing, or destroying the property of another student; and
(17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

With regard to paragraphs (9), (11), and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

(A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;
(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and
(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

20-2-1181. Disrupting operations of public school, school bus, or school bus stop; penalty; progressive discipline.
(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local boards of education. Except as provided in subsection (b) of this Code section, a person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

(b)(1) As used in this subsection, the term "complaint" shall have the same meaning as set forth in Code Section 15-11-2.

(2) A local board of education shall develop a system of progressive discipline that may be imposed on a child accused of violating this Code section before initiating a complaint.

(3) When a complaint is filed involving a violation of this Code section by a child not included in paragraph (4) of this subsection, it shall include information showing that the local board of education sought to:

(A) Resolve the expressed problem through available educational approaches; and
(B) Engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

(4) When a complaint is filed involving a violation of this Code section by a child who is eligible for or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, it shall include information showing that the local board of education:

(A) Has determined that such child is eligible or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973;
(B) Has reviewed for appropriateness such child's current Individualized Education Program (IEP) and placement and has made modifications where appropriate;
(C) Sought to resolve the expressed problem through available educational approaches; and
(D) Sought to engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

REGULATIONS

160-4-8-.15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

1. Standards for student behavior during school hours, at school-related functions, on school buses, and at school bus stops designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools;
2. Verbal assault, including threatening violence, of teachers, administrators, and other school personnel;
3. Physical assault or battery of teachers, administrators or other school personnel;
4. Disrespectful conduct toward teachers, administrators, other school personnel, persons attending school related functions or other students, including use of vulgar or profane language;
5. Verbal assault of other students, including threatening violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
6. Sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972 or physical assault or battery of other students.
7. Guidelines and consequences resulting from failure to comply with compulsory attendance as required under O.C.G.A § 20-2-690.1;
8. Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
9. Inciting, advising, or counseling of others to engage in prohibited acts;
10. Marking, defacing or destroying school property or the property of another student;
11. Possession of a weapon, as provided for in O.C.G.A. § 16-11-127.1;
12. Unlawful use or possession of illegal drugs or alcohol;
13. Willful and persistent violation of student codes of conduct;
14. Bullying as defined in O.C.G.A. § 20-2-751.4;
15. Any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student’s continued presence at school a potential danger to persons or property at the school or which disrupts the educational process;
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

**20-2-142. Prescribed courses.**

(b)(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) The alcohol and drug course required by this subsection shall make available as a part of such course a voluntary parent or guardian participation component which substantially complies with the following requirements:

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

(B) A separate voluntary component solely for parental or guardian instruction that provides drug prevention strategies, legal accountability information, an opportunity for parent or guardian questions, and any other information that would offer parents or guardians a framework for the protection of their children from alcohol and other drug use.

(3) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students and their parents or guardians the alcohol and drug course provided in this subsection.

(4) The commissioner of driver services shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of driver services shall offer the alcohol and drug course periodically at various locations in this state in the manner provided by the Board of Driver Services. The commissioner shall also be authorized to offer such course electronically online or in such other manner as determined appropriate by the commissioner.

(c) The State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish minimum time requirements and standards for its administration. The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health. A manual setting out the details of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Public Health, the state board, and such expert advisers as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning alcohol and drug abuse, taking into consideration technological enhancements available for utilization of such instructional resources.
(d) The funds allocated under Code Section 20-2-13 shall be used for the purpose of creating and maintaining state educational research services for purposes which shall include, but shall not be limited to, the following:

1. For the development, production, and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health and behavior and on social and economic conditions, including suggested methods of instruction in ways of working with boys and girls and young people in the various age groups and grade levels of the public schools of the state, as aids to classroom teachers and others responsible for the conduct of the educational program in the public schools;

2. For the publication, procurement, and dissemination of curriculum materials, units of instruction, and suggested methods of instruction relating to the influence and effect of alcohol on human health and behavior and on social and economic conditions for the school teachers and educational officials in the various local school systems of the state, the Department of Education, and the various educational institutions of the state which are engaged in the education and training of teachers; and

3. For cooperative work, by and between the state educational research service and the local school systems of the state, the Department of Education, and the educational institutions of the state which are engaged in the education and training of teachers, through conferences, study groups, demonstrations of methods and materials of instruction, and other means.

(e) The state board is authorized to expend such amounts as may be necessary of the moneys allocated to it under Code Section 20-2-13 for the employment of a specialist or specialists or for contracting for the services of specialists in research and in development and production of curriculum materials and units of instruction on the scientific facts in regard to the influence of alcohol on human health and behavior and on social and economic conditions, including methods of instruction; for the employment of secretarial and clerical assistants and other office expenses; for expenses of conferences, study groups, and demonstrations; and for all other expenses necessary in carrying out the purposes of this Code section.

(f) The state board shall make available uniformly to the public schools of the state and the educational institutions of the state engaged in the education and training of teachers the curriculum materials, the units of instruction, and the suggested methods of instruction which are developed under this Code section.


(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the “character curriculum” and shall focus on the students’ development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.

(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.
20-2-155. School climate management program; model codes of behavior and discipline.
The State Board of Education shall establish a state-wide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes. Such projects will be designed to optimize local resources through voluntary community, student, teacher, administrator, and other school personnel participation. These processes will be designed for, but will not be limited to, promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts, and other negative aspects of the total school environment. The state board upon request of a local school system is authorized to provide the necessary on-site technical assistance to local schools and systems and to offer other assistance through regional and state-wide conferences and workshops, printed material, and such other assistance as may be deemed appropriate under this Code section. The state board shall, upon request of a local school system, produce model codes of behavior and discipline and shall produce guidelines for application and administration of such codes. The results of this program shall be annually presented to the General Assembly for review in determining future appropriations for state-level technical assistance necessary to perform the duties assigned to the state board under this Code section.

The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the content standards provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia.

20-2-739. Conflict management resolution; cultural diversity training program.
On and after July 1, 2000, the Department of Education shall provide training programs in conflict management and resolution and in cultural diversity for voluntary implementation by local boards of education for school employees, parents and guardians, and students.

REGULATIONS

160-4-2-.12. Comprehensive health and physical education program plan.
(1) Definitions.
(a) Alcohol and other drug use education - a planned program of instruction that provides information about the use, misuse and abuse of alcohol, tobacco, legal and illegal drugs.
(2) Requirements.
(a) The local board of education shall develop and implement an accurate, comprehensive health and physical education program that shall include information and concepts in the following areas.
   1. Alcohol and other drug use
(d) Each school containing any grade K-12 shall provide alcohol and other drug use education on an annual basis at each grade level.
Behavioral interventions and student support services

LAWS

20-2-735. Adoption of policies by local boards to improve student learning environment.
(c) Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be available through the school, the school system, other public entities, or community organizations.

(a) As used in this Code section, the term:
   (1) "High needs school" means a public school which has received a school climate rating of "1-star" or "2-star" pursuant to Code Section 20-14-33.
   (2) "Positive behavioral interventions and supports" or "PBIS" means an evidence based data-driven framework to reduce disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes through a multitiered approach, using disciplinary data and principles of behavior analysis to develop school-wide, targeted, and individualized interventions and supports.
   (3) "Response to intervention" or "RTI" means a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.
(b) Local boards of education are encouraged to implement PBIS and RTI programs and initiatives in their schools, and particularly in high needs schools.
(c) The State Board of Education is authorized, subject to appropriations by the General Assembly, to provide funds to local school systems to support PBIS and RTI programs, initiatives, and personnel.
(d) The State Board of Education is authorized to establish rules and regulations for PBIS and RTI programs and initiatives which receive funding pursuant to this Code section.

20-2-742. Multi-tiered system of supports prior to suspension or expulsion for certain students.
(a) As used in this Code section, the term:
   (1) "Multi-tiered system of supports" or "MTSS" means a systemic, continuous-improvement framework in which data based problem solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.
   (2) "Public preschool through third grade" means a public preschool, a Pre-K program in a public school administered pursuant to Code Section 20-1A-4, and kindergarten through third grade in a public school.
   (3) "Response to intervention" or "RTI" means a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.
   (4) "Weapon" shall include dangerous weapons, firearms, and hazardous objects as defined in Code Section 20-2-751.
(b) No student in public preschool through third grade shall be expelled or suspended from school for more than five consecutive or cumulative days during a school year without first receiving a multi-tiered system of supports, such as response to intervention, unless such student possessed a weapon, illegal drugs, or other dangerous instrument or such student's behavior endangers the physical safety of other students or school personnel. If such student is receiving or has received a multi-tiered system of supports, the school shall be deemed to have met the requirements of this Code section. The school or
program shall comply with all federal laws and requirements regarding obtaining parental consent during any advanced tier within the system of supports prior to certain screenings or evaluations.

(c) In addition to the requirements in subsection (b) of this Code section, prior to assigning any student in preschool through third grade to out-of-school suspension for more than five consecutive or cumulative days during a school year, if such student has an Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school or program shall also convene an IEP or Section 504 meeting to review appropriate supports being provided as part of such Individualized Education Program or Section 504 plan.

REGULATIONS

160-4-8-.01. Student support services.

(1) Definitions.

(a) Alternative Education Program (AEP) - an educational program that serves students who are eligible to remain in the regular classroom but are more likely to succeed in a nontraditional setting such as that provided in an alternative education program, as well as students who are excluded from the regular classroom because of disciplinary reasons.

(b) Counseling - a process where some students receive assistance from professionals who assist them to overcome emotional and social problems or concerns which may interfere with learning.

(c) Guidance - a process of regular assistance that all students receive from parents, teachers, school counselors, and others to assist them in making appropriate educational and career choices.

(d) School Climate Management - systematic plan for addressing the factors that affect school climate including a consistent management style and leadership by the principal, a code of expected behavior, a code of disciplinary responses, a code of ethics for educators, a Student Support Team, delivery of counseling and psychological mental health services, methods to reduce absences and increase attendance, physical health support services, efforts to enlist parent and community support, utilization of volunteers, support by and for the parent teacher organization, a preventive safety plan and a crisis response plan, staff development, and the maintenance program for the school’s physical plant.

(e) School Counseling and Guidance Services - guidance program planning, implementation and evaluation; individual and group counseling; classroom and small group guidance; career and educational development; parent and teacher consultation; and referral.

(f) School Health Services - a process to address medically related health and safety issues and address requests by parents and physicians that the school provide appropriate health procedures to allow students to remain in school and increase opportunities for academic success.

(g) School Psychological Services - psychoeducational evaluation; crisis intervention; case study; consultation to student support teams, parents, teachers, and administrators; behavioral observations and analysis; and psychological counseling.

(h) School Social Work/Visiting Teacher Services - technical assistance on school climate issues; assessment and intervention, including written social histories; individual, group, and family counseling; and networking of appropriate home, school, and community services to address identified student problems.

(i) Student Support Services (SSS) - integrated and collaborative programs of school counseling and guidance services, school climate management and student discipline, school health services, school psychology services, alternative education programs, and school social work/visiting teacher services, provided individually or through a team approach, to all students at all grade levels.
(2) Requirements.

(a) Each local school system shall develop a Student Services Plan that prescribes and identifies programs and services that incorporate school climate improvement and management processes.

(b) Each Student Services Plan must minimally include guidelines for the systematic provision of the following components:

1. Alternative education programs
2. School psychological services
3. School climate management
4. School counseling and guidance services
5. School health services
6. School social work/visiting teacher services

(c) The local board of education (LBOE) shall provide for a School Climate Management Process to include improved student behavior and discipline in accordance with state and federal laws and State Board of Education rules regarding the Improved Student Learning Environment and Discipline Act of 1999.

(d) The LBOE shall provide for School Guidance and Counseling Services in accordance with state and federal laws, State Board of Education rules, and department guidelines.

(e) The LBOE shall provide School Social Work/Visiting Teacher Services by promoting home, school, and community cooperation to address the needs of the at-risk student population characterized by poverty, high absenteeism, academic failure, pregnancy, disruptive behavior or other student dysfunctions.

(f) The LBOE shall provide for School Psychological Services sufficient to satisfy federal and state regulations and additional legal obligations incurred through court agreement.

(g) The LBOE shall provide an Alternative Education Program in accordance with state and federal laws, State Board of Education rules, and department guidelines.

(h) The LBOE shall provide for a School Health Nurse Program and must establish policies and procedures regarding a School Health Nurse Program in accordance with state and federal laws.

160-4-8-.15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

17. Behavior support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services that may be available through the school, school system, other public entities, or community organizations that may help the student address behavioral problems; This rule neither mandates nor prohibits the use of student support teams as part of the student support process;
Professional development

LAWS

(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the “character curriculum” and shall focus on the students’ development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.
(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.

20-2-155. School climate management program; model codes of behavior and discipline.
The State Board of Education shall establish a state-wide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes. Such projects will be designed to optimize local resources through voluntary community, student, teacher, administrator, and other school personnel participation. These processes will be designed for, but will not be limited to, promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts, and other negative aspects of the total school environment. The state board upon request of a local school system is authorized to provide the necessary on-site technical assistance to local schools and systems and to offer other assistance through regional and state-wide conferences and workshops, printed material, and such other assistance as may be deemed appropriate under this Code section. The state board shall, upon request of a local school system, produce model codes of behavior and discipline and shall produce guidelines for application and administration of such codes. The results of this program shall be annually presented to the General Assembly for review in determining future appropriations for state-level technical assistance necessary to perform the duties assigned to the state board under this Code section.

20-2-739. Conflict management resolution; cultural diversity training program.
On and after July 1, 2000, the Department of Education shall provide training programs in conflict management and resolution and in cultural diversity for voluntary implementation by local boards of education for school employees, parents and guardians, and students.

20-2-779.1. Suicide prevention and awareness training; no duty of care imposed.
(a)(1) The Department of Education shall adopt rules to require that all certificated public school personnel receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in service training programs offered by the Department of Education or as part of required professional development offered by a local school system.

(2) The Department of Education shall, in consultation with the Department of Behavioral Health and Developmental Disabilities, the Suicide Prevention Program established pursuant to Code Section 37-1-
27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by a local school system if such training materials meet any criteria established by the department.

(3) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(4) Approved materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(5) (A) Each local school system shall adopt a policy on student suicide prevention. Such policies shall be developed in consultation with school and community stakeholders, school employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) To assist local school systems in developing their own policies for student suicide prevention, the Department of Education, in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities, shall establish a model policy for use by local school systems in accordance with this Code section.

(b) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this Code section or resulting from any training, or lack thereof, required by this Code section.

(c) The training, or lack thereof, required by the provisions of this Code section shall not be construed to impose any specific duty of care.

REGULATIONS

160-4-8-.19 Suicide prevention training requirement for certificated school system personnel.

(1) Definitions.

(a) Georgia Department of Education (GaDOE) - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

(b) Local Education Agency (LEA) - local school system pursuant to local board of education control and management.

(c) Certificated School System Personnel - individuals trained in education who hold a Clearance (C), Teaching (T), Leadership (L), Service (S), Technical Specialist (TS), or Permit (P) certification issued by the Georgia Professional Standards Commission or is an educator teaching students under a highly qualified definition.

(2) Requirements.

(a) Local education agencies shall adopt a policy on student suicide prevention. Such policies shall be developed in consultation with school and community stakeholders, school employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(b) To assist LEAs in developing their own policies for student suicide prevention, the Georgia Department of Education (GaDOE), in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities (DBHDD), shall establish a model policy for use by LEAs in accordance with O.C.G.A. § 20-2-779.1.
(c) All certificated public school personnel shall receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in-service training programs offered by the Georgia Department of Education or as part of required professional development offered by an LEA.

(d) The Georgia Department of Education shall, in consultation with the DBHDD, the Suicide Prevention Program established pursuant to O.C.G.A. § 37-1-27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by an LEA if such training materials meet any criteria established by the GaDOE.

(e) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(f) Approved materials may include programs that can be completed through selfreview of suitable suicide prevention materials.

160-5-1-.35 Seclusion and restraint for all students.

(2) Requirements. The written policies must include the following provisions:

(g) 1. Staff and faculty training on the use of physical restraint and the school or programs policy and procedures.

(h) Schools and programs that use physical restraints in accordance with paragraph (2)(e) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses a full continuum of positive behavioral intervention strategies as well as prevention and deescalation techniques. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Georgia Department of Education or any member of the public upon request.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

20-2-737. Reports by teacher of violations of student code of conduct; notification to parents of support services or disciplinary action.

(a) Local board policies adopted pursuant to Code Section 20-2-735 shall require the filing of a report by a teacher who has knowledge that a student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. Such report shall be filed with the principal or the principal's designee within one school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or the principal's designee shall, within one school day after receiving such a report from a teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(b) If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee shall send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after such utilization or action and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians. Such written notification shall include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

20-2-1184. Reporting of students committing prohibited acts.

(a) Any teacher or other person employed at any public or private elementary or secondary school or any dean or public safety officer employed by a college or university who has reasonable cause to believe that a student at that school has committed any act upon school property or at any school function, which act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127, 16-11-127.1, 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the principal or president of that school or the principal's or president's designee; provided, however, that an act which is prohibited by Code Section 16-11-127.1 shall be reported only when it involves a:

   (1) Firearm, as defined in Code Section 16-11-131;
   (2) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or
   (3) Weapon, as defined in Code Section 16-11-127.1, together with an assault.

(b) The principal or designee who receives a report made pursuant to subsection (a) of this Code section who has reasonable cause to believe that the report is valid shall make an oral report thereof immediately by telephone or otherwise to the appropriate school system superintendent and to the appropriate police authority and district attorney.

(c) Any person participating in the making of a report or causing a report to be made as authorized or required pursuant to this Code section or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, providing such participation pursuant to this Code section is made in good faith.
(d) Any person required to make a report pursuant to this Code section who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

REGULATIONS

160-4-8-15. Student discipline.

(2) Requirements.

(g) Local board policies shall require the filing of a report by a teacher documenting a student's violation of the student code of conduct which repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal's designee, shall not exceed one page, and shall describe the behavior. The principal or principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or principal's designee may be contacted.

Parental notification

LAWS


Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.

20-2-700. Reports by peace officers to school authorities and parent or guardian.

Any person taking action pursuant to Code Section 20-2-699 shall report the matter and the disposition made by him of the child to the school authorities of the county, independent or area school system, and to the child's parent or guardian.

20-2-731. When and how corporal punishment may be administered.

(4) The principal or teacher who administered corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the principal or assistant principal, or designee of the principal or assistant principal, who was present; provided, however, that such an explanation shall not be used as evidence in any subsequent civil action brought as a result of the corporal punishment;

20-2-737. Reports by teacher of violations of student code of conduct; notification to parents of support services or disciplinary action.

(a) Local board policies adopted pursuant to Code Section 20-2-735 shall require the filing of a report by a teacher who has knowledge that a student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. Such report shall be filed with the principal or the principal's designee within one school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or the principal's designee shall, within one school day after receiving such a report from a
teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(b) If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee shall send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after such utilization or action and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians. Such written notification shall include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.

(f) Within one school day of taking action pursuant to subsection (e) of this Code section, the principal or the principal's designee shall send written notification of such action to the teacher and the parents or guardians of the student and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.

(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.

(h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.

(b) No later than August 1, 2011:

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying;

20-2-765. Notification of parent or guardian of chronic disciplinary problem student; observance of child by parent or guardian; attendance of conference with principal or teacher or both.

Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail the student's parent or guardian of the disciplinary problem, invite such parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference with the principal or the teacher or both to devise a disciplinary and behavioral correction plan.

20-2-1181. Disrupting operations of public school, school bus, or school bus stop; penalty; progressive discipline.

(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local boards of education. Except as provided in subsection (b) of this Code section, a person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.
(b)(1) As used in this subsection, the term "complaint" shall have the same meaning as set forth in Code Section 15-11-2.

(2) A local board of education shall develop a system of progressive discipline that may be imposed on a child accused of violating this Code section before initiating a complaint.

(3) When a complaint is filed involving a violation of this Code section by a child not included in paragraph (4) of this subsection, it shall include information showing that the local board of education sought to:

(A) Resolve the expressed problem through available educational approaches; and
(B) Engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

(4) When a complaint is filed involving a violation of this Code section by a child who is eligible for or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, it shall include information showing that the local board of education:

(A) Has determined that such child is eligible or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973;
(B) Has reviewed for appropriateness such child's current Individualized Education Program (IEP) and placement and has made modifications where appropriate;
(C) Sought to resolve the expressed problem through available educational approaches; and
(D) Sought to engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

REGULATIONS

160-4-7-.10. Discipline.

(6) Notification.

(a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in Rule 160-4-7-.09 Procedural Safeguards.

160-4-8-.15. Student discipline.

(2) Requirements.

(g) Local board policies shall require the filing of a report by a teacher documenting a student’s violation of the student code of conduct which repeatedly or substantially interferes with the teacher’s ability to communicate effectively with the students in his or her class or with the ability of such student’s classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal’s designee, shall not exceed one page, and shall describe the behavior. The principal or principal’s designee shall, within one day of receiving such report, send to the student’s parents or guardians a copy of the report, and information regarding how the principal or principal’s designee may be contacted.

(h) The principal or the principal’s designee shall send written notification to the teacher and to the student’s parents or guardians of the student support services being utilized or the disciplinary action taken within one school day and shall make a reasonable attempt to confirm receipt of such written
notification by the student’s parents or guardians. Written notification shall include information regarding how student’s parents or guardians may contact the principal or principal’s designee.

160-4-8-.16. Unsafe School Choice Option (USCO).
(2) Requirements.
(c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the Elementary and Secondary Education Act (ESEA) as currently reauthorized, LSSs shall allow students to transfer to a school that is in compliance with current state and/or federal accountability. Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

160-5-1-.10. Student attendance.
(2) Requirements.
(a) School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy.
(b) Local boards of education shall adopt policies and procedures excusing students from school under the following circumstances, as a minimum. Policies may require submission of appropriate documentation.
1. Personal illness or when attendance in school endangers the student's health or the health of others.
   (i) Local boards of education may require students to present appropriate medical documentation upon return to school for the purpose of validating that the absence is an excused absence. With proper verification a student may be eligible for hospital/homebound instruction as outlined in State Board of Education Rule 160-4-2-.31 Hospital/Homebound (HHB) Services.
2. A serious illness or death in a student's immediate family necessitating absence from school.
   (i) In the event of a serious illness in a student's immediate family, local boards of education may require students to present appropriate medical documentation regarding the family member upon return to school for the purpose of validating that the absence is an excused absence.
3. A court order or an order by a government agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.
4. The observation of religious holidays, necessitating absence from school.
5. Conditions rendering attendance impossible or hazardous to student health or safety.
6. Registering to vote or voting in a public election, which shall not exceed one day.
7. A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave.
8. A student whose parent or legal guardian is currently serving or previously served on active duty in the armed forces of the United States, in the Reserves of the armed forces of the United States on extended active duty, or in the National Guard on extended active duty may be granted excused absences, up to a maximum of five school days per school year, not to exceed two school years, for the day or days missed from school to attend military affairs sponsored events, provided the student provides documentation prior to absence from:

(i) A provider of care at or sponsored by a medical facility of the United States Department of Veterans Affairs; or

(ii) An event sponsored by a corporation exempt from taxation under Section 501(c)(19) of the Internal Revenue Code.

9. Nothing in Sections (2)(b)7 and (2)(b)8 of this rule shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes.

10. Any other absence not explicitly defined herein but deemed by the local school board of education to have merit based on circumstances.

(c) Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly as set forth in O.C.G.A. § 20-2-692.

(d) A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school and shall not be counted as an absence, either excused or unexcused, for any day, portion of a day, or days missed from school as set forth in O.C.G.A. § 20-2-692.2.

(e) A student who successfully participates in the Student Teen Election Participant (STEP) program shall be counted as present and given full credit for the school day during which he or she served in the STEP program. No student shall be permitted to be absent from school or participate in the STEP program for more than two school days per school year.

(f) Final course grades of students shall not be penalized because of absences if the following conditions are met:

1. Absences are justified and validated for excusable reasons.

2. Make up work for excused absences was completed satisfactorily.

(g) Local boards of education are not required to provide make-up work for unexcused absences.

(h) Nothing in this rule should be construed to encourage student absences or as an approval of excessive unexcused absences.

(i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:

1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and

2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and
3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for non-compliance to the local system's policy.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

160-5-1-.35 Seclusion and restraint for all students.

(2) Requirements.

(g) Schools and programs that use physical restraint in accordance with paragraph (2)(e) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

2. Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

Reporting and referrals between schools and law enforcement

LAWS


Within 30 days of any proceeding in which a child is adjudicated for committing a delinquent act for a second or subsequent time or is adjudicated for committing a class A designated felony act or class B designated felony act, the court shall provide written notice to the school superintendent of the school in which such child is enrolled or his or her designee or, if the information is known, of the school in which such child plans to be enrolled at a future date. Such notice shall include the specific delinquent act or class A designated felony act or class B designated felony act such child committed.


(a) As used in this Code section, the term "governmental entity" shall mean the court, superior court, DJJ, DBHDD, DFACS, county departments of family and children services, or public schools, as such term is defined in Code Section 16-11-35.

(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-11-40, 15-11-105, 15-11-150, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best interests of such child. Information which is shared pursuant to this subsection...
shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to
the detriment of such child.
(c) Information released pursuant to this Code section shall not change or rescind the confidential nature
of such information and such information shall not be subject to public disclosure or inspection unless
otherwise provided by law.

20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.
(b) The authority and duties of any attendance officer so appointed by a local board of education shall
include:
   (4) The duty to report children absent from school to the juvenile court or other court having jurisdiction
       as provided for in Code Section 20-2-701;

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately
deliver the child either to the parent, guardian, or other person having control or charge of the child or to
the school from which the child is absent, or if the child is found to have been adjudged a delinquent child
or a child in need of services, the person shall cause the child to be brought before the juvenile probation
officer or community supervision officer of the county having jurisdiction over such child.

20-2-700. Reports by peace officers to school authorities and parent or guardian.
Any person taking action pursuant to Code Section 20-2-699 shall report the matter and the disposition
made by him of the child to the school authorities of the county, independent or area school system, and
to the child's parent or guardian.

20-2-701. Responsibility for reporting truants to juvenile or other courts.
Local school superintendents as applied to private schools, the Department of Education as applied to
home study programs, or visiting teachers and attendance officers as applied to public schools, after
written notice to the parent or guardian of a child, shall report to the juvenile or other court having
jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home
study program in violation of this subpart. If the judge of the court places such child in a home or in a
public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The
Department of Education shall coordinate with local school superintendents with respect to attendance
records and notification for students in home study programs.

20-2-756. Reports to law enforcement officials.
(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local
board of education may, when any alleged criminal action by a student occurs, report the incident to the
appropriate law enforcement agency or officer for investigation to determine if criminal charges or
delinquent proceedings should be initiated.
(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be
subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process.

20-2-1184. Reporting of students committing prohibited acts
(a) Any teacher or other person employed at any public or private elementary or secondary school or any
dean or public safety officer employed by a college or university who has reasonable cause to believe
that a student at that school has committed any act upon school property or at any school function, which
act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127,
16-11-127.1, 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the
principal or president of that school or the principal’s or president’s designee; provided, however, that an act which is prohibited by Code Section 16-11-127.1 shall be reported only when it involves a:

(1) Firearm, as defined in Code Section 16-11-131;

(2) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or

(3) Weapon, as defined in Code Section 16-11-127.1, together with an assault.

(b) The principal or designee who receives a report made pursuant to subsection (a) of this Code section who has reasonable cause to believe that the report is valid shall make an oral report thereof immediately by telephone or otherwise to the appropriate school system superintendent and to the appropriate police authority and district attorney.

(c) Any person participating in the making of a report or causing a report to be made as authorized or required pursuant to this Code section or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, providing such participation pursuant to this Code section is made in good faith.

(d) Any person required to make a report pursuant to this Code section who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

REGULATIONS

160-4-7-.10. Discipline.

(11) Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this Rule prohibits a LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) A LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(c) A LEA reporting a crime under this Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Disclosure of school records

LAWS

20-2-751.2. Students subject to disciplinary orders of other school systems.

(a) As used in this Code section, the term "disciplinary order" means any order of a local school system in this state, a private school in this state, or a public school outside of this state which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system or school.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time remaining in that other school system’s or school’s disciplinary order upon receiving a certified copy of such order if the offense which led to such suspension or expulsion in the other school system or school was an offense for which suspension or expulsion could be imposed in the enrolling school.
(c) A local school system or school may request of another school system or school whether any disciplinary order has been imposed by the other school system or school upon a student who is seeking to enroll or is enrolled in the requesting system or school. If such an order has been imposed and is still in effect for such student, the requested school system or private school in this state shall so inform the requesting system or school and shall provide a certified copy of the order to the requesting system or school.

(d) If any school administrator determines from the information obtained pursuant to this Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted of or has been adjudicated to have committed an offense which is a class A designated felony act or class B designated felony act under Code Section 15-11-63, such administrator shall so inform all teachers to whom the student is assigned and other school personnel to whom the student is assigned. Such teachers and other certificated professional personnel as the administrator deems appropriate may review the information in the student's file provided pursuant to this Code section that has been received from other schools or from the juvenile courts or superior courts. Such information shall be kept confidential.

REGULATIONS
No relevant regulations found.

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

LAWS

20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.
(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:
   (1) The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;

20-2-696. Duties of visiting teachers and attendance officers.
In the discharge of the duties of their office, visiting teachers, acting visiting teachers, or attendance officers shall:
   (2) Make monthly and annual reports to their respective local school superintendents on attendance and other problems of child school adjustment in the public schools of their territory; and

20-2-740. Annual report by local boards of education regarding disciplinary and placement actions; annual study by Department of Education.
(a) Each local board of education shall file an annual report, by August 1 of each year, with the Department of Education regarding disciplinary and placement actions taken during the prior school year. Such report shall classify the types of actions into the following categories:
   (1) Actions in which a student was assigned to in-school suspension;
   (2) Actions in which a student was suspended for a period of ten days or less;
   (3) Actions in which a student was suspended for a period of more than ten days but not beyond the current school quarter or semester;
   (4) Actions in which a student was expelled beyond the current school quarter or semester but not permanently expelled;
(5) Actions in which a student was permanently expelled;
(6) Actions in which a student was placed in an alternative educational setting;
(7) Actions in which a student was suspended from riding the bus;
(8) Actions in which corporal punishment was administered; and
(9) Actions in which a student was removed from class pursuant to subsection (b) of Code Section 20-2-738.

(b) For each category of disciplinary or placement action listed in paragraphs (1) through (9) of subsection (a) of this Code section, the local board shall provide the following information: the number of students subject to the type of disciplinary or placement action; the age and grade level of such students; such students’ race and gender; and the number of students subject to the type of disciplinary action who were eligible for free or reduced price lunches under federal guidelines. For each action listed in paragraph (9) of subsection (a) of this Code section, the local board shall also provide information regarding the decisions of placement review committees and the disciplinary and placement decisions made by principals or their designees. The data required by this Code section shall be reported separately for each school within the local school system and collected and reported in compliance with the requirements of 20 U.S.C. Sections 1232g and 1232h.

(c) The Department of Education shall conduct a study for each school year based upon the statistical data filed by local boards pursuant to this Code section for the purpose of determining trends in discipline. The department shall also utilize existing demographic data on school personnel as needed to establish trends in discipline. Nothing in this Code section shall be construed to authorize the public release of personally identifiable information regarding students or school personnel. The department shall prepare a report for the General Assembly on the study annually and notify the members of the General Assembly of the availability of the report in the manner which it deems to be most effective and efficient.

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.
(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(3) When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

20-2-698. Peace officers may take temporary custody of truant children away from home.
Any peace officer may assume temporary custody, during school hours, of any child subject to compulsory school attendance who is found away from home and who is absent from a public or private school or a home study program without a valid written excuse from school officials or from the parent or guardian in charge of the home study program.

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.

20-8-2. Law enforcement powers.
On the campus of an educational facility, a campus policeman employed by such educational facility who is certified in accordance with Code Section 20-8-3 and when authorized by the governing body or authority of such educational facility shall have the same law enforcement powers, including the power of arrest, as a law enforcement officer of the local government with police jurisdiction over such campus.

20-8-5. Law enforcement powers of school security personnel in each public-school system of the state; certification; carrying of firearms or weapons.
(a) In each public school system in this state, school security personnel employed by the board of education of a county or an independent board of education of a municipality for the various public schools thereof who are certified pursuant to subsection (b) of this Code section and who are authorized by the board of education of that county or the independent board of education of that municipality shall have the same law enforcement powers on school property, including the power of arrest, as law enforcement officers of that respective county or municipality.
(b) As a condition precedent to the exercise of law enforcement powers pursuant to subsection (a) of this Code section, school security personnel must be certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and having completed the basic training requirements for a peace officer under Chapter 8 of Title 35. The certification of school security personnel by the Georgia Peace Officer Standards and Training Council does not require that such security personnel exercise the powers provided in subsection (a) of this Code section.

(c) The provisions of this Code section shall not prohibit a board of education of a county or an independent board of education of a municipality from employing school security personnel without law enforcement powers.

(d) School security personnel who are certified by the Georgia Peace Officer Standards and Training Council may be authorized by a local board of education to carry a standard issue firearm or weapon generally used for law enforcement purposes for the purpose of carrying out law enforcement duties.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(3) When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

35-8-27. Training requirements for school resource officers.

(a) It is the best practice for any person assigned or appointed as a school resource officer to successfully complete a training course for school resource officers approved by the council.

(b) For purposes of subsection (a) of this Code section, the council shall maintain a training course consisting of 40 hours of training for school resource officers. Such training course shall, at a minimum, provide training in the role of a peace officer assigned to an elementary or secondary school, search and seizure in elementary and secondary schools, criminal offenses, gang awareness, drug awareness, interviews and interrogations, emergency preparedness, and interpersonal interactions with adolescents, including the encountering of mental health issues.

20-8-5. Law enforcement powers of school security personnel in each public-school system of the state; certification; carrying of firearms or weapons.

(a) In each public school system in this state, school security personnel employed by the board of education of a county or an independent board of education of a municipality for the various public schools thereof who are certified pursuant to subsection (b) of this Code section and who are authorized by the board of education of that county or the independent board of education of that municipality shall
have the same law enforcement powers on school property, including the power of arrest, as law enforcement officers of that respective county or municipality.

(b) As a condition precedent to the exercise of law enforcement powers pursuant to subsection (a) of this Code section, school security personnel must be certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and having completed the basic training requirements for a peace officer under Chapter 8 of Title 35. The certification of school security personnel by the Georgia Peace Officer Standards and Training Council does not require that such security personnel exercise the powers provided in subsection (a) of this Code section.

(c) The provisions of this Code section shall not prohibit a board of education of a county or an independent board of education of a municipality from employing school security personnel without law enforcement powers.

(d) School security personnel who are certified by the Georgia Peace Officer Standards and Training Council may be authorized by a local board of education to carry a standard issue firearm or weapon generally used for law enforcement purposes for the purpose of carrying out law enforcement duties.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.

(a) A local board of education may employ an attendance officer or attendance officers in addition to a visiting teacher or visiting teachers. Such an attendance officer must be paid wholly from local funds of the local board unless state funds are specifically appropriated for purposes of employment of attendance officers, in which case state funds may be used to the extent so appropriated. Attendance officers shall not be required to qualify under rules and regulations promulgated by the Professional Standards Commission for the certification of visiting teachers.

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

1. The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;

2. The authority to receive cooperation and attendance reports from that officer's school system as provided for in Code Section 20-2-697;

3. When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

4. The duty to report children absent from school to the juvenile court or other court having jurisdiction as provided for in Code Section 20-2-701; and

5. Such other authority and duties as may be provided by law or as may be provided by the appointing local board of education in conformity with law.
20-2-696. Duties of visiting teachers and attendance officers.
In the discharge of the duties of their office, visiting teachers, acting visiting teachers, or attendance officers shall:

(1) Cooperate fully with the Department of Human Services, the Department of Labor, and other state agencies;
(2) Make monthly and annual reports to their respective local school superintendents on attendance and other problems of child school adjustment in the public schools of their territory; and
(3) Comply with the rules and regulations of the county and independent school system boards of education and the State Board of Education.

20-2-697. Cooperation of principals and teachers in public schools with visiting teachers and attendance officers; attendance reports and records kept by public schools; letter indicating enrollment.

(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing, to the visiting teacher or attendance officer of the local school system the names, ages, and residences of all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320.

(a.1) Any student shall have the right to request and receive, within three business days from the date of such request, a letter from his or her school administrator indicating that the student is enrolled full-time and has an attendance record in good standing for the current academic year.

(b) Any person failing to carry out the duties required by subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $100.00.

(c) The provisions of this Code section shall not apply to private schools or home study programs, and enrollment and attendance information required for private schools or home study programs and penalties for failure to comply with such requirements shall be as provided in Code Section 20-2-690.

20-2-1183. Written agreement for law enforcement officers in schools.
When a local school system assigns or employs law enforcement officers in schools, the local board of education shall have a collaborative written agreement with law enforcement officials to establish the role of law enforcement and school employees in school disciplinary matters and ensure coordination and cooperation among officials, agencies, and programs involved in school discipline and public protection.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

20-2-155. School climate management program; model codes of behavior and discipline.
The State Board of Education shall establish a state-wide school climate management program to help
local schools and systems requesting assistance in developing school climate improvement and
management processes. Such projects will be designed to optimize local resources through voluntary
community, student, teacher, administrator, and other school personnel participation. These processes
will be designed for, but will not be limited to, promoting positive gains in student achievement scores,
student and teacher morale, community support, and student and teacher attendance, while decreasing
student suspensions, expulsions, dropouts, and other negative aspects of the total school environment.
The state board upon request of a local school system is authorized to provide the necessary on-site
technical assistance to local schools and systems and to offer other assistance through regional and
state-wide conferences and workshops, printed material, and such other assistance as may be deemed
appropriate under this Code section. The state board shall, upon request of a local school system,
produce model codes of behavior and discipline and shall produce guidelines for application and
administration of such codes. The results of this program shall be annually presented to the General
Assembly for review in determining future appropriations for state-level technical assistance necessary to
perform the duties assigned to the state board under this Code section.

20-2-735. Adoption of policies by local boards to improve student learning environment.
(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the
student learning environment by improving student behavior and discipline. These policies shall provide
for the development of age-appropriate student codes of conduct containing standards of behavior, a
student support process, a progressive discipline process, and a parental involvement process. The State
Board of Education shall establish minimum standards for such local board policies. The Department of
Education shall make available for utilization by each local board of education model student codes of
conduct, a model student support process, a model progressive discipline process, and a model parental
involvement process.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.
(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding
bullying, that may be revised from time to time, and shall post such policy on its website in order to assist
local school systems. Such model policy shall include:
   (1) A statement prohibiting bullying;
   (2) A requirement that any teacher or other school employee who has reliable information that would
       lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to
       the school principal;
   (3) A requirement that each school have a procedure for the school administration to promptly
       investigate in a timely manner and determine whether bullying has occurred;
   (4) An age-appropriate range of consequences for bullying which shall include, at minimum and without
       limitation, disciplinary action or counseling as appropriate under the circumstances;
(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A statement prohibiting retaliation following a report of bullying; and

(7) Provisions consistent with the requirements of subsection (b) of this Code section.

d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

20-2-779.1. Suicide prevention and awareness training; no duty of care imposed.

(a)(1) The Department of Education shall adopt rules to require that all certificated public school personnel receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in service training programs offered by the Department of Education or as part of required professional development offered by a local school system.

(2) The Department of Education shall, in consultation with the Department of Behavioral Health and Developmental Disabilities, the Suicide Prevention Program established pursuant to Code Section 37-1-27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by a local school system if such training materials meet any criteria established by the department.

(3) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(4) Approved materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(5) (A) Each local school system shall adopt a policy on student suicide prevention. Such policies shall be developed in consultation with school and community stakeholders, school employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(B) To assist local school systems in developing their own policies for student suicide prevention, the Department of Education, in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities, shall establish a model policy for use by local school systems in accordance with this Code section.

REGULATIONS

160-4-8-.19 Suicide prevention training requirement for certificated school system personnel.

(2) Requirements.

(a) Local education agencies shall adopt a policy on student suicide prevention. Such policies shall be developed in consultation with school and community stakeholders, school employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(b) To assist LEAs in developing their own policies for student suicide prevention, the Georgia Department of Education (GaDOE), in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities (DBHDD), shall establish a model policy for use by LEAs in accordance with O.C.G.A. § 20-2-779.1.
(c) All certificated public school personnel shall receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in-service training programs offered by the Georgia Department of Education or as part of required professional development offered by an LEA.

(d) The Georgia Department of Education shall, in consultation with the DBHDD, the Suicide Prevention Program established pursuant to O.C.G.A. § 37-1-27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by an LEA if such training materials meet any criteria established by the GaDOE.

(e) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(f) Approved materials may include programs that can be completed through selfreview of suitable suicide prevention materials.

**Funding appropriations**

**LAWS**

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

20-2-1000. Limitation on civil damages for disciplining student; "educator" defined; frivolous or nonmeritorious actions; legal counsel for the educator.

(a) As used in this Code section, the term "educator" means any principal, school administrator, teacher, guidance counselor, paraprofessional, school bus driver, volunteer assisting teachers in the classroom, tribunal members, or certificated professional personnel.

(b) No educator shall be liable for any civil damages for, or arising out of, any act or omission concerning, relating to, or resulting from the discipline of any student or the reporting of any student for misconduct, except for acts or omissions of willful or wanton misconduct.

(c) If a judgment or finding is rendered in favor of a defendant educator in any action, complaint, disciplinary proceeding, or other administrative proceeding brought by a student, a parent or guardian of a student, or any other person on behalf of a student and arising out of or resulting from the discipline of such student or if the complaint is found to be nonmeritorious, frivolous, or without just cause, all reasonable court costs, reasonable attorneys' fees, and reasonable expenses incurred by the defendant educator in defending such action or complaint shall be assessed by the court, agency, or other tribunal against the plaintiff and shall be paid by the plaintiff. Any educator shall have a right to bring an action or a counterclaim against the plaintiff in any such action or proceeding for any damages suffered by the educator as a result of the actions of the student or the filing of any frivolous or nonmeritorious action, complaint, or report. Nothing in this subsection shall be construed to apply to any educator filing a complaint as required by the rules, regulations, or code of ethics of the Professional Standards Commission; any child abuse reporting statute; any applicable local board of education rule, regulation, or policy; or any State Board of Education rule, regulation, or policy.

(d) If any civil action is brought against any educator or any report or complaint is made or filed against any educator with the county or local board of education, the Department of Education, the Professional Standards Commission, or any other regulatory agency or tribunal by a student, a parent or guardian of a student, or any other person on behalf of a student and arising out of or relating to the discipline of such student, it shall be the duty of the county or local board of education employing such educator to provide counsel for the educator, if requested by the educator, unless such board of education determines, after an independent investigation of the report or complaint, that the act or omission of the educator constituted willful or wanton misconduct or constituted gross misconduct in violation of the express written policies of the board of education. Neither testimony given in such independent investigation nor the results of any such independent investigation by the board of education shall be admissible in any other proceeding. The provision of counsel to such educator shall be for an educational purpose and any funds available to the board of education may be expended for such purpose. Any attorneys' fees recovered pursuant to subsection (c) of this Code section attributable to the services furnished by any counsel provided to an educator by his or her employer shall be paid to the employer.

20-2-1001. Limited immunity from criminal liability.

(a) As used in this Code section, the term "educator" means any principal, school administrator, teacher, guidance counselor, paraprofessional, school bus driver, volunteer assisting teachers in the classroom, tribunal members, or certificated professional personnel.
(b) An educator shall be immune from criminal liability for any act or omission concerning, relating to, or resulting from the discipline of any student or the reporting of any student for misconduct, provided that the educator acted in good faith.

20-2-732. When principal or teacher not liable for administering corporal punishment.
No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county, or independent board of education employing him and in accordance also with this subpart shall be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment where the corporal punishment is administered in good faith and is not excessive or unduly severe.

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.
(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

20-2-756. Reports to law enforcement officials.
(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated.
(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process.

Community input or involvement

LAWS

20-2-735. Adoption of policies by local boards to improve student learning environment.
(e) Parental involvement processes developed pursuant to this subpart shall be designed to create the expectation that parents and guardians, teachers, and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about and actions in response to student behavior that detracts from the learning environment. The student code of conduct developed pursuant to this Code section shall encourage parents and guardians to inform their children of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.
(c) Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

REGULATIONS

160-4-8-.01. Student support services.
(1) Definitions.
(h) School Social Work/Visiting Teacher Services - technical assistance on school climate issues; assessment and intervention, including written social histories; individual, group, and family counseling; and networking of appropriate home, school, and community services to address identified student problems.

(2) Requirements.

(a) Each local school system shall develop a Student Services Plan that prescribes and identifies programs and services that incorporate school climate improvement and management processes.

(b) Each Student Services Plan must minimally include guidelines for the systematic provision of the following components:

6. School social work/visiting teacher services

(e) The LBOE shall provide School Social Work/Visiting Teacher Services by promoting home, school, and community cooperation to address the needs of the at-risk student population characterized by poverty, high absenteeism, academic failure, pregnancy, disruptive behavior or other student dysfunctions.

160-4-8-15. Student discipline.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

19. Parental involvement processes designed to create the expectation that parents, guardians, teachers and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about, and actions in response to, student behavior that detracts from the learning environment. Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

Other or Uncategorized

LAWS

16-11-130.1. Allowing personnel to carry weapons within certain school safety zones and at school functions.

(a) As used in this Code section, the term:

1. "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.

2. "School function" means a school function or related activity that occurs outside of a school safety zone for a public or private elementary or secondary school.

3. "School safety zone" means in or on any real property or building owned by or leased to any public or private elementary or secondary school or local board of education and used for elementary or secondary education.

4. "Weapon" shall have the same meaning as set forth in Code Section 16-11-127.1.

(b) This Code section shall not be construed to require or otherwise mandate that any local board of education or school administrator adopt or implement a practice or program for the approval of personnel to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school nor shall this Code section create any liability for adopting or declining to adopt such practice or program. Such decision shall rest with each individual local board of
education. If a local board of education adopts a policy to allow certain personnel to possess or carry weapons as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy shall include approval of personnel to possess or carry weapons and provide for:

(1) Training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel’s prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;

(2) An approved list of the types of weapons and ammunition and the quantity of weapons and ammunition authorized to be possessed or carried;

(3) The exclusion from approval of any personnel who has had an employment or other history indicating any type of mental or emotional instability as determined by the local board of education; and

(4) A mandatory method of securing weapons which shall include at a minimum a requirement that the weapon, if permitted to be carried concealed by personnel, shall be carried on the person and not in a purse, briefcase, bag, or similar other accessory which is not secured on the body of the person and, if maintained separate from the person, shall be maintained in a secured lock safe or similar lock box that cannot be easily accessed by students.

(c) Any personnel selected to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be a license holder, and the local board of education shall be responsible for conducting a criminal history background check of such personnel annually to determine whether such personnel remains qualified to be a license holder.

(d) The selection of approved personnel to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be done strictly on a voluntary basis. No personnel shall be required to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school and shall not be terminated or otherwise retaliated against for refusing to possess or carry a weapon.

(e) The local board of education shall be responsible for any costs associated with approving personnel to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school; provided, however, that nothing contained in this Code section shall prohibit any approved personnel from paying for part or all of such costs or using any other funding mechanism available, including donations or grants from private persons or entities.

(f) Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be considered employment and public safety security records and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

20-2-324. Internet safety policies in public schools.

(a) As used in this Code section, the term:

(1) "Acceptable-use policy" means a policy for Internet usage adopted by a local board of education that meets the requirements of this Code section.

(2) "Child pornography" means any computer depiction or other material depicting a child under the age of 18 years engaging in sexually explicit conduct or in the simulation of such conduct.

(3) "Harmful to minors" has the meaning given to such term in Code Section 16-12-100.1.

(4) "Internet" means a global network that connects computers via telephone lines, fiber networks, or both to electronic information.
(5) "Obscene" has the meaning given to such term in Code Section 16-12-80.

(6) "Sexually explicit conduct" has the meaning given to such term in Code Section 16-12-100.

(b) No later than January 1, 2007, each local board of education shall adopt an acceptable-use policy for its school system. At a minimum, an acceptable-use policy shall contain provisions which are reasonably designed to:

1. Prevent students and employees of the school system from using any computer equipment and communication services owned or leased by the school system for sending, receiving, viewing, or downloading visual depictions of obscenity, child pornography, or material that is harmful to minors;
2. Establish appropriate measures to be taken against students and school employees who willfully violate the acceptable-use policy; and
3. Provide for expedited review and resolution of a claim that the policy is denying a student or school employee access to material that is not within the prohibition of the acceptable-use policy.

(c) A local board of education shall take such steps as it deems appropriate to implement and enforce the acceptable-use policy, which shall include, but not be limited to:

1. Use of software programs reasonably designed to block access to visual depictions of obscenity, child pornography, and material that is harmful to minors; or
2. Selection of online servers that block access to visual depictions of obscenity, child pornography, and material that is harmful to minors.

(d) Each local school system shall provide, upon written request of a parent or guardian, a copy of the acceptable-use policy adopted pursuant to subsection (b) of this Code section.

(e) The Attorney General and the department shall consult with and assist any local board of education in the development and implementation of an acceptable-use policy pursuant to this Code section.

(f)(1) No later than January 31, 2007, each local board of education shall submit a copy of the acceptable-use policy adopted pursuant to subsection (b) of this Code section to the State Board of Education. Such submission shall also include the identification of any software program or online server that is being utilized to block access to material in accordance with subsection (c) of this Code section.

2. The State Board of Education shall review each acceptable-use policy and any subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the state board determines after review that a policy or revision is not reasonably designed to achieve the requirements of this Code section, the state board shall provide written notice to the local board of education explaining the nature of such noncompliance and the local board of education shall have 30 days from the receipt of written notice to correct such noncompliance. The state board may provide an extension to the 30 day period on a showing of good cause.

3. No revision of an acceptable-use policy which has been approved by the state board pursuant to paragraph (2) of this subsection shall be implemented until such revision is approved by the state board. If the state board fails to disapprove the revision within 60 days after the submission is received, the local board of education may proceed with the implementation of the revision.

4. The state board shall be authorized to withhold a portion of state funding to a local school system if the local board of education:

(A) Fails to timely submit an acceptable-use policy in accordance with paragraph (1) of this subsection;

(B) Submits an acceptable-use policy that is not reasonably designed to achieve the requirements of this Code section; or

(C) Is not enforcing or is substantially disregarding its acceptable-use policy.
(5) If the state board disapproves an acceptable-use policy of a local board of education or any revision thereof or notifies the local board of education that it is subject to the withholding of funding pursuant to paragraph (4) of this subsection, the local board of education may appeal the decision to the superior court of the county where the local board of education is situated.

(g)(1) The state board shall be responsible for conducting investigations and making written determinations as to whether a local board of education has violated the requirements of this Code section.

(2) If the state board determines that a local board of education is in violation of the requirements of this Code section, it shall direct the local board of education to acknowledge and correct the violation within 30 days and to develop a corrective plan for preventing future recurrences.

(h)(1) Notwithstanding any other provision of this Code section to the contrary, an administrator or supervisor of a local school system, or designee thereof, may disable the software program or online server that is being utilized to block access to material for an adult or for a minor who provides written consent from his or her parent or guardian to enable access to the Internet for bona fide research or other lawful purpose.

(2) Nothing in paragraph (1) of this subsection shall be construed to permit any person to have access to material the character of which is illegal under federal or state law.

(i) A local board of education which is fulfilling the requirements of the federal Children's Internet Protection Act, P.L. 106-554, is not required to comply with this Code section.

20-2-324.2. Video monitoring cameras in classrooms providing special education services; requirements; evaluations; funding.

(a) The Department of Education is authorized to provide guidance for the placement of video monitoring cameras and equipment by a school in self-contained classrooms in which students receive special education services. The Department of Education is authorized to approve local school systems for participation and may approve local school systems which already utilize video monitoring cameras and equipment in their special education self-contained classrooms through an application process. The department or an approved local school system may approve schools in the local school system for participation. A local school system or school may, in its sole discretion, agree to participate.

(b) Participating local school systems or schools shall provide, at a minimum, for:

(1) Prior notice of the placement of video monitoring cameras to the parents or guardians of each student in the approved classrooms;

(2) The retention of videos recorded from video monitoring cameras placed pursuant to this Code section for no less than three months nor more than 12 months from the date of the recording;

(3) The coverage by video monitoring cameras of all areas of the approved classrooms, to the extent practical; and

(4) Procedures and requirements to protect the confidentiality of student records contained in videos recorded from video monitoring cameras placed pursuant to this Code section in accordance with the federal Family Educational Rights and Privacy Act and Article 15 of this chapter.

(c) The video monitoring cameras shall only be used for purposes of monitoring classroom instruction, monitoring classroom interactions, and teacher observation, and review of recorded material shall only be for such purposes, except with the written permission of the parent or guardian of a child or pursuant to the subpoena of a court of competent jurisdiction. Recorded material, including identity of students or demographics of students, shall not be used for marketing purposes.

(d) The Department of Education shall provide guidelines and criteria regarding the effectiveness, feasibility, and benefits, including any impact on safety, and the Department of Education may require
participating local school systems or schools to conduct an evaluation. If the department requires such evaluations, the department shall collect and report the results of such evaluation to the House Committee on Education and the Senate Education and Youth Committee.

(e)(1) The department shall serve as a state level flow through point for any available state or federal funding.

(2) Local school systems may solicit and accept gifts, grants, and donations from any person or entity for use in placing video monitoring cameras in classrooms pursuant to this Code section.

20-2-751.7. State mandated process for students to follow in reporting instances of alleged inappropriate behavior by teacher or other school personnel; notice of process; training; investigations.

(a) The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies.

(b) If it is determined through the state mandated process established pursuant to subsection (a) of this Code section that a complaint against a teacher, administrator, or other school employee is unsubstantiated and without merit, the local school system shall, at the request of the aggrieved party, submit a written statement to that effect to all local print and television media outlets that published any articles or reported any news relating to such complaint against the teacher, administrator, or employee.

(c) The Professional Standards Commission shall coordinate a training program on educator sexual misconduct. Such program shall be delivered by trained staff from the Professional Standards Commission, regional educational service agencies, and local school systems. The superintendent of each local school system shall ensure that all certified staff in its school system receive such training.

(d)(1) The staff of the Professional Standards Commission shall be authorized, without notification to the Professional Standards Commission, to immediately open an investigation submitted to the commission by a local school superintendent, with approval of the local board of education, of a complaint by a student against an educator alleging a sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100.

(2) The Professional Standards Commission shall have on staff a minimum of one investigator specifically trained in investigating educator sexual misconduct. The investigation of any complaint of sexual misconduct shall be completed in no more than 60 days and shall be presented at the commission meeting immediately following the conclusion of the investigation.

(3) If the Professional Standards Commission's review of the investigative report results in a sanction against the educator, the educator shall have the right to appeal the commission decision to a hearing before an administrative law judge within 90 days of such sanction.

(e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

20-2-1185. School safety plans; drills.

(a) Every public school shall prepare a school safety plan to help curb the growing incidence of violence in schools, to respond effectively to such incidents, and to provide a safe learning environment for Georgia's children, teachers, and other school personnel. Such plan shall also address preparedness for
natural disasters, hazardous materials or radiological accidents, acts of violence, and acts of terrorism. School safety plans of public schools shall be prepared with input from students enrolled in that school, parents or legal guardians of such students, teachers in that school, community leaders, other school employees and school district employees, and local law enforcement, juvenile court, fire service, public safety, and emergency management agencies. As part of such plans, public schools shall provide for the coordination with local law enforcement agencies and the local juvenile court system. School safety plans shall include, at a minimum, the following strategy areas:

(1) Training school administrators, teachers, and support staff, including, but not limited to, school resource officers, security officers, secretaries, custodians, and bus drivers, on school violence prevention, school security, school threat assessment, mental health awareness, and school emergency planning best practices;

(2) Evaluating and refining school security measures;

(3) Updating and exercising school emergency preparedness plans;

(4) Strengthening partnerships with public safety officials; and

(5) Creating enhanced crisis communications plans and social media strategies.

School safety plans of private schools may be prepared with input from students enrolled in that school, parents or legal guardians of such students, teachers in that school, other school employees, and local law enforcement, fire service, public safety, and emergency management agencies. Such plans shall be reviewed and, if necessary, updated annually. Such plans of public schools shall be submitted to the local emergency management agency and the local law enforcement agency for approval.

(b) A public school may request funding assistance from the state for facilities, technology, or other safety improvements or initiatives, such as the installation of safety equipment, including, but not limited to, video surveillance cameras, metal detectors, alarms, communications systems, building access controls, and other similar security devices. The Department of Education shall establish criteria that will be applied in reviewing funding requests pursuant to this subsection which shall take into consideration the physical security needs of the public school in evaluating how the school safety plan and funding request will support such physical security needs. Funding may be provided to a public school in accordance with a school safety plan prepared by the school and approved by the local board of education, the local law enforcement agency, the Department of Education, and the Georgia Emergency Management and Homeland Security Agency; provided, however, that a public school shall be required to match the state funding with local funds unless the school can demonstrate a substantial hardship.

(c) School safety plans prepared by public schools shall address security issues in school safety zones as defined in Code Section 16-11-127.1. School safety plans should also address security issues involving the transportation of pupils to and from school and school functions when such transportation is furnished by the school or school system and school functions held during noninstructional hours.

(d) The Georgia Emergency Management and Homeland Security Agency shall provide training and technical assistance to public school systems and may provide this same training and technical assistance to private school systems and independent private schools throughout this state in the area of emergency management and safe school operations. This training and technical assistance shall include, but not be limited to, crisis response team development, site surveys and safety audits, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model school safety plans.

(e) Every public school shall conduct drills with students, teachers, and other school personnel on the execution of school safety plans in such form and at such intervals based upon guidance from the Georgia Emergency Management and Homeland Security Agency.
REGULATIONS

160-1-3-.04. School law tribunals and appeals.

(1) Purpose. The purpose of this rule is to specify the procedures for appeals from local boards of education (LBOEs) to the State Board of Education on issues respecting the administration or construction of school law.

(2) Role of the Vice Chairperson.

(a) The vice chairperson for appeals of the state board or a hearing officer contracted with or employed by the state board shall conduct a review of appeals to the state board and shall acquaint state board members with the matters to be considered.

(b) The vice chairperson for appeals or the hearing officer shall draft the ruling of the state board.

(3) Procedures before the Local Board of Education.

(a) LBOEs shall hold hearings when required by law. The LBOE shall adopt, except as otherwise provided for by law, the following hearing procedures:

1. The LBOE shall notify the parties of the time and place of the hearing.
2. The LBOE shall sign and issue subpoenas.
3. All witnesses shall testify under oath and shall be subject to cross-examination.
4. The LBOE shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means.
5. The strict rules of evidence prevailing in courts of law shall not be applicable to hearings before LBOEs.
6. At the conclusion of the hearing, or within 15 days thereafter, the LBOE shall notify the parties of its decision in writing and shall notify the parties of their right to appeal the decision to the State Board of Education.

(4) Appeals to the State Board of Education.

(a) After a hearing by the LBOE when held in accordance with state law and/or state board policies, regulations or rules, any party aggrieved by a decision of the LBOE rendered on an issue respecting the administration or construction of school law may appeal to the state board by filing the appeal in writing with the local school superintendent. The appeal shall set forth:

1. The question in dispute;
2. The decision of the local board; and
3. A concise statement of the reasons why the decision is being appealed.

(b) The party making the appeal shall file with the appeal the complete record, including a transcript of testimony certified as true and correct by the local school superintendent or a request that the superintendent transcribe and prepare such transcript. The party making the appeal shall assume the costs of such preparation.

(c) When any party is unable to pay the cost of a transcript of the hearing because of indigence, the party shall be relieved from paying the cost if said party provides to the local school superintendent an affidavit to that effect. The party's rights shall be the same as those had the party paid the cost of the transcript. Upon receipt of an affidavit, the local school superintendent may inquire into the ability of the applicant to pay the cost of the transcript. After a hearing, the local school superintendent may order the party to pay the cost of the transcript by a certain date. Such decision of the local school superintendent may be appealed by the party to the State Board of Education in the same manner as other issues. If a party appeals the order of the local board to pay the cost, the local school superintendent shall submit to the State Board of Education a transcript of the hearing on indigence that is certified by the local
school superintendent. If no appeal of the issue of indigence is filed and the cost is not paid as ordered by the LBOE, or if an appeal is filed and the State Board of Education affirms the local board decision, the appeal shall not be docketed.

(d) The appeal to the State Board of Education shall be filed with the local school superintendent within 30 days of the decision in question.

(e) Transmission to the State School Superintendent. The local superintendent shall within 10 days after the filing of the appeal, transmit to the state school superintendent a copy of the appeal, together with the transcript of evidence and proceedings, the decision of the local board and other matters in the file relating to the appeal. All materials should be certified as true and correct. The appeal may be amended and a transcript filed any time prior to transmission to the state board.

(f) Notice. After a determination by the state school superintendent or designee that the appeal is in proper form for hearing, the appeal shall be docketed and placed on the calendar for review before the hearing officer of the state board at the earliest practical time.

(g) The party requesting the appeal shall file a brief with the state board discussing the party's position within 20 days of the date of docketing. The opposing party shall have 40 days from the date of docketing to file a brief.

(h) Oral arguments shall not be heard unless requested by a party or requested by the hearing officer. Oral arguments must be requested by a party within 10 days of the date the appeal is docketed.

(i) Procedure at Oral Argument. If oral argument is ordered or granted, the appellant may be represented by counsel. The argument shall be confined to the issues in the record and the evidence transmitted from previous proceedings. No new evidence shall be received. The state board shall not consider any question not specifically raised in the written appeal or the statement of contentions.

(j) Decision of State Board. The state board shall render its decision in a written order within 25 days after it hears the case and shall notify the parties in writing of its decision and of their right to appeal the decision to the Superior Court of the county wherein the LBOE is located.

(k) Dismissal of Appeal. Failure to comply with any of the provisions herein may be grounds for dismissal.

(l) No Supersedeas. No appeal shall act as a stay of a local board's order unless so ordered by the local board or by the vice chairperson for appeals of the state board.

(5) Severability. The provisions of this rule are hereby declared to be severable, and the invalidation of any part hereof shall not affect or invalidate any other part.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Georgia provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<th>Title</th>
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<td><strong>Website</strong></td>
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<tr>
<td>Office of School Safety and Climate, Georgia Department of Education (GaDOE)</td>
<td>Provides an overview of school safety, school climate, and student safety and well-being for schools in Georgia.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/default.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/default.aspx</a></td>
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<td>Georgia’s Tiered System of Supports for Students, GaDOE</td>
<td>Provides information and resources to support districts in implementing tiered systems of evidence-based interventions and screenings that will provide different levels of support needed to maximize student achievement and reduce behavior problems.</td>
<td><a href="https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/TieredSystemofSupports.aspx">https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/TieredSystemofSupports.aspx</a></td>
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<tr>
<td>School Climate, GaDOE</td>
<td>Provides definitions of school climate and includes to links to information on school climate improvement, discipline, attendance, and the School Climate Star Rating system used to determine if a school is on the right path to school improvement.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/School-Climate.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/School-Climate.aspx</a></td>
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<tr>
<td>Student Attendance and School Climate Committee, GaDOE</td>
<td>Provides information and resources addressing student attendance and chronic absenteeism, including links to state laws and rules, documents, sample policies, and best practices and research.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Attendance-Guidance.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Attendance-Guidance.aspx</a></td>
</tr>
<tr>
<td>Student Discipline Resources, GaDOE</td>
<td>Provides comprehensive resources and materials on student discipline including information of behavior support, parental involvement, and progressive discipline processes, and links to discipline data sources.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Discipline.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Discipline.aspx</a></td>
</tr>
<tr>
<td>Student Safety and Well-Being, GaDOE</td>
<td>Provides information and resources on substance abuse, child abuse and child protection, suicide prevention, mental health, gangs, bullying prevention, protective factors, and health/wellness.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Safety-and-Well-Being.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/Student-Safety-and-Well-Being.aspx</a></td>
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**Documents**

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<tr>
<td>Bullying Prevention Toolkit, GaDOE</td>
<td>Prevention toolkit containing links to bullying prevention resources, training materials, and videos.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Pages/Bullying-Prevention.aspx">https://www.gadoe.org/schoolsafetyclimate/Pages/Bullying-Prevention.aspx</a></td>
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<tr>
<td>Discipline Matrix (January 2020), GaDOE</td>
<td>Matrix detailing types and definitions of disciplinary incidents with examples of offenses and levels of severity.</td>
<td><a href="https://www.gadoe.org/schoolsafetyclimate/Documents/Discipline%20Matrix_January%202020.pdf">https://www.gadoe.org/schoolsafetyclimate/Documents/Discipline%20Matrix_January%202020.pdf</a></td>
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**Other Resources**

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<tr>
<td>Georgia Insights, GaDOE</td>
<td>Data dashboard designed to improve the clarity and accessibility of district and school-level data on a range of topics including school climate.</td>
<td><a href="http://www.gadoe.org/Georgia-Insights/Pages/School-Climate-Star-Rating.aspx">http://www.gadoe.org/Georgia-Insights/Pages/School-Climate-Star-Rating.aspx</a></td>
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Hawaii
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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Chapter 302A

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Authority to develop and establish rules of conduct

LAWS

Subject to chapter 91, the board may adopt rules for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out the transaction of its business.

REGULATIONS

8-19-1. Philosophy.
(b) It is the responsibility of every student to demonstrate respectful, responsible, safe and ethical behaviors on department of education transportation, or during a department of education sponsored activity on or off school property. The department supports this through the establishment of a proactive systems approach to schoolwide discipline.
(c) [...] when a student’s behavior violates established policies, rules, or regulations of the department, state or local laws, the department may take appropriate disciplinary action in accordance with this chapter. The purpose of school-administered discipline is to:
   (1) Promote and maintain a safe and secure educational environment;
   (2) Teach and acknowledge proper behavior which is beneficial to the educational process and self-development;
   (3) Deter students from acts which interfere with the purpose of education or which are self-destructive, self-defeating or anti-social; and
   (4) Maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted."

Scope

LAWS
No relevant laws found.

REGULATIONS

(a) The provisions of this chapter shall apply to all students enrolled in a public school during the regular school year, summer session, or intersessions regardless of age with the addition that, outside of the hours when school is in session, boarding students are subject to the dormitory rules developed by the school and agreed upon through written consent by the parent(s) or legal guardian(s) of boarding students.
(b) The Hawaii administrative rules for students with disabilities shall apply in the discipline of students who are eligible to receive special education or other services under those chapters.
(c) References to principal or designee in subchapter 2 shall be construed to include summer school director for purposes of discipline in summer school. References to school year in this chapter shall be construed to mean summer session whenever summer school applies.

(d) Discipline during intersessions and in summer school shall be governed by subchapter 3. Discipline of students who receive special education services during an extension of the student's school year shall be governed by subchapter 2 and the guidelines and requirements of the Hawaii administrative rules for students with disabilities.

(e) In all cases of student-related administrative actions and reporting, chapter 8-34 shall apply. In addition, for students who receive special education services, the Hawaii administrative rules for students with disabilities shall prevail.

(f) No action relating to suspension, serious discipline, or restitution for vandalism or negligence shall be taken except in accordance with this chapter.

(g) All matters relating to police interviews or arrests, or both, of students shall be administered in accordance with this chapter.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

8-19-5. Disciplinary actions; authority.
(a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.

(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

8-19-6. Prohibited student conduct; class offenses.
(h) The disciplinary action options of subsections (c) and (d) shall be construed as disciplinary actions within a school year.

(i) Disciplinary actions may be carried over to the following school year if the offense is committed within twenty school days from the last instructional day for students in that school year.

8-19-10. Duration of disciplinary actions.
(a) If the disciplinary action could not be imposed as result of the appeal process, the disciplinary action may be carried over to the next school year at any public school and does not include summer school.

(b) If the acts, which resulted in disciplinary action, was committed within twenty days from the last instructional day for students in the school year the disciplinary action may be carried over to the next school year at any public school and does not include summer school.

(c) This section shall not apply to firearm violations. Disciplinary action for firearm violations is a mandatory not less than one calendar year.
(d) Other than as described in subsections (a) and (b), no disciplinary action shall continue beyond the school year in which the action was committed.

**8-19-12. Disciplinary actions; authority.**
The summer school director or designee shall impose disciplinary action against any student attending summer school.

**Communication of policy**

**LAWS**

§302A-1133.5. **Parent and guardian accountability for compliance with student code of conduct.**

(a) The department shall inform all parents and guardians of the student code of conduct and of their responsibilities with respect to ensuring that their children comply with the code. The department also shall provide assistance and advice to parents and guardians in meeting their responsibilities under the code.

(Per written communication from Hawaii DOE personnel, the State of Hawaii requires annual dissemination of Chapter 19: Student Misconduct, Discipline, School Searchers and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism.)

§302A-1141.4. **Use of physical restraint limited; notification; policies and procedures; training; review.**

(e) The department shall make information relating to policies and procedures available on the department's website.

(f) If policy or procedural changes related to restraint are made during the school year, the department shall post the changes on its website immediately.

**REGULATIONS**

8-19-21. **Failure to report class A or class B offenses occurring in school; consequences.**

(a) The superintendent of education shall furnish an annual written notice to all schools and offices that failure to report class A or class B offenses occurring on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may result in disciplinary actions against responsible teachers, officials, or other employees of the department.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
"Crisis removal" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear, immediate threat to the physical safety of self or others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption…

"Truancy" means a student is absent from class(es) or the school campus without authorization from the principal or designee.

(a) A principal or designee, in an emergency, may crisis remove a student immediately based upon preliminary inquiry and findings that the student’s conduct presents a clear immediate threat to the physical safety of self or others or is so extremely disruptive as to make the student’s immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Use of corporal punishment

LAWS
§302A-1141. Punishment of pupils limited.
No physical punishment of any kind may be inflicted upon any pupil, except as provided for under sections 302A-1141.4 and 703-309(2).

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
"Search" means if after requesting the student to voluntarily relinquish the contraband item(s) and the student refuses and there are reasonable grounds to believe that the student has violated the law or provisions prohibited under this chapter, or if there is a health or safety issue with illicit drugs, dangerous weapons, dangerous instruments or firearms, or a combination of the foregoing, the school official may examine the contents and belongings which may include but are not limited to purses, fanny packs, backpacks, jackets, shoes, socks, or any other outer clothing.
"Seizure" means to take possession of the contraband item(s) that is or are uncovered during a search.

School lockers provided to the students on campus are subject to opening and inspection (and external dog sniffs) by school officials at any time with or without cause, provided that the searches are not because of the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation. Section 8-19-15 shall have no applicability to the opening and inspection (and external dog sniffs) of student lockers. None of the restrictions in sections 8-19-15 through 8-19-18 or related to general school searches and seizures shall in any way be construed to create an expectation of privacy in student §8-19-16 19-30 lockers. Students should assume that their lockers are subject to opening and inspection (and external dog sniffs) any time with or without cause.

Except as provided in section 8-19-14 regarding student lockers, students have a reasonable expectation of privacy in their persons on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property. Schools have an equally legitimate need to maintain order and an environment where learning can take place. In fulfilling this legitimate need, school officials may on occasions need to carry out searches and seizures on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property. As a general policy, except as provided in section 8-19-14 regarding student lockers, the searches and seizures are permissible if there are reasonable grounds to suspect, based on the attendant circumstances that the search will turn up evidence that the student or students have violated
or are violating either the law or the student conduct prohibited under this chapter. Searches and seizures conducted by school officials shall abide by the provisions of this subchapter.

8-19-16. Authority.
Except as provided in section 8-19-14 regarding student lockers, property may be searched if there are reasonable grounds to suspect, based on the attendant circumstances that the search will turn up evidence that student or students, or others on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property have violated the law or the provisions of this chapter. A school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons.

8-19-17. Conditions under which general school searches and seizures may be carried out.
(a) Except as provided in section 8-19-14 regarding student lockers searches and seizures may be carried out by school officials when all of the following conditions are met:
   (1) If at the time of the search, there are reasonable grounds to suspect based on the attendant circumstances that the search will turn up evidence that the student or students have violated the law or provisions prohibited under this chapter.
   (2) The manner in which the search is to be conducted is reasonably related to the purpose of the search.
   (3) The student who will be subjected to a search shall be informed of the purpose of the search and shall be given an opportunity to voluntarily relinquish the evidence sought by the school official.
(b) The principal or designee of the school shall be informed by the school official who will conduct the search that a search is to be conducted and of the purpose of the search unless it is an emergency where immediate action is necessary to protect the health or safety, or both of a person or persons.
(c) If more than one student is suspected of committing a violation, then, if practical and not a risk to health or safety, the school official conducting the search shall start with the student most suspected of having the item sought in the search.

Except as provided in section 8-19-14 regarding student lockers:
   (1) Random searches are prohibited.
   (2) Strip searches are prohibited.
   (3) A school official shall not conduct a search requiring bodily contact of a student except when such a search is necessary to prevent harm to the health or safety, or both of a person or persons.§8-19-19
   (4) In the course of a search, the use of force against a student is prohibited unless the school official believes that the force to be used is necessary to prevent harm to the health or safety, or both of a person or persons or where the student physically resists the search.
   (5) A search conducted under the provisions of this subchapter shall be limited to the object or objects for which the search was conducted. However, any other object observed during a search may be seized by a school official when possession of the object is a violation of law or the provisions of this chapter, or when non-seizure may pose a threat to the health or safety, or both of a person or persons, including the school official conducting the search.
Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

(a) Any child who possesses, sells, or uses a dangerous weapon or switchblade knife, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.
(b) Except as provided in subsection (f), any child who possesses, sells, consumes, or uses intoxicating liquor or illegal drugs, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.
(c) Except as provided in subsection (f), any child who reasonably appears to have consumed or used intoxicating liquor or illegal drugs prior to attending school or attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.
(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days and the school shall administer a substance use screening tool to determine whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes.

Grounds for mandatory suspension or expulsion

LAWS

§302A-1134. Exclusion from school.
(b) Any child who, while attending school, is found to be in possession of a firearm, shall be excluded from attending school for not less than one year. The due process procedures of chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may
modify the exclusion of a child found to be in possession of a firearm while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

8-19-5. Disciplinary actions; authority.
(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

8-19-6. Prohibited student conduct; class offenses.
(b) The superintendent or designee, on a case-by-case basis, may modify the dismissal of a student found to be in possession of a firearm.

(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] The principal or designee can approve suspensions of one to ten school days. The complex area superintendent shall approve suspensions exceeding ten school days. In exercising this discretion and determining disciplinary actions, the principal or designee shall consider, the nature and severity of the offense, the impact of the offense on others, the age of the offender, and if the offender is a repeat offender.

(f) No action amounting to serious discipline shall be imposed on students for committing class D offenses.

(g) No suspension or serious discipline shall be imposed on any student because of class cutting or truancy.

(e) A crisis removal shall not continue for more than ten school days, except when approved by the complex area superintendent during an appeal.
Administrative procedures related to suspension and expulsion

LAWS

§302A-1134. Exclusion from school.
(a) If for any reason a child becomes a detriment to the morals or discipline of any school, the child may be precluded from attending school by the principal, with the approval of the complex area superintendent. The department shall seek the active participation of other public and private agencies in providing help to these children before and after they have left school. An appeal may be taken on behalf of the child to the superintendent of education within ten days from the date of such action.

REGULATIONS

8-19-5. Disciplinary actions; authority.
(a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.
(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.
(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

8-19-7.1. Investigation.
(a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.
(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school’s investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation. The investigation shall be completed as quickly as possible. If the principal or designee elects to initiate proceedings for the imposition of serious discipline other than crisis removal, the principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal or designee’s reason(s) for the initiation of disciplinary proceedings.

8-19-8. Suspension.
(a) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the student may be suspended if the principal or designee finds that the findings are sustained. […]
(c) If the total number of days in any single semester for suspensions exceeds ten school days, the due process procedures of this chapter shall apply unless otherwise indicated by law.

8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.
(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that
serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

(b) Upon obtaining verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:

(1) The serious discipline incident,
(2) The opportunity to appeal, and
(3) That the disciplinary action will be implemented immediately.

(c) Within three school days of the verbal authorization from the complex area superintendent, the principal or designee shall mail a written notice of the serious discipline incident with the appeal form to the parent. A facsimile signature of or an electronic approval confirmation of the complex area superintendent on the serious discipline incident form is sufficient. The written notice of serious discipline shall contain the following statements:

(1) Allegations of the specific acts committed by the student that form the basis of the serious discipline;
(2) The allegations of the specific acts that were substantiated;
(3) A statement of the disciplinary action(s); and
(4) A statement that the parent has a right to an appeal to the complex area superintendent at which time the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel and to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.

(5) If the student or parent would like to file an appeal, the appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

For more information on appeal procedures, refer to §8-19-9 (d), (e) and (f)

In school suspension

LAWS

No relevant laws found.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.
(d) Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. Disciplinary action options may include the following:

(5) In-school suspension;
Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

(d) A student who is the subject of a crisis removal shall be permitted to resume attendance at school as soon as the crisis no longer exists.
(e) A crisis removal shall not continue for more than ten school days, except when approved by the complex area superintendent during an appeal.

Use of restraint and seclusion

LAWS

§302A-1141. Punishment of pupils limited.
No physical punishment of any kind may be inflicted upon any pupil, except as provided for under sections 302A-1141.4 and 703-309(2).

§302A-1141.3. Use of seclusion, chemical restraint, or mechanical restraint prohibited.
The use of seclusion, chemical restraint, or mechanical restraint shall be prohibited in public schools regardless of any consent of the student, parents, or guardians.

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.
(a) The use of physical restraint shall be prohibited in public schools unless a student's behavior poses an imminent danger of property damage or physical injury to the student, school personnel, or others and only for so long as the danger persists; provided that other less intrusive interventions have failed or been determined to be inappropriate for the student.
(b) No physical restraint may be imposed that is life threatening, including physical restraint that may restrict breathing.
(c) The board shall establish a policy regarding the use of restraint in public schools. The department shall establish procedures to be followed after each incident involving the imposition of restraint upon a student, including procedures to provide to the parent or legal guardian of the student:
   (1) An immediate verbal or electronic communication on the same day as each incident; and
   (2) Written notification within twenty-four hours of each incident.
(d) All parents and legal guardians of students shall receive, upon the student's entry into public school, written information issued by the department about policies and procedures for restraint. This written information shall include:
   (1) A brief summary describing the training received by public school staff in using restraint in facilities or programs;
   (2) Information describing board policy;
   (3) Information on the procedures for determining when restraint can and cannot be properly used in public school settings;
(4) Definitions of restraint;
(5) Information on the procedural safeguards that are in place to protect the rights of children and their parents or legal guardians;
(6) A description of the alignment of policies and procedures on restraint with applicable state laws or department rules;
(7) Information on the procedures for notifying parents and legal guardians when restraint has been used with their child; and
(8) Information on the procedures for notifying parents and legal guardians about any changes to policies and procedures on restraint.

(e) The department shall make information relating to policies and procedures available on the department's website.

(f) If policy or procedural changes related to restraint are made during the school year, the department shall post the changes on its website immediately.

(g) All public schools shall ensure that staff who use restraint in facilities or programs are trained, recertified, or trained and recertified on a periodic basis no less frequently than annually. Training shall include:

(1) Evidence-based techniques shown to be effective in the prevention of restraint;
(2) Evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing restraint;
(3) Evidence-based skills related to positive behavioral supports and interventions, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;
(4) A wide array of prevention and intervention modalities; and
(5) Information describing state policies and procedures that meet the minimum standards established by state statutes and administrative rules.

(h) No less than annually, there shall be a review of data on students at each public school who were restrained, which shall be conducted as directed by each complex area superintendent. The review shall determine whether:

(1) There are strategies in place to address the students with dangerous behaviors at issue;
(2) The strategies in place are effective in increasing appropriate behaviors of students with dangerous behaviors; and
(3) New strategies need to be developed or current strategies need to be revised or changed to prevent the reoccurrence of dangerous behaviors.

Patterns and trends in the data that are identified by the review shall be reported to the department.

(i) Each public school shall maintain records of its reviews of restraint data and any resulting decisions or actions regarding the use of restraint.

(j) The department shall review policies and procedures on the use of restraint, including by reviewing available data on such use, outcomes, settings, individual staff involvement, and programs, and the frequency of use for student populations categorized by: individual students; groups of students; gender; race; national origin; disability status and type of disability; and limited English proficiency, for the purposes of determining:

(1) Whether policies for restraint are being applied consistently;
(2) The accuracy and consistency with which restraint data is being collected, as well as the extent to which this data is being used to plan behavioral interventions and staff training;
(3) Whether policies and procedures are being implemented with fidelity;
(4) Whether policies and procedures continue to protect students; and
(5) Whether policies and procedures remain properly aligned with applicable state statutes and administrative rules and consistent with privacy laws.

(k) As used in this section:
"Behavior intervention plan" means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral supports and interventions.
"Chemical restraint" means a drug or medication used on a student to control behavior or restrict freedom of movement; provided that the term does not include a drug or medication that is:
(1) Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under state law, for the standard treatment of a student's medical or psychiatric condition; and
(2) Administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.
"Emergency situation" means a student's behavior that poses an imminent danger of property damage or physical injury to the student, school personnel, or others and only for so long as the danger persists.
"Mechanical restraint" means the use of devices as a means of restricting a student's freedom of movement or the ability to communicate in the student's primary language or mode of communication.
"Physical restraint" means a personal restriction, other than a chemical or mechanical restraint, that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely.
"Positive behavioral supports and interventions" means a systematic approach to embed evidence-based practices and data-driven decision-making to improve public school climate and culture and includes a range of systemic and individualized strategies to reinforce desired behaviors and diminish the reoccurrence of problem behaviors in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intense behavioral needs.
"Restraint" means:
(1) A mechanical restraint;
(2) A chemical restraint; or
(3) A physical restraint.
"Seclusion" means the confinement of a student alone in a room or structure from which the student is physically denied voluntary egress.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

§302A-1134. Exclusion from school.
(b) Any child who, while attending school, is found to be in possession of a firearm, shall be excluded from attending school for not less than one year. The due process procedures of chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or
other appropriate assistance shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.
(b) If a student is dismissed from school, that student shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11.
(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

8-19-11. Alternate educational activities and other assistance when students are found to be in violation of this chapter.
(a) The complex area superintendent shall ensure that alternate educational activities or active participation of the public or private agencies are provided as appropriate for all students who are crisis removed for a period exceeding ten school days or suspended for a period exceeding ten school days.
(b) For all students who are suspended for one to ten school days, the principal or designee may consider providing alternate educational activities based on student’s need.
(c) The Hawaii administrative rules for students with disabilities shall apply for students eligible under this chapter.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§302A-1134. Exclusion from school.
(b) Any child who, while attending school, is found to be in possession of a firearm, shall be excluded from attending school for not less than one year. The due process procedures of chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.
(b) Any student who possesses a firearm shall be dismissed from school for not less than one calendar year period. The possession or use of a firearm is prohibited on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property except for participation in athletic teams, clubs and/or Junior Reserve Officer Training Corp (JROTC) shooting sports programs and marksmanship training, education, and competitions. [The superintendent or designee, on a case-by-case basis, may modify the dismissal of a student found to be in possession of a firearm. If a student is dismissed from school, that student shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11.] [Bracketed info was also copied to Authority and Alternative Placements sections]

Other weapons

LAWS

(a) Any child who possesses, sells, or uses a dangerous weapon or switchblade knife, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.
(d) In any case of exclusion from school, the due process procedures as set forth in the provisions of Hawaii administrative rules relating to student discipline shall apply.
(e) If a child is excluded from attending school for more than ten days, the superintendent or the superintendent's designee shall ensure that substitute educational activities or other appropriate
assistance are provided, such as referral for appropriate intervention and treatment services, as determined by the principal in consultation with the appropriate school staff.

(g) For purposes of this section:

"Dangerous weapon" means a dirk, dagger, butterfly knife, blackjack, slug shot, billy, metal knuckles, or other instrument whose sole design and purpose is to inflict bodily injury or death; provided that firearms are excluded from this definition…

"Switchblade knife" is as defined in section 134-52.

(h) The board of education shall adopt rules in accordance with chapter 91 to implement this section.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days.

Students with chronic disciplinary issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§302A-1132. Attendance compulsory; exceptions.

(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least five years on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school. Attendance at a public or private school shall not be compulsory in the following cases:

(1) Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;
(2) Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent's authorized representative, or by a family court judge;
(3) Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school;
(4) Where the child has graduated from high school;
(5) Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent's authorized representative in accordance with the plans and policies of the department, or notification of intent to home school has been submitted to the principal of
the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result; or

(6) Where:

(A) The child has attained the age of sixteen years;
(B) The principal has determined that:
   
   (i) The child has engaged in behavior which is disruptive to other students, teachers, or staff; or
   (ii) The child's non-attendance is chronic and has become a significant factor that hinders the child's learning; and
   (C) The principal of the child's school, and the child's teacher or counselor, in consultation with the child and the child's parent, guardian, or other adult having legal responsibility for or care of the child, develops an alternative educational plan for the child. The alternative educational plan shall include a process that shall permit the child to resume school.

The principal of the child's school shall file the plan made pursuant to subparagraph (C) with the child's school record. If the adult having legal responsibility for or care of the child disagrees with the plan, then the adult shall be responsible for obtaining appropriate educational services for the child.

(b) Any employer who employs a child who is excused from school attendance in accordance with subsection (a)(2) shall notify the child's school within three days upon termination of the child's employment.

(c) Beginning with the 2014-2015 school year, any parent, guardian, or other person having the responsibility for, or care of, a child who will be at least five years of age on or before July 31 of the school year shall enroll the child in a public school kindergarten unless the child is enrolled at a private school or the child's attendance is otherwise exempt under this section.

§302A-1135. Penalty.

If any child of school age persists in absenting oneself from school, the family court judge, upon a proper petition, citation, or complaint being made by the schoolteacher or any other officer or agent of the department, or police officer, or any other person, shall cause the child, and the father or mother, guardian, or other person having charge of the child, to be summoned to appear before the judge. Upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, the responsible party shall be guilty of a petty misdemeanor. This section shall not apply to any child not liable to compulsory attendance at school.

§302A-1136. Enforcement.

The department shall be charged with the enforcement of sections 302A-1132 to 302A-1135. Nothing in this section shall relieve any chief of police or police officer of the chief's or officer's responsibility for the enforcement of these sections, but their enforcement shall be subject to the plans and policies of the department.

REGULATIONS

No relevant regulations found.
Substance use

LAWS

§302A-102. Smoking prohibited; exception.
All public schools within the State, from kindergarten through grade twelve, shall prohibit the use of tobacco at public schools or at public school functions.

(b) Except as provided in subsection (f), any child who possesses, sells, consumes, or uses intoxicating liquor or illegal drugs, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(c) Except as provided in subsection (f), any child who reasonably appears to have consumed or used intoxicating liquor or illegal drugs prior to attending school or attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(d) In any case of exclusion from school, the due process procedures as set forth in the provisions of Hawaii administrative rules relating to student discipline shall apply.

(e) If a child is excluded from attending school for more than ten days, the superintendent or the superintendent's designee shall ensure that substitute educational activities or other appropriate assistance are provided, such as referral for appropriate intervention and treatment services, as determined by the principal in consultation with the appropriate school staff.

(f) A child determined to be in violation of subsection (b) or (c) shall be subject to the department's disciplinary rules; provided that:

   (1) The school shall administer a screening tool approved by the department to determine whether there is a need for the child to be referred for a substance abuse assessment;

   (2) The child shall be allowed to return to school earlier than the department's original disciplinary determination; provided that the child gives the school evidence of the following:

      (A) A substance abuse assessment has been completed; and

      (B) The child is progressing toward clinical discharge from any substance abuse treatment or substance abuse counseling recommended by the substance abuse assessment;

   (3) If the substance abuse assessment finds that the child does not need substance abuse treatment or substance abuse counseling, the school may allow the child to return to school earlier than originally indicated; provided that:

      (A) The child provides a certified copy of the assessment; and

      (B) The child’s parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services to be provided by the department.

In determining whether to allow the child to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the offender is a repeat offender; and

   (4) For the child's first violation of subsection (b) or (c), if the child provides evidence of clinical discharge from the substance abuse treatment program or substance abuse counseling, all records of
disciplinary action relating to the original offense shall be expunged. For the purposes of this paragraph, "expunged" means the records of substance abuse assessment shall be segregated and kept confidential but shall be destroyed upon graduation of the child.

(g) For purposes of this section:

"Illegal drugs" means the possession, distribution, ingestion, manufacture, sale, or delivery of substances which are prohibited under chapter 329 and chapter 712, part IV.

(h) The board of education shall adopt rules in accordance with chapter 91 to implement this section.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days and the school shall administer a substance use screening tool to determine whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes.

Bullying, harassment, or hazing

LAWS

No relevant laws found.

REGULATIONS


"Bullying" means any written, verbal, graphic, or physical act that a student or group of students exhibits toward other particular student(s) and the behavior causes mental or physical harm to the other student(s); and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s)…

"Cyberbullying" means electronically transmitted acts, i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another student or employee of the department which causes mental or physical harm to the other student(s) or school personnel and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, or abusive educational environment:

(1) On campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;

(2) Through a department of education data system without department of education authorized communication; or

(3) Through an off campus computer network that is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or school personnel, or both […]
In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions, taken, whether the conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred. Electronic transmissions include but are not limited to the use of data, computer software that is accessed through a computer, a computer network system, other computerized systems, cellular phones or other similar electronic devices that display e-mail, text messaging, blogs, photos, drawings, video clips, on-line community websites, or faxes, or a combination of the foregoing […]

"Harassment" means a student who is harassing, bullying, including cyberbullying, annoying, or alarming another person by engaging in the following conduct that includes but is not limited to:

(1) Striking, shoving, kicking, or otherwise touching a person in an offensive manner or subjecting such person to offensive physical contact;

(2) Insulting, taunting, or challenging another person in a manner likely to provoke a violent response;

(3) Making verbal or non-verbal expressions that causes others to feel uncomfortable, pressured, threatened, or in danger because of reasons that include but are not limited to the person's race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student, or otherwise adversely affects the educational opportunity of a student or students;

(4) Name calling, making rude gestures, insulting, or teasing another person who feels humiliated, intimidated, threatened, or embarrassed;

(5) Making a telephone call without purpose of legitimate communication;

(6) Making repeated communications anonymously, or at extremely inconvenient hours, or in offensively coarse language on campus or, other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;

(7) Causing fear as to prevent others from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as, but is not limited to, restroom facilities; or

(8) Physically harming, physically restraining, threatening, or stalking, or a combination of the foregoing.

"Hazing" means any conduct or method of initiation into any student organization or activity, whether on campus or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property, which willfully or recklessly endangers the physical or mental health of any student. Such conduct shall include, but is not limited to whipping, beating, branding, forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug or other substance, indecent exposure, or any other treatment or forced physical activity which is likely to adversely affect the physical or mental health, or both, or safety of any student, or which subjects any student to extreme mental stress, including deprivation of sleep or rest, extended isolation, or personal humiliation.

8-19-6. Prohibited student conduct; class offenses.

(a) The following prohibited conduct applies to all students in the public school system, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

(2) Class B offenses:

(A) Bullying;

(B) Cyberbullying;

(G) Harassment;
(H) Hazing;

Other special infractions or conditions

LAWS

§302A-1153. Vandalism damage to public school property.
(a) Any pupil found to be responsible for an act of vandalism against any public school, building, facility, or ground shall make restitution in any manner, including monetary restitution by the pupil or pupil's parents, or guardian, or both.

This section shall be in addition to, and shall in no way limit the provisions of any other law concerning, offenses against property rights.

(b) No pupil, parent, or guardian shall be required to make restitution in any manner unless the pupil and the parents or guardian have been notified and have been given an opportunity to be heard, on any report of vandalism involving the pupil, and the pupil, parent, or guardian have executed a written agreement to make restitution.

(c) The principal of the school in which the vandalism occurred shall make or order an investigation of the vandalism. If after the investigation, the principal has reasonable cause to believe that a specific pupil is responsible for the vandalism, the principal shall schedule a conference with the pupil and the pupil's parents or guardian. Except for the principal of the school in which the vandalism occurred, the pupil and the parents or guardian, no other person shall be permitted to be in the conference for any reason.

(d) At the conference, the principal of the school in which the vandalism occurred shall present the findings of the investigation and the requirements of restitution to the pupil and parents or guardian.

If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made.

Agreements shall be made only for damages that do not exceed $3,500.

If restitution is made in this fashion, then no information about the investigation, conference, and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the findings made by the principal, the principal shall report the findings, including all the records and documents regarding the investigation and conference, to the complex area superintendent, who shall review the findings and may refer the matter to the attorney general for any further action pursuant to section 577-3.

(e) If the damages exceed $3,500, the principal shall report the matter to the complex area superintendent, who shall refer the matter to the attorney general for any further action pursuant to section 577-3.

(f) Notwithstanding any provisions in this section to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this section shall limit the right of the State to bring an action against any person to recover these damages.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.
(a) The following prohibited conduct applies to all students in the public school system, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.
(1) Class A offenses:
   (A) Assault;
   (B) Burglary;
   (C) Dangerous instrument, or substance; possession or use of;
   (D) Dangerous weapons; possession, or use of;
   (E) Drug paraphernalia; possession, use, or sale of;
   (F) Extortion;
   (G) Fighting;
   (H) Firearms; possession or use of;
   (I) Homicide;
   (J) Illicit drugs; possession, use, or sale of;
   (K) Intoxicating substances; possession, use, or sale of;
   (L) Property damage or vandalism;
   (M) Robbery;
   (N) Sexual offenses; or
   (O) Terroristic threatening.

(2) Class B offenses:
   (A) Bullying;
   (B) Cyberbullying;
   (C) Disorderly conduct;
   (D) False alarm;
   (E) Forgery;
   (F) Gambling;
   (G) Harassment;
   (H) Hazing;
   (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
   (J) Theft; or
   (K) Trespassing.

(3) Class C offenses:
   (A) Abusive language;
   (B) Class cutting;
   (C) Insobriety;
   (D) Laser pen/laser pointer; possession or use of;
   (E) Leaving campus without consent;
   (F) Smoking or use of tobacco substances; or
   (G) Truancy.

(4) Class D offenses:
   (A) Contraband; possession or use of;
   (B) Minor problem behaviors; or
   (C) Other school rules.
(i) Any other conduct as may be prescribed and prohibited by school rules. Individual school rules shall be published or made available for inspection at the school office and shall inform students, school staff, and parents of the prohibited conduct under class A through D of this section.

(ii) No disciplinary action amounting to serious discipline shall be imposed for violation of any individual school rule as a class D offense.

8-19-13. Prohibited student conduct; class offenses.

(a) The following prohibited conduct applies to all students in summer school during summer school hours, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

(1) Class A offenses:
   (A) Assault;
   (B) Burglary;
   (C) Dangerous instrument, or substance; possession or use of;
   (D) Dangerous weapons; possession or use of;
   (E) Drug paraphernalia; possession, use, or sale of;
   (F) Extortion;
   (G) Fighting;
   (H) Firearms; possession or use of;
   (I) Homicide;
   (J) Illicit drugs; possession, use, or sale of;
   (K) Intoxicating substances; possession, use, or sale of;
   (L) Property damage or vandalism;
   (M) Robbery;
   (N) Sexual offenses; or
   (O) Terroristic threatening.

(2) Class B offenses:
   (A) Bullying;
   (B) Cyberbullying;
   (C) Disorderly conduct;
   (D) False alarm;
   (E) Forgery;
   (F) Gambling;
   (G) Harassment;
   (H) Hazing;
   (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
   (J) Theft; or
   (K) Trespassing.

(3) Class C offenses:
   (A) Abusive language;
   (B) Class cutting;
(C) Insubordination;
(D) Laser pen/laser pointer; possession or use of;
(E) Leaving campus without consent;
(F) Smoking or use of tobacco substances; or
(G) Truancy.

(4) Class D offenses:
   (A) Contraband; possession or use of;
   (B) Minor problem behaviors; or
   (C) Other school rules.

(b) Class C and D offenses: A summer school student who commits two of any class C or D offense as defined in section 8-19-6 in the course of summer school shall receive a warning for the first offense and may be released from summer school for the second offense.

(c) Any student who commits a class A or class B offense shall be dismissed from summer school. The summer school director or designee shall notify and meet with the student and parent prior to dismissal from summer school. The summer school director shall file a report with the complex area superintendent and shall provide a copy to the parent.

(d) A summer school director or designee, in an emergency, may impose a crisis removal of a student immediately after finding that the student’s conduct presents an immediate clear threat to the physical safety of self or others or is so extremely disruptive as to make the student’s immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption. The summer school director or designee shall inform and meet with the student and parent prior to the student’s reinstatement in summer school. No student shall be reinstated without the meeting. The summer school director or designee shall file a report with the complex area superintendent and shall provide a copy to the parent.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS
No relevant laws found.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.

(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

(d) Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. Disciplinary action options may include the following:

(1) Correction and conference with student;
(2) Detention;
(3) Crisis removal;
(4) Individualized instruction related to student's problem behaviors;
(5) In-school suspension;
(6) Interim alternate education setting;
(7) Loss of privileges;
(8) Parent conferences;
(9) Time in office;
(10) Suspension of one to ten school days;
(11) Suspension of eleven or more school days;
(12) Saturday school;
(13) Disciplinary transfer;
(14) Referral to alternative education programs;
(15) Dismissal; or
(16) Restitution.
(e) Students shall be counseled in addition to any disciplinary action taken under subsections (c) and (d).

**Professional development**

**LAWS**

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(g) All public schools shall ensure that staff who use restraint in facilities or programs are trained, recertified, or trained and recertified on a periodic basis no less frequently than annually. Training shall include:

(1) Evidence-based techniques shown to be effective in the prevention of restraint;
(2) Evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing restraint;
(3) Evidence-based skills related to positive behavioral supports and interventions, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;
(4) A wide array of prevention and intervention modalities; and
(5) Information describing state policies and procedures that meet the minimum standards established by state statutes and administrative rules.

**REGULATIONS**

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§302A-1002. Reporting of crime-related incidents.
The board shall adopt rules pursuant to chapter 91 to:

(1) Require a report to appropriate authorities from a teacher, official, or other employee of the department who knows or has reason to believe that an act has been committed or will be committed, which:

(A) Occurred or will occur on school property during school hours or during activities supervised by the school; and,

(B) Involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, marijuana or marijuana concentrate, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass;

(2) Establish procedures for disposing of any incident reported; and

(3) Impose, in addition to any other powers or authority the department may have to discipline school officials, appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion, and discharge of school officials.

§302A-1134. Exclusion from school.

(b) Any child who, while attending school, is found to be in possession of a firearm, shall be excluded from attending school for not less than one year. The due process procedures of chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

REGULATIONS

8-19-7.1. Investigation.

(b) The investigation shall be completed as quickly as possible. If the principal or designee elects to initiate proceedings for the imposition of serious discipline other than crisis removal, the principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal or designee’s reason(s) for the initiation of disciplinary proceedings.

8-19-8. Suspension.

(d) A copy of the [parental suspension] notice shall be mailed to the complex area superintendent.
8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.

(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.


(a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the department from reporting class C or class D offenses to the principal or designee.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) The principal or designee shall record the incident information into the department’s electronic database system within five school days of the reported offense.

(d) The principal or designee shall notify the reporting teacher, official, or other employee, of the disciplinary action, if any, taken on the class offense(s) within five school days after the incident is reported in accordance with subsection (c).

Parental notification

LAWS

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(d) All parents and legal guardians of students shall receive, upon the student's entry into public school, written information issued by the department about policies and procedures for restraint. This written information shall include:

(1) A brief summary describing the training received by public school staff in using restraint in facilities or programs;
(2) Information describing board policy;
(3) Information on the procedures for determining when restraint can and cannot be properly used in public school settings;
(4) Definitions of restraint;
(5) Information on the procedural safeguards that are in place to protect the rights of children and their parents or legal guardians;
(6) A description of the alignment of policies and procedures on restraint with applicable state laws or department rules;
(7) Information on the procedures for notifying parents and legal guardians when restraint has been used with their child; and
(8) Information on the procedures for notifying parents and legal guardians about any changes to policies and procedures on restraint.

§302A-1153. Vandalism damage to public school property.

(a) Any pupil found to be responsible for an act of vandalism against any public school, building, facility, or ground shall make restitution in any manner, including monetary restitution by the pupil or pupil's parents, or guardian, or both.

This section shall be in addition to, and shall in no way limit the provisions of any other law concerning, offenses against property rights.

(b) No pupil, parent, or guardian shall be required to make restitution in any manner unless the pupil and the parents or guardian have been notified and have been given an opportunity to be heard, on any report of vandalism involving the pupil, and the pupil, parent, or guardian have executed a written agreement to make restitution.

(c) The principal of the school in which the vandalism occurred shall make or order an investigation of the vandalism. If after the investigation, the principal has reasonable cause to believe that a specific pupil is responsible for the vandalism, the principal shall schedule a conference with the pupil and the pupil's parents or guardian. Except for the principal of the school in which the vandalism occurred, the pupil and the parents or guardian, no other person shall be permitted to be in the conference for any reason.

(d) At the conference, the principal of the school in which the vandalism occurred shall present the findings of the investigation and the requirements of restitution to the pupil and parents or guardian. If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made.

Agreements shall be made only for damages that do not exceed $3,500. If restitution is made in this fashion, then no information about the investigation, conference, and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the findings made by the principal, the principal shall report the findings, including all the records and documents regarding the investigation and conference, to the complex area superintendent, who shall review the findings and may refer the matter to the attorney general for any further action pursuant to section 577-3.

(e) If the damages exceed $3,500, the principal shall report the matter to the complex area superintendent, who shall refer the matter to the attorney general for any further action pursuant to section 577-3.

(f) Notwithstanding any provisions in this section to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this section shall limit the right of the State to bring an action against any person to recover these damages.

REGULATIONS

8-19-6. Prohibited student conduct; class offenses.

(c) For "any student who possesses, sells, or uses [...] intoxicating substance(s), or illicit drug(s) while attending school [...] [or [...] who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property, [...] the school administrator shall comply with the provisions of this chapter by conducting an
investigation of the reported incident and inform the parent of the disciplinary action. In addition, the school administrator shall arrange for the student to be screened by a trained screener. The designated screener will summarize the results with the student, and inform the school administrator of the results. The school administrator shall then inform the family of the screening results, the early return provisions of the law, and provide a contact list of medical insurance agencies that conduct substance abuse assessments."


(b) Upon imposition of a crisis removal, schools shall make a good faith effort to inform the parent immediately by telephone.

(c) A follow-up written notice of the crisis removal shall be personally delivered or mailed to the parent. The notice of the crisis removal shall contain the following written statements:

1. Allegations of the specific acts committed by the student that form the basis of the crisis removal;
2. The allegations of the specific acts that were substantiated;
3. A statement of the disciplinary action(s); and
4. A statement of a conference date, time, and place offered by the school administration to meet with the parent.

8-19-7.1. Investigation.

(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school’s investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation.

(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given an opportunity to present the student’s version of the incident.

8-19-8. Suspension.

(a) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the … principal or designee shall inform the parent in writing of the findings and the disciplinary actions.

(b) If the student or parent denies the charge(s), the principal or designee shall indicate to the student and parent what evidence school authorities have to support the findings of the school official. The student or parent, or both shall be given an opportunity to present the student’s version of the incident. However, where the student is unable to understand the seriousness of the charges, the nature of the proceedings, and consequences thereof, or is of such age, intelligence or experience as to make meaningful discussion difficult, the principal or designee shall request that the parent be present to participate in the discussion.

(d) The parent shall be given verbal notice of any suspension regardless of its length. Prior notice for suspension shall be by telephone, if feasible, and the written notice personally delivered or mailed to the parent upon completion of the investigation. The suspension notice shall contain the following written statements:

1. Allegations of the specific acts committed by the student that form the basis of the suspension;
2. The allegations of the specific acts that were substantiated;
(3) A statement of the disciplinary action(s); and
(4) A statement of a conference date, time, and place offered by the school administration to meet with the parent.

In addition to the notice required by this subsection, the principal shall attempt to confirm the notice by telephoning the parent.

8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.

(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

(b) Upon obtaining verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:

1. The serious discipline incident,
2. The opportunity to appeal, and
3. That the disciplinary action will be implemented immediately.

(c) Within three school days of the verbal authorization from the complex area superintendent, the principal or designee shall mail a written notice of the serious discipline incident with the appeal form to the parent. A facsimile signature of or an electronic approval confirmation of the complex area superintendent on the serious discipline incident form is sufficient. The written notice of serious discipline shall contain the following statements:

1. Allegations of the specific acts committed by the student that form the basis of the serious discipline;
2. The allegations of the specific acts that were substantiated;
3. A statement of the disciplinary action(s); and
4. A statement that the parent has a right to an appeal to the complex area superintendent at which time the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel and to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.

5. If the student or parent would like to file an appeal, the appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

For more information on appeal procedures, refer to §8-19-9 (d), (e) and (f)


(a) Police officers may appear at a school to question a student. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student. If permission to interview a student is to be granted, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is conducted. The interview may be conducted if the principal or designee is unable to inform the parent or if the parent is informed and declines to be present, or if after a reasonable period of time after the notice is given the parent fails to appear at school for the police interview.
(b) The principal or designee shall be present during a police interview unless excluded by the police officer.

(c) If a student is arrested, the principal or designee shall follow the procedures prescribed in section 8-19-24.

Reporting and referrals between schools and law enforcement

LAWS

§302A-1135. Penalty.
If any child of school age persists in absenting oneself from school, the family court judge, upon a proper petition, citation, or complaint being made by the schoolteacher or any other officer or agent of the department, or police officer, or any other person, shall cause the child, and the father or mother, guardian, or other person having charge of the child, to be summoned to appear before the judge. Upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, the responsible party shall be guilty of a petty misdemeanor. This section shall not apply to any child not liable to compulsory attendance at school.

§302A-1136. Enforcement.
The department shall be charged with the enforcement of sections 302A-1132 to 302A-1135. Nothing in this section shall relieve any chief of police or police officer of the chief's or officer's responsibility for the enforcement of these sections, but their enforcement shall be subject to the plans and policies of the department.

§302A-1137. Attendance records; availability to authorized police officers.
Dates of attendance of a student shall be made available to authorized police officers upon request.

REGULATIONS

(b) [...] The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(a) Police officers may appear at a school to question a student. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student. If permission to interview a student is to be granted, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is conducted. The interview may be conducted if the principal or designee is unable to inform the parent or if the parent is informed and declines to be present, or if after a reasonable period of time after the notice is given the parent fails to appear at school for the police interview.

(b) The principal or designee shall be present during a police interview unless excluded by the police officer.

(c) If a student is arrested, the principal or designee shall follow the procedures prescribed in section 8-19-24.
8-19-23. Police interviews in school for non-school-related offenses.
(a) Police officers shall contact the school and advise the principal or designee of the nature and circumstances of the visit. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student.
(b) Prior to any interview, the principal or designee shall inform the parent of the right to be present while the police interview is conducted. The interview can take place upon obtaining verbal consent from the parent. The notification and consent requirements of this subsection shall not be followed if the nature of the interview involves child abuse or other offenses where a parent or household member is suspected of committing an offense against the student.
(c) The principal or designee shall keep a log and record the student’s name, the date of the police interview, and the police officer’s name and badge number and police report number if available.
(d) If the student is arrested by the police, the principal or designee shall follow the procedure prescribed in section 8-19-24.

Police shall be directed to the principal or designee. Whenever possible the student shall be sent to the principal’s office for the police officer to effect the pending arrest. Upon police arrival to arrest a student, the principal or designee shall make a good faith effort to inform the parent.

Disclosure of school records

LAWS

§302A-1137. Attendance records; availability to authorized police officers.
Dates of attendance of a student shall be made available to authorized police officers upon request.

REGULATIONS
No relevant regulations found.

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

LAWS

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.
(h) No less than annually, there shall be a review of data on students at each public school who were restrained, which shall be conducted as directed by each complex area superintendent. The review shall determine whether:
(1) There are strategies in place to address the students with dangerous behaviors at issue;
(2) The strategies in place are effective in increasing appropriate behaviors of students with dangerous behaviors; and
(3) New strategies need to be developed or current strategies need to be revised or changed to prevent the reoccurrence of dangerous behaviors.
Patterns and trends in the data that are identified by the review shall be reported to the department.
(i) Each public school shall maintain records of its reviews of restraint data and any resulting decisions or actions regarding the use of restraint.

(j) The department shall review policies and procedures on the use of restraint, including by reviewing available data on such use, outcomes, settings, individual staff involvement, and programs, and the frequency of use for student populations categorized by: individual students; groups of students; gender; race; national origin; disability status and type of disability; and limited English proficiency, for the purposes of determining:

1. Whether policies for restraint are being applied consistently;
2. The accuracy and consistency with which restraint data is being collected, as well as the extent to which this data is being used to plan behavioral interventions and staff training;
3. Whether policies and procedures are being implemented with fidelity;
4. Whether policies and procedures continue to protect students; and
5. Whether policies and procedures remain properly aligned with applicable state statutes and administrative rules and consistent with privacy laws.

REGULATIONS


(a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the department from reporting class C or class D offenses to the principal or designee.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) The principal or designee shall record the incident information into the department’s electronic database system within five school days of the reported offense.

(d) The principal or designee shall notify the reporting teacher, official, or other employee, of the disciplinary action, if any, taken on the class offense(s) within five school days after the incident is reported in accordance with subsection (c).
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

§302A-1003. Indemnity upon reporting.
The State shall indemnify and hold harmless anyone participating in good faith in making a report pursuant to section 302A-1002 from any civil liability that might otherwise be incurred or imposed by, or as a result of, the making of the report.

REGULATIONS

8-19-20. Indemnity upon reporting class A and class B offenses.
Any teacher, official, or other employee of the department who in good faith reports as required under §8-19-19 shall be indemnified and held harmless in accordance with section 302A-1003, Hawaii Revised Statutes.

8-19-25. Liability for vandalism.
(a) When any student is found to be responsible for an act of vandalism against any public school building, facility, or ground, restitution shall be made by the student or parent. There shall be no restitution when vandalism cannot be proved to have been committed by the student.

Community input or involvement

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
(a) Whenever a principal or designee has reason to believe that a student may be responsible for an act of vandalism against any public school building, facility or ground, the principal or designee shall immediately initiate an investigation.

(b) If the vandalism is an act which subjects the student to disciplinary action under this chapter, the principal or designee shall include as part of the investigation required under sections 8-19-7, 8-19-8, 8-19-9, and 8-19-10, a determination of the facts and circumstances that support restitution under this subchapter. Further action related to restitution shall be held in abeyance until disciplinary action has been determined and appeal procedures have been exhausted.
(c) If after the investigation, the principal or designee has reason to believe that a student is responsible for the vandalism, the principal or designee shall schedule a conference with the student and parent. Attendance at the conference shall be limited to the principal or designee, student, and parent.

(d) Advance written notice of the conference shall be made on departmental forms, which shall be delivered by mail to the parent. No student or parent shall be required to make restitution in any manner unless the parent has been notified and has been given an opportunity to be heard. The notice shall inform the parent of the findings and the date, time, and location of the conference. The notice shall be mailed at least fifteen calendar days before the date of the conference. When necessary to achieve effective communication the notice shall be provided in the native language of the parent. The school may use other means of communication, such as the telephone, to augment the written communication between the school and the parent. […]
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Hawaii provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<th>Title</th>
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<td><strong>Website</strong></td>
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<tr>
<td>Anti-Bullying Work, Hawaii State Department of Education (HIDOE)</td>
<td>Provides information on bullying, including definitions of bullying behavior, state approaches to bullying prevention and response, and information on featured bullying prevention programs.</td>
<td><a href="http://www.hawaiipublicschools.org/ParentsAndStudents/AntiBullyingWork/Pages/home.aspx">http://www.hawaiipublicschools.org/ParentsAndStudents/AntiBullyingWork/Pages/home.aspx</a></td>
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<td>Internet Safety, HIDOE</td>
<td>Provides information on Internet safety including an instructional video, links to Acceptable Use Guidelines, information on digital citizenship, and recommendations for how to handle bullying or threatening messages.</td>
<td><a href="http://www.hawaiipublicschools.org/ParentsAndStudents/AntiBullyingWork/Pages/Internet-safety.aspx">http://www.hawaiipublicschools.org/ParentsAndStudents/AntiBullyingWork/Pages/Internet-safety.aspx</a></td>
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<td>Safety at School, HIDOE</td>
<td>Provides an overview of school safety and describes the approach used to maintain the safety and security of school environments. Includes links to Board of Education policies and resources to support children.</td>
<td><a href="http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/FacilitiesandOperations/SafetySecurityEmergency/SafetyAtSchool/Pages/home.aspx">http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/FacilitiesandOperations/SafetySecurityEmergency/SafetyAtSchool/Pages/home.aspx</a></td>
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<tr>
<td>Emergencies, HIDOE</td>
<td>Provides information on the Department’s comprehensive safety system, including links to information on bullying prevention, Internet safety, emergency response, and other school safety procedures.</td>
<td><a href="http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/FacilitiesandOperations/SafetySecurityEmergency/Emergencies/Pages/home.aspx">http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/FacilitiesandOperations/SafetySecurityEmergency/Emergencies/Pages/home.aspx</a></td>
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<tr>
<td>Whole-Child Supports, HIDOE</td>
<td>Provides information and literature on the Comprehensive Student Support Systems. Provides information on Social-emotional learning, student services coordinator, and staff resources.</td>
<td><a href="http://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/Supports/Pages/home.aspx">http://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/Supports/Pages/home.aspx</a></td>
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<td><strong>Documents</strong></td>
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<td>Nā Hopena A‘o Statements: HĀ: BREATH (November 2015), HIDOE</td>
<td>Culturally-based framework emphasizing the development of six key competencies, including sense of belonging, responsibility, excellence, aloha, total wellbeing, and Hawai‘i.</td>
<td><a href="http://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/HawaiianEducation/Pages/HA.aspx">http://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/HawaiianEducation/Pages/HA.aspx</a></td>
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<tr>
<td><strong>Other Resources</strong></td>
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<td>Speak Now HIDOE; Anti-Bullying Reporting App, HIDOE</td>
<td>Anonymous reporting tool for students to report incidents of bullying in schools.</td>
<td><a href="https://speaknowhidoe.com/">https://speaknowhidoe.com/</a></td>
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<td>Youth Risk Behavior Survey, Hawaii Health Data Warehouse, Health Reports and Data</td>
<td>Data dashboard providing access to state and county level reports summarizing data from the Youth Risk Behavior Survey. The survey monitors six categories of priority health risk behaviors among youth and young adults.</td>
<td><a href="http://hhdw.org/health-reports-data/data-source/yrbs-reports/">http://hhdw.org/health-reports-data/data-source/yrbs-reports/</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

33-133. Definitions - Student data - Use and limitations - Penalties.
(4) The state board of education shall adopt rules to implement the provisions of this act.

33-205. Denial of school attendance.
The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

33-512. Governance of schools.
The board of trustees of each school district shall have the following powers and duties:

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

In the absence of any statute or rule or regulation of the board of trustees, any teacher employed by a school district shall have the right to direct how and when each pupil shall attend to his appropriate duties, and the manner in which a pupil shall demean himself while in attendance at the school. It is the duty of a teacher to carry out the rules and regulations of the board of trustees in controlling and maintaining discipline, and a teacher shall have the power to adopt any reasonable rule or regulation to control and maintain discipline in, and otherwise govern, the classroom, not inconsistent with any statute or rule or regulation of the board of trustees.

33-1612. Thorough system of public schools.
The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

REGULATIONS
No relevant regulations found.

Scope

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

33-512. Governance of schools.
The board of trustees of each school district shall have the following powers and duties:

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

33-1631. Requirements for harassment, intimidation and bullying information and professional development.

(1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.
33-6002. Annual notice of parental rights.
School districts and the boards of directors of public charter schools shall annually notify a parent or guardian of a student enrolled in the school district or public charter school of the parent’s or guardian’s rights as specified in this chapter.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

33-1631. Requirements for harassment, intimidation and bullying information and professional development.

(3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Use of student and locker searches

LAWS

18-3302D. Possessing weapons or firearms on school property.
(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

33-205. Denial of school attendance.
The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant (see 33-206), or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

33-205. Denial of school attendance.
Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge.
A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils’ health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.


REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

33-205. Denial of school attendance.
Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge.

A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils’ health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

33-205. Denial of school attendance.
Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

18-3302D. Possessing weapons or firearms on school property.
(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars ($1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

Every public school district in this state within which is located a detention facility housing juvenile offenders pursuant to court order shall provide, subject to rules of the state board of education, instruction in accredited courses, by a certified instructor, for the juvenile offenders under twenty-one (21) years of age who are housed in the detention facility for juvenile offenders, and shall upon satisfactory completion of required public school courses or correspondence course from a state institution of higher learning in Idaho, issue credits or a diploma evidencing such achievement. Every student served by a public school district pursuant to this section shall be counted as an exceptional child by the district for purposes of state reimbursement.

REGULATIONS

08.02.03.110. Alternative secondary programs.

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours.

01. Student Qualifications. An at-risk youth is any secondary student grade six through twelve (6-12) who meets any three (3) of the following criteria, Subsections 110.01.a. through 110.01.g., or any one (1) of criteria in Subsections 110.01.h. through 110.01.n.

a. Has repeated at least one (1) grade.
   b. Has absenteeism that is greater than ten percent (10%) during the preceding semester.
   c. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program.
   d. Has failed one (1) or more academic subjects in the past year.
   e. Is below proficient, based on local criteria or standardized tests, or both.
   f. Is two (2) or more credits per year behind the rate required to graduate or for grade promotion.
   g. Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment.
   h. Has documented or pattern of substance abuse.
   i. Is pregnant or a parent.
   j. Is an emancipated youth or unaccompanied youth.
   k. Is a previous dropout.
   l. Has serious personal, emotional, or medical issue(s).
   m. Has a court or agency referral.
   n. Demonstrates behavior that is detrimental to their academic progress.

02. Instruction. Special instruction courses for at-risk youth enrolled in an alternative secondary program will include:

a. Core academic content that meets or exceeds minimum state standards;

b. A physical fitness and personal health component;
c. Career and technical education component approved by the state division of career technical education;
d. A personal finance, parenting, and child care component; and
e. A personal and career counseling component.

03. Graduation Credit. Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences.

04. Special Services. Special services for at-risk youth enrolled in alternative secondary programs include the following where appropriate:

a. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider.
b. Direct social services that may include officers of the court, social workers, counselors/psychologists.
c. All services in accordance with the student’s Individualized Education Program.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

18-3302D. Possessing weapons or firearms on school property.

(1)(a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school-sponsored activity, program or event regardless of location.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means any weapon as defined in 18 U.S.C. 930;

(b) "Firearm" means any firearm as defined in 18 U.S.C. 921;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Possess" means to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school, or onto a vehicle being used for school-provided transportation, or to exercise dominion and control over an object located anywhere on such property or vehicle. For purposes of subsection (1)(b) of this section, "possess" shall also mean to bring an object onto the site of a school-sponsored activity, program or event, regardless of location, or to exercise dominion and control over an object located anywhere on such a site;

(e) "School" means a private or public elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

(b) A qualified retired law enforcement officer licensed under section 18-3302H, Idaho Code;

(c) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, an event, activity or other circumstance approved by the board of trustees or governing board;

(d) A person or persons complying with the provisions of section 19-202A, Idaho Code;

(e) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;

(f) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity; or
(g) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars ($1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

33-205. Denial of school attendance.
Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

18-3302I. Threatening violence upon school grounds - Firearms and other deadly or dangerous weapons.
(1)(a) Any person, including a student, who willfully threatens by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

(a) “Deadly or dangerous weapon” means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) “On school grounds” means in or on property owned or operated by a school district, public charter school or private school.

REGULATIONS
No relevant regulations found.
Students with chronic disciplinary issues

LAWS

33-205. Denial of school attendance. 
The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil [...] who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils [...] 

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

33-201. School age. 
The services of the public schools of this state are extended to any acceptable person of school age. "School age" is defined as including all persons resident of the state, between the ages of five (5) and twenty-one (21) years. For the purposes of this section, the age of five (5) years shall be attained when the fifth anniversary of birth occurs on or before the first day of September of the school year in which the child is to enroll in kindergarten. For a child enrolling in the first grade, the age of six (6) years must be reached on or before the first day of September of the school year in which the child is to enroll. Any child of the age of five (5) years who has completed a private or public out-of-state kindergarten for the required four hundred fifty (450) hours but has not reached the "school age" requirement in Idaho shall be allowed to enter the first grade.

For resident children with disabilities who qualify for special education and related services under the federal individuals with disabilities education act (IDEA) and subsequent amendments thereto, and applicable state and federal regulations, "school age" shall begin at the attainment of age three (3) and shall continue through the semester of school in which the student attains the age of twenty-one (21) years.

33-205. Denial of school attendance. 
The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant [...] 

33-206. Habitual truant defined. 
(1) An habitual truant is:
   (a) Any public school pupil who, in the judgment of the board of trustees, or the board's designee, repeatedly has violated the attendance regulations established by the board; or
   (b) Any child whose parents or guardians, or any of them, have failed or refused to cause such child to be instructed as provided in section 33-202, Idaho Code.
(2) A child who is an habitual truant shall come under the purview of the juvenile corrections act if he or she was within the age of compulsory attendance at the time of the violations.
REGULATIONS
No relevant regulations found.

Substance use

LAWS

33-210. Students using or under the influence of alcohol or controlled substances.
(2) In addition to policies adopted pursuant to this section, students may, at the discretion of the district board of trustees or governing board of a charter school, be subject to other disciplinary or safety policies, regardless whether the student voluntarily discloses or is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of district or charter school policy or section 37-2732C, Idaho Code.

(5) For the purposes of this section, the following definitions shall apply:
(a) "Reasonable suspicion" means an act of judgment by a school employee or independent contractor of an educational institution which leads to a reasonable and prudent belief that a student is in violation of school board or charter school governing board policy regarding alcohol or controlled substance use, or the "use" or "under the influence" provisions of section 37-2732C, Idaho Code. Said judgment shall be based on training in recognizing the signs and symptoms of alcohol and controlled substance use.
(b) "Intentionally harass" means a knowing and willful course of conduct directed at a specific student which seriously alarms, annoys, threatens or intimidates the student and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.
(c) "Course of conduct" means a pattern or series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally and statutorily protected activity is not included within the meaning of "course of conduct."

See also "Scope" and "Parental notification" for policy guidance relating to "Students using or under the influence of alcohol or controlled substances."

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

18-917. Hazing.
(1) No student or member of a fraternity, sorority or other living or social student group or organization organized or operating on or near a school or college or university campus, shall intentionally haze or conspire to haze any member, potential member or person pledged to be a member of the group or organization, as a condition or precondition of attaining membership in the group or organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:
(a) Total or substantial nudity on the part of the person;
(b) Compelled ingestion of any substance by the person;
(c) Wearing or carrying of any obscene or physically burdensome article by the person;
(d) Physical assaults upon or offensive physical contact with the person;
(e) Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
(f) Transportation and abandonment of the person;
(g) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;
(h) Sleep deprivation; or
(i) Assignment of pranks to be performed by the person.

(3) The term "hazing," as defined in this section, does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(4) A student or member of a fraternity, sorority or other student organization, who personally violates any provision of this section shall be guilty of a misdemeanor.

18-917A. Student harassment - Intimidation - Bullying.
(1) No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:
   (i) Harming a student; or
   (ii) Damaging a student’s property; or
   (iii) Placing a student in reasonable fear of harm to his or her person; or
   (iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a landline, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

33-512. Governance of schools.
The board of trustees of each school district shall have the following powers and duties:

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;
33-1631. Requirements for harassment, intimidation and bullying information and professional
development.

(1) School districts and charter schools shall undertake reasonable efforts to ensure that information on
harassment, intimidation and bullying of students is disseminated annually to all school personnel,
parents and students, including an affirmation that school personnel are authorized and expected to
intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

(2) School districts and charter schools shall provide ongoing professional development to build skills of
all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The
state board shall promulgate rules regarding the content of the professional development required by this
subsection.

(3) District policies shall include a series of graduated consequences that may include, but are not limited
to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site
suspension and expulsion for any student who commits an act of bullying, intimidation, harassment,
violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

(4) Annually school districts shall report bullying incidents to the state department of education in a format
set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to
be made and a procedure for a teacher or other school employee, student, parent, guardian or other
person to report or otherwise provide information on bullying activity.

REGULATIONS

08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.

01. Dissemination of Information. School districts and charter schools shall make reasonable efforts to
ensure that information on harassment, intimidation and bullying of students is disseminated annually to
all school personnel, parents and students. Effective date (3-29-17)

02. Professional Development. The content of ongoing professional development for school staff related
to bullying, harassment and intimidation shall include: Effective date (3-29-17)

   a. School philosophy regarding school climate and student behavior expectations; Effective date (3-29-
      17)

   b. Definitions of bullying, harassment, and intimidation; Effective date (3-29-17)

   c. School prevention strategies or programs including the identification of materials to be distributed
      annually to students and parents; Effective date (3-29-17)

   d. Expectations of staff intervention for bullying, harassment, and intimidation; Effective date (3-29-17)

   e. School process for responding to bullying, harassment, and intimidation including the reporting
      process for students and staff, investigation protocol, the involvement of law enforcement, related
      student support services and parental involvement; and Effective date (3-29-17)

   f. Other topics as determined appropriate by the school district or charter school. Effective date (3-29-
      17)

03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying,
harassment, and intimidation shall include a series of measures proportional to the act(s) committed and
appropriate to the severity of the violation as determined by the school board of trustees, school
administrators, or designated personnel depending upon the level of discipline. Graduated consequences
should be in accordance with the nature of the behavior, the developmental age of the student, and the
student’s history of problem behaviors and performance. Effective date (3-29-17)

   a. Graduated consequences may include, but are not limited to: Effective date (3-29-17)

      i. Meeting with the school counselor; Effective date (3-29-17)
ii. Meeting with the school principal and student’s parents or guardian; Effective date (3-29-17)

iii. Detention, suspension or special programs; and Effective date (3-29-17)

iv. Expulsion. Effective date (3-29-17)

b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services or to law enforcement, or both, pursuant to Section 18-917A, Idaho Code. Effective date (3-29-17)

c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. Effective date (3-29-17)

04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: Effective date (3-29-17)

a. Correct the problem behavior; Effective date (3-29-17)

b. Prevent another occurrence of the problem; Effective date (3-29-17)

c. Protect and provide support for the victim of the act; and Effective date (3-29-17)

d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Effective date (3-29-17)

05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. Effective date (3-29-17)

Other special infractions or conditions

LAWS

20-509. Violent offenses, controlled substances violations near schools and offenders.

(1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

(a) Murder of any degree or attempted murder;

(b) Robbery;

(c) Rape as defined in section 18-6101, Idaho Code;

(d) Male rape as defined in section 18-6108, Idaho Code;

(e) Forcible sexual penetration by the use of a foreign object;

(f) Infamous crimes against nature, committed by force or violence;

(g) Mayhem;

(h) Assault or battery with the intent to commit any of the above serious felonies;

(i) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or
secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(j) Arson in the first degree and aggravated arson; shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

33-512. Governance of schools.
The board of trustees of each school district shall have the following powers and duties:

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor;

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

33-1605. Health and physical fitness - Effects of alcohol, tobacco, stimulants, and narcotics.
In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

16-2404A. Teen early intervention mental health and substance abuse specialist program.
(1) The department of health and welfare shall be authorized to contract for teen early intervention specialists to work with teens at risk and their families in school districts.
(2) The teen early intervention specialist shall be a certified counselor or a social worker with a clinical background in mental health or substance abuse as prescribed by the department of health and welfare by rule.
(3) The salary paid to the teen early intervention specialist shall be equivalent to the salary paid to comparably trained and experienced individuals employed by the school district in the region in which the community resource is employed.
(4) Teen early intervention specialists shall work with individual teens at risk to offer group counseling, recovery support, suicide prevention and other mental health and substance abuse counseling services to teens as needed, regardless of mental health diagnosis.
(5) By permission of school administrators, as prescribed in rule, teens at risk not currently enrolled in a public school may, if assigned by a judge, participate in group or individual teen early intervention specialist counseling sessions or services for teens at risk as appropriate.
(6) School districts seeking to have one (1) or more teen early intervention specialists placed within its district may apply to the department of health and welfare for such placement. The department of health and welfare shall establish by rule a simple application process and criteria for placement of teen early intervention specialists in districts. The number of teen early intervention specialists placed in school districts in any given year shall be limited by the funds appropriated to the teen early intervention specialist program in that fiscal year. In evaluating applications for the three (3) year pilot project, the department of health and welfare shall give special consideration to rural districts and shall consider:
   (a) The demonstrated need for mental health and substance abuse counseling and treatment for teens at risk in the school district;
   (b) The resources and cooperation which the school district has proposed to contribute to the support of the teen early intervention specialist program for teens at risk; and
(c) The funding appropriated to the teen early intervention specialist program for teens at risk.

(7) Through an initial three (3) year period beginning at the start of the 2008 school year, the department of health and welfare shall work with local school districts where teen early intervention specialists have been placed to gather data on the effectiveness of this program. This data may be gathered and tracked through cooperative projects with Idaho colleges and universities and may include, but not be limited to:

(a) Impacts on the number and nature of teen arrests;
(b) Reductions in the number of teen suicides and suicide attempts;
(c) Changes in patterns of teen incarceration or involvement with Idaho's juvenile justice system;
(d) Impacts on local caseloads of practitioners in the department of health and welfare;
(e) Where applicable, impacts to juvenile mental health or drug courts;
(f) Changes in academic achievement by teens at risk and by those participating in the teen early intervention specialist program; and
(g) Changes in the number and nature of student disciplinary actions in schools where teen early intervention specialists have been placed.

33-1631. Requirements for harassment, intimidation and bullying information and professional development.

(1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

(2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

(3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

REGULATIONS

08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.

03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Effective date (3-29-17)

a. Graduated consequences may include, but are not limited to: Effective date (3-29-17)
   i. Meeting with the school counselor; Effective date (3-29-17)
   ii. Meeting with the school principal and student’s parents or guardian; Effective date (3-29-17)
   iii. Detention, suspension or special programs; and Effective date (3-29-17)
   iv. Expulsion. Effective date (3-29-17)
b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services or to law enforcement, or both, pursuant to Section 18-917A, Idaho Code. Effective date (3-29-17)

c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. Effective date (3-29-17)

04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: Effective date (3-29-17)

a. Correct the problem behavior; Effective date (3-29-17)

b. Prevent another occurrence of the problem; Effective date (3-29-17)

c. Protect and provide support for the victim of the act; and Effective date (3-29-17)

d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Effective date (3-29-17)

Professional development

LAWS

33-1631. Requirements for harassment, intimidation and bullying information and professional development.

(1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying. Effective date (3-29-17)

(2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

REGULATIONS

08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.

02. Professional Development. The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: Effective date (3-29-17)

a. School philosophy regarding school climate and student behavior expectations; Effective date (3-29-17)

b. Definitions of bullying, harassment, and intimidation; Effective date (3-29-17)

c. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; Effective date (3-29-17)

d. Expectations of staff intervention for bullying, harassment, and intimidation; Effective date (3-29-17)

e. School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and Effective date (3-29-17)
1. Other topics as determined appropriate by the school district or charter school. Effective date (3-29-17)
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

33-210. Students using or under the influence of alcohol or controlled substances.
(1) It is legislative intent that parental involvement in all aspects of a child’s education in the public school system remain a priority. Notification of the disclosure and availability of counseling for students shall be provided to parents, the legal guardian or child's custodian. However, once a student is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of section 37-2732C, Idaho Code, regardless of any previous voluntary disclosure, the school administrator or designee shall contact the student's parent, legal guardian or custodian, and report the incident to law enforcement. The fact that a student has previously disclosed use of alcohol or a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

(3) The district board of trustees or the governing board of the charter school shall ensure that procedures are developed for contacting law enforcement and the student's parents, legal guardian or custodian regarding a student reasonably suspected of using or being under the influence of alcohol or a controlled substance. District and charter school policies formulated to meet the provisions of section 37-2732C, Idaho Code, and this section shall be made available to each student, parent, guardian or custodian by August 31, 2002, and thereafter as provided by section 33-512(6), Idaho Code.

33-6001. Parental rights.
(1) A student’s parent or guardian has the right to reasonable academic accommodation from the child’s public school. "Reasonable accommodation" means the school shall make its best effort to enable a parent or guardian to exercise their rights without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises for school activities and the efficient allocation of expenditures, while balancing the parental rights of parents and guardians, the educational needs of other students, the academic and behavioral impacts to a classroom, a teacher’s workload and the assurance of the safe and efficient operations of the school.

(2) School districts and the boards of directors of public charter schools, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district or the charter school, including:

(a) A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline;

(b) A process by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials; and
(c) A process by which parents who object to any learning material or activity on the basis that it harms the child or impairs the parents’ firmly held beliefs, values or principles may withdraw their child from the activity, class or program in which the material is used.

33-6002. Annual notice of parental rights.
School districts and the boards of directors of public charter schools shall annually notify a parent or guardian of a student enrolled in the school district or public charter school of the parent’s or guardian’s rights as specified in this chapter.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

20-509. Violent offenses, controlled substances violations near schools and offenders.
(1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:
   (a) Murder of any degree or attempted murder;
   (b) Robbery;
   (c) Rape as defined in section 18-6101, Idaho Code;
   (d) Forcible sexual penetration by the use of a foreign object;
   (e) Infamous crimes against nature, committed by force or violence;
   (f) Mayhem;
   (g) Assault or battery with the intent to commit any of the above serious felonies;
   (h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;
   (i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser
offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

33-205. Denial of school attendance.

Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

33-210. Students using or under the influence of alcohol or controlled substances.

(1) It is legislative intent that parental involvement in all aspects of a child's education in the public school system remain a priority[...]. Notification of the disclosure and availability of counseling for students shall be provided to parents, the legal guardian or child's custodian. However, once a student is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of section 37-2732C, Idaho Code, regardless of any previous voluntary disclosure, the school administrator or designee shall contact the student's parent, legal guardian or custodian, and report the incident to law enforcement. The fact that a student has previously disclosed use of alcohol or a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

(3) The district board of trustees or the governing board of the charter school shall ensure that procedures are developed for contacting law enforcement and the student's parents, legal guardian or custodian regarding a student reasonably suspected of using or being under the influence of alcohol or a controlled substance. District and charter school policies formulated to meet the provisions of section 37-2732C, Idaho Code, and this section shall be made available to each student, parent, guardian or custodian by August 31, 2002, and thereafter as provided by section 33-512(6), Idaho Code.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

33-133. Definitions - Student data - Use and limitations - Penalties.

(1) As used in this act, the following terms shall have the following meanings:

(a) "Agency" means each state board, commission, department, office or institution, educational or otherwise, of the state of Idaho. State agency shall also mean any city, county, district or other political subdivision of the state.
(b) "Aggregate data" means data collected and/or reported at the group, cohort or institutional level. Aggregate data shall not include personally identifiable information. The minimum number of students shall be determined by the state board of education.

(c) "Board" means the state board of education.

(d) "Data system" means the state's elementary, secondary and postsecondary longitudinal data systems.

(e) "Department" means the state department of education.

(f) "District" or "school district" means an Idaho public school district and shall also include Idaho public charter schools.

(g) "Parent" means parent, parents, legal guardian or legal guardians.

(h) "Personally identifiable data," "personally identifiable student data" or "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student education unique identification number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; and other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(i) "Provisional student data" means new student data proposed for inclusion in the data system.

(j) "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

(ii) A student's educational record shall not include: (1) juvenile delinquency records and criminal records unless required in paragraph (k) of this subsection; (2) medical and health records; (3) student social security number; (4) student biometric information; (5) gun ownership records; (6) sexual orientation; (7) religious affiliation; (8) except for special needs and exceptional students, any data collected pursuant to a statewide assessment via affective computing, including analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture and eye tracking, any data that measures psychological resources, mind sets, effortful control, attributes, dispositions, social skills, attitudes or intrapersonal resources.

(k) "Student educational record" means all information directly related to a student and recorded and kept in the data system as that term is defined in this section. Provided however, that the following shall
not be kept as part of a student's permanent educational record: daily assignments, homework, reports, chapter tests or similar assessments or other schoolwork that may be considered daily or weekly work. A student educational record may include information considered to be personally identifiable.

(I) “Student education unique identification number” means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

(m) “Violation” means an act contrary to the provisions of this section that materially compromises the security, confidentiality or integrity of personally identifiable data of one (1) or more students and that results in the unauthorized release or disclosure of such data.

(2) Unless otherwise provided for in this act, the executive office of the state board of education shall be the entity responsible for implementing the provisions of this act. All decisions relating to the collection and safeguarding of student data shall be the responsibility of the executive office of the state board of education.

(3) The state board of education shall:

(a) Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

(i) Any individual student data required to be reported by state and federal education mandates;

(ii) Any individual student data that has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and

(iii) Any individual student data collected or maintained with no current purpose or reason.

No less frequently than annually, the state board of education shall update the data inventory and index of data elements provided for in this subsection.

(b) Develop, publish and make publicly available policies and procedures to comply with the federal family educational rights and privacy act (FERPA) and other relevant privacy laws and policies including, but not limited to the following:

(i) Access to student data in the student data system shall be restricted to: (1) the authorized staff of the state board of education and the state department of education and the board's and the department's vendors who require such access to perform their assigned duties; (2) the district and the district's private vendors who require access to perform their assigned duties and public postsecondary staff who require such access to perform their assigned duties; (3) students and their parents or legal guardians; and (4) the authorized staff of other state agencies in this state as required by law and/or defined by interagency data-sharing agreements. All such data-sharing agreements shall be summarized in a report compiled by the state board of education and submitted no later than January 15 of each year to the senate education committee and the house of representatives education committee;

(ii) Provide that public reports or responses to record requests shall include aggregate data only as that term is defined in subsection (1) of this section;

(iii) Develop criteria for the approval of research and data requests from state and local agencies, the state legislature, researchers and the public: (1) unless otherwise approved by the state board of education, student data maintained shall remain confidential; (2) unless otherwise approved by the state board of education, released student data in response to research and data requests may include only aggregate data; and (3) any approval of the board to release personally identifiable student data shall be subject to legislative approval prior to the release of such information;
(iv) Ensure that any contract entered into by the state board of education or the state department of education includes provisions requiring and governing data destruction dates and specific restrictions on the use of data;

(v) Provide for notification to students and parents regarding their rights under federal and state law; and

(vi) Ensure that all school districts, primary schools, secondary schools and other similar institutions entering into contracts that govern databases, online services, assessments, special education or instructional supports with private vendors shall include in each such contract a provision that private vendors are permitted to use aggregated data; or an individual student's data for secondary uses, but only if the vendor discloses in clear detail the secondary uses and receives written permission from the student's parent or legal guardian. The contract shall also include either of the following: (1) a prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or (2) a requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

The state board of education and the state department of education shall ensure that any and all private vendors employed or otherwise engaged by the board or the department shall comply with the provisions of this section. Any person determined, in either a civil enforcement action initiated by the board or initiated by the department or in a court action initiated by an injured party, to have violated a provision of this section or any rule promulgated pursuant to this section shall be liable for a civil penalty not to exceed fifty thousand dollars ($50,000) per violation. In the case of an unauthorized release of student data, the state board of education or the state department of education shall notify the parent or student of the unauthorized release of student data that includes personally identifiable information in a manner consistent with the provisions of section 28-51-105, Idaho Code.

(c) Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this act shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

(i) A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;

(ii) A student leaves the state to attend an out-of-state institution of higher education or training program;

(iii) A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;

(iv) The state board of education or the state department of education may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;

(v) Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or

(vi) A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students educational records;

(d) Develop a detailed data security plan that includes:

(i) Guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access;
(ii) Guidelines relating to administrative safeguards providing for the security of electronic and physical data; such guidelines should include provisions relating to data encryption as well as staff training to better ensure the safety and security of data;

(iii) Privacy compliance standards;

(iv) Privacy and security audits;

(v) Breach planning, notification and procedures; and

(vi) Data retention and disposition policies;

(e) Ensure routine and ongoing compliance with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

(f) Ensure that any contracts that govern databases, online services, assessments or instructional supports that include student data and are outsourced to private vendors, include express provisions that safeguard privacy and security, contain the restrictions on secondary uses of student data described in subsection (3)(b)(vi) of this section, provides for data destruction, including a time frame for data destruction, and includes penalties for noncompliance with this paragraph; and

(g) Notify the governor and the legislature annually of the following:

(i) New student data proposed for inclusion in the state student data system: (1) any new student data collection proposed by the state board of education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement; and (2) the state board of education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1) year in order to make the new student data a permanent requirement through the administrative rules process. Any provisional student data collection not approved by the governor and the legislature by the end of the next legislative session expires and must be deleted and no longer collected;

(ii) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. department of education;

(iii) An explanation of any exceptions granted by the state board of education in the past year regarding the release or out-of-state transfer of student data;

(iv) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

(v) Data collected specific to a grant program where such data is not otherwise included in student data.

(4) The state board of education shall adopt rules to implement the provisions of this act.

(5) Upon the effective date of this act, any existing collection of student data in the data system shall not be considered a new student data collection in accordance with this section.

(6) Unless otherwise prohibited by law or court order, school districts must provide parents or guardians with copies of all of their child's educational records, upon request, if such child has not attained the age of eighteen (18) years.

(7) The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide
outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars ($50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

33-209. Transfer of student records - Duties.
Whenever a student transfers from one (1) school to another, within the district, within the state, or elsewhere, and the sending school is requested to forward student records, the sending school shall respond by forwarding a certified copy of the transferred student's record within ten (10) days, except as provided in section 18-4511, Idaho Code. When the school record contains information concerning violent or disruptive behavior or disciplinary action involving the student, this information shall be included in the transfer of records but shall be contained in a sealed envelope, marked to indicate the confidential nature of the contents, and addressed to the principal or other administrative officer of the school.

The parent or guardian of a student transferring from out-of-state to a school within the state of Idaho is required, if requested, to furnish the school within this state accurate copies of the student's school records, including records containing information concerning violent or disruptive behavior or disciplinary action involving the student. This information shall be contained in a sealed envelope, marked to indicate the confidential nature of the contents, and addressed to the principal or other administrative officer of the school.

Failure of the parent or guardian to furnish the required records, or failure to request of the administration of the previous school to provide the required records, shall constitute adequate grounds to deny enrollment to the transferring student or to suspend or expel the student if already enrolled.

REGULATIONS
No relevant regulations found.

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

LAWS

16-2404A. Teen early intervention mental health and substance abuse specialist program.
(1) The department of health and welfare shall be authorized to contract for teen early intervention specialists to work with teens at risk and their families in school districts.
(2) The teen early intervention specialist shall be a certified counselor or a social worker with a clinical background in mental health or substance abuse as prescribed by the department of health and welfare by rule.
(3) The salary paid to the teen early intervention specialist shall be equivalent to the salary paid to comparably trained and experienced individuals employed by the school district in the region in which the community resource is employed.
(4) Teen early intervention specialists shall work with individual teens at risk to offer group counseling, recovery support, suicide prevention and other mental health and substance abuse counseling services to teens as needed, regardless of mental health diagnosis.
(5) By permission of school administrators, as prescribed in rule, teens at risk not currently enrolled in a public school may, if assigned by a judge, participate in group or individual teen early intervention specialist counseling sessions or services for teens at risk as appropriate.

(6) School districts seeking to have one (1) or more teen early intervention specialists placed within its district may apply to the department of health and welfare for such placement. The department of health and welfare shall establish by rule a simple application process and criteria for placement of teen early intervention specialists in districts. The number of teen early intervention specialists placed in school districts in any given year shall be limited by the funds appropriated to the teen early intervention specialist program in that fiscal year. In evaluating applications for the three (3) year pilot project, the department of health and welfare shall give special consideration to rural districts and shall consider:

(a) The demonstrated need for mental health and substance abuse counseling and treatment for teens at risk in the school district;

(b) The resources and cooperation which the school district has proposed to contribute to the support of the teen early intervention specialist program for teens at risk; and

(c) The funding appropriated to the teen early intervention specialist program for teens at risk.

(7) Through an initial three (3) year period beginning at the start of the 2008 school year, the department of health and welfare shall work with local school districts where teen early intervention specialists have been placed to gather data on the effectiveness of this program. This data may be gathered and tracked through cooperative projects with Idaho colleges and universities and may include, but not be limited to:

(a) Impacts on the number and nature of teen arrests;

(b) Reductions in the number of teen suicides and suicide attempts;

(c) Changes in patterns of teen incarceration or involvement with Idaho's juvenile justice system;

(d) Impacts on local caseloads of practitioners in the department of health and welfare;

(e) Where applicable, impacts to juvenile mental health or drug courts;

(f) Changes in academic achievement by teens at risk and by those participating in the teen early intervention specialist program; and

(g) Changes in the number and nature of student disciplinary actions in schools where teen early intervention specialists have been placed.

33-512. Governance of schools.
The board of trustees of each school district shall have the following powers and duties:

(14) To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994;

33-1002F. Alternative school report.
Annually, prior to the tenth legislative day, the department of education shall file with the legislature a report detailing the alternative school programs within the state. On July 1 of each year, or as soon thereafter as feasible, each school district receiving moneys pursuant to the alternative school support units factor in section 33-1002, Idaho Code, or section 33-1002C, Idaho Code, shall file with the state department a comprehensive report of the amount of money received in the district, the expenditure on alternative school programs, and the programs provided. This information shall be compiled by the department for transmission to the legislature.
33-1631. Requirements for harassment, intimidation and bullying information and professional development.

(4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other school employee, student, parent, guardian or other person to report or otherwise provide information on bullying activity.

REGULATIONS

08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.

05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. Effective date (3-29-17)

08.02.03.160. Safe environment and discipline.

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

School Climate
Discipline
Student Health
Violence Prevention
Possessing Weapons on Campus
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills
Relationship Abuse and Sexual Assault Prevention and Response

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612)
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

33-1004H. Employing retired teachers and administrators.
(1) Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho Code, school districts may employ school resource officers, certificated schoolteachers, and administrators who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district shall be separate and apart from the collective bargaining agreement of the school district.

(2) Retirees employed under this section shall accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. No sick leave accrued under this section qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

(3) School districts are not required to provide health insurance or life insurance benefits to persons employed under this section. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

33-133. Definitions - Student data - Use and limitations - Penalties.
(7) The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars ($50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

33-1605. Health and physical fitness - Effects of alcohol, tobacco, stimulants, and narcotics.
In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

33-1002. Educational support program.
(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:
   (p) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars ($300) per support unit;

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

33-210. Students using or under the influence of alcohol or controlled substances.
(4) Any school district employee or independent contractor of an educational institution who has a reasonable suspicion that a student is using or is under the influence of alcohol or a controlled substance and, acting upon that suspicion, reports that suspicion to a school administrator or initiates procedures adopted by the board of trustees or governing board of the charter school pursuant to this section, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section. Employees and independent contractors of educational institutions who intentionally harass a student through the misuse of the authority provided in this section shall not be immune from civil liability arising from the wrongful exercise of that authority and shall be guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars ($300).

33-512B. Suicidal tendencies - Duty to warn.
(1) Notwithstanding the provisions of section 33-512(4), Idaho Code, neither a teacher nor a school district shall have a duty to warn of the suicidal tendencies of a student absent the teacher’s knowledge of direct evidence of such suicidal tendencies.
(2) "Direct evidence" means evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence would include unequivocal and unambiguous oral or written statements by a student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question; it would not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question.
(3) The existence of the teacher’s knowledge of the direct evidence referred to in subsections (1) and (2) of this section shall be determined by the court as a matter of law.

33-1225. Threats of violence - Limitation on liability.
(1) A communication by any person to a school principal, or designee, or a communication by a student attending the school to the student's teacher, school counselor or school nurse, and any report of that communication to the school principal stating that a specific person has made a threat to commit violence on school grounds by use of a firearm, explosive, or deadly weapon defined in chapter 33, title 18, Idaho Code, is a communication on a matter of public concern. Such communication or report shall only be subject to liability in defamation by clear and convincing evidence that the communication or report was made with knowledge of its falsity or with reckless disregard for the truth or falsity of the communication or report. This section shall not be interpreted to change or eliminate other elements of defamation required by law.
(2) As used in this section, "school" means any public or private school providing instruction in kindergarten or any grades from grade one (1) through grade twelve (12) which is the subject of a threat.
REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

33-132. Local school boards - Internet use policy required.

(1) As a condition for receiving moneys from the state general fund, each local school district shall file an acceptable internet use policy with the state superintendent of public instruction no later than August 1, 2011, or within one (1) year after the creation of a new district, whichever is later, and every five (5) years thereafter. Such policy shall be approved by the district’s board of trustees and shall contain, but not be limited to, provisions that:

   (a) Prohibit and prevent the use of school computers and other school owned technology-related services from sending, receiving, viewing or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and

   (b) Provide for the selection of technology for the local district's computers to filter or block internet access to obscene materials, materials harmful to minors and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code; and

   (c) Establish appropriate disciplinary measures to be taken against persons violating the policy provided for in this section; and

   (d) Include a component of internet safety for students that is integrated into the district's instructional program; and

   (e) Inform the public that administrative procedures have been adopted to enforce the policy provided for in this section and to handle complaints about such enforcement, and that such procedures are available for review at the district office.

(2) The policy provided for in subsection (1) of this section may include terms, conditions and requirements deemed appropriate by the district's board of trustees including, but not limited to, requiring written parental authorization for internet use by minors or differentiating acceptable uses among elementary, middle and high school students.

(3) The district's superintendent is hereby authorized to take reasonable measures to implement and enforce the provisions of this section.

33-5901. Short title.

This chapter shall be known and may be cited as the "Idaho School Safety and Security Act."

33-5902. Legislative intent.

It is the intent of the legislature that the purpose of this chapter is to:
(1) Promote the safety and security of the students attending the public educational institutions of the state;
(2) Provide recommendations, systems and training to assist public educational institutions at all levels for the safety and security of students;
(3) Enhance the safety and security resources available to public educational institutions;
(4) Ensure that periodic security assessments of statewide public educational institutions are conducted and reported;
(5) Ensure that surveys are conducted and research information is reported to appropriate parties;
(6) Promote the use of technical methods, devices and improvements to address school security;
(7) Encourage the recognition of security design to be incorporated in future construction or renovation of public educational institutions; and
(8) Provide written reports of security assessments to appropriate school administrative authorities.

33-5903. Definition.
For the purposes of this chapter, “public educational facility” means all structures and buildings existing now or constructed in the future that are owned, leased or used by public educational institutions, which include public colleges, public community colleges, public universities, public school districts, public charter schools, or a school for children in any grade kindergarten through 12 that is operated by the state of Idaho receiving state funding.

33-5904. Office of school safety and security.
(1) There is hereby established in the Idaho division of building safety the office of school safety and security. The administrator of the division of building safety may hire a manager of the office of school safety and security who shall be responsible for the performance of the regular administrative functions of the office and other duties as the administrator may direct. The manager of the office of school safety and security shall be a nonclassified employee. The administrator of the division of building safety may employ persons in addition to the manager in other positions or capacities as he or she deems necessary to fulfill the responsibilities of the office of school safety and security as set forth in this section. The administrator shall provide an office, office equipment and facilities as may be reasonably necessary for the proper performance of the duties of the office manager and other office personnel.

(2) The administrator of the division of building safety and the manager and other personnel of the office of school safety and security may enter all public educational facilities in this state at reasonable times to conduct annual assessments for consistency with the school safety and security guidelines developed by the Idaho school safety and security advisory board. To the extent possible, such assessments should occur simultaneously with inspections conducted pursuant to section 39-8008, Idaho Code. The office of school safety and security shall prepare a written report for each security assessment it conducts. At a minimum, such reports shall include any safety or security vulnerabilities found in the subject school and recommendations for remedying such vulnerabilities. The office shall provide a copy of the report to the local education agency and to the school principal or president. The office shall also prepare an annual report, a copy of which shall be submitted to the state board of education and to the Idaho school safety and security advisory board each year.

(3) Upon request of any public educational institution, the office of school safety and security shall provide training and technical assistance on best practices and resources for school safety and security as set forth in the guidelines established by the Idaho school safety and security advisory board.

(4) The Idaho division of building safety may receive grant moneys on behalf of the office of school safety and security to carry out the responsibilities of the office.
(5) On July 1 of each year, or as soon as practicable, the state controller shall transfer three hundred thousand dollars ($300,000) from the public school income fund to the division of building safety’s miscellaneous revenue fund 0349 for the purposes of this section.

33-5905. Idaho school safety and security advisory board.

(1) There is hereby established in the Idaho division of building safety the Idaho school safety and security advisory board. The advisory board shall consist of thirteen (13) members as follows:

(a) Four (4) members appointed by the governor as follows:
   (i) One (1) parent of a student who attends an Idaho public school;
   (ii) One (1) teacher who teaches in an Idaho public school;
   (iii) One (1) representative of a local school board; and
   (iv) One (1) representative of school superintendents;
(b) One (1) representative from the office of the state superintendent of public instruction;
(c) One (1) representative from the state board of education;
(d) One (1) representative from the Idaho state police;
(e) One (1) representative from the Idaho chiefs of police association;
(f) One (1) representative from the Idaho sheriffs’ association;
(g) One (1) representative from the Idaho office of emergency management;
(h) One (1) representative from the Idaho fire chief’s association; and
   (i) Two (2) representatives from the state legislature that shall include one (1) member from the senate appointed by the president pro tempore of the senate and one (1) member from the house of representatives appointed by the speaker of the house of representatives.

(2) The members of the advisory board shall serve the following terms:

(a) The gubernatorial appointees shall serve terms of three (3) years.
(b) All other members shall serve terms of two (2) years.

(3) A vacancy on the advisory board shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(4) The advisory board shall appoint a chairperson from among its members for a term certain.

(5) The members of the advisory board shall be compensated as provided in section 59-509(b), Idaho Code.

(6) The advisory board shall meet at least annually but may meet more frequently subject to the call of the chairperson.


The Idaho school safety and security advisory board shall:

(1) Develop, annually review and modify, if necessary, school safety and security guidelines for the office of school safety and security to use in conducting its annual assessments, training and technical assistance pursuant to section 33-5904, Idaho Code;

(2) Regularly assess safety and security resources that may be used in public educational facilities; and

(3) On or before February 1 of each year, report to the legislature and to the governor on the status of school safety and security in the Idaho public educational facilities.
REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Idaho provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td><strong>Website</strong></td>
<td>Provides comprehensive resources and materials addressing bullying prevention and school safety, including links to documents, Frequently Asked Questions (FAQs), training conference information, and other resources.</td>
<td><a href="http://www.sde.idaho.gov/student-engagement/sdfs/">http://www.sde.idaho.gov/student-engagement/sdfs/</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>HB 750 Schools Bullying, Penalties (Amended 2016), Idaho Legislature</td>
<td>Idaho anti-bullying law that builds on the original law. This bill describes penalties given to those found guilty of bullying.</td>
<td><a href="https://legislature.search.idaho.gov/search?IW_FIELD_TEXT=bullying&amp;IW_DATABASE=">https://legislature.search.idaho.gov/search?IW_FIELD_TEXT=bullying&amp;IW_DATABASE=</a>*</td>
</tr>
<tr>
<td>Statute 18-917A. Student Harassment, Intimidation, and Bullying (2006), Idaho Legislature</td>
<td>Idaho anti-bullying law stating that no student or minor shall harass, intimidate, or bully another student or minor. Defines harassment, bullying, and intimidation.</td>
<td><a href="https://legislature.idaho.gov/statuesrules/idstat/title18/t18ch9/sect18-917a/">https://legislature.idaho.gov/statuesrules/idstat/title18/t18ch9/sect18-917a/</a></td>
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<td><strong>Other Resources</strong></td>
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<td>2019 Idaho Youth Risk Behavior Survey Results, ISDE</td>
<td>Survey results of Idaho’s Youth Risk Behavior Survey (YRBS) conducted by the State Department of Education (SDE) every two years to help guide school districts, educators, and numerous other organizations in their efforts to meet students needs, secure funding and assess trends over time.</td>
<td><a href="https://www.sde.idaho.gov/student-engagement/school-health/files/youth/Youth-Risk-Behavior-Survey-Results-2019.pdf">https://www.sde.idaho.gov/student-engagement/school-health/files/youth/Youth-Risk-Behavior-Survey-Results-2019.pdf</a></td>
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Illinois
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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

**LAW**

§ 105 ILCS 5/2-3.6. Rules and policies.
To make rules, in accordance with the Illinois Administrative Procedure Act, that are necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State. The State Board of Education may not adopt any rule or policy that alters the intent of the authorizing law or that supersedes federal or State law. The Board may not make policies affecting school districts that have the effect of rules without following the procedures of the Illinois Administrative Procedure Act.

§ 105 ILCS 5/10-20.5. Rules.
To adopt and enforce all necessary rules for the management and government of the public schools of their district. Rules adopted by the school board shall be filed for public inspection in the administrative office of the district.

§ 105 ILCS 5/10-20.5b. Tobacco prohibition.
Each school board shall prohibit the use of tobacco on school property by any school personnel, student, or other person when such property is being used for any school purposes. The school board may not authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day or on days when school is not in session. “School purposes” include but are not limited to all events or activities or other use of school property that the school board or school officials authorize or permit on school property, including without limitation all interscholastic or extracurricular athletic, academic, or other events sponsored by the school board or in which pupils of the district participate. For purposes of this Section “tobacco” shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.

(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on pupil discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its pupils of the contents of the policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.
(a-5) On or before September 15, 2016, each elementary and secondary school and charter school shall, at a minimum, adopt pupil discipline policies that fulfill the requirements set forth in this Section, subsections (a) and (b) of Section 10-22.6 of this Code, Section 34-19 of this Code if applicable, and federal and State laws that provide special requirements for the discipline of students with disabilities.
(b) The school board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.

(c) The school board shall develop and promulgate written standards under which the board:
   (1) may authorize the use or possession of a pocket pager or similar electronic paging device by a student while in a school building or on school property as an approved exception to the general prohibition of this Section against such use or possession; and
   (2) may impose appropriate discipline or other sanctions against any student who violates any provision of this Section.

Subject to the limitations of all policies established or adopted under Section 14-8.05 [105 ILCS 5/14-8.05], teachers, other certificated educational employees, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student shall maintain discipline in the schools, including school grounds which are owned or leased by the board and used for school purposes and activities. In all matters relating to the discipline in and conduct of the schools and the school children, they stand in the relation of parents and guardians to the pupils. This relationship shall extend to all activities connected with the school program, including all athletic and extracurricular programs, and may be exercised at any time for the safety and supervision of the pupils in the absence of their parents or guardians.

School districts shall adopt policies, consistent with rules adopted by the State Board of Education, which identify the appropriate supportive services and available resources which are provided for truants and chronic truants.

(d) Each school district, charter school, and non-public, non-sectarian elementary or secondary school shall create, maintain, and implement a policy on bullying, which policy must be filed with the State Board of Education. The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction and shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs. School personnel available for help with a bully or to make a report about bullying shall be made known to parents or legal guardians, students, and school personnel. Every 2 years, each school district, charter school, and non-public, non-sectarian elementary or secondary school shall conduct a review and re-evaluation of its policy and make any necessary and appropriate revisions. The policy must be filed with the State Board of Education after being updated. The State Board of Education shall monitor and provide technical support for the implementation of policies created under this subsection (d).

The board shall, subject to the limitations in this Article, establish by-laws, rules and regulations, which shall have the force of ordinances, for the proper maintenance of a uniform system of discipline for both employees and pupils, and for the entire management of the schools, and may fix the school age of
pupils, the minimum of which in kindergartens shall not be under 4 years, except that, based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain the age of 6 years on or before December 31 of the year of the 2009-2010 school term and each school term thereafter may attend first grade upon commencement of such term, and in grade schools shall not be under 6 years. It may expel, suspend or, subject to the limitations of all policies established or adopted under Section 10-22.6 or 14-8.05, otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. The bylaws, rules and regulations of the board shall be enacted, money shall be appropriated or expended, salaries shall be fixed or changed, and textbooks, electronic textbooks, and courses of instruction shall be adopted or changed only at the regular meetings of the board and by a vote of a majority of the full membership of the board; provided that notwithstanding any other provision of this Article or the School Code, neither the board or any local school council may purchase any textbook for use in any public school of the district from any textbook publisher that fails to furnish any computer diskettes as required under Section 28-21. Funds appropriated for textbook purchases must be available for electronic textbook purchases and the technological equipment necessary to gain access to and use electronic textbooks at the local school council's discretion. The board shall be further encouraged to provide opportunities for public hearing and testimony before the adoption of bylaws, rules and regulations. Upon all propositions requiring for their adoption at least a majority of all the members of the board the yeas and nays shall be taken and reported. The by-laws, rules and regulations of the board shall not be repealed, amended or added to, except by a vote of 2/3 of the full membership of the board. The board shall keep a record of all its proceedings. Such records and all by-laws, rules and regulations, or parts thereof, may be proved by a copy thereof certified to be such by the secretary of the board, but if they are printed in book or pamphlet form which are purported to be published by authority of the board they need not be otherwise published and the book or pamphlet shall be received as evidence, without further proof, of the records, by-laws, rules and regulations, or any part thereof, as of the dates thereof as shown in such book or pamphlet, in all courts and places where judicial proceedings are had.

Notwithstanding any other provision in this Article or in the School Code, the board may delegate to the general superintendent or to the attorney the authorities granted to the board in the School Code, provided such delegation and appropriate oversight procedures are made pursuant to board by-laws, rules and regulations, adopted as herein provided, except that the board may not delegate its authorities and responsibilities regarding (1) budget approval obligations; (2) rule-making functions; (3) desegregation obligations; (4) real estate acquisition, sale or lease in excess of 10 years as provided in Section 34-21; (5) the levy of taxes; or (6) any mandates imposed upon the board by "An Act in relation to school reform in cities over 500,000, amending Acts herein named", approved December 12, 1988.

REGULATIONS

1.280. Discipline.
Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a
related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code.

Scope

LAWS

§ 105 ILCS 5/10-20.5b. Tobacco prohibition.
Each school board shall prohibit the use of tobacco on school property by any school personnel, student, or other person when such property is being used for any school purposes. The school board may not authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day or on days when school is not in session. “School purposes” include but are not limited to all events or activities or other use of school property that the school board or school officials authorize or permit on school property, including without limitation all interscholastic or extracurricular athletic, academic, or other events sponsored by the school board or in which pupils of the district participate. For purposes of this Section “tobacco” shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students’ ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district, charter school, or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts, charter schools, and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;
(2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities;
(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment; or
(4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to
the educational process or orderly operation of a school. This item (4) applies only in cases in which a
school administrator or teacher receives a report that bullying through this means has occurred and
does not require a district or school to staff or monitor any nonschool-related activity, function, or
program.

(a-5) Nothing in this Section is intended to infringe upon any right to exercise free expression or the free
exercise of religion or religiously based views protected under the First Amendment to the United States
Constitution or under Section 3 of Article I of the Illinois Constitution.

(b) In this Section:

"Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or
conduct, including communications made in writing or electronically, directed toward a student or
students that has or can be reasonably predicted to have the effect of one or more of the following:

(1) placing the student or students in reasonable fear of harm to the student's or students' person or
property;

(2) causing a substantially detrimental effect on the student's or students' physical or mental health;

(3) substantially interfering with the student's or students’ academic performance; or

(4) substantially interfering with the student's or students’ ability to participate in or benefit from the
services, activities, or privileges provided by a school.

Bullying, as defined in this subsection (b), may take various forms, including without limitation one or
more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment,
sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging
an act of bullying. This list is meant to be illustrative and non-exhaustive.

"Cyber-bullying" means bullying through the use of technology or any electronic communication,
including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of
any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic
system, or photooptical system, including without limitation electronic mail, Internet communications,
instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or
weblog in which the creator assumes the identity of another person or the knowing impersonation of
another person as the author of posted content or messages if the creation or impersonation creates
any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes
the distribution by electronic means of a communication to more than one person or the posting of
material on an electronic medium that may be accessed by one or more persons if the distribution or
posting creates any of the effects enumerated in the definition of bullying in this Section.

§ 105 ILCS 5/34-18.11. Tobacco prohibition.

The Board of Education shall prohibit the use of tobacco on school property when such property is being
used for any school purposes. Neither the board nor the local school council may authorize or permit any
exception to or exemption from the prohibition at any place or at any time, including without limitation
outside of school buildings or before or after the regular school day or on days when school is not in
session. "School purposes" include but are not limited to all events or activities or other use of school
property that the school board or school officials authorize or permit on school property, including without
limitation all interscholastic or extracurricular athletic, academic or other events sponsored by the school
board or in which pupils of the district participate. For purposes of this Section "tobacco" shall mean
cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut,
shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth
without being smoked.
Subject to the limitations of all policies established or adopted under Section 14-8.05, teachers, other certificated educational employees, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student shall maintain discipline in the schools, including school grounds which are owned or leased by the board and used for school purposes and activities. In all matters relating to the discipline in and conduct of the schools and the school children, they stand in the relation of parents and guardians to the pupils. This relationship shall extend to all activities connected with the school program, including all athletic and extracurricular programs, and may be exercised at any time for the safety and supervision of the pupils in the absence of their parents or guardians. Nothing in this Section affects the power of the board to establish rules with respect to discipline, except that the rules of the board must provide, subject to the limitations of all policies established or adopted under Section 14-8.05, that a teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and must include provisions which provide due process to students.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on pupil discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its pupils of the contents of the policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.

(b) In this Section:
"Policy on bullying" means a bullying prevention policy that meets the following criteria:
(10) Is posted on the school district's, charter school's, or non-public, non-sectarian elementary or secondary school's existing Internet website, is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school and provided periodically throughout the school year to students and faculty, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.
REGULATIONS

1.280. Discipline.
Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.
(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

[...] Nothing in this Section affects the power of the board to establish rules with respect to discipline; except that each board shall establish a policy on discipline, and the policy so established shall provide, subject to the limitations of all policies established or adopted under Section 14-8.05 [105 ILCS 5/14-8.05], that a teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. [...]

[...] Nothing in this Section affects the power of the board to establish rules with respect to discipline, except that the rules of the board must provide, subject to the limitations of all policies established or adopted under Section 14-8.05, that a teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and must include provisions which provide due process to students.

REGULATIONS
No relevant regulations found.
Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS


[...] Nothing in this Section affects the power of the board to establish rules with respect to discipline; except that each board shall establish a policy on discipline, and [...] The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

§ 105 ILCS 5/10-22.10a. Inspection for drugs.

School boards are empowered to adopt a policy to authorize school officials to request the assistance of law enforcement officials for the purpose of conducting reasonable searches of school grounds and lockers for illegal drugs, including searches conducted through the use of specially trained dogs.
The Board of Education is empowered to authorize school officials to request the assistance of law enforcement officials for the purpose of conducting reasonable searches of school grounds and lockers for illegal drugs, including searches conducted through the use of specially trained dogs.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.
§ 105 ILCS 5/34. By-laws, rules and regulations; business transacted at regular meetings; voting; records.

[...] It may expel, suspend or, subject to the limitations of all policies established or adopted under Section 10-22.6 or 14-8.05, otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means. [...] 

REGULATIONS
No relevant regulations found. 

Grounds for mandatory suspension or expulsion

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

§ 105 ILCS 5/31-3. Suspension or expulsion of members, pledges and solicitors.

The governing body of any public school shall suspend or expel any pupil who is a member of or joins or promises to join, or who becomes pledged to become a member of, or who solicits any other person to join, promise to join or be pledged to become a member of any public school fraternity, sorority or secret society.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension or expulsion

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.
(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an
alternative learning opportunities program under Article 13B of this Code before being admitted into the
school district if there is no threat to the safety of students or staff in the alternative program.
(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or
academic difficulties.
(i) A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall
not preclude requiring a student to provide restitution for lost, stolen, or damaged property.
(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter
schools, special charter districts, and school districts organized under Article 34 of this Code.
(k) The expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to
the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(a) No punitive action, including out of school suspensions, expulsions or court action, shall be taken
against chronic truants for such truancy unless appropriate and available supportive services and other
school resources have been provided to the student.
(b) A school district may not refer a truant, chronic truant, or truant minor to any other local public entity,
as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity
Act, for that local public entity to issue the child a fine or a fee as punishment for his or her truancy.
(c) A school district may refer any person having custody or control of a truant, chronic truant, or truant
minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and
Governmental Employees Tort Immunity Act, for that local public entity to issue the person a fine or fee
for the child's truancy only if the school district's truant officer, regional office of education, or intermediate
service center has been notified of the truant behavior and the school district, regional office of education,
or intermediate service center has offered all appropriate and available supportive services and other
school resources to the child. Before a school district may refer a person having custody or control of a
child to a municipality, as defined under Section 1-1-2 of the Illinois Municipal Code, the school district
must provide the following appropriate and available services:

1. For any child who is a homeless child, as defined under Section 1-5 of the Education for Homeless
Children Act, a meeting between the child, the person having custody or control of the child, relevant
school personnel, and a homeless liaison to discuss any barriers to the child's attendance due to the
child's transitional living situation and to construct a plan that removes these barriers.
2. For any child with a documented disability, a meeting between the child, the person having custody
or control of the child, and relevant school personnel to review the child's current needs and address
the appropriateness of the child's placement and services. For any child subject to Article 14 of this
Code, this meeting shall be an individualized education program meeting and shall include relevant
members of the individualized education program team. For any child with a disability under Section
504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794), this meeting shall be a Section 504 plan
review and include relevant members of the Section 504 plan team.
3. For any child currently being evaluated by a school district for a disability or for whom the school has
a basis of knowledge that the child is a child with a disability under 20 U.S.C. 1415(k)(5), the completion
of the evaluation and determination of the child's eligibility for special education services.
(d) Before a school district may refer a person having custody or control of a child to a local public entity
under this Section, the school district must document any appropriate and available supportive services
offered to the child. In the event a meeting under this Section does not occur, a school district must have
documentation that it made reasonable efforts to convene the meeting at a mutually convenient time and
date for the school district and the person having custody or control of the child and, but for the conduct of that person, the meeting would have occurred.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetrated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons. Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases
in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services. A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.
(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces
 evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) The expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

REGULATIONS
No relevant regulations found.

In school suspension

LAWS

§ 105 ILCS 5/13B-20.5. Eligible activities and services.
Eligible activities and services. Alternative learning opportunities programs may include without limitation evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back to the regular school program, an adult education program, or a post-secondary education program.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.
Use of restraint and seclusion

LAWS

§ 105 ILCS 5/2-3.130. Time out and physical restraint rules.
The State Board of Education shall promulgate rules governing the use of time out and physical restraint in the public schools. The rules shall include provisions governing recordkeeping that is required when physical restraint or more restrictive forms of time out are used.

§ 105 ILCS 5/10-20.33. Time out and physical restraint.
Until rules are adopted under Section 2-3.130 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

1. a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;
2. a confining space such as a closet or box;
3. a room where the student cannot be continually observed; or
4. any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education.

The use of physical restraints is prohibited except when (i) the student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

§ 105 ILCS 5/34-18.20. Time out and physical restraint.
Until rules are adopted under Section 2-3.130 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

1. a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;
2. a confining space such as a closet or box;
3. a room where the student cannot be continually observed; or
4. any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education. The use of physical restraints is prohibited except when (i) the student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section,
"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

REGULATIONS

1.280. Discipline.
Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in

b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code.

c) Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285. If isolated time out or physical restraint is to be permitted, the policy shall include:

1) the circumstances under which isolated time out or physical restraint will be applied;
2) a written procedure to be followed by staff in cases of isolated time out or physical restraint;
3) designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 when isolated time out or physical restraint is used;
4) the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;
5) a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4); and
6) a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
   A) the number of incidents involving the use of these interventions,
   B) the location and duration of each incident,
   C) identification of the staff members who were involved,
   D) any injuries or property damage that occurred, and
   E) the timeliness of parental notification and administrative review.

d) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities
who require intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code.

1.285. Requirements for the use of isolated time out and physical restraint.

Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

a) "Isolated time out" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.

1) Any enclosure used for isolated time out shall:
   A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;
   B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and
   C) be designed to permit continuous visual monitoring of and communication with the student.

2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.

3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.

4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.

b) "Physical restraint" means holding a student or otherwise restricting his or her movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").

c) The requirements set forth in subsections (d) through (h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:

   1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or
   2) remove a disruptive student who is unwilling to leave the area voluntarily.

d) The use of physical restraint shall be subject to the following requirements.
1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
   A) the student poses a physical risk to himself, herself, or others,
   B) there is no medical contraindication to its use, and
   C) the staff applying the restraint have been trained in its safe application as specified in subsection (h)(2) of this Section.

2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.

3) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.

4) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.

5) Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.

6) In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising adult shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.

7) If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.

e) Time Limits

1) A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.

2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.

f) Documentation and Evaluation

1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each of these records. Each record shall include:
   A) the student's name;
   B) the date of the incident;
   C) the beginning and ending times of the incident;
   D) a description of any relevant events leading up to the incident;
   E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;
F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;

G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;

H) a description of any injuries (whether to students, staff, or others) or property damage;

I) a description of any planned approach to dealing with the student's behavior in the future;

J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;

K) the date on which parental notification took place as required by subsection (g) of this Section.

2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.

3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.

4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.

A) A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.

B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).

C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.

5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.

A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.

B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents

1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].

2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parents, unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the
intervention used, and the name of a contact person with a telephone number to be called for further information.

h) Requirements for Training

1) Isolated Time Out. Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

2) Physical Restraint

   A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received training within the preceding two years, as indicated by written evidence of participation.

   B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:

      i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;

      ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

      iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;

      iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

      v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and

      vi) demonstration by participants of proficiency in administering physical restraint.

   C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.

830.150 Behavior Intervention.

a) Behavior intervention is a therapeutic measure which is to be used only to prevent a student from causing damage to property or physical harm to himself/herself or others. The following procedures shall be used, as part of a behavior modification or management program. In no event shall restraint be used to punish or discipline a student or as a convenience to staff.

b) Behavior intervention may include physically holding, or otherwise restricting the movement of the student's limbs, head or body. No mechanical or chemical restraint shall be permitted. Medically prescribed or monitored procedures for the treatment of an existing physical condition or the amelioration of a physical disability, such as braces and other medical equipment, are not considered restraints. The partial or total immobilization of a student for the purpose of performing a medical/surgical procedure is not restraint.

c) Procedures for the use of physical restraint at the State Schools are as follows:

   1) physical restraint shall be employed in a humane and therapeutic manner. In no event shall restraint be used when it is medically contraindicated (i.e., could adversely affect the health of the student).
2) whenever physical restraint is used with a student whose primary communication is sign language, writing, or computer, the student shall be permitted to have his/her hands free from restraint for brief periods, except when freedom may result in physical harm to the student or others. A staff member skilled in the student's mode of communication shall be in attendance when the student's hands are free.

3) the student must be released from restraint as soon as possible. The use of restraint shall not exceed 30 consecutive minutes.

4) the person who initiates the restraint shall inform his/her supervisor as soon as possible and must submit a written detailed anecdotal report of the cause/conditions that called for the use of physical restraint. The report shall include the date, time, and location that the physical restraint took place. This report will be placed in the student's temporary records maintained by the State School with a copy to be sent to the parent of the student and through the chain of command to the facility administrator.

d) All direct care staff shall be trained in behavior intervention techniques, including physical restraint, to prevent injury to the students. Documentation of training shall be maintained in the employee personnel files kept at each State School. Employees that have not completed the training may not employ physical restraint.

### Alternative placements

**LAWS**

§ 105 ILCS 5/2-3.66. Truants' alternative and optional education programs.

To establish projects to offer modified instructional programs or other services designed to prevent students from dropping out of school, including programs pursuant to Section 2-3.41, and to serve as a part time or full time option in lieu of regular school attendance and to award grants to local school districts, educational service regions or community college districts from appropriated funds to assist districts in establishing such projects. The education agency may operate its own program or enter into a contract with another not-for-profit entity to implement the program. The projects shall allow dropouts, up to and including age 21, potential dropouts, including truants, uninvolved, unmotivated and disaffected students, as defined by State Board of Education rules and regulations, to enroll, as an alternative to regular school attendance, in an optional education program which may be established by school board policy and is in conformance with rules adopted by the State Board of Education. Truants' Alternative and Optional Education programs funded pursuant to this Section shall be planned by a student, the student's parents or legal guardians, unless the student is 18 years or older, and school officials and shall culminate in an individualized optional education plan. Such plan shall focus on academic or vocational skills, or both, and may include, but not be limited to, evening school, summer school, community college courses, adult education, preparation courses for high school equivalency testing, vocational training, work experience, programs to enhance self concept and parenting courses. School districts which are awarded grants pursuant to this Section shall be authorized to provide day care services to children of students who are eligible and desire to enroll in programs established and funded under this Section, but only if and to the extent that such day care is necessary to enable those eligible students to attend and participate in the programs and courses which are conducted pursuant to this Section. School districts and regional offices of education may claim general State aid under Section 18-8.05 or evidence-based funding under Section 18-8.15 for students enrolled in truants' alternative and optional education programs, provided that such students are receiving services that are supplemental to a program leading to a high school diploma and are otherwise eligible to be claimed for general State aid under Section 18-8.05 or evidence-based funding under Section 18-8.15, as applicable.
§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(b) [...] A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

1. A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

2. A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.

§ 105 ILCS 5/13A-1. Legislative Declaration.

The General Assembly finds and declares as follows:

(e) Disruptive students typically derive little benefit from traditional school programs and may benefit substantially by being transferred from their current school into an alternative public school program, where their particular needs may be more appropriately and individually addressed and where they may benefit from the opportunity for a fresh start in a new educational environment. At those alternative school programs, innovative academic and school-to-work programs, including but not limited to the techniques of work based learning and technology delivered learning, can be utilized to best help the students enrolled in those schools to become productive citizens.

For information on establishing truants' alternative and optional education programs as authorized in Section 2-3.66 of the School Code, [105 ILCS 5/2-3.66] see http://www.isbe.net/rules/archive/pdfs/205ARK.pdf.

(h) Every school district in the State shall do all it can to ensure a safe and appropriate educational environment for all of its students, and the first, but not the only, step school districts must take to achieve that goal is to administratively transfer disruptive students from the schools they currently attend to the alternative school programs created by this Article. Those administrative transfers will also provide optional educational programs to best fit the needs of the transferred students.
(i) Administrative transfers may prove more productive for dealing with disruptive students than out-of-school suspensions or expulsions, which have been the subject of much criticism.

§ 105 ILCS 5/13A-2.5. Disruptive student.

"Disruptive student" includes suspension or expulsion eligible students in any of grades 6 through 12. Suspension or expulsion eligible students are those students that have been found to be eligible for suspension or expulsion through the discipline process established by a school district.


(a) Except with respect to the Chicago public school system as provided in Section 13A-11, beginning with the 1996-97 school year, there is hereby created in this State a system of alternative school education programs. At least one alternative school program may be located within each educational service region or established jointly by more than one regional office of education to serve more than one educational service region.

(b) Each regional superintendent shall hold a public hearing, by December 1 of the school year following the effective date of this amendatory Act of 1995, to determine the need for an alternative school. The hearing shall be held before the regional board. The regional superintendent, after consulting with the district superintendent of each school district located within the regional superintendent's educational service region and the regional board, shall determine the location and the need of the alternative school within that region. In making this determination, the regional superintendent shall consider the following:

   (1) the possible utilization of existing buildings, including but not limited to governmental buildings, that are, or could reasonably be made, usable as an alternative school;

   (2) which available option would be least costly; and

   (3) distances that administratively transferred students would need to travel and the costs of that travel.

(c) Upon determination of the need for establishment of an alternative school program, each school district located within the region shall provide the regional superintendent with a copy of the district's discipline policy and procedure for effecting the suspension or expulsion of the students of that district. Thereafter, the regional superintendent in cooperation with a representative from each school district in the region shall establish and each school district in the region shall adopt policies and procedures that shall guide each district in the identification and placement of students in the alternative school program.

(d) The regional superintendent shall locate the alternative school program so that it is as far away from any other school buildings or school grounds in that educational service region as circumstances permit.

(e) With the approval of the State board, additional alternative school programs may be established in an educational service region. If the regional superintendent determines that an additional alternative school is required in the regional superintendent's educational service region, he or she may petition the State board to authorize one or more additional alternative school programs in that region.

(f) In determining whether an additional alternative school program is necessary and appropriate for an educational service region requesting it, the State board shall consider, among other factors, the following:

   (1) the geographic size of the educational service region and distances that students within that region must travel in order to attend the existing alternative school program;

   (2) the student population of schools comprising the educational service region and the likely student population of all alternative school programs within that region if the petition is granted;

   (3) any other logistical considerations; and

   (4) the costs necessitated by establishing an additional alternative school in that educational service region.
(g) In the event the State board grants a petition for an additional alternative school program, then the State board, after consulting the regional superintendent, shall decide where the additional alternative school program shall be located within that region.

A student who is determined to be subject to suspension or expulsion in the manner provided by Section 10-22.6 (or, in the case of a student enrolled in the public schools of a school district organized under Article 34, in accordance with the uniform system of discipline established under Section 34-19) may be immediately transferred to the alternative program. At the earliest time following that transfer appropriate personnel from the sending school district and appropriate personnel of the alternative program shall meet to develop an alternative education plan for the student. The student's parent or guardian shall be invited to this meeting. The student may be invited. The alternative educational plan shall include, but not be limited to all of the following:

(1) The duration of the plan, including a date after which the student may be returned to the regular educational program in the public schools of the transferring district. If the parent or guardian of a student who is scheduled to be returned to the regular education program in the public schools of the district files a written objection to the return with the principal of the alternative school, the matter shall be referred by the principal to the regional superintendent of the educational service region in which the alternative school program is located for a hearing. Notice of the hearing shall be given by the regional superintendent to the student's parent or guardian. After the hearing, the regional superintendent may take such action as he or she finds appropriate and in the best interests of the student. The determination of the regional superintendent shall be final.

(2) The specific academic and behavioral components of the plan.

(3) A method and time frame for reviewing the student's progress.

Notwithstanding any other provision of this Article, if a student for whom an individualized educational program has been developed under Article 14 is transferred to an alternative school program under this Article 13A, that individualized educational program shall continue to apply to that student following the transfer unless modified in accordance with the provisions of Article 14.

§ 105 ILCS 5/13B-5. Legislative findings and declarations.
The General Assembly finds and declares the following:

(1) It is the responsibility of each school district to provide educational support for every student to meet Illinois Learning Standards.

(2) School districts need flexibility and financial support to assist local schools in their efforts to provide students with educational and other services needed for students to successfully master the curriculum.

(3) Alternative education in this State has traditionally provided student-centered curriculum, social services, and other support needed to help students succeed.

(4) Standards-based reform requires a comprehensive approach to alternative education to ensure that every student has the opportunity to meet the State's rigorous learning standards.

(5) While school districts operating alternative learning opportunities programs must comply with all applicable State and federal laws and rules, these districts should do so in a manner consistent with the goals and policies stated in this Article.

The purpose of this Article is to specify the requirements for the operation of alternative learning opportunities programs, which are intended to provide students at risk of academic failure with the education and support services needed to meet Illinois Learning Standards and to complete their
education in an orderly, safe, and secure learning environment. Services provided under this Article should be provided in a manner that addresses individual learning styles, career development, and social needs to enable students to successfully complete their education.

§ 105 ILCS 5/13B-15.10. Student at risk of academic failure.
"Student at risk of academic failure" means a student at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for educational support or social services beyond that provided by the regular school program. Such students are eligible for services up to the age of 21.

"Student Success Plan" means a plan based on an assessment of a student's educational and social functioning and skills and that establishes goals and objectives for satisfactory performance in an alternative learning opportunities program. The Plan must (i) specify the curriculum and instructional methods to be used in improving the student's educational performance, (ii) outline the support services needed to remove barriers to learning, (iii) specify, when appropriate, the career development experiences the student will receive to enhance his or her career awareness, (iv) set objectives to ensure a successful transition back to the regular school program or to post-secondary educational options, and (v) outline the student's responsibilities under the Plan.

"Support services" include alcohol and drug rehabilitation; individual, group, and family counseling; mentoring; tutoring; school physicals; health and nutrition education; classroom aides; career counseling; child care; and any other social, health, or supplemental service approved as part of the Student Success Plan that is required by students for their academic success.

An alternative learning opportunities program shall provide a flexible standards-based learning environment, innovative and varied instructional strategies, a student-centered curriculum, social programs, and supplemental social, health, and support services to improve the educational achievement of students at risk of academic failure.

§ 105 ILCS 5/13B-20.5. Eligible activities and services.
Alternative learning opportunities programs may include without limitation evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back to the regular school program, an adult education program, or a post-secondary education program.

§ 105 ILCS 5/13B-20.10. Who may establish and operate programs.
School districts may establish alternative learning opportunities programs or may contract with regional offices of education, intermediate service centers, public community colleges, non-profit or for-profit education providers, youth service agencies, community-based organizations, or other appropriate entities to establish alternative learning opportunities programs within the public school system and provide a range of alternative learning opportunities for those students in the State who do not meet Illinois Learning Standards. Districts may individually operate alternative learning opportunities programs or may collaborate with 2 or more districts or one or more regional offices of education or both or with intermediate service centers to create and operate alternative learning opportunities programs.
§ 105 ILCS 5/13B-20.15. Other eligible providers of alternative learning opportunities.
School districts may contract with health, mental health, or human service organizations, workforce development boards or agencies, juvenile court services, juvenile justice agencies, juvenile detention programs, programs operated by the Department of Juvenile Justice, or other appropriate agencies or organizations to serve students whose needs are not being met in the regular school program by providing alternative learning opportunities.

§ 105 ILCS 5/13B-20.20. Enrollment in other programs.
High school equivalency testing preparation programs are not eligible for funding under this Article. A student may enroll in a program approved under Section 18-8.05 or 18-8.15 of this Code, as appropriate, or attend both the alternative learning opportunities program and the regular school program to enhance student performance and facilitate on-time graduation.

Students in grades 4 through 12 who meet enrollment criteria established by the school district and who meet the definition of “student at risk of academic failure” are eligible to participate in an alternative learning opportunities program funded under this Article. Notwithstanding any other provision of law to the contrary, enrollment in a charter alternative learning opportunities program shall be open to any pupil who has been expelled or suspended for more than 20 days under Section 10-22.6 or 34-19 of this Code. All rights granted under this Article to a student's parent or guardian become exclusively those of the student upon the student’s 18th birthday.

Before being enrolled in an alternative learning opportunities program, the student and each of his or her parents or guardians shall receive written notice to attend a conference to determine if the student would benefit from attending an alternative learning opportunities program. The conference must provide all of the information necessary for the student and parent or guardian to make an informed decision regarding enrollment in an alternative learning opportunities program. The conference shall include a discussion of the extent to which the student, if enrolled in the program, may participate in school activities. No student shall be enrolled in an alternative learning opportunities program without the consent of the student’s parent or guardian.

§ 105 ILCS 5/13B-70. Truancy and attendance problems.
If a student is a chronic or habitual truant as defined in Section 26-2a of this Code or if a child has been ordered to attend school, the school district may consider the student for placement in an alternative learning opportunities program specifically designed to prevent truancy, supplement instruction for students with attendance problems, intervene to decrease chronic truancy, and provide alternatives to high school completion. A program operating pursuant to the truants’ alternative and optional education program may contract with a school district or consortium to provide these services.

(a) The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:
   (1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.
(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria.

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) The board shall establish and implement a policy governing the transfer of students within the school district from a persistently dangerous attendance center to another attendance center in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous attendance center, the attendance center must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the attendance center expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.

(3) Have at least 3% of the students enrolled in the attendance center exercise the individual option to transfer attendance centers pursuant to subsection (c) of this Section.

(c) A student may transfer from one attendance center to another attendance center within the district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) (Blank).

§ 105 ILCS 5/34-19. By-laws, rules and regulations; business transacted at regular meetings; voting; records.

[...] It may expel, suspend or, subject to the limitations of all policies established or adopted under Section 10-22.6 or 14-8.05, otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. [...]
b) An Individualized Optional Education Plan, which is a written document developed in accordance with Section 2-3.66 of the School Code and this Part, that outlines an individual's academic, vocational and/or life skill needs, as well as goals and objectives and various educational and social experiences needed to reach those goals and objectives. The development of this plan shall include school officials, the student, and the student's parents or legal guardians if the student is less than 18 years old. The individualized optional education plan for each student shall include:

1) learning objectives or individual outcomes, such as increased school attendance, course credit, graduation, gains in achievement level, or employment;

2) the basis upon which the student is referred to the program;

3) the services that will be provided in relation to the student's educational, social, and/or career development needs necessary to achieve the learning objectives or individual outcomes pursuant to subsection (b)(1) of this Section;

4) assessment procedures to determine the degree to which the student is achieving his or her learning objectives or individual outcomes;

5) a time period sufficient to allow the student to achieve those objectives or outcomes; and

6) a statement that the student, parent, or guardian has the ultimate choice of whether to accept the individualized optional education plan that is offered or to return to or remain in the regular education program of the school district attended.

c) Educational services that may include either:

1) An Optional Education Program that provides a modified instructional program that incorporates State academic standards and, as appropriate to the student's needs, work-based learning and career development, and is established by school board policy to serve as a part-time or full-time option in lieu of regular school attendance in conformance with Section 2-3.66 of the School Code and this Part; or

2) Supplemental services that provide students enrolled in the regular school program with supports (e.g., tutoring, mentoring, health services, home visits, counseling) that are needed to increase their attendance rates or prevent them from dropping out of school.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

§ 105 ILCS 5/34-8.05. Reporting firearms in schools.
On or after January 1, 1997, upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the general superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours after the occurrence of the incident and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police. The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Department of State Police. As used in this Section, the term "firearm" shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

§ 720 ILCS 5/24-1. Unlawful use of weapons.
(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse,
public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(5) For the purposes of this subsection (c), "public transportation agency" means a public or private agency that provides for the transportation or conveyance of persons by means available to the general public, except for transportation by automobiles not used for conveyance of the general public as passengers; and "public transportation facility" means a terminal or other place where one may obtain public transportation.

§ 720 ILCS 5/24-1.2. Aggravated discharge of a firearm.

(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:
(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(c) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 105 ILCS 5/10-21.4a. Principals and assistant principals - Duties.
[...] It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity. [...] 

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

REGULATIONS
No relevant regulations found.


**Students with chronic disciplinary issues**

**LAWS**

§ 105 ILCS 5/2-3.41. Chronic truants and truancy prevention.
The State Board of Education is empowered to enter into contracts with public or private agencies for the provision of educational services to chronic truants and for the prevention of truancy including training and developmental assistance provided an appropriation is made specifically for such purpose.

§ 105 ILCS 5/13B.70. Truancy and attendance problems.
If a student is a chronic or habitual truant as defined in Section 26-2a of this Code or if a child has been ordered to attend school, the school district may consider the student for placement in an alternative learning opportunities program specifically designed to prevent truancy, supplement instruction for students with attendance problems, intervene to decrease chronic truancy, and provide alternatives to high school completion. A program operating pursuant to the truants’ alternative and optional education program may contract with a school district or consortium to provide these services.

§ 105 ILCS 5/34-4.5. Chronic truants.

(a) Office of Chronic Truant Adjudication. The board shall establish and implement an Office of Chronic Truant Adjudication, which shall be responsible for administratively adjudicating cases of chronic truancy and imposing appropriate sanctions. The board shall appoint or employ hearing officers to perform the adjudicatory functions of that Office. Principals and other appropriate personnel may refer pupils suspected of being chronic truants, as defined in Section 26-2a of this Code, to the Office of Chronic Truant Adjudication.

(b) Notices. Before any hearing may be held under subsection (c), the principal of the school attended by the pupil or the principal's designee shall notify the pupil's parent or guardian by personal visit, letter, or telephone of each unexcused absence of the pupil. After giving the parent or guardian notice of the tenth unexcused absence of the pupil, the principal or the principal's designee shall send the pupil's parent or guardian a letter, by certified mail, return receipt requested, notifying the parent or guardian that he or she is subjecting himself or herself to a hearing procedure as provided under subsection (c) and clearly describing any and all possible penalties that may be imposed as provided for in subsections (d) and (e) of this Section.

(c) Hearing. Once a pupil has been referred to the Office of Chronic Truant Adjudication, a hearing shall be scheduled before an appointed hearing officer, and the pupil and the pupil's parents or guardian shall be notified by certified mail, return receipt requested stating the time, place, and purpose of the hearing. The hearing officer shall hold a hearing and render a written decision within 14 days determining whether the pupil is a chronic truant as defined in Section 26-2a of this Code and whether the parent or guardian took reasonable steps to assure the pupil's attendance at school. The hearing shall be private unless a public hearing is requested by the pupil's parent or guardian, and the pupil may be present at the hearing with a representative in addition to the pupil's parent or guardian. The board shall present evidence of the pupil's truancy, and the pupil and the parent or guardian or representative of the pupil may cross examine witnesses, present witnesses and evidence, and present defenses to the charges. All testimony at the hearing shall be taken under oath administered by the hearing officer. The decision of the hearing officer shall constitute an “administrative decision” for purposes of judicial review under the Administrative Review Law.

(d) Penalties. The hearing officer may require the pupil or the pupil's parent or guardian or both the pupil and the pupil's parent or guardian to do any or all of the following: perform reasonable school or community services for a period not to exceed 30 days; complete a parenting education program; obtain

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counseling or other supportive services; and comply with an individualized educational plan or service plan as provided by appropriate school officials. If the parent or guardian of the chronic truant shows that he or she took reasonable steps to insure attendance of the pupil at school, he or she shall not be required to perform services.

(e) Non-compliance with sanctions. If a pupil determined by a hearing officer to be a chronic truant or the parent or guardian of the pupil fails to comply with the sanctions ordered by the hearing officer under subsection (c) of this Section, the Office of Chronic Truant Adjudication may refer the matter to the State's Attorney for prosecution under Section 3-33.5 of the Juvenile Court Act of 1987.

(f) Limitation on applicability. Nothing in this Section shall be construed to apply to a parent or guardian of a pupil not required to attend a public school pursuant to Section 26-1.

REGULATIONS

1.290. Absenteeism and truancy policies.

a) Purpose. This Section establishes guidelines and criteria required by Section 26-13 of the School Code [105 ILCS 5/26-13], which provides that school districts shall adopt absenteeism and truancy policies identifying appropriate supportive services and available resources for truants and chronic truants.

b) Content of Policies. Each school district shall develop an absenteeism and truancy policy including at least the following elements:

1) A definition of a valid cause for absence in accordance with Section 26-2a of the School Code;

2) A description of diagnostic procedures to be used for identifying the causes of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parents or guardians, and any school officials or other parties who may have information about the reasons for the student's attendance problem; and

3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.

Attendance and truancy

LAWS


Whoever has custody or control of any child (i) between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii) between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) beginning with the 2014-2015 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a
licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school;

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code;

7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence; and

8. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. Such a student shall be granted 5 days of excused absences in any
school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph 8, the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to school from such period of excused absence.

§ 105 ILCS 5/26-2a. [Terms defined].
A "truant" is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

"Valid cause" for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the mental, emotional, or physical health or safety of the student.

"Chronic or habitual truant" shall be defined as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

A "dropout" is defined as any child enrolled in grades 9 through 12 whose name has been removed from the district enrollment roster for any reason other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country.

"Religion" for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

The clerk or secretary of the school board of all school districts except those employing district truant officers shall furnish the superintendent of schools at the beginning of the school year a list of the names and addresses of the children living in the district who come under the provisions of this Article and of persons having custody or control of such children. The superintendent shall at the opening of school and at other times when required by the regional superintendent of schools compare the list with the enrollment of the school or schools and report to the regional superintendent of schools the names of persons having custody or control of children included under the provisions of this Article who are truant or who are chronic or habitual truants for whom supportive services and other school resources have failed to correct the truant behavior and who are not in regular attendance at the public school, and the names of such children and their ages, stating in each case, if known, the cause of such absence. The report shall also contain the names of any other persons who were not enumerated in the list at the beginning of school and who have the custody or control of children not attending school. The regional superintendent shall, without delay, place such information at the disposal of the regional truant officer.

The clerk or secretary of the school board of all school districts shall furnish quarterly on the first school day of October, January, April and July to the regional superintendent and to the Secretary of State a list of pupils, excluding transferees, who have been expelled or have withdrawn or who have left school and

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have been removed from the regular attendance rolls during the period of time school was in regular session from the time of the previous quarterly report. Such list shall include the names and addresses of pupils formerly in attendance, the names and addresses of persons having custody or control of such pupils, the reason, if known, such pupils are no longer in attendance and the date of removal from the attendance rolls. The list shall also include the names of: pupils whose withdrawal is due to extraordinary circumstances, including but not limited to economic or medical necessity or family hardship, as determined by the criteria established by the school district; pupils who have re-enrolled in school since their names were removed from the attendance rolls; any pupil certified to be a chronic or habitual truant, as defined in Section 26-2a; and pupils previously certified as chronic or habitual truants who have resumed regular school attendance. The regional superintendent shall inform the county or district truant officer who shall investigate to see that such pupils are in compliance with the requirements of this Article.

Each local school district shall establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship.

If a pupil re-enrolls in school after his or her name was removed from the attendance rolls or resumes regular attendance after being certified a chronic or habitual truant, the pupil must obtain and forward to the Secretary of State, on a form designated by the Secretary of State, verification of his or her re-enrollment. The verification may be in the form of a signature or seal or in any other form determined by the school board.

The State Board of Education shall, if possible, make available to any person, upon request, a comparison of dropout rates before and after the effective date of this amendatory Act of the 94th General Assembly.

§ 105 ILCS 5/26-5. Duties of truant officers.

The truant officer of the school district, whenever notified by the Superintendent, teacher, or other person of violations of this Article, or the county truant officer, when notified by the County Superintendent, shall investigate all cases of truancy or non-attendance at school in their respective jurisdictions, and if the children complained of are not exempt under the provisions of this Article, the truant officer shall proceed as is provided in this Article. The county truant officer, within the county and the district truant officers, within their respective districts, shall in the exercise of their duties be conservators of the peace and shall keep the same, suppress riots, routs, affray, fighting, breaches of the peace, and prevent crime; and may arrest offenders on view and cause them to be brought before proper officials for trial or examination.


In school districts which employ truant officers the clerk or secretary of the school board shall at the beginning of each school year furnish a copy of the last school census to the superintendent of schools (or principal teacher) in the district, together with the names and addresses of the truant officers in the district, and the superintendent, (or principal teacher) shall compare the census list with the enrollment of the school or schools and, from time to time, report to the proper truant officers the names and addresses of persons having custody or control of children included under the provisions of this Article who are truant or who are chronic or habitual truants for whom supportive services and other school resources have failed to correct the truant behavior and who are not in regular attendance at public schools and also the names of persons having custody or control of children who are not in regular attendance at school and whose names are not included in the census list.


If any person fails to send any child under his custody or control to some lawful school, the truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or
her designee shall, as soon as practicable after he is notified thereof, give notice in person or by mail to such person that such child shall be present at the proper public school on the day following the receipt of such notice. The notice shall state the date that attendance at school must begin and that such attendance must be continuous and consecutive in the district during the remainder of the school year. The truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall at the same time that such notice is given notify the teacher or superintendent of the proper public school thereof and the teacher or superintendent shall notify the truant officer or regional superintendent of schools of any non-compliance therewith.

A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and willfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control to the state's attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

§ 105 ILCS 5/26-8a. [Court petition content]
The petition for court action shall include the name of the truant minor, the names and addresses of persons having custody or control of the student, the dates of the truant behavior, the dates and nature of contacts or conferences with the student and the persons having custody or control of the student, and the nature of the supportive services, alternative programs and other school resources the school district provided to that child in an effort to correct that child's truant behavior.

§ 105 ILCS 5/26-8b. [Court petition filing]
When a petition is filed, it shall be set for an adjudicatory hearing within 10 days and acted upon within 30 days, subject to the provisions of the Juvenile Court Act or the Juvenile Court Act of 1987 if filed thereunder.

School officers, superintendents, teachers or other persons shall render such assistance and furnish such information as they have to aid truant officers in the performance of their duties.

§ 105 ILCS 5/26-10. Fine for noncompliance.
Any person having custody or control of a child subject to the provisions of this Article to whom notice has been given of the child's truancy and who knowingly and willfully permits such a child to persist in his truancy within that school year, upon conviction thereof shall be guilty of a Class C misdemeanor and shall be subject to not more than 30 days imprisonment and/or a fine of up to $500.
Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for 3 consecutive school days, is guilty of a Class C misdemeanor.

(a) No punitive action, including out of school suspensions, expulsions or court action, shall be taken against chronic truants for such truancy unless appropriate and available supportive services and other school resources have been provided to the student.
(b) A school district may not refer a truant, chronic truant, or truant minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, for that local public entity to issue the child a fine or a fee as punishment for his or her truancy.
(c) A school district may refer any person having custody or control of a truant, chronic truant, or truant minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, for that local public entity to issue the person a fine or fee for the child's truancy only if the school district's truant officer, regional office of education, or intermediate service center has been notified of the truant behavior and the school district, regional office of education, or intermediate service center has offered all appropriate and available supportive services and other school resources to the child. Before a school district may refer a person having custody or control of a child to a municipality, as defined under Section 1-1-2 of the Illinois Municipal Code, the school district must provide the following appropriate and available services:

(1) For any child who is a homeless child, as defined under Section 1-5 of the Education for Homeless Children Act, a meeting between the child, the person having custody or control of the child, relevant school personnel, and a homeless liaison to discuss any barriers to the child's attendance due to the child's transitional living situation and to construct a plan that removes these barriers.

(2) For any child with a documented disability, a meeting between the child, the person having custody or control of the child, and relevant school personnel to review the child's current needs and address the appropriateness of the child's placement and services. For any child subject to Article 14 of this Code, this meeting shall be an individualized education program meeting and shall include relevant members of the individualized education program team. For any child with a disability under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794), this meeting shall be a Section 504 plan review and include relevant members of the Section 504 plan team.

(3) For any child currently being evaluated by a school district for a disability or for whom the school has a basis of knowledge that the child is a child with a disability under 20 U.S.C. 1415(k)(5), the completion of the evaluation and determination of the child's eligibility for special education services.

(d) Before a school district may refer a person having custody or control of a child to a local public entity under this Section, the school district must document any appropriate and available supportive services offered to the child. In the event a meeting under this Section does not occur, a school district must have documentation that it made reasonable efforts to convene the meeting at a mutually convenient time and date for the school district and the person having custody or control of the child and, but for the conduct of that person, the meeting would have occurred.

Any dropout, as defined in Section 26-2a, who is 17 years of age may apply to a school district for status as a truant, and the school district shall permit such person to participate in the district's various programs and resources for truants. At the time of the person's application, the district may request documentation of his dropout status for the previous 6 months.
When a regional superintendent has reason to believe that a pupil is a truant minor as defined in Section 26-2a, the regional superintendent may report such pupil under the provisions of the Juvenile Court Act.

(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.
(b) Any student who is below the age of 20 years is eligible to enroll in a graduation incentives program if he or she:
   (1) is considered a dropout pursuant to Section 26-2a of this Code;
   (2) has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;
   (3) is pregnant or is a parent;
   (4) has been assessed as chemically dependent; or
   (5) is enrolled in a bilingual education or LEP program.
(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:
   (1) Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.
   (2) Any alternative learning opportunities program established pursuant to Article 13B of this Code.
   (3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.
   (4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.
   (5) Adult education courses that offer preparation for high school equivalency testing.
(d) Graduation incentives programs established by school districts are entitled to claim general State aid and evidence-based funding, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid and evidence-based funding at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

(a) As used in this Section:
“Chronic absence” means absences that total 10% or more of school days of the most recent academic school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student.

“Student” means any enrolled student that is subject to compulsory attendance under Section 26-1 of this Code but does not mean a student for whom a documented homebound or hospital record is on file during the student's absence from school.

(b) The General Assembly finds that:

(1) The early years are a critical period in children's learning and development. Every child should be counted present every day. Every day of school matters.

(2) Being absent too many days from school can make it difficult for students to stay on-track academically and maintain the momentum to graduate from high school in order to be college-or career-ready.

(3) Every day of school attendance matters for all students and their families. It is crucial, therefore, that the implications of chronic absence be understood and reviewed regularly.

(c) Beginning July 1, 2018, every school district, charter school, or alternative school or any school receiving public funds shall collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. The review shall include an analysis of chronic absence data from each attendance center or campus of the school district, charter school, or alternative school or other school receiving public funds.

(d) School districts, charter schools, or alternative schools or any school receiving public funds are encouraged to provide a system of support to students who are at risk of reaching or exceeding chronic absence levels with strategies such as those available through the Illinois Multi-tiered Systems of Support Network. Schools additionally are encouraged to make resources available to families such as those available through the State Board of Education's Family Engagement Framework to support and engage students and their families to encourage heightened school engagement and improved daily school attendance.

§ 105 ILCS 5/34-4.5. Chronic truants.

(a) Office of Chronic Truant Adjudication. The board shall establish and implement an Office of Chronic Truant Adjudication, which shall be responsible for administratively adjudicating cases of chronic truancy and imposing appropriate sanctions. The board shall appoint or employ hearing officers to perform the adjudicatory functions of that Office. Principals and other appropriate personnel may refer pupils suspected of being chronic truants, as defined in Section 26-2a of this Code, to the Office of Chronic Truant Adjudication.

(b) Notices. Before any hearing may be held under subsection (c), the principal of the school attended by the pupil or the principal's designee shall notify the pupil's parent or guardian by personal visit, letter, or telephone of each unexcused absence of the pupil. After giving the parent or guardian notice of the tenth unexcused absence of the pupil, the principal or the principal's designee shall send the pupil's parent or guardian a letter, by certified mail, return receipt requested, notifying the parent or guardian that he or she is subjecting himself or herself to a hearing procedure as provided under subsection (c) and clearly describing any and all possible penalties that may be imposed as provided for in subsections (d) and (e) of this Section.

(c) Hearing. Once a pupil has been referred to the Office of Chronic Truant Adjudication, a hearing shall be scheduled before an appointed hearing officer, and the pupil and the pupil's parents or guardian shall be notified by certified mail, return receipt requested stating the time, place, and purpose of the hearing. The hearing officer shall hold a hearing and render a written decision within 14 days determining whether
the pupil is a chronic truant as defined in Section 26-2a of this Code and whether the parent or guardian took reasonable steps to assure the pupil's attendance at school. The hearing shall be private unless a public hearing is requested by the pupil's parent or guardian, and the pupil may be present at the hearing with a representative in addition to the pupil's parent or guardian. The board shall present evidence of the pupil's truancy, and the pupil and the parent or guardian or representative of the pupil may cross examine witnesses, present witnesses and evidence, and present defenses to the charges. All testimony at the hearing shall be taken under oath administered by the hearing officer. The decision of the hearing officer shall constitute an "administrative decision" for purposes of judicial review under the Administrative Review Law.

(d) Penalties. The hearing officer may require the pupil or the pupil's parent or guardian or both the pupil and the pupil's parent or guardian to do any or all of the following: perform reasonable school or community services for a period not to exceed 30 days; complete a parenting education program; obtain counseling or other supportive services; and comply with an individualized educational plan or service plan as provided by appropriate school officials. If the parent or guardian of the chronic truant shows that he or she took reasonable steps to assure attendance of the pupil at school, he or she shall not be required to perform services.

(e) Non-compliance with sanctions. If a pupil determined by a hearing officer to be a chronic truant or the parent or guardian of the pupil fails to comply with the sanctions ordered by the hearing officer under subsection (c) of this Section, the Office of Chronic Truant Adjudication may refer the matter to the State's Attorney for prosecution under Section 3-33.5 of the Juvenile Court Act of 1987.

(f) Limitation on applicability. Nothing in this Section shall be construed to apply to a parent or guardian of a pupil not required to attend a public school pursuant to Section 26-1.

REGULATIONS

1.290. Absenteeism and truancy policies.  
a) Purpose. This Section establishes guidelines and criteria required by Section 26-13 of the School Code [105 ILCS 5/26-13], which provides that school districts shall adopt absenteeism and truancy policies identifying appropriate supportive services and available resources for truants and chronic truants.

b) Content of Policies. Each school district shall develop an absenteeism and truancy policy including at least the following elements:

1) A definition of a valid cause for absence in accordance with Section 26-2a of the School Code;
2) A description of diagnostic procedures to be used for identifying the causes of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parents or guardians, and any school officials or other parties who may have information about the reasons for the student's attendance problem; and
3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.

205.20. Truants’ alternative and optional education programs - Purpose.  
b) Programs funded under this grant shall serve students identified as one of the following:

1) a truant, as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]; or
2) a chronic or habitual truant, as defined in Section 26-2a of the School Code; or
3) a dropout, as defined in Section 26-2a of the School Code; or
4) a potential dropout, which is any student subject to compulsory attendance as defined in Article 26 of the School Code [105 ILCS 5/Art. 26] and whose school absences or pattern of school attendance impedes the student’s learning or contributes to the student’s failure to meet State and/or district learning standards. Attendance problems may include chronic truancy, truancy, selective absences, excessive absences or a pattern of absences or tardiness. In assessing whether marginal school attendance problems would place a student within the definition of "potential dropout," consideration shall be given to a student's personal involvement in the education process, apparent motivation to receive an education, or any continued and obvious apathy or disaffection for education, particularly, when indications of uninvolved, lack of motivation or disaffection are coupled with currently known individual or family circumstances that, if they remain unresolved, would be reasonably expected to result in escalating attendance problems. (Source: Amended at 25 Ill. Reg. 2399, effective January 25, 2001)

Substance use

LAWS

§ 105 ILCS 5/2-3.13a. School records; transferring students.
[...]

§ 105 ILCS 5/10-20.5b. Tobacco prohibition.
Each school board shall prohibit the use of tobacco on school property by any school personnel, student, or other person when such property is being used for any school purposes. The school board may not authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day or on days when school is not in session. "School purposes" include but are not limited to all events or activities or other use of school property that the school board or school officials authorize or permit on school property, including without limitation all interscholastic or extracurricular athletic, academic, or other events sponsored by the school board or in which pupils of the district participate. For purposes of this Section "tobacco" shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.

§ 105 ILCS 5/10-21.4a. Principals and assistant principals - Duties.
[...]

§ 105 ILCS 5/34-18.11. Tobacco prohibition.
The Board of Education shall prohibit the use of tobacco on school property when such property is being used for any school purposes. Neither the board nor the local school council may authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day or on days when school is not in session. "School purposes" include but are not limited to all events or activities or other use of school property that the school board or school officials authorize or permit on school property, including without limitation all interscholastic or extracurricular athletic, academic or other events sponsored by the school board or in which pupils of the district participate. For purposes of this Section "tobacco" shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

(d) The school board, in consultation with the parent-teacher advisory committee and other community-based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

Each school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district's website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district's student code of conduct handbook.

§ 105 ILCS 5/22-12. Preventing or interfering with a child's attendance at school.
Whoever by threat, menace, or intimidation prevents any child entitled to attend a public or nonpublic school in this State from attending such school or interferes with any such child's attendance at that school shall be guilty of a Class A misdemeanor.

(a) The purpose of this Section is to inform and protect students from inappropriate or illegal communications and solicitation and to encourage school districts to provide education about Internet threats and risks, including without limitation child predators, fraud, and other dangers.
(c) Each school may adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12. However, beginning with the 2009-2010 school year, a school district must incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to students in grades 3 through 12. The school board shall determine the scope and duration of this unit of instruction. The age-appropriate unit of instruction may be incorporated into the
current courses of study regularly taught in the district’s schools, as determined by the school board, and it is recommended that the unit of instruction include the following topics:

(5) Recognizing and reporting online harassment and cyber-bullying.

(e) The State Board of Education shall make available resource materials for educating children regarding child online safety and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts, child psychologists, or technology companies that work on child online safety issues. Materials may include without limitation safe online communications, privacy protection, cyber-bullying [..]


(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students’ ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district, charter school, or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts, charter schools, and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;
(2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities;
(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment; or
(4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

(a-5) Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 of Article I of the Illinois Constitution.

(b) In this Section:

"Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

(1) placing the student or students in reasonable fear of harm to the student's or students' person or property;
(2) causing a substantially detrimental effect on the student's or students' physical or mental health;
(3) substantially interfering with the student's or students' academic performance; or
(4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

"Policy on bullying" means a bullying prevention policy that meets the following criteria:

(1) Includes the bullying definition provided in this Section.

(2) Includes a statement that bullying is contrary to State law and the policy of the school district, charter school, or non-public, non-sectarian elementary or secondary school and is consistent with subsection (a-5) of this Section.

(3) Includes procedures for promptly reporting bullying, including, but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(4) Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

(5) Contains procedures for promptly investigating and addressing reports of bullying, including the following:

(A) Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.

(B) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.

(C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.

(D) Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the
investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

(6) Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

(7) Includes a statement prohibiting reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

(8) Includes consequences and appropriate remedial actions for a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.

(9) Is based on the engagement of a range of school stakeholders, including students and parents or guardians.

(10) Is posted on the school district's, charter school's, or non-public, non-sectarian elementary or secondary school's existing Internet website, is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school and provided periodically throughout the school year to students and faculty, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.

(11) As part of the process of reviewing and re-evaluating the policy under subsection (d) of this Section, contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district, charter school, or non-public, non-sectarian elementary or secondary school may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the school district, charter school, or non-public, non-sectarian elementary or secondary school. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

(12) Is consistent with the policies of the school board, charter school, or non-public, non-sectarian elementary or secondary school.

"Restorative measures" means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

"School personnel" means persons employed by, on contract with, or who volunteer in a school district, charter school, or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

(c) (Blank).

(d) Each school district, charter school, and non-public, non-sectarian elementary or secondary school shall create, maintain, and implement a policy on bullying, which policy must be filed with the State Board
of Education. The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district’s or school's jurisdiction and shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs. School personnel available for help with a bully or to make a report about bullying shall be made known to parents or legal guardians, students, and school personnel. Every 2 years, each school district, charter school, and non-public, non-sectarian elementary or secondary school shall conduct a review and re-evaluation of its policy and make any necessary and appropriate revisions. The policy must be filed with the State Board of Education after being updated. The State Board of Education shall monitor and provide technical support for the implementation of policies created under this subsection (d).

(e) This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law.

The school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district’s website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district’s student code of conduct handbook.

§ 105 ILCS 5/34-84a.1. Principals shall report incidents of intimidation.
The principal of each attendance center shall promptly notify and report to the local law enforcement authorities for inclusion in the Department of State Police's Illinois Uniform Crime Reporting Program each incident of intimidation of which he or she has knowledge and each alleged incident of intimidation which is reported to him or her, either orally or in writing, by any pupil or by any teacher or other certificated or non-certificated personnel employed at the attendance center. "Intimidation" shall have the meaning ascribed to it by Section 12-6 of the Criminal Code of 2012.

§ 720 ILCS 5/12C-50 Hazing.
(a) A person commits hazing when he or she knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution, if:

1. the act is not sanctioned or authorized by that educational institution; and
2. the act results in bodily harm to any person.

(b) Sentence. Hazing is a Class A misdemeanor, except that hazing that results in death or great bodily harm is a Class 4 felony.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is
essential to provide a safe and secure learning environment within the public schools. While recognizing that cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the safety of students and school personnel during school hours and on school property.

(b) The school board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.

§ 105 ILCS 5/10-21.4a. Principals and assistant principals - Duties.

[..] It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity. [..]


(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State, that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools, and that the unrestricted and unregulated use by students of pocket pagers and similar electronic paging devices on school grounds or in school buildings which are owned, occupied or leased by a school board for school purposes and activities adversely affects the educational environment, welfare and safety of students enrolled in the public schools, in that pocket pagers and similar electronic paging devices are being regularly used for the conduct of unlawful activities during school hours and on school property, including activities directly related to the unlawful possession, sale, delivery or other trafficking in drugs or other substances which constitute a "controlled substance" as that term is defined in the Illinois Controlled Substances Act. It is the purpose and intention of the General Assembly, in enacting this legislation, to reduce or eliminate the occurrence of such unlawful activities during school hours and on school property by restricting and regulating student use or possession of pocket pagers and similar electronic paging devices as provided in this Section, and by providing for the imposition of appropriate discipline and sanctions for any violation of the provisions of this Section.

(b) No student shall use or have in his or her possession any pocket pager or similar electronic paging device while in any school building or on any school property, during regular school hours or at any other time, unless the use or possession of such device by such student has first been expressly authorized by the school board acting in accordance with standards developed as provided in subsection (c) for the granting of approved exceptions to the general prohibition of this Section against such use or possession.

(c) The school board shall develop and promulgate written standards under which the board:

(1) may authorize the use or possession of a pocket pager or similar electronic paging device by a student while in a school building or on school property as an approved exception to the general prohibition of this Section against such use or possession; and

(2) may impose appropriate discipline or other sanctions against any student who violates any provision of this Section.
§ 105 ILCS 5/31-1. Definition.
A public school fraternity, sorority or secret society, in this Article means any organization, composed wholly or in part of public school pupils, which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis of the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the special aims of the organization.

§ 105 ILCS 5/31-2. Inimical to public good.
Any public school fraternity, sorority or secret society is inimical to the public good.

§ 105 ILCS 5/31-3. Suspension or expulsion of members, pledges and solicitors.
The governing body of any public school shall suspend or expel any pupil who is a member of or joins or promises to join, or who becomes pledged to become a member of, or who solicits any other person to join, promise to join or be pledged to become a member of any public school fraternity, sorority or secret society.

It is unlawful for any person not enrolled in any public school of this State to solicit any pupil enrolled therein to join or pledge himself or herself to become a member of any public school fraternity, sorority or secret society or to solicit any such pupil to attend a meeting thereof or any meeting where the joining of any such fraternity, sorority or secret society is encouraged. Whoever violates this section shall be guilty of a petty offense and fined not less than $25 nor more than $100.

(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State, that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools, and that the unrestricted and unregulated use by students of pocket pagers and similar electronic paging devices on school grounds or in school buildings which are owned, occupied or leased by the board of education for school purposes and activities adversely affects the educational environment, welfare and safety of students enrolled in the public schools, in that pocket pagers and similar electronic paging devices are being regularly used for the conduct of unlawful activities during school hours and on school property, including activities directly related to the unlawful possession, sale, delivery or other trafficking in drugs or other substances which constitute a “controlled substance” as that term is defined in the Illinois Controlled Substances Act. It is the purpose and intention of the General Assembly, in enacting this legislation, to reduce or eliminate the occurrence of such unlawful activities during school hours and on school property by restricting and regulating student use or possession of pocket pagers and similar electronic paging devices as provided in this Section, and by providing for the imposition of appropriate discipline and sanctions for any violation of the provisions of this Section.

(b) No student shall use or have in his or her possession any pocket pager or similar electronic paging device while in any school building or on any school property, during regular school hours or at any other time, unless the use or possession of such device by such student has first been expressly authorized by the principal acting in accordance with standards developed as provided in subsection (c) for the granting of approved exceptions to the general prohibition of this Section against such use or possession.

(c) The board of education shall develop and promulgate written standards, which shall be furnished by the board of education to each principal, under which a principal:
(1) may authorize the use or possession of a pocket pager or similar electronic paging device by a student while in a school building or on school property as an approved exception to the general prohibition of this Section against such use or possession; and

(2) may impose appropriate discipline or other sanctions against any student who violates any provision of this Section.


(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools. While recognizing that cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the safety of students and school personnel during school hours and on school property.

(b) The board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 105 ILCS 5/2-3.148. Disability history and awareness campaign.
The State Board of Education shall promote an annual campaign about disability history and awareness in this State. The campaign shall be designed to increase public awareness and respect for people with disabilities who comprise a substantial percentage of this State’s population, teach future generations that people with disabilities have a rich history and have made valuable contributions throughout this State and the United States, and teach future generations that disability is a natural part of life and that people with disabilities have a right to be treated with civil, legal, and human rights and as full human beings above all else.

Every public school teacher shall teach character education, which includes the teaching of respect, responsibility, fairness, caring, trustworthiness, and citizenship, in order to raise pupils' honesty, kindness, justice, discipline, respect for others, and moral courage for the purpose of lessening crime and raising the standard of good character.

School districts shall provide instruction in violence prevention and conflict resolution education for grades kindergarten through 12 and may include such instruction in the courses of study regularly taught therein. School districts may give regular school credit for satisfactory completion by the student of such courses.

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students’ ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district, charter school, or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts, charter schools, and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;

(2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities;
(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment; or
(4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.


(a) The General Assembly finds that the instance of youth delinquent gangs continues to rise on a statewide basis. Given the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts.
(b) As used in this Section:
"Gang resistance education and training" means and includes instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:
   (1) conflict resolution;
   (2) cultural sensitivity;
   (3) personal goal setting; and
   (4) resisting peer pressure.
(c) Each school district and non-public, non-sectarian elementary or secondary school in this State may make suitable provisions for instruction in gang resistance education and training in all grades and include that instruction in the courses of study regularly taught in those grades. For the purposes of gang resistance education and training, a school board or the governing body of a non-public, non-sectarian elementary or secondary school must collaborate with State and local law enforcement agencies. The State Board of Education may assist in the development of instructional materials and teacher training in relation to gang resistance education and training.

§ 105 ILCS 5/34-18.7. Youth mental illness and suicide detection and intervention.

At least once every 2 years, licensed school personnel and administrators who work with pupils in kindergarten through grade 12 shall be trained to identify the warning signs of mental illness and suicidal behavior in youth and shall be taught various intervention techniques. Such training shall be provided within the framework of existing in-service training programs offered by the Board or as part of the professional development activities required under Section 21-14 of this Code.

REGULATIONS
No relevant regulations found.
Behavioral interventions and student support services

LAWS

§ 105 ILCS 5/2-3.41. Chronic truants and truancy prevention.
The State Board of Education is empowered to enter into contracts with public or private agencies for the provision of educational services to chronic truants and for the prevention of truancy including training and developmental assistance provided an appropriation is made specifically for such purpose.

§ 105 ILCS 5/2-3.163. Prioritization of urgency of need for services database.
(a) The General Assembly makes all of the following findings:
   (1) The Department of Human Services maintains a statewide database known as the Prioritization of Urgency of Need for Services that records information about individuals with developmental disabilities who are potentially in need of services.
   (2) The Department of Human Services uses the data on Prioritization of Urgency of Need for Services to select individuals for services as funding becomes available, to develop proposals and materials for budgeting, and to plan for future needs.
   (3) Prioritization of Urgency of Need for Services is available for children and adults with a developmental disability who have an unmet service need anticipated in the next 5 years.
   (4) Prioritization of Urgency of Need for Services is the first step toward getting developmental disabilities services in this State. If individuals are not on the Prioritization of Urgency of Need for Services waiting list, they are not in queue for State developmental disabilities services.
   (5) Prioritization of Urgency of Need for Services may be underutilized by children and their parents or guardians due to lack of awareness or lack of information.
(b) The State Board of Education may work with school districts to inform all students with developmental disabilities and their parents or guardians about the Prioritization of Urgency of Need for Services database.
(c) Subject to appropriation, the Department of Human Services and State Board of Education shall develop and implement an online, computer-based training program for at least one designated employee in every public school in this State to educate him or her about the Prioritization of Urgency of Need for Services database and steps to be taken to ensure children and adolescents are enrolled. The training shall include instruction for at least one designated employee in every public school in contacting the appropriate developmental disabilities Independent Service Coordination agency to enroll children and adolescents in the database. At least one designated employee in every public school shall ensure the opportunity to enroll in the Prioritization of Urgency of Need for Services database is discussed during annual individualized education program (IEP) meetings for all children and adolescents believed to have a developmental disability.
(d) The State Board of Education, in consultation with the Department of Human Services, shall inform parents and guardians of students through school districts about the Prioritization of Urgency of Need for Services waiting list, including the consideration required in subsection (e) of this Section.
(e) The Department of Human Services shall consider the length of time spent on the Prioritization of Urgency of Need for Services waiting list, in addition to other factors considered, when selecting individuals on the list for services.
§ 105 ILCS 5/10-20.36. Psychotropic or psychostimulant medication; disciplinary action.

(b) Each school board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

§ 105 ILCS 5/10-20.60. School social worker.

A school board may employ school social workers who have graduated with a master's or higher degree in social work from an accredited graduate school of social work and have such additional qualifications as may be required by the State Board of Education and who hold a Professional Educator License with a school support personnel endorsement for school social work pursuant to Section 21B-25 of this Code. Only persons so licensed and endorsed may use the title "school social worker". A school social worker may provide individual and group services to the general student population and to students with disabilities pursuant to Article 14 of this Code and rules set forth in 23 Ill. Adm. Code 226, Special Education, adopted by the State Board of Education and may provide support and consultation to administrators, teachers, and other school personnel consistent with their professional qualifications and the provisions of this Code and other applicable laws. School districts may employ a sufficient number of school social workers to address the needs of their students and schools and may maintain the nationally recommended student-to-school social worker ratio of 250 to 1. A school social worker may not provide such services outside his or her employment to any student in the district or districts that employ the school social worker.

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions. (b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.
(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

§ 105 ILCS 5/24-26. Intervening to help students or their family members who may have alcohol or other drug problems.

Teachers and other employees of school districts may intervene to help students or their family members who appear to have problems with alcohol and other drugs by encouraging them to seek an assessment and treatment. School personnel who intervene shall have immunity from civil liability in accordance with the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law. School personnel shall not be subject to disciplinary action by the school because of an intervention and may not be prohibited by school policy from intervening.


(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

(b) Any student who is below the age of 20 years is eligible to enroll in a graduation incentives program if he or she:

(1) is considered a dropout pursuant to Section 26-2a of this Code;
(2) has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;
(3) is pregnant or is a parent;
(4) has been assessed as chemically dependent; or
(5) is enrolled in a bilingual education or LEP program.

(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:

(1) Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.
(2) Any alternative learning opportunities program established pursuant to Article 13B of this Code.
(3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.
(4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils
may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.

(5) Adult education courses that offer preparation for high school equivalency testing.

(d) Graduation incentives programs established by school districts are entitled to claim general State aid and evidence-based funding, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid and evidence-based funding at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.


(a) As used in this Section:

"Chronic absence" means absences that total 10% or more of school days of the most recent academic school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student.

"Student" means any enrolled student that is subject to compulsory attendance under Section 26-1 of this Code but does not mean a student for whom a documented homebound or hospital record is on file during the student's absence from school.

(b) The General Assembly finds that:

(1) The early years are a critical period in children's learning and development. Every child should be counted present every day. Every day of school matters.

(2) Being absent too many days from school can make it difficult for students to stay on-track academically and maintain the momentum to graduate from high school in order to be college-or career-ready.

(3) Every day of school attendance matters for all students and their families. It is crucial, therefore, that the implications of chronic absence be understood and reviewed regularly.

(c) Beginning July 1, 2018, every school district, charter school, or alternative school or any school receiving public funds shall collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. The review shall include an analysis of chronic absence data from each attendance center or campus of the school district, charter school, or alternative school or other school receiving public funds.

(d) School districts, charter schools, or alternative schools or any school receiving public funds are encouraged to provide a system of support to students who are at risk of reaching or exceeding chronic absence levels with strategies such as those available through the Illinois Multi-tiered Systems of Support Network. Schools additionally are encouraged to make resources available to families such as those available through the State Board of Education's Family Engagement Framework to support and engage students and their families to encourage heightened school engagement and improved daily school attendance.
School districts shall provide instruction in violence prevention and conflict resolution education for grades kindergarten through 12 and may include such instruction in the courses of study regularly taught therein. School districts may give regular school credit for satisfactory completion by the student of such courses.

(b) In this Section:

"Policy on bullying" means a bullying prevention policy that meets the following criteria:

(6) Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

"Restorative measures" means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

(d) Each school district, charter school, and non-public, non-sectarian elementary or secondary school shall create, maintain, and implement a policy on bullying, which policy must be filed with the State Board of Education. The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction and shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs. School personnel available for help with a bully or to make a report about bullying shall be made known to parents or legal guardians, students, and school personnel. Every 2 years, each school district, charter school, and non-public, non-sectarian elementary or secondary school shall conduct a review and re-evaluation of its policy and make any necessary and appropriate revisions. The policy must be filed with the State Board of Education after being updated. The State Board of Education shall monitor and provide technical support for the implementation of policies created under this subsection (d).

§ 105 ILCS 5/34-4.5. Chronic truants.
(d) Penalties. The hearing officer may require the pupil or the pupil's parent or guardian or both the pupil and the pupil's parent or guardian to do any or all of the following: perform reasonable school or community services for a period not to exceed 30 days; complete a parenting education program; obtain counseling or other supportive services; and comply with an individualized educational plan or service plan as provided by appropriate school officials. If the parent or guardian of the chronic truant shows that he or she took reasonable steps to insure attendance of the pupil at school, he or she shall not be required to perform services.

§ 105 ILCS 5/34-18.25. Psychotropic or psychostimulant medication; disciplinary action.
(b) The board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.
The board shall establish a pilot program to prevent crime by developing guidelines to identify students at risk of committing crimes. "Students at risk of committing crimes" shall be limited to those students who have engaged in serious acts of misconduct in violation of the board's policy on discipline. This program, in cooperation with the Department of Corrections, shall include a guided tour of a prison for each student so identified in order to discourage criminal behavior. The touring of a prison under this Section shall be subject to approval, in writing, of a student's parent or guardian.

REGULATIONS

1.280. Discipline.
Section 24-24 of the School Code [105 ILCS 5/24-24] provides for teachers, other licensed educational employees (except for individuals holding an educator license with stipulations endorsed for paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

d) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code [105 ILCS 5/14-8.05(c)].

1.290. Absenteeism and truancy policies.
a) Purpose. This Section establishes guidelines and criteria required by Section 26-13 of the School Code [105 ILCS 5/26-13], which provides that school districts shall adopt absenteeism and truancy policies identifying appropriate supportive services and available resources for truants and chronic truants.
b) Content of Policies. Each school district shall develop an absenteeism and truancy policy including at least the following elements:

1) A definition of a valid cause for absence in accordance with Section 26-2a of the School Code;

2) A description of diagnostic procedures to be used for identifying the causes of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parents or guardians, and any school officials or other parties who may have information about the reasons for the student's attendance problem; and

3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.

Professional development

LAWS

§ 105 ILCS 5/2-3.163. Prioritization of urgency of need for services database.
(c) Subject to appropriation, the Department of Human Services and State Board of Education shall develop and implement an online, computer-based training program for at least one designated employee in every public school in this State to educate him or her about the Prioritization of Urgency of Need for Services database and steps to be taken to ensure children and adolescents are enrolled. The training shall include instruction for at least one designated employee in every public school in contacting the appropriate developmental disabilities Independent Service Coordination agency to enroll children and
adolescents in the database. At least one designated employee in every public school shall ensure the opportunity to enroll in the Prioritization of Urgency of Need for Services database is discussed during annual individualized education program (IEP) meetings for all children and adolescents believed to have a developmental disability.

§ 105 ILCS 5/10-20.36. Psychotropic or psychostimulant medication; disciplinary action.
(b) Each school board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

§ 105 ILCS 5/10-20.60. Implicit bias training.
(a) The General Assembly makes the following findings:
   (1) implicit racial bias influences evaluations of and behavior toward those who are the subject of the bias;
   (2) understanding implicit racial bias is needed in order to reduce that bias;
   (3) marginalized students would benefit from having access to educators who have worked to reduce their biases; and
   (4) training that helps educators overcome implicit racial bias has implication for classroom interactions, student evaluation, and classroom engagement; it also affects student academic self-concept.
(b) Each school board shall require in-service training for school personnel to include training to develop cultural competency, including understanding and reducing implicit racial bias.
(c) As used in this Section, "implicit racial bias" means a preference, positive or negative, for a racial or ethnic group that operates outside of awareness. This bias has 3 different components: affective, behavioral, and cognitive.

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.
(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(a) To conduct in-service training programs for teachers.
(b) In addition to other topics at in-service training programs, at least once every 2 years, licensed school personnel and administrators who work with pupils in kindergarten through grade 12 shall be trained to identify the warning signs of mental illness and suicidal behavior in youth and shall be taught appropriate intervention and referral techniques.
(c) School guidance counselors, nurses, teachers and other school personnel who work with pupils may be trained to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral, and any other
information that may be appropriate considering the age and grade level of such pupils. The School Board shall supervise such training. The State Board of Education and the Department of Public Health shall jointly develop standards for such training.

(d) In this subsection (d): "Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

At least once every 2 years, an in-service training program for school personnel who work with pupils, including, but not limited to, school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, and school nurses, must be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth and shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed, and (iii) implementing the school district's policies, procedures, and protocols with regard to such youth, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

(e) At least every 2 years, an in-service training program for school personnel who work with pupils must be conducted by persons with expertise in anaphylactic reactions and management.

(f) At least once every 2 years, a school board shall conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel.

§ 105 ILCS 5/21B-45. Professional educator license renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider’s name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(10) provide educators with training on inclusive practices in the classroom that examines instructional and behavioral strategies that improve academic and social-emotional outcomes for all students, with or without disabilities, in a general education setting.

§ 105 ILCS 5/34-18.7. Youth mental illness and suicide detection and intervention.

At least once every 2 years, licensed school personnel and administrators who work with pupils in kindergarten through grade 12 shall be trained to identify the warning signs of mental illness and suicidal behavior in youth and shall be taught various intervention techniques. Such training shall be provided
within the framework of existing in-service training programs offered by the Board or as part of the professional development activities required under Section 21-14 of this Code.

§ 105 ILCS 5/34-18.25. Psychotropic or psychostimulant medication; disciplinary action.
(b) The board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(a) The General Assembly makes the following findings:
   (1) implicit racial bias influences evaluations of and behavior toward those who are the subject of the bias;
   (2) understanding implicit racial bias is needed in order to reduce that bias;
   (3) marginalized students would benefit from having access to educators who have worked to reduce their biases; and
   (4) training that helps educators overcome implicit racial bias has implication for classroom interactions, student evaluation, and classroom engagement; it also affects student academic self-concept.
(b) The board shall require in-service training for school personnel to include training to develop cultural competency, including understanding and reducing implicit racial bias.
(c) As used in this Section, "implicit racial bias" means a preference, positive or negative, for a racial or ethnic group that operates outside of awareness. This bias has 3 different components: affective, behavioral, and cognitive.

REGULATIONS

1.285. Requirements for the use of isolated time out and physical restraint.
Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

h) Requirements for Training
   1) Isolated Time Out. Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.
   2) Physical Restraint
      A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received training within the preceding two years, as indicated by written evidence of participation.
B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:
   i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
   ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
   iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
   iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
   v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
   vi) demonstration by participants of proficiency in administering physical restraint.

C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.

830.150 Behavior Intervention.
   a) Behavior intervention is a therapeutic measure which is to be used only to prevent a student from causing damage to property or physical harm to himself/herself or others. The following procedures shall be used, as part of a behavior modification or management program. In no event shall restraint be used to punish or discipline a student or as a convenience to staff.
   b) Behavior intervention may include physically holding, or otherwise restricting the movement of the student's limbs, head or body. No mechanical or chemical restraint shall be permitted. Medically prescribed or monitored procedures for the treatment of an existing physical condition or the amelioration of a physical disability, such as braces and other medical equipment, are not considered restraints. The partial or total immobilization of a student for the purpose of performing a medical/surgical procedure is not restraint.
   c) Procedures for the use of physical restraint at the State Schools are as follows:
      1) physical restraint shall be employed in a humane and therapeutic manner. In no event shall restraint be used when it is medically contraindicated (i.e., could adversely affect the health of the student).
      2) whenever physical restraint is used with a student whose primary communication is sign language, writing, or computer, the student shall be permitted to have his/her hands free from restraint for brief periods, except when freedom may result in physical harm to the student or others. A staff member skilled in the student's mode of communication shall be in attendance when the student's hands are free.
      3) the student must be released from restraint as soon as possible. The use of restraint shall not exceed 30 consecutive minutes.
      4) the person who initiates the restraint shall inform his/her supervisor as soon as possible and must submit a written detailed anecdotal report of the cause/conditions that called for the use of physical restraint. The report shall include the date, time, and location that the physical restraint took place. This report will be placed in the student's temporary records maintained by the State School with a copy to be sent to the parent of the student and through the chain of command to the facility administrator.
d) All direct care staff shall be trained in behavior intervention techniques, including physical restraint, to prevent injury to the students. Documentation of training shall be maintained in the employee personnel files kept at each State School. Employees that have not completed the training may not employ physical restraint.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Section 10-22.6 of this Code.

§ 105 ILCS 5/10-20.33. Time out and physical restraint.
[...] Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. [...] 

(b) In this Section:
"Policy on bullying" means a bullying prevention policy that meets the following criteria:
(3) Includes procedures for promptly reporting bullying, including, but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
(5) Contains procedures for promptly investigating and addressing reports of bullying, including the following:
(A) Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
(B) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
(C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.
(D) Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.
§ 105 ILCS 5/34-8.05. Reporting firearms in schools.
On or after January 1, 1997, upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the general superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours after the occurrence of the incident and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police. The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Department of State Police. As used in this Section, the term "firearm" shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

§ 105 ILCS 5/34-84a.1. Principals shall report incidents of intimidation.
The principal of each attendance center shall promptly notify and report to the local law enforcement authorities for inclusion in the Department of State Police's Illinois Uniform Crime Reporting Program each incident of intimidation of which he or she has knowledge and each alleged incident of intimidation which is reported to him or her, either orally or in writing, by any pupil or by any teacher or other certificated or non-certificated personnel employed at the attendance center. "Intimidation" shall have the meaning ascribed to it by Section 12-6 of the Criminal Code of 2012.

REGULATIONS

1.285. Requirements for the use of isolated time out and physical restraint.
Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

f) Documentation and Evaluation

1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each of these records. Each record shall include:

A) the student's name;
B) the date of the incident;
C) the beginning and ending times of the incident;
D) a description of any relevant events leading up to the incident;
E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;
F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;
G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
H) a description of any injuries (whether to students, staff, or others) or property damage;
I) a description of any planned approach to dealing with the student's behavior in the future;
J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;

K) the date on which parental notification took place as required by subsection (g) of this Section.

2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.

3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.

4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.

A) A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.

B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).

C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.

5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.

A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.

B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

**Parental notification**

**LAWS**

§ 105 ILCS 5/2-3.163. Prioritization of urgency of need for services database.

(a) The General Assembly makes all of the following findings:

1) The Department of Human Services maintains a statewide database known as the Prioritization of Urgency of Need for Services that records information about individuals with developmental disabilities who are potentially in need of services.

5) Prioritization of Urgency of Need for Services may be underutilized by children and their parents or guardians due to lack of awareness or lack of information.

(b) The State Board of Education may work with school districts to inform all students with developmental disabilities and their parents or guardians about the Prioritization of Urgency of Need for Services database.
(d) The State Board of Education, in consultation with the Department of Human Services, shall inform parents and guardians of students through school districts about the Prioritization of Urgency of Need for Services waiting list, including the consideration required in subsection (e) of this Section.


(d) The school board, in consultation with the parent-teacher advisory committee and other community-based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

§ 105 ILCS 5/10-20.33. Time out and physical restraint.

[…] The parents or guardian of a student shall be informed whenever physical restraints are used.

§ 105 ILCS 5/10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetrated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant
to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

Before being enrolled in an alternative learning opportunities program, the student and each of his or her parents or guardians shall receive written notice to attend a conference to determine if the student would benefit from attending an alternative learning opportunities program. The conference must provide all of the information necessary for the student and parent or guardian to make an informed decision regarding enrollment in an alternative learning opportunities program. The conference shall include a discussion of the extent to which the student, if enrolled in the program, may participate in school activities. No student shall be enrolled in an alternative learning opportunities program without the consent of the student's parent or guardian.

§ 105 ILCS 5/22-85. Parental notification of law enforcement detainment and questioning on school grounds.
(a) In this Section, “school grounds” means the real property comprising an active and operational elementary or secondary school during the regular hours in which school is in session and when students are present.
(b) Before detaining and questioning a student on school grounds who is under 18 years of age and who is suspected of committing a criminal act, a law enforcement officer, school resource officer, or other school security personnel must do all of the following:
(1) Ensure that notification or attempted notification of the student’s parent or guardian is made.
(2) Document the time and manner in which the notification or attempted notification under paragraph (1) occurred.
(3) Make reasonable efforts to ensure that the student’s parent or guardian is present during the questioning or, if the parent or guardian is not present, ensure that school personnel, including, but not limited to, a school social worker, a school psychologist, a school nurse, a school guidance counselor, or any other mental health professional, are present during the questioning.
(4) If practicable, make reasonable efforts to ensure that a law enforcement officer trained in promoting safe interactions and communications with youth is present during the questioning. An officer who received training in youth investigations approved or certified by his or her law enforcement agency or under Section 10.22 of the Police Training Act or a juvenile police officer, as defined under Section 1-3 of the Juvenile Court Act of 1987, satisfies the requirement under this paragraph.
(c) This Section does not limit the authority of a law enforcement officer to make an arrest on school grounds. This Section does not apply to circumstances that would cause a reasonable person to believe that urgent and immediate action is necessary to do any of the following:
(1) Prevent bodily harm or injury to the student or any other person.
(2) Apprehend an armed or fleeing suspect.
(3) Prevent the destruction of evidence.
(4) Address an emergency or other dangerous situation.
(b) In this Section:

"Policy on bullying" means a bullying prevention policy that meets the following criteria:

(5) Contains procedures for promptly investigating and addressing reports of bullying, including the following:

(C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.

(D) Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

§ 105 ILCS 5/34-4.5. Chronic truants.
(b) Notices. Before any hearing may be held under subsection (c), the principal of the school attended by the pupil or the principal's designee shall notify the pupil's parent or guardian by personal visit, letter, or telephone of each unexcused absence of the pupil. After giving the parent or guardian notice of the tenth unexcused absence of the pupil, the principal or the principal's designee shall send the pupil's parent or guardian a letter, by certified mail, return receipt requested, notifying the parent or guardian that he or she is subjecting himself or herself to a hearing procedure as provided under subsection (c) and clearly describing any and all possible penalties that may be imposed as provided for in subsections (d) and (e) of this Section.

§ 105 ILCS 5/34-18.28. Prison tour pilot program
The board shall establish a pilot program to prevent crime by developing guidelines to identify students at risk of committing crimes. "Students at risk of committing crimes" shall be limited to those students who have engaged in serious acts of misconduct in violation of the board's policy on discipline. This program, in cooperation with the Department of Corrections, shall include a guided tour of a prison for each student so identified in order to discourage criminal behavior. The touring of a prison under this Section shall be subject to approval, in writing, of a student's parent or guardian.

REGULATIONS

1.285. Requirements for the use of isolated time out and physical restraint.
Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

f) Documentation and Evaluation

5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions.
The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.

A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.

B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents

1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].

2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parents, unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.

Reporting and referrals between schools and law enforcement

LAWS


(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Section 10-22.6 of this Code.

§ 105 ILCS 5/10-21.4a. Principals and assistant principals - Duties.

[...] It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity. [...] 


Upon receipt of a written complaint from any school personnel, the superintendent, or other appropriate administrative officer for a private school, shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack and to the Department of State Police's Illinois Uniform Crime Reporting Program no later than 3 days after the occurrence of the attack.

§ 105 ILCS 5/10-22-20. All courts and law enforcement agencies of the State of Illinois.

All courts and law enforcement agencies of the State of Illinois and its political subdivisions shall report to the principal of any public school in this State whenever a child enrolled therein is detained for proceedings under the Juvenile Court Act of 1987, as heretofore and hereafter amended, or for any
criminal offense, including illegal gang activity, or any violation of a municipal or county ordinance. The report shall include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the principal of developments and the disposition of the matter.

The information derived thereby shall be kept separate from and shall not become a part of the official school record of such child and shall not be a public record. Such information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school.

§ 105 ILCS 5/10-27.1A. Firearms in schools.

Upon receiving a report [of student possession of a firearm in school] from any school official pursuant to this Section, or from any other person, the principal or his or her designee shall immediately notify a local law enforcement agency.

§ 105 ILCS 5/10-27.1B. Reporting drug-related incidents in schools.

Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the superintendent or his or her designee, or other appropriate administrative officer for a private school, shall report all such drug-related incidents occurring in a school or on school property to the local law enforcement authorities immediately and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police.

§ 105 ILCS 5/34-8.05. Reporting firearms in schools.

On or after January 1, 1997, upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the general superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours after the occurrence of the incident and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police. The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Department of State Police. As used in this Section, the term “firearm” shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.


(a) In consultation with the Chicago Police Department, the Board must establish a hotline for the purpose of receiving anonymous phone calls for information that may prevent violence.

(b) Calls that are placed to the hotline must be answered by the Chicago Police Department.

(c) Each call placed to the hotline must be recorded and investigated by the Chicago Police Department.

(d) Prior to receiving any information, notice must be provided to the caller that the call is being recorded for investigation by the Chicago Police Department. The notice may be provided by a pre-recorded message or otherwise.

(e) The hotline shall be known as the "CPS Violence Prevention Hotline" and its number and anonymous nature must be posted in all Chicago Public Schools.
§ 105 ILCS 5/34-84a.1. Principals shall report incidents of intimidation.

The principal of each attendance center shall promptly notify and report to the local law enforcement authorities for inclusion in the Department of State Police’s Illinois Uniform Crime Reporting Program each incident of intimidation of which he or she has knowledge and each alleged incident of intimidation which is reported to him or her, either orally or in writing, by any pupil or by any teacher or other certificated or non-certificated personnel employed at the attendance center. “Intimidation” shall have the meaning ascribed to it by Section 12-6 of the Criminal Code of 2012.

§ 720 ILCS 5/24-1. Unlawful use of weapons.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or
managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

§ 720 ILCS 5/24-1.2. Aggravated discharge of a firearm.
(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:

(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(c) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

§ 105 ILCS 5/2-3.13a. School records; transferring students.

a. [...] If a student is transferring from a public school, whether located in this or any other state, from which the student has been suspended or expelled for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act [20 USCS § 7151 et seq.], for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school, and if the period of suspension or expulsion has not expired at the time of the student attempts to transfer into another public school in the same or any other school district: (i) any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion; and (ii) with the exception of transfers into the Department of Juvenile Justice school district, the student shall not be permitted to attend class in the public school into which he or she is transferring until the student has served the entire period of the suspension or expulsion imposed by the school from which the student is transferring...

§ 105 ILCS 5/34-18.34. Student biometric information.

(a) For the purposes of this Section, "biometric information" means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.
(b) If the school district collects biometric information from students, the district shall adopt a policy that requires, at a minimum, all of the following:

(1) Written permission from the individual who has legal custody of the student, as defined in Section 10-20.12b of this Code, or from the student if he or she has reached the age of 18.

(2) The discontinuation of use of a student's biometric information under either of the following conditions:
   (A) upon the student's graduation or withdrawal from the school district; or
   (B) upon receipt in writing of a request for discontinuation by the individual having legal custody of the student or by the student if he or she has reached the age of 18.

(3) The destruction of all of a student's biometric information within 30 days after the use of the biometric information is discontinued in accordance with item (2) of this subsection (b).

(4) The use of biometric information solely for identification or fraud prevention.

(5) A prohibition on the sale, lease, or other disclosure of biometric information to another person or entity, unless:
   (A) the individual who has legal custody of the student or the student, if he or she has reached the age of 18, consents to the disclosure; or
   (B) the disclosure is required by court order.

(6) The storage, transmittal, and protection of all biometric information from disclosure.

(c) Failure to provide written consent under item (1) of subsection (b) of this Section by the individual who has legal custody of the student or by the student, if he or she has reached the age of 18, must not be the basis for refusal of any services otherwise available to the student.

(d) Student biometric information may be destroyed without notification to or the approval of a local records commission under the Local Records Act if destroyed within 30 days after the use of the biometric information is discontinued in accordance with item (2) of subsection (b) of this Section.

§ 105 ILCS 5/75/5. Definitions.
In this Act:

"Elementary or secondary school" means a public elementary or secondary school or school district or a nonpublic school recognized by the State Board of Education.

"Post-secondary school" means an institution of higher learning as defined in the Higher Education Student Assistance Act.

"Social networking website" means an Internet-based service that allows individuals to do the following:
   (1) construct a public or semi-public profile within a bounded system created by the service;
   (2) create a list of other users with whom they share a connection within the system; and
   (3) view and navigate their list of connections and those made by others within the system.

"Social networking website" does not include electronic mail.

An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may not request or require a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website. An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may conduct an investigation or require a student to cooperate in an investigation if there is specific information about
activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to make a factual determination. Notification under this Section must be published in the elementary or secondary school's disciplinary rules, policies, or handbook or communicated by similar means.

§ 105 ILCS 10/2. Definitions.

f. [...] The student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

§ 105 ILCS 85/1. Short title.

This Act may be cited as the Student Online Personal Protection Act.

§ 105 ILCS 85/3. Legislative intent.

Schools today are increasingly using a wide range of beneficial online services and other technologies to help students learn, but concerns have been raised about whether sufficient safeguards exist to protect the privacy and security of data about students when it is collected by educational technology companies. This Act is intended to ensure that student data will be protected when it is collected by educational technology companies and that the data may be used for beneficial purposes such as providing personalized learning and innovative educational technologies.

§ 105 ILCS 85/5. Definitions.

In this Act:

"Covered information" means personally identifiable information or material or information that is linked to personally identifiable information or material in any media or format that is not publicly available and is any of the following:

(1) Created by or provided to an operator by a student or the student's parent or legal guardian in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K through 12 school purposes.

(2) Created by or provided to an operator by an employee or agent of a school or school district for K through 12 school purposes.

(3) Gathered by an operator through the operation of its site, service, or application for K through 12 school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, a social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

"Interactive computer service" has the meaning ascribed to that term in Section 230 of the federal Communications Decency Act of 1996 (47 U.S.C. 230).

"K through 12 school purposes" means purposes that are directed by or that customarily take place at the direction of a school, teacher, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of the school.
“Operator” means, to the extent that an entity is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K through 12 school purposes and was designed and marketed for K through 12 school purposes.

“School” means (1) any preschool, public kindergarten, elementary or secondary educational institution, vocational school, special educational facility, or any other elementary or secondary educational agency or institution or (2) any person, agency, or institution that maintains school student records from more than one school. “School” includes a private or nonpublic school.

"Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. The term does not include advertising to a student at an online location based upon that student's current visit to that location or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.


An operator shall not knowingly do any of the following:

(1) Engage in targeted advertising on the operator's site, service, or application or target advertising on any other site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application for K through 12 school purposes.

(2) Use information, including persistent unique identifiers, created or gathered by the operator's site, service, or application to amass a profile about a student, except in furtherance of K through 12 school purposes. "Amass a profile" does not include the collection and retention of account information that remains under the control of the student, the student's parent or legal guardian, or the school.

(3) Sell or rent a student's information, including covered information. This subdivision (3) does not apply to the purchase, merger, or other type of acquisition of an operator by another entity if the operator or successor entity complies with this Act regarding previously acquired student information.

(4) Except as otherwise provided in Section 20 of this Act, disclose covered information, unless the disclosure is made for the following purposes:

(A) In furtherance of the K through 12 school purposes of the site, service, or application if the recipient of the covered information disclosed under this clause (A) does not further disclose the information, unless done to allow or improve operability and functionality of the operator's site, service, or application.

(B) To ensure legal and regulatory compliance or take precautions against liability.

(C) To respond to the judicial process.

(D) To protect the safety or integrity of users of the site or others or the security of the site, service, or application.

(E) For a school, educational, or employment purpose requested by the student or the student's parent or legal guardian, provided that the information is not used or further disclosed for any other purpose.

(F) To a third party if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain reasonable security procedures and practices.
Nothing in this Section prohibits the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

§ 105 ILCS 85/25. Operator actions that are not prohibited.
This Act does not prohibit an operator from doing any of the following:

1. Using covered information to improve educational products if that information is not associated with an identified student within the operator's site, service, or application or other sites, services, or applications owned by the operator.
2. Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in their marketing.
3. Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications.
4. Using recommendation engines to recommend to a student either of the following:
   (A) Additional content relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
   (B) Additional services relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
5. Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

§ 105 ILCS 85/30. Applicability.
This Act does not do any of the following:

1. Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.
2. Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.
3. Apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.
4. Limit service providers from providing Internet connectivity to schools or students and their families.
5. Prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this Act.
6. Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this Act on those applications or software.
7. Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this Act by third-party content providers.
8. Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.
§ 105 ILCS 85/35. Enforcement.
Violations of this Act shall constitute unlawful practices for which the Attorney General may take appropriate action under the Consumer Fraud and Deceptive Business Practices Act.

REGULATIONS
No relevant regulations found.

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

LAWS

§ 105 ILCS 5/2-3.130. Time out and physical restraint rules.
The State Board of Education shall promulgate rules governing the use of time out and physical restraint in the public schools. The rules shall include provisions governing recordkeeping that is required when physical restraint or more restrictive forms of time out are used.

§ 105 ILCS 5/2-3.162. Student discipline report; school discipline improvement plan.
(a) On or before October 31, 2015 and on or before October 31 of each subsequent year, the State Board of Education, through the State Superintendent of Education, shall prepare a report on student discipline in all school districts in this State, including State-authorized charter schools. This report shall include data from all public schools within school districts, including district-authorized charter schools. This report must be posted on the Internet website of the State Board of Education. The report shall include data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration.

(b) The State Board of Education shall analyze the data under subsection (a) of this Section on an annual basis and determine the top 20% of school districts for the following metrics:

1. Total number of out-of-school suspensions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

2. Total number of out-of-school expulsions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

3. Racial disproportionality, defined as the overrepresentation of students of color or white students in comparison to the total number of students of color or white students on October 1st of the school year in which data are collected, with respect to the use of out-of-school suspensions and expulsions, which must be calculated using the same method as the U.S. Department of Education's Office for Civil Rights uses.

The analysis must be based on data collected over 3 consecutive school years, beginning with the 2014-2015 school year.

Beginning with the 2017-2018 school year, the State Board of Education shall require each of the school districts that are identified in the top 20% of any of the metrics described in this subsection (b) for 3 consecutive years to submit a plan identifying the strategies the school district will implement to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable. School districts that no longer meet the criteria described in any of the metrics described in this subsection (b) for 3 consecutive years shall no longer be required to submit a plan.

This plan may be combined with any other improvement plans required under federal or State law.
The calculation of the top 20% of any of the metrics described in this subsection (b) shall exclude all school districts, State-authorized charter schools, and special charter districts that issued fewer than a total of 10 out-of-school suspensions or expulsions, whichever is applicable, during the school year. The calculation of the top 20% of metric described in subdivision (3) of this subsection (b) shall exclude all school districts with an enrollment of fewer than 50 white students or fewer than 50 students of color.

The plan must be approved at a public school board meeting and posted on the school district's Internet website. Within one year after being identified, the school district shall submit to the State Board of Education and post on the district's Internet website a progress report describing the implementation of the plan and the results achieved.


(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on pupil discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its pupils of the contents of the policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.

§ 105 ILCS 5/26-3d [Truants; collection of data].

All regional superintendents, district superintendents, and special education joint agreement directors shall collect data concerning truants, chronic truants, and truant minor pupils as designated by the State Board of Education. On or before August 15 of each year, this data must be submitted to the State Board of Education.


(a) As used in this Section:

"Chronic absence" means absences that total 10% or more of school days of the most recent academic school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student.

"Student" means any enrolled student that is subject to compulsory attendance under Section 26-1 of this Code but does not mean a student for whom a documented homebound or hospital record is on file during the student's absence from school.

(b) The General Assembly finds that:

1. The early years are a critical period in children's learning and development. Every child should be counted present every day. Every day of school matters.
2. Being absent too many days from school can make it difficult for students to stay on-track academically and maintain the momentum to graduate from high school in order to be college-or career-ready.
3. Every day of school attendance matters for all students and their families. It is crucial, therefore, that the implications of chronic absence be understood and reviewed regularly.

(c) Beginning July 1, 2018, every school district, charter school, or alternative school or any school receiving public funds shall collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. The review shall include an analysis of chronic
absence data from each attendance center or campus of the school district, charter school, or alternative school or other school receiving public funds.

(d) School districts, charter schools, or alternative schools or any school receiving public funds are encouraged to provide a system of support to students who are at risk of reaching or exceeding chronic absence levels with strategies such as those available through the Illinois Multi-tiered Systems of Support Network. Schools additionally are encouraged to make resources available to families such as those available through the State Board of Education's Family Engagement Framework to support and engage students and their families to encourage heightened school engagement and improved daily school attendance.


(b) In this Section:

"Policy on bullying" means a bullying prevention policy that meets the following criteria:

(9) Is based on the engagement of a range of school stakeholders, including students and parents or guardians.

(11) As part of the process of reviewing and re-evaluating the policy under subsection (d) of this Section, contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district, charter school, or non-public, non-sectarian elementary or secondary school may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the school district, charter school, or non-public, non-sectarian elementary or secondary school. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§ 105 ILCS 5/10-20.60 Booking stations on school grounds.
(a) There shall be no student booking station established or maintained on the grounds of any school.
(b) This prohibition shall be applied to student booking stations only, as defined in this Section. The prohibition does not prohibit or affect the establishment or maintenance of any place operated by or under the control of law enforcement personnel, school resource officers, or other security personnel that does not also qualify as a student booking station as defined in paragraph (2) of subsection (d) of this Section. The prohibition does not affect or limit the powers afforded law enforcement officers to perform their duties within schools as otherwise prescribed by law.
(c) When the underlying suspected or alleged criminal act is an act of violence, and isolation of a student or students is deemed necessary to the interest of public safety, and no other location is adequate for secure isolation of the student or students, offices as described in paragraph (1) of subsection (d) of this Section may be employed to detain students for a period no longer than that required to alleviate that threat to public safety.
(d) As used in this Section, “student booking station” means a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as:
   (1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof; and
   (2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes.

§ 105 ILCS 5/10-20.64 Booking stations on school grounds.
(a) There shall be no student booking station established or maintained on the grounds of any school.
(b) This prohibition shall be applied to student booking stations only, as defined in this Section. The prohibition does not prohibit or affect the establishment or maintenance of any place operated by or under the control of law enforcement personnel, school resource officers, or other security personnel that does not also qualify as a student booking station as defined in paragraph (2) of subsection (d) of this Section. The prohibition does not affect or limit the powers afforded law enforcement officers to perform their duties within schools as otherwise prescribed by law.
(c) When the underlying suspected or alleged criminal act is an act of violence, and isolation of a student or students is deemed necessary to the interest of public safety, and no other location is adequate for secure isolation of the student or students, offices as described in paragraph (1) of subsection (d) of this Section may be employed to detain students for a period no longer than that required to alleviate that threat to public safety.
(c-5) A student may not be questioned or detained at a school site described in paragraph (2) of subsection (d) without the presence of the student’s parent or guardian, a school social worker, or a licensed mental health professional.
(d) As used in this Section, “student booking station” means a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as:

1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof; and

2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes.

§ 105 ILCS 5/22-85. Parental notification of law enforcement detainment and questioning on school grounds.

(a) In this Section, “school grounds” means the real property comprising an active and operational elementary or secondary school during the regular hours in which school is in session and when students are present.

(b) Before detaining and questioning a student on school grounds who is under 18 years of age and who is suspected of committing a criminal act, a law enforcement officer, school resource officer, or other school security personnel must do all of the following:

1) Ensure that notification or attempted notification of the student’s parent or guardian is made.

2) Document the time and manner in which the notification or attempted notification under paragraph (1) occurred.

3) Make reasonable efforts to ensure that the student’s parent or guardian is present during the questioning or, if the parent or guardian is not present, ensure that school personnel, including, but not limited to, a school social worker, a school psychologist, a school nurse, a school guidance counselor, or any other mental health professional, are present during the questioning.

4) If practicable, make reasonable efforts to ensure that a law enforcement officer trained in promoting safe interactions and communications with youth is present during the questioning. An officer who received training in youth investigations approved or certified by his or her law enforcement agency or under Section 10.22 of the Police Training Act or a juvenile police officer, as defined under Section 1-3 of the Juvenile Court Act of 1987, satisfies the requirement under this paragraph.

(c) This Section does not limit the authority of a law enforcement officer to make an arrest on school grounds. This Section does not apply to circumstances that would cause a reasonable person to believe that urgent and immediate action is necessary to do any of the following:

1) Prevent bodily harm or injury to the student or any other person.

2) Apprehend an armed or fleeing suspect.

3) Prevent the destruction of evidence.

4) Address an emergency or other dangerous situation.

§ 105 ILCS 5/26-5. Duties of truant officers.

The truant officer of the school district, whenever notified by the Superintendent, teacher, or other person of violations of this Article, or the county truant officer, when notified by the County Superintendent, shall investigate all cases of truancy or non-attendance at school in their respective jurisdictions, and if the children complained of are not exempt under the provisions of this Article, the truant officer shall proceed as is provided in this Article. The county truant officer, within the county and the district truant officers, within their respective districts, shall in the exercise of their duties be conservators of the peace and shall keep the same, suppress riots, routs, affray, fighting, breaches of the peace, and prevent crime; and may arrest offenders on view and cause them to be brought before proper officials for trial or examination.

(a) There shall be no student booking station established or maintained on the grounds of any school.

(b) This prohibition shall be applied to student booking stations only, as defined in this Section. The prohibition does not prohibit or affect the establishment or maintenance of any place operated by or under the control of law enforcement personnel, school resource officers, or other security personnel that does not also qualify as a student booking station as defined in paragraph (2) of subsection (d) of this Section. The prohibition does not affect or limit the powers afforded law enforcement officers to perform their duties within schools as otherwise prescribed by law.

(c) When the underlying suspected or alleged criminal act is an act of violence, and isolation of a student or students is deemed necessary to the interest of public safety, and no other location is adequate for secure isolation of the student or students, offices as described in paragraph (1) of subsection (d) of this Section may be employed to detain students for a period no longer than that required to alleviate that threat to public safety.

(c-5) A student may not be questioned or detained at a school site described in paragraph (2) of subsection (d) without the presence of the student’s parent or guardian, a school social worker, or a licensed mental health professional.

(d) As used in this Section, "student booking station" means a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as:

1. predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof; and

2. a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

§ 50 ILCS 705/10.22 School resource officers.

(a) The Board shall develop or approve a course for school resource officers as defined in Section 10-20.68 of the School Code [105 ILCS 5/10-20.68].

(b) The school resource officer course shall be developed within one year after January 1, 2019 (the effective date of Public Act 100-984) and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of youth and adolescent developmental issues, educational administrative issues, prevention of child abuse and exploitation, youth mental health treatment, and juvenile advocacy.

(c) The Board shall develop a process allowing law enforcement agencies to request a waiver of this training requirement for any specific individual assigned as a school resource officer. Applications for these waivers may be submitted by a local law enforcement agency chief administrator for any officer whose prior training and experience may qualify for a waiver of the training requirement of this subsection (c). The Board may issue a waiver at its discretion, based solely on the prior training and experience of an officer.
(d) Upon completion, the employing agency shall be issued a certificate attesting to a specific officer’s completion of the school resource officer training. Additionally, a letter of approval shall be issued to the employing agency for any officer who is approved for a training waiver under this subsection (d).

§ 105 ILCS 5/10-20.68 School resource officer.

(a) In this Section, “school resource officer” means a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency.

(b) Beginning January 1, 2021, any law enforcement agency that provides a school resource officer under this Section shall provide to the school district a certificate of completion, or approved waiver, issued by the Illinois Law Enforcement Training Standards Board under Section 10.22 of the Illinois Police Training Act indicating that the subject officer has completed the requisite course of instruction in the applicable subject areas within one year of assignment, or has prior experience and training which satisfies this requirement.

(c) In an effort to defray the related costs, any law enforcement agency that provides a school resource officer should apply for grant funding through the federal Community Oriented Policing Services grant program.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS


(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Section 10-22.6 of this Code.

§ 105 ILCS 5/10-20.68 School resource officer.

(a) In this Section, “school resource officer” means a law enforcement officer who has been primarily assigned to a school or school district under an agreement with a local law enforcement agency.

(b) Beginning January 1, 2021, any law enforcement agency that provides a school resource officer under this Section shall provide to the school district a certificate of completion, or approved waiver, issued by the Illinois Law Enforcement Training Standards Board under Section 10.22 of the Illinois Police Training Act indicating that the subject officer has completed the requisite course of instruction in the applicable subject areas within one year of assignment, or has prior experience and training which satisfies this requirement.

(c) In an effort to defray the related costs, any law enforcement agency that provides a school resource officer should apply for grant funding through the federal Community Oriented Policing Services grant program.
The clerk or secretary of the school board of all school districts except those employing district truant officers shall furnish the superintendent of schools at the beginning of the school year a list of the names and addresses of the children living in the district who come under the provisions of this Article and of persons having custody or control of such children. The superintendent shall at the opening of school and at other times when required by the regional superintendent of schools compare the list with the enrollment of the school or schools and report to the regional superintendent of schools the names of persons having custody or control of children included under the provisions of this Article who are truant or who are chronic or habitual truants for whom supportive services and other school resources have failed to correct the truant behavior and who are not in regular attendance at the public school, and the names of such children and their ages, stating in each case, if known, the cause of such absence. The report shall also contain the names of any other persons who were not enumerated in the list at the beginning of school and who have the custody or control of children not attending school. The regional superintendent shall, without delay, place such information at the disposal of the regional truant officer.

The clerk or secretary of the school board of all school districts shall furnish quarterly on the first school day of October, January, April and July to the regional superintendent and to the Secretary of State a list of pupils, excluding transferees, who have been expelled or have withdrawn or who have left school and have been removed from the regular attendance rolls during the period of time school was in regular session from the time of the previous quarterly report. Such list shall include the names and addresses of pupils formerly in attendance, the names and addresses of persons having custody or control of such pupils, the reason, if known, such pupils are no longer in attendance and the date of removal from the attendance rolls. The list shall also include the names of: pupils whose withdrawal is due to extraordinary circumstances, including but not limited to economic or medical necessity or family hardship, as determined by the criteria established by the school district; pupils who have re-enrolled in school since their names were removed from the attendance rolls; any pupil certified to be a chronic or habitual truant, as defined in Section 26-2a; and pupils previously certified as chronic or habitual truants who have resumed regular school attendance. The regional superintendent shall inform the county or district truant officer who shall investigate to see that such pupils are in compliance with the requirements of this Article.

Each local school district shall establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil’s failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship.

If a pupil re-enrolls in school after his or her name was removed from the attendance rolls or resumes regular attendance after being certified a chronic or habitual truant, the pupil must obtain and forward to the Secretary of State, on a form designated by the Secretary of State, verification of his or her re-enrollment. The verification may be in the form of a signature or seal or in any other form determined by the school board.

The State Board of Education shall, if possible, make available to any person, upon request, a comparison of dropout rates before and after the effective date of this amendatory Act of the 94th General Assembly.

§ 105 ILCS 5/26-5. Duties of truant officers.
The truant officer of the school district, whenever notified by the Superintendent, teacher, or other person of violations of this Article, or the county truant officer, when notified by the County Superintendent, shall investigate all cases of truancy or non-attendance at school in their respective jurisdictions, and if the children complained of are not exempt under the provisions of this Article, the truant officer shall proceed as is provided in this Article. The county truant officer, within the county and the district truant officers,
within their respective districts, shall in the exercise of their duties be conservators of the peace and shall keep the same, suppress riots, routs, affray, fighting, breaches of the peace, and prevent crime; and may arrest offenders on view and cause them to be brought before proper officials for trial or examination.

In school districts which employ truant officers the clerk or secretary of the school board shall at the beginning of each school year furnish a copy of the last school census to the superintendent of schools (or principal teacher) in the district, together with the names and addresses of the truant officers in the district, and the superintendent, (or principal teacher) shall compare the census list with the enrollment of the school or schools and, from time to time, report to the proper truant officers the names and addresses of persons having custody or control of children included under the provisions of this Article who are truant or who are chronic or habitual truants for whom supportive services and other school resources have failed to correct the truant behavior and who are not in regular attendance at public schools and also the names of persons having custody or control of children who are not in regular attendance at school and whose names are not included in the census list.

If any person fails to send any child under his custody or control to some lawful school, the truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall, as soon as practicable after he is notified thereof, give notice in person or by mail to such person that such child shall be present at the proper public school on the day following the receipt of such notice. The notice shall state the date that attendance at school must begin and that such attendance must be continuous and consecutive in the district during the remainder of the school year. The truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall at the same time that such notice is given notify the teacher or superintendent of the proper public school thereof and the teacher or superintendent shall notify the truant officer or regional superintendent of schools of any non-compliance therewith.

A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and willfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control to the state's attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

§ 105 ILCS 5/26-8a. [Court petition content]
The petition for court action shall include the name of the truant minor, the names and addresses of persons having custody or control of the student, the dates of the truant behavior, the dates and nature of contacts or conferences with the student and the persons having custody or control of the student, and
the nature of the supportive services, alternative programs and other school resources the school district provided to that child in an effort to correct that child's truant behavior.

§ 105 ILCS 5/26-8b. [Court petition filing]
When a petition is filed, it shall be set for an adjudicatory hearing within 10 days and acted upon within 30 days, subject to the provisions of the Juvenile Court Act or the Juvenile Court Act of 1987 if filed thereunder.

School officers, superintendents, teachers or other persons shall render such assistance and furnish such information as they have to aid truant officers in the performance of their duties.

§ 105 ILCS 5/26-10. Fine for noncompliance.
Any person having custody or control of a child subject to the provisions of this Article to whom notice has been given of the child's truancy and who knowingly and willfully permits such a child to persist in his truancy within that school year, upon conviction thereof shall be guilty of a Class C misdemeanor and shall be subject to not more than 30 days imprisonment and/or a fine of up to $500.

Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for 3 consecutive school days, is guilty of a Class C misdemeanor.

Any dropout, as defined in Section 26-2a, who is 17 years of age may apply to a school district for status as a truant, and the school district shall permit such person to participate in the district's various programs and resources for truants. At the time of the person's application, the district may request documentation of his dropout status for the previous 6 months.

When a regional superintendent has reason to believe that a pupil is a truant minor as defined in Section 26-2a, the regional superintendent may report such pupil under the provisions of the Juvenile Court Act.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 20 ILCS 1705/76. Mental health database and resource page.
The Department shall create and maintain an online database and resource page on its website. The database and resource page shall contain mental health resources specifically geared toward school social workers, school counselors, parents, teachers, and school support personnel with the goal of connecting those people with mental health resources related to bullying and school shootings and encouraging information sharing among educational administrators, school security personnel, and school resource officers.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§ 105 ILCS 5/2-3.176. Safe schools and healthy learning environment grant program.
(a) The State Board of Education, subject to appropriation, is authorized to award competitive grants on an annual basis under a Safe Schools and Healthy Learning Environments Grant Program. The goal of this grant program is to promote school safety and healthy learning environments by providing schools with additional resources to implement restorative interventions and resolution strategies as alternatives to exclusionary discipline, and to address the full range of students’ intellectual, social, emotional, physical, psychological, and moral developmental needs.

(b) To receive a grant under this program, a school district must submit with its grant application a plan for implementing evidence-based and promising practices that are aligned with the goal of this program. The application may include proposals to (i) hire additional school support personnel, including, but not limited to, restorative justice practitioners, school psychologists, school social workers, and other mental and behavioral health specialists; (ii) use existing school-based resources, community-based resources, or other experts and practitioners to expand alternatives to exclusionary discipline, mental and behavioral health supports, wraparound services, or drug and alcohol treatment; and (iii) provide training for school staff on trauma-informed approaches to meeting students’ developmental needs, addressing the effects of toxic stress, restorative justice approaches, conflict resolution techniques, and the effective utilization of school support personnel and community-based services. For purposes of this subsection, “promising practices” means practices that present, based on preliminary information, potential for becoming evidence-based practices.

Grant funds may not be used to increase the use of school-based law enforcement or security personnel. Nothing in this Section shall prohibit school districts from involving law enforcement personnel when necessary and allowed by law.

(c) The State Board of Education, subject to appropriation for the grant program, shall annually disseminate a request for applications to this program, and funds shall be distributed annually. The criteria to be considered by the State Board of Education in awarding the funds shall be (i) the average
ratio of school support personnel to students in the target schools over the preceding 3 school years, with priority given to applications with a demonstrated shortage of school support personnel to meet student needs; and (ii) the degree to which the proposal articulates a comprehensive approach for reducing exclusionary discipline while building safe and healthy learning environments. Priority shall be given to school districts that meet the metrics under subsection (b) of Section 2-3.162 [105 ILCS 5/2-3.162].

(d) The State Board of Education, subject to appropriation for the grant program, shall produce an annual report on the program in cooperation with the school districts participating in the program. The report shall include available quantitative information on the progress being made in reducing exclusionary discipline and the effects of the program on school safety and school climate. This report shall be posted on the State Board of Education’s website by October 31 of each year, beginning in 2020.

(e) The State Board of Education may adopt any rules necessary for the implementation of this program.

§ 105 ILCS 5/13A-1. Legislative Declaration.
The General Assembly finds and declares as follows:

(j) Because of the urgency of the problems described in this Section, as well as their statewide impact, the State of Illinois bears the responsibility to establish and fully fund alternative schools as soon as possible, thereby providing school districts with an option for dealing with disruptive students that they do not now possess.

REGULATIONS

205.20. Truants’ alternative and optional education programs - Purpose.
a) This Part establishes the procedure and criteria for approval of applications, submitted by eligible applicants to the State Board of Education, for grants to assist the applicants in establishing truants' alternative and optional education programs as authorized in Section 2-3.66 of the School Code. [105 ILCS 5/2-3.66]

b) Programs funded under this grant shall serve students identified as one of the following:

1) a truant, as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]; or
2) a chronic or habitual truant, as defined in Section 26-2a of the School Code; or
3) a dropout, as defined in Section 26-2a of the School Code; or
4) a potential dropout, which is any student subject to compulsory attendance as defined in Article 26 of the School Code [105 ILCS 5/Art. 26] and whose school absences or pattern of school attendance impedes the student's learning or contributes to the student's failure to meet State and/or district learning standards. Attendance problems may include chronic truancy, truancy, selective absences, excessive absences or a pattern of absences or tardiness. In assessing whether marginal school attendance problems would place a student within the definition of "potential dropout," consideration shall be given to a student's personal involvement in the education process, apparent motivation to receive an education, or any continued and obvious apathy or disaffection for education, particularly, when indications of uninvolve, lack of motivation or disaffection are coupled with currently known individual or family circumstances that, if they remain unresolved, would be reasonably expected to result in escalating attendance problems. (Source: Amended at 25 Ill. Reg. 2399, effective January 25, 2001)

205.30. Truants’ alternative and optional education programs - Eligible applicants.
a) Proposals for grant awards under Section 2-3.66 of the School Code may be submitted only by public school districts, regional offices of education, public university laboratory schools approved by the State
Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], charter schools, community college districts, or area vocational centers.

b) Joint applications for funds may be submitted. If a joint application is submitted, then an administrative agent shall be designated.

1) The superintendent from each of the participating school districts and the official authorized to submit a proposal on behalf of any other eligible entity as defined in subsection (a) of this Section shall sign the joint application.

2) A school district or other eligible entity shall only participate in one proposal for a program. (Source: Amended at 26 Ill. Reg. 882, effective January 15, 2002)

205.40. Truants’ alternative and optional education programs - Application procedure and content.

It is the intention of the State Board of Education to approve truants’ alternative and optional education programs for a three-year period. Funding for the second and third years of operation (i.e., beginning the year following the initial grant award) shall be contingent upon the availability of funds for the program, the grantee’s progress toward meeting its objectives, and the evidence presented in the proposal that a sufficient need continues to exist for the program (see Section 205.40(f) of this Part).

a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that applicants shall include in their proposals and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP. The RFP shall provide at least 45 calendar days in which to submit proposals.

b) Each RFP shall indicate the descriptive information (e.g., needs assessment, community-based planning procedures, indicators used to identify students for the program, program objectives and activities, individualized optional education plan development, means of evaluation) that initial applicants will be required to provide about their proposed programs. Initial applicants are those that did not receive funding under this Part for a truants’ alternative and optional education program in the year previous to an application or that are completing the last year in a three-year funding cycle. Each RFP shall identify any area or areas of high priority for the funding cycle.

c) Each RFP shall describe the proposal format that applicants will be required to follow (e.g., cover page, program staffing, proposal abstract, proposal narrative).

d) Each proposal shall include a budget summary and payment schedule and a narrative budget breakdown (i.e., a detailed explanation of each line item of expenditure), completed on forms provided by the State Board of Education.

e) Each proposal shall include a Certification and Assurances for Application and Award and a Drug-Free.

f) Each proposal for renewal shall contain at least the following:

1) a mid-year report of the current year’s program, documenting the services provided and describing the degree to which the grantee is achieving its stated objectives;

2) an updated narrative description of the objectives, activities, timelines, evaluation procedures and the personnel to be responsible for them in the renewal year, relating the objectives and activities proposed to the results to date, as described in the mid-year report required under subsection (f)(1) of this Section;

3) an updated budget summary and payment schedule, with narrative budget breakdown, for the renewal year; and

4) the assurances and certification forms referred to in subsection (e) of this Section, bearing a current signature and applicable to the renewal period.

g) Incomplete proposals will not be considered for funding.
205.50. Truants’ alternative and optional education programs - Proposal review and approval.

a) Proposals submitted for initial funding under this Part shall be evaluated in accordance with the following criteria and points:

1) There is sufficient need for the program/services, as evidenced by the number or proportion of students identified as eligible for program services (see Section 205.20(b) of this Part). (20 points)

2) Criteria and indicators for identifying students who are eligible for the program are clearly established and likely to target those students most in need of services. (20 points)

3) Program objectives and activities are well-defined, linked to identified needs, and likely to lead to improved outcomes for the students served in the program. (20 points)

4) The program is cost-effective as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided. (20 points)

5) The evaluation strategies will effectively gauge the success of the program and yield sufficient data that can be used to improve the program. (10 points)

6) The proposal demonstrates strategies, other than those routinely offered by the regular school program that will be effective in decreasing the dropout rate and increasing school attendance. (10 points)

b) Proposals submitted for a renewal period shall be evaluated in accordance with the following criteria:

1) The evaluation of the current year’s project indicates that its stated objectives are being met, that the project has been conducted in conformance with the proposal approved by the State Superintendent of Education, and that a sufficient need continues to exist for the truants' alternative and optional education program; or

2) In instances where certain objectives of the project are not being met, the grantee has described the relative status of each such objective, the reason(s) for incomplete achievement, and either:
   i) the steps to be taken to ensure that the objective will be met during the renewal period, if the objective remains a valid part of the proposal for renewal; or
   ii) if the grantee has determined that the objective should be deleted from its plan or altered in light of the previous year’s experience, then the grantee has provided its rationale for such deletion or change and has described how the program’s goals for the renewal period will be met in light of the change.

c) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to public school districts and communities with varying demographic characteristics.

d) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board of Education in a particular RFP.

e) The State Superintendent of Education will make final determinations in accordance with the criteria stated in subsections (a) and (b) of this Section.

205.60. Truants’ alternative and optional education programs - Allocation of funds.

The State Superintendent of Education shall determine the amount of individual grant awards on the basis of the following criteria. The final award amounts will be based on these criteria following negotiation with the grant recipient:

a) the total funds appropriated for truants' alternative and optional education programs;

b) the program needs, resources, and amounts requested in the top-ranked proposals determined pursuant to Section 205.50(a) and (b) of this Part; and
c) the need to assure delivery of truancy prevention services and truants' alternative and optional education programs on a statewide basis and in a manner that will have the greatest impact in preventing truancy and students from dropping out of school.

205.70. Truants' alternative and optional education programs -Terms of the grant.
Each RFP shall inform potential recipients of the terms and conditions that apply to their receipt and use of grant funds under this program, including at least the following:

a) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705].

b) Applicants may be asked to clarify certain aspects of their proposals. A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved grant agreement with the State Board of Education.

c) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Payments may be reduced from scheduled amounts if periodic reports show excessive cash on hand.

d) The grantee may operate its own program or enter into a subcontract with another not-for-profit entity to implement the program.

e) Grant recipients must submit a final project report to the State Board of Education within 30 days after the ending date of the grant period.

f) An approved budget may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education, to show the new amounts required and attaching an explanation for the changes. A budget amendment is necessary whenever an approved individual line item changes by more than $1,000 or 20 percent (whichever is larger) from the approved budget. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

g) The annual RFP shall indicate the proportion of grant funds that can be used for administrative expenses.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

§ 105 ILCS 5/24-26. Intervening to help students or their family members who may have alcohol or other drug problems.

Teachers and other employees of school districts may intervene to help students or their family members who appear to have problems with alcohol and other drugs by encouraging them to seek an assessment and treatment. School personnel who intervene shall have immunity from civil liability in accordance with the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law. School personnel shall not be subject to disciplinary action by the school because of an intervention and may not be prohibited by school policy from intervening.

**REGULATIONS**

No relevant regulations found.

**Community input or involvement**

**LAWS**

§ 105 ILCS 5/2-3.164. Attendance commission. (Section scheduled to be repealed on December 16, 2020)

(a) The Attendance Commission is created within the State Board of Education to study the issue of chronic absenteeism in this State and make recommendations for strategies to prevent chronic absenteeism. The Commission shall consist of all of the following members:

1. The Director of the Department of Children and Family Services or his or her designee.
2. The Chairperson of the State Board of Education or his or her designee.
3. The Chairperson of the Board of Higher Education or his or her designee.
4. The Secretary of the Department of Human Services or his or her designee.
5. The Director of the Department of Public Health or his or her designee.
6. The Chairperson of the Illinois Community College Board or his or her designee.
7. The Chairperson of the State Charter School Commission or his or her designee.
8. An individual that deals with children's disabilities, impairments, and social emotional issues, appointed by the State Superintendent of Education.
9. One member from each of the following organizations, appointed by the State Superintendent of Education:
   - A non-profit organization that advocates for students in temporary living situations.
   - An Illinois-focused, non-profit organization that advocates for the well-being of all children and families in this State.
   - An Illinois non-profit, anti-crime organization of law enforcement that researches and recommends early learning and youth development strategies to reduce crime.
   - An Illinois non-profit organization that conducts community-organizing around family issues.
(E) A statewide professional teachers' organization.

(F) A different statewide professional teachers' organization.

(G) A professional teachers' organization in a city having a population exceeding 500,000.

(H) An association representing school administrators.

(I) An association representing school board members.

(J) An association representing school principals.

(K) An association representing regional superintendents of schools.

(L) An association representing parents.

(M) An association representing high school districts.

(N) An association representing large unit districts.

(O) An organization that advocates for healthier school environments in Illinois.

(P) An organization that advocates for the health and safety of Illinois youth and families by providing capacity building services.

(Q) A statewide association of local philanthropic organizations that advocates for effective educational, health, and human service policies to improve this State's communities.

(R) A statewide organization that advocates for partnerships among schools, families, and the community that provide access to support and remove barriers to learning and development, using schools as hubs.

(S) An organization representing statewide programs actively involved in truancy intervention.

Attendance Commission members shall serve without compensation but shall be reimbursed for their travel expenses from appropriations to the State Board of Education available for that purpose and subject to the rules of the appropriate travel control board.

(b) The Attendance Commission shall meet initially at the call of the State Superintendent of Education. The members shall elect a chairperson at their initial meeting. Thereafter, the Attendance Commission shall meet at the call of the chairperson. The Attendance Commission shall hold hearings on a periodic basis to receive testimony from the public regarding attendance.

(c) The Attendance Commission shall identify strategies, mechanisms, and approaches to help parents, educators, principals, superintendents, and the State Board of Education address and prevent chronic absenteeism and shall recommend to the General Assembly and State Board of Education:

   (1) a standard for attendance and chronic absenteeism, defining attendance as a calculation of standard clock hours in a day that equal a full day based on instructional minutes for both a half day and a full day per learning environment;

   (2) mechanisms to improve data systems to monitor and track chronic absenteeism across this State in a way that identifies trends from prekindergarten through grade 12 and allows the identification of students who need individualized chronic absenteeism prevention plans;

   (3) mechanisms for reporting and accountability for schools and districts across this State, including creating multiple measure indexes for reporting;

   (4) best practices for utilizing attendance and chronic absenteeism data to create multi-tiered systems of support and prevention that will result in students being ready for college and career; and

   (5) new initiatives and responses to ongoing challenges presented by chronic absenteeism.

(d) The State Board of Education shall provide administrative support to the Commission. The Attendance Commission shall submit an initial report to the General Assembly and the State Board of Education no later than March 15, 2016. The Attendance Commission shall submit an annual report to the General
Assembly and the State Board of Education no later than December 15, 2016 and each December 15 thereafter.

(e) The Attendance Commission is abolished and this Section is repealed on December 16, 2020.


(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on pupil discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its pupils of the contents of the policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.

(a-5) On or before September 15, 2016, each elementary and secondary school and charter school shall, at a minimum, adopt pupil discipline policies that fulfill the requirements set forth in this Section, subsections (a) and (b) of Section 10-22.6 of this Code, Section 34-19 of this Code if applicable, and federal and State laws that provide special requirements for the discipline of students with disabilities.

(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Section 10-22.6 of this Code.

(c) The parent-teacher advisory committee, in cooperation with school bus personnel, shall develop, with the school board, policy guideline procedures to establish and maintain school bus safety procedures. These procedures shall be incorporated into the district's pupil discipline policy.

(d) The school board, in consultation with the parent-teacher advisory committee and other community-based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.


(b) In this Section:

“Policy on bullying” means a bullying prevention policy that meets the following criteria:

(9) Is based on the engagement of a range of school stakeholders, including students and parents or guardians.

§ 105 ILCS 5/34-19. By-laws, rules and regulations; business transacted at regular meetings; voting; records.

[...] The board shall be further encouraged to provide opportunities for public hearing and testimony before the adoption of bylaws, rules and regulations. Upon all propositions requiring for their adoption at least a majority of all the members of the board the yeas and nays shall be taken and reported. The by-laws, rules and regulations of the board shall not be repealed, amended or added to, except by a vote of 2/3 of the full membership of the board. The board shall keep a record of all its proceedings. Such
records and all by-laws, rules and regulations, or parts thereof, may be proved by a copy thereof certified
to be such by the secretary of the board, but if they are printed in book or pamphlet form which are
purported to be published by authority of the board they need not be otherwise published and the book or
pamphlet shall be received as evidence, without further proof, of the records, by-laws, rules and
regulations, or any part thereof, as of the dates thereof as shown in such book or pamphlet, in all courts
and places where judicial proceedings are had. [...]
teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.]. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

§ 105 ILCS 5/10-20.36. Psychotropic or psychostimulant medication; disciplinary action.
(a) In this Section: "Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system. "Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) Each school board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.

§ 105 ILCS 5/34-18.25. Psychotropic or psychostimulant medication; disciplinary action.
(a) In this Section: "Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system. "Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) The board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.
REGULATIONS
No relevant regulations found.
## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Illinois provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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</thead>
<tbody>
<tr>
<td>Anti-Bias and Anti-Hate Resources, ISBE</td>
<td>Provides information and links to resources addressing discrimination, bullying, harassment, and other forms of intimidation in schools.</td>
<td><a href="https://www.isbe.net/Pages/Anti-Bias-Anti-Hate.aspx">https://www.isbe.net/Pages/Anti-Bias-Anti-Hate.aspx</a></td>
</tr>
<tr>
<td>Bullying Prevention, ISBE</td>
<td>Presents an overview of bullying in Illinois schools and provides links to articles, ISBE tools, and bullying resources.</td>
<td><a href="https://www.isbe.net/Pages/Bullying-Prevention.aspx">https://www.isbe.net/Pages/Bullying-Prevention.aspx</a></td>
</tr>
<tr>
<td>Classroom Management and Discipline, ISBE</td>
<td>Provides comprehensive resources and materials on effective classroom management and discipline strategies with links to related resources.</td>
<td><a href="https://www.isbe.net/Pages/Classroom-Management-and-Discipline.aspx">https://www.isbe.net/Pages/Classroom-Management-and-Discipline.aspx</a></td>
</tr>
<tr>
<td>Positive Behavioral Interventions and Supports (PBIS), ISBE</td>
<td>Provides an overview of PBIS elements including primary, secondary, and tertiary prevention elements with links to related resources.</td>
<td><a href="https://www.isbe.net/Pages/Positive-Behavioral-Intervention.aspx">https://www.isbe.net/Pages/Positive-Behavioral-Intervention.aspx</a></td>
</tr>
<tr>
<td>School Climate, ISBE</td>
<td>Provides links to resources regarding school discipline, safety, and school climate.</td>
<td><a href="https://www.isbe.net/Pages/School-Climate.aspx">https://www.isbe.net/Pages/School-Climate.aspx</a></td>
</tr>
<tr>
<td>School Discipline, ISBE</td>
<td>Addresses school discipline in Illinois schools with guidance and resources, professional learning and available technical assistance.</td>
<td><a href="https://www.isbe.net/discipline">https://www.isbe.net/discipline</a></td>
</tr>
<tr>
<td>Social and Emotional Learning (SEL), ISBE</td>
<td>Provides an overview of Social and Emotional Learning (SEL) in Illinois schools and provides links to articles, ISBE tools, and other related topics such as positive behavioral interventions and supports and school climate.</td>
<td><a href="https://www.isbe.net/Pages/Social-Emotional-Learning.aspx">https://www.isbe.net/Pages/Social-Emotional-Learning.aspx</a></td>
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<tr>
<td>Trauma, ISBE</td>
<td>Addresses childhood trauma in Illinois schools and provides links to related articles and resources.</td>
<td><a href="https://www.isbe.net/Pages/Trauma.aspx">https://www.isbe.net/Pages/Trauma.aspx</a></td>
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<td><strong>Documents</strong></td>
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<tr>
<td>Illinois PBIS Network; Effective Bullying Prevention within a School-wide System of Positive Behavior Interventions and Supports (December 2010), ISBE</td>
<td>Technical assistance brief based on how the PBIS framework supports efficient and effective bullying prevention.</td>
<td><a href="https://www.isbe.net/Documents/bully-prev-pbis-brief.pdf#search=bullying">https://www.isbe.net/Documents/bully-prev-pbis-brief.pdf#search=bullying</a></td>
</tr>
<tr>
<td>School Policies for Bullying Prevention (SY 2019-20), ISBE</td>
<td>Policy guidance document on the updates for the 2019-20 school year regarding bullying policies, the content of those policies and procedures/timelines for submission to ISBE.</td>
<td><a href="https://www.isbe.net/Documents/Bullying-Prev-Policy-Req.pdf">https://www.isbe.net/Documents/Bullying-Prev-Policy-Req.pdf</a></td>
</tr>
<tr>
<td><strong>Other Resources</strong></td>
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<tr>
<td>Comprehensive System of Learning Supports, ISBE</td>
<td>Research-based indicators of effective practice describing the structural systems necessary to promote optimal conditions for learning.</td>
<td><a href="https://www.isbe.net/Pages/Learning-Supports.aspx">https://www.isbe.net/Pages/Learning-Supports.aspx</a></td>
</tr>
<tr>
<td>Data Reporting and Collections - Expulsions, Suspensions, and Truants by District, ISBE</td>
<td>Reports for data collected on expulsions, suspensions, and truants by district.</td>
<td><a href="https://www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx">https://www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx</a></td>
</tr>
<tr>
<td>Physical Restraint and Time Out Form, ISBE</td>
<td>Reporting form used to document incidents of physical restraint or time out in compliance with state regulation.</td>
<td><a href="https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf">https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf</a></td>
</tr>
<tr>
<td>School Incident Reporting System, ISBE</td>
<td>Reporting system for Illinois schools to view reports of school incidents.</td>
<td><a href="http://webapps.isbe.net/sirs/webrereports.aspx">http://webapps.isbe.net/sirs/webrereports.aspx</a></td>
</tr>
</tbody>
</table>
Indiana
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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**Article 1. Seclusion and Restraint in Schools**

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513 IAC 1-1-3. "Chemical restraint" defined
513 IAC 1-1-5. "Crisis intervention training" defined
513 IAC 1-1-10. "Mechanical restraint" defined
513 IAC 1-1-12. "Physical restraint" defined
513 IAC 1-1-13. "Positive behavior intervention and support" defined
513 IAC 1-1-14. "Prevention and conflict de-escalation training" defined
513 IAC 1-1-15. "Prone physical restraint" defined
513 IAC 1-1-16. "Restraint" defined
513 IAC 1-1-18.5. "School resource officer" defined
513 IAC 1-1-19. "Seclusion" defined
513 IAC 1-1-21. "Substantial risk" defined
513 IAC 1-1-22. "Supine physical restraint" defined
513 IAC 1-1-23. "Time-out" defined

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513 IAC 1-2-2. Commission's principles
513 IAC 1-2-3. Use of behavior intervention and support
513 IAC 1-2-4. Prevention
513 IAC 1-2-5. Mechanical and chemical restraints prohibited
513 IAC 1-2-6. Training
513 IAC 1-2-7. Monitoring and reporting
513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public
513 IAC 1-2-9. Incident documentation
513 IAC 1-2-10. Debriefing session
513 IAC 1-2-11. Seclusion and restraint plan
General Provisions

Authority to develop and establish rules of conduct

LAWS

IC 20-33-8-10. Disciplinary powers of principals.
(a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.
(b) Subsection (a) allows a principal to write regulations that govern student conduct.

IC 20-33-8-11. Disciplinary powers of superintendents and administrative staff members.
A: (1) superintendent; or (2) member of the superintendent's administrative staff, with the superintendent's approval; may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.
(b) The: (1) superintendent of a school corporation; and (2) principals of each school in a school corporation; may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.
(c) The governing body of a school corporation may delegate: (1) rulemaking; (2) disciplinary; and (3) other authority; as reasonably necessary to carry out the school purposes of the school corporation.

IC 20-33-8-27. Supplemental procedures authorized.
The governing body of a school corporation may by rule: (1) amplify; (2) supplement; or (3) extend; the procedures provided in this chapter in any manner that is consistent with this chapter.

IC 20-33-8-29. Special schools.
(c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter to accommodate the administrative structure of a special school.
(d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.

IC 20-33-9-9. Programs to implement chapter.
The law enforcement agencies and the school corporations in each county shall develop and administer a program to efficiently implement this chapter.

REGULATIONS
No relevant regulations found.
Scope

LAWS

**IC 20-33-8-4. "School purposes".**
As used in this chapter, "school purposes" refers to the purposes for which a school corporation operates, including the following:

1. To promote knowledge and learning generally.
2. To maintain an orderly and effective educational system.
3. To take any action under the authority granted to school corporations and their governing bodies by IC 20-26-5 or by any other statute.

**IC 20-33-8-5. "School property".**
As used in this chapter, "school property" means the following:

1. A building or other structure owned or rented by a school corporation.
2. The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

**IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.**
(c) Students must:

1. follow responsible directions of school personnel in all educational settings; and
2. refrain from disruptive behavior that interferes with the educational environment.

**IC 20-33-8-13.5. Discipline rules prohibiting bullying required.**
(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

1. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
2. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

1. computer;
2. computer system;
3. computer network; or
4. cellular telephone or other wireless or cellular communications device.

**IC 20-33-8-14. Grounds for suspension or expulsion.**
(a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

1. Student misconduct.
2. Substantial disobedience.

(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
(1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
(2) off school grounds at a school activity, function, or event; or
(3) traveling to or from school or a school activity, function, or event.

**IC 20-33-8-15. Unlawful activity by student.**
In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:
(1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
(2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

**IC 20-33-9-5. Controlled substance violations; reports by school employees.**
If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:
(1) a violation described in section 1 of this chapter; or
(2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

**IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.**
A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report in writing to a law enforcement officer.

**REGULATIONS**

**513 IAC 1-2-1. Scope.**
(a) This article applies to the following:
(1) All public school corporations, charter schools, or accredited nonpublic schools.
(2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.
(3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:
   (A) Public school corporations.
   (B) Charter schools.
   (C) Special education planning districts.
   (D) State agencies.
   (E) Other public agencies.
Communication of policy

LAWS

A school corporation shall put a copy of the school corporation's criminal organization policy established under section 2 of this chapter:

(1) on its Internet web site;
(2) in school student handbooks; and
(3) in any location the school corporation determines to be appropriate.

IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.
(a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or
(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

IC 20-33-8-32. Locker searches.
(a) A school corporation must provide each: (1) student; and (2) student's parent; a copy of the rules of the governing body on searches of students' lockers and locker contents.

REGULATIONS

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.
(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**

**IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.**

(a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

   (1) Establish written discipline rules, which must include a graduated system of discipline

**REGULATIONS**

No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**

**IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.**

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

   (2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter;

**IC 20-33-8-9. Disciplinary powers of teachers and school staff members.**

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

**REGULATIONS**

No relevant regulations found.

**Alternatives to suspension**

**LAWS**

**IC 20-33-8-9. Disciplinary powers of teachers and school staff members.**

(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into in school suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.
IC 20-33-8-25. Additional disciplinary actions authorized.
(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

(1) Counseling with a student or group of students.
(2) Conferences with a parent or group of parents.
(3) Assigning additional work.
(4) Rearranging class schedules.
(5) Requiring a student to remain in school after regular school hours:
   (A) to do additional school work; or
   (B) for counseling.
(6) Restricting extracurricular activities.
(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
   (A) five (5) class periods for middle, junior high, or high school students; or
   (B) one (1) school day for elementary school students;
   if the student is assigned regular or additional school work to complete in another school setting.
(8) Assignment by the principal of:
   (A) a special course of study;
   (B) an alternative educational program; or
   (C) an alternative school.
(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:
   (A) A principal may not assign a student under this subdivision unless the student's parent approves:
      (i) the nonprofit organization where the student is assigned; and
      (ii) the plan described in clause (B)(i).
   A student's parent may request or suggest that the principal assign the student under this subdivision.
   (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:
      (i) A plan for the service that the student is expected to perform.
      (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
      (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
      (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.
   (C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.
   (D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the
satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWs

IC 20-33-8-32. Locker searches.

(a) A school corporation must provide each: (1) student; and (2) student's parent; a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in: (1) that locker; or (2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search: (1) a student's locker; and (2) the locker's contents; at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may: (1) at the request of the school principal; and (2) in accordance with rules of the governing body of the school corporation; assist a school administrator in searching a student's locker and the locker's contents.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

IC 20-33-8-14. Grounds for suspension or expulsion.
(a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:
   (1) Student misconduct.
   (2) Substantial disobedience.
(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
   (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
   (2) off school grounds at a school activity, function, or event; or
   (3) traveling to or from school or a school activity, function, or event.

IC 20-33-8-15. Unlawful activity by student.
In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if: (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.
(f) Notwithstanding section 20 of this chapter, a student who is:
   (1) identified as bringing a deadly weapon to school or on school property; or
   (2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.

IC 20-33-8-17. Student’s legal settlement not in attendance area.
A student may be expelled from school if the student’s legal settlement is not in the attendance area of the school corporation where the student is enrolled.

REGULATIONS
No relevant regulations found.
Grounds for mandatory suspension or expulsion

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.
(d) Notwithstanding section 20 of this chapter, a student who is:
   (1) identified as bringing a firearm or destructive device to school or on school property; or
   (2) in possession of a firearm or destructive device on school property; must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.
(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.
(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

IC 20-33-8-18. Maximum term of suspension; procedure; student assignments.
(a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

IC 20-33-8-20. Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review.
(a) Except as provided in section 16 of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.
(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:
   (1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
   (2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
(3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

IC 20-33-8-34. Disciplinary action for children with disabilities.

(a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a student with a disability (as defined in IC 20-35-1-8) is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the state board.

(b) The division of special education shall propose rules under IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a student with a disability (as defined in IC 20-35-1-8).

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

IC 20-33-8-3. "Expulsion".

(a) As used in this chapter, "expulsion" means a disciplinary or other action whereby a student: 

(1) is separated from school attendance for a period exceeding ten (10) school days;

(2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or

(3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

(b) The term does not include situations when a student is:

(1) disciplined under section 25 of this chapter;

(2) removed from school in accordance with IC 20-34-3-9; or

(3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

IC 20-33-8-7. "Suspension".

(a) As used in this chapter, "suspension" means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.
(b) The term does not include a situation in which a student is:
   (1) disciplined under section 25 of this chapter;
   (2) removed from school in accordance with IC 20-34-3-9; or
   (3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.
(h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

IC 20-33-8-18. Maximum term of suspension; procedure; student assignments.
(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:
   (1) A written or an oral statement of the charges against the student.
   (2) If the student denies the charges, a summary of the evidence against the student.
   (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:
   (1) The student's misconduct.
   (2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event the student has questions regarding the assignments or school work. A student may be allowed to make up missed tests or quizzes when the student returns to school.

IC 20-33-8-19. Expulsion procedure; appeals.
(a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:
   (1) Legal counsel.
   (2) A member of the administrative staff if the member:
      (A) has not expelled the student during the current school year; and
      (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting must:
   (1) be made by certified mail or by personal delivery;
   (2) contain the reasons for the expulsion; and
   (3) contain the procedure for requesting an expulsion meeting.

(c) The individual conducting an expulsion meeting:
   (1) shall make a written summary of the evidence heard at the expulsion meeting;
(2) may take action that the individual finds appropriate; and
(3) shall provide the information described in subsection (g) to the student and the student's parent; and
(4) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent not later than ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

(1) shall hold a meeting to consider:
   (A) the written summary of evidence prepared under subsection (c)(1); and
   (B) the arguments of the principal and the student or the student's parent;
   unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and
(2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 21 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

(g) Each school corporation shall annually prepare a list of:

(1) alternative education programs in the same county in which the school corporation is located or a county immediately adjacent to the county in which the school corporation is located; and
(2) virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described in subdivisions (1) and (2) and must provide the student and the student's parent notice that the student may be required to comply with IC 20-33-2 or any statute relating to compulsory school attendance in accordance with section 31 of this chapter. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

**IC 20-33-8-22. Effectiveness of statute during judicial review.**

An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

(1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
(2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

**IC 20-33-8-23. Suspension pending expulsion decision.**

The superintendent or the person designated by the superintendent under section 19(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

(1) interference with an educational function or school purposes; or
(2) a physical injury to the student, other students, school employees, or visitors to the school. However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 of this chapter.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.
(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.
(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.
(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into in school suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

IC 20-33-8-25. Additional disciplinary actions authorized.
(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:
(1) Counseling with a student or group of students.
(2) Conferences with a parent or group of parents.
(3) Assigning additional work.
(4) Rearranging class schedules.
(5) Requiring a student to remain in school after regular school hours:
   (A) to do additional school work; or
   (B) for counseling.
(6) Restricting extracurricular activities.
(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
   (A) five (5) class periods for middle, junior high, or high school students; or
   (B) one (1) school day for elementary school students;
   if the student is assigned regular or additional school work to complete in another school setting.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

IC 20-33-8-24. Requirements for reenrollment after expulsion.
(b) A principal may require a student to attend one (1) or more of the following:
(1) An alternative school or alternative educational program.
(2) Evening classes.
(3) Classes established for students who are at least sixteen (16) years of age.

IC 20-33-8-30. Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion.
(a) This section applies to the following:
(1) A student who:
   (A) is expelled from a school corporation or charter school Indiana Code 2015 under this chapter; or
   (B) withdraws from a school corporation or charter school to avoid expulsion.
(2) A student who:
   (A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or
   (B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.
(b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:
(1) the student's parent informs the school corporation in which the student seeks to enroll and also:
   (A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or
   (B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:
      (i) the conversion charter school; and
      (ii) the school corporation that sponsored the conversion charter school; of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;
(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and
(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).
(c) If:
   (1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or
   (2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3); the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.
(d) This section does not apply to a student who is expelled under section 17 of this chapter.
No relevant regulations found.

Use of restraint and seclusion

LAWS

IC 20-20-40-1. "Behavioral intervention plan".
As used in this chapter, "behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2) and incorporated into a student's individualized education program (as defined in IC 20-18-2-9) and that describes the following:

1. The pattern of behavior that impedes the student's learning or the learning of others.
2. The purpose or function of the behavior as identified in a functional behavioral assessment.
3. The positive interventions and supports, and other strategies, to:
   A. address the behavior; and
   B. maximize consistency of implementation across people and settings in which the student is involved.
4. If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student. The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

IC 20-20-40-2. "Chemical restraint".
As used in this chapter, "chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

As used in this chapter, "commission" refers to the commission on seclusion and restraint in schools established by section 11 of this chapter.

IC 20-20-40-4. "Mechanical restraint".
(a) As used in this chapter, "mechanical restraint" means the use of: (1) a mechanical device; (2) a material; or (3) equipment; attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.
(b) The term does not include: (1) mechanical devices; (2) a material; or (3) equipment; used as prescribed by a doctor.

IC 20-20-40-5. "Physical restraint".
(a) As used in this chapter, "physical restraint" means physical contact between a school employee and a student:
   1. in which the student unwillingly participates; and
   2. that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.
(b) The term does not include:
(1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
(2) physical escort; or
(3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

IC 20-20-40-6. "Positive behavior intervention and support".
As used in this chapter, "positive behavior intervention and support" means a systematic approach that:
(1) uses evidence based practices and data driven decision making to improve school climate and culture; and
(2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

IC 20-20-40-7. "School corporation".
As used in this chapter, "school corporation" includes a charter school that is not a virtual charter school.

IC 20-20-40-8. "School employee".
As used in this chapter, "school employee" means an individual employed by a school corporation or an accredited nonpublic school.

As used in this chapter, "seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

IC 20-20-40-10. "Time-out".
As used in this chapter, "time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

IC 20-20-40-11. Establishment of the commission on seclusion and restraint.
(a) The commission on seclusion and restraint in schools is established.
(b) The commission has the following ten (10) members:
   (1) The designee of the state superintendent, who serves at the pleasure of the state superintendent
   (2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.
   (3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.
   (4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.
   (5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.
   (6) A parent of a student with a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.
(7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.

(8) One (1) accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.

(9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.

(10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.

(c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

IC 20-20-40-12. Chairperson; meetings; votes and actions of the commission.

(a) The designee of the state superintendent under section 11(b)(1) of this chapter serves as chairperson of the commission.

(b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.

(c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.

(d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.

(e) The department shall provide staff support for the commission.

IC 20-20-40-13. Duties; rules; notice requirement; training; elements of the restraint and seclusion plan.

(a) The commission has the following duties:

(1) To adopt rules concerning the following:

   (A) The use of restraint and seclusion in a school corporation or an accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.

   (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.

   (C) Requirements for notifying parents.

   (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.

   (E) The distribution of the seclusion and restraint policy to parents and the public.

   (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).

   (G) Circumstances that may require more timely incident reporting and the requirements for such reporting.
(2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:

(A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.

(B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for use of any of the following:
   (i) Seclusion.
   (ii) Chemical restraint.
   (iii) Mechanical restraint.
   (iv) Physical restraint.

(C) A statement ensuring that any behavioral intervention used will be consistent with the student’s most current behavioral intervention plan, or individualized education program, if applicable.

(D) Definitions for restraint and seclusion, as defined in this chapter.

(E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:
   (i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
   (ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:
   (i) how every incident will be documented and debriefed;
   (ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and
   (iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student’s parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student’s parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict de-escalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for accredited nonpublic schools may vary, and the model plan must provide accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by an accredited nonpublic school under section 14 of this chapter.
IC 20-20-40-14. Adoption of restraint and seclusion plan; submission of plans.
(a) A school corporation or accredited nonpublic school shall adopt a restraint and seclusion plan that incorporates, at a minimum, the elements of the model plan developed under section 13 of this chapter. The school corporation's or accredited nonpublic school's plan must become effective not later than July 1, 2014.
(b) The department has the authority to require schools to submit plans developed in accordance with section 13 of this chapter.

(a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.
(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, an accredited nonpublic school, the commission, or a member of the commission.
(c) In all matters relating to the plan adopted under section 14 of this chapter, school corporation or accredited nonpublic school personnel have qualified immunity with respect to an action taken to promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

(a) The commission:
   (1) shall adopt rules under IC 4-22-2; and
   (2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1; to carry out the purposes of this chapter.
(b) An emergency rule adopted under subsection (a)(2) expires on the earlier of:
   (1) November 15, 2018; or
   (2) the effective date of a rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 that supersedes the emergency rule.

REGULATIONS
513 IAC 1-1-2. "Behavioral intervention plan" defined.
(a) "Behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2 [IC 20-35-7 was repealed by P.L.233-2015, SECTION 286, effective July 1, 2015.]) and incorporated into a student's IEP (as defined in IC 20-18-2-9) and that describes the following:
   (1) The pattern of behavior that impedes the student's learning or the learning of others.
   (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
   (3) The positive interventions and supports, and other strategies, to:
      (A) address the behavior; and
      (B) maximize consistency of implementation across people and settings in which the student is involved.
(4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

(b) The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

513 IAC 1-1-3. "Chemical restraint" defined.
"Chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition.

513 IAC 1-1-5. "Crisis intervention training" defined.
"Crisis intervention training" refers to training provided to selected staff members that addresses how to deal with aggressive, violent, or out of control behaviors. The term includes specific techniques for seclusion and restraint.

513 IAC 1-1-10. "Mechanical restraint" defined.
(a) "Mechanical restraint" means the use of: (1) a mechanical device; (2) a material; or (3) equipment; attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.
(b) The term does not include: (1) a mechanical device; (2) a material; or (3) equipment; that is used as authorized by a licensed physician or other qualified health care professional.
(c) The term does not include a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

513 IAC 1-1-12. "Physical restraint" defined.
(a) "Physical restraint" means physical contact between a school employee, including a school resource officer (as defined in section 18.5 of this rule), and a student:

(1) in which the student unwillingly participates; and
(2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.

(b) The term does not include:

(1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
(2) physical escort; or
(3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.
(c) The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

"Positive behavior intervention and support" means a systematic approach that: (1) uses evidence based practices and data driven decision making to improve school climate and culture; and (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of
problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

“Prevention and conflict deescalation training” means training that is provided broadly to school staff on how to prevent, defuse, and deescalate potential behavioral crisis situations without physical contact between a school employee and a student.

“Prone physical restraint” refers to when a person is being held face down on a horizontal surface such as the floor.

513 IAC 1-1-16. "Restraint" defined.
“Restraint” encompasses chemical restraint, physical restraint, and mechanical restraint.

“Seclusion” means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's IEP and during which an adult is continuously present in the room with the student.

“Substantial risk” means a situation where there is:
(1) serious, imminent threat of bodily harm; and
(2) the immediate ability to enact such harm.

“Supine physical restraint” refers to a person being held face up on a horizontal surface such as the floor.

"Time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

513 IAC 1-2-1. Scope.
(a) This article applies to the following:
(1) All public school corporations, charter schools, or accredited nonpublic schools.
(2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.
(3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:
   (A) Public school corporations.
   (B) Charter schools.
   (C) Special education planning districts.
   (D) State agencies.
   (E) Other public agencies.
(a) Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
(b) Any behavioral intervention must be consistent with the student's rights to be treated with dignity and to be free from abuse.
(c) Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
(d) Physical restraint or seclusion should not be used except in situations where the student's behavior poses imminent risk of injury to self or others and other interventions are ineffective and should be discontinued as soon as imminent risk of injury to self or others has dissipated.

513 IAC 1-2-3. Use of behavior intervention and support.
A school shall use prevention, positive behavior intervention and support, and conflict deescalation strategies to eliminate or minimize the need for the use of any of the following:

1. Seclusion.
2. Chemical restraint.
3. Mechanical restraint.
4. Physical restraint.

(a) Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a student.
(b) Seclusion or physical restraint shall not be used except when used as a last resort in situations where:
   1. the student's behavior poses imminent risk of injury to self or others; and
   2. other less restrictive interventions are ineffective.
(c) Any use of seclusion or restraint:
   1. may only be used for a short period of time; and
   2. shall be discontinued as soon as the imminent risk of injury to self or others has dissipated.

513 IAC 1-2-5. Mechanical and chemical restraints prohibited.
(a) Except as provided in subsection (d), the use of mechanical restraints to restrict a student's freedom of movement is prohibited.
(b) The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.
(c) Schools shall never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.
(d) While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. However, the use of any bus harness or safety equipment, as described in 513 IAC 1-1-10, that is used to restrain a student during transportation must be documented.
513 IAC 1-2-6. Training.
(a) Staff shall be trained according to the school's adopted plan on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports, and, only for cases involving imminent risk of injury, on the safe use of physical seclusion and restraint.
(b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.
(c) Each school shall choose a training protocol that includes the following:
   (1) Positive supports and behavioral interventions techniques.
   (2) Conflict deescalation techniques.
   (3) The safe use of seclusion and restraint.
   (4) Steps to avoid the use of seclusion or restraint.
   (5) Debriefing practices and procedures.
(d) Training programs shall differentiate for levels of school personnel and training needs.
(e) Each school must maintain documentation that includes the following information:
   (1) The name and position of each person who has completed training.
   (2) Who provided the training.
   (3) When the training was completed.
   (4) What protocols and techniques were included in the training.
(f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

513 IAC 1-2-7. Monitoring and reporting.
(a) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:
   (1) The student.
   (2) Other students.
   (3) Teachers.
   (4) Staff.
(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.
(c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:
   (1) no later than the end of the school day or as soon as practical;
   (2) verbally; and
   (3) in accordance with the seclusion and restraint plan adopted by a school.
(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.
(e) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which either seclusion or restraint is used in its annual performance report.

(f) A school resource officer is involved in an incident of restraint or seclusion of a student when the school resource officer:

1. directs the restraint or seclusion of a student;
2. assists with the restraint or seclusion of a student; or
3. initiates the seclusion or restraint of a student.

(g) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).


(a) Every incident in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up to the use of either seclusion or restraint.

(b) Documentation may include the following:

1. The student's name.
2. The date and time of the incident.
3. The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both.
4. A description of any relevant events leading up to the incident.
5. A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
6. A description of relevant interventions used immediately prior to the implementation of seclusion or restraint.
7. A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff.
8. A description of any injuries to students, staff, or others or property damage.
9. A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint.
10. If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or IEP.

(c) The department shall, annually, review incident reports from not less than three percent (3%) of public schools, which schools shall be chosen at random by the department.

(d) Upon request, each school selected for review under subsection (c) shall provide the department, in a manner prescribed by the department, with a copy of any incident report involving the use of seclusion or restraint of a student.
(e) Upon request by the department, each school shall provide a copy of the school's seclusion and restraint plan under section 11 of this rule.

(f) The department shall provide the commission with a summary report of the department's annual review. The summary report shall be in a manner and form prescribed by the commission.

513 IAC 1-2-10. Debriefing session.
(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

(1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.

(2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.

(3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

(a) No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

(1) A statement on how:

(A) students will be treated with dignity and respect; and

(B) appropriate student behavior will be promoted and taught.

(2) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:

(A) Seclusion.

(B) Chemical restraint.

(C) Mechanical restraint.

(D) Physical restraint.

(3) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or IEP, if applicable.

(4) Definitions for restraint and seclusion, as defined in this article.

(5) A statement ensuring that if a procedure listed in subdivision (2) is used, the procedure will be used:

(A) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and

(B) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(6) An indication that restraint or seclusion may be used only for a short time period or until the imminent risk of injury has passed.

(7) A documentation and recording requirement governing incidents in which procedures listed in subdivision (2) are used, including:
(A) how every incident will be documented and debriefed;
(B) how responsibilities will be assigned to designated employees for evaluation and oversight; and
(C) designation of a school employee to be the keeper of such documents.
(8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).
(9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).
(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(b) The department shall accept reports from the public regarding school restraint and seclusion plans, which reports shall be limited to:
   (1) lack of compliance between a school's seclusion and restraint plan and the requirements of IC 20-20-40 and the requirements of subsection (a);
   (2) the availability of a school's plan as described in section 8 of this rule; and
   (3) the reporting of incidents of seclusion or restraint, including the reporting of the use of seclusion or restraint by a school's resource officer.

(c) The department shall provide the commission with a summary of the reports received.


(e) The commission, after reviewing the summary from the department, may instruct the department to require a school to provide a written explanation regarding a report.

(f) Upon request, each school shall provide the department with a written explanation and response to any questions posed by the department. The school shall provide the explanation in a manner prescribed by the department.

(g) After review of the explanation by the school and any supporting documentation, the department shall provide a summary of the department's findings.

(h) Based on the department's findings, the commission may make nonbinding recommendations to the department or to the school related to professional development for the school related to the use of seclusion or restraint, this article, or IC 20-20-40.

Alternative placements

LAWS

IC 20-30-8-1. “Alternative education program”.
As used in this chapter, “alternative education program” refers to an alternative school or educational program that is described in section 6 [IC 20-30-8-6] of this chapter. The term includes:
   (1) an alternative education program described in section 5(a)(1) [IC 20-30-8-5(a)(1)] of this chapter; or
   (2) an area alternative education program described in section 5(a)(2) [IC 20-30-8-5(a)(2)] of this chapter.
IC 20-30-8-10. Criteria for placement of students in program.
A student placed in an alternative education program must meet at least one (1) of the following criteria:

(1) The student intends to withdraw or has withdrawn from school before graduation.
(2) The student has been identified as a student who:
   (A) has failed to comply academically; and
   (B) would benefit from instruction offered in a manner different from the manner of instruction available in a traditional school.
(3) The student is a parent or an expectant parent and is unable to regularly attend the traditional school program.
(4) The student is employed and the employment:
   (A) is necessary for the support of the student or the student’s immediate family; and
   (B) interferes with a part of the student’s instructional day.
(5) The student is a disruptive student.

IC 20-30-8-13. Department to encourage and assist.
(a) The department shall encourage school corporations to assess the need in the school corporation for an alternative education program or an area alternative education program.
(b) Upon request of a school corporation, the department shall assist the school corporation in establishing an alternative education program.

IC 20-33-8-24. Requirements for reenrollment after expulsion.
(b) A principal may require a student to attend one (1) or more of the following:
   (1) An alternative school or alternative educational program.
   (2) Evening classes.
   (3) Classes established for students who are at least sixteen (16) years of age.

IC 20-33-8-25. Additional disciplinary actions authorized.
(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:
   (8) Assignment by the principal of:
      (A) a special course of study;
      (B) an alternative educational program; or
      (C) an alternative school.

IC 20-33-8-31. Effect of suspension or expulsion on compulsory attendance laws.
(a) If a student is suspended from school or from any educational function under this chapter, the student’s absence from school because of the suspension is not a violation of:
   (1) IC 20-33-2; or
   (2) any other statute relating to compulsory school attendance.
(b) If a student is expelled from school or from any educational function under this chapter, the student’s absence from school because of the expulsion is a violation of IC 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:
(1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or
(2) a virtual charter school if the student does not enroll in a program or school described in subdivision (1) or (2);
during the student’s expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of IC 20-33-2 or any other statute relating to compulsory school attendance.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.
(a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.
(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.
(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.
(d) Notwithstanding section 20 of this chapter, a student who is:
(1) identified as bringing a firearm or destructive device to school or on school property; or
(2) in possession of a firearm or destructive device on school property; must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.
(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.
(f) Notwithstanding section 20 of this chapter, a student who is:
(1) identified as bringing a deadly weapon to school or on school property; or
(2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.
(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent Indiana Code 2015 may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.
(h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot.
(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:
(1) in or on school property; or
(2) on a school bus; commits a Level 6 felony.
(b) It is a defense to a prosecution under subsection (a) that:
(1) the person is permitted to legally possess the firearm; and
(2) the firearm is:
   (A) locked in the trunk of the person's motor vehicle;
   (B) kept in the glove compartment of the person's locked motor vehicle; or
(C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property; must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent Indiana Code 2015 may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

REGULATIONS
No relevant regulations found.
Students with chronic disciplinary issues

LAWS

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.
The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

IC 20-33-2-23. Powers of certain officers to take children into custody.
(a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:
   (1) is required to attend school under this chapter; and
   (2) is found during school hours, unless accompanied:
      (A) by a parent; or
      (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.
(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.
(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

IC 20-33-2-24. Principal; duties when truant child received.
(a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.
(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.
IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.
The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

(a) It is the duty of each: (1) superintendent; (2) attendance officer; (3) state attendance official; (4) security police officer appointed under IC 36-8-3-7; and (5) school corporation police officer appointed under IC 20-26-16; to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.
(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.
(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

IC 5-2-10-2. Purpose; composition of fund.
The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:
   (1) under IC 33-37-9-4; and
   (2) from any other public or private source.

IC 20-30-5-11. Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12.
(a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that: (1) alcoholic beverages; (2) tobacco; (3) prescription drugs; and (4) controlled substances; have on the human body and society at large.
(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).
(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).
(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.
(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.
IC 20-33-9-1. Application of chapter.
Sections 5 through 9 of this chapter apply to the following:
(1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).
(2) A violation under IC 35-48-4 (offenses related to controlled substances).

IC 20-33-9-5. Controlled substance violations; reports by school employees.
If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.
A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report in writing to a law enforcement officer.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

IC 20-26-5-34.2. Bullying prevention; training for employees and volunteers.
A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

IC 20-30-5-5.5. Bullying prevention; student instruction.
(a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 5-2-10.1-12(d)(1) focusing on bullying prevention for all students in grades 1 through 12.
(b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.
(c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

IC 20-33-8-0.2. Bullying.
(a) As used in this chapter, bullying means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of
students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

(1) places the targeted student in reasonable fear of harm to the targeted student's person or property;
(2) has a substantially detrimental effect on the targeted student's physical or mental health;
(3) has the effect of substantially interfering with the targeted student's academic performance; or
(4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

(b) The term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:

(1) Participating in a religious event.
(2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
(3) Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
(4) Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.
(5) Participating in an activity undertaken at the prior written direction of the student's parent.
(6) Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

IC 20-33-8-13.5. Discipline rules prohibiting bullying required.

(a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and
(2) include:

(A) provisions concerning education, parental involvement, and intervention;
(B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
   (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
   (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
   (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
   (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
   (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
   (vi) discipline provisions for false reporting of bullying; and
(C) a detailed procedure outlining the use of follow-up services that includes:
   (i) support services for the victim; and
   (ii) bullying education for the bully.

(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
(1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
(2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
   (1) computer;
   (2) computer system;
   (3) computer network; or
   (4) cellular telephone or other wireless or cellular communications device.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

IC 35-42-2-2.5. Hazing; good faith reporting.

(a) As used in this section, “hazing” means forcing or requiring another person:
   (1) with or without the consent of the other person; and
   (2) as a condition of association with a group or organization;
   to perform an act that creates a substantial risk of bodily injury.

(b) A person who knowingly or intentionally performs hazing commits a Class B misdemeanor. However, the offense is a Level 6 felony if it results in serious bodily injury to another person, and a Level 5 felony if it is committed by means of a deadly weapon.

(c) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator were an adult, who:
   (1) makes a report of hazing in good faith;
   (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
   (3) employs a reporting or participating person described in subdivision (1) or (2); or
   (4) supervises a reporting or participating person described in subdivision (1) or (2);
   is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(d) A person described in subsection (c)(1) or (c)(2) is presumed to act in good faith.

(e) A person described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:
   (1) an offense under this section; or
   (2) a delinquent act that would be an offense under this section if the offender were an adult.

REGULATIONS

No relevant regulations found.
Other special infractions or conditions

LAWS

This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

(a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal organizations and criminal organization activity in schools. The governing body of a school corporation shall develop the policy in consultation with:
   (1) parents;
   (2) school employees;
   (3) local law enforcement officials;
   (4) the county prosecuting attorney;
   (5) the county public defender;
   (6) organizations that have expertise in criminal organization education, prevention, or intervention;
   (7) a juvenile court judge;
   (8) a school behavioral health or community mental health professional; and
   (9) any other person or entity the governing body of the school corporation determines to be appropriate.
(b) The policy must meet all the requirements for the department's model criminal organization policy set forth in IC 20-19-3-12(d).
(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal organization policy to the department.

A school corporation shall put a copy of the school corporation's criminal organization policy established under section 2 of this chapter:
   (1) on its Internet web site;
   (2) in school student handbooks; and
   (3) in any location the school corporation determines to be appropriate.

A school corporation shall establish the following educational programs in its efforts to address criminal organization activity:
   (1) An evidence based educational criminal organization awareness program for students, school employees, and parents.
   (2) A school employee development program to provide training to school employees in the implementation of the criminal organization policy established under section 2 of this chapter.

IC 20-26-18-5. Establishment of criminal organization intervention program.
To foster the continuing coordination of criminal organization prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal organization intervention services to students. If a school corporation chooses to develop a program
under this section, the governing body shall establish an advisory committee that includes the following members:

(1) Parents.

(2) School employees.

(3) Local law enforcement officials.

(4) The county prosecuting attorney.

(5) The county public defender.

(6) A juvenile court judge.

(7) A school behavioral health or community mental health professional.

(8) Representatives of organizations that have expertise in criminal organization education, prevention, or intervention.

(9) Any other person or entity the governing body determines is appropriate.

IC 20-26-18-6. Reporting requirements.
(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation’s compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal organization activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

(1) A summary of the activities reported to the department under subsection (a).

(2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal organization activity in schools.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

IC 5-2-10-2. Purpose; composition of fund.
The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:

1. under IC 33-37-9-4; and
2. from any other public or private source.

IC 5-2-10-6. Applications for grants; comprehensive drug free communities plan.
A person, an organization, an entity, a political subdivision, or an agency may receive a grant from the fund for services or activities included in a comprehensive drug free communities plan approved by the criminal justice institute by applying to the criminal justice institute.

IC 20-19-3-10. Dating violence educational materials.
(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:
1. model dating violence educational materials; and
2. a model for dating violence response policies and reporting. Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:
1. Warning signs of dating violence.
2. The basic principles of dating violence prevention.

IC 20-19-3-11.5. Cyberbullying - Resources and best practices.
(a) As used in this section, “cyberbullying” refers to bullying (as defined in IC 20-33-8-0.2) that occurs through the use of data or computer software that is accessed through a:
1. computer;
2. computer system;
3. computer network; or
4. cellular telephone or other wireless or cellular communications device.

(b) The department shall maintain a link on the department’s Internet web site that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying. The resources must include guidance on how to report to law enforcement agencies instances of bullying and cyberbullying that occur off campus. The department shall also include guidelines developed by the department under IC 5-2-10.1-12(d).
(c) The department shall consult with law enforcement agencies, school officials, and organizations that have expertise in the prevention or reporting of bullying or cyberbullying for purposes of developing or providing the resources or best practices described in subsection (b).

(d) The following entities shall maintain a link on their Internet web sites to the Internet web site described in subsection (b):

(1) The state board.

(2) A school corporation.

**IC 20-26-5-33. Programs concerning consequences of sharing sexually suggestive or explicit materials through digital media.**

A school corporation may offer classes, instruction, or programs regarding the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cellular telephones, social networking web sites, computer networks, and other digital media.

**IC 20-26-5-34.4. Child suicide awareness and prevention policy.**

Each school corporation shall adopt a policy addressing measures intended to increase child suicide awareness and prevention. The policy must address the following:

(1) Counseling services for the child and the child's family related to suicide prevention.

(2) Availability of referral information for crisis intervention to children, parents, and school corporation staff.

(3) Increasing awareness of the relationship between suicide and drug and alcohol use.

(4) Training on warning signs and tendencies that may evidence that a child is considering suicide.

(5) Availability of information concerning suicide prevention services in the community.

(6) Cooperation among the school corporation and suicide prevention services in the community.

(7) Development of a plan to assist survivors of attempted suicide and to assist children and school corporation staff in coping with an attempted suicide or death of a student or school employee.

(8) Development of any other program or activity that is appropriate.

**IC 20-26-18-4. Establishment of education programs.**

A school corporation shall establish the following educational programs in its efforts to address criminal organization activity:

(1) An evidence based educational criminal organization awareness program for students, school employees, and parents.

(2) A school employee development program to provide training to school employees in the implementation of the criminal organization policy established under section 2 of this chapter.

**IC 20-28-3-6. Youth suicide awareness and prevention training.**

(a) For purposes of this section, "teacher" includes the following:

(1) A superintendent who holds a license under IC 20-28-5.

(2) A principal.

(3) A teacher.

(4) A librarian.

(5) A school counselor.

(6) A school psychologist.
(7) A school nurse.
(8) A school social worker.

(b) Beginning after June 30, 2018, each school corporation, charter school, and accredited nonpublic school:

(1) shall require all teachers; and
(2) may require any other appropriate school employees; who are employed at schools that provide instruction to students in any combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate in at least two (2) hours of research based inservice youth suicide awareness and prevention training every three (3) school years. The training required under this subsection must be during the teacher's or school employee's contracted day or at a time chosen by the teacher or employee.

(c) Subject to subsection (e), the format of training required under this section may include:

(1) an in-person presentation;
(2) an electronic or technology based medium, including self-review modules available on an online system;
(3) an individual program of study of designated materials; or
(4) any other method approved by the governing body that is consistent with current professional development standards.

(d) The inservice training required under this section shall count toward the requirements for professional development required by the governing body.

(e) The research based youth suicide awareness and prevention training program required under subsection (b) must be:

(1) demonstrated to be an effective or promising program; and
(2) recommended by the Indiana Suicide Prevention Network Advisory Council.

(f) A school or school corporation may leverage any:

(1) existing or new state and federal grant funds; or
(2) free or reduced cost evidence based youth suicide awareness and prevention training provided by any state agency or qualified statewide or local organization; to cover the costs of the training required under this section.

IC 20-30-5-5.5. Bullying prevention; student instruction.
(a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 5-2-10.1-12(d)(1) focusing on bullying prevention for all students in grades 1 through 12.

(b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.

(c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

IC 20-30-5-11. Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12.
(a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that: (1) alcoholic beverages; (2) tobacco; (3) prescription drugs; and (4) controlled substances; have on the human body and society at large.
(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

**REGULATIONS**

No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**

**IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.**

(a) The Indiana safe schools fund is established to do the following:

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:

(A) alternatives to suspension and expulsion; and

(B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

**IC 20-26-18-5. Establishment of criminal organization intervention program.**

To foster the continuing coordination of criminal organization prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal organization intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

(1) Parents.

(2) School employees.

(3) Local law enforcement officials.

(4) The county prosecuting attorney.

(5) The county public defender.

(6) A juvenile court judge.

(7) A school behavioral health or community mental health professional.

(8) Representatives of organizations that have expertise in criminal organization education, prevention, or intervention.

(9) Any other person or entity the governing body determines is appropriate.
IC 20-33-8-25. Additional disciplinary actions authorized.

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

(1) Counseling with a student or group of students.
(2) Conferences with a parent or group of parents.
(3) Assigning additional work.
(4) Rearranging class schedules.
(5) Requiring a student to remain in school after regular school hours:
   (A) to do additional school work; or
   (B) for counseling.
(6) Restricting extracurricular activities.
(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
   (A) five (5) class periods for middle, junior high, or high school students; or
   (B) one (1) school day for elementary school students;
if the student is assigned regular or additional school work to complete in another school setting.
(8) Assignment by the principal of:
   (A) a special course of study;
   (B) an alternative educational program; or
   (C) an alternative school.
(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:
   (A) A principal may not assign a student under this subdivision unless the student's parent approves:
      (i) the nonprofit organization where the student is assigned; and
      (ii) the plan described in clause (B)(i).
   A student's parent may request or suggest that the principal assign the student under this subdivision.
   (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:
      (i) A plan for the service that the student is expected to perform.
      (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
      (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
      (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.
   (C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.
   (D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the
satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.
(a) The Indiana safe schools fund is established to do the following:
(5) Provide educational outreach and training to school personnel concerning:
   (A) the identification of;
   (B) the prevention of; and
   (C) intervention in; bullying.
(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
   (A) the identification of;
   (B) the prevention of; and
   (C) intervention in; criminal organization activities.
(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:
   (A) alternatives to suspension and expulsion; and
   (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

IC 5-2-10.1-11. School safety specialist training and certification program.
(a) The school safety specialist training and certification program is established.
(b) The school safety specialist training program shall provide:
   (1) annual training sessions, which may be conducted through distance learning or at regional centers; and
   (2) information concerning best practices and available resources; for school safety specialists and county school safety commissions.
(c) The department of education shall do the following:
   (1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.
   (2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in:
      (A) identifying, preventing, and intervening in bullying;
      (B) identifying, preventing, and intervening in criminal organization activity; and
(C) identifying, preventing, and intervening in actions by a person who is present on school property with the intent to harm another person.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

**IC 20-26-5-34.2. Bullying prevention; training for employees and volunteers.**

A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

**IC 20-26-5-34.4. Child suicide awareness and prevention policy.**

Each school corporation shall adopt a policy addressing measures intended to increase child suicide awareness and prevention. The policy must address the following:

(1) Counseling services for the child and the child's family related to suicide prevention.

(2) Availability of referral information for crisis intervention to children, parents, and school corporation staff.

(3) Increasing awareness of the relationship between suicide and drug and alcohol use.

(4) Training on warning signs and tendencies that may evidence that a child is considering suicide.

(5) Availability of information concerning suicide prevention services in the community.

(6) Cooperation among the school corporation and suicide prevention services in the community.

(7) Development of a plan to assist survivors of attempted suicide and to assist children and school corporation staff in coping with an attempted suicide or death of a student or school employee.

(8) Development of any other program or activity that is appropriate.

**IC 20-28-3-0.3. Definitions.**

(1) "culturally responsive methods" refer to methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research based alternatives to exclusionary discipline are appropriate and effective for the students; and

(2) "exclusionary discipline" includes in school suspension, out of school suspension, expulsion, school based arrests, school based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

**IC 20-28-3-3. Guidelines for teacher education**

(a) The department shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to:

(1) teach in various environments; and

(2) successfully apply positive classroom behavioral management strategies and research based alternatives to exclusionary discipline in a manner that serves the diverse learning needs of all students.
(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency.

**IC 20-28-3.5. Incorporation of methods to establish culturally responsive school climates.**

The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:

1. classroom management strategies;
2. restorative justice;
3. positive behavioral interventions and supports;
4. social and emotional training as described in IC 12-21-5-2, IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and
5. conflict resolution.

**IC 20-28-3.4. Continuing education.**

(a) A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow teachers, school administrators, and paraprofessionals to participate in:

1. a session concerning agricultural instruction conducted in the county;
2. a meeting of a teachers' association;
3. a visitation of model schools under a governing body's direction;
4. a basic or inservice course of education and training on autism that is certified by the state board in conjunction with the state health commissioner and any other appropriate entity determined by the state board; or Indiana Code 2015
5. a basic or inservice course of education and training on:
   (A) beginning in the 2016-2017 school year, mental health first aid (IC 12-21-5-4); and
   (B) the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(b) A governing body shall pay a teacher the teacher's per diem salary for the teacher's participation.

**IC 20-28-3.6. Youth suicide awareness and prevention training.**

(a) For purposes of this section, "teacher" includes the following:

1. A superintendent who holds a license under IC 20-28-5.
2. A principal.
3. A teacher.
4. A librarian.
5. A school counselor.
6. A school psychologist.
7. A school nurse.
8. A school social worker.

(b) Beginning after June 30, 2018, each school corporation, charter school, and accredited nonpublic school:

1. shall require all teachers; and
(2) may require any other appropriate school employees; who are employed at schools that provide instruction to students in any combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate in at least two (2) hours of research based inservice youth suicide awareness and prevention training every three (3) school years. The training required under this subsection must be during the teacher's or school employee's contracted day or at a time chosen by the teacher or employee.

c) Subject to subsection (e), the format of training required under this section may include:

(1) an in-person presentation;
(2) an electronic or technology based medium, including self-review modules available on an online system;
(3) an individual program of study of designated materials; or
(4) any other method approved by the governing body that is consistent with current professional development standards.

d) The inservice training required under this section shall count toward the requirements for professional development required by the governing body.

e) The research based youth suicide awareness and prevention training program required under subsection (b) must be:

(1) demonstrated to be an effective or promising program; and
(2) recommended by the Indiana Suicide Prevention Network Advisory Council.

f) A school or school corporation may leverage any:

(1) existing or new state and federal grant funds; or
(2) free or reduced cost evidence based youth suicide awareness and prevention training provided by any state agency or qualified statewide or local organization; to cover the costs of the training required under this section.

REGULATIONS

513 IAC 1-2-6. Training.

(a) Staff shall be trained according to the school's adopted plan on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports, and, only for cases involving imminent risk of injury, on the safe use of physical seclusion and restraint.

(b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.

(c) Each school shall choose a training protocol that includes the following:

(1) Positive supports and behavioral interventions techniques.
(2) Conflict deescalation techniques.
(3) The safe use of seclusion and restraint.
(4) Steps to avoid the use of seclusion or restraint.
(5) Debriefing practices and procedures.

(d) Training programs shall differentiate for levels of school personnel and training needs.

(e) Each school must maintain documentation that includes the following information:

(1) The name and position of each person who has completed training.
(2) Who provided the training.
(3) When the training was completed.
(4) What protocols and techniques were included in the training.
(f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

IC 20-33-9-5. Controlled substance violations; reports by school employees.
If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee: (1) has received a threat; (2) is the victim of intimidation; (3) is the victim of battery; or (4) is the victim of harassment; shall report that information as required by this chapter.

IC 20-33-9-10.5. Criminal organization activity; duty to report; maintaining safe school environment.
(a) This section does not apply to a charter school or an accredited nonpublic school.
(b) A school employee shall report any incidence of suspected criminal organization activity, criminal organization intimidation, or criminal organization recruitment to the principal and the school safety specialist.
(c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

(a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.
(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

IC 20-33-2-24. Principal; duties when truant child received.
(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief
administrative officer shall attempt to advise the child’s parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

**IC 20-33-8-26. Rules requiring participation in disciplinary action by person caring for dependent student.**

(a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

1. Procedures for giving actual notice to the person having care of the dependent student.
2. A description of the steps that the person must take to participate in the school corporation’s action.
3. A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation’s action.

(b) A dependent student is a child in need of services under IC 31-34-1-7 if, before the student child becomes eighteen (18) years of age:

1. the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and
2. the student needs care, treatment, or rehabilitation that the child:
   - (A) is not receiving; and
   - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

**REGULATIONS**

**513 IAC 1-2-7. Monitoring and reporting.**

(c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:

1. no later than the end of the school day or as soon as practical;
2. verbally; and
3. in accordance with the seclusion and restraint plan adopted by a school.

(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

**513 IAC 1-2-10. Debriefing session.**

(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

1. In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.
No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

(8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).

(9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).

Reporting and referrals between schools and law enforcement

LAWS

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.
The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.
(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent Indiana Code 2015 may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

IC 20-33-8-5-1. Applicability.
This chapter does not apply to a nonpublic school.

IC 20-33-8-5-2. Agreement between superintendent and court having juvenile jurisdiction.
A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student who has been referred to the court by the school corporation in accordance with the terms of the agreement.

IC 20-33-8-5-3. Agreement; court's responsibilities.
The agreement may require that a court do one (1) or more of the following:

(1) Establish a flexible program for the supervision of a student who has been suspended or expelled.

(2) Supervise a student who has been suspended or expelled.

(3) Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

IC 20-33-8-5-4. Agreement; school corporation's responsibilities.
(a) The agreement may require that a school corporation do one (1) or more of the following:
(1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.

(2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.

(3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.

IC 20-33-8.5-5. Agreement; payment of expenses.
The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the foundation amount (as defined by IC 20-43-3-8) for each student referred under the agreement.

IC 20-33-8.5-6. Informal hearing before court.
A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

IC 20-33-8.5-7. Hearing not a determination of whether student is child in need of services.
A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may: (1) be a child in need of services (as described in IC 31-34-1); or (2) have committed a delinquent act (as described in IC 31-37); the court may notify the office of family and children or the prosecuting attorney.

IC 20-33-8.5-8. Presence of parent or guardian at hearing.
A parent or guardian has the right to be present and may be required to be present during the student's appearance.

IC 20-33-8.5-9. Appearance of student not to be used in subsequent court proceedings.
A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.

IC 20-33-8.5-10. Expungement of court record.
All records of the student's court appearance shall be expunged upon the student's completion of the out-of-school suspension or expulsion program.

IC 20-33-8.5-11. Student with disability; procedural requirements.
Notwithstanding the terms of the agreement, a suspension, an expulsion, or a referral of a student who is a student with a disability (as defined in IC 20-35-1-8) is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the Indiana state board of education.

IC 20-33-8.5-12. Child not deprived of due process rights.
This chapter does not deprive a child of any due process rights to which the child may be entitled.
IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.
A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report: (1) a general description of the violation; (2) the name or a general description of each violator known to the member; (3) the date, time, and place of the violation; (4) the name or a general description of each person who the member knows witnessed any part of the violation; and (5) a general description and the location of any property that the member knows was involved in the violation; in writing to a law enforcement officer.

An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.

IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot.
(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:
   (1) in or on school property; or
   (2) on a school bus; commits a Level 6 felony.
(b) It is a defense to a prosecution under subsection (a) that:
   (1) the person is permitted to legally possess the firearm; and
   (2) the firearm is:
      (A) locked in the trunk of the person's motor vehicle;
      (B) kept in the glove compartment of the person's locked motor vehicle; or
      (C) stored out of plain sight in the person's locked motor vehicle.
(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

IC 20-33-9-7. Privileged or confidential information.
A report is not required under sections 5 through 6 of this chapter if: (1) a federal statute or regulation; (2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or (3) a rule adopted by a state agency; imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.
REGULATIONS
No relevant regulations found.

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

LAWS

IC 20-19-3-4. Duties of department; suspension and expulsion statistics; provision of data necessary for audit or evaluation of education programs; identification numbers for new schools
(a) The department shall:
   (1) perform the duties required by statute;
   (2) implement the policies and procedures established by the state board;
   (3) conduct analytical research to assist the state board in determining the state's educational policy;
   (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
   (5) provide technical assistance to school corporations.
(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:
   (1) Alcohol.
   (2) Drugs.
   (3) Deadly weapons (other than firearms).
   (4) Handguns.
   (5) Rifles or shotguns.
   (6) Other firearms.
   (7) Tobacco.
   (8) Attendance.
   (9) Destruction of property.
   (10) Legal settlement (under IC 20-33-8-17).
   (11) Fighting (incident does not rise to the level of battery).
   (12) A battery offense included in IC 35-42-2.
   (13) Intimidation (IC 35-45-2-1).
   (14) Verbal aggression or profanity.
   (15) Defiance.
   (16) Other.
(d) The department shall develop guidelines necessary to implement this section.

(a) The report must include the following information:
   (1) Student enrollment.
(2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4 or IC 20-32-4-4.1.

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:
   (A) All state standardized assessment scores.
   (B) Scores for assessments under IC 20-32-5-21 (before its expiration on July 1, 2018), if appropriate.
   (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

(6) The school's performance category or designation of school improvement assigned under IC 20-31-8.

(7) The number and percentage of students in the following groups or programs:
   (A) Alternative education, if offered.
   (B) Career and technical education.
   (C) Special education.
   (D) High ability.
   (E) Limited English language proficiency.
   (F) Students receiving free or reduced price lunch under the national school lunch program.
   (G) Students in foster care.

(8) Advanced placement, including the following:
   (A) For advanced placement tests, the percentage of students:
       (i) scoring three (3), four (4), and five (5); and
       (ii) taking the test.
   (B) For the Scholastic Aptitude Test:
       (i) the average test scores for all students taking the test;
       (ii) the average test scores for students completing the Indiana diploma with a Core 40 with academic honors designation program; and
       (iii) the percentage of students taking the test.

(9) Course completion, including the number and percentage of students completing the following programs:
   (A) Academic honors curriculum.
   (B) Core 40 curriculum.
   (C) Career and technical programs.

(10) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

(11) School safety, including:
   (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; and
   (B) the number of incidents reported under IC 20-33-9.

(12) Financial information and various school cost factors required to be provided to the office of management and budget under IC 20-42.5-3-5.
(13) The number and percentage of each of the following within the school corporation:
   (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
   (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
   (C) Teachers with national board certification.
(14) The percentage of grade 3 students reading at grade 3 level.
(15) The number of students expelled, including the percentage of students expelled disaggregated by race, grade, gender, free or reduced price lunch status, eligibility for special education, and students in foster care.
(16) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.
(17) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.
(18) The number of students who have dropped out of school, including the:
   (A) reasons for dropping out; and
   (B) percentage of students who have dropped out, disaggregated by race, grade, gender, free or reduced price lunch status, eligibility for special education, and students in foster care.
(19) The number of out of school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced price lunch status, eligibility for special education, and students in foster care.
(20) The number of in school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced price lunch status, eligibility for special education, and students in foster care.
(21) The number of student work permits revoked.
(22) The number of students receiving an international baccalaureate diploma.

(b) Section 3(a) of this chapter does not apply to the publication of information required under this subsection. This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). A separate report including the information reported under subsection (a) must be:
   (1) disaggregated by race, grade, gender, free or reduced price lunch status, eligibility for special education, and students in foster care; and
   (2) made available on the Internet as provided in section 3(b) of this chapter.

IC 20-26-5-32. Involvement of parents with discipline plan; department’s model discipline plan.
(a) The governing body of each school corporation shall work with parents to:
   (1) develop; and
   (2) review periodically; an evidence-based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.
(b) The model plan developed by the department under subsection (a) must:
   (1) reduce out-of-school suspension and disproportionality in discipline and expulsion;
   (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and
(3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.

c) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations, teacher organizations, educational support professional organizations, and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan developed under subsection (a) to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan.

IC 20-26-18-6. Reporting requirements.
(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal organization activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

(1) A summary of the activities reported to the department under subsection (a).

(2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal organization activity in schools.

IC 20-33-8-13.5. Discipline rules prohibiting bullying required.
(a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include:

(A) provisions concerning education, parental involvement, and intervention;

(B) a detailed procedure for the expedited investigation of incidents of bullying that includes:

(i) appropriate responses to bullying behaviors, wherever the behaviors occur;

(ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;

(iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;

(iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;

(v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and

(vi) discipline provisions for false reporting of bullying; and

(C) a detailed procedure outlining the use of follow-up services that includes:

(i) support services for the victim; and

(ii) bullying education for the bully.
(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

(1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and

(2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system;

(3) computer network; or

(4) cellular telephone or other wireless or cellular communications device.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

**IC 20-34-2-5. Duties**

Each committee shall do the following:

(1) Develop a drug-free school plan that:

   (A) requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; [...]

**IC 20-34-6-1. School corporation reports; department reports.**

(a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

(1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.

(2) The offenses for which students were arrested on school corporation property.

(3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.

(4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.

(5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:

   (A) the number of officers in the school corporation police department; and

   (B) the training the officers must complete.

(6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.
(7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.

(8) The number of reported bullying incidents involving a student of the school corporation by category. However, nothing in this subdivision may be construed to require all bullying incidents to be reported to a law enforcement agency.

(b) By August 1 of each year, the department shall submit a report to:

(1) the legislative council;

(2) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and

(3) the criminal justice institute; providing a summary of the reports submitted to the department under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site.

(d) Information reported under subsection (a)(8) may not be used in the calculation of a school corporation's improvement under IC 20-31-8.

IC 20-34-6-2. Notice of reporting requirements; audits.

(a) Not later than June 1, 2018, and each June 1 thereafter, the department shall send notification via electronic mail or a letter to each school corporation explaining:

(1) the school corporation’s obligation to report bullying incidents under section 1(a)(8) [IC 20-34-6-1(a)(8)] of this chapter; and

(2) that the department may conduct an audit of a school corporation under subsection (b) to ensure the school corporation’s compliance with the requirements of section 1(a)(8) of this chapter.

(b) The department may conduct an audit of a school corporation to ensure that the school corporation is accurately reporting bullying incidents under section 1(a)(8) of this chapter. If the department finds discrepancies in the school corporation’s reporting of bullying incidents under section 1(a)(8) of this chapter, the department shall post a copy of the department’s findings on the department’s Internet web site.

REGULATIONS

513 IAC 1-2-7. Monitoring and reporting.

(a) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:

(1) The student.

(2) Other students.

(3) Teachers.

(4) Staff.

(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

(c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:
(1) no later than the end of the school day or as soon as practical;
(2) verbally; and
(3) in accordance with the seclusion and restraint plan adopted by a school.

(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

(e) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which either seclusion or restraint is used in its annual performance report.

(f) A school resource officer is involved in an incident of restraint or seclusion of a student when the school resource officer:

(1) directs the restraint or seclusion of a student;
(2) assists with the restraint or seclusion of a student; or
(3) initiates the seclusion or restraint of a student.

(g) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.
(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.
(b) Including the location of the plan in the student handbook satisfies subsection (a).

513 IAC 1-2-10. Debriefing session.
(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

(1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.

(2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.

(3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

IC 20-26-16-6. School corporation police officers; oath; powers and duties; Jurisdiction.
(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a school corporation; however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school, and assist and cooperate with other law enforcement agencies and officers.

(a) A school resource officer may:
   (1) make an arrest;
   (2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;
   (3) carry a firearm on or off school property; and
   (4) exercise other police powers with respect to the enforcement of Indiana laws.
(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

IC 20-33-2-23. Powers of certain officers to take children into custody.
(a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:
   (1) is required to attend school under this chapter; and
   (2) is found during school hours, unless accompanied:
      (A) by a parent; or
      (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.
(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and
the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

IC 20-26-16-4. Minimum training requirements.
An individual appointed as a school corporation or charter school police officer must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

IC 20-26-16-5. Training for certain officers.
(a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least: (1) the pre-basic training course established under IC 5-2-1-9(f); and (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not: (1) make an arrest; (2) conduct a search or a seizure of a person or property; or (3) carry a firearm; unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).


(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; or

(C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.
IC 20-33-2-41. Attendance officers; licensing required; exception.
With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

IC 10-21-1-2. Indiana secured school fund.
Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) may:

(1) employ a school resource officer or enter into a contract or a memorandum of understanding with a:
   (A) local law enforcement agency;
   (B) private entity; or
   (C) nonprofit corporation;

   to employ a school resource officer;

IC 10-21-1-4. Matching grant for school corporation, charter school, or accredited nonpublic school.
(a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to:

(1) establish a program to employ a school resource officer;
(2) provide school resource officer training described in IC 20-26-18.2-1(b)(2);
(3) conduct a threat assessment;
(4) purchase equipment to restrict access to the school or expedite the notification of first responders; or
(5) implement a student and parent support services plan in the manner set forth in IC 20-34-9;

in accordance with section 2(a) [IC 10-21-1-2(a)] of this chapter.

IC 20-26-16-1. Application.
This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12) and a charter school.

IC 20-26-16-2. Authority to establish police department.
The governing body of a school corporation or charter school may establish a school corporation or charter school police department under this chapter.

IC 20-26-16-3. Authority to appoint officers; uniforms; vehicles.
The governing body of a school corporation or the equivalent for a charter school may do the following for the school corporation or charter school police department:
(1) Appoint school corporation or charter school police officers.
(2) Prescribe the duties and direct the conduct of school corporation or charter school police officers.
(3) Prescribe distinctive uniforms.
(4) Provide emergency vehicles.

**IC 20-26-16-4. Minimum training requirements.**

An individual appointed as a school corporation or charter school police officer must successfully complete at least:

1. the pre-basic training course established under IC 5-2-1-9(f); and
2. the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

**IC 20-26-16-5. Training for certain officers.**

(a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least: (1) the pre-basic training course established under IC 5-2-1-9(f); and (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not: (1) make an arrest; (2) conduct a search or a seizure of a person or property; or (3) carry a firearm; unless the school corporation or charter school police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

**IC 20-26-16-6. School corporation police officers: oath; powers and duties; Jurisdiction.**

(a) A school corporation or charter school police officer appointed under this chapter:

1. is a law enforcement officer (as defined in IC 5-2-1-2(1));
2. must take an appropriate oath of office in a form and manner prescribed by the governing body or the equivalent for a charter school;
3. serves at the governing body’s (or the equivalent for a charter school) pleasure; and
4. performs the duties that the governing body or the equivalent for a charter school assigns.

(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a school corporation; however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school, and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation or charter school, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.
IC 20-26-16-7. Existing school corporation police departments.

A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

IC 20-26-18.2-1. "School resource officer".

(a) As used in this chapter, "school resource officer" means an individual who:

1. has completed the training described in subsection (b);
2. is assigned to one (1) or more school corporations or charter schools to:
   (A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and
   (B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:
      (i) protect against outside threats to the physical safety of students;
      (ii) prevent unauthorized access to school property; and
      (iii) secure schools against violence and natural disasters; and
3. is:
   (A) employed by a law enforcement agency;
   (B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:
      (i) is subject to the direction of the sheriff or appointing law enforcement agency;
      (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
      (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
      (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or
   (C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

1. successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and
2. received at least forty (40) hours of school resource officer training through:
   (A) the Indiana law enforcement training board established by IC 5-2-1-3;
   (B) the National Association of School Resource Officers; or
   (C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

1. school campuses; and
2. school building security needs and characteristics.

IC 20-26-18.2-2. Employment of school resource officer; duties.

(a) A school resource officer may be employed:
(1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;  
(2) by one (1) or more school corporations or charter schools;  
(3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or  
(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.  
(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:  
(1) Protects against outside threats to the physical safety of students.  
(2) Prevents unauthorized access to school property.  
(3) Secures schools against violence and natural disasters.  
(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.  

IC 20-26-18.2. School resource officer's police powers.  
(a) A school resource officer may:  
(1) make an arrest;  
(2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;  
(3) carry a firearm on or off school property; and  
(4) exercise other police powers with respect to the enforcement of Indiana laws.  
(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.  

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.  
The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.  

(a) It is the duty of each: (1) superintendent; (2) attendance officer; (3) state attendance official; (4) security police officer appointed under IC 36-8-3-7; and (5) school corporation police officer appointed under IC 20-26-16; to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.
(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

(a) The governing body of each school corporation may appoint or the governing bodies of two (2) or more school corporations jointly may appoint:

(1) one (1) attendance officer; and

(2) one (1) additional attendance officer for every seven thousand five hundred (7,500) students in ADA in the school corporation or school corporations. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to pay the salary and expenses of attendance officers appointed in accordance with this section.

(b) If the governing body of a school corporation declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

IC 20-33-2-35. Ex officio attendance officers.
If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more school employees as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

IC 20-33-2-38. Attendance officers; appointment of additional officers.
Any school corporation or school corporations may appoint more attendance officers than are specifically authorized under section 31 of this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

(a) An attendance officer has the following duties:

(1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.

(2) To maintain an office at a place designated by the superintendent.

(3) To be on duty during school hours and at other times as the superintendent may request.

(4) To keep records and make reports as required by the state board.

(5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.

(6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.

(7) To serve written notice on any parent whose child is out of school illegally.

(8) To visit factories where children are employed.

(9) To perform other duties necessary for complete enforcement of this chapter.
IC 20-33-2-40. Attendance officers; special powers.
(a) Each attendance officer may serve original and other process in cases arising under this chapter.
(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer’s or the school official’s entry into a place of business or interferes with the officer’s or official’s investigation in any way commits a violation of this chapter.

IC 20-33-2-41. Attendance officers; licensing required; exception.
With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

IC 20-33-2-42. Attendance; duties of state superintendent of public instruction.
(a) The state superintendent shall:
   (1) prescribe duties for the state attendance officer not provided by law;
   (2) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
   (3) perform all other duties necessary for the complete enforcement of this chapter.

IC 20-33-2-43. State attendance officers; appointment; removal; duties; powers.
(a) The state superintendent shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the state superintendent and may be removed by the state superintendent at any time.
(b) The state attendance officer shall:
   (1) exercise general supervision over the attendance officers of Indiana;
   (2) visit the various attendance districts throughout Indiana;
   (3) inspect the work of the attendance officers; and
   (4) investigate the manner in which this chapter is being enforced.
(c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

REGULATIONS
No relevant regulations found.
**State Education Agency Support**

State model policies and implementation support

**LAWS**

**IC 5-2-10.1-12. Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department.**

(a) Each school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

1. Unsafe conditions, crime prevention, school violence, bullying, criminal organization activity, child abuse and child sexual abuse, and other issues that prevent the maintenance of a safe school.

2. Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

3. Methods to encourage:
   - (A) involvement by the community and students;
   - (B) development of relationships between students and school faculty and staff; and
   - (C) use of problem solving teams.

4. As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

1. developing and implementing bullying prevention programs;

2. establishing investigation and reporting procedures related to bullying; and

3. adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

(f) The materials and guidelines provided under subsection (b) must include the model educational materials and model response policies and reporting procedures on child abuse and child sexual abuse developed or identified under IC 20-19-3-11.

**IC 20-19-3-10. Dating violence educational materials.**

(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

1. model dating violence educational materials; and
(2) a model for dating violence response policies and reporting. Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

   (1) Warning signs of dating violence.
   (2) The basic principles of dating violence prevention.
   (3) Methods of parental education and outreach.

IC 20-19-3-12. Identification, development, and availability of model educational materials on criminal organization activity.

(a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal organization education, prevention, or intervention that the department determines to be appropriate, shall:

   (1) identify or develop evidence based model educational materials on criminal organization activity; and
   (2) develop and maintain a model policy to address criminal organizations and criminal organization activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal organization policy.

(c) The model educational materials on criminal organization activity identified or developed under subsection (a)(1) must include information:

   (1) to educate students and parents on the extent to which criminal organization activity exists;
   (2) regarding the negative societal impact that criminal organizations have on the community;
   (3) on methods to discourage participation in criminal organizations; and
   (4) on methods of providing intervention to a child suspected of participating in criminal organization activity.

(d) The model criminal organization policy developed under subsection (a)(2) must include:

   (1) a statement prohibiting criminal organization activity in schools;
   (2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal organization activity;
   (3) definitions of "criminal organization" as set forth in IC 35-45-9-1 and "criminal organization activity";
   (4) model procedures for:
      (A) reporting suspected criminal organization activity; and
      (B) the prompt investigation of suspected criminal organization activity;
   (5) information about the types of support services, including family support services, available for a student suspected of participating in criminal organization activity; and
   (6) recommendations concerning criminal organization prevention and intervention services and programs for students that maximize community participation and the use of federal funding.
IC 20-19-3-12.2. Reduction in absenteeism; policy priority; resources and guidance.
(a) The department shall make reduction of absenteeism in schools a policy priority and provide assistance and guidance to school corporations and schools in:
   (1) identifying contributing factors of absenteeism; and
   (2) developing chronic absence reduction plans that school corporations may elect to include as a component of the school improvement plans required under IC 20-31-5.
(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school.

IC 20-26-5-32. Involvement of parents with discipline plan; department’s model discipline plan.
(a) The governing body of each school corporation shall work with parents to:
   (1) develop; and
   (2) review periodically; an evidence-based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.
(b) The model plan developed by the department under subsection (a) must:
   (1) reduce out-of-school suspension and disproportionality in discipline and expulsion;
   (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and
   (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.
(c) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations, teacher organizations, educational support professional organizations, and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan developed under subsection (a) to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

IC 5-2-10-2. Purpose; composition of fund.
The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:
   (1) under IC 33-37-9-4; and
   (2) from any other public or private source.
IC 5-2-10-6. Applications for grants; comprehensive drug free communities plan.
A person, an organization, an entity, a political subdivision, or an agency may receive a grant from the fund for services or activities included in a comprehensive drug free communities plan approved by the criminal justice institute by applying to the criminal justice institute.

IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.
(a) The Indiana safe schools fund is established to do the following:
   (1) Promote school safety through the:
       (A) use of dogs trained to detect drugs and illegal substances; and
       (B) purchase of other equipment and materials used to enhance the safety of schools.
   (2) Combat truancy.
   (3) Provide matching grants to schools for school safe haven programs.
   (4) Provide grants for school safety and safety plans. However, a grant from the fund may not be used to employ a school resource officer (as defined in IC 20-26.18.2-1) or a law enforcement officer (as defined in IC 35-31.5-2-185).
   (5) Provide educational outreach and training to school personnel concerning:
       (A) the identification of;
       (B) the prevention of; and
       (C) intervention in; bullying.
   (6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
       (A) the identification of;
       (B) the prevention of; and
       (C) intervention in; criminal organization activities.
   (7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:
       (A) alternatives to suspension and expulsion; and
       (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.
(b) The fund consists of amounts deposited:
   (1) under IC 33-37-9-4; and
   (2) from any other public or private source.
(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:
   (1) A grant for a safety plan.
   (2) A safe haven grant requested under section 10 of this chapter.
   (3) A safe haven grant requested under section 7 of this chapter.
(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.
10-21-1-4. Matching grant for school corporation, charter school, or accredited nonpublic school.

(a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to:

(1) establish a program to employ a school resource officer;

(2) provide school resource officer training described in IC 20-26-18.2-1(b)(2);

(3) conduct a threat assessment;

(4) purchase equipment to restrict access to the school or expedite the notification of first responders; or

(5) implement a student and parent support services plan in the manner set forth in IC 20-34-9; in accordance with section 2(a) [IC 10-21-1-2(a)] of this chapter.

(b) A matching grant awarded to a school corporation or charter school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation or charter school (or the coalition of schools applying jointly).

(2) The following amounts:

(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(B) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly.

(c) A school corporation or charter school may receive only one (1) matching grant under this section each year.

(d) The board may not award a grant to a school corporation or charter school under this chapter unless the school corporation or charter school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

10-21-1-4.5. Active event warning system - Specifications.

(a) The board may award a grant to provide for the initial set up costs for an active event warning system to a school corporation, charter school, or accredited nonpublic school that jointly applies with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located. The specifications for an active event warning system must include the following:

(1) A two (2) phone application based system that includes school officials as a sender within the system and law enforcement agencies as a receiver within the system.

(2) An adjusted geofence to alert law enforcement agencies that are within a certain geographic location, including settings based on rural and urban locations, with an urban setting having a reduced geofence and a rural setting having a broader geofence.

(3) The ability for students and the public to submit anonymous tips through a free reporting application.

(4) The ability for information within the system to be interoperable with 911 dispatch.
(5) The ability to display the school's address and location on a map.
(6) The ability to provide notifications during emergencies and nonemergencies.
(7) The ability to call 911 automatically when the system is triggered.
(8) The ability to operate several individual school response plans.

(b) A school corporation, charter school, or accredited nonpublic school may receive only one (1) grant under this section.
(c) A sheriff for a county may receive multiple grants under this section.
(d) The board may not award a grant to a school corporation or charter school under this section unless the school corporation or charter school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

(a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.

(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, an accredited nonpublic school, the commission, or a member of the commission.

(c) In all matters relating to the plan adopted under section 14 of this chapter, school corporation or accredited nonpublic school personnel have qualified immunity with respect to an action taken to promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.
(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

(3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

IC 20-33-9-8. Immunity from civil liability; presumption of good faith.
(a) A person, other than a person who has committed a violation under section 1 of this chapter or a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult, who:

(1) makes a report under this chapter in good faith; (2) participates in good faith in a judicial proceeding resulting from a report under this chapter; (3) employs a person described in subdivision (1) or (2); or (4) supervises a person described in subdivision (1) or (2); is not liable for civil damages or penalties that might otherwise be imposed because of the conduct described in subdivisions (1) through (4).

(b) A person described in subsection (a)(1) or (a)(2) is presumed to act in good faith.

Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or

(2) participates in any judicial proceeding or other proceeding:

(A) resulting from a report under this chapter; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.
An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

An individual making a report under sections 10 through 14 of this chapter or assisting in any requirement of sections 10 through 14 of this chapter is presumed to have acted in good faith.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

IC 20-20-40-11. Establishment of the commission on seclusion and restraint.
(a) The commission on seclusion and restraint in schools is established.
(b) The commission has the following ten (10) members:
   (1) The designee of the state superintendent, who serves at the pleasure of the state superintendent
   (2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.
   (3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.
   (4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.
   (5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.
   (6) A parent of a student with a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.
   (7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (1) through (5) and approved by a majority of the members described in subdivisions (1) through (5), who serves a two (2) year term.
   (8) One (1) accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.
   (9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.
   (10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.
(c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
IC 20-20-40-12. Chairperson; meetings; votes and actions of the commission.

(a) The designee of the state superintendent under section 11(b)(1) of this chapter serves as chairperson of the commission.

(b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.

(c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.

(d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.

(e) The department shall provide staff support for the commission.

IC 20-20-40-13. Duties; rules; notice requirement; training; elements of the restraint and seclusion plan.

(a) The commission has the following duties:

(1) To adopt rules concerning the following:
   (A) The use of restraint and seclusion in a school corporation or an accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.
   (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.
   (C) Requirements for notifying parents.
   (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.
   (E) The distribution of the seclusion and restraint policy to parents and the public.
   (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).
   (G) Circumstances that may require more timely incident reporting and the requirements for such reporting.

(2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:
   (A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.
   (B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for use of any of the following:
      (i) Seclusion.
      (ii) Chemical restraint.
      (iii) Mechanical restraint.
      (iv) Physical restraint.
   (C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.
   (D) Definitions for restraint and seclusion, as defined in this chapter.
   (E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:
(i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
(ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:
   (i) how every incident will be documented and debriefed;
   (ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and
   (iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict de-escalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for accredited nonpublic schools may vary, and the model plan must provide accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by an accredited nonpublic school under section 14 of this chapter.


(a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal organizations and criminal organization activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

   (1) parents;
   (2) school employees;
   (3) local law enforcement officials;
   (4) the county prosecuting attorney;
   (5) the county public defender;
   (6) organizations that have expertise in criminal organization education, prevention, or intervention;
   (7) a juvenile court judge;
   (8) a school behavioral health or community mental health professional; and
   (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal organization policy set forth in IC 20-19-3-12(d).
(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal organization policy to the department.

**IC 20-26-18-5. Establishment of criminal organization intervention program.**

To foster the continuing coordination of criminal organization prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal organization intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

1. Parents.
2. School employees.
3. Local law enforcement officials.
4. The county prosecuting attorney.
5. The county public defender.
6. A juvenile court judge.
7. A school behavioral health or community mental health professional.
8. Representatives of organizations that have expertise in criminal organization education, prevention, or intervention.
9. Any other person or entity the governing body determines is appropriate.

**IC 20-33-8-25. Additional disciplinary actions authorized.**

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

9. Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

   (A) A principal may not assign a student under this subdivision unless the student's parent approves:

      (i) the nonprofit organization where the student is assigned; and

      (ii) the plan described in clause (B)(i).

   A student's parent may request or suggest that the principal assign the student under this subdivision.

   (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

      (i) A plan for the service that the student is expected to perform.

      (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

      (iii) Monitoring of the student's performance of service by the principal or the principal's designee.

      (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

   (C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.
(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

**IC 20-34-2-1. "Committee".**
As used in this chapter, "committee" refers to a drug-free schools committee.

**IC 20-34-2-2. Establishing committee.**
To facilitate the establishment of drug-free schools in Indiana, the governing body of each school corporation shall establish a drug-free schools committee for each school in the school corporation.

**IC 20-34-2-3. Membership.**
Each committee must consist of not more than fifteen (15) members who represent the following from the school corporation:

1. School personnel.
2. Parents of students.
3. Representatives of the community.

**IC 20-34-2-4. Appointments**
Appointments to the committee must be made in compliance with contractual provisions, discussion procedures, or past practice.

**IC 20-34-2-5. Duties**
Each committee shall do the following:

1. Develop a drug-free school plan that:
   
   1. requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; and
   2. addresses ways to eliminate illegal drugs and drug related behavior in schools.

2. Oversee the implementation of the school plan.
3. Oversee the implementation of the curriculum under IC 20-30-5-11.

**REGULATIONS**
No relevant regulations found.

**Other or Uncategorized**

**LAWS**

**IC 10-21-1.5-1. "Department".**
As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

**IC 10-21-1.5-2. "Emergency response system".**
As used in this chapter, "emergency response system" means systems designed to improve technology and infrastructure on school property that may be used to prevent, prepare for, respond to, and recover from a manmade or natural disaster or emergency occurring on school property.
IC 10-21-1.5-3. "School property".
As used in this chapter, "school property" means any property owned, rented, leased, or operated by:
(1) a nonpublic school (as defined in IC 20-18-2-12);
(2) a public school (as defined in IC 20-18-2-15); or
(3) an approved postsecondary educational institution (as defined by IC 21-7-13-6).

IC 10-21-1.5-4. Emergency response system guidelines.
Not later than July 1, 2017, the department shall establish and maintain guidelines for emergency response systems. The department shall establish emergency response system guidelines with input from the division of school building physical security and safety (established by IC 20-19-3-14).

IC 20-33-8-21. Scope of judicial review.
Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:
(1) voluntarily; and
(2) with the knowledge of the:
   (A) procedures available under this chapter; and
   (B) consequences of the waiver.

IC 20-33-8-31. Effect of suspension or expulsion on compulsory attendance laws.
(a) If a student is suspended from school or from any educational function under this chapter, the student's absence from school because of the suspension is not a violation of:
   (1) IC 20-33-2; or
   (2) any other statute relating to compulsory school attendance.
(b) If a student is expelled from school or from any educational function under this chapter, the student's absence from school because of the expulsion is a violation of IC 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:
   (1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or
   (2) a virtual charter school if the student does not enroll in a program or school described in subdivision (1) or (2);
   during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of IC 20-33-2 or any other statute relating to compulsory school attendance.

IC 20-33-8-33. Duty to submit information to bureau of motor vehicles.
Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal may submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.
**IC 20-33-9-5. Controlled substance violations; reports by school employees.**

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

**IC 20-33-9-10. Duty to report threat.**

In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee: (1) has received a threat; (2) is the victim of intimidation; (3) is the victim of battery; or (4) is the victim of harassment; shall report that information as required by this chapter.

**IC 20-33-9-11. Procedure to make report.**

(a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

**IC 20-33-9-12. Relief of obligation to report.**

This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

**REGULATIONS**

No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Indiana provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<tr>
<th>Title</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Bullying &amp; Cyberbullying Prevention and Response, Indiana Department of Education (IDOE)</td>
<td>Provides links to reporting, prevention, school policy, staff training, resources, student services, and contact information related to bullying.</td>
<td><a href="https://www.doe.in.gov/school-improvement/bullying-prevention-and-response">https://www.doe.in.gov/school-improvement/bullying-prevention-and-response</a></td>
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<tr>
<td>Commission on Seclusion and Restraint in Schools, IDOE</td>
<td>Provides links to resources, trainings, and commission on Seclusion and Restraints in schools as well as the Model Restraint and Seclusion Plan.</td>
<td><a href="http://www.doe.in.gov/srcommission">http://www.doe.in.gov/srcommission</a></td>
</tr>
<tr>
<td>School Climate, IDOE</td>
<td>Provides information and resources on school climate and cultural awareness, including information on state laws, evidence-based practices, and professional development resources.</td>
<td><a href="https://www.doe.in.gov/student-services/school-climate-and-cultural-awareness">https://www.doe.in.gov/student-services/school-climate-and-cultural-awareness</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>Model School Corporation Policy on Anti-Bullying, IDOE</td>
<td>State model policy addressing anti-bullying in accordance with state law.</td>
<td><a href="https://www.doe.in.gov/sites/default/files/school-improvement/model-school-corporation-policy.docx">https://www.doe.in.gov/sites/default/files/school-improvement/model-school-corporation-policy.docx</a></td>
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<tr>
<td>Model Restraint and Seclusion Plan, IDOE</td>
<td>State model plan providing guidance to school corporations regarding the limited use of either seclusion or restraint of students.</td>
<td><a href="https://www.doe.in.gov/sites/default/files/srcommission/indiana-commission-restraint-seclusion-model-plan.pdf">https://www.doe.in.gov/sites/default/files/srcommission/indiana-commission-restraint-seclusion-model-plan.pdf</a></td>
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<tr>
<td>Bullying Staff Training, IDOE</td>
<td>Online training series for school personnel addressing bullying prevention and school policy.</td>
<td><a href="https://www.doe.in.gov/student-services/bullying-staff-training">https://www.doe.in.gov/student-services/bullying-staff-training</a></td>
</tr>
<tr>
<td>School Building Physical Security and Safety, IDOE</td>
<td>Online training provided by the Indiana School Safety Specialist Academy on school safety, security, intervention/prevention, and emergency preparedness planning.</td>
<td><a href="http://www.doe.in.gov/safety">http://www.doe.in.gov/safety</a></td>
</tr>
<tr>
<td>Supporting Student Success through Culturally Responsive Practice (Video), IDOE</td>
<td>Instructional video related to reviewing school policies and practices to promote equity and culturally responsive learning environments.</td>
<td><a href="https://www.youtube.com/watch?v=U2HzvGU7Zlw&amp;feature=youtu.be">https://www.youtube.com/watch?v=U2HzvGU7Zlw&amp;feature=youtu.be</a></td>
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Iowa
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Safe Supportive Learning
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General Provisions

Authority to develop and establish rules of conduct

LAWS

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules. The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions. The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work-related duties.

Employees of a school corporation maintaining a high school who have the custody of funds belonging to the corporation or funds derived from extracurricular activities and other sources in the conduct of their duties, shall be required to furnish suitable bond indemnifying the corporation or any activity group connected with the school against loss, and employees who have the custody of property belonging to the corporation or any activity group connected with the school may be required to furnish such bond. Said bond or bonds may be in such form and penalty as the board may approve and the premiums on same shall be paid from the general fund of the corporation.

279.58. School dress code policies.

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school. Adoption and enforcement of a dress code policy is not a violation of section 280.22.

279.66. Discipline and personal conduct standards.
The board of directors of a school district shall review and modify existing policies related to student discipline and student conduct that are designed to promote responsible behavior on school property and at school functions in order that the policy shall govern the conduct of students, teachers and other school personnel, and visitors; provide opportunities for students to exercise self-discipline and practice cooperative classroom behavior; and encourage students and practitioners to model fairness, equity, and respect. The policy shall specify the responsibilities of students, parents and guardians, and practitioners in creating an atmosphere where all individuals feel a sense of respect, safety, and belonging, and shall set forth the consequences for unacceptable behavior. The policy shall be published in the student handbook.

280.24. Procedures for reporting drug or alcohol possession or use.
The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include a provision which does not require a
report when the school officials have determined that a school at-risk or other student assistance program would be jeopardized if a student self reports.

280.28. Harassment and bullying prohibited - policy - immunity.
3. Policy. On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy.

The board of directors of a public school district or the authorities in charge of an accredited nonpublic school shall prescribe reasonable rules for the punishment of truants.

REGULATIONS
No relevant regulations found.

Scope

LAWS

279.66. Discipline and personal conduct standards.
The board of directors of a school district shall review and modify existing policies related to student discipline and student conduct that are designed to promote responsible behavior on school property and at school functions in order that the policy shall govern the conduct of students, teachers and other school personnel, and visitors; provide opportunities for students to exercise self-discipline and practice cooperative classroom behavior; and encourage students and practitioners to model fairness, equity, and respect. The policy shall specify the responsibilities of students, parents and guardians, and practitioners in creating an atmosphere where all individuals feel a sense of respect, safety, and belonging, and shall set forth the consequences for unacceptable behavior. The policy shall be published in the student handbook.

282.4. Suspension - expulsion.
2.A. A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

REGULATIONS
No relevant regulations found.
Communication of policy

LAWS

280.28. Harassment and bullying prohibited - policy - immunity.
3. Policy. On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians.

REGULATIONS

No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

2. A school employee who, in the reasonable course of the employee’s employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves the following:
   f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.

REGULATIONS

Notwithstanding rule 103.2(256B,280), no employee subject to these rules is prohibited from:
1. Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
   To remove a disruptive pupil from class or any area of school premises, or from school-sponsored activities off school premises.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Use of corporal punishment

LAWS

1. An employee of a public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, “corporal punishment” means the intentional physical punishment of a student. An employee’s physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student’s control; or for the protection of property. The department of education shall adopt rules to implement this section.

REGULATIONS

In conjunction with Iowa Code section 280.21, the purpose of this chapter is to define and exemplify generally the limitations placed on employees of public schools, accredited nonpublic schools, and area education agencies in applying physical contact or force to enrolled students, and to require that any such force or contact is reasonable and necessary under the circumstances. These rules also provide requirements for administrators and staff of public schools, accredited nonpublic schools, and area education agencies regarding the use of physical restraints and physical confinement and detention. The applicability of this chapter to physical restraint or physical confinement and detention does not depend on the terminology employed by the organization to describe physical restraint or physical confinement and detention.

281-103.2(256B,280). Ban on corporal punishment.
An employee of a public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. "Corporal punishment" is defined to mean the intentional physical punishment of a student. It includes the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain.

281-103.3(256B,280). Exclusions.
Corporal punishment does not include the following:
1. Verbal recrimination or chastisement directed toward a student;
2. Reasonable requests or requirements of a student engaged in activities associated with physical education class or extracurricular athletics;
3. Actions consistent with and included in an individualized education program developed under the Individuals with Disabilities Education Act, as reauthorized, Iowa Code chapter 256B, and 281-Chapter 41; however, under no circumstance shall an individualized education program violate the provisions of this chapter;
4. Reasonable periods of detention, not in excess of school hours, or brief periods of before- and after-school detention, in a seat, classroom or other part of a school facility, unless the detention is accomplished by the use of material restraints applied to the person. If detention meets this chapter’s definition of "physical confinement and detention," the provisions of this chapter on physical confinement and detention must be followed. For purposes of this chapter, material restraints do not include devices, objects, or techniques required or ordered for reasons of safety (e.g., safety harnesses.
on school buses) or for therapeutic or medical treatment (e.g., devices used for physical or occupational therapy), provided those devices, objects, or techniques are so used, and used for no other purpose;
5. Actions by an employee subject to these rules toward a person who is not a student of the school or receiving the services of an area education agency employing or utilizing the services of the employee.

Notwithstanding rule 103.2(256B,280), no employee subject to these rules is prohibited from:
1. Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
   To quell a disturbance or prevent an act that threatens physical harm to any person.
   To obtain possession of a weapon or other dangerous object within a pupil’s control.
   For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
   For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
   To remove a disruptive pupil from class or any area of school premises, or from school-sponsored activities off school premises.
   To prevent a student from the self-infliction of harm.
   To protect the safety of others.
2. Using incidental, minor, or reasonable physical contact to maintain order and control.
An employee subject to these rules is not privileged to use unreasonable force to accomplish any of the purposes listed above.

Use of student and locker searches

LAWS

808A.1. Definitions.
As used in this chapter, unless the context otherwise requires:
1. “Protected student area” includes, but is not limited to:
   a. A student’s body.
   b. Clothing worn or carried by a student.
   c. A student’s pocketbook, briefcase, duffel bag, bookbag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student.
2. “School” means a public or nonpublic educational institution offering any of grades kindergarten through twelve.
3. “School official” means a licensed school employee, and includes unlicensed school employees employed for security or supervision purposes.
4. “Student” means a person enrolled in a school for any of grades kindergarten through twelve.
5. “Student search rule” means a rule established by the school board of a public school, pursuant to section 279.8 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas and school lockers, desks, and other facilities or spaces owned by the school. A student search rule, to be valid for purposes of this chapter, shall require that all searches of students or protected student areas be reasonably related in scope to the
circumstances which gave rise to the need for the search and based upon consideration of relevant factors which include, but are not limited to, the following:

a. The nature of the violation for which the search is being instituted.

b. The age or ages and gender of the students who may be searched pursuant to the rule.

c. The objectives to be accomplished by the search.

808A.2. Searches of students, protected student areas, lockers, desks, and other facilities or spaces.

1. The school board of each public school and the authorities in charge of each nonpublic school shall establish and may search a student or protected student area pursuant to a student search rule. The student search rule shall be published in each public school's and each nonpublic school's student handbook. A school official may search individual students and individual protected student areas if both of the following apply:

   a. The official has reasonable grounds for suspecting that the search will produce evidence that a student has violated or is violating either the law or a school rule or regulation.

   b. The search is conducted in a manner which is reasonably related to the objectives of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

2. School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. Allowing students to use a separate lock on a locker, desk, or other facility or space owned by the school and provided to the student shall also not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. However, each year when school begins, the school district shall provide written notice to all students and the students' parents, guardians, or legal custodians, that school officials may conduct periodic inspections of school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student without prior notice. An inspection under this subsection shall either occur in the presence of the students whose lockers are being inspected or the inspection shall be conducted in the presence of at least one other person.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

279.9. Use of tobacco, alcoholic beverages, or controlled substances.
The rules shall prohibit the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of the schools and the board may suspend or expel a student for a violation of a rule under this section.

282.4. Suspension - expulsion.
1. The board may, by a majority vote, expel any student from school for a violation of the regulations or rules established by the board, or when the presence of the student is detrimental to the best interests of the school. The board may confer upon any teacher, principal, or superintendent the power temporarily to suspend a student, notice of the suspension being at once given in writing to the president of the board.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

280.17B. Students suspended or expelled for possession of dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

280.21B. Expulsion - weapons in school.
The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student’s regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, “weapon” means a firearm as defined in 18 U.S.C. § 921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
282.4. Suspension - expulsion.

2. A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

282.4. Suspension - expulsion.

3. A student shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

279.9A. Student transfers - Information sharing.
The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 282.3, 280.21B, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, “school employees” means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

279.9B. Reports to juvenile authorities.
The rules adopted under section 279.8 shall require, once school officials have been notified by a juvenile court officer that a student attending the school is under supervision or has been placed on probation, that school officials shall notify the juvenile court of each unexcused absence or suspension or expulsion of the student.
280.17B. Students suspended or expelled for possession of dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

280.17B. Students suspended or expelled for possession of dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

282.4. Suspension - expulsion.
4. Notwithstanding section 282.6, if a student has been expelled or suspended from school and has not met the conditions of the expulsion or suspension, the student shall not be permitted to enroll in a school district until the board of directors of the school district approves, by a majority vote, the enrollment of the student.

282.5. Readmission of student.
When a student is suspended by a teacher, principal, or superintendent, pursuant to section 282.4, the student may be readmitted by the teacher, principal, or superintendent when the conditions of the suspension have been met, but when expelled by the board the student may be readmitted only by the board or in the manner prescribed by the board.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.
REGULATIONS

In conjunction with Iowa Code section 280.21, the purpose of this chapter is to define and exemplify generally the limitations placed on employees of public schools, accredited nonpublic schools, and area education agencies in applying physical contact or force to enrolled students, and to require that any such force or contact is reasonable and necessary under the circumstances. These rules also provide requirements for administrators and staff of public schools, accredited nonpublic schools, and area education agencies regarding the use of physical restraints and physical confinement and detention. The applicability of this chapter to physical restraint or physical confinement and detention does not depend on the terminology employed by the organization to describe physical restraint or physical confinement and detention.

281-103.5(256B,280). Reasonable force.
In determining the reasonableness of the physical force used by a school employee, the following factors shall be applied:

1. The size and physical, mental, and psychological condition of the student;
2. The nature of the student’s behavior or misconduct provoking the use of physical force;
3. The instrumentality used in applying the physical force;
4. The extent and nature of resulting injury to the student, if any;
5. The motivation of the school employee using physical force.

Reasonable physical force, privileged at its inception, does not lose its privileged status by reasons of an injury to the student, not reasonably foreseeable or otherwise caused by intervening acts of another, including the student.

281-103.6(256B,280). Physical confinement and detention.
If a student is physically confined and detained in a portion of a school facility, the following conditions shall be observed. For the purposes of this chapter, “physical confinement and detention” means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student’s egress is restricted.

1. The area of confinement and detention shall be of reasonable dimensions, and shall be free from hazards and dangerous objects or instruments, considering the age, size, and physical and mental condition of the student subject to confinement and detention;
2. There shall be sufficient light and adequate ventilation for human habitation;
3. A comfortable temperature shall be maintained, consistent with the facility that includes the confinement and detention area;
4. Reasonable break periods shall be afforded the student to attend to bodily needs. However, sleep shall not be considered a “bodily need” for purposes of this subrule;
5. The period of detention and confinement is reasonable, considering the age, size, and physical and mental condition of the student subject to confinement and detention, and not in excess of the hours in a school day as defined by local board policy or rule; however, reasonable periods of before- and after-school detention are permissible. If a period of physical confinement and detention exceeds the shorter of 60 minutes or the school’s typical class period, staff members shall evaluate the continued need for physical confinement and detention, shall obtain administrator (or designee) approval for any continued confinement and detention, and shall comply with any administrator (or designee) directives concerning any continued confinement and detention;
6. Adequate and continuous adult supervision is provided;
7. Material restraints applied to the person are not used to effect confinement;
8. If a room or enclosure used for physical confinement and detention has a locking mechanism, such room and mechanism shall comply with all applicable building code requirements and the following additional requirements:

If a locking mechanism is used, it shall be constructed so it will engage only when a handle, knob, or other device is held in position by a person, unless the mechanism is electrically or electronically controlled and automatically releases when the building's fire alarm system is activated, the building’s severe weather warning system is activated, or electrical power to the mechanism is interrupted.

When the locking mechanism is released, the door must be able to be readily opened from the inside.

If a locking mechanism requires a handle, knob, or other device to be held in position by a person before the mechanism is engaged, no person shall take any action, or cause such action to be taken, or employ any object, device, or instrument, or cause such to be employed, that disables the handle, knob, or other device such that the locking mechanism engages or remains engaged without the handle, knob, or other device being held in position by a person.

281-103.7(256B,280). Additional minimum mandatory procedures.

If a public school, accredited nonpublic school, or area education agency seeks to use physical restraint or physical confinement and detention, or both, it shall do so in compliance with the minimum requirements of this chapter. The board of a public school, accredited nonpublic school, or area education agency may adopt policies and procedures regarding the use of physical restraint or physical confinement and detention, or both, that exceed the minimum requirements contained in this chapter. Additional minimum mandatory procedures are as follows:

1. Physical restraint and physical confinement and detention shall not be used as discipline for minor infractions and may be used only after other disciplinary techniques have been attempted, if reasonable under the circumstances;
2. All school employees, before using physical restraint or physical confinement and detention, shall receive adequate and periodic training, which shall be documented and which shall include training on these rules and the employer’s policies and procedures; positive behavior interventions and supports; disciplinary alternatives to seclusion and restraint; crisis prevention, crisis intervention, and crisis de-escalation techniques; student and staff debriefing; and the safe and effective use of physical restraint and physical confinement and detention;
3. Parents and students are notified at least annually of the provisions of this chapter and of any additional policies and procedures of the public school, accredited nonpublic school, or area education agency on physical restraint and physical confinement and detention;
4. Any physical restraint shall be reasonable and necessary in duration, in light of the provisions of this chapter;
5. If a student is subjected to physical restraint or physical confinement and detention, the public school, accredited nonpublic school, or area education agency shall maintain documentation for each such occurrence, which shall contain at least the following information:

   The names of the student and the employees involved in the restraint, confinement, or detention, as well as the administrator who authorizes any additional periods of confinement or detention pursuant to numbered paragraph “5” of rule 103.6(256B,280);
   The date, time, and duration of the occurrence;
   The actions of the student before, during, and after the occurrence;
The actions of the employees involved in the occurrence before, during, and after the occurrence, including student and staff debriefing;

The alternatives to physical restraint or physical confinement and detention attempted before the occurrence;

A description of any injuries (whether to the student or others) and any property damage;

A description of future approaches to the student’s behavior;

6. The public school, accredited nonpublic school, or area education agency shall attempt to notify a child’s parent or guardian on the same day the child is subjected to physical restraint or physical confinement and detention; and

7. The student’s parent or guardian must be provided a written copy of the documentation required by numbered paragraph “5” of this rule, which shall be postmarked within three school days of the occurrence. The student’s parent or guardian may elect, in writing, to receive the communication required by this numbered paragraph via electronic mail or facsimile transmission.

281-103.8(256B,280). Additional provisions concerning physical restraint.

If an employee of a public school, accredited nonpublic school, or area education agency employs physical restraint, the following provisions shall apply:

1. No employee shall use any prone restraints. For the purposes of this rule, “prone restraints” means those in which an individual is held face down on the floor. Employees who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint;

2. No employee shall use any restraint that obstructs the airway of any child;

3. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student’s primary mode of communication, the student shall be permitted to have the student's hands free of restraint for brief periods, unless an employee determines that such freedom appears likely to result in harm to self or others;

4. Nothing in this rule shall be construed as limiting or eliminating any immunity conferred by Iowa Code section 280.21 or any other provision of law;

5. An agency covered by this chapter shall investigate any complaint or allegation that one or more of its employees violated one or more of the provisions of this chapter. If an agency covered by this chapter determines that one or more of its employees violated one or more of the provisions of this chapter, the agency shall take appropriate corrective action. If any allegation involves a specific student, the agency shall transmit to the parents of the student the results of its investigation, including, to the extent permitted by law, any required corrective action;

6. If any alleged violation of this chapter is also an allegation of “abuse” as defined in rule 281-102.2(280), the procedures in 281-Chapter 102 shall be applicable.

Alternative placements

LAWs

280.17B. Students suspended or expelled for possession of dangerous weapons.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.
280.19A. Alternative options education programs - disclosure of records.

1. By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

2. If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

3. Notwithstanding section 22.7, subsection 1, records kept regarding a student who has participated in a program under this section shall be requested by school officials of a public or nonpublic receiving school in which the student seeks to enroll, and shall be provided by the sending school. A school official who receives information under this section shall disclose this information only to those school officials and employees whose duties require them to be involved with the student. A school official or employee who discloses information received under this section in violation of this subsection shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination. “School officials and employees” means those officials and persons employed by a nonpublic school or public school district, and area education agency staff members who provide services to schools or school districts.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

280.17A. Procedures for handling dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon, as defined in section 702.7, possessed on school premises in violation of school policy or state law.

280.17B. Students suspended or expelled for possession of dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

280.21B. Expulsion - weapons in school.
The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, "weapon" means a firearm as defined in 18 U.S.C. § 921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

724.4B. Carrying weapons on school grounds - penalty - exceptions.
1. A person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school commits a class “D” felony. For the purposes of this section, "school" means a public or nonpublic school as defined in section 280.2.
2. Subsection 1 does not apply to the following:
   a. A person listed under section 724.4, subsection 4, paragraphs “b” through “f” or “j”.
   b. A person who has been specifically authorized by the school to go armed with, carry, or transport a firearm on the school grounds, including for purposes of conducting an instructional program regarding firearms.
   c. A licensee under chapter 80A or an employee of such a licensee, while the licensee or employee is engaged in the performance of duties, and if the licensee or employee possesses a valid professional or nonprofessional permit to carry weapons issued pursuant to this chapter.
REGULATIONS
No relevant regulations found.

Other weapons

LAWS

280.17A. Procedures for handling dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon, as defined in section 702.7, possessed on school premises in violation of school policy or state law.

280.17B. Students suspended or expelled for possession of dangerous weapons.
The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

279.9B. Reports to juvenile authorities.
The rules adopted under section 279.8 shall require, once school officials have been notified by a juvenile court officer that a student attending the school is under supervision or has been placed on probation, that school officials shall notify the juvenile court of each unexcused absence or suspension or expulsion of the student.

282.18. Open enrollment.
1.a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.
b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2.a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term “insufficient classroom space” for that district.

3.a. The superintendent of a district subject to a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of a desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and standards that school districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.

c. The board of directors of a school district subject to voluntary diversity or court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or voluntary diversity plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

4.a. After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in paragraph “b”, exists for
failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of this section, "good cause" means a change in a child’s residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child’s parents’ marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, a change in the status of a child’s resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child’s school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director’s designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection 15. If approval is not reached under mediation, the director or the director’s designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director’s decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent’s or guardian’s child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation plan of the district. A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to
the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

7.a. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1.

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9 or the teacher leadership supplement foundation aid for the previous fiscal year as provided in section 284.13, subsection 1, paragraph "d", if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with subsection 12, the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

8. If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

9.a. If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or
guardian exercises this option, the child’s new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the first resident district according to the timeline in section 282.20, subsection 3. Payments shall be made to the receiving district in a timely manner.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district’s area education agency. The receiving district shall forward a copy of the request to the receiving district’s area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district’s area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district’s enrollment count during the fall of the year preceding the student’s transfer under open enrollment.

10.a. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, “a point on a regular school bus route of the receiving district” includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold, from the district cost per pupil amount that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

11.a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil’s first ninety school days of enrollment in the district. However, a pupil may participate immediately in a varsity interscholastic sport under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade.

(2) If the district of residence and the other school district jointly participate in the sport.

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence.
(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12.

(5) If the pupil participates in open enrollment because the pupil’s district of residence has entered into a whole grade sharing agreement with another district for the pupil’s grade.

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil’s district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended.

c. For purposes of this subsection, “school days of enrollment” does not include enrollment in summer school. For purposes of this subsection, “varsity” means the same as defined in section 256.46.

12. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with section 256.7, subsection 32, may participate in any cocurricular or extracurricular activities offered to children in the pupil’s grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student’s participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

13. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under this section if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

14. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student’s district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students’ districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy
students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this subsection is not subject to appeal under section 290.1.

15. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

16.a. If a request under this section is for transfer to the research and development school, as described in chapter 256G, the student who is the subject of the request shall be included in the basic enrollment of the student’s district of residence and the board of directors of the district of residence shall pay to the research and development school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending the research and development school during the school year beginning July 1, 2010, if the student was not included in the district of residence’s enrollment count for funding purposes in the school year beginning July 1, 2009.

17.a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year’s enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district’s previous year’s total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

18. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

299.1. Attendance requirements.

1. Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age shall cause the child to attend some public school or an accredited nonpublic school, or place the child under competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10.

2. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days or hours of required attendance for the schools under its control. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.
Any child of compulsory attendance age who fails to attend school as provided in this chapter, or as required by the school board’s or school governing body’s attendance policy, or who fails to attend competent private instruction or independent private instruction under chapter 299A, without reasonable excuse for the absence, shall be deemed to be a truant. A finding that a child is truant, however, shall not by itself mean that the child is a child in need of assistance within the meaning of chapter 232 and shall not be the sole basis for a child in need of assistance petition.

The board of directors of a public school district or the authorities in charge of an accredited nonpublic school shall prescribe reasonable rules for the punishment of truants.

299.10. Truancy officers - appointment.
The board of each school district may appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant.

The board may appoint a member of the police force, marshal, teacher, school official, or other suitable person to serve as the district truancy officer.

299.11. Duties of truancy officer.
The truancy officer may take into custody without warrant any apparently truant child and place the child in the charge of the school principal, or the principal’s designee, designated by the board of directors of the school district in which the child resides, or of any nonpublic school designated by the parent, guardian, or legal or actual custodian; but if it is other than a public school, the instruction and maintenance of the child shall be without expense to the school district. If a child is taken into custody under this section, the truancy officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal or actual custodian of the child’s location.

299.12. Violation of attendance policy - attendance cooperation meeting - agreement.
1. For the purposes of this section, “school truancy officer” means a truancy officer appointed under section 299.10 or any other person designated by a public school board or a governing body of an accredited nonpublic school to administer provisions of this section.

2. This section is not applicable to a child who is receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child’s parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child’s parent, guardian, or legal or actual custodian and the school truancy officer. The school truancy officer contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney or the county attorney’s designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

3. The purpose of the attendance cooperation meeting is for the parties participating in the meeting to attempt to ascertain the cause of the child’s nonattendance, to cause the parties to arrive at an agreement relative to addressing the child’s attendance, and to initiate referrals to any services or counseling that the parties believe to be appropriate under the circumstances. The terms agreed to shall be reduced to writing in an attendance cooperation agreement and signed by the parties to the
agreement. Each party signing the agreement shall receive a copy of the agreement, which shall set forth
the cause identified for the child’s nonattendance and future responsibilities of each party.

4. If the parties to an attendance cooperation meeting determine that a monitor would improve
compliance with the attendance cooperation agreement, the parties may designate a person to monitor
the agreement. The monitor shall be a designee of the public school board or governing body of the
accredited nonpublic school. The monitor may be a volunteer if the volunteer is approved by all parties to
the agreement and receives a written authorization for access to confidential information and for
performing monitor activities from the child’s parent, guardian, or custodian. A monitor shall contact
parties to the attendance cooperation agreement on a periodic basis as appropriate to monitor
performance of the agreement.

5. If the parties fail to enter into an attendance cooperation agreement, or the child’s parent, guardian, or
custodian acting as a party violates a term of the attendance cooperation agreement or fails to participate
in an attendance cooperation meeting, the child shall be deemed to be truant.

6. A public school board or governing body of an accredited nonpublic school shall exercise the authority
granted under this section as a means of increasing and ensuring school attendance of young children,
as education is a critical element in the success of individuals and good attendance habits should be
developed and reinforced at an early age.

299.15. Reports by school officers and employees.
All school officers and employees shall promptly report to the secretary of the school corporation any
violations of the truancy law of which they have knowledge, and the secretary shall inform the president of
the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as
the facts justify.

REGULATIONS

281-17.1(282). Intent and purpose.
It is the intent of Iowa Code section 282.18 to maximize parental choice in providing a wide range of
educational opportunities which are not available for pupils because of where they live. It is the purpose
of this chapter to give guidance and direction to parents/guardians, public school district administrators
and boards in making quality decisions regarding school district choice for the education of pupils.

281-17.2(282). Definitions
For the purpose of this chapter the indicated terms are defined as follows:

“Alternative receiving district” means a district to which a parent/guardian petitions for the open
enrollment of a pupil from a receiving district. An alternative receiving district could be the district of
residence of the parents/guardians.

“Attendance center” means a public school building that contains classrooms used for instructional
purposes for elementary, middle, or secondary school students.

“Court-ordered desegregation plan” means a plan that is under direct court order to avoid racial
isolation in the district.

“Department” means the department of education.

“Director” means the director of the department of education or the director’s designee.

“Diversity plan” or “voluntary diversity plan” means a plan that is voluntarily adopted by a local school
board to promote diversity and to avoid minority student isolation in the district.

“Eligible district” means a school district whose board had adopted a voluntary desegregation plan
under this chapter prior to June 28, 2007.
“Minority student” shall be defined by a local school board in its diversity plan, and may include consideration of any one characteristic or a combination of any of the following characteristics except that race may not be either the sole or the determinative characteristic: socioeconomic status, ethnicity/national origin, English language learner status, or race.

“Open enrollment” is the procedure allowing a parent/guardian to enroll one or more pupils in a public school district other than the district of residence at no tuition cost.

“Receiving district” is the public school district in which a parent/guardian desires to have the pupil enrolled or the district accepting the application for enrollment of a pupil under the provisions of Iowa Code section 282.18.

“Resident district” is the district of residence for school purposes of the parent/guardian and the district in which an open enrollment pupil shall be counted for the purpose of generating state aid regardless of the district in which the pupil is enrolled.

“Sending district” is synonymous with the term resident district.

“Sibling” means a child residing primarily in the same household as the child for whom an open enrollment request is filed and who is related by adoption, blood or marriage to the child for whom an open enrollment request is filed. “Sibling” also includes a foster child who is placed in the same household as the child for whom an open enrollment request is filed.

“Socioeconomic status” means the income level of a student or the student’s family, and shall be measured by whether a student or the student’s family meets the financial eligibility criteria for free meals or reduced price meals offered under the Child Nutrition Program.

281-17.3(282). Application process.

The following procedure shall be used by parents/guardians and school districts in processing open enrollment applications.

(1) Parent/guardian responsibilities. On or before March 1 of the school year preceding the school year for which open enrollment is requested, a parent/guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. Failure by the parent to send the form to the resident district and receiving district by the deadline may cause the application to be considered untimely. The parent/guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district and area education agency and from the state department of education.

(2) School district responsibilities.

a. The board of the resident district shall take no action on an open enrollment request except for a request made under rule 281-17.5(282) or 281-17.14(282).

b. The board of the receiving district shall act on an open enrollment request no later than June 1 of the school year preceding the school year for which the request is made.

(1) The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

(2) As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before March 1. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline, but the board of the receiving district shall take action to approve the request if good cause exists. The board shall have the discretion to determine the scope of the authorization. The authorization may be for regular
applications filed on or before March 1, good cause applications, and kindergarten applications filed on or before September 1, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

c. The parent/guardian may withdraw an open enrollment request anytime prior to the first day of school in the resident district. After the first day of school, an open enrollment request can only be changed during the term of the approval by the procedures of subrules 17.8(4), 17.8(5), 17.8(6), and 17.8(7).

d. The board of the receiving district shall comply with the provisions of rule 281-17.11(282) if the application for open enrollment is for a pupil requiring special education as provided by Iowa Code chapter 256B.

e. Notification to parents.

(1) By September 30 of each school year, all districts shall notify parents of the following:

1. Open enrollment deadlines;
2. Transportation assistance;
3. That within 30 days of a denial of an open enrollment request by a district board of education, the parent/guardian may file an appeal with the state board of education only if the open enrollment request was based on repeated acts of harassment or a serious health condition of the pupil that the district cannot adequately address; and that all other denials must be appealed to the district court in the county in which the primary business office of the district is located; and
4. Possible loss of athletic eligibility for open enrollment pupils.

(2) This notification may be published in a school newsletter, a newspaper of general circulation, a Web site, or a parent handbook provided to all patrons of the district. This information shall also be provided to any parent/guardian of a pupil who enrolls in the district during the school year.

(3) Exception to process when resident district is under voluntary or court-ordered desegregation. If the resident district has a voluntary or court-ordered desegregation plan requiring the district to maintain minority and nonminority student ratios, the request for open enrollment shall be filed solely with the district of residence on or before March 1 of the school year preceding the school year for which open enrollment is requested. The superintendent of the resident district may deny a request under this subrule unless the request is made on behalf of a student whose sibling already actively participates in open enrollment to the same receiving district to which open enrollment is sought for this student. A denial by the superintendent may be appealed to the board of the district in which the request was denied. A decision of the local board to uphold the denial may only be appealed to the district court in the county in which is located the primary business office of the district that upheld the denial of the open enrollment request.

281-17.5(282). Filing after the March 1 deadline-harassment or serious health condition.

A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested if the parent’s/guardian’s child is the victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. If either of these conditions exists, the parent/guardian shall be permitted to apply for open enrollment by sending notification to both the resident and receiving districts.

(1) The board of the resident district shall act on the request within 30 days of its receipt. If the request is denied, the parent/guardian shall be notified by the district superintendent within 3 days following board action. If the request is approved, the district superintendent shall forward the approved application form to the receiving district within 5 days following board action and shall notify the parent/guardian within 3 days of this action. The board of the receiving district shall act to approve or
deny an open enrollment request within 30 days following receipt of the notice of approval from the resident district. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within 15 days of board action.

(2) A denial by either board of a request made under this rule involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address may be appealed by a parent/guardian to the state board of education pursuant to Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

281-17.8(282). Requirements applicable to parents/guardians and students.

(1) Expelled or suspended students. A pupil who has been suspended or expelled by action of the administration or board of the resident district shall not be permitted to enroll if an open enrollment request is filed until the pupil is reinstated for school attendance in the resident district. Once reinstated, the application for open enrollment shall be considered in the same manner as any other open enrollment request. If a pupil for whom an open enrollment request has been filed is subsequently expelled by action of the resident district board, the pupil may be denied enrollment by the receiving district board until the pupil is reinstated for school attendance by the resident district. The provisions of this subrule shall also apply to a pupil who has been suspended or expelled in a receiving district and is requesting open enrollment to an alternative receiving district or is seeking to return to the resident district as outlined in subrule 17.8(4).

(2) Restrictions on participation in interscholastic athletic contests and competitions. A pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

a. Participates in an athletic activity in the receiving district that is not available in the district of residence.

b. Participates in an athletic activity for which the resident district and the receiving district have a “cooperative student participation agreement” in place as provided by rule 281-36.20(280).

c. Has paid tuition for one or more years to the receiving school district prior to making application and being approved for open enrollment.

d. Has attended the receiving district for one or more years, prior to making application and being approved for open enrollment, under a sharing or mutual agreement between the resident district and the receiving district.

e. Has been participating in open enrollment and whose parents/guardians move out of their district of residence but exercise the option of maintaining the open enrollment agreement as provided in subrule 17.8(6) except that the period of 90 school days of ineligibility shall apply to a pupil who open enrolls to another school district. If the pupil has established athletic eligibility under open enrollment, it is continued despite the parent’s or guardian’s change in residence.

f. Obtains open enrollment as provided in subrule 17.8(7) except that the period of 90 school days of ineligibility shall apply to a pupil who open enrolls to another school district.

g. Obtains open enrollment due to the dissolution and merger of the former district of residence under Iowa Code subsection 256.11(12).
h. Obtains open enrollment due to the pupil’s district of residence entering into a whole-grade sharing agreement on or after July 1, 1990, including the grade in which the pupil would be enrolled at the start of the whole-grade sharing agreement.

i. Participates in open enrollment and the parent/guardian is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

j. Open enrolls from a district of residence that has determined that the pupil was previously subject to a founded incident of harassment or bullying as defined in Iowa Code section 280.28 while attending school in the district of residence.


(4) Petition for attendance in an alternative receiving district. Once the pupil of a parent/guardian has been accepted for open enrollment, attendance in an alternative receiving district under open enrollment can be initiated by filing a petition for change with the receiving district. The petition shall be filed by the parent/guardian with the receiving district on or before March 1 of the year preceding the school year for which the change is requested. The timelines and notification requirements for such a request shall be the same as outlined in subrule 17.3(2). If the request is approved, the alternative district shall send notice of this action to the parent/guardian, to the original receiving district, and to the resident district of the pupil. Petitions for change shall be effectuated at the start of the next school year. As an alternative procedure, the receiving and alternative receiving district boards by mutual agreement may effectuate the change in enrollment of an open enrollment pupil at any time following receipt of a written request for such change which is approved by the two boards. The parent/guardian and the resident district board shall be notified of the approval and the date for change in open enrollment within 15 days of the mutual agreement action of the receiving and alternative receiving boards. A pupil in good standing may return to the district of residence at any time following written notice from the parent/guardian to both the resident district and the receiving district.

(5) Renewal of an open enrollment agreement. An open enrollment agreement shall remain in place unless canceled by the parent/guardian or terminated as outlined in the provisions of subrule 17.8(10).

(6) Change in residence when participating in open enrollment. If the parent/guardian of a pupil who is participating in open enrollment changes the school district of residence during the term of the agreement, the parent/guardian shall have the option to leave the pupil in the receiving district under open enrollment, to open enroll to another school district, or to enroll the pupil in the new district of residence, thus terminating the open enrollment agreement. If the choice is to leave the pupil under open enrollment or to open enroll to another school district, the original district of residence shall be responsible for payment of the cost per pupil plus any applicable weightings or special education costs for the balance of the school year, if any, in which the move took place, providing the move took place on or after the date specified in Iowa Code section 257.6, subsection 1. The new district of residence shall be responsible for these payments during succeeding years of the agreement. If the move takes place between the end of one school year and the date specified in Iowa Code section 257.6, subsection 1, of the following school year, the new district of residence shall be responsible for that year’s payment as well as succeeding years. If the pupil is to remain under open enrollment or to open enroll to another school district, the parent/guardian shall write a letter, delivered by mail or by hand on or before the date specified in Iowa Code section 257.6, subsection 1, to notify the original resident district, the new resident district, and the receiving district of this decision. Timely requests under this rule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2).

(7) Change in residence when not participating in open enrollment. If a parent/guardian moves out of the school district of residence, and the pupil is not currently under open enrollment, the parent/guardian has the option for the pupil to remain in the original district of residence as an open enrollment pupil with no
interruption in the education program or to open enroll to another school district. This option is not available to the parent/guardian of a student who is entering kindergarten for the first time. The parent/guardian exercising this option shall file an open enrollment request form with the new district of residence for processing and record purposes. This request shall be made on or before the date specified in Iowa Code section 257.6, subsection 1. Timely requests under this subrule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2). If the move is on or after the date specified in Iowa Code section 257.6, subsection 1, the new district of residence is not required to pay per-pupil costs or applicable weighting or special education costs to the receiving district until the first full year of the open enrollment.

(8) Pupil governance. An open enrollment pupil, and where applicable the pupil’s parent/guardian, shall be governed by the rules and policies established by the board of directors of the receiving district. Any complaint or appeal by the parent/guardian concerning the educational system, its process, or administration in the receiving district shall be initially directed to the board of directors of that district in compliance with the policy of that district.

(9) Appeal procedure. A parent/guardian may appeal the decision of the board of directors of a school district (resident or receiving) only on an application for open enrollment under Iowa Code section 282.18(5) as amended by 2002 Iowa Acts, House File 2515. This appeal is to the state board of education and shall comply with the provisions of Iowa Code section 290.1. The appeal shall be filed within 30 days of the decision of the district board and shall be in the form of an affidavit signed by the parent/guardian. It shall state in a plain and concise manner what the parent/guardian feels to be the basis for appeal.

(10) Open enrollment termination. Open enrollment ends when:

a. The pupil graduates, moves into the receiving district, moves into a third district and does not elect to continue attending in the receiving district, moves out of state, elects to attend a nonpublic school instead of the receiving district, or any other circumstance not excepted below that results in the pupil no longer attending the receiving district.

Exceptions: This rule shall not apply if the pupil is placed temporarily in foster care, a juvenile detention center, mental health or substance abuse treatment facility, or other similar placement. In such cases, the open enrollment status will automatically be reinstated when the pupil returns.

b. The pupil drops out of school. In this instance, if the pupil desires to return to the resident district during the term of the original open enrollment, notice must be given as outlined in the provisions of subrule 17.8(4).

Substance use

LAWS

124.401B. Possession of controlled substances on certain real property - additional penalty.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.
279.9. Use of tobacco, alcoholic beverages, or controlled substances.
The rules shall prohibit the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of the schools and the board may suspend or expel a student for a violation of a rule under this section.

280.24. Procedures for reporting drug or alcohol possession or use.
The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include a provision which does not require a report when the school officials have determined that a school at-risk or other student assistance program would be jeopardized if a student self reports.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

280.12. School improvement advisory committee.
The board of directors of each public school district and the authorities in charge of each nonpublic school shall do the following:

1. Appoint a school improvement advisory committee to make recommendations to the board or authorities. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the local community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability.

2. Utilize the recommendations from the school improvement advisory committee to determine the following:

   f. Harassment or bullying prevention goals, programs, training, and other initiatives.

282.18. Open enrollment.
11.a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil’s first ninety school days of enrollment in the district. However, a pupil may participate immediately in a varsity interscholastic sport under any of the following circumstances:

   (1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade.

   (2) If the district of residence and the other school district jointly participate in the sport.

   (3) If the sport in which the pupil wishes to participate is not offered in the district of residence.

   (4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12.
(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade.

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil’s district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended.

c. For purposes of this subsection, “school days of enrollment” does not include enrollment in summer school. For purposes of this subsection, “varsity” means the same as defined in section 256.46.

280.28. Harassment and bullying prohibited - policy - immunity.

1. Purpose - findings - policy. The state of Iowa is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. The general assembly finds that a safe and civil school environment is necessary for students to learn and achieve at high academic levels. Harassing and bullying behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state of Iowa that school employees, volunteers, and students in Iowa schools shall not engage in harassing or bullying behavior.

2. Definitions. For purposes of this section, unless the context otherwise requires:

   a. “Electronic” means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.

   b. “Harassment” and “bullying” shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

      (1) Places the student in reasonable fear of harm to the student’s person or property.

      (2) Has a substantially detrimental effect on the student’s physical or mental health.

      (3) Has the effect of substantially interfering with a student’s academic performance.

      (4) Has the effect of substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

   c. “Trait or characteristic of the student” includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

   d. “Volunteer” means an individual who has regular, significant contact with students.

3. Policy. On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its
location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:

   (1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.

   (2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an act of harassment or bullying.

b. A definition of harassment and bullying as set forth in this section.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention measures, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent’s designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this section.

g. A statement of the manner in which the policy will be publicized.

4. Programs encouraged. The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following:

   a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students.

   b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.

5. Immunity. A school employee, volunteer, or student, or a student’s parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

6. Collection requirement. The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data.

7. Integration of policy and reporting. The board of directors of a school district and the authorities in charge of each nonpublic school shall integrate its antiharassment and antibullying policy into the
comprehensive school improvement plan required under section 256.7, subsection 21, and shall report
data collected under subsection 6, as specified by the department, to the local community.

8. Existing remedies not affected. This section shall not be construed to preclude a victim from seeking
administrative or legal remedies under any applicable provision of law.

708.10. Hazing.
1.a. A person commits an act of hazing when the person intentionally or recklessly engages in any act or
acts involving forced activity which endanger the physical health or safety of a student for the purpose of
initiation or admission into, or affiliation with, any organization operating in connection with a school,
college, or university. Prohibited acts include, but are not limited to, any brutality of a physical nature such
as whipping, forced confinement, or any other forced activity which endangers the physical health or
safety of the student.

   b. For purposes of this section, “forced activity” means any activity which is a condition of initiation or
admission into, or affiliation with, an organization, regardless of a student’s willingness to participate in
the activity.

2. A person who commits an act of hazing is guilty of a simple misdemeanor.

3. A person who commits an act of hazing which causes serious bodily injury to another is guilty of a
serious misdemeanor.

REGULATIONS

281-12.3(13). Policy declaring harassment and bullying against state and school policy.
The policy adopted by the board regarding harassment of or by students and staff shall declare
harassment and bullying in schools, on school property, and at any school function or school-sponsored
activity regardless of its location to be against state and school policy. The board shall make a copy of the
policy available to all school employees, volunteers, students, and parents or guardians and shall take all
appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in
the policy to the attention of school employees, volunteers, students, and parents or guardians.

Each policy shall, at a minimum, include all of the following components:

   a. A statement declaring harassment and bullying to be against state and school policy. The statement
shall include but not be limited to the following provisions:

      (1) School employees, volunteers, and students in school, on school property, or at any school
function or school-sponsored activity shall not engage in harassing and bullying behavior.

      (2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false
accusation against a victim, a witness, or an individual who has reliable information about such an act
of harassment or bullying.

   b. A definition of harassment and bullying consistent with the following: Harassment and bullying shall
be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which
is based on the student’s actual or perceived age, color, creed, national origin, race, religion, marital
status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability,
ancestry, political party preference, political belief, socioeconomic status, or familial status, and which
creates an objectively hostile school environment that meets one or more of the following conditions:

      (1) Places the student in reasonable fear of harm to the student’s person or property.

      (2) Has a substantially detrimental effect on the student’s physical or mental health.

      (3) Has the effect of substantially interfering with a student’s academic performance.
(4) Has the effect of substantially interfering with the student’s ability to participate in or benefit from
the services, activities, or privileges provided by a school.

The local board policy must set forth all 17 of the above-enumerated traits or characteristics, but does
not need to be limited to the 17 enumerated traits or characteristics.

c. A description of the type of behavior expected from school employees, volunteers, parents or
 guardians, and students relative to prevention, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment
and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of
the school official responsible for ensuring that the policy is implemented, and the identification of the
person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, identifying either the school superintendent or
the superintendent’s designee as the individual responsible for conducting the investigation, including a
statement that investigators will consider the totality of circumstances presented in determining whether
conduct objectively constitutes harassment or bullying under this subrule.

g. A statement of the manner in which the policy will be publicized.

The board shall integrate its policy into its comprehensive school improvement plan. The board shall
develop and maintain a system to collect harassment and bullying incidence data, and report such data,
on forms specified by the department, to the local community and to the department.

Other special infractions or conditions

LAWS

279.58. School dress code policies.

2. The board of directors of a school district may adopt, for the district or for an individual school within
the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel
if the board determines that the policy is necessary for the health, safety, or positive educational
environment of students and staff in the school environment or for the appropriate discipline and
operation of the school. Adoption and enforcement of a dress code policy is not a violation of section
280.22.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

280.9B. Violence prevention curriculum. The department of education shall develop a statewide violence prevention program based on law-related education. The department shall contract with a law-related education agency that serves the state and provides a comprehensive plan to develop violence prevention curricula for grades kindergarten through twelve, provide training to teachers and school administrators on violence prevention, and develop school-community partnerships for violence prevention.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

280.19. Plans for at-risk children. The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs. This incorporation shall be part of the comprehensive school improvement plan developed and implemented in accordance with section 256.7, subsection 21, paragraph “a”.

299.12. Violation of attendance policy - attendance cooperation meeting - agreement. 1. For the purposes of this section, “school truancy officer” means a truancy officer appointed under section 299.10 or any other person designated by a public school board or a governing body of an accredited nonpublic school to administer provisions of this section.

2. This section is not applicable to a child who is receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child’s parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child’s parent, guardian, or legal or actual custodian and the school truancy officer. The school truancy officer contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney or the county attorney’s designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

3. The purpose of the attendance cooperation meeting is for the parties participating in the meeting to attempt to ascertain the cause of the child’s nonattendance, to cause the parties to arrive at an agreement relative to addressing the child’s attendance, and to initiate referrals to any services or counseling that the parties believe to be appropriate under the circumstances. The terms agreed to shall be reduced to writing in an attendance cooperation agreement and signed by the parties to the
agreement. Each party signing the agreement shall receive a copy of the agreement, which shall set forth the cause identified for the child’s nonattendance and future responsibilities of each party.

4. If the parties to an attendance cooperation meeting determine that a monitor would improve compliance with the attendance cooperation agreement, the parties may designate a person to monitor the agreement. The monitor shall be a designee of the public school board or governing body of the accredited nonpublic school. The monitor may be a volunteer if the volunteer is approved by all parties to the agreement and receives a written authorization for access to confidential information and for performing monitor activities from the child’s parent, guardian, or custodian. A monitor shall contact parties to the attendance cooperation agreement on a periodic basis as appropriate to monitor performance of the agreement.

5. If the parties fail to enter into an attendance cooperation agreement, or the child’s parent, guardian, or custodian acting as a party violates a term of the attendance cooperation agreement or fails to participate in an attendance cooperation meeting, the child shall be deemed to be truant.

6. A public school board or governing body of an accredited nonpublic school shall exercise the authority granted under this section as a means of increasing and ensuring school attendance of young children, as education is a critical element in the success of individuals and good attendance habits should be developed and reinforced at an early age.

REGULATIONS
No relevant regulations found.

Professional development

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

2. A person who is not an employee of a public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students, or between students and nonstudents, that takes place in the presence of the nonemployee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The intervention may occur in the absence of an employee of a public school district, accredited nonpublic school, or area education agency, or at the request of such an employee, utilizing the degree and force of intervention reasonably necessary to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation. However, a person who intervenes in the absence of an employee of a public school district, accredited nonpublic school, or area education agency shall report the intervention and all relevant information regarding the situation as soon as reasonably possible to such an employee.

299.15. Reports by school officers and employees.
All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and the secretary shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

808A.2. Searches of students, protected student areas, lockers, desks, and other facilities or spaces.
2. School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. Allowing students to use a separate lock on a locker, desk, or other facility or space owned by the school and provided to the student shall also not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. However, each year when school begins, the school district shall provide written notice to all students and the students' parents, guardians, or legal custodians, that school officials may conduct periodic inspections of school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student without prior notice. An inspection under this subsection shall either occur in the presence of the students whose lockers are being inspected or the inspection shall be conducted in the presence of at least one other person.
REGULATIONS

281-103.7(256B,280). Additional minimum mandatory procedures.

6. The public school, accredited nonpublic school, or area education agency shall attempt to notify a child’s parent or guardian on the same day the child is subjected to physical restraint or physical confinement and detention; and

7. The student’s parent or guardian must be provided a written copy of the documentation required by numbered paragraph “5” of this rule, which shall be postmarked within three school days of the occurrence. The student’s parent or guardian may elect, in writing, to receive the communication required by this numbered paragraph via electronic mail or facsimile transmission.

Reporting and referrals between schools and law enforcement

LAWS

279.9B. Reports to juvenile authorities.

The rules adopted under section 279.8 shall require, once school officials have been notified by a juvenile court officer that a student attending the school is under supervision or has been placed on probation, that school officials shall notify the juvenile court of each unexcused absence or suspension or expulsion of the student.

280.17A. Procedures for handling dangerous weapons.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon, as defined in section 702.7, possessed on school premises in violation of school policy or state law.

280.24. Procedures for reporting drug or alcohol possession or use.

The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include a provision which does not require a report when the school officials have determined that a school at-risk or other student assistance program would be jeopardized if a student self reports.

280.25. Information sharing - interagency agreements.

1. The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student’s permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. These agencies include, but are not limited to, juvenile court services, the department of human services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system’s ability to effectively serve, prior to adjudication, the student whose records are being released.

2. The purpose of the agreement shall be to reduce juvenile crime by promoting cooperation and collaboration and the sharing of appropriate information among the parties in a joint effort to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions.
which provide structured and well-supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

**REGULATIONS**

No relevant regulations found.

**Disclosure of school records**

**LAWS**

**279.9A. Student transfers - Information sharing.**

The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, “school employees” means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

**280.25. Information sharing - interagency agreements.**

1. The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student’s permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. These agencies include, but are not limited to, juvenile court services, the department of human services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system’s ability to effectively serve, prior to adjudication, the student whose records are being released.

2. The purpose of the agreement shall be to reduce juvenile crime by promoting cooperation and collaboration and the sharing of appropriate information among the parties in a joint effort to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well-supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

**REGULATIONS**

No relevant regulations found.

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

**LAWS**

No relevant laws found.
REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWs

299.11. Duties of truancy officer.
The truancy officer may take into custody without warrant any apparently truant child and place the child in the charge of the school principal, or the principal's designee, designated by the board of directors of the school district in which the child resides, or of any nonpublic school designated by the parent, guardian, or legal or actual custodian; but if it is other than a public school, the instruction and maintenance of the child shall be without expense to the school district. If a child is taken into custody under this section, the truancy officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal or actual custodian of the child’s location.

REGULATIONS
No relevant regulations found.

Certification or training

LAWs
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWs

299.10. Truancy officers - appointment.
The board of each school district may appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant.
The board may appoint a member of the police force, marshal, teacher, school official, or other suitable person to serve as the district truancy officer.

299.12. Violation of attendance policy - attendance cooperation meeting - agreement.
1. For the purposes of this section, “school truancy officer” means a truancy officer appointed under section 299.10 or any other person designated by a public school board or a governing body of an accredited nonpublic school to administer provisions of this section.
2. This section is not applicable to a child who is receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational
requirements through the sixth grade, and the school has used every means available to assure the child
does attend, the school truancy officer shall contact the child’s parent, guardian, or legal or actual
custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation
meeting may include the child and shall include the child’s parent, guardian, or legal or actual custodian
and the school truancy officer. The school truancy officer contacting the participants in the attendance
cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney
or the county attorney’s designee, or other persons deemed appropriate to participate in the attendance
cooperation meeting.

3. The purpose of the attendance cooperation meeting is for the parties participating in the meeting to
attempt to ascertain the cause of the child’s nonattendance, to cause the parties to arrive at an
agreement relative to addressing the child’s attendance, and to initiate referrals to any services or
counseling that the parties believe to be appropriate under the circumstances. The terms agreed to shall
be reduced to writing in an attendance cooperation agreement and signed by the parties to the
agreement. Each party signing the agreement shall receive a copy of the agreement, which shall set forth
the cause identified for the child’s nonattendance and future responsibilities of each party.

4. If the parties to an attendance cooperation meeting determine that a monitor would improve
compliance with the attendance cooperation agreement, the parties may designate a person to monitor
the agreement. The monitor shall be a designee of the public school board or governing body of the
accredited nonpublic school. The monitor may be a volunteer if the volunteer is approved by all parties to
the agreement and receives a written authorization for access to confidential information and for
performing monitor activities from the child’s parent, guardian, or custodian. A monitor shall contact
parties to the attendance cooperation agreement on a periodic basis as appropriate to monitor
performance of the agreement.

5. If the parties fail to enter into an attendance cooperation agreement, or the child’s parent, guardian, or
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6. A public school board or governing body of an accredited nonpublic school shall exercise the authority
granted under this section as a means of increasing and ensuring school attendance of young children,
as education is a critical element in the success of individuals and good attendance habits should be
developed and reinforced at an early age.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

2. A school employee who, in the reasonable course of the employee’s employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves the following:
   a. Encouraging, supporting, or disciplining the student.
   b. Protecting the employee, the student, or other students.
   c. Obtaining possession of a weapon or other dangerous object within a student’s control.
   d. Protecting employee, student, or school property.
   e. Quelling a disturbance or preventing an act threatening physical harm to any person.
   f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.
   g. Preventing a student from the self-infliction of harm.
   h. Self-defense.
   i. Any other legitimate educational activity.

280.27. Reporting violence - immunity.
An employee of a school district, an accredited nonpublic school, or an area education agency who participates in good faith and acts reasonably in the making of a report to, or investigation by, an appropriate person or agency regarding violence, threats of violence, physical or sexual abuse of a student, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored function shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding resulting from or relating to the report or investigation.

280.28. Harassment and bullying prohibited - policy - immunity.
5. Immunity. A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

REGULATIONS
No relevant regulations found.
Community input or involvement

LAWS

281-2.5(17A). Public participation.

(1) Written comments. For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing, on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to Department of Education, Legal Consultant’s Office, Grimes State Office Building, Des Moines, Iowa 50319-0146, or the person designated in the Notice of Intended Action.

(2) Oral proceedings. The agency may, at any time, schedule an oral proceeding on a proposed rule. The agency shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the agency by the administrative rules review committee, a governmental subdivision, an agency, an association having not less than 25 members, or at least 25 persons. That request must also contain the following additional information:

A request by one or more individual persons must be signed by each of them and include the address and telephone number of each of them.

A request by an association must be signed by an officer or designee of the association and must contain a statement that the association has at least 25 members and the address and telephone number of the person signing that request.

A request by an agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing that request.

(3) Conduct of oral proceedings.

a. Applicability. This subrule applies only to those oral rule-making proceedings in which an opportunity to make oral presentations is authorized or required by Iowa Code section 17A.4(1)“b” as amended by 1998 Iowa Acts, chapter 1202, section 8, or this chapter.

b. Scheduling and notice. An oral proceeding on a proposed rule may be held in one or more locations and shall not be held earlier than 20 days after notice of its location and time is published in the Iowa Administrative Bulletin. That notice shall also identify the proposed rule by ARC number and citation to the Iowa Administrative Bulletin.

c. Presiding officer. The agency, a member of the agency, or another person designated by the agency who will be familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule. If the agency does not preside, the presiding officer shall prepare a memorandum for consideration by the agency summarizing the contents of the presentations made at the oral proceeding unless the agency determines that such a memorandum is unnecessary because the agency will personally listen to or read the entire transcript of the oral proceeding.

d. Conduct of proceeding. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule. Persons wishing to make oral presentations at such a proceeding are encouraged to notify the agency at least one business day prior to the proceeding and indicate the general subject of their presentations. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the
presiding officer. Oral proceedings shall be open to the public and shall be recorded by stenographic or electronic means.

(1) At the beginning of the oral proceeding, the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons for the agency decision to propose the rule. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(2) Persons making oral presentations are encouraged to avoid restating matters which have already been submitted in writing.

(3) To facilitate the exchange of information, the presiding officer may, where time permits, open the floor to questions or general discussion.

(4) The presiding officer shall have the authority to take any reasonable action necessary for the orderly conduct of the meeting.

(5) Physical and documentary submissions presented by participants in the oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the agency.

(6) The oral proceeding may be continued by the presiding officer to a later time without notice other than by announcement at the hearing.

(7) Participants in an oral proceeding shall not be required to take an oath or to submit to cross-examination. However, the presiding officer in an oral proceeding may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(8) The presiding officer in an oral proceeding may permit rebuttal statements and request the filing of written statements subsequent to the adjournment of the oral presentations.

(4) Additional information. In addition to receiving written comments and oral presentations on a proposed rule according to the provisions of this rule, the agency may obtain information concerning a proposed rule through any other lawful means deemed appropriate under the circumstances.

(5) Accessibility. The agency shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the Legal Consultant's Office, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146, or telephone (515)281-5295 in advance to arrange access or other needed services.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Iowa provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<tr>
<th>Title</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Anti-Bullying/Anti-Harassment, Iowa Department of Education</td>
<td>Provides an overview of bullying including definitions, legal requirements, resources for schools to use for professional development, data reporting and other resources related to bullying.</td>
<td><a href="https://www.educateiowa.gov/pk-12/learner-supports/anti-bullyinganti-harassment">https://www.educateiowa.gov/pk-12/learner-supports/anti-bullyinganti-harassment</a></td>
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<tr>
<td>Chronic Absence Resources, Iowa Department of Education</td>
<td>Provides information and links to current data, resources, and reports on chronic absenteeism.</td>
<td><a href="https://www.educateiowa.gov/pk-12/learner-supports/chronic-absence-resources">https://www.educateiowa.gov/pk-12/learner-supports/chronic-absence-resources</a></td>
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<tr>
<td>Iowa’s Multi-Tiered System of Supports (MTSS), Iowa Department of Education</td>
<td>Provides information on the five components of the Iowa MTSS framework with links to additional resources.</td>
<td><a href="https://www.educateiowa.gov/pk-12/learner-supports/iowas-multi-tiered-system-supports-mtss">https://www.educateiowa.gov/pk-12/learner-supports/iowas-multi-tiered-system-supports-mtss</a></td>
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<td>Legal Lessons, Iowa Department of Education</td>
<td>Provides links to legal guidelines and policy updates on a range of topics such as attendance, bullying and harassment, firearms on school grounds, school discipline, school safety, and search and seizure.</td>
<td><a href="https://www.educateiowa.gov/legal-lessons">https://www.educateiowa.gov/legal-lessons</a></td>
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<tr>
<td>Positive Behavioral Interventions and Supports (PBIS), Iowa Department of Education</td>
<td>Provides an overview of the vision, mission, and frequently asked questions of Iowa’s Positive Behavioral Interventions and Supports (PBIS) efforts.</td>
<td><a href="https://www.educateiowa.gov/pk-12/learner-supports/positive-behavioral-interventions-supports-pbis">https://www.educateiowa.gov/pk-12/learner-supports/positive-behavioral-interventions-supports-pbis</a></td>
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<tr>
<td>School Counseling, Iowa Department of Education</td>
<td>Addresses school counseling in Kindergarten-through-grade 12 programs with resources and tools for implementing multi-tiered system of supports (MTSS), positive behavioral interventions and supports (PBIS), social emotional learning, bullying/harassment, and attendance works.</td>
<td><a href="https://www.educateiowa.gov/school-counseling">https://www.educateiowa.gov/school-counseling</a></td>
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<tr>
<td>Timeout, Seclusion &amp; Restraint, Iowa Department of Education</td>
<td>Provides links to documents explaining amended rules on corporal punishment, seclusion, and restraint; training resources; and a hands-on guide for educators to improve student behavior.</td>
<td><a href="https://www.educateiowa.gov/pk-12/learner-supports/timeout-seclusion-restraint">https://www.educateiowa.gov/pk-12/learner-supports/timeout-seclusion-restraint</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>Anti-Bullying/Harassment Sample Policy (December 2015), Iowa Department of Education</td>
<td>Sample policy addressing bullying and harassment in the state of Iowa.</td>
<td><a href="https://educateiowa.gov/sites/files/ed/documents/Anti-Bullying-HarassmentSamplePolicy.docx">https://educateiowa.gov/sites/files/ed/documents/Anti-Bullying-HarassmentSamplePolicy.docx</a></td>
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Kansas
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Safe Supportive Learning
Engagement | Safety | Environment
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General Provisions

Authority to develop and establish rules of conduct

LAWS

72-256. Rules and regulations; authorization to adopt.
The state board is hereby authorized to adopt rules and regulations not in conflict with law on any and all matters within its jurisdiction, except as is otherwise specifically provided by law.

72-3121. Same; noncompliance; duties of boards of education, secretary for children and families, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents.
(c)(2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.
(3) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

72-6133. Duties of state board of education; failure of boards to adopt and file policies, penalties.
(b) The state board of education shall provide boards of education with assistance in the preparation of policies required to be adopted under subsection (a) of K.S.A. 72-6132, and amendments thereto. If any board of education fails to adopt and file a policy required to be adopted under subsection (a) of K.S.A. 72-6132, and amendments thereto, the state board of education shall withhold funds made available under the elementary and secondary education act of 1965, as amended, and shall exclude pupils enrolled in any accredited nonpublic school under the jurisdiction of any such board of education from participation in any federal program provided for under such act.

72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity.
(b) Each board of education shall adopt a policy that includes:
(1) A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons; and
(2) The procedures for making such a report.

REGULATIONS

91-15-1. Policies or rules governing employees’ and students’ conduct.
(a) The board of education of each unified school district shall adopt policies or rules that govern the conduct of the employees and students of the school district and that include procedures for enforcement of the policies or rules.
(b) Before adopting the policies or rules, each board of education shall submit the policies or rules to legal counsel for review.

(c) After the adoption of the policies or rules, the clerk of the board of education shall maintain the policies or rules in the permanent files of the school district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution)

91-42-3. District policy: training; local board dispute resolution.

(a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

1. School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;
   - Training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;
   - Any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and
   - Schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and

2. A local dispute resolution process, which shall include the following:
   - A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;
   - A complaint investigation procedure;
   - A dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district if the local board deems these actions necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and
   - A statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board;

3. A system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:
   - The date and time of the emergency safety intervention;
   - The type of emergency safety intervention;
   - The length of time the emergency safety intervention was used;
   - The school personnel who participated in or supervised the emergency safety intervention;
   - Whether the student had an individualized education program at the time of the incident;
   - Whether the student had a section 504 plan at the time of the incident; and
   - Whether the student had a behavior intervention plan at the time of the incident;

4. Procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and
(5) A schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.

(b) Written policies developed pursuant to this article shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook.

Scope

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity.

(e) Each board of education shall make available to pupils and their parents, to school employees and, upon request, to others, district policies and reports concerning school safety and security, except that the provisions of this subsection shall not apply to reports made by a superintendent of schools and school employees pursuant to subsection (a).

REGULATIONS

91-42-3. District policy; training; local board dispute resolution.

(a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

(1)(A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

(B) Training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;

(C) Any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and

(D) Schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and

(2) A local dispute resolution process, which shall include the following:

(A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;

(B) A complaint investigation procedure;
(C) A dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district if the local board deems these actions necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and

(D) a statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board;

(3) A system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:

(A) The date and time of the emergency safety intervention;

(B) The type of emergency safety intervention;

(C) The length of time the emergency safety intervention was used;

(D) The school personnel who participated in or supervised the emergency safety intervention;

(E) Whether the student had an individualized education program at the time of the incident;

(F) Whether the student had a section 504 plan at the time of the incident; and

(G) Whether the student had a behavior intervention plan at the time of the incident;

(4) Procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and

(5) A schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.

(b) Written policies developed pursuant to this article shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

72-6114. Grounds for suspension or expulsion; who may suspend or expel.
The board of education of any school district may suspend or expel, or by regulation authorize any certificated employee or committee of certificated employees to suspend or expel, any pupil guilty of any of the following:

(a) Willful violation of any published regulation for student conduct adopted or approved by the board of education;
(b) Conduct which substantially disrupts, impedes or interferes with the operation of any public school;
(c) Conduct which endangers the safety of others or which substantially impinges upon or invades the rights of others at school, on school property, or at a school supervised activity;
(d) Conduct which, if the pupil is an adult, constitutes the commission of a felony or, if the pupil is a juvenile, would constitute the commission of a felony if committed by an adult;
(e) Conduct at school, on school property, or at a school supervised activity which, if the pupil is an adult, constitutes the commission of a misdemeanor or, if the pupil is a juvenile, would constitute the commission of a misdemeanor if committed by an adult; or
(f) Disobedience of an order of a teacher, peace officer, school security officer or other school authority when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.
(a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-6115, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension or expulsion

LAWS

72-3433. Change in placement of child with disability to alternative setting as disciplinary action for certain behavior; duties of IEP team and hearing officer; behavioral assessment and intervention plan; determination and review procedure.

(a) School personnel may order a change in the placement of a child with a disability:

(1) To an appropriate interim alternative educational setting or other setting, or the short-term suspension of the child;

(2) To an appropriate interim alternative educational setting for not more than 45 school days if: (A) The child carries or possesses a weapon to, or at, school, on school premises, or to, or at, a school function under the jurisdiction of an agency; (B) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an agency; or (C) the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an agency; or

(3) To an appropriate interim alternative educational placement for not more than 186 school days, if it is determined that the conduct of the child violated the code of student conduct and was not a manifestation of the child's disability, if the relevant disciplinary procedures applicable to children without disabilities are applied in the same manner and the discipline is for the same duration as would be applied to a child without disabilities, except that services must continue to be provided to the child during the period of disciplinary action.

(b) Any child with a disability whose placement is changed under subsection (a)(2) or (a)(3) shall:

(1) Continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the child's IEP; and

(2) Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the inappropriate behavior so that it does not recur.

(c) The alternative educational setting described in subsections (a)(2) and (a)(3) shall be determined by the IEP team.

(d) If a disciplinary action is contemplated as described in subsection (a)(2) or (a)(3):

(1) Not later than the date on which the decision to take that action is made, the agency shall notify the parents of that decision and of all procedural safeguards afforded under K.S.A. 2012 Supp. 72-992a, and amendments thereto; and

(2) Within 10 school days of the date on which the decision to take disciplinary action is made, a review shall be conducted to determine the relationship between the child's disability and the conduct that is subject to disciplinary action.

(e)(1) The review described in subsection (d)(2) shall be conducted by the agency, the parent, and relevant members of the child's IEP team as determined by the parent and the agency. In carrying out the review, that group shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent.

(2) Based upon its review of all the relevant information, the group shall determine if the conduct in question:
(A) Was caused by, or had a direct and substantial relationship to, the child's disability; or
(B) Was the direct result of the agency's failure to implement the child's IEP.

(3) If it is determined that the conduct of the student is described in either paragraph (2)(A) or (2)(B) of this subsection, then the conduct shall be determined to be a manifestation of the child's disability.

(f) If it is determined that the conduct of a child was a manifestation of the child's disability, the IEP team shall:

(1) Conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the agency has not conducted such an assessment prior to the behavior that resulted in a change in placement;
(2) If the child already had a behavioral intervention plan, review and modify it, as necessary, to address the behavior; and
(3) Except as provided in paragraph (a)(2), return the child to the placement from which the child was removed, unless the parent and the agency agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) For the purposes of this section, the following definitions apply:

(1) "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in 21 U.S.C. § 812(c);
(2) "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under any federal or state law;
(3) "Weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 21/2 inches in length; and
(4) "Serious bodily injury" means an injury as described in subsection (h)(3) of section 1365 of title 18 of the United States Code.

72-3434. Same; parental disagreement with determination; due process hearing and review.
(a) The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under K.S.A. 2017 Supp. 72-3433, and amendments thereto, or an agency that believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others, may request a hearing.
(b) A hearing officer appointed under this act shall hear, and make the determination regarding, an appeal requested under subsection (a).
(c) In making the determination under subsection (b), the hearing officer may order a change in placement of the child. In such situations, the hearing officer may:
(1) Uphold the manifestation determination;
(2) Uphold the interim alternative educational placement of the child;
(3) Return the child to the placement from which the child was removed; or
(4) Order a change in placement of the child to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

72-3435. Same; placement of child during pendency of due process proceedings.
(a) If a parent or agency requests a hearing under K.S.A. 2017 Supp. 72-3434, and amendments thereto, the child shall remain in the interim alternative educational setting pending the decision of the hearing
officer or until the expiration of the forty-five-school-day period described in subsection (a)(2) of K.S.A. 2017 Supp. 72-3433, and amendments thereto, whichever occurs first, unless the parent and the agency agree otherwise.

(b) The agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing. To expedite the hearing, the agency, within three school days of receiving the request for a hearing, shall request the state board to appoint a hearing officer to conduct the hearing.

72-3436. School district knowledge that child is child with disability prior to determination, when deemed; subjection of child to disciplinary action, when; evaluation and placement of child.

(a) A child who has not been determined to be eligible for special education and related services under this act and who has engaged in behavior that violated any rule or code of conduct of the school district may assert any of the protections provided for in this act if the school district had knowledge, as determined in accordance with this section, that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) A school district shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

1. The parent of the child has expressed concern, in writing, to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the child, that the child is in need of special education and related services
2. The parent of the child previously has requested an evaluation of the child; or
3. The teacher of the child, or other personnel of the school district, previously has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of such school district or to other supervisory personnel of the district.

(c) A school district shall not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services under this law, or the child has been evaluated but it was determined that the child was not a child with a disability.

(d) (1) Subject to provision (2) of this subsection, if a school district does not have knowledge that a child is a child with a disability prior to taking disciplinary action against the child, the child may be subjected to the same disciplinary action as is applied to children without disabilities who engage in comparable behaviors.

2. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary action described by this act, an evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district and information provided by the parents, the school district shall provide special education and related services in accordance with the provisions of this act, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities, which may be long-term suspension or expulsion from school.

72-3437. Crimes committed by child with disability, reports to law enforcement and judicial authorities; transmittal of special education and disciplinary records.

(a) Nothing in this act shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent state or local law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal, state, or local law to crimes committed by a child with a disability.
(b) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

72-6115. Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct.

(a) A suspension may be for a short term not exceeding 10 school days, or for an extended term not exceeding 90 school days. An expulsion may be for a term not exceeding 186 school days. If a suspension or expulsion is for a term exceeding the number of school days remaining in the school year, any remaining part of the term of the suspension or expulsion may be applied to the succeeding school year.

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.

(h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

REGULATIONS

91-40-34. Short-term suspensions and interim placements; suspension of gifted children.

(a) As authorized by K.S.A. 72-6115(a) and amendments thereto, school personnel may impose one or more short-term suspensions upon a child with a disability during a school year for violations of any school rule if these short-term suspensions do not constitute a pattern amounting to a change in placement for disciplinary reasons as specified in paragraph (a)(1)(B) of K.A.R. 91-40-33. (b) As authorized in K.S.A. 72-3433 and amendments thereto, school personnel may order a change in placement of a child with a disability to an interim alternative educational setting. (c) Gifted children shall be subject to suspension or expulsion from school as authorized by K.S.A. 72-6115 and amendments thereto. While a gifted child is suspended or expelled from school, an agency shall not be required to provide special education or related services to the child.

Administrative procedures related to suspension and expulsion

LAWS

72-6115. Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct.

(a) A suspension may be for a short term not exceeding 10 school days, or for an extended term not exceeding 90 school days. An expulsion may be for a term not exceeding 186 school days. If a suspension or expulsion is for a term exceeding the number of school days remaining in the school year, any remaining part of the term of the suspension or expulsion may be applied to the succeeding school year.

(b)(1) Except as authorized in provision (2), no suspension for a short term shall be imposed upon a pupil without giving the pupil notice of the charges and affording the pupil an opportunity for a hearing thereon. The notice may be oral or written and the hearing may be held immediately after the notice is given. The
hearing may be conducted informally but shall include the following procedural due process requirements:
(A) The right of the pupil to be present at the hearing; (B) the right of the pupil to be informed of the charges; (C) the right of the pupil to be informed of the basis for the accusation; and (D) the right of the pupil to make statements in defense or mitigation of the charges or accusations. Refusal of a pupil to be present at the hearing will constitute a waiver of the pupil's opportunity for a hearing.

(2) A short-term suspension may be imposed upon a pupil forthwith, and without affording the pupil a hearing if the presence of the pupil endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school.

c) A written notice of any short-term suspension and the reason therefor shall be given to the pupil involved and to the pupil's parent or guardian within 24 hours after the suspension has been imposed and, in the event the pupil has not been afforded a hearing prior to any short-term suspension, an opportunity for an informal hearing shall be afforded the pupil as soon thereafter as practicable but in no event later than 72 hours after such short-term suspension has been imposed. Any notice of the imposition of a short-term suspension that provides an opportunity for an informal hearing after such suspension has been imposed shall state that failure of the pupil to attend the hearing will result in a waiver of the pupil's opportunity for the hearing.

d) No suspension for an extended term and no expulsion shall be imposed upon a pupil until an opportunity for a formal hearing thereon is afforded the pupil. A written notice of any proposal to suspend for an extended term or to expel from school, and the charges upon which the proposal is based shall be given to the pupil proposed to be suspended or expelled from school, and to the pupil's parent or guardian. Any notice of a proposal to suspend for an extended term or to expel from school shall state the time, date and place that the pupil will be afforded an opportunity for a formal hearing, and that failure of the pupil and the pupil's parent or guardian to attend the hearing will result in a waiver of the pupil's opportunity for the hearing. The hearing shall be held not later than 10 days after the date of the notice. The notice shall be accompanied by a copy of this act and the regulations of the board of education adopted under K.S.A. 72-6116, and amendments thereto.

e) Whenever any written notice is required under this act to be given to a pupil or to a pupil's parent or guardian, it shall be sufficient if the notice is mailed to the address on file in the school records of the pupil. In lieu of mailing the written notice, the notice may be personally delivered.

(f) A formal hearing on a suspension or expulsion may be conducted by any person or committee of persons authorized by the board of education to conduct the hearing.

72-6116. Procedural due process requirements; record of appeal, costs; report of findings and result of hearing; information regarding behavior improvement programs.
(a) The formal hearing provided for in K.S.A. 72-6115, and amendments thereto, shall be conducted in accordance with regulations relating thereto adopted by the board of education. Such regulations shall afford procedural due process including, but not limited to, the following

(1) The right of the pupil to have counsel of the pupil's own choice present and to receive the advice of such counsel or other person whom the pupil may select;
(2) The right of the parents or guardians of the pupil to be present at the hearing;
(3) The right of the pupil and the pupil's counsel or advisor to hear or read a full report of testimony of witnesses against the pupil;
(4) The right of the pupil and the pupil's counsel to confront and cross-examine witnesses who appear in person at the hearing, either voluntarily or as a result of the issuance of a subpoena;
(5) The right of the pupil to present the pupil's own witnesses in person or their testimony by affidavit;
(6) The right of the pupil to testify in the pupil's own behalf and give reasons for the pupil's conduct;
(7) The right of the pupil to have an orderly hearing; and

(8) The right of the pupil to a fair and impartial decision based on substantial evidence.

(b) In all extended-term suspension and expulsion from school cases, there shall be made a record of the hearing of an appeal of the suspension or expulsion, whichever is applicable, by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district.

c) At the conclusion of a formal hearing which results in a suspension for an extended term or an expulsion, the person or committee conducting the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil who is suspended or expelled and, if the pupil is a juvenile, to the parents or guardians and counsel or other advisor of the pupil. If the pupil is an adult, the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the pupil only upon written consent of the pupil. Whenever a formal hearing results in suspension for an extended term or expulsion, the person or committee conducting the hearing may make a finding that return to school by the pupil, pending appeal or during the period allowed for notice of appeal, is not reasonably anticipated to endanger the safety of others, to cause continuing repeated material disorder, disruption or interference with the operation of school, or to substantially or materially impinge upon or invade the rights of others, in which case the pupil may return to school until the period for filing a notice of appeal has expired with no notice filed, or until the determination of any appeal if a notice of appeal is filed.

Whenever the person or committee conducting a hearing fails to make the findings specified above, the report of the hearing shall provide that the suspension or expulsion of the pupil shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever occurs sooner. Any such pupil shall be provided with information concerning services or programs offered by public and private agencies that work toward improving those aspects of the pupil’s attitudes and behavior that contributed to the conduct upon which the suspension or expulsion was based. If the pupil is a juvenile, the information shall also be provided to the parents or guardians of the pupil.

72-6118. Nonapplication of compulsory attendance law.

The provisions of K.S.A. 72-1111, and amendments thereto, shall not apply to any pupil while subject to suspension or expulsion from school pursuant to the provisions of this act.

72-6119. Powers and duties of persons conducting hearings.

(a) Any person, hearing officer or any member of a committee or the board of education conducting a hearing under this act may:

(1) Administer oaths for the purpose of taking testimony;

(2) Call and examine witnesses and receive documentary and other evidence; and

(3) Take any other action necessary to make the hearing accord with procedural due process.

(b) Any hearing officer, any member of a committee or the board of education holding a formal hearing or an appeal hearing under this act may and, upon the request of any pupil for whom any such hearing is held or upon the request of the pupil’s parents or guardians or counsel, shall petition the chief judge of the judicial district in which the school district is located requesting that the clerk of the district court be authorized to issue subpoenas for the attendance and testimony of the principal witness or witnesses and the production of books, records, reports, papers and documents relating to the proposed suspension or expulsion from school in the same manner as provided for the issuance of subpoenas in civil actions pursuant to K.S.A. 60-245, and amendments thereto.
72-6120. Refusal to admit suspended or expelled pupil authorized.  
A pupil who has been suspended or expelled from school by any school district may be refused admission to school in any other school district, regardless of residency, until such time as the period of suspension or expulsion has expired.

72-6121. Definitions.  
As Used in This Act:
(a) "Juvenile" means a person who is less than 18 years of age;
(b) "Adult" means a person who is 18 years of age or older;
(c) "Felony" means any crime designated a felony by the laws of Kansas or the United States;
(d) "Misdemeanor" means any crime designated a misdemeanor by the laws of Kansas or the United States;
(e) "School day" means any day on which school is maintained;
(f) "School year" means the same as such term is defined in K.S.A. 2017 Supp. 72-5132, and amendments thereto;
(g) "Counsel" means any person a pupil selects to represent and advise the pupil at all proceedings conducted pursuant to the provisions of this act; and
(h) "Principal witness" means any witness whose testimony is of major importance in support of the charges upon which a proposed suspension or expulsion from school is based, or in determination of material questions of fact.

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.
(c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary for children and families, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the hearing required under the provisions of article 89 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, shall be delayed until the pupil is released from custody.
(d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.
(e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).
(f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary for children and families or the commissioner of juvenile justice.
(h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by
the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

REGULATIONS
No relevant regulations found.

In school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

72-6151. Freedom from unsafe restraint and seclusion act; citation.
K.S.A. 2016 Supp. 72-6151 through 72-6158, and amendments thereto, shall be known and may be cited as the freedom from unsafe restraint and seclusion act.

72-6152. Definitions.
As used in K.S.A. 2016 Supp. 72-6151 through 72-6157, and amendments thereto:

(a) “Appointing authority” means a group of persons empowered by statute to make human resource decisions that affect the employment of officers.
(b) “Campus police officer” means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-6146, and amendments thereto.
(c) “Chemical restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.
(d) “Commissioner” means the commissioner of education.
(e) “Complaint” means a written document that a parent files with a local board as provided for in this act.
(f) “Department” means the state department of education.
(g) “Emergency safety intervention” means the use of seclusion or physical restraint, but does not include the use of time-out.
(h) “Hearing officer” means the state department employee designated to conduct an administrative review.

(i) “Incident” means each occurrence of the use of an emergency safety intervention.

(j) “Law enforcement officer” and “police officer” means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

(k) “Legitimate law enforcement purpose” means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointing authority.

(l) “Local board” means the board of education of a district or the governing body of any accredited nonpublic school.

(m) “Mechanical restraint” means any device or object used to limit a student’s movement.

(n) “Parent” means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

(o) “Physical escort” means the temporary touching or holding the hand, wrist, arm, shoulder or back of a student who is acting out for the purpose of inducing the student to walk to a safe location. Physical escort shall not be considered an emergency safety intervention.

(p) “Physical restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

(q) “School” means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board of education.

(r) “School resource officer” means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(s) “School security officer” means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

(t) “Seclusion” means placement of a student in a location where all the following conditions are met:

1. The student is placed in an enclosed area by school personnel;
2. The student is purposefully isolated from adults and peers; and
3. The student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

(u) “State board” means the Kansas state board of education.

(v) “Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

72-6153. Use of emergency safety interventions; seclusion room requirements; school district policies; dispute resolution procedures.

(a) Emergency safety interventions shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, such as positive behavior
interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student’s behavior prior to the use of any emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention. Use of an emergency safety intervention for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(b) A student shall not be subjected to an emergency safety intervention if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention. The existence of such medical condition must be indicated in a written statement from the student’s licensed health care provider, a copy of which shall be provided to the school and placed in the student’s file. Such written statement shall include an explanation of the student’s diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions. Notwithstanding the provisions of this subsection, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

c) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

d) All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

e) A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student, and shall be well-ventilated and sufficiently lighted.

(f) The following types of restraint shall be prohibited:

(1) Prone, or face-down, physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student’s primary mode of communication;

(2) Chemical restraint, except as prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue such treatments; and

(3) Mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a certified law enforcement officer in carrying out law enforcement duties, seatbelts and any other safety equipment when used to secure students during transportation.

(g) Each local board shall develop and implement written policies to govern the use of emergency safety interventions in schools. At a minimum, written district policies shall conform to the standards, definitions and requirements of this act.

Such written policies shall include that:

(1)(A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

(B) Training shall address prevention techniques, de-escalation techniques and positive behavioral intervention strategies;

(C) Training shall be consistent with nationally recognized training programs; and

(D) Schools shall maintain written or electronic documentation on training provided and lists of participants in each training for inspection by the Kansas state board of education;
(2) A local dispute resolution process shall be developed, which shall include the following:

(A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used on the parent’s child in violation of the act, rules and regulations or the local board’s emergency safety intervention policy, the parent may file a complaint within 30 days of the date on which the parent was informed of the use of the emergency safety intervention;

(B) A procedure for complaint investigation;

(C) A procedure to implement a dispute-resolution final decision. The local board’s decision shall be in writing and shall include findings of fact and any corrective action required by the school if the local board deems such action necessary. The local board’s final decision shall be mailed to the parent and the department within 30 days of the local board’s receipt of the complaint; and

(D) A procedure setting out the parent’s right to request an administrative review by the state board, including information as to the deadline by which the parent must submit the request to the state board;

(3) A system for the collection and maintenance of documentation for each use of an emergency safety intervention as set forth in K.S.A. 2016 Supp. 72-6154, and amendments thereto;

(4) A procedure for the periodic review of the use of emergency safety interventions at each school, which shall be compiled and submitted at least biannually to the superintendent or the superintendent’s designee; and

(5) A schedule for when and how parents are provided with notice of the local board’s written policies on the use of emergency safety interventions.

(h) Written policies developed pursuant to this act shall be accessible on each school’s website and shall be included in each school’s code of conduct, school safety plan or student handbook.

(i)(1) Campus police officers and school resource officers shall be exempt from the requirements of this act when engaged in an activity that has a legitimate law enforcement purpose.

(2) School security officers shall not be exempt from the requirements of this act.

72-6154. Parental notification; documentation of an incident; annual report.

(a)(1) When a student is subjected to an emergency safety intervention, the school shall notify the parent on the same day the emergency safety intervention was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Written documentation of the use of an emergency safety intervention shall be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the emergency safety intervention; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the emergency safety intervention; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and (G) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the
items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the emergency safety interventions is the same.

(2) The parent shall be provided the following information after the first incident in which an emergency safety intervention is used during the school year, and may be provided such information after each subsequent incident that occurs during the school year: (A) A copy of the standards of when emergency safety interventions can be used; (B) a flyer on the parent’s rights; (C) information on the parent’s right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and (D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form or, upon the parent’s written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

(b) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the school shall notify the parent the same day using the parent’s preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth in subsection (a)(1) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(c) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department website, and to the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The data governance board of the department shall use the actual data value when providing statewide aggregate data for such reports. The department’s reported results shall include, but shall not be limited to, the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;
(2) The number of incidents in which emergency safety interventions were used on students who have a section 504 plan;
(3) The number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;
(4) The total number of incidents in which emergency safety interventions were used on students;
(5) The total number of students with behavior intervention plans subjected to an emergency safety intervention;
(6) The number of students physically restrained;
(7) The number of students placed in seclusion;
(8) The maximum and median number of minutes a student was placed in seclusion;
(9) The maximum number of incidents in which emergency safety interventions were used on a student;
(10) The information reported under subsection [subsections] (c)(1) through (c)(3) by the school to the extent possible;
(11) The information reported under subsections (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and
(12) Such other information as the department deems necessary to report.
72-6155. Parent’s right to request meeting; required meetings.

(a) After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent’s request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

(1) For a student who has an individualized education program or a section 504 plan, such student’s individualized education program team or section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence. For a student with a section 504 plan, such student’s section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

(2) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto, the need for a functional behavioral analysis or the need for a behavior intervention plan. Any meeting called pursuant to this subsection shall include the student’s parent, a school administrator for the school where the student attends, one of the student’s teachers, a school employee involved in the incident and such other school employees designated by the school administrator as appropriate for such meeting.

(b) The parent shall determine whether the student shall be invited to any meeting called pursuant to this section.

(c) The time for calling a meeting pursuant to this section shall be extended beyond the 10-school-day limit if the parent of the student is unable to attend within that time period.

(d) Nothing in this section shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if such student may benefit from such measures.

72-6156. Rules and regulations.

The state board of education shall adopt rules and regulations as necessary to implement the provisions of this act on or before March 1, 2016. Such rules and regulations shall include, but not be limited to, the standards for the use and reporting of emergency safety interventions as provided in K.S.A. 2016 Supp. 72-6152 through 72-6155, and amendments thereto.

72-6157. Emergency safety intervention task force; membership; organization; duties.

(a) There is hereby established the emergency safety intervention task force. The task force shall consist of the 17 members appointed as follows:

(1) Two members shall be appointed by the state board of education, one of which shall be a member of the state board of education and one of which shall be an attorney for the department;

(2) Two members shall be appointed by the disability rights center of Kansas;

(3) Two members shall be appointed by families together inc., one of which shall be a parent of a child with a disability;
(4) Two members shall be appointed by keys for networking, inc., one of which shall be a parent of a child with a disability;

(5) Two members shall be appointed by the special education advisory council;

(6) Two members shall be appointed by the Kansas association of special education administrators;

(7) Two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;

(8) Two members shall be appointed by the Kansas association of school boards, one of which shall be an attorney for the association; and

(9) One member shall be appointed by the center for child health and development of the university of Kansas medical center, who shall be a person licensed to practice medicine and surgery in Kansas who is a practicing physician with experience treating and diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center.

(b) The emergency safety intervention task force shall study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions. The task force's report shall be submitted to the governor and the legislature on or before January 20, 2016.

(c) The member of the task force who is also a member of the state board of education shall call an organizational meeting of the task force on or before August 1, 2015. At such organizational meeting the members shall elect a chairperson and vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the members of the task force.

(d) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be eight* members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

(e) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

72-6158. Expiration of act.

REGULATIONS

91-42-1. Definitions.
As used in this article, each of the following terms shall have the meaning specified in this regulation:

(a) "Administrative review" means review by the state board upon request of a parent.

(b) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(c) "Commissioner" means commissioner of education.

(d) "Complaint" means a written document that a parent files with a local board as provided for in this article.

(e) "Department" means the state department of education.
(f) “District” means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-1106, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.

(g) “Emergency safety intervention” means the use of seclusion or physical restraint.

(h) “Hearing officer” means the state board’s designee to conduct an administrative review as specified in K.A.R. 91-42-5. The hearing officer shall be an officer or employee of the department.

(i) "Incident" means each occurrence of the use of an emergency safety intervention.

(j) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.

(k) "Mechanical restraint" means any device or object used to limit a student's movement.

(l) "Parent" means any of the following:
   (1) A natural parent;
   (2) An adoptive parent;
   (3) A person acting as a parent, as defined in K.S.A. 72-1046 and amendments thereto;
   (4) A legal guardian;
   (5) An education advocate for a student with an exceptionality;
   (6) A foster parent, unless the foster parent's child is a student with an exceptionality; or
   (7) A student who has reached the age of majority or is an emancipated minor.

(m) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

(n) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

(o) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board.

(p) "Seclusion" means placement of a student in a location where all the following conditions are met:
   (1) The student is placed in an enclosed area by school personnel.
   (2) The student is purposefully isolated from adults and peers.
   (3) The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.

(q) "State board" means Kansas state board of education.

(r) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.


(a) An emergency safety intervention shall be used only when a student presents a reasonable and immediate danger of physical harm to the student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, including positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior before the use of any emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention.
(b) Use of an emergency safety intervention for purposes of discipline or punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(c)(1) A student shall not be subjected to an emergency safety intervention if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.

(2) The existence of the medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file. The written statement shall include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.

(3) Notwithstanding the provisions of this subsection, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

(d) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

(e) Each seclusion room equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, including fire or severe weather.

(f) Each seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Each room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

(g) The following types of restraint shall be prohibited:
   (1) Prone, or face-down, physical restraint;
   (2) Supine, or face-up, physical restraint;
   (3) Any restraint that obstructs the airway of a student;
   (4) Any restraint that impacts a student's primary mode of communication;
   (5) Chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments; and
   (6) The use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.

(h) The following shall not be deemed an emergency safety intervention, if its use does not otherwise meet the definition of an emergency safety intervention:
   (1) Physical escort; and
   (2) Time-out.

91-42-3. District policy; training; local board dispute resolution.

(a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

   (1)(A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

   (B) Training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;
(C) Any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and
(D) Schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and

(2) A local dispute resolution process, which shall include the following:
   (A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;
   (B) A complaint investigation procedure;
   (C) A dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district if the local board deems these actions necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and
   (D) A statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board;

(3) A system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:
   (A) The date and time of the emergency safety intervention;
   (B) The type of emergency safety intervention;
   (C) The length of time the emergency safety intervention was used;
   (D) The school personnel who participated in or supervised the emergency safety intervention;
   (E) Whether the student had an individualized education program at the time of the incident;
   (F) Whether the student had a section 504 plan at the time of the incident; and
   (G) Whether the student had a behavior intervention plan at the time of the incident;

(4) Procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and

(5) A schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.

(b) Written policies developed pursuant to this article shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook.

91-42-4. Parent notification; required meeting; filing a complaint.

(a) When an emergency safety intervention is used with a student, the school shall notify the parent the same day the emergency safety intervention was used. The school shall attempt to contact the parent using at least two methods of contact, one of which shall be the preferred method of contact if so designated by the parent as specified in this subsection. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.
(b) The school shall provide written documentation of the emergency safety intervention used to the parent no later than the school day following the day on which the emergency safety intervention was used. This documentation shall include the following:

1. The date and time of the intervention;
2. The type of intervention;
3. The length of time the intervention was used;
4. The school personnel who participated in or supervised the intervention;
5. The events leading up to the incident;
6. The student behaviors that necessitated the emergency safety intervention;
7. The steps taken to transition the student back into the educational setting;
8. Space or an additional form for parents to provide feedback or comments to the school regarding the incident;
9. A statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and
10. Email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the items in paragraphs (b)(5) through (7) if the triggering issue necessitating the emergency safety interventions is the same.

(c) In addition to the documentation required by subsection (b), the school shall provide the parent the following information:

1. After the first incident in which an emergency safety intervention is used with a student during the school year, the school shall provide the following information in printed form to the parent or, upon the parent’s written request, by email:
   A. A copy of the standards of when emergency safety interventions can be used;
   B. A flyer on the parent’s rights;
   C. Information on the parent’s right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and
   D. Information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system.
2. After subsequent incidents in which an emergency safety intervention is used with a student during the school year, the school shall provide a full and direct web site address containing the information in paragraph (c)(1).

(d) After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request the meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the date on which the parent sent the request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

1. For a student who has an individualized education program or a section 504 plan, then the student's individualized education program team or section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan, or amend either if already in existence.
2. For a student with a section 504 plan, the student's section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto.
(3) For a student who has an individualized education program and is placed in a private school by a parent, a meeting called under this subsection shall include the parent and the designee of the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate the meeting.

(4) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq. and amendments thereto, the need for a functional behavioral analysis, or the need for a behavior intervention plan. Each meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for the meeting.

(5) The parent shall determine whether the student shall be invited to any meeting called pursuant to this subsection.

(6) The time for calling a meeting pursuant to this subsection shall be extended beyond the 10-school-day limit if the parent of the student is unable to attend within that time period.

(7) Nothing in this subsection shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if the student could benefit from such measures.

(e) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student on school grounds or during a school-sponsored activity, the school shall notify the parent on the same day the school becomes aware of the use, using the parent's preferred method of contact as described in K.A.R. 91-42-4(a). A school shall not be required to provide written documentation to a parent, as set forth in subsection (b) or (c) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(f) If a parent believes that emergency safety interventions have been used in violation of this article or policies of the school district, then within 30 days from being informed of the use of emergency safety intervention, the parent may file a complaint through the local dispute resolution process. Any parent may request an administrative review by the state board within 30 days from the date the final decision was issued pursuant to the local dispute resolution process.

91-42-5. Administrative review.

(a) Any parent who filed a written complaint with a local board regarding the use of emergency safety intervention may request an administrative review by the state board of the local board's final decision.

(b) Each parent seeking administrative review shall provide the following information in the request:

(1) The name of the student and the student's contact information;

(2) The name and contact information, to the extent known, for all involved parties, including teachers, aides, administrators, and district staff;

(3) A detailed statement of the basis for seeking administrative review, with all supporting facts and documentation. The documentation shall include a copy of the complaint filed with the local board and shall include the local board's final decision, if issued. The request shall be legibly written or typed and shall be signed by the parent. Relevant written instruments or documents in the possession of the
parent shall be attached as exhibits or, if unavailable, referenced in the request for administrative review; and

(4) Written consent to disclose any personally identifiable information from the student’s education records necessary to conduct an investigation pursuant to this regulation.

(c)(1) Each request for administrative review shall be filed with the commissioner within 30 days from the date a final decision is issued pursuant to the local dispute resolution process or, if a final decision is not issued, within 60 days from the date a written complaint was filed with the local board.

(2) The hearing officer shall forward a copy of the request for administrative review to the clerk of the local board from whom the administrative review is sought.

(d) Upon receipt of each request for administrative review, the hearing officer shall consider the local board's final decision and may initiate its own investigation of the complaint. Any investigation may include the following:

   (1) A discussion with the parent, during which additional information may be gathered and specific allegations identified, verified, and recorded;

   (2) Contact with the local board or other district staff against which the request for administrative review is filed to allow the local board to respond to the request with facts and information supporting the local board's final decision; and

   (3) An on-site investigation by department officers or employees.

(e) If the hearing officer receives information that the hearing officer determines was not previously made available to both parties during the local board dispute resolution process, the hearing officer may remand the issue back to the local board. The local board then has 30 days to issue a written amended final decision.

Upon remand, the hearing officer's case will be closed. All rights to and responsibilities of an administrative review shall begin again when the local board's amended final decision is issued or upon 30 days from when the hearing officer's remand is issued, whichever occurs first.

(f) Within 60 days of the commissioner's receipt of the request for administrative review, the hearing officer shall inform the parent, the school's head administrator, the district superintendent, the local board clerk, and the state board in writing of the results of the administrative review. This time frame may be extended for good cause upon approval of the commissioner.

(g) The results of the administrative review shall contain findings of fact, conclusions of law, and, if needed, suggested corrective action. The hearing officer shall determine whether the district is in violation of this article based solely on the information obtained by the hearing officer during the course of the investigation and the administrative review process. This determination shall include one of the following:

   (1) The local board appropriately resolved the complaint pursuant to its dispute resolution process.

   (2) The local board should reevaluate the complaint pursuant to its dispute resolution process with suggested findings of fact.

   (3) The hearing officer's suggested corrective action is necessary to ensure that local board policies meet the requirements of law.

(h) Nothing in this regulation shall require exhaustion of remedies under this regulation before using procedures or seeking remedies that are otherwise available.


(a) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:
(1) "Appointing authority" means a person or group of persons empowered by statute to make human resource decisions that affect the employment of officers.

(2) "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(3) "Law enforcement officer" and "police officer" mean a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic laws of this state or of any Kansas municipality. This term shall include "campus police officer."

(4) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

(5) "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(6) "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located but is not a law enforcement officer or police officer.

(b) Campus police officers and school resource officers shall be exempt from the requirements of this article when engaged in an activity that has a legitimate law enforcement purpose.

(c) School security officers shall not be exempt from the requirements of this article.


(a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The department's reported results shall include but shall not be limited to the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) The number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) The number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) The total number of incidents in which emergency safety interventions were used on students;

(5) The total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) The number of students physically restrained;

(7) The number of students placed in seclusion;

(8) The maximum and median number of minutes a student was placed in seclusion;

(9) The maximum number of incidents in which emergency safety interventions were used on a student;

(10) The information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;
(11) The information reported under paragraphs (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and
(12) Any other information that the department deems necessary to report.

(c) Actual data values shall be used when providing statewide aggregate data for the reports.

Alternative placements

LAWS

72-4241. Alternative schools; authorization to establish; waiver from certain requirements, how acquired; terms and conditions.

The board of education of any school district may establish an alternative school or schools at any of the levels of grade seven or above to provide an educational alternative for students determined by such board of education to be unable to benefit from other schools of the school district. Courses of instruction and other requirements of statutes and rules and regulations shall apply to any such schools to the extent that the same are not obstructive to programs of learning and instruction in such schools. In the event the board of education determines that it is desirable to vary in some manner from the terms and conditions of a statute or the rules and regulations of the state board of education, such board of education shall make application to the state board of education for a complete or partial waiver of such statutory or rule and regulation requirements, and upon approval of such application, or amendment and approval thereof, the board of education shall be authorized to operate such alternative school under the terms and conditions of such waiver until such time as the waiver may be rescinded or modified by the state board, or by act of the legislature.

REGULATIONS

91-40-36. Determination of services for children with disabilities suspended from school or placed in interim alternative educational settings.

(a) If a child with a disability is properly suspended from school for more than 10 cumulative school days in any school year, the special education and related services to be provided to the child during any period of suspension shall be determined by school officials of the agency responsible for the education of the child.

(b) If a child with a disability is suspended from school for more than 10 consecutive school days or is expelled from school for behavior that has been determined not to be a manifestation of the child's disability, the child's IEP team shall determine the special education and related services that will be provided to the child.

(c) If a child with a disability is placed in an interim alternative educational setting as a result of the child's possession of a weapon or illegal drug, the child's IEP team shall determine the following:

(1) The special education and related services to be provided to the child in the interim alternative educational setting; and

(2) Those services and modifications that will be provided to address the misbehavior of the child and that are designed to prevent the misbehavior from recurring.

(d)(1) If a child with a disability is to be placed in an interim alternative educational setting by a due process hearing officer because the child is substantially likely to cause injury to self or others, school officials shall propose to the hearing officer the special education and related services to be provided to the child, and those services and modifications to be provided to address the behavior and prevent its recurrence.
(2) The hearing officer shall determine whether the services proposed by the school officials are appropriate. If so determined, those services shall be provided to the child. If determined to be inappropriate, the hearing officer shall order any modification in the services to be provided that the hearing officer determines necessary to provide the child with an appropriate education.

(e) An agency shall convene IEP meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of an IEP meeting to the child's parents.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

21-6301. Criminal use of weapons.
(a) Criminal use of weapons is knowingly:

(11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) Subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) Subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) Subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a severity level 8, nonperson felony; and

(5) Subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) Severity level 8, nonperson felony upon a second or subsequent conviction.

72-6131. Definitions.
As used in this act:

(a) “Board of education” means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) “School” means a public school or an accredited nonpublic school.

(c) “Public school” means a school operated by a unified school district organized under the laws of this state.

(d) “Accredited nonpublic school” means a nonpublic school participating in the quality performance accreditation system.

(e) “Chief administrative officer of a school” means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) “Federal law” means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.

(g) “Secretary of education” means the secretary of the United States department of education.
(h)(1) “Weapon” means: (A) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon described in the preceding example; (C) any firearm muffler or firearm silencer; (D) any explosive, incendiary, or poison gas: (i) Bomb; (ii) grenade; (iii) rocket having a propellant charge of more than four ounces; (iv) missile having an explosive or incendiary charge of more than 1/4 ounce; (v) mine; or (vi) similar device; (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; (F) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (G) any bludgeon, sandclub, metal knuckles or throwing star; (H) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; or (I) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

(2) The term “weapon” does not include within its meaning: (A) An antique firearm; (B) an air gun; (C) any device which is neither designed nor redesigned for use as a weapon; (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; (E) surplus ordinance sold, loaned or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685 or 4686 of title 10 of the United States Code; or (F) class C common fireworks.

(i) “Air gun” means any device which will or is designed to or may be readily converted to, expel a projectile by the release of compressed air or gas, and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.

(j) “Organization” means any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 18 in activities designed to promote and encourage self-confidence, teamwork and a sense of community.

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.

(a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-6115, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(b) To the extent that the provisions contained in article 89 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, do not conflict with the requirements of this act, such provisions shall apply to and be incorporated in the policy required to be adopted under subsection (a).

(c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary for children and families, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the hearing required under the provisions of article 89 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, shall be delayed until the pupil is released from custody.
(d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.

(e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).

(f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary for children and families or the commissioner of juvenile justice.

(g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

72-6134. Use of air guns; certain policies prohibited.
(a) No school district shall adopt a policy that prohibits an organization from conducting activities on school property solely because such activities include the possession and use of air guns by the participants. Any policy adopted pursuant to K.S.A. 2017 Supp. 72-6132, and amendments thereto, shall not prohibit the possession of an air gun by a pupil on school property if such pupil is a participant in the activities of an organization.

(b) A policy adopted pursuant to K.S.A. 72-6132, and amendments thereto, may prohibit the possession of air guns by pupils at school, on school property or at a school supervised activity, except when a pupil is participating in activities conducted by an organization, or is in transit to or from such activities.

(c) Any individual desiring to participate in activities conducted by an organization may be required to sign, or have a parent or legal guardian sign, a liability waiver. The liability waiver shall be in such form as prescribed by the chief administrative officer of the school and shall contain the appropriate language so as to relieve the school district, the school and all school personnel from liability for any claims arising out
of the acts or omissions of any individual or any school personnel relating to activities conducted by an organization.
(d) The provisions of this section shall be a part of and supplemental to K.S.A. 72-6131 et seq., and amendments thereto.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

72-3121. Same; noncompliance; duties of boards of education, secretary for children and families, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents.

(a) Each board of education shall designate one or more employees who shall report to the secretary for children and families, or a designee thereof, or to the appropriate county or district attorney pursuant to an agreement as provided in this section, all cases of children who are less than 13 years of age and are not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 18 years of age and are not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary for children and families, or the designee thereof, to the county or district attorney, or the designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education. The local area office of the Kansas department for children and families may enter into an agreement with the appropriate county or district attorney to provide that the designated employees of such board of education shall make the report as provided in this section for all cases of children who are less than 13 years of age and are not attending school as provided by law to the county or district attorney in lieu of the secretary, or the secretary's designee. If such agreement is made, the county or district attorney shall carry out all duties as otherwise provided by this subsection conferred on the secretary or the secretary's designee. A copy of such agreement shall be provided to the director of such area office of the Kansas department for children and families and to the school districts affected by the agreement.
(b) Whenever a child is required by law to attend school, and the child is not enrolled in a public or nonpublic school, the child shall be considered to be not attending school as required by law and a report thereof shall be made in accordance with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d).
(c)(1) Whenever a child is required by law to attend school and is enrolled in school, and the child is inexcusably absent therefrom on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, the child shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child.

(2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.

(3) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

(4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a), provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 2017 Supp. 72-6143(i), and amendments thereto.

(5) The provisions of this subsection are subject to the provisions of subsection (d).

(d)(1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary for children and families or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

(2) Whenever a law enforcement officer assumes temporary custody of a child who is found away from home or school without a valid excuse during the hours school is actually in session, and the law enforcement officer delivers the child to the school in which the child is enrolled or to a location designated by the school in which the child is enrolled to address truancy issues, the designated employee of the board of education shall serve notice thereof upon a parent or person acting as parent of the child. The notice may be oral or written and shall inform the parent or person acting as parent of the child that the child was absent from school without a valid excuse and was delivered to school by a law enforcement officer.

(e) Whenever the secretary for children and families receives a report required under this section, the secretary shall investigate the matter. If, during the investigation, the secretary determines that the reported child is not attending school as required by law, the secretary shall institute proceedings under the revised Kansas code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.
(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the matter. If, during the investigation, the county or district attorney determines that the reported child is not attending school as required by law, the county or district attorney shall prepare and file a petition alleging that the child is a child in need of care. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence such action.

(g) As used in this section, "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.

72-3131. School attendance review board; members, meetings; rules and regulations.

(a) The board of education of each school district in this state may establish a school attendance review board or may enter into a cooperative or interlocal cooperation agreement with one or more other boards of education for the joint establishment of a school attendance review board. Each school attendance review board shall include, but need not be limited to, one or more persons representing each of the following: (1) Parents of pupils of the district or districts; (2) the Kansas department for children and families; (3) the superintendent of schools of each participating school district; (4) teachers of the school district or districts; (5) school guidance personnel; (6) law enforcement agencies having jurisdiction in the district or districts; and (7) community-based agencies providing services to youth.

(b) The superintendent of schools of the school district that has established a school attendance review board as provided in subsection (a), at the beginning of each school year, shall convene a meeting of the school attendance review board for the purpose of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance problems. If more than one board of education is participating in a school attendance review board, the superintendent of schools of the school district having the most pupils shall convene the meeting provided for by this subsection.

(c) The school attendance review board may elect from among its members a chairperson having responsibility for coordinating the services of the board and may elect such other officers as determined by the board.

(d) The school attendance review board may adopt rules and regulations as necessary to govern its procedure and to enable the board to carry out the provisions of this act.

72-3133. Inventory of community services; recommendations for further services.

Any school attendance review board established pursuant to K.S.A. 2017 Supp. 72-3131 shall maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

72-3135. Referral of students; notice; resolving the problem.

(a) If a pupil is required by law to attend school and is irregular in attendance at school, the pupil may be referred to the school attendance review board. Each board of education shall designate one or more employees to make such referrals. Upon making a referral, the employee shall notify the pupil and the pupil's parents or guardians, in writing, of the name and address of the school attendance review board and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.

(b) If the school attendance review board determines that available community services can resolve the problem of the referred pupil, the board shall direct the pupil or the pupil's parents or guardians, or both,
to make use of those community services. The school attendance review board may require, at such time
as it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory
evidence of participation in the available community services.

(c) If the school attendance review board determines that available community services cannot resolve
the problem of the referred pupil or if the pupil or the pupil's parents or guardians, or both, have failed to
respond to directives of the school attendance review board or to services provided, the school
attendance review board may notify the secretary for children and families or the appropriate county or
district attorney. If the case is referred to the district court, the school attendance review board shall
submit to the district court documentation of efforts to secure attendance as well as the board's
recommendations on what action the district court shall take in order to bring about proper disposition of
the case.

**72-6118. Nonapplication of compulsory attendance law.**
The provisions of K.S.A. 72-1111, and amendments thereto, shall not apply to any pupil while subject to
suspension or expulsion from school pursuant to the provisions of this act.

**REGULATIONS**
No relevant regulations found.

**Substance use**

**LAWS**

**72-6271. Drug abuse, referral of pupils for assistance; immunity from civil liability.**
No school district, educational cooperative, interlocal educational agency or state accredited nonpublic
school, no governing authority thereof, no member of any such governing authority, and no officer or
employee of any school district, educational cooperative, interlocal educational agency or accredited
nonpublic school shall be subject to any civil liability for any statement, report or action taken in assisting,
or referring for assistance to any medical, treatment or social service agency or facility, any pupil
reasonably believed to be abusing or incapacitated by the use of alcohol or other drugs unless such
assistance or referral was made in bad faith or with malicious purpose. The same immunity from liability
shall attach with respect to participation in any administrative or judicial proceeding resulting from any
such assistance or referral.

**72-6272. Alcohol and drug abuse programs; provision authorized.**
The board of education of every school district may provide for programs which are designed to assist
pupils at all grade levels in the identification, examination, prevention and resolution of alcohol and drug
abuse problems which may affect the ability of such pupils to satisfactorily benefit from attendance at
school. Any board of education may enter into contracts for the provision of such programs for its pupils
and may pay the fees therefor from the general fund of the school district.

**72-6285. Tobacco products, use in school buildings prohibited; school building defined.**
(a) The use of tobacco products in any school building is hereby prohibited. No board of education of any
school district shall allow any person to use tobacco products in any school building.
(b) As used in this section, the term "school building" means any enclosed building used for pupil
attendance purposes by the board of education of a unified school district. The term school building does
not include a building, or part thereof, used for residential purposes or leased from the school district for
nonschool sponsored activities.
REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

21-5418. Hazing.
(a) Hazing is recklessly coercing, demanding or encouraging another person to perform, as a condition of membership in a social or fraternal organization, any act which could reasonably be expected to result in great bodily harm, disfigurement or death which is done in a manner whereby great bodily harm, disfigurement or death could be inflicted.
(b) Hazing is a class B nonperson misdemeanor.

72-3237. Disability history and awareness; objectives, guidelines and goals.
(c) The goals of disability history and awareness instruction include:
   (1) Encouraging the better treatment of individuals with disabilities, especially for school-age children.
   (2) Increasing attention to the prevention of bullying or harassment of students with disabilities.

72-6147. Bullying, school district policies.
(a) As used in this section:
   (1) "Bullying" means:
      (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:
         (i) Harming a student or staff member, whether physically or mentally;
         (ii) Damaging a student's or staff member's property;
         (iii) Placing a student or staff member in reasonable fear of harm to the student or staff member; or
         (iv) Placing a student or staff member in reasonable fear of damage to the student's or staff member's property;
      (B) Cyberbullying; or
      (C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.
   (2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.
   (3) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.
(b) The board of education of each school district shall adopt a policy to prohibit bullying on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event.
(c) The board of education of each school district shall adopt and implement a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.
(d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

72-9931. Secret fraternity of school organization.
It shall be unlawful for the pupils of any high schools to participate in or be members of any secret fraternity or secret organization whatsoever that is in any degree a school organization.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

72-3231. Character development programs.
(a) Upon request of a school district, the state board shall assist in the development of a grade appropriate curriculum for character development programs which may be offered to students in the school district. Nothing in this subsection shall be construed as requiring the state board to develop a new curriculum or a new character development program.
(b) As used in this section:
   (1) "Character development program" means a program which is secular in nature and which stresses character qualities
   (2) "Character qualities" means positive character qualities which include, but is not limited to, honesty, responsibility, attentiveness, patience, kindness, respect, self-control, tolerance, cooperation, initiative, patriotism and citizenship.
   (3) "State board" means the state board of education.

72-3237. Disability history and awareness; objectives, guidelines and goals.
(c) The goals of disability history and awareness instruction include:
   (1) Encouraging the better treatment of individuals with disabilities, especially for school-age children.
   (2) Increasing attention to the prevention of bullying or harassment of students with disabilities.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

72-6272. Alcohol and drug abuse programs; provision authorized.
The board of education of every school district may provide for programs which are designed to assist pupils at all grade levels in the identification, examination, prevention and resolution of alcohol and drug abuse problems which may affect the ability of such pupils to satisfactorily benefit from attendance at school. Any board of education may enter into contracts for the provision of such programs for its pupils and may pay the fees therefor from the general fund of the school district.

REGULATIONS
No relevant regulations found.
Professional development

LAWS

91-42-3. District policy; training; local board dispute resolution.

(a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

1. (A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;
   (B) Training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;
   (C) Any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and
   (D) Schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and
2. A local dispute resolution process, which shall include the following:
   (A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;
   (B) A complaint investigation procedure;
   (C) A dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district if the local board deems these actions necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and
   (D) a statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board;
3. A system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:
   (A) The date and time of the emergency safety intervention;
   (B) The type of emergency safety intervention;
   (C) The length of time the emergency safety intervention was used;
   (D) The school personnel who participated in or supervised the emergency safety intervention;
   (E) Whether the student had an individualized education program at the time of the incident;
   (F) Whether the student had a section 504 plan at the time of the incident; and
   (G) Whether the student had a behavior intervention plan at the time of the incident;
4. Procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and
5. A schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.
(b) Written policies developed pursuant to this article shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

72-3121. Same; noncompliance; duties of boards of education, secretary for children and families, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents.

(c)(4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a), provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 2017 Supp. 72-6143(i), and amendments thereto.

(d)(1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary for children and families or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.

(g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

72-6133. Duties of state board of education; failure of boards to adopt and file policies, penalties.

(a) The state board of education shall compile the reports required of boards of education under subsection (f) of K.S.A. 72-6132, and amendments thereto, and shall submit the compilation to the secretary of education on an annual basis as specified by the secretary.

72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity.

(a) If a school employee has information that a pupil is a pupil to whom the provisions of this subsection apply, the school employee shall report such information and identify the pupil to the superintendent of schools. The superintendent of schools shall investigate the matter and, upon determining that the
identified pupil is a pupil to whom the provisions of this subsection apply, shall provide the reported information and identify the pupil to all school employees who are directly involved or likely to be directly involved in teaching or providing other school related services to the pupil. The provisions of this subsection apply to:

1. Any pupil who has been expelled for the reason provided by subsection (c) of K.S.A. 72-6114, and amendments thereto, for conduct which endangers the safety of others;
2. Any pupil who has been expelled for the reason provided by subsection (d) of K.S.A. 72-6114, and amendments thereto;
3. Any pupil who has been expelled under a policy adopted pursuant to K.S.A. 72-6132, and amendments thereto;
4. Any pupil who has been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony under the laws of Kansas or the state where the offense was committed, except any pupil adjudicated as a juvenile offender for a felony theft offense involving no direct threat to human life; and
5. Any pupil who has been tried and convicted as an adult of any felony, except any pupil convicted of a felony theft crime involving no direct threat to human life.

A school employee and the superintendent of schools shall not be required to report information concerning a pupil specified in this subsection if the expulsion, adjudication as a juvenile offender or conviction of a felony occurred more than 365 days prior to the school employee's report to the superintendent of schools.

(b) Each board of education shall adopt a policy that includes:

1. A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons; and
2. The procedures for making such a report.

(c) School employees shall not be subject to the provisions of subsection (b) of K.S.A. 72-6144, and amendments thereto, if:

1. They follow the procedures from a policy adopted pursuant to the provisions of subsection (b); or
2. Their board of education fails to adopt such policy.

(d) Each board of education shall annually compile and report to the state board of education at least the following information relating to school safety and security: The types and frequency of criminal acts that are required to be reported pursuant to the provisions of subsection (b), disaggregated by occurrences at school, on school property and at school supervised activities. The report shall be incorporated into and become part of the current report required under the quality performance accreditation system.

(e) Each board of education shall make available to pupils and their parents, to school employees and, upon request, to others, district policies and reports concerning school safety and security, except that the provisions of this subsection shall not apply to reports made by a superintendent of schools and school employees pursuant to subsection (a).

(f) Nothing in this section shall be construed or operate in any manner so as to prevent any school employee from reporting criminal acts to school officials and to appropriate state and local law enforcement agencies.

(g) The state board of education shall extract the information relating to school safety and security from the quality performance accreditation report and transmit the information to the governor, the legislature,
the attorney general, the secretary of health and environment, the secretary for children and families and the commissioner of juvenile justice.

(h) No board of education, member of any such board, superintendent of schools or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omissions in complying with the requirements or provisions of the Kansas school safety and security act.

REGULATIONS


(a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The department's reported results shall include but shall not be limited to the following information:

1. The number of incidents in which emergency safety interventions were used on students who have an individualized education program;
2. The number of incidents in which emergency safety interventions were used on students who have a section 504 plan;
3. The number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;
4. The total number of incidents in which emergency safety interventions were used on students;
5. The total number of students with behavior intervention plans subjected to an emergency safety intervention;
6. The number of students physically restrained;
7. The number of students placed in seclusion;
8. The maximum and median number of minutes a student was placed in seclusion;
9. The maximum number of incidents in which emergency safety interventions were used on a student;
10. The information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;
11. The information reported under paragraphs (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and
12. Any other information that the department deems necessary to report.

(c) Actual data values shall be used when providing statewide aggregate data for the reports.

72-6116. Procedural due process requirements; record of appeal, costs; report of findings and result of hearing; information regarding behavior improvement programs.

(c) At the conclusion of a formal hearing which results in a suspension for an extended term or an expulsion, the person or committee conducting the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil who is suspended or expelled and, if the pupil is a juvenile, to the parents or guardians and counsel or other advisor of the pupil. If the pupil is an adult, the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the pupil only upon written consent of the pupil. Whenever a formal hearing results in suspension for an extended term or
expulsion, the person or committee conducting the hearing may make a finding that return to school by the pupil, pending appeal or during the period allowed for notice of appeal, is not reasonably anticipated to endanger the safety of others, to cause continuing repeated material disorder, disruption or interference with the operation of school, or to substantially or materially impinge upon or invade the rights of others, in which case the pupil may return to school until the period for filing a notice of appeal has expired with no notice filed, or until the determination of any appeal if a notice of appeal is filed. Whenever the person or committee conducting a hearing fails to make the findings specified above, the report of the hearing shall provide that the suspension or expulsion of the pupil shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever occurs sooner. Any such pupil shall be provided with information concerning services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the conduct upon which the suspension or expulsion was based. If the pupil is a juvenile, the information shall also be provided to the parents or guardians of the pupil.

**Parental notification**

**LAWS**

72-3121. Same; noncompliance; duties of boards of education, secretary for children and families, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents.

(d)(1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary for children and families or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

72-6115. Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct.

(2)(c) A written notice of any short-term suspension and the reason therefore shall be given to the pupil involved and to the pupil's parent or guardian within 24 hours after the suspension has been imposed and, in the event the pupil has not been afforded a hearing prior to any short-term suspension, an opportunity for an informal hearing shall be afforded the pupil as soon thereafter as practicable but in no event later than 72 hours after such short-term suspension has been imposed. Any notice of the imposition of a short-term suspension that provides an opportunity for an informal hearing after such suspension has been imposed shall state that failure of the pupil to attend the hearing will result in a waiver of the pupil's opportunity for the hearing.

(2)(e) Whenever any written notice is required under this act to be given to a pupil or to a pupil's parent or guardian, it shall be sufficient if the notice is mailed to the address on file in the school records of the pupil. In lieu of mailing the written notice, the notice may be personally delivered.
72-6117. Notice of hearing results; appeal to board of education; hearing officers; procedure.
(a) Written notice of the result of any hearing imposing an extended-term suspension or an expulsion from school shall be given to the pupil suspended or expelled from school, and to the parents or guardians of the pupil within 24 hours after determination of such result.
See also subsections (b) and (c) for information on appeal procedures.

72-6146. School security officers and campus police officers.
(f) The board of education of each school district shall adopt a policy providing for notification of a student’s parents or guardians whenever the student is taken into custody by a campus police officer.

72-6154. Parental notification; documentation of an incident; annual report.
(a)(1) When a student is subjected to an emergency safety intervention, the school shall notify the parent on the same day the emergency safety intervention was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Written documentation of the use of an emergency safety intervention shall be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the emergency safety intervention; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the emergency safety intervention; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and (G) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the emergency safety interventions is the same.

(2) The parent shall be provided the following information after the first incident in which an emergency safety intervention is used during the school year, and may be provided such information after each subsequent incident that occurs during the school year: (A) A copy of the standards of when emergency safety interventions can be used; (B) a flyer on the parent’s rights; (C) information on the parent’s right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and (D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form or, upon the parent’s written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

(b) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the school shall notify the parent the same day using the parent’s preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth in subsection (a)(1) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety
intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

21-6301. Criminal use of weapons.
(a) Criminal use of weapons is knowingly:
   (11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;
   (12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;
(b) Criminal use of weapons as defined in:
   (1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;
   (2) Subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;
   (3) Subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

72-3121. Same; noncompliance; duties of boards of education, secretary for children and families, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents.
(a) Each board of education shall designate one or more employees who shall report to the secretary for children and families, or a designee thereof, or to the appropriate county or district attorney pursuant to an agreement as provided in this section, all cases of children who are less than 13 years of age and are not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 18 years of age and are not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary for children and families, or the designee thereof, to the appropriate county or district attorney, or a designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education. The local area office of the Kansas department for children and families may enter into an agreement with the appropriate county or district attorney to provide that the designated employees of such board of education shall make the report as provided in this section for all cases of children who are less than 13 years of age and are not attending school as provided by law to the county or district attorney in lieu of the secretary, or the secretary's designee. If such agreement is made, the county or district attorney shall carry out all duties as otherwise provided by this subsection conferred on the secretary or the secretary's designee. A copy...
of such agreement shall be provided to the director of such area office of the Kansas department for children and families and to the school districts affected by the agreement.

(b) Whenever a child is required by law to attend school, and the child is not enrolled in a public or nonpublic school, the child shall be considered to be not attending school as required by law and a report thereof shall be made in accordance with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d).

(c)(1) Whenever a child is required by law to attend school and is enrolled in school, and the child is inexcusably absent therefrom on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, the child shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child.

   (2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.

   (3) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

   (4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a), provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 2017 Supp. 72-6143(i), and amendments thereto.

   (5) The provisions of this subsection are subject to the provisions of subsection (d).

(d)(1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary for children and families or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

   (2) Whenever a law enforcement officer assumes temporary custody of a child who is found away from home or school without a valid excuse during the hours school is actually in session, and the law enforcement officer delivers the child to the school in which the child is enrolled or to a location designated by the school in which the child is enrolled to address truancy issues, the designated employee of the board of education shall serve notice thereof upon a parent or person acting as parent of the child. The notice may be oral or written and shall inform the parent or person acting as parent of the child that the child was absent from school without a valid excuse and was delivered to school by a law enforcement officer.
(e) Whenever the secretary for children and families receives a report required under this section, the secretary shall investigate the matter. If, during the investigation, the secretary determines that the reported child is not attending school as required by law, the secretary shall institute proceedings under the revised Kansas code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.

(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the matter. If, during the investigation, the county or district attorney determines that the reported child is not attending school as required by law, the county or district attorney shall prepare and file a petition alleging that the child is a child in need of care. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence such action.

(g) As used in this section, "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.

72-3131. School attendance review board; members, meetings; rules and regulations.

(a) The board of education of each school district in this state may establish a school attendance review board or may enter into a cooperative or interlocal cooperation agreement with one or more other boards of education for the joint establishment of a school attendance review board. Each school attendance review board shall include, but need not be limited to, one or more persons representing each of the following: (1) Parents of pupils of the district or districts; (2) the Kansas department for children and families; (3) the superintendent of schools of each participating school district; (4) teachers of the school district or districts; (5) school guidance personnel; (6) law enforcement agencies having jurisdiction in the district or districts; and (7) community-based agencies providing services to youth.

(b) The superintendent of schools of the school district that has established a school attendance review board as provided in subsection (a), at the beginning of each school year, shall convene a meeting of the school attendance review board for the purpose of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance problems. If more than one board of education is participating in a school attendance review board, the superintendent of schools of the school district having the most pupils shall convene the meeting provided for by this subsection.

(c) The school attendance review board may elect from among its members a chairperson having responsibility for coordinating the services of the board and may elect such other officers as determined by the board.

(d) The school attendance review board may adopt rules and regulations as necessary to govern its procedure and to enable the board to carry out the provisions of this act.

72-3133. Inventory of community services; recommendations for further services.

Any school attendance review board established pursuant to K.S.A. 2017 Supp. 72-3131 shall maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

72-3135. Referral of students; notice; resolving the problem.

(a) If a pupil is required by law to attend school and is irregular in attendance at school, the pupil may be referred to the school attendance review board. Each board of education shall designate one or more employees to make such referrals. Upon making a referral, the employee shall notify the pupil and the
pupil's parents or guardians, in writing, of the name and address of the school attendance review board and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.

(b) If the school attendance review board determines that available community services can resolve the problem of the referred pupil, the board shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board may require, at such time as it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(c) If the school attendance review board determines that available community services cannot resolve the problem of the referred pupil or if the pupil or the pupil's parents or guardians, or both, have failed to respond to directives of the school attendance review board or to services provided, the school attendance review board may notify the secretary for children and families or the appropriate county or district attorney. If the case is referred to the district court, the school attendance review board shall submit to the district court documentation of efforts to secure attendance as well as the board's recommendations on what action the district court shall take in order to bring about proper disposition of the case.

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.

(f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary for children and families or the commissioner of juvenile justice.

72-6135. Definitions.
As used in K.S.A. 72-6135 and 72-6136, and amendments thereto:

(a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) "School" means a public school or an accredited nonpublic school.

(c) "Public school" means a school operated by a unified school district organized under the laws of this state.

(d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.

(e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools or a designee of the superintendent and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(h) "Weapon" means

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

(2) The frame or receiver of any weapon described in the preceding example;

(3) Any firearm muffler or firearm silencer;

(4) Any explosive, incendiary, or poison gas

(A) Bomb,
(B) Grenade,
(C) Rocket having a propellant charge of more than four ounces,
(D) Missile having an explosive or incendiary charge of more than 1/4 ounce,
(E) Mine, or
(F) Similar device;

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

(6) Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled;

(7) Any bludgeon, sandclub, metal knuckles or throwing star;

(8) Any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(9) Any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

The term "weapon" does not include within its meaning

(1) An antique firearm;

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

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

(4) Surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code;

(5) Class C common fireworks.

(g) "Controlled substance" has the meaning ascribed thereto in K.S.A. 2013 Supp. 21-5701, and amendments thereto.

(h) "Illegal drug" means a controlled substance but does not include a controlled substance that is legally possessed, used under the supervision of a licensed health-care professional or used under authority of any federal or state law.

(i) "Possession of a weapon or illegal drug" means knowingly having direct physical control over a weapon or illegal drug or knowingly having the power and the intention at a given time to exercise dominion or control over a weapon or illegal drug.

(j) "Law enforcement agency" means the police department of a city if the school safety violation occurs within the corporate limits of a city or the office of the county sheriff if the school safety violation occurs outside the corporate limits of a city.

(k) "Division" means the division of motor vehicles of the Kansas department of revenue.

72-6136. Suspension or revocation of driver's license or privilege upon certain school safety violations; procedure.

(a) Whenever a pupil who has attained the age of 13 years has been found in possession of a weapon or illegal drug at school, upon school property or at a school-supervised activity or has engaged in an act or behavior, committed at school, upon school property, or at a school-supervised activity which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative
officer of the school shall make a report of the pupil's act to the appropriate law enforcement agency, provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 2017 Supp. 72-6143(i), and amendments thereto. The report shall be given as soon as practicable, but not to exceed 10 days from the date of the pupil's act, excluding holidays and weekends, to the appropriate law enforcement agency. Upon receipt of the report, the law enforcement agency shall investigate the matter and give written notice to the division of the act committed by the pupil. The notice shall be given to the division of vehicles by the law enforcement agency as soon as practicable but not to exceed 10 days, excluding holidays and weekends, after receipt of the report and shall include the pupil's name, address, date of birth, driver's license number, if available, and a description of the act committed by the pupil. A copy of the notice also shall be given to the pupil and to the parent or guardian of the pupil.

(b) If timely notice is not given to the appropriate law enforcement agency or to the division as specified in subsection (a), the division of vehicles shall not suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state.

(c) If timely notice is given to the appropriate law enforcement agency and the division as specified in subsection (a), the division of vehicles immediately shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil's privilege to operate a motor vehicle is in effect. If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked. If timely notice is given to the appropriate law enforcement agency and the division as required by subsection (a), no Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:

(1) Immediately following the date of receipt by the division of notification from a law enforcement agency containing the description of the pupil's act, if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil will be eligible to apply for a driver's license, if the pupil is not eligible to apply for a driver's license on the date of receipt of the notification.

(d) If the pupil's driver's license or driving privilege has been revoked, suspended or canceled for another cause, the suspension or revocation required by this section shall apply consecutively to the previous revocation, suspension or cancellation.

(e) Upon suspension or revocation of a pupil's driver's license or driving privilege to operate a motor vehicle as provided in this section, the division of vehicles shall immediately notify the pupil in writing. If the pupil makes a written request for hearing within 30 days after such notice of suspension or revocation, the division of vehicles shall afford the pupil an opportunity for a hearing as provided by K.S.A. 8-255, and amendments thereto. The scope of the hearing shall be limited to determination of whether or not: (1) Notice was given to the appropriate law enforcement agency and the division within the time specified in subsection (a); or (2) there are reasonable grounds to believe the pupil was in possession of a weapon or illegal drug at school, upon school property, or at a school-supervised activity or was engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.

(f) For the purposes of this section, the term driver's license includes, in addition to any commercial driver's license and any class A, B, C or M driver's license, any restricted license issued under K.S.A. 8-237, and amendments thereto, any instruction permit issued under K.S.A. 8-239, and amendments thereto, and any farm permit issued under K.S.A. 8-296, and amendments thereto.
72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity.

(b) Each board of education shall adopt a policy that includes:

(1) A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons; and

(2) The procedures for making such a report.

72-9936. School districts not required to provide incarcerated person with opportunity to attend school; exceptions.

(a) Subject to the provisions of subsection (b), no school district shall be required to provide any person, who is 16 years of age or older, has been prosecuted as an adult, convicted of a crime, and incarcerated in a county jail or state correctional institution, with an opportunity to attend school at a school facility operated by the school district for the period of time the person is incarcerated, nor shall any school district be required to provide any such person with educational services at the county jail or state correctional institution in which the person is incarcerated.

(b) The provisions of subsection (a) do not apply to any person who is under 21 years of age and who, immediately prior to conviction and incarceration, was determined to be a child with a disability for whom an individualized education program had been developed and effectuated under the provisions of the special education for exceptional children act.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

72-6312. Student data privacy act; citation of act.

K.S.A. 2014 Supp. 72-6312 through 72-6320, and amendments thereto, shall be known and may be cited as the student data privacy act.

72-6313. Definitions.

As used in K.S.A. 2014 Supp. 72-6312 through 72-6320, and amendments thereto:

(a) "Aggregate data" means data collected or reported at the group, cohort or institutional level and which contains no personally identifiable student data.

(b) "Biometric data" means one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics and handwriting.

(c) "Department" means the state department of education.

(d) "Directory information" means a student's name, address, telephone listing, participation in officially recognized activities and sports, weight and height if the student is a member of an athletic team, and degrees, honors or awards received.
(e) "Educational agency" means a school district or the department.
(f) "School district" means a unified school district organized and operated under the laws of this state.
(g) "Statewide longitudinal student data system" means any student data system maintained by the department, which assigns a state identification number for each student who attends an accredited public or private school in Kansas and uses the state identification number to collect student data.
(h) "Student data" means the following information contained in a student's educational record:
   (1) State and national assessment results, including information on untested students;
   (2) Course taking and completion, credits earned and other transcript information;
   (3) Course grades and grade point average;
   (4) Date of birth, grade level and expected date of graduation;
   (5) Degree, diploma, credential attainment and other school exit information such as general education development and drop-out data;
   (6) Attendance and mobility;
   (7) Data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information;
   (8) Remediation;
   (9) Special education data;
   (10) Demographic data and program participation information; and
   (11) Any other information included in a student's educational record.
(i) "Personally identifiable student data" means student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.

72-6314. Disclosure of data; requirements for disclosure.
(a) Any student data submitted to and maintained by a statewide longitudinal student data system shall only be disclosed by an educational agency in accordance with the provisions of this section. An educational agency shall provide annual written notice to each student's parent or legal guardian that student data may be disclosed in accordance with this section. Such notice shall be signed by the student's parent or legal guardian and maintained on file with the district.
(b) Student data may be disclosed at any time to:
   (1) The authorized personnel of an educational agency who require such disclosures to perform their assigned duties;
   (2) The authorized personnel of the state board of regents who require such disclosures to perform their assigned duties; and
   (3) The student and the parent or legal guardian of the student, provided the student data pertains solely to such student.
(c) Student data may be disclosed to the authorized personnel of any state agency not specified in subsection (b), or to a service provider of a state agency, educational agency or school who is engaged to perform a function of instruction, assessment or longitudinal reporting, provided there is a data-sharing agreement between the educational agency and such other state agency or service provider that provides the following:
   (1) The purpose, scope and duration of the data-sharing agreement;
   (2) That the recipient of the student data use such information solely for the purposes specified in the agreement;
(3) That the recipient shall comply with data access, use and security restrictions that are specifically described in the agreement; and

(4) That the student data shall be destroyed when no longer necessary for the purposes of the data-sharing agreement or upon expiration of the data-sharing agreement, whichever occurs first. Except that a service provider engaged to perform a function of instruction may retain student transcripts as required by applicable laws and rules and regulations. Destruction shall comply with the NISTSP800-88 standards of data destruction.

(d)(1) Except as otherwise provided in paragraph (2), student data may be disclosed to any governmental entity not specified in subsection (b) or (c), or to any public or private audit and evaluation or research organization, provided that only aggregate data is disclosed to such governmental entity or audit and evaluation or research organization.

(2) Personally identifiable student data may be disclosed if the student, if an adult, or the parent or legal guardian of the student, if a minor, consents to such disclosure in writing.

(e) Notwithstanding the provisions of subsections (b), (c) and (d), an educational agency may disclose:

(1) Directory information of a student when such agency deems such disclosure necessary and the disclosure of which has been consented to in writing by such student's parent or legal guardian;

(2) Directory information to an enhancement vendor that provides photography services, class ring services, yearbook publishing services, memorabilia services or other substantially similar services;

(3) Any information required to be disclosed pursuant to K.S.A. 65-101, 65-118 and 65-202, and amendments thereto, provided such information is disclosed in accordance with any provisions of such statutes regarding the confidentiality and disclosure of such information;

(4) Any student data in order to comply with any lawful subpoena or court order directing such disclosure; and

(5) Student data to a public or private postsecondary educational institution which is required by such postsecondary educational institution for the purposes of application or admission of a student to such postsecondary educational institution, provided that such disclosure is consented to in writing by such student.

72-6315. Collection of biometric data prohibited.
No school district shall collect biometric data from a student or use any device or mechanism to assess a student's physiological or emotional state, unless the student, if an adult, or the parent or legal guardian of the student, if a minor, consents in writing.

72-6318. Security breach or unauthorized disclosure; notification, when.
In the event of a security breach or unauthorized disclosure of student data or personally identifiable information of any student, whether by a school district, the department, the state board of education, state agency, or other entity or third party given access to student data or personally identifiable information of any student, the school district, department, state board of education, state agency, or other entity or third party shall immediately notify each affected student, if an adult, or the parent or legal guardian of the student, if a minor, of the breach or unauthorized disclosure and investigate the causes and consequences of the breach or unauthorized disclosure.

72-6331. Student online personal protection act.
K.S.A. 2017 Supp. 72-6331 through 72-6334, and amendments thereto, shall be known and may be cited as the student online personal protection act.
72-6332. Same; definitions.

As used in K.S.A. 2017 Supp. 72-6331 through 72-6334, and amendments thereto:

(a) "Educational purposes" means purposes that are directed by an employee or agent of a school district, that customarily take place at an attendance center operated by a school district or that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents, or which are otherwise for the use and benefit of the school district.

(b) "Interactive computer service" means any service, system or software provider that provides or enables multiple users access to a computer server, including a service or system that provides access to the internet and systems or services offered by libraries or educational institutions.

(c) "Educational online product" means an internet website, online service, online application or mobile application that is used primarily, and was designed and marketed for, educational purposes.

(d) "Operator" means, to the extent it is operating in this capacity, the operator of an educational online product with actual knowledge that the educational online product is used primarily for educational purposes and was designed and marketed for educational purposes. For the purposes of this act, the term "operator" shall not be construed to include any school district or school district employee acting on behalf of a school district employer.

(e) "Personally identifiable information" means information that personally identifies an individual student or that is linked to information that personally identifies an individual student, including, but not limited to: (1) Information in the student's educational record or electronic mail; (2) first and last name; (3) home address; (4) telephone number; (5) electronic mail address; (6) any other information that allows physical or online contact with the student; (7) discipline records; (8) test results; (9) data that is a part of or related to any individualized education program for such student; (10) juvenile dependency records; (11) grades; (12) evaluations; (13) criminal records; (14) medical records; (15) health records; (16) social security number; (17) biometric information; (18) disabilities; (19) socioeconomic information; (20) food purchases; (21) political affiliations; (22) religious information; (23) text messages; (24) documents; (25) student identifiers; (26) search activity; (27) photos; (28) voice recordings; or (29) geolocation information.

(f) "School district" means any unified school district organized and operating under the laws of this state.

(g) "Service provider" means a person or entity that provides a service to an operator or provides a service that enables users to access content, information, electronic mail or other services offered over the internet or a computer network.

(h) "Student information" means personally identifiable information or material in any media or format that is not otherwise available to the public and was:

(1) Created by an operator in the course of the use of the operator's educational online product for educational purposes;

(2) Provided to an operator by a student, or the student's parent or legal guardian, in the course of the use of the operator's educational online product for educational purposes;

(3) Created by an operator as a result of the activities of an employee or agent of a school district;

(4) Provided to an operator by an employee or agent of a school district for educational purposes;

(5) Gathered by an operator through the operation of such operator's educational online product for educational purposes.

(i) "Targeted advertising" means presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage
of online applications or student information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.

72-6333. Same; operator prohibitions; exceptions.

(a) An operator shall not knowingly:

(1) Engage in targeted advertising on the operator's educational online product, or target advertising on any other educational online product if the targeting of the advertising is based on any information, including student information and persistent unique identifiers, that the operator has acquired because of the use of such operator's educational online product for educational purposes;

(2) Use information, including student information and persistent unique identifiers, created or gathered through the operation of such operator's educational online product, to amass a profile about a student, except in furtherance of educational purposes;

(3) Sell or rent student information to a third party, except when such information is part of the assets being transferred during the purchase, merger or other acquisition of an operator by another entity, provided, the successor entity complies with the provisions of this subsection as though it were an operator with respect to the acquired student information; or

(4) Disclose student information unless the disclosure is made for the following purposes:

(A) For legitimate research purposes subject to and as allowed by federal and state law, and under the direction of a school district or the state department of education, provided the student information is not used for advertising or to amass a profile on the student for purposes other than educational purposes, or for any other purposes other than educational purposes;

(B) That information described in K.S.A. 2017 Supp. 72-6332(e)(2) and (e)(8), and amendments thereto, upon request by a school district or state agency for educational purposes;

(C) To law enforcement agencies or to a court of competent jurisdiction to protect the safety or integrity of users of the operator's educational online product or other individuals, or the security of such educational online product;

(D) For educational or employment purposes upon request by the student or the student's parent or legal guardian, provided the student information is not used or further disclosed for any other purpose;

(E) To a service provider, provided the operator contractually: (i) Prohibits the service provider from using any student information for any purpose other than providing the contracted service to or on behalf of the operator; (ii) prohibits the service provider from disclosing any student information provided by the operator with subsequent third parties; and (iii) requires the service provider to implement and maintain reasonable security procedures and practices to ensure the confidentiality of the student information; or

(F) In the course of transferring assets as a part of a business purchase, merger or other acquisition as described in subsection (a)(3).

(b) An operator shall:

(1) Implement and maintain reasonable security procedures and practices appropriate to the nature of the student information which are designed to protect such information from unauthorized access, destruction, use, modification or disclosure; and

(2) Delete within a reasonable period of time student information upon request by the school district, unless the student or the student's parent or legal guardian requests that such information continue to be maintained.
(c) Nothing in this section shall be construed to prohibit an operator from:

1. Using student information to maintain, develop, support, improve or diagnose the operator's educational online product;
2. Using student information to improve educational products, provided such information is not associated with an identified student within the operator's educational online product or within other online products owned by the operator;
3. Using student information to demonstrate the effectiveness of the operator's educational online products, including in their marketing, provided such information is not associated with an identified student within the operator's educational online product or within other online products owned by the operator;
4. Sharing student information for purposes of development and improvement of educational online products, provided such information is not associated with an identified student within the operator's educational online product or within other online products owned by the operator;
5. Using recommendation engines to suggest to a student additional content or services within the operator's educational online product related to an educational, other learning or employment opportunity purpose, provided the recommendation is not determined in whole or in part by payment or other consideration from a third party; or
6. Responding to a student's request for information or feedback, provided such response is not determined in whole or in part by payment or other consideration from a third party.

(d) Nothing in this section shall be construed to:

1. Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or pursuant to a court order;
2. Limit the ability of an operator to use student information for adaptive learning or customized student learning purposes;
3. Apply to general audience internet websites, general audience online services, general audience online applications or general audience mobile applications, even if login credentials created for an operator's educational online product may be used to access those general audience websites, online services or online applications;
4. Limit service providers from providing internet connectivity to schools or to students and the students' parents or legal guardians;
5. Prohibit an operator from marketing educational products directly to parents and legal guardians, provided such marketing does not result from the use of student information obtained by the operator through the operation of such operator's educational online products;
6. Impose a duty upon a provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce the compliance with this section on such software or applications;
7. Impose a duty upon a provider of an interactive computer service to review or enforce the compliance with this section by third-party content providers; or
8. Prohibit students from downloading, exporting, transferring, saving or maintaining such student's own student information or documents.

(e) As used in this section, the term "amass a profile" shall not include the collection and retention of account information that remains under the control of the student, the student's parent or legal guardian or the school district.
72-6334. Same; enforcement.
The attorney general or any district attorney may enforce the provisions of the student online personal protection act by bringing an action in a court of competent jurisdiction and may seek injunctive relief to enjoin any operator in possession of student information from disclosing any student information in violation of the provisions of the student online personal protection act.

REGULATIONS
No relevant regulations found.

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

LAWS

72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.

(g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

72-6133. Duties of state board of education; failure of boards to adopt and file policies, penalties.

(a) The state board of education shall compile the reports required of boards of education under subsection (f) of K.S.A. 72-6132, and amendments thereto, and shall submit the compilation to the secretary of education on an annual basis as specified by the secretary.

72-6154. Parental notification; documentation of an incident; annual report.

(a)(1) When a student is subjected to an emergency safety intervention, the school shall notify the parent on the same day the emergency safety intervention was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Written documentation of the use of an emergency safety intervention shall be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the emergency safety intervention; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the emergency safety intervention; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and (G) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the
items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the emergency safety interventions is the same.

(2) The parent shall be provided the following information after the first incident in which an emergency safety intervention is used during the school year, and may be provided such information after each subsequent incident that occurs during the school year: (A) A copy of the standards of when emergency safety interventions can be used; (B) a flyer on the parent’s rights; (C) information on the parent’s right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and (D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form or, upon the parent’s written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

(b) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the school shall notify the parent the same day using the parent’s preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth in subsection (a)(1) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(c) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department website, and to the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The data governance board of the department shall use the actual data value when providing statewide aggregate data for such reports. The department’s reported results shall include, but shall not be limited to, the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) The number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) The number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) The total number of incidents in which emergency safety interventions were used on students;

(5) The total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) The number of students physically restrained;

(7) The number of students placed in seclusion;

(8) The maximum and median number of minutes a student was placed in seclusion;

(9) The maximum number of incidents in which emergency safety interventions were used on a student;

(10) The information reported under subsection [subsections] (c)(1) through (c)(3) by the school to the extent possible;

(11) The information reported under subsections (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and

(12) Such other information as the department deems necessary to report.
72-6155. Parent’s right to request meeting; required meetings.
(a) After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent’s request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

(1) For a student who has an individualized education program or a section 504 plan, such student’s individualized education program team or section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence. For a student with a section 504 plan, such student’s section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

(2) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto. For a student with a section 504 plan, the need for a functional behavioral analysis or the need for a behavior intervention plan. Any meeting called pursuant to this subsection shall include the student’s parent, a school administrator for the school where the student attends, one of the student’s teachers, a school employee involved in the incident and such other school employees designated by the school administrator as appropriate for such meeting.

(b) The parent shall determine whether the student shall be invited to any meeting called pursuant to this section.

(c) The time for calling a meeting pursuant to this section shall be extended beyond the 10-school-day limit if the parent of the student is unable to attend within that time period.

(d) Nothing in this section shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if such student may benefit from such measures.

72-6156. Rules and regulations.
The state board of education shall adopt rules and regulations as necessary to implement the provisions of this act on or before March 1, 2016. Such rules and regulations shall include, but not be limited to, the standards for the use and reporting of emergency safety interventions as provided in K.S.A. 2016 Supp. 72-6152 through 72-6155, and amendments thereto.

72-6157. Emergency safety intervention task force; membership; organization; duties.
(a) There is hereby established the emergency safety intervention task force. The task force shall consist of the 17 members appointed as follows:

(1) Two members shall be appointed by the state board of education, one of which shall be a member of the state board of education and one of which shall be an attorney for the department;

(2) Two members shall be appointed by the disability rights center of Kansas;

(3) Two members shall be appointed by families together inc., one of which shall be a parent of a child with a disability;
(4) Two members shall be appointed by keys for networking, inc., one of which shall be a parent of a child with a disability;
(5) Two members shall be appointed by the special education advisory council;
(6) Two members shall be appointed by the Kansas association of special education administrators;
(7) Two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;
(8) Two members shall be appointed by the Kansas association of school boards, one of which shall be an attorney for the association; and
(9) one member shall be appointed by the center for child health and development of the university of Kansas medical center, who shall be a person licensed to practice medicine and surgery in Kansas who is a practicing physician with experience treating and diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center.

(b) The emergency safety intervention task force shall study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions. The task force's report shall be submitted to the governor and the legislature on or before January 20, 2016.

c) The member of the task force who is also a member of the state board of education shall call an organizational meeting of the task force on or before August 1, 2015. At such organizational meeting the members shall elect a chairperson and vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the members of the task force.

(d) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be eight* members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

(e) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

72-6312. Student data privacy act; citation of act.
K.S.A. 2014 Supp. 72-6312 through 72-6320, and amendments thereto, shall be known and may be cited as the student data privacy act.

72-6313. Definitions.
As used in K.S.A. 2014 Supp. 72-6312 through 72-6320, and amendments thereto:
(a) "Aggregate data" means data collected or reported at the group, cohort or institutional level and which contains no personally identifiable student data.
(b) "Biometric data" means one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics and handwriting.
(c) "Department" means the state department of education.
(d) "Directory information" means a student's name, address, telephone listing, participation in officially recognized activities and sports, weight and height if the student is a member of an athletic team, and degrees, honors or awards received.
(e) "Educational agency" means a school district or the department.
(f) "School district" means a unified school district organized and operated under the laws of this state.

(g) "Statewide longitudinal student data system" means any student data system maintained by the department, which assigns a state identification number for each student who attends an accredited public or private school in Kansas and uses the state identification number to collect student data.

(h) "Student data" means the following information contained in a student's educational record:

1. State and national assessment results, including information on untested students;
2. Course taking and completion, credits earned and other transcript information;
3. Course grades and grade point average;
4. Date of birth, grade level and expected date of graduation;
5. Degree, diploma, credential attainment and other school exit information such as general education development and drop-out data;
6. Attendance and mobility;
7. Data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information;
8. Remediation;
9. Special education data;
10. Demographic data and program participation information; and
11. Any other information included in a student's educational record.

(i) "Personally identifiable student data" means student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.

72-6319. Publication of statewide longitudinal student data system categories of student data.

The department shall annually publish on its website the categories of student data that are submitted to and maintained in any statewide longitudinal student data system. Publications required by this section shall be published with an easily identifiable link located on the department's website homepage.

72-6320. Annual report to governor and legislature.

On or before May 15, 2015, and each year thereafter, the state board shall submit to the governor and the legislature a written report. The report shall include, but not be limited to, the following information:

(a) Any categories of student data collected for the statewide longitudinal student data system that are not otherwise described as student data under K.S.A. 2014 Supp. 72-6313, and amendments thereto;
(b) Any changes to existing data collections, which includes changes to federal reporting requirements by the secretary of the United States department of education;
(c) An explanation of any exceptions provided by the state board in the preceding calendar year regarding the release or transfer of student data; and
(d) The scope and nature of any privacy or security audits completed in the preceding calendar year.

REGULATIONS

91-15-1. Policies or rules governing employees' and students' conduct.

(a) The board of education of each unified school district shall adopt policies or rules that govern the conduct of the employees and students of the school district and that include procedures for enforcement of the policies or rules.
(b) Before adopting the policies or rules, each board of education shall submit the policies or rules to legal counsel for review.

(c) After the adoption of the policies or rules, the clerk of the board of education shall maintain the policies or rules in the permanent files of the school district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution)


(a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The department's reported results shall include but shall not be limited to the following information:

1. The number of incidents in which emergency safety interventions were used on students who have an individualized education program;
2. The number of incidents in which emergency safety interventions were used on students who have a section 504 plan;
3. The number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;
4. The total number of incidents in which emergency safety interventions were used on students;
5. The total number of students with behavior intervention plans subjected to an emergency safety intervention;
6. The number of students physically restrained;
7. The number of students placed in seclusion;
8. The maximum and median number of minutes a student was placed in seclusion;
9. The maximum number of incidents in which emergency safety interventions were used on a student;
10. The information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;
11. The information reported under paragraphs (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and
12. Any other information that the department deems necessary to report.

(c) Actual data values shall be used when providing statewide aggregate data for the reports.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

72-6146. School security officers and campus police officers.
(a) The board of education of any school district or the board of trustees of any community college may employ school security officers and may designate any one or more of such school security officers as a campus police officer, to aid and supplement law enforcement agencies of the state and of the city and county in which the school district or community college is located
(b) The protective function of school security officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.
(c) The protective function of campus police officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each campus police officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college, provided that such officer does not violate the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 2017 Supp. 72-6143(i), and amendments thereto.
(d) Campus police officers shall have the power and authority of law enforcement officers:
   (1) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;
   (2) On the streets, property and highways immediately adjacent to and coterminous with property described in subsection (d)(1);
   (3) Within the city or county where property described in subsection (d)(1) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;
   (4) With appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (d)(1) or (d)(2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;
(5) When in fresh pursuit of a person; and
(6) When transporting persons in custody to an appropriate facility, wherever it may be located.

(e) In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations and rules and policies of the board of trustees or school board, whether or not violation thereof constitutes a criminal offense. While on duty, campus police officers shall wear and display publicly a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this section, K.S.A. 22-2401a, and amendments thereto, or any other law, campus police officers shall have the same rights, protections and immunities afforded other law enforcement officers.

(f) The board of education of each school district shall adopt a policy providing for notification of a student's parents or guardians whenever the student is taken into custody by a campus police officer.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

75-763. Rules and regulations for skill development training for school misconduct.
(a) The attorney general shall, in collaboration with the Kansas law enforcement training center and the state board of education, promulgate rules and regulations by January 1, 2017, creating a skill development training for responding effectively to misconduct in school while minimizing student exposure to the juvenile justice system.

(b) The skill development training shall include, but not be limited to, the following:
   (1) Information on adolescent development;
   (2) risk and needs assessments;
   (3) mental health;
   (4) diversity;
   (5) youth crisis intervention;
   (6) substance abuse prevention;
   (7) trauma-informed responses; and
   (8) other evidence-based practices in school policing to mitigate student juvenile justice exposure.

(c) The superintendent of each school district or the superintendent's designee and any law enforcement officer primarily assigned to a school shall complete the skill development training.

REGULATIONS

16-16-2. Curriculum.
There is hereby created a skill development training course, which shall include the following curriculum:
   (a) Information on adolescent development;
   (b) risk and needs assessments;
   (c) mental health;
(d) diversity;
(e) youth crisis intervention;
(f) substance abuse prevention;
(g) trauma-informed responses; and
(h) other evidence-based practices in school policing to mitigate student juvenile justice exposure.

16-16-3. Training requirement.
(a) Each law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee shall be required to successfully complete a skill development training course, pursuant to K.A.R. 16-16-2, that has been developed and either provided or authorized by the Kansas law enforcement training center according to the following, whichever is later:

(1) On or before June 30, 2018; or
(2) within one year of being designated as a law enforcement officer primarily assigned to a school or employed by a school district as a superintendent or superintendent's designee.

(b) Nothing in this regulation shall require a law enforcement officer primarily assigned to a school or a superintendent or superintendent's designee to complete more than one skill development training course.

(c) Each law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee shall submit proof of successful completion of a skill development training course, pursuant to K.A.R. 16-16-2, that was developed and either provided or authorized by the Kansas law enforcement training center to that individual's respective certification or licensing agency.

MOUs, authorization, and/or funding

LAWS

72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, memorandum of understanding, availability; civil liability, immunity.

(i) The state board of education shall require that the superintendent of schools in each school district or the superintendent's designee develop, approve and submit to the state board of education a memorandum of understanding developed in collaboration with relevant stakeholders, including law enforcement agencies, the courts and the district and county attorneys, establishing clear guidelines for how and when school-based behaviors are referred to law enforcement or the juvenile justice system with the goal of reducing such referrals and protecting public safety. The state board of education shall provide a report annually to the department of corrections and to the office of judicial administration compiling school district compliance and summarizing the content of each memorandum of understanding.

72-6146. School security officers and campus police officers.

a) The board of education of any school district or the board of trustees of any community college may employ school security officers, and may designate any one or more of such school security officers as a campus police officer, to aid and supplement law enforcement agencies of the state and of the city and county in which the school district or community college is located.

(b) The protective function of school security officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or
while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.

(c) The protective function of campus police officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each campus police officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college, provided that such officer does not violate the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-6143(i), and amendments thereto.

(d) Campus police officers shall have the power and authority of law enforcement officers:

1. On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

2. On the streets, property and highways immediately adjacent to and coterminous with property described in subsection (d)(1);

3. Within the city or county where property described in subsection (d)(1) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;

4. With appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (d)(1) or (d)(2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

5. When in fresh pursuit of a person; and

6. When transporting persons in custody to an appropriate facility, wherever it may be located.

(e) In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations and rules and policies of the board of trustees or school board, whether or not violation thereof constitutes a criminal offense. While on duty, campus police officers shall wear and display publicly a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this section, K.S.A. 22-2401a, and amendments thereto, or any other law, campus police officers shall have the same rights, protections and immunities afforded other law enforcement officers.

(f) The board of education of each school district shall adopt a policy providing for notification of a student’s parents or guardians whenever the student is taken into custody by a campus police officer.
**72-6152. Definitions.**

(r) "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(s) "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

**REGULATIONS**

**16-16-1. Definitions**

(a) "Campus police officer" shall mean a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(b) "Law enforcement officer" and "police officer" shall mean a full-time or part-time salaried officer or employee of the state, a county, or a city whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of Kansas or of any Kansas municipality. These terms shall include a campus police officer.

(c) "Law enforcement officer primarily assigned to a school" shall mean any of the following:

1. A campus police officer;
2. a school resource officer; or
3. a law enforcement officer jointly designated by a superintendent and the head of a law enforcement agency.

(d) "School district" shall mean a unified school district organized under the laws of Kansas.

(e) "School resource officer" shall mean a law enforcement officer or police officer who is employed by a local law enforcement agency and is assigned to a school district through an agreement between the local law enforcement agency and the school district.

(f) "Superintendent" shall mean the superintendent of schools appointed by the board of education of a school district.

(g) "Superintendent's designee" shall mean a person who is appointed by the superintendent and who is licensed by the Kansas state board of education and employed by the superintendent's school district but is not a law enforcement officer. State Education Agency Support

**State model policies and implementation support**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Funding appropriations**

**LAWS**

No relevant laws found.
REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity.

(h) No board of education, member of any such board, superintendent of schools or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omissions in complying with the requirements or provisions of the Kansas school safety and security act.

72-6144. Penalties for failure to make reports, preventing or interfering with reports; sanctions for making reports prohibited; immunity from liability.

(a) Willful and knowing failure of a school employee to make a report required by subsection (b)(1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the making of a report required by subsection (b)(1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor.

(b) Willful and knowing failure of any employee designated by a board of education to transmit reports made by school employees to the appropriate state or local law enforcement agency as required by subsection (b)(1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the transmission of reports required by subsection (b)(1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor.

(c) No board of education shall terminate the employment of, or prevent or impair the profession of, or impose any other sanction on any school employee because the employee made an oral or written report to, or cooperated with an investigation by, a law enforcement agency relating to any criminal act that the employee knows has been committed or reasonably believes will be committed at school, on school property, or at a school supervised activity.

(d) Any board of education, and any member or employee thereof, participating without malice in the making of an oral or written report to a law enforcement agency relating to any criminal act that is known to have been committed or reasonably believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from the report.

72-6271. Drug abuse, referral of pupils for assistance; immunity from civil liability.

No school district, educational cooperative, interlocal educational agency or state accredited nonpublic school, no governing authority thereof, no member of any such governing authority, and no officer or employee of any school district, educational cooperative, interlocal educational agency or accredited nonpublic school shall be subject to any civil liability for any statement, report or action taken in assisting, or referring for assistance to any medical, treatment or social service agency or facility, any pupil reasonably believed to be abusing or incapacitated by the use of alcohol or other drugs unless such assistance or referral was made in bad faith or with malicious purpose. The same immunity from liability shall attach with respect to participation in any administrative or judicial proceeding resulting from any such assistance or referral.
REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

72-6157. Emergency safety intervention task force; membership; organization; duties.
(a) There is hereby established the emergency safety intervention task force. The task force shall consist of the 17 members appointed as follows:

(1) Two members shall be appointed by the state board of education, one of which shall be a member of the state board of education and one of which shall be an attorney for the department;

(2) Two members shall be appointed by the disability rights center of Kansas;

(3) Two members shall be appointed by families together inc., one of which shall be a parent of a child with a disability;

(4) Two members shall be appointed by keys for networking, inc., one of which shall be a parent of a child with a disability;

(5) Two members shall be appointed by the special education advisory council;

(6) Two members shall be appointed by the Kansas association of special education administrators;

(7) Two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;

(8) Two members shall be appointed by the Kansas association of school boards, one of which shall be an attorney for the association; and

(9) One member shall be appointed by the center for child health and development of the university of Kansas medical center, who shall be a person licensed to practice medicine and surgery in Kansas who is a practicing physician with experience treating and diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center.

(b) The emergency safety intervention task force shall study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions. The task force's report shall be submitted to the governor and the legislature on or before January 20, 2016.

(c) The member of the task force who is also a member of the state board of education shall call an organizational meeting of the task force on or before August 1, 2015. At such organizational meeting the members shall elect a chairperson and vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the members of the task force.

(d) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be eight* members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

(e) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.
REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

72-7209. Citation of act.
This act shall be known and may be cited as the student publications act.

72-7210. Definitions.
As used in this act:

(a) "School district" means any public school district organized and operating under the laws of this state.

(b) "Student publication" means any matter which is prepared, substantially written, or published by students, which is distributed or generally made available, either free of charge or for a fee, to members of the student body, and which is prepared under the direction of a certified employee.

72-7211. Liberty of press protected; regulation authorized; review of material not restraint on publication; material not protected; responsibilities of editors and advisers; liability, immunity and limitations.

(a) The liberty of the press in student publications shall be protected. School employees may regulate the number, length, frequency, distribution and format of student publications. Material shall not be suppressed solely because it involves political or controversial subject matter.

(b) Review of material prepared for student publications and encouragement of the expression of such material in a manner that is consistent with high standards of English and journalism shall not be deemed to be or construed as a restraint on publication of the material or an abridgment of the right to freedom of expression in student publications.

(c) Publication or other expression that is libelous, slanderous or obscene or matter that commands, requests, induces, encourages, commends or promotes conduct that is defined by law as a crime or conduct that constitutes a ground or grounds for the suspension or expulsion of students as enumerated in K.S.A. 2017 Supp. 72-6114, and amendments thereto, or which creates a material or substantial disruption of the normal school activity is not protected by this act.

(d) Subject to the limitations imposed by this section, student editors of student publications are responsible for determining the news, opinion, and advertising content of such publications. Student publication advisers and other certified employees who supervise or direct the preparation of material for expression in student publications are responsible for teaching and encouraging free and responsible expression of material and high standards of English and journalism. No such adviser or employee shall be terminated from employment, transferred, or relieved of duties imposed under this subsection for refusal to abridge or infringe upon the right to freedom of expression conferred by this act.

(e) No publication or other expression of matter by students in the exercise of rights under this act shall be deemed to be an expression of school district policy. No school district, member of the board of education or employee thereof, shall be held responsible in any civil or criminal action for any publication or other expression of matter by students in the exercise of rights under this act. Student editors and other students of a school district, if such student editors and other students have attained the age of majority, shall be held liable in any civil or criminal action for matter expressed in student publications to the extent of any such student editor's or other student's responsibility for and involvement in the preparation and publication of such matter.
REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Kansas provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<td>Kansas Multi-Tier System of Supports and Alignment, Kansas Technical Assistance System Network (KASN)</td>
<td>Provides an overview of the Kansas Multi-Tier System of Supports and Alignment with links to implementation guides, crosswalks to the Kansas Education Systems Accreditation process, and other related resources.</td>
<td><a href="https://www.ksdetasn.org/mtss/">https://www.ksdetasn.org/mtss/</a></td>
</tr>
<tr>
<td>School Violence, Gangs, and Bullying Resources, School Counseling Resources, Kansas Department of Education (KSDE)</td>
<td>Provides links, fact sheets, toolkits, and downloadable documents to resources addressing school violence, gangs, and bullying.</td>
<td><a href="http://www.ksde.org/Agency/DivisionofLearningServices/CareerStandardsandAssessmentServices/ContentAreaAM-Z/SchoolCounseling/SchoolCounselingResources.aspx#violence">http://www.ksde.org/Agency/DivisionofLearningServices/CareerStandardsandAssessmentServices/ContentAreaAM-Z/SchoolCounseling/SchoolCounselingResources.aspx#violence</a></td>
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<tr>
<td>Documents</td>
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<tr>
<td>Kansas Social, Emotional, and Character Development (SECD) Standards, KSDE</td>
<td>Standards provided to schools as a framework to integrate social-emotional learning (SEL) with character development for students to learn, practice and model essential personal life habits that contribute to academic, vocational, and personal success.</td>
<td><a href="http://www.ksde.org/Portals/0/Learning%20Services%20Documents/FactSheets/Social,%20Emotional,%20and%20Character%20Development%20Standards.pdf">http://www.ksde.org/Portals/0/Learning%20Services%20Documents/FactSheets/Social,%20Emotional,%20and%20Character%20Development%20Standards.pdf</a></td>
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<tr>
<td>Kansas Special Education Process Handbook Chapter 13, KSDE</td>
<td>Handbook providing an overview of issues related to disciplinary actions for code of conduct violations including violations related to weapons, drugs, serious bodily injury and behavior substantially likely to result in injury to the child or others.</td>
<td><a href="https://www.ksde.org/Portals/0/SES/PH/PH-Ch13.pdf?ver=2020-01-10-083323-097">https://www.ksde.org/Portals/0/SES/PH/PH-Ch13.pdf?ver=2020-01-10-083323-097</a></td>
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<td>Other Resources</td>
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<td>Bullying Awareness and Prevention, KSDE</td>
<td>Required and recommended student and staff training on bullying.</td>
<td><a href="https://www.ksde.org/Agency/Division-of-Learning-Services/Student-Staff-Training/Prevention-and-Responsive-Culture/Bullying-Awareness-and-Prevention">https://www.ksde.org/Agency/Division-of-Learning-Services/Student-Staff-Training/Prevention-and-Responsive-Culture/Bullying-Awareness-and-Prevention</a></td>
</tr>
<tr>
<td>Kansas K-12 Report Generator, KSDE</td>
<td>Database containing links to view the state report card, K-12 reports, finance reports, educational directory report, GIS reports, and child nutrition and wellness reports.</td>
<td><a href="http://datacentral.ksde.org/">http://datacentral.ksde.org/</a></td>
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Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Conduct of Schools

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Chapter 1. Exceptional and Handicapped Programs

1:340. Procedural safeguards and state complaint procedures
General Provisions

Authority to develop and establish rules of conduct

LAWS

KRS 158.148. Definition of “bullying” - Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(1)(a) As used in this section, “bullying” means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
2. That disrupts the education process.

(b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.

(2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:

(a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
(b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
(c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.

(3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section.

(4) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.

(5)(a) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.

(b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom
management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.

(c) The code shall prohibit bullying.

(d) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.

(e) The code shall contain:

1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156;

2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;

3. A strategy or method of protecting from retaliation a complainant or person reporting an incident of bullying, a violation of the code, or an incident for which reporting is required under KRS 158.156;

4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and

5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.

(f) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.

(g) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

KRS 158.442. Center for school safety - Duties - School safety coordinator training program - Members of board - Center for school safety and its board of directors not subject to reorganization by the governor.

(1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center’s mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.

(2) To fulfill its mission, the Center for School Safety shall:

(a) Establish a clearinghouse for information and materials concerning school violence prevention;

(b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies, and communities, which may include coordinating training for administrators, teachers, students, parents, and other community representatives;

(c) Analyze the data collected in compliance with KRS 158.444;

(d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs;
(e) Administer a school safety grant program for local districts as directed by the General Assembly;

(f) Promote the formation of interagency efforts to address discipline and safety issues within communities throughout the state in collaboration with other postsecondary education institutions and with local juvenile delinquency prevention councils;

(g) Prepare and disseminate information regarding best practices in creating safe and effective schools;

(h) Advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security;

(i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an annual report to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414;

(j) Develop and implement a school safety coordinator training program based on national and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators appointed pursuant to KRS 158.4412. The training shall be approved by the board of directors of the Center for School Safety and include instruction on at least the following:

1. Policies and procedures for conducting emergency response drills using an all-hazards approach including hostage and active shooter situations;

2. Identification and response to threats to school safety and security; and

3. Preparing for, conducting, and reviewing school security risk assessments in accordance with KRS 158.4410; and

(k) Award a school safety coordinator certificate of completion to a school safety coordinator upon satisfactory completion of the training program.

(3) The Center for School Safety shall be governed by a board of directors consisting of fifteen (15) members. Members shall consist of:

(a) The commissioner or a designee of the Department of Education;

(b) The secretary or a designee of the Cabinet for Health and Family Services;

(c) The commissioner or a designee of the Department for Behavioral Health, Developmental and Intellectual Disabilities;

(d) The commissioner or a designee of the Department of Kentucky State Police;

(e) The commissioner or a designee of the Department of Criminal Justice Training;

(f) The executive director or a designee of the Kentucky Office of Homeland Security;

(g) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky League of Cities;

(h) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Boards Association;

(i) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Superintendents;

(j) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Resource Officers;

(k) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Education Association;

(l) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Nurses Association;
(m) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association for Psychology in the Schools;

(n) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Counselor Association; and

(o) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Parent Teacher Association.

(4) Notwithstanding KRS 12.028, the Center for School Safety and its board of directors shall not be subject to reorganization by the Governor.

KRS 160.295. Procedure for promulgation of code of student rights and responsibilities for secondary schools - Prohibited student activities.

(1) The board of education of each public school district in the Commonwealth may adopt and promulgate a code of student rights and responsibilities for secondary schools from recommendations of a committee composed of students, faculty, parents, and school district administrative personnel.

(2) Such committee shall consist of two (2) students, two (2) parents of students, two (2) faculty members, two (2) representatives from administrative personnel of the district, and one (1) member of the local school board.

(3) The student and faculty members of such committee shall be elected by their peers in the local school district; the administrative personnel shall be appointed by the school district superintendent, and the parents selected by the faculty and student body. Members of such committee shall serve for a term of one (1) year and may be reelected or reappointed in following years. Initial composition of the elected members of such committee shall be by the following:

(a) The district superintendent shall notify each school within the district, each school principal or head teacher, the students of the district, and the parents of students within the district as to the method for receiving nominations for membership on the committee and of the methods by which the election of members shall take place. Such notification shall take place on or before the first day of school for each school term.

(b) Nominations for the student, faculty, and parent members of the committee shall be received in writing by the district superintendent within thirty (30) days following the commencement of each school term.

(c) The election of student, faculty, and parent members of the committee shall be held within fourteen (14) days following the closing of nominations under the supervision of the district superintendent.

(d) The initial meeting of the elected and appointed members shall be no later than fourteen (14) days following the election.

(4) Each committee member shall be entitled to a single vote and any code of student rights and responsibilities adopted by a majority of the committee membership shall be submitted to the district board of education which may cause such code, in whole or in part, to be implemented in the public schools of the district.

(5) All meetings of the committee shall be open to the public and the committee shall hold at least one (1) public hearing on the proposed code before it is adopted and submitted to the district board of education for implementation.

(6) The code of student rights and responsibilities adopted by the committee may define rights and responsibilities regarding, but not limited to, the following:

(a) Right of expression, including, but not limited to, appearance, assembly, association, and circulation of petitions and literature;
(b) Right to participate in decision-making procedures directly affecting students;
(c) Right to procedural due process concerning major disciplinary action, as defined by the code;
(d) Right to receive academic grades based only upon academic performance;
(e) Right to freedom from abuse and threat of abuse by members of school faculties and administration personnel; and
(f) Right of access by a student to his or her own records and guarantee of the confidentiality of a student's academic records outside of the school system, except upon written authorization of the student or his or her parents or guardians.

(7) Students shall refrain from activity which materially or substantially disrupts the educational process or presents a clear and present danger to the health and safety of persons or property, or infringes on the rights of others.

REGULATIONS

704 KAR 7:050. Student discipline guidelines.

KRS 156.070 authorizes the Kentucky Board of Education to promulgate administrative regulations necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. KRS 158.148 requires the Kentucky Department of Education to develop guidelines containing broad principles to guide local school districts in developing their own student discipline codes. This administrative regulation establishes the student discipline guidelines required by KRS 158.148.

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

(1) Each local school district shall establish policies and procedures that:

(a) Ensure school personnel are aware of and parents are notified how to access the policies and procedures regarding physical restraint and seclusion;
(b) Are designed to ensure the safety of all students, school personnel, and visitors;
(c) Require school personnel to be trained in accordance with the requirements outlined in Section 6 of this administrative regulation;
(d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session;
(e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion;
(f) Outline a procedure by which parents may submit a complaint regarding the physical restraint or seclusion of their child, which shall require the district and school to investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and if appropriate, take corrective action; and
(g) Outline a procedure to regularly review data on physical restraint and seclusion usage and revise policies as needed.
Scope

LAWS

KRS 161.180. Supervision of pupils' conduct.
(1) Each teacher and administrator in the public schools shall in accordance with the rules, regulations, and bylaws of the board of education made and adopted pursuant to KRS 160.290 for the conduct of pupils, hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school sponsored trips and activities.
(2) The various boards of education of the Commonwealth of Kentucky, and the principals of the public schools, may use teacher’s aides in supervisory capacities, such as playground supervision, hallway supervision, lunchroom and cafeteria supervision, and other like duties, including, but not limited to, recreational activities and athletic events, relating to the supervision and control of the conduct of the pupils; and while so engaged, such teacher’s aides shall have the same authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties.

REGULATIONS
No relevant regulations found.

Communication of Policy

LAWS

KRS 156.240. Chief state school officer to publish school laws.
The chief state school officer shall prepare for electronic publication biennially, the complete school laws of the state, including abstracts of decisions of the Court of Justice, and opinions and interpretations of the Attorney General and the chief state school officer. He shall explain the true intent and meaning of the school laws and the published administrative regulations of the Kentucky Board of Education, and in doing so he shall freely consult the Attorney General.

KRS 158.148. Definition of “bullying” - Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.
(3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section.
(4) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.

KRS 158.1559. Superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians about the provisions of KRS 508.078, and the potential penalties for terroristic threatening - Notice shall be given within ten days of the first instructional day of each school year.
The superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians of students within ten (10) days of the first
instructional day of each school year of the provisions of KRS 508.078 and potential penalties under KRS 532.060 and 534.030 upon conviction.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

(1) Each local school district shall establish policies and procedures that:

(a) Ensure school personnel are aware of and parents are notified how to access the policies and procedures regarding physical restraint and seclusion;

(b) Are designed to ensure the safety of all students, school personnel, and visitors;

(c) Require school personnel to be trained in accordance with the requirements outlined in Section 6 of this administrative regulation;

(d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session;

(e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion;

(f) Outline a procedure by which parents may submit a complaint regarding the physical restraint or seclusion of their child, which shall require the district and school to investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and if appropriate, take corrective action; and

(g) Outline a procedure to regularly review data on physical restraint and seclusion usage and revise policies as needed.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**

**KRS 158.150. Suspension or expulsion of pupils.**

(4) School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the district transportation system pending any further disciplinary action that may occur. Each board of education shall adopt a policy to assure the implementation of this section and to assure the safety of the students and staff.

**REGULATIONS**

No relevant regulations found.

**Alternatives to suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Use of corporal punishment**

**LAWS**

**KRS 158.444. Administrative regulations relating to school safety - Role of Department of Education to maintain statewide data collection system - Reportable incidents - Annual statistical reports - Confidentiality.**

(2) The Kentucky Department of Education shall:

(a) Collaborate with the Center for School Safety in carrying out the center's mission;

(b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:

1. a. All incidents of violence and assault against school employees and students;

   b. All incidents of possession of guns or other deadly weapons on school property or at school functions;
c. All incidents of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in: KRS Chapter 508; KRS 525.070 occurring on school premises, on school-sponsored transportation, or at school functions; or KRS 525.080;

2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;
3. The number of suspensions, expulsions, and corporal punishments; and
4. Data required during the assessment process under KRS 158.445; and

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements**

**Grounds for possible suspension or expulsion**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Grounds for mandatory suspension or expulsion**

**LAWS**

**KRS 158.150. Suspension or expulsion of pupils.**

(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools:

(a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and

(b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of “unlawful possession of a weapon on school property” stated in KRS 527.070.

(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction, or to have physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction. The board may modify the expulsion requirement for students on a case-by-case basis. A board that has expelled a student from the student's regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any
other behavior which may endanger the safety of others. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

REGULATIONS
No relevant regulations found.

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

LAWS

KRS 158.150. Suspension or expulsion of pupils.
(5) A pupil shall not be suspended from the common schools until after at least the following due process procedures have been provided:

(a) The pupil has been given oral or written notice of the charge or charges against him which constitute cause for suspension;
(b) The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them; and
(c) The pupil has been given an opportunity to present his own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

KRS 158.153. Punishment based on child's records - Disclosure of records - Cause of action - Districtwide standards of behavior for students participating in extracurricular activities.
(1) Unless the action is taken pursuant to KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a child based on information contained in a record of an adjudication of delinquency or conviction of an offense received by the school pursuant to KRS 610.345 or from any other source. Nothing in this subsection shall be construed to prohibit a local school board or school official from instituting disciplinary proceedings against any student for violating the discipline policy of the school or school district or taking actions necessary to protect staff and students. Actions to protect staff and students may be taken only after the principal makes a determination that the conduct of the student reflected in the records of the school or obtained by the school from the court indicates a substantial likelihood of an immediate and continuing threat that the student will cause harm to students or staff, and that the restrictions to be ordered represent the least restrictive alternative available and appropriate to remedy the threat, and that the determination and supporting material be documented in the child's record. The action of the principal, in addition to or in lieu of any other procedure available, may be appealed by the child or the child's parent or guardian to the superintendent of the school system or to the Circuit Court in the county in which the school is located, and the appealing party may be represented by counsel.

(2) No school, school administrator, teacher, or other school employee who has custody of records received or maintained by the school pursuant to KRS 610.345 or who has received information contained in or relating to a record received by the school pursuant to KRS 610.345 shall disclose the fact of the record's existence, or any information contained in the record or received from the record to any
other person, including but not limited to other teachers, school employees, pupils, or parents other than the pupil, or parents of the pupil who is the subject of the record.

(3) The child and his parent or guardian shall have a civil cause of action against the school board and against any school administrator violating subsection (1) or (2) of this section or divulging information in violation of KRS 610.345 or 610.340. This civil cause of action shall be in addition to any other criminal or administrative remedy provided by law.

(4) Nothing in this section shall be construed to prohibit a local board of education from establishing districtwide standards of behavior for students who participate in extracurricular and cocurricular activities, including athletics. A school principal may deny or terminate a student's eligibility to participate in extracurricular or cocurricular activities if the student has violated the local district behavior standards or the council's criteria for participation, as described in KRS 160.345(2)(i)8. A student's right to participate in extracurricular or cocurricular activities, including athletics, may be suspended, pending investigation of an allegation that the standards of behavior have been violated.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

KRS 158.150. Suspension or expulsion of pupils.

(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of “unlawful possession of a weapon on school property” stated in KRS 527.070.

(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction, or to have physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction. The board may modify the expulsion requirement for students on a case-by-case basis. A board that has expelled a student from the student's regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior which may endanger the safety of others. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

(3) For purposes of this subsection, “charges” means substantiated behavior that falls within the grounds for suspension or expulsion enumerated in subsection (1) of this section, including behavior committed by a student while enrolled in a private or public school, or in a school within another state. A school board may adopt a policy providing that, if a student is suspended or expelled for any reason or faces charges
that may lead to suspension or expulsion but withdraws prior to a hearing from any public or private school in this or any other state, the receiving district may review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission.

(4) School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the district transportation system pending any further disciplinary action that may occur. Each board of education shall adopt a policy to assure the implementation of this section and to assure the safety of the students and staff.

(5) A pupil shall not be suspended from the common schools until after at least the following due process procedures have been provided:

   (a) The pupil has been given oral or written notice of the charge or charges against him which constitute cause for suspension;

   (b) The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them; and

   (c) The pupil has been given an opportunity to present his own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

(6) The superintendent, principal, assistant principal, or head teacher of any school may suspend a pupil but shall report the action in writing immediately to the superintendent and to the parent, guardian, or other person having legal custody or control of the pupil. The board of education of any school district may expel any pupil for misconduct as defined in subsection (1) of this section, but the action shall not be taken until the parent, guardian, or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final.

(7)(a) Suspension of exceptional children, as defined in KRS 157.200, shall be considered a change of educational placement if:

   1. The child is removed for more than ten (10) consecutive days during a school year; or

   2. The child is subjected to a series of removals that constitute a pattern because the removals accumulate to more than ten (10) school days during a school year and because of other factors, such as the length of each removal, the total amount of time the child is removed, and the proximity of removals to one another.

   (b) The admissions and release committee shall meet to review the placement and make a recommendation for continued placement or a change in placement and determine whether regular suspension or expulsion procedures apply. Additional evaluations shall be completed, if necessary.

   (c) If the admissions and release committee determines that an exceptional child's behavior is related to his disability, the child shall not be suspended any further or expelled unless the current placement could result in injury to the child, other children, or the educational personnel, in which case an appropriate alternative placement shall be provided that will provide for the child's educational needs and will provide a safe learning and teaching environment for all. If the admissions and release committee determines that the behavior is not related to the disability, the local educational agency may pursue its regular suspension or expulsion procedure for the child, if the behavior so warrants. However, educational services shall not be terminated during a period of expulsion and during a suspension after a student is suspended for more than a total of ten (10) days during a school year. A district may seek temporary injunctive relief through the courts if the parent and the other members of
the admissions and release committee cannot agree upon a placement and the current placement will likely result in injury to the student or others.

(8) Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others.

(9) Any action under this section related to students with disabilities shall be in compliance with applicable federal law.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.
KRS 156.160(1)(h) and 158.444 (1) give the Kentucky Board of Education the authority to promulgate administrative regulations related to medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the physical welfare and safety of the public school children. This administrative regulation establishes the requirements for the use of physical restraint and seclusion in districts and the notification and data reporting requirements for the use of physical restraint and seclusion in districts and does not prohibit the lawful exercise of law enforcement duties by sworn law enforcement officers.

Section 1. Definitions.

(1) "Aversive behavioral interventions" means a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may
include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.

(2) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous or inappropriate, or otherwise impedes the learning of the students.

(3) "Chemical restraint" means the use of medication to control behavior or restrict a student’s freedom of movement that includes over-the-counter medications used for purposes not specified on the label but does not include medication prescribed by a licensed medical professional and supervised by qualified and trained individuals in accordance with professional standards.

(4) "Dangerous behavior" means behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out of seat behaviors.

(5) "De-escalation" means the use of behavior management techniques intended to:
   (a) Mitigate and defuse dangerous behavior of a student; or
   (b) Reduce the imminent danger of physical harm to self or others.

(6) "Emancipated youth" means a student under the age of eighteen (18) who is or has been married or has by court order or otherwise been freed from the care, custody, and control of the student’s parents.

(7) "Emergency" means a sudden, urgent occurrence, usually unexpected but sometimes anticipated, that requires immediate action.

(8) "Mechanical restraint" means the use of any device or equipment to restrict a student’s freedom of movement, but does not include:
   (a) A device implemented by trained school personnel or utilized by a student that has been prescribed by an appropriate medical or related services professional that is used for the specific and approved purposes for which the device was designed;
   (b) An adaptive device or mechanical support used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of the device or mechanical support;
   (c) A vehicle safety restraint if used as intended during the transport of a student in a moving vehicle;
   (d) Restraint for medical immobilization; or
   (e) An orthopedically prescribed device that permits a student to participate in activities without risk of harm.

(9) "Parent" means a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian of the student.

(10) "Physical Restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student’s torso, arms, legs, or head freely, but does not include:
    (a) Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging a student to move voluntarily to a safe location;
    (b) A behavioral intervention, such as proximity control or verbal soothing, used as a response to calm and comfort an upset student;
    (c) Less restrictive physical contact or redirection to promote student safety; or
    (d) Physical guidance or prompting when teaching a skill or redirecting the student’s attention.

(11) "Positive behavioral supports" means a school-wide systematic approach to embed evidence-based practices and data-driven decision-making to:
    (a) Improve school climate and culture in order to achieve improved academic and social outcomes;
(b) Increase learning for all students, including those with the most complex and intensive behavior needs;
(c) Encompass a range of systemic and individualized positive strategies to reinforce desired behaviors;
(d) Diminish reoccurrence of inappropriate or dangerous behaviors; and
(e) Teach appropriate behaviors to students.

(12) “Prone restraint” means the student is restrained in a face down position on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the prone position.

(13) “School personnel” means teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, sworn law enforcement officers, and other support staff who are employed in a school or who perform services in the school on a contractual basis.

(14) “School resource officer” is defined in KRS 158.441(2).

(15) “Seclusion” means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

(16) “Student” means any person enrolled in a preschool, school level as established in 703 KAR 5:240, Section 5, or other educational program offered by a local public school district.

(17) “Supine restraint” means the student is restrained in a face up position on the student’s back on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the supine position.

(18) “Timeout” means a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Section 2.

(1) Each local school district shall establish policies and procedures that:
   (a) Ensure school personnel are aware of and parents are notified how to access the policies and procedures regarding physical restraint and seclusion;
   (b) Are designed to ensure the safety of all students, school personnel, and visitors;
   (c) Require school personnel to be trained in accordance with the requirements outlined in Section 6 of this administrative regulation;
   (d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session;
   (e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion;
   (f) Outline a procedure by which parents may submit a complaint regarding the physical restraint or seclusion of their child, which shall require the district and school to investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and if appropriate, take corrective action; and
   (g) Outline a procedure to regularly review data on physical restraint and seclusion usage and revise policies as needed.
(2) Each local school district shall revise existing policies or develop policies consistent with this administrative regulation within ninety (90) calendar days of the effective date of this administrative regulation.

Section 3.

(1) Physical restraint shall not be used in a public school or educational program:
   (a) As punishment or discipline;
   (b) To force compliance or to retaliate;
   (c) As a substitute for appropriate educational or behavioral support;
   (d) To prevent property damage, except as permitted under KRS Chapter 503;
   (e) As a routine school safety measure; or
   (f) As a convenience for staff.

(2) School personnel shall not impose the following on any student at any time:
   (a) Mechanical restraint;
   (b) Chemical restraint;
   (c) Aversive behavioral interventions;
   (d) Physical restraint that is life-threatening;
   (e) Prone or supine restraint; or
   (f) Physical restraint if they know that physical restraint is contraindicated based on the student’s disability, health care needs, or medical or psychiatric condition.

(3) Physical restraint may only be implemented in a public school or educational program if:
   (a) The student’s behavior poses an imminent danger of physical harm to self or others and as permitted under KRS 503.050, 503.070, and 503.110;
   (b) The physical restraint does not interfere with the student’s ability to communicate in the student’s primary language or mode of communication, unless the student uses sign language or an augmentative mode of communication as the student’s primary mode of communication and the implementer determines that freedom of the student’s hands for brief periods during the restraint appears likely to result in physical harm to self or others;
   (c) The student’s physical and psychological well-being is monitored for the duration of the physical restraint;
   (d) Less restrictive behavioral interventions have been ineffective in stopping the imminent danger of physical harm to self or others, except in the case of a clearly unavoidable emergency situation posing imminent danger of physical harm to self or others; and
   (e) School personnel implementing the physical restraint are appropriately trained as required by Section 6(3) of this administrative regulation, except to the extent necessary to prevent physical harm to self or others in clearly unavoidable emergency circumstances where other school personnel intervene and summon trained school personnel as soon as possible.

(4) When implementing a physical restraint, school personnel shall use only the amount of force reasonably believed to be necessary to protect the student or others from imminent danger of physical harm.

(5) The use of physical restraint shall end as soon as:
   (a) The student’s behavior no longer poses an imminent danger of physical harm to self or others; or
   (b) A medical condition occurs putting the student at risk of harm.

Section 4.
(1) Seclusion shall not be used in a public school or educational program:
   (a) As punishment or discipline;
   (b) To force compliance or to retaliate;
   (c) As a substitute for appropriate educational or behavioral support;
   (d) To prevent property damage in the absence of imminent danger of physical harm to self or others;
   (e) As a routine school safety measure;
   (f) As a convenience for staff; or
   (g) As a substitute for timeout.

(2) Seclusion may only be implemented in a public school or educational program if:
   (a) The student’s behavior poses an imminent danger of physical harm to self or others;
   (b) The student is visually monitored for the duration of the seclusion;
   (c) Less restrictive interventions have been ineffective in stopping the imminent danger of physical harm to self or others; and
   (d) School personnel implementing the seclusion are appropriately trained to use seclusion.

(3) The use of seclusion shall end as soon as:
   (a) The student’s behavior no longer poses an imminent danger of physical harm to self or others; or
   (b) A medical condition occurs putting the student at risk of harm.

(4) A setting used for seclusion shall:
   (a) Be free of objects and fixtures with which a student could inflict physical harm to self or others;
   (b) Provide school personnel a view of the student at all times;
   (c) Provide adequate lighting and ventilation;
   (d) Be reviewed by district administration to ensure programmatic implementation of guidelines and data related to its use;
   (e) Have an unlocked and unobstructed door; and
   (f) Have at least an annual fire and safety inspection.

Section 5.

(1) All physical restraints and seclusions shall be documented by a written record of each use of seclusion or physical restraint and be maintained in the student’s education record. Each record of a use of physical restraint or seclusion shall be informed by an interview with the student and shall include:
   (a) The student’s name;
   (b) A description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;
   (c) The date of the physical restraint or seclusion and school personnel involved;
   (d) The beginning and ending times of the physical restraint or seclusion;
   (e) A description of any events leading up to the use of physical restraint or seclusion including possible factors contributing to the dangerous behavior;
   (f) A description of the student’s behavior during physical restraint or seclusion;
   (g) A description of techniques used in physically restraining or excluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;
(h) A description of any behavioral interventions used immediately prior to the implementation of physical restraint or seclusion;

(i) A description of any injuries to students, school personnel, or others;

(j) A description as to how the student's behavior posed an imminent danger of physical harm to self or others;

(k) The date the parent was notified;

(l) A description of the effectiveness of physical restraint or seclusion in de-escalating the situation;

(m) A description of the school personnel response to the dangerous behavior;

(n) A description of the planned positive behavioral interventions which shall be used to reduce the future need for physical restraint or seclusion of the student; and

(o) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, documentation of a referral under either law or documentation of the basis for declining to refer the student.

(2) If the student is not an emancipated youth, the parent of the student shall be notified of the physical restraint and seclusion verbally or through electronic communication, if available to the parent, as soon as possible within twenty-four (24) hours of the incident. If the parent cannot be reached within twenty-four (24) hours, a written communication shall be mailed to the parent via U.S. mail.

(3) The principal of the school shall be notified of the seclusion or physical restraint as soon as possible, but no later than the end of the school day on which it occurred.

(4) The physical restraint or seclusion record as outlined in subsection (1) of this section shall be completed by the end of the next school day following the use of seclusion or physical restraint.

(5) If the parent or emancipated youth requests a debriefing session under Section 2(1)(d) of this administrative regulation, a debriefing session shall be held after the imposition of physical restraint or seclusion upon a student.

(6) The following persons shall participate in the debriefing session:

(a) The implementer of the physical restraint or seclusion;

(b) At least two (2) of any other school personnel who were in the proximity of the student immediately before or during the physical restraint or seclusion;

(c) The parent of an unemancipated student;

(d) The student, if the parent requests or if the student is an emancipated youth; and

(e) Appropriate supervisory and administrative school personnel, which may include appropriate Admissions and Release Committee members, Section 504 team members, or response to intervention team members.

(7) The debriefing session shall occur as soon as practicable, but not later than five (5) school days following the request of the parent or the emancipated youth, unless delayed by written mutual agreement of the parent or emancipated youth and the school.

(8) The debriefing session shall include:

(a) Identification of the events leading up to the seclusion or physical restraint;

(b) Consideration of relevant information in the student’s records and information from teachers, parents, other school district professionals, and the student;

(c) Planning for the prevention and reduction of the need for seclusion or physical restraint, with consideration of recommended appropriate positive behavioral supports and interventions to assist school personnel responsible for implementing the student’s IEP, or Section 504 plan, or response to
intervention plan, if applicable, and consideration of whether positive behavioral supports and interventions were implemented with fidelity; and

(d) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, consideration of a referral under either law and documentation of the referral or documentation of the basis for declining to refer the student.

(9) All documentation utilized in the debriefing session shall become part of the student’s education record.

Section 6.

(1)(a) All school personnel shall be trained in state administrative regulations and school district policies and procedures regarding physical restraint and seclusion.

(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

1. Increase appropriate student behaviors;
2. Decrease inappropriate or dangerous student behaviors; and
3. Respond to dangerous behavior.

(c) This training may be delivered utilizing web-based applications.

(d) This training shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. State administrative regulations and school district policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. The continuum of use for alternative behavioral interventions;
5. Crisis prevention;
6. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
7. Proper use of seclusion as established in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary.

(2) All school personnel shall receive annual written or electronic communication from the district identifying core team members in the school setting who have been trained to implement physical restraint.

(3) A core team of selected school personnel shall be designated to respond to dangerous behavior and to implement physical restraint of students. The core team, except school resource officers and other sworn law enforcement officers, shall receive additional yearly training in the following areas:

(a) Appropriate procedures for preventing the use of physical restraint except as permitted by this administrative regulation;
(b) A description and identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations, in order to determine whether the use of physical restraint is safe and warranted;
(c) Simulated experience of administering and receiving physical restraint, and instruction regarding the effect on the person physically restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
(d) Instruction regarding documentation and notification requirements and investigation of injuries; and

(e) Demonstration by core team members of proficiency in the prevention and use of physical restraint.

Section 7. The following data shall be reported by the district in the student information system related to incidents of physical restraint and seclusion:

1. Aggregate number of uses of physical restraint;
2. Aggregate number of students placed in physical restraint;
3. Aggregate number of uses of seclusion;
4. Aggregate number of students placed in seclusion;
5. Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to students related to physical restraint and seclusion;
6. Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to school personnel related to physical restraint and seclusion; and
7. Aggregate number of instances in which a school resource officer or other sworn law enforcement officer is involved in the physical restraint or seclusion of a student. (39 Ky.R. 678; 1207; 1400; eff. 2-1-2013.)

Alternative Placements

LAWS

KRS 158.150. Suspension or expulsion of pupils.

(2)(b)[...] A board that has expelled a student from the student's regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior which may endanger the safety of others. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

REGULATIONS


KRS 156.070 grants the Kentucky Board of Education the authority over the management and control of programs operated in the common schools. KRS 156.160 grants the Kentucky Board of Education the specific authority to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. This administrative regulation establishes minimum requirements for the operation of alternative education programs in school districts.

Section 1. Definitions.
(1) "Alternative education program" is defined by KRS 160.380(1)(a).

(2) "Child with a disability" means a child evaluated in accordance with 707 KAR 1:300, as meeting the criteria listed in the definitions in 707 KAR 1:002 for autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment which has an adverse effect on the child’s educational performance and who, as a result, needs special education and related services.

(3) "Individual education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.

(4) "Individual learning plan" or "ILP" means a comprehensive framework for advising students in grades six (6) through twelve (12) to engage in coursework and activities that will best prepare them to both realize college and career success and become contributing members of their communities.

(5) "Individual learning plan addendum" or "ILPA" means an action plan that addresses the changed educational needs of a student based upon entry into or exit from an alternative education program that includes, as appropriate, academic and behavioral needs of the student, criteria for the student’s re-entry into the traditional program, and provisions for regular review of the student’s progress throughout the school year while in an alternative education program.

(6) "Involuntary placement" means the placement of a student in an alternative education program by local district school personnel:

(a) 1. To ensure the safety of the individual student, the student body, or staff;

2. To meet the educational needs of the student;

3. To transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or

4. For disciplinary purposes; and

(b) Not made at the request of the parent or emancipated student.

(7) "Off-site program" means an alternative education program located in a separate and dedicated program facility not located within the student’s assigned school.

(8) "On-site program" means an alternative education program located within the student’s assigned school.

(9) "Voluntary placement" means the placement of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.

Section 2. General Requirements.

(1)(a) A district shall ensure that each alternative education program:

1. Aligns with college and career readiness outcomes;

2. Is not limited in scope or design; and

3. Includes training to build capacity of staff and administrators to deliver high-quality services and programming that conform with best practices and guide all students to college and career readiness.

(b) A student enrolled in an alternative education program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.
(2) Each local board of education shall adopt and annually review policies and procedures for the operation of each alternative education program within the district. Locally-adopted policies and procedures shall include the:

(a) Purpose of the program, including the ways the program supports the district’s college and career readiness goals for students;
(b) Eligibility criteria, as appropriate;
(c) Process for entering students into the program;
(d) Process for transitioning students out of the program;
(e) Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
(f) Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.

(3) An alternative education program shall be either an on-site program or an off-site program.

(4) Alternative education program curriculum shall be aligned with the Kentucky Core Academic Standards established in 704 KAR 3:303, and the student learning goals in the ILP.

(5) Each alternative education program student shall be subject to the minimum graduation requirements established in 704 KAR 3:305 and any additional local district graduation requirements.

(6) An alternative education program shall be subject to any applicable requirements of 703 KAR 5:225 and Kentucky’s Elementary and Secondary Education Act Flexibility Waiver, or its successor.

(7) Each student participating in an alternative education program shall be eligible to access extracurricular activities as allowed by local district and school council policies and by 702 KAR 7:065 or other applicable organization rules.

(8) Each student participating in an alternative education program shall continue to be able to access resources and services already available in the district, including instructional materials, tutoring, intervention, and counseling services, in furtherance of each student’s educational program as determined through the development of the ILPA.

Section 3. Placement of Students.

(1)(a) The placement of students by the district in an alternative education program shall be either voluntary or involuntary.

(b) A student entering an alternative education program shall meet the eligibility requirements for the program established by the local board pursuant to Section 2 of this administrative regulation.

(c) The district shall ensure that an ILP, as required by 704 KAR 3:305, exists prior to placement of a student in an alternative education program.

(2)(a) The placement decision for all students with an IEP shall be made through the admissions and release committee (ARC) process pursuant to 707 KAR 1:320.

(b) For a child with a disability, the IEP shall address the changed educational delivery needs of the student based upon entry into or exit from an alternative education program.

(c) The placement decisions for a student who has been identified under 29 U.S.C. §794, Section 504 of the Rehabilitation Act of 1973, as amended, shall be made through a team process consistent with the applicable requirements outlined in 34 C.F.R. Part 104.

Section 4. Costs and Expenditures. Each district shall use the statewide financial management system and chart of accounts to track costs and expenditures associated with each alternative education program operating in the district.

Section 5. Data.
(1) Each district shall utilize the student information system to enter data regarding each student enrolled in an alternative education program.

(2) Data collected shall include demographic, programmatic, or other data fields contained in the student information system or required by the department to track and report student participation, educational programming, achievement, and transition to and from alternative education programs.

Section 6. Personnel. Alternative education program teachers and administrators shall be subject to the teacher certification requirements established in KRS 161.020, and shall comply with the classified and certified assignment restrictions established in KRS 160.380(3). (39 Ky.R. 1082; 1465; 1694; eff. 3-8-12.)
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

KRS 158.150. Suspension or expulsion of pupils.
(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools:
   (a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; […]
(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of “unlawful possession of a weapon on school property” stated in KRS 527.070.

KRS 527.070. Unlawful possession of a weapon on school property - Posting of sign - Exemptions.
(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.
(2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating: Unlawful possession of a weapon on school property in Kentucky is a felony punishable by a maximum of five (5) years in prison and a ten thousand dollar ($10,000) fine. Failure to post the sign shall not relieve any person of liability under this section.
(3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:
   (a) An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;
(b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;

(c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

(d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

(e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;

(f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;

(g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;

(h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or

(i) A person possessing guns or knives when conducting or attending a “gun and knife show” when the program has been approved by the board of education or board of trustees of the educational institution.

(4) Unlawful possession of a weapon on school property is a Class D felony.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

KRS 158.150. Suspension or expulsion of pupils.

(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools:

(a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and

(b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a
school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of “unlawful possession of a weapon on school property” stated in KRS 527.070.

### KRS 527.070. Unlawful possession of a weapon on school property - Posting of sign - Exemptions.

1. A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

2. Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating: Unlawful possession of a weapon on school property in Kentucky is a felony punishable by a maximum of five (5) years in prison and a ten thousand dollar ($10,000) fine. Failure to post the sign shall not relieve any person of liability under this section.

3. The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

   a. An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;

   b. Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;

   c. Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

   d. Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

   e. Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;

   f. Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;

   g. A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;

   h. A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or
(i) A person possessing guns or knives when conducting or attending a “gun and knife show” when the program has been approved by the board of education or board of trustees of the educational institution.

(4) Unlawful possession of a weapon on school property is a Class D felony.

**REGULATIONS**

No relevant regulations found.

**Students with chronic disciplinary issues**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Attendance and truancy**

**LAWS**

**KRS 159.010. Parent or custodian to send child to school - Age limits for compulsory attendance - Local board of education may adopt policy extending compulsory attendance requirements to age 18 - All local boards to extend age limit upon adoption of policy by 55 percent of school districts - Notification and counseling prior to withdrawal - Encouragement to reenroll after withdrawal.**

(1)(a) Except as provided in KRS 159.030 and paragraphs (b) and (c) of this subsection, each parent, guardian, or other person residing in the state and having in custody or charge any child who has entered the primary school program or any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has reached his or her sixth birthday and has not passed his or her sixteenth birthday.

(b) 1. Effective with the 2015-2016 school year, a local board of education may, upon the recommendation of the superintendent, adopt a district-wide policy to require, except as provided in KRS 159.030, each parent, guardian, or other person residing in the district and having in custody or charge any child who has entered the primary school program or any child between the ages six (6) and eighteen (18) to send the child to a regular public school for the full term of the district in which the child resides or to the public school that the district makes provision for the child to attend. A child's age is between six (6) and eighteen (18) when the child has reached his or her sixteenth birthday.

2. All children residing in the district, except as provided in KRS 159.030, shall be subject to the local board's compulsory age policy.

3. A district shall impose the same compulsory age requirement for all students residing in the district, even if the district has entered a contract to permit some students to attend school in another public school district that has not adopted a policy under this paragraph.

4. A local board of education adopting a policy under this paragraph shall certify to the Kentucky Department of Education that the district has, or will have, programs in place to meet the needs of potential dropouts. Implementation of the policy shall be contingent on notice of approval by the department.
(c) When fifty-five percent (55%) of all local school districts have adopted a policy in accordance with paragraph (b) of this subsection, all local school districts shall be required to adopt the compulsory attendance requirements under paragraph (b) of this subsection. This requirement shall be effective with the school year that occurs four (4) years after the fifty-five percent (55%) threshold is met.

(2) An unmarried child between the ages of sixteen (16) and eighteen (18) who resides in a district that has not adopted a policy under subsection (1)(b) of this section who wishes to terminate his or her public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal or his or her designee, and the principal shall request a conference with the parent, guardian, or other custodian. Written notification of withdrawal must be received from his parent, guardian, or other person residing in the state and having custody or charge of him. The child and the parent, guardian, or other custodian shall be required to attend a one (1) hour counseling session with a school counselor on potential problems of nongraduates.

(3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday.

Written permission for withdrawal shall not be required after the child's eighteenth birthday. Every child who is a resident in this state is subject to the laws relating to compulsory attendance, including the compulsory attendance requirements of a school district under subsection (1)(b) of this section. Neither the child nor the person in charge of the child shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his or her parent is a resident of another state.

(4) Each school district shall contact each student between the ages of sixteen (16) and eighteen (18) who has voluntarily withdrawn from school under subsection (2) of this section within three (3) months of the date of withdrawal to encourage the student to reenroll in a regular program, alternative program, or High School Equivalency Diploma program. In the event the student does not reenroll at that time, the school district shall make at least one (1) more attempt to reenroll the student before the beginning of the school year following the school year in which the student terminated his or her enrollment.

KRS 159.150. Definitions of truant and habitual truant - Attendance record requirements - Adoption of truancy policies by local school boards - Implementation of early intervention and prevention programs.

(1) Any student who has attained the age of six (6) years, but has not reached his or her eighteenth birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

(2) Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his or her twenty-first birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

(3) Any student who has been reported as a truant two (2) or more times is an habitual truant.

(4) For the purposes of establishing a student's status as a truant, the student's attendance record is cumulative for an entire school year. If a student transfers from one (1) Kentucky public school to another during a school year, the receiving school shall incorporate the attendance information provided under KRS 159.170 in the student's official attendance record.

(5) A local board of education may adopt reasonable policies that:

(a) Require students to comply with compulsory attendance laws;

(b) Require truants and habitual truants to make up unexcused absences;

(c) Impose sanctions for noncompliance; and

(d) Collaborate and cooperate with the Court of Justice, the Department for Community Based Services, the Department of Juvenile Justice, regional community mental health centers, and other
service providers to implement and utilize early intervention and prevention programs, such as truancy diversion, truancy boards, mediation, and alternative dispute resolution to reduce referrals to a court-designated worker.

KRS 159.990. Penalties.

(1) Any parent, guardian, or custodian who intentionally fails to comply with the requirements of KRS 159.010 to 159.170, except as provided in subsection (5) of this section, shall be fined one hundred dollars ($100) for the first offense, and two hundred fifty dollars ($250) for the second offense. Each subsequent offense shall be classified as a Class B misdemeanor. A new offense shall not be constituted until any previous offense has been finally adjudicated. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.

(2) Any principal, teacher, director of pupil personnel, assistant director of pupil personnel, or other school officer who intentionally fails to comply with the provisions of KRS 159.010 to 159.250, or of KRS 160.330 shall be fined not less than twenty-five dollars ($25) nor more than fifty dollars ($50). Upon conviction under this subsection, a director of pupil personnel or assistant director of pupil personnel shall be removed from office and have his certificate revoked, and a principal, teacher, or other school officer may have his certificate revoked.

(3) Any person, other than those persons mentioned in subsections (1) and (2) of this section, who fails to comply with any of the provisions of this chapter relating to compulsory attendance, or who violates any of the provisions of KRS 159.130, shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200), or imprisoned in the county jail for not more than sixty (60) days, or both.

(4) Any person who violates any of the provisions of KRS 159.270 shall be liable to a fine of not less than fifty dollars ($50) and shall be liable to the punishment prescribed by law for the crime of false swearing. If he is an officer, he shall be removed from office; and if he is a director of pupil personnel, his certificate shall be revoked.

(5) Any of the following who intentionally fails to comply with the requirements of KRS 159.150 shall be fined one hundred dollars ($100) for the first offense and two hundred fifty dollars ($250) for each subsequent offense:

(a) A student enrolled in a public school who has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday, for whom a guardian has not been appointed by a court of competent jurisdiction, whether or not that student is identified as an exceptional child or youth under KRS 157.200(1)(a) to (m);

(b) A parent, guardian, or custodian of a student enrolled in a public school who has not reached his or her eighteenth birthday; or

(c) A guardian appointed by a court of competent jurisdiction of a student who is enrolled in a public school, has been identified as an exceptional child or youth under KRS 157.200(1)(a) to (m), and has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday. Any person described in paragraph (a), (b), or (c) of this subsection shall be informed by personnel of the local school district that a public school student who has not reached his or her twenty-first birthday shall be subject to truancy laws.

(6) All fines imposed and all sums required to be paid as penalties under this section shall, after payment of the costs of prosecution and recovery thereof, be paid into the treasury of the district board of education and become a part of the school fund of the district.
Substance use

LAWS

KRS 158.150. Suspension or expulsion of pupils.
(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools:
   (a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school...

   (2) [...] (b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction, or to have physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction. The board may modify the expulsion requirement for students on a case-by-case basis...

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.
When the principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.

Bullying, harassment, or hazing

LAWS

KRS 2.227. Anti-Bullying Month.
(1) The General Assembly recognizes its responsibility to secure the environment for all Kentucky students. Thus, October of each year shall be designated as Anti-Bullying Month in the Commonwealth.

   (2) As a symbol of awareness of the serious issues and negative effects of bullying, the official ribbon for the Anti-Bullying Month in the Commonwealth shall be purple and yellow. The color purple is a reminder of domestic violence and the color yellow is in memory of those who have taken their lives as a result of bullying.
KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing:

(a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;

(b) The student's age;

(c) The nature and extent of the violation;

(d) The name and address of the student allegedly responsible for the violation; and

(e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.

(3) Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

[Per personal communication with Kentucky DOE personnel, KRS 158.156, is Kentucky’s Bullying Law. This law only covers behavior incidents that rise to the level of felony KRS Chapter 508 offenses, but it is the basis for dealing with all bullying in the state. Other bullying related laws are KRS 525.070 (harassment) and KRS 525.080 (harassing communications), listed under CHAPTER 525 RIOT, DISORDERLY CONDUCT, AND RELATED OFFENSES]

KRS 158.183. Prohibited acts by students - Rights of student - Duties of local board of education - Administrative remedies.

(1) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, a student shall have the right to carry out an activity described in any of paragraphs (a) to (j) of subsection (2) of this section, if the student does not:

(a) Infringe on the rights of the school to:

  1. Maintain order and discipline;
  2. Prevent disruption of the educational process; and
  3. Determine educational curriculum and assignments;
(b) Harass other persons or coerce other persons to participate in the activity; or
(c) Otherwise infringe on the rights of other persons.

(2) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, and subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:

(a) Pray or engage in religious activities in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, speak on, or engage in nonreligious matters alone or with other students in the public school;

(b) Express religious or political viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious or nonpolitical topics or subjects in the school;

(c) Express religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments free from discrimination or penalty based on the religious or political content of the submissions;

(d) Speak to and attempt to discuss religious or political viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious or nonpolitical viewpoints with other students. However, any student may demand that this speech or these attempts to share religious or political viewpoints not be directed at him or her;

(e) Distribute religious or political literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on nonreligious or nonpolitical topics or subjects in the school;

(f) Display religious messages on items of clothing to the same extent that a student is permitted to display nonreligious messages on items of clothing;

(g) Access public secondary school facilities during noninstructional time as a member of a religious student organization for activities that may include prayer, Bible reading, or other worship exercises to the same extent that members of nonreligious student organizations are permitted access during noninstructional time;

(h) Use school media, including the public address system, the school newspaper, and school bulletin boards, to announce student religious meetings to the same extent that a student is permitted to use school media to announce student nonreligious meetings;

(i) Meet as a member of a religious student group during noninstructional time in the school day to the same extent that members of nonreligious student groups are permitted to meet, including before and after the school day; and

(j) Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for nonreligious purposes.

(3) Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, a local board of education shall ensure that:

(a) 1. The selection of students to speak at official events is made without regard to the religious or political viewpoint of the student speaker;

      2. The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and
3. If the content of the student’s speech is such that a reasonable observer may perceive affirmative school sponsorship or endorsement of the student speaker’s religious or political viewpoint, the school shall communicate, in writing, orally, or both, that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the school;

(b) Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations; and

(c) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct these activities.

KRS 525.070. Harassment.

(1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

(a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;

(b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;

(c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;

(d) Follows a person in or about a public place or places;

(e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or

(f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:

1. Damages or commits a theft of the property of another student;

2. Substantially disrupts the operation of the school; or

3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

(2)(a) Except as provided in paragraph (b) of this subsection, harassment is a violation.

(b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

KRS 525.080. Harassing communications.

(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of electronic or written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;

(b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or

(c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
(2) Harassing communications is a Class B misdemeanor.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

KRS 158.165. Possession and use of personal telecommunications device by public school student.
(1) The board of education of each school district shall develop a policy regarding the possession and use of a personal telecommunications device by a student while on school property or while attending a school-sponsored or school-related activity on or off school property, and shall include the policy in the district's written standards of student conduct. A student who violates the policy shall be subject to discipline as provided by board policy.

(2) In this section, "personal telecommunications device" means a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, including, but not limited to, a paging device and a cellular telephone.

KRS 158.183. Prohibited acts by students - Rights of student - Duties of local board of education - Administrative remedies.
(1) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, a student shall have the right to carry out an activity described in any of paragraphs (a) to (j) of subsection (2) of this section, if the student does not:

(a) Infringe on the rights of the school to:
   1. Maintain order and discipline;
   2. Prevent disruption of the educational process; and
   3. Determine educational curriculum and assignments;
(b) Harass other persons or coerce other persons to participate in the activity; or
(c) Otherwise infringe on the rights of other persons.

(2) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, and subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:

(a) Pray or engage in religious activities in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, speak on, or engage in nonreligious matters alone or with other students in the public school;
(b) Express religious or political viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious or nonpolitical topics or subjects in the school;
(c) Express religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments free from discrimination or penalty based on the religious or political content of the submissions;
(d) Speak to and attempt to discuss religious or political viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious or nonpolitical viewpoints with other students. However, any student may
demand that this speech or these attempts to share religious or political viewpoints not be directed at him or her;

(e) Distribute religious or political literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on nonreligious or nonpolitical topics or subjects in the school;

(f) Display religious messages on items of clothing to the same extent that a student is permitted to display nonreligious messages on items of clothing;

(g) Access public secondary school facilities during noninstructional time as a member of a religious student organization for activities that may include prayer, Bible reading, or other worship exercises to the same extent that members of nonreligious student organizations are permitted access during noninstructional time;

(h) Use school media, including the public address system, the school newspaper, and school bulletin boards, to announce student religious meetings to the same extent that a student is permitted to use school media to announce student nonreligious meetings;

(i) Meet as a member of a religious student group during noninstructional time in the school day to the same extent that members of nonreligious student groups are permitted to meet, including before and after the school day; and

(j) Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for nonreligious purposes.

(3) Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, a local board of education shall ensure that:

(a) 1. The selection of students to speak at official events is made without regard to the religious or political viewpoint of the student speaker;

2. The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and

3. If the content of the student's speech is such that a reasonable observer may perceive affirmative school sponsorship or endorsement of the student speaker's religious or political viewpoint, the school shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school;

(b) Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations; and

(c) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct these activities.

(4) Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, a local board of education shall permit public schools in the district to sponsor artistic or theatrical programs that advance students' knowledge of society's cultural and religious heritage, as well as provide opportunities for students to study and perform a wide range of music, literature, poetry, and drama.

(5) No action may be maintained under KRS 158.181 to 158.187 unless the student has exhausted the following administrative remedies;
(a) The student or the student's parent or guardian shall state his or her complaint to the school's principal. The principal shall investigate and take appropriate action to ensure the rights of the student are resolved within seven (7) days of the date of the complaint;

(b) If the concerns are not resolved, then the student or the student's parent or guardian shall make a complaint in writing to the superintendent with the specific facts of the alleged violation;

(c) The superintendent shall investigate and take appropriate action to ensure that the rights of the student are resolved within thirty (30) days of the date of the written complaint; and

(d) Only after the superintendent's investigation and action may a student or the student's parent or legal guardian pursue any other legal action.

KRS 161.190. Abuse of teacher, classified employee, or school administrator prohibited.
Whenever a teacher, classified employee, or school administrator is functioning in his capacity as an employee of a board of education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher, classified employee, or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

KRS 158.441. Definitions for chapter.
As used in this chapter, unless the context requires otherwise:

(1) “Intervention services” means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;

KRS 158.4416. Trauma-informed approach to education - Definitions - School counselor or school-based mental health services provider to facilitate creation of trauma-informed team - Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma - Application to charter schools - Collaboration for provision of services between two or more school districts or between school districts and educational cooperatives, or other public or private entities - Annual report to department of number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty - Department of Education to make available toolkits to develop trauma-informed approach in schools - Plan and strategies for implementing trauma-informed approach.

(1) For purposes of this section:

(a) “School counselor” means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;

(b) “School-based mental health services provider” means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and

(c) “Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

(2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.

(3)(a) Beginning July 1, 2021, or as funds and qualified personnel become available:
1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students; and

2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.

(b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.

(c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:

1. Recognizing symptoms of trauma in students;
2. Utilizing interventions and strategies to support the learning needs of those students; and
3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.

(d) 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

(e) No later than November 1, 2019, and each subsequent year, the local school district superintendent shall report to the department the number and placement of school counselors in the district. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

(4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

(5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:

(a) Enhancing trauma awareness throughout the school community;
(b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
(c) Developing trauma-informed discipline policies;
(d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
(e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.
KRS 158.442. Center for school safety - Duties - School safety coordinator training program - Members of board - Center for school safety and its board of directors not subject to reorganization by the governor.

(1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center’s mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.

(2) To fulfill its mission, the Center for School Safety shall:

(a) Establish a clearinghouse for information and materials concerning school violence prevention;
(b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies, and communities, which may include coordinating training for administrators, teachers, students, parents, and other community representatives;
(c) Analyze the data collected in compliance with KRS 158.444;
(d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs;
(e) Administer a school safety grant program for local districts as directed by the General Assembly;
(f) Promote the formation of interagency efforts to address discipline and safety issues within communities throughout the state in collaboration with other postsecondary education institutions and with local juvenile delinquency prevention councils;
(g) Prepare and disseminate information regarding best practices in creating safe and effective schools;
(h) Advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security;
(i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an annual report to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414;
(j) Develop and implement a school safety coordinator training program based on national and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators appointed pursuant to KRS 158.4412. The training shall be approved by the board of directors of the Center for School Safety and include instruction on at least the following:
   1. Policies and procedures for conducting emergency response drills using an all-hazards approach including hostage and active shooter situations;
   2. Identification and response to threats to school safety and security; and
   3. Preparing for, conducting, and reviewing school security risk assessments in accordance with KRS 158.4410; and
(k) Award a school safety coordinator certificate of completion to a school safety coordinator upon satisfactory completion of the training program.

(3) The Center for School Safety shall be governed by a board of directors consisting of fifteen (15) members. Members shall consist of:

(a) The commissioner or a designee of the Department of Education;
(b) The secretary or a designee of the Cabinet for Health and Family Services;
(c) The commissioner or a designee of the Department for Behavioral Health, Developmental and Intellectual Disabilities;
(d) The commissioner or a designee of the Department of Kentucky State Police;
(e) The commissioner or a designee of the Department of Criminal Justice Training;
(f) The executive director or a designee of the Kentucky Office of Homeland Security;
(g) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky League of Cities;
(h) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Boards Association;
(i) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Superintendents;
(j) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Resource Officers;
(k) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Education Association;
(l) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Nurses Association;
(m) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association for Psychology in the Schools;
(n) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Counselor Association; and
(o) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Parent Teacher Association.

(4) Notwithstanding KRS 12.028, the Center for School Safety and its board of directors shall not be subject to reorganization by the Governor.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

6. (1)(a) All school personnel shall be trained in state administrative regulations and school district policies and procedures regarding physical restraint and seclusion.

(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

1. Increase appropriate student behaviors;
2. Decrease inappropriate or dangerous student behaviors; and
3. Respond to dangerous behavior.

(c) This training may be delivered utilizing web-based applications.

(d) This training shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. State administrative regulations and school district policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. The continuum of use for alternative behavioral interventions;
5. Crisis prevention;
6. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
7. Proper use of seclusion as established in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary. […]

Behavioral interventions and student support services

LAWS

KRS 156.496. Family resource and youth services centers - Design - Core components - Location - Grant Program - Prohibition on abortion counseling and referrals - Monetary donations.

(1) Family resource and youth services centers shall be designed to meet the needs of children and their families by providing services to enhance a student’s ability to succeed in school. If resources are limited, students and families who are the most economically disadvantaged shall receive priority status for receiving services.

(2) Family resource centers shall be located in or near each elementary school in the Commonwealth in which twenty percent (20%) or more of the student body are eligible for free or reduced-price school meals. Family resource centers shall promote identification and coordination of existing resources and shall include but not be limited to the following core components for each site:

(a) Full-time preschool child care for children two (2) and three (3) years of age;
(b) After-school child care for children ages four (4) through twelve (12), with the child care being full-time during the summer and on other days when school is not in session;
(c) Families in training, which shall consist of an integrated approach to home visits, group meetings, and monitoring child development for new and expectant parents;
(d) Family literacy services as described in KRS 158.360 or a similar program designed to provide opportunities for parents and children to learn together and promote lifelong learning; and
(e) Health services or referrals to health services, or both.

(3) Youth services centers shall be located in or near each school in the Commonwealth, except elementary schools, in which twenty percent (20%) or more of the student body are eligible for free or reduced-price school meals. Youth services centers shall promote identification and coordination of existing resources and shall include but not be limited to the following core components for each site:

(a) Referrals to health and social services;
(b) Career exploration and development;
(c) Summer and part-time job development for high school students;
(d) Substance abuse education and counseling; and
(e) Family crisis and mental health counseling.

(4) A grant program is hereby established to provide financial assistance to eligible school districts to establish or maintain family resource or youth services centers. The Cabinet for Health and Family Services shall award grants pursuant to KRS 156.4977. Funding provided to the Cabinet for Health and Family Services for the grant program and agency administrative costs shall include an increase that is equal to or greater than the general fund growth factor provided in agency budget instructions.

(5) A family resource or youth services center that receives funding for one (1) year or more shall not be considered ineligible for funding based solely on the percent of the student body eligible for free or
reduced-price school meals unless the percent of the student body eligible for free or reduced-price school meals is below twenty percent (20%) for five (5) consecutive years.

(6) A school district shall not operate a family resource center or a youth services center that provides abortion counseling or makes referrals to a health care facility for the purpose of seeking an abortion.

(7) A school district may accept monetary donations for the operation and maintenance of family resource and youth services centers. Any donations given to the school district for the operation and maintenance of family resource and youth services centers shall be used only for the operation and maintenance of family resource and youth services centers, and for no other purpose.

**KRS 158.305 Response-to-intervention system to identify and assist students having difficulty in reading, writing, mathematics, or behavior and to determine needs of advanced learners - Web-based resource for teachers - District-wide use - Department to provide technical assistance and training - Annual report.**

(1) As used in this section:

(a) “Aphasia” means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;

(b) “Dyscalculia” means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;

(c) “Dysgraphia” means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;

(d) “Dyslexia” has the same meaning as in KRS 158.307;

(e) “Phonemic awareness” has the same meaning as in KRS 158.307; and

(f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21).

(2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to evidence-based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department for:

(a) Reading and writing by August 1, 2013;

(b) Mathematics by August 1, 2014; and

(c) Behavior by August 1, 2015.

(3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress.

(4) The technical assistance and training shall be designed to improve:

(a) The use of specific screening processes and programs to identify student strengths and needs;

(b) The use of screening data for designing instructional interventions;
(c) The use of multisensory instructional strategies and other interventions validated for effectiveness by evidence-based research;
(d) Progress monitoring of student performance; and
(e) Accelerated, intensive, direct instruction that addresses students’ individual differences, including advanced learners, and enables students that are experiencing difficulty to catch up with typically performing peers.

(5) The department shall develop and maintain a Web-based resource providing teachers access to:
(a) Information on the use of specific screening processes and programs to identify student strengths and needs, including those for advanced learners;
(b) Current, evidence-based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
   1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
   2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
   3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
   4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students; and
(c) Current, evidence-based research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.

(6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.

(7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.

(8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize evidence-based interventions in reading, writing, mathematics, and behavior.

(9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

(10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes survey data on the types of evidence-based research interventions being implemented by districts in reading, writing, mathematics, and behavior in kindergarten through grade three (3).

KRS 158.440. Legislative findings on school safety and order.
The General Assembly finds that:
(1) Every student should have access to a safe, secure, and orderly school that is conducive to learning;

(2) All schools and school districts must have plans, policies, and procedures dealing with measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior; and

(3) State and local resources are needed to enlarge the capacities for research, effective programming, and program evaluation that lead to success in addressing safety and discipline within the schools.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(1) “Intervention services” means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;

KRS 158.4416. Trauma-informed approach to education - Definitions - School counselor or school-based mental health services provider to facilitate creation of trauma-informed team - Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma - Application to charter schools - Collaboration for provision of services between two or more school districts or between school districts and educational cooperatives, or other public or private entities - Annual report to department of number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty - Department of Education to make available toolkits to develop trauma-informed approach in schools - Plan and strategies for implementing trauma-informed approach.

(1) For purposes of this section:

(a) “School counselor” means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;

(b) “School-based mental health services provider” means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and

(c) “Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

(2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.

(3)(a) Beginning July 1, 2021, or as funds and qualified personnel become available:
1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students; and

2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.

(b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.

(c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:

   1. Recognizing symptoms of trauma in students;

   2. Utilizing interventions and strategies to support the learning needs of those students; and

   3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.

(d) 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

   2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

(e) No later than November 1, 2019, and each subsequent year, the local school district superintendent shall report to the department the number and placement of school counselors in the district. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

(4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

(5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:

   (a) Enhancing trauma awareness throughout the school community;

   (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;

   (c) Developing trauma-informed discipline policies;

   (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma- exposed students; and

   (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.
(1) Any student who has attained the age of six (6) years, but has not reached his or her eighteenth birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

(2) Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his or her twenty-first birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

(3) Any student who has been reported as a truant two (2) or more times is an habitual truant.

(4) For the purposes of establishing a student's status as a truant, the student's attendance record is cumulative for an entire school year. If a student transfers from one (1) Kentucky public school to another during a school year, the receiving school shall incorporate the attendance information provided under KRS 159.170 in the student's official attendance record.

(5) A local board of education may adopt reasonable policies that:
   
   (a) Require students to comply with compulsory attendance laws;
   
   (b) Require truants and habitual truants to make up unexcused absences;

   (c) Impose sanctions for noncompliance; and

   (d) Collaborate and cooperate with the Court of Justice, the Department for Community Based Services, the Department of Juvenile Justice, regional community mental health centers, and other service providers to implement and utilize early intervention and prevention programs, such as truancy diversion, truancy boards, mediation, and alternative dispute resolution to reduce referrals to a court-designated worker.

REGULATIONS


KRS 158.305(2) requires the Kentucky Board of Education to promulgate administrative regulations for the district-wide use of a response-to-intervention system for students in Kindergarten through Grade 3. This administrative regulation establishes the requirements for a district-wide response-to-intervention system for students in Kindergarten through Grade 3.

Section 1. Definitions.

(1) "Core instruction" means instruction based on the state’s academic standards as set forth in 704 KAR 3:303 and provided to all students.

(2) "Differentiated core academic and behavioral instruction" means the tailoring of curriculum, teaching environments, and practices to create appropriately different learning experiences for students to meet each student’s needs while recognizing each student’s learning differences, varying interests, readiness levels, and level of responsiveness to the standard core instruction.

(3) "Evidence-based" means classroom practices for which there is strong evidence of success.

(4) "Implemented with fidelity" means the accurate and consistent provision or delivery of instruction as it was designed.

(5) "Intensive academic and behavioral intervention" means that, in addition to core instruction and targeted intervention instruction, a student is provided additional intervention services that are tailored to the student’s individualized academic or behavioral needs.
(6) "Intervention" means an educational or behavioral instruction, practice, strategy, or curriculum that is provided to meet a student’s academic and behavioral needs, in addition to core instruction.

(7) "Response-to-intervention" means a multi-level prevention system to maximize student achievement and social and behavioral competencies through an integration of assessment and intervention.

(8) "Targeted intervention" means the use of screening data to design appropriate interventions provided, in addition to core instruction, if a student’s universal screening and other data results indicate that the student has not mastered a benchmark skill or grade level expectation in mathematics, reading, writing, or behavior.

(9) "Universal screening" means screening that uses specific criteria to evaluate the learning and achievement of all students in academics and related behaviors, that may include learning differences, class attendance, tardiness, and truancy, to determine which students need closer monitoring or an intervention.

Section 2. Each local district shall implement a comprehensive response-to-intervention system for Kindergarten through Grade 3 that includes:

(1) Multi-tiered systems of support, including differentiated core academic and behavioral instruction and targeted, intensive academic and behavioral intervention, delivered by individuals most qualified to provide the intervention services, that maximize student achievement and reduce behavioral problems;

(2) Universal screening and diagnostic assessments to determine individual student needs and baseline performance;

(3) Interventions that:
   (a) Are evidence-based;
   (b) Vary in intensity and duration based on student need;
   (c) Meet the needs of the individual student;
   (d) Are implemented with fidelity;
   (e) Are delivered by individuals most qualified to provide the intervention services; and
   (f) Are monitored through a comparison of baseline data collected prior to intervention and ongoing progress data;

(4) Support for early intervention to address academic and behavioral issues; and

(5) Data-based documentation of:
   (a) Assessments or measures of behavior;
   (b) Progress during instruction;
   (c) Evaluation, at regular intervals, for continuous progress; and
   (d) Individual student reports shared with the parents of each student in Kindergarten through Grade 3 that summarize the student’s skills in mathematics, reading, and writing; the student’s behavior; and any intervention plans and services being delivered.

Section 3. The response-to-intervention system for Kindergarten through Grade 3 shall coordinate with district-wide interventions required by KRS 158.792, 158.6453(11)(b), 158.6459(1), (2), (3), 704 KAR 3:305, Section 1(1)(b), (3)(d), 704 KAR 3:530, Section 2(1)(b), 704 KAR 3:285, Section 3(4), 707 KAR 1:300, Section 1, 707 KAR 1:310, Section 1(3)(a), and 707 KAR 1:320.

Section 4. Each local district shall submit the data required by KRS 158.305(10) to the department through the Kindergarten to Grade 3 program review required in 703 KAR 5:230.
704 KAR 7:070. Guidelines for dropout prevention programs.

Section 1. (1) A local board of education may operate dropout prevention programs for students at high risk for dropping out. A student is considered of high risk for dropping out if he meets one (1) or more of the following criteria:

(a) A student who is currently achieving two (2) or more grade levels below his age group;
(b) A student who has demonstrated poor academic skills, i.e., who has failed two (2) or more subjects in two (2) of the past four (4) school years;
(c) A student who is consistently absent or tardy and who has been absent twenty-five (25) or more unexcused days in the last two (2) school years and has an overall grade point average below a C;
(d) A student who has been suspended (in-school alternative to home suspension or home suspension) two (2) or more times during the past school year and has an overall grade point average below a C;
(e) A student who becomes pregnant;
(f) A student whose family has a history of dropping out or whose family does not support the student in the completion of school;
(g) A student who little or no participation in school cocurricular activities;
(h) A student who is below grade level in reading or math skills;
(i) A student who shows indication of being socially isolated;
(j) Upon approval of the Department of Education, other indicators supported by strong evidence may also be utilized to identify students of high risk for dropping out.

(2) Funds shall be made available to eligible Kentucky school districts through contractual agreements whereby school districts agree to provide special services designed to prevent students of high risk from dropping out. State appropriated funds shall be utilized first in providing grant awards for dropout prevention programs. These funds may be supplemented by other special funds which may be available to the Department of Education through contracts or grants intended for this purpose.

(a) Special contract or grant funds may be used to fund the continuation of successful dropout prevention services in school districts demonstrating a reduction in their dropout rates or numbers.
(b) The Department of Education shall notify school districts of their eligibility to receive funds for a minimum of two (2) years to implement dropout prevention programs.
(c) A school district may apply for funds by submitting an application which specifies special services to be provided to students who are at high risk of dropping out. Applications shall be approved by the Department of Education prior to the encumbrance or expenditure of these funds for a dropout prevention program.
(d) A district receiving dropout prevention funds as provided for in this administrative regulation shall implement a comprehensive research-based model across all grade levels.

(3) A school district applying for funds shall describe the special service(s) to be provided to eligible students, including the services listed below:

(a) Alternative curriculum which shall provide academic alternatives for students. Alternative educational programs, classes or schools shall provide the students with a positive learning environment to develop and build student academic-behavioral successes.
(b) Counseling, advising and mentoring services shall provide techniques to fulfill individual needs for building self-esteem and personal status through school activities.
(c) Parent involvement services shall provide teachers and counselors with appropriate information to assess student needs. This service may be implemented through home visits, group and individual conferences, and opportunities for family and community involvement.
(d) Student-centered services shall provide a focus on the individual student. Efforts shall be focused on individual needs and differences. These similarities and differences shall be respected. Individualized goals and objectives shall be developed and valued for cognitive and effective growth and development.

(e) Tutorial services shall provide the additional time, attention, encouragement and support needed by students at risk. Tutoring may be provided by students (peer tutoring) or specialized staff to help students gain social maturity, academic and social skills.

(f) Work-related services may provide opportunities for paid employment to students. Services may utilize several components which include on-the-job experiences, classes, career awareness and exploration activities or vocational courses which are designed to transition students into the world of work.

Section 2. A school district receiving dropout prevention funds shall submit an annual evaluation report. The annual evaluation report shall provide data for each student receiving dropout prevention services.

Section 3. The chief state school officer shall be authorized to enter into contractual agreements with the Department of Employment Services and other agencies and organizations for the purpose of securing Job Training Partnership Act funds and other special grant and contract funds to be utilized to supplement state appropriations, under the criteria and standards of this administrative regulation, in reducing the numbers of dropouts in the common schools of Kentucky.

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 1. Definitions.

(1) "Aversive behavioral interventions" means a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.

(2) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous or inappropriate, or otherwise impedes the learning of the students.

(11) "Positive behavioral supports" means a school-wide systematic approach to embed evidence-based practices and data-driven decision-making to:

(a) Improve school climate and culture in order to achieve improved academic and social outcomes;
(b) Increase learning for all students, including those with the most complex and intensive behavior needs;
(c) Encompass a range of systemic and individualized positive strategies to reinforce desired behaviors;
(d) Diminish reoccurrence of inappropriate or dangerous behaviors; and
(e) Teach appropriate behaviors to students.

Professional development

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Long-term improvement plans - Suicide prevention awareness information - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address
needs of students at risk - Teacher academics - Annual report to Juvenile Justice Oversight Council.

(1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.

(2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel.

Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.

(a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.

(b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers’ roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.

(3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;

(b) Curriculum content and methods of instruction for each content area, including differentiated instruction;

(c) School-based decision making;

(d) Assessment literacy;

(e) Integration of performance-based student assessment into daily classroom instruction;

(f) Nongraded primary programs;

(g) Research-based instructional practices;

(h) Instructional uses of technology;
(i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;

(j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;

(k) Educational leadership; and

(l) Strategies to incorporate character education throughout the curriculum.

(4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

(5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

   (a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.

   (b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.

   (c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.

(6)(a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services shall post on its Web page suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The Web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.

   (b) By September 15, 2018, and September 15 of each year thereafter, every public middle and high school administrator shall disseminate suicide prevention awareness information to all middle and high school students. The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.

   (c) 1. Beginning with the 2018-2019 school year, and every other year thereafter, a minimum of one (1) hour of high-quality suicide prevention training shall be required for all high school and middle school principals, guidance counselors, and teachers. The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional development under KRS 158.070.

      2. When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.

   (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
(7)(a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.

(b) The trainings shall be Web-based or in-person and cover, at a minimum, the following topics:
   1. Recognizing child physical, sexual, and emotional abuse and neglect;
   2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
   3. Responding to the child; and
   4. Understanding the response of child protective services.

(c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.

(d) Each local school board shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.

(e) All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.

(f) All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.

(g) Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

(8) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

(9) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

   (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
   (b) Plan specific instructional strategies to teach at-risk students;
   (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
   (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
(e) Significantly reduce the dropout rate of all students.

(10) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

(11) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 6. (1)(a) All school personnel shall be trained in state administrative regulations and school district policies and procedures regarding physical restraint and seclusion.

(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

1. Increase appropriate student behaviors;
2. Decrease inappropriate or dangerous student behaviors; and
3. Respond to dangerous behavior.

(c) This training may be delivered utilizing web-based applications.

(d) This training shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. State administrative regulations and school district policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. The continuum of use for alternative behavioral interventions;
5. Crisis prevention;
6. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
7. Proper use of seclusion as established in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary.

(2) All school personnel shall receive annual written or electronic communication from the district identifying core team members in the school setting who have been trained to implement physical restraint.

(3) A core team of selected school personnel shall be designated to respond to dangerous behavior and to implement physical restraint of students. The core team, except school resource officers and other sworn law enforcement officers, shall receive additional yearly training in the following areas:

(a) Appropriate procedures for preventing the use of physical restraint except as permitted by this administrative regulation;
(b) A description and identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations, in order to determine whether the use of physical restraint is safe and warranted;
(c) Simulated experience of administering and receiving physical restraint, and instruction regarding the effect on the person physically restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

(d) Instruction regarding documentation and notification requirements and investigation of injuries; and

(e) Demonstration by core team members of proficiency in the prevention and use of physical restraint.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

KRS 158.150. Suspension or expulsion of pupils.

(6) The superintendent, principal, assistant principal, or head teacher of any school may suspend a pupil but shall report the action in writing immediately to the superintendent and to the parent, guardian, or other person having legal custody or control of the pupil. The board of education of any school district may expel any pupil for misconduct as defined in subsection (1) of this section, but the action shall not be taken until the parent, guardian, or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 5.

(1) All physical restraints and seclusions shall be documented by a written record of each use of seclusion or physical restraint and be maintained in the student’s education record. Each record of a use of physical restraint or seclusion shall be informed by an interview with the student and shall include:

(a) The student’s name;
(b) A description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;
(c) The date of the physical restraint or seclusion and school personnel involved;
(d) The beginning and ending times of the physical restraint or seclusion;
(e) A description of any events leading up to the use of physical restraint or seclusion including possible factors contributing to the dangerous behavior;
(f) A description of the student’s behavior during physical restraint or seclusion;
(g) A description of techniques used in physically restraining or secluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;
(h) A description of any behavioral interventions used immediately prior to the implementation of physical restraint or seclusion;
(i) A description of any injuries to students, school personnel, or others;
(j) A description as to how the student’s behavior posed an imminent danger of physical harm to self or others;
(k) The date the parent was notified;
(l) A description of the effectiveness of physical restraint or seclusion in de-escalating the situation;
(m) A description of the school personnel response to the dangerous behavior;
(n) A description of the planned positive behavioral interventions which shall be used to reduce the future need for physical restraint or seclusion of the student; and
(o) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, documentation of a referral under either law or documentation of the basis for declining to refer the student.

(3) The principal of the school shall be notified of the seclusion or physical restraint as soon as possible, but no later than the end of the school day on which it occurred.

(4) The physical restraint or seclusion record as outlined in subsection (1) of this section shall be completed by the end of the next school day following the use of seclusion or physical restraint.

(5) If the parent or emancipated youth requests a debriefing session under Section 2(1)(d) of this administrative regulation, a debriefing session shall be held after the imposition of physical restraint or seclusion upon a student.

Parental notification

LAWS

KRS 158.150. Suspension or expulsion of pupils.

(6) The superintendent, principal, assistant principal, or head teacher of any school may suspend a pupil but shall report the action in writing immediately to the superintendent and to the parent, guardian, or other person having legal custody or control of the pupil. The board of education of any school district may expel any pupil for misconduct as defined in subsection (1) of this section, but the action shall not be taken until the parent, guardian, or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final.


Every parent, guardian, or custodian of a child residing in any school district in this state is legally responsible for any violation of KRS 159.010 to 159.170 by the child. Before any proceedings are instituted against the parent, guardian, or custodian for violation of KRS 159.010 to 159.170, a written notice of the violation shall be served on the person by the director of pupil personnel, and one (1) day shall be given for the termination of the violation. After such notice, if the violation is continued or if the provisions of KRS 159.010 to 159.170 are again violated during the school term by the child, no further notice shall be necessary and the parent or guardian shall be punishable as provided in KRS 159.990. A notice by certified mail, return receipt requested, or by personal service by the director of pupil personnel shall be a legal notice.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 5.

(2) If the student is not an emancipated youth, the parent of the student shall be notified of the physical restraint and seclusion verbally or through electronic communication, if available to the parent, as soon as possible within twenty-four (24) hours of the incident. If the parent cannot be reached within twenty-four (24) hours, a written communication shall be mailed to the parent via U.S. mail.

(3) The principal of the school shall be notified of the seclusion or physical restraint as soon as possible, but no later than the end of the school day on which it occurred.

(4) The physical restraint or seclusion record as outlined in subsection (1) of this section shall be completed by the end of the next school day following the use of seclusion or physical restraint.
(5) If the parent or emancipated youth requests a debriefing session under Section 2(1)(d) of this administrative regulation, a debriefing session shall be held after the imposition of physical restraint or seclusion upon a student.

Reporting and referrals between schools and law enforcement

LAWS

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.
When the principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.

KRS 158.155. Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.
(4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

(a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:

1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
   a. Carrying, possession, or use of a deadly weapon; or
   b. Use, possession, or sale of controlled substances; or

2. Any felony offense under the laws of this Commonwealth; and

(b) The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.4451. The Kentucky Office of Homeland Security, after collaboration with others, shall make available an anonymous reporting tool to allow students, parents, and community members to supply information about potentially harmful, dangerous, or criminal activities to public safety agencies and school officials - Goal is to facilitate widespread awareness of the reporting tool and to provide a comprehensive training and awareness program on the use of the tool.
(1) By July 1, 2019, the Kentucky Office of Homeland Security, after collaborating with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall make available to each local school district an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. The reporting tool shall be accessible at least by telephone call, electronic e-mail, and a mobile device application.

(2) The reporting tool shall notify the reporting individual of the following:

(a) The reporting individual may supply the information anonymously; and
(b) If the individual chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials. Law enforcement and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool shall immediately be sent to the administration of each school district affected and the law enforcement agencies responsible for protection of those school districts, including but not limited to the local sheriff’s office, the local city police department, and the Kentucky State Police.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the Kentucky Office of Homeland Security shall be made aware of the reporting tool.

(5) The Kentucky Office of Homeland Security, in collaboration with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall develop and provide a comprehensive training and awareness program on the use of the anonymous reporting tool.

KRS 527.070. Unlawful possession of a weapon on school property - Posting of sign - Exemptions.

(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

(2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating: UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR ($10,000) FINE. Failure to post the sign shall not relieve any person of liability under this section.

(3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

(a) An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;

(b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;

(c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

(d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

(e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;
(f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;

(g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;

(h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or

(i) A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.

(4) Unlawful possession of a weapon on school property is a Class D felony.

KRS 610.345. School superintendent or principal to be notified when child found guilty or when petition is filed - Disclosure of records - Provision of offense history to school superintendent.

(1) When a child is adjudicated guilty of an offense which classifies him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the adjudication and the petition and disposition of the case. The name of the complainant shall be deleted. The court shall direct the appropriate prosecuting entity to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.

(2) When a child is adjudicated guilty of an offense which would classify him or her as a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A, 508, 510, or 527 if committed by an adult, but which would not classify him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify within five (5) days of the order the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge, the adjudication, and the disposition of the case. The name of the complainant shall be deleted. The court shall direct the appropriate prosecuting entity to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.

(3) When a petition is filed against a child, or a child is adjudicated guilty of an offense that would be a felony or misdemeanor if committed by an adult, and the misdemeanor involves a controlled substance or the possession, carrying, or use of a deadly weapon, or physical injury to another person, the judge in the court in which the matter is considered shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school that the child attends of the charge, the adjudication, and the disposition of the case. The notification shall be made within twenty-four (24) hours of the time when the petition is filed. The name of the complainant shall be deleted. The court shall authorize the county attorney to give the school district or the school a statement of the facts in the case, not to include the complainant's name. If the petition is dismissed, all records of the incident or notification created in the school district or the school under this subsection shall be destroyed, and shall not be included in the child's school records.

(4) Notice of adjudication to a district superintendent referenced in subsections (2) and (3) of this section shall be released by the superintendent to the principal. A principal of a public or private school receiving notice of adjudication shall release the information to employees of the school having responsibility for
classroom instruction or counseling of the child and may release it to other school personnel as described in subsection (5) of this section, but the information shall otherwise be confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law. The notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of the child's student record.

(5) Records or information disclosed pursuant to this section shall be limited to records of that student's criminal petition and the disposition thereof covered by this section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall not be disclosed to any other person, including school personnel, except to a district superintendent, public or private elementary and secondary school administrative, transportation, and counseling personnel, and to any teacher or school employee with whom the student may come in contact. This section shall not authorize the disclosure of any other juvenile record or information relating to the child.

(6) The Department of Juvenile Justice shall provide a child's offense history information pursuant to this section to the superintendent of the local school district in which the child, who is committed to the department, is placed.

(7) Records or information received by the school pursuant to this section shall be kept in a locked file, when not in use, to be opened only on permission of the administrator.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 2.

(1) Each local school district shall establish policies and procedures that:

(e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion;

Disclosure of school records

LAWS

KRS 15A.067 Division of Program Services - Access to educational records - Screening and education of incarcerated youth - Information on educational status and need.

(1) As used in this section, "facility" means any of the facilities specified in KRS 15A.200 operated by a political subdivision of the Commonwealth of Kentucky and juvenile detention facilities operated by the Commonwealth of Kentucky for the care of juveniles alleged to be delinquent or adjudicated delinquent.

(2)(a) There is established within the department a Division of Program Services that shall be responsible for ensuring the delivery of appropriate educational programs to incarcerated youth. Each facility shall provide educational services to youth ordered by the court to remain in the juvenile detention facility.

(b) Any other statutes to the contrary notwithstanding, the department shall have access to all educational records, public or private, of any juvenile in a facility or program or informal adjustment authorized by law.

(c) The Division of Program Services shall ensure that all incarcerated youth be provided appropriate screening and educational programs as follows:
1. For students identified before incarceration as having an educational disability, the Division of Program Services shall make specially designed instruction and related services available as required by Kentucky Board of Education administrative regulations applicable to students with disabilities.

2. For students incarcerated for more than fourteen (14) days, the division shall ensure that appropriate screening is provided to all youth. Screening shall include but not be limited to seeking the juvenile’s educational record.

3. For students incarcerated for more than thirty (30) days, the division shall ensure that all youth are provided an appropriate education.

(d) The department shall be responsible for providing, in its contracts with non-state-operated juvenile detention facilities, the specific obligations of those entities to provide educational services to incarcerated juveniles consistent with this section, including funding provisions.

(e) The Department of Education and all local school district administrators shall cooperate with officials responsible for the operation of juvenile detention facilities and with the Division of Program Services to ensure that all documents necessary to establish educational status and need shall follow the students who are being held in these facilities so the students can be afforded educational opportunities.

(f) 1. Upon disposition by the juvenile court that an adjudicated juvenile shall stay in a juvenile detention facility for any period of time, the facility shall notify the juvenile’s last resident school district of the student’s whereabouts.

2. Within five (5) days after the juvenile is released, the Division of Program Services shall notify the district in which the student will reside of the youth’s release and educational status and forward any educational records.

(g) The department shall, after consultation with the Department of Education, promulgate an administrative regulation for the effective implementation of this section.

KRS 158.155 Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.

(1) If a student has been adjudicated guilty of an offense specified in this subsection or has been expelled from school for an offense specified in this subsection, prior to a student’s admission to any school, the parent, guardian, principal, or other person or agency responsible for a student shall provide to the school a sworn statement or affirmation indicating on a form provided by the Kentucky Board of Education that the student has been adjudicated guilty or expelled from school attendance at a public or private school in this state or another state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs. The sworn statement or affirmation shall be sent to the receiving school within five (5) working days of the time when the student requests enrollment in the new school.

(2) If any student who has been expelled from attendance at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records, those records shall reflect the charges and final disposition of the expulsion proceedings.

(3) If any student who is subject to an expulsion proceeding at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records to a new school, the records shall not be transferred until that proceeding has been terminated and shall reflect the charges and any final disposition of the expulsion proceedings.
(4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

(a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:

1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
   a. Carrying, possession, or use of a deadly weapon; or
   b. Use, possession, or sale of controlled substances; or

2. Any felony offense under the laws of this Commonwealth; and

(b) The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

(5) A person who is an administrator, teacher, supervisor, or other employee of a public or private school who receives information from a student or other person of conduct which is required to be reported under subsection (1) of this section shall report the conduct in the same manner as required by that subsection.

(6) Neither the husband-wife privilege of KRE 504 nor any professional-client privilege, including those set forth in KRE 506 and 507, shall be a ground for refusing to make a report required under this section or for excluding evidence in a judicial proceeding of the making of a report and of the conduct giving rise to the making of a report. However, the attorney-client privilege of KRE 503 and the religious privilege of KRE 505 are grounds for refusing to make a report or for excluding evidence as to the report and the underlying conduct.

(7) Nothing in this section shall be construed as to require self-incrimination.

(8) A person acting upon reasonable cause in the making of a report under this section in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

(a) Making the report; and

(b) Participating in any judicial proceeding that resulted from the report.

KRS 158.448. Protocols for student records within student information system.

The Kentucky Department of Education shall develop protocols for student records within the student information system which:

(1) Provide notice to schools receiving the records of prior offenses described in KRS 610.345 committed by a student transferring to a new school or district; and

(2) Protect the privacy rights of students and parents guaranteed under the federal Family Educational Rights and Privacy Act.

KRS 159.170. Withdrawals and transfers - Teachers to investigate and report - Collection and dissemination of student records.

(1) Whenever any child of compulsory school age withdraws from school, the teacher of the child shall ascertain the reason. The fact of the withdrawal and the reason for it shall be immediately transmitted by the teacher to the superintendent of schools of the district in which the school is located. If the child has withdrawn because of change of residence, the next residence shall be ascertained and included in the report.

(2) The Kentucky Department of Education shall ensure that the student information system facilitates the collection of student data and the transfer of education records among schools and local districts.

(3) A school district shall notify the Kentucky Department of Education when a new student enrolls in a school in the district.
(4) The Kentucky Department of Education, upon notification of a student's enrollment in a school, shall forward within ten (10) working days all records regarding the student collected under this section to the receiving district.

**KRS 161.195. Notice to teacher of student's history of physically abusive conduct or carrying a concealed weapon.**

Before a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function is assigned to work directly with or comes in contact with a teacher, that teacher shall be notified in writing by the principal, guidance counselor, or other school official who has knowledge of the student's behavior. The notice shall describe the nature of the student behavior.

**KRS 610.345. School superintendent or principal to be notified when child found guilty or when petition is filed - Disclosure of records - Provision of offense history to school superintendent.**

(1) When a child is adjudicated guilty of an offense which classifies him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the adjudication and the petition and disposition of the case. The name of the complainant shall be deleted. The court shall direct the appropriate prosecuting entity to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.

(2) When a child is adjudicated guilty of an offense which would classify him or her as a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A, 508, 510, or 527 if committed by an adult, but which would not classify him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify within five (5) days of the order the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge, the adjudication, and the disposition of the case. The name of the complainant shall be deleted. The court shall direct the county attorney to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.

(3) When a petition is filed against a child, or a child is adjudicated guilty of an offense that would be a felony or misdemeanor if committed by an adult, and the misdemeanor involves a controlled substance or the possession, carrying, or use of a deadly weapon, or physical injury to another person, the judge in the court in which the matter is considered shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school that the child attends of the charge, the adjudication, and the disposition of the case. The notification shall be made within twenty-four (24) hours of the time when the petition is filed. The name of the complainant shall be deleted. The court shall authorize the county attorney to give the school district or the school a statement of the facts in the case, not to include the complainant's name. If the petition is dismissed, all records of the incident or notification created in the school district or the school under this subsection shall be destroyed, and shall not be included in the child's school records.

(4) Notice of adjudication to a district superintendent referenced in subsections (2) and (3) of this section shall be released by the superintendent to the principal. A principal of a public or private school receiving notice of adjudication shall release the information to employees of the school having responsibility for classroom instruction or counseling of the child and may release it to other school personnel as described in subsection (5) of this section, but the information shall otherwise be confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law.
The notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of the child's student record.

(5) Records or information disclosed pursuant to this section shall be limited to records of that student's criminal petition and the disposition thereof covered by this section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall not be disclosed to any other person, including school personnel, except to a district superintendent, public or private elementary and secondary school administrative, transportation, and counseling personnel, and to any teacher or school employee with whom the student may come in contact. This section shall not authorize the disclosure of any other juvenile record or information relating to the child.

(6) The Department of Juvenile Justice shall provide a child's offense history information pursuant to this section to the superintendent of the local school district in which the child, who is committed to the department, is placed.

(7) Records or information received by the school pursuant to this section shall be kept in a locked file, when not in use, to be opened only on permission of the administrator.

REGULATIONS
No relevant regulations found.

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

LAWS

KRS 158.148. Definition of “bullying” - Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section.

KRS 158.444. Administrative regulations relating to school safety - Role of Department of Education to maintain statewide data collection system - Reportable incidents - Annual statistical reports - Confidentiality.

(2) The Kentucky Department of Education shall:
   (a) Collaborate with the Center for School Safety in carrying out the center's mission;
   (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:
      1. a. All incidents of violence and assault against school employees and students;
      b. All incidents of possession of guns or other deadly weapons on school property or at school functions;
      c. All incidents of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
      d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any
offense specified in: KRS Chapter 508; KRS 525.070 occurring on school premises, on school-
-sponsored transportation, or at school functions; or KRS 525.080;
2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;
3. The number of suspensions, expulsions, and corporal punishments; and
4. Data required during the assessment process under KRS 158.445; and
(c) Provide all data collected relating to this subsection to the Center for School Safety according to
timelines established by the center.

(3) The Department of Education shall provide the Office of Education Accountability and the Education
Assessment and Accountability Review Subcommittee with an annual statistical report of the number and
types of incidents reported under subsection (2)(b) of this section. The report shall include all monthly
data and cumulative data for each reporting year. Reportable incidents shall be grouped in the report in
the same manner that the reportable incidents are grouped in subsection (2)(b)1. of this section. Data in
the report shall be sorted by individual school district, then by individual schools within that district, and
then by individual grades within each school. The report shall not contain information personally
identifying any student. The reporting period shall be for an academic year, and shall be delivered no later
than August 31 of each year.

KRS 158.445. Local assessment of school safety and school discipline - District assessment -
Local plans.
(1) Each local school shall begin an assessment of school safety and student discipline during the 1998-
1999 school year including a review of the following:
   (a) Reports of school incidents relating to disruptive behaviors;
   (b) The school's behavior and discipline codes for clarity and appropriate notice to students and
       parents;
   (c) The school's hierarchy of responses to discipline problems and actual disciplinary outcomes;
   (d) Training needs for instructional staff in classroom management, student learning styles, and other
       specialized training to enhance teachers' capacity to engage students and minimize disruptive behavior;
   (e) The array of school services to students at risk of academic failure, dropping out, or truancy;
   (f) The engagement of parents at the earliest stages of problem behavior;
   (g) Training needs for students in the development of core values and qualities of good character, anger
       reduction, conflict resolution, peer mediation, and other necessary skills;
   (h) Training needs of parents;
   (i) Existing school council policies relating to student discipline and student information;
   (j) The school's physical environment;
   (k) The school's student supervision plan;
   (l) Existing components of the school improvement plan or consolidated plan that focus on school safety
       and at-risk students, and the effectiveness of the components; and
   (m) Other data deemed relevant by the school council or school administration.
A school that does not complete an assessment process shall not be eligible for funds under the state
school safety grant program in 1999-2000 and subsequent years.
(2) By May 15, 1999, each local school district shall complete a district-level assessment of district-level
data, resources, policies and procedures, and district-wide needs as identified from the individual school
assessment process. The district shall engage local community agencies including law enforcement and
the courts in the assessment process.
(3) As a result of the district assessment and analysis of data, resources, and needs, each board of education shall adopt a plan for immediate and long-term strategies to address school safety and discipline. The development of the plan shall involve at least one (1) representative from each school in the district as well as representatives from the community as a whole, including representatives from the local juvenile delinquency prevention council if a council exists in that community.

The process of planning shall be determined locally depending to a large extent on the size and characteristics of the district.

(4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program for 1999-2000 and subsequent years. The district plan shall include the local code of acceptable behavior and discipline as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

**KRS 158.449. Annual report of assessment of disruptive behavior school incidents resulting in a complaint.**

Each local school shall annually provide to the Department of Education, through the Kentucky Department of Education's student information system, an assessment of school incidents relating to disruptive behaviors resulting in a complaint, including whether:

1. The incident involved a public offense or noncriminal misconduct;
2. The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and
3. The report was initiated by a school resource officer.

**KRS 159.140. Duties of director of pupil personnel or assistant.**

(1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:

   (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;
   (h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and
   (i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education.

(2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.

(3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted and may, after consultation with the court-designated worker, refer the case to the family accountability, intervention, and response team.
KRS 160.340. Reports by boards to Kentucky Board of Education - Filing of policies on specified matters.

(1) Each board of education shall, on the forms prepared by the chief state school officer and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. Each board may prepare and publish for the information of the public a report on the progress of its schools.

(2) Each board of education shall file in the board's office its policies relating to the following matters:

   (a) Transportation of pupils;
   (b) Discipline and conduct of pupils;
   (c) Limitations or restrictions on use of school facilities;
   (d) Conduct of meetings of the board of education, including policies on the calling of executive sessions;
   (e) Personnel policies that apply to certified employees, including fringe benefits, salary schedules, nonclassroom duties, in-service training, teacher-student ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion, and demotion;
   (f) Evaluation of certified employees;
   (g) Selection of textbooks and instructional materials;
   (h) Expenditure and accounting for school funds, including all special funds; and
   (i) Policies dealing with school-based decision making.

(3) (a) The local board of education may adopt a policy requiring that each school council, or if none exists, the principal, make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board.

   (b) Biennially, the local board shall review in a public meeting the portion of each school's consolidated plan that sets forth the activities and schedule to reduce the achievement gaps among the various groups of students as required in KRS 158.649. If a district has more than twenty (20) schools, the district may review the achievement gap data of each school in a comprehensive district report at a regularly scheduled meeting of the board. The report shall include the schools' and district's plans to reduce any identified gaps in student achievement.

(4) It is intended that these policies shall cover matters within the authority and discretion of the district board of education and not matters otherwise required by law or regulation. Such policies shall be filed in the board's office by August 15, 1974, shall be kept up to date by filing annual amendments thereto each August 15 and shall be public records.

KRS 160.345. Definitions - Required adoption of school councils for school-based decision making - Composition - Responsibilities - Professional development - Exemption - Formula for allocation of school district funds - Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, district employee, or school council member - Complaint procedure - Disciplinary action - Rescission of right to establish and powers of council - Wellness policy.

(1) For the purpose of this section:

   (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific Islander; or other ethnic group underrepresented in the school;
(b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;
2. Instructional programs operated in institutions or schools outside of the district; or
3. Alternative schools designed to provide services to at-risk populations with unique needs;

(c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and

(d) "Parent" means:

1. A parent, stepparent, or foster parent of a student; or
2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

(2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

(a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

(b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an
additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;

(c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students’ achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;

(d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;

(e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;

(f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;

(g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school’s needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;

(h) Personnel decisions at the school level shall be as follows:

1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;

2. a. i. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent’s designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process.

ii. Except as provided in subdivision b. of this subparagraph, the council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school
council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;

b. An alternative principal selection process may be used by the school council as follows:

i. Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;

ii. The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;

iii. The council shall have the option to interview the recommended candidate while in closed session; and

iv. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;

c. If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;

d. i. If the recommended candidate is not accepted by the school council under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.

ii. The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).

iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.

iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;

3. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. of this paragraph shall be binding on the superintendent who completes the hiring process;

4. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020; and

5. Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;

(i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(19);

2. Assignment of all instructional and non-instructional staff time;

3. Assignment of students to classes and programs within the school;

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
5. Determination of use of school space during the school day related to improving classroom teaching and learning;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
9. Adoption of an emergency plan as required in KRS 158.162;
10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and

(j) Each school council shall annually review data as shown on state and local student assessments required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced-price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than October 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.

(3) The policies adopted by the local board to implement school-based decision making shall also address the following:

(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
(b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
(c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
(d) Professional development plans developed pursuant to KRS 156.095;
(e) Parent, citizen, and community participation including the relationship of the council with other groups;
(f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
(g) Requirements for waiver of district policies;
(h) Requirements for record keeping by the school council; and
(i) A process for appealing a decision made by a school council.
(4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

(5) All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

(6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

(7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

(8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the districts per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

(9)(a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the
educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.

(b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

(d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

(e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the state board determines a violation of the confidentiality requirements set forth in subsection (2)(h)2. of this section by a school council member has occurred, the state board shall remove the member from the school council, and the member shall be permanently prohibited from serving on any school council in the district.

(10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision-making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.

(11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

(12) Discretionary authority exercised under subsection (2)(h)2. b. of this section shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.

REGULATIONS

704 KAR 7:070. Guidelines for dropout prevention programs.
Section 2. A school district receiving dropout prevention funds shall submit an annual evaluation report. The annual evaluation report shall provide data for each student receiving dropout prevention services.

704 KAR 7:160. Use of physical restraint and seclusion in public schools.
Section 2.

(1) Each local school district shall establish policies and procedures that:

(2) Each local school district shall revise existing policies or develop policies consistent with this administrative regulation within ninety (90) calendar days of the effective date of this administrative regulation.
Section 7. The following data shall be reported by the district in the student information system related to incidents of physical restraint and seclusion:

1. Aggregate number of uses of physical restraint;
2. Aggregate number of students placed in physical restraint;
3. Aggregate number of uses of seclusion;
4. Aggregate number of students placed in seclusion;
5. Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to students related to physical restraint and seclusion;
6. Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to school personnel related to physical restraint and seclusion; and
7. Aggregate number of instances in which a school resource officer or other sworn law enforcement officer is involved in the physical restraint or seclusion of a student.

**704 KAR 19:002. Alternative education programs.**

Section 2. General Requirements.

2. Each local board of education shall adopt and annually review policies and procedures for the operation of each alternative education program within the district. Locally-adopted policies and procedures shall include the:
   a. Purpose of the program, including the ways the program supports the district’s college and career readiness goals for students;
   b. Eligibility criteria, as appropriate;
   c. Process for entering students into the program;
   d. Process for transitioning students out of the program;
   e. Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
   f. Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

KRS 158.4415. Kentucky State Police school resource officer (KSPSRO), specifications for employment as a school resource office by a school district - When officer considered an employee of the school district and when an employee of the Kentucky State Police - Duties and prohibited activities - Funding of position - Rights, privileges, immunities, and matters of defense protected.

(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in school-based policing and crisis response including all training required of school resource officers. If a school district decides to utilize a KSPSRO, the school district and the officer shall first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities. Any contract entered into pursuant to this subsection shall include:

(a) A provision specifying that the KSPSRO shall follow the policies and procedures of the Department of Kentucky State Police and shall abide by federal, state, and local laws. The responsibility and decision to arrest or take other police action lies solely with the KSPSRO, respective to state law and the KSPSRO’s departmental standard operating procedures or standing order. The KSPSRO’s continual collaboration with school personnel and his or her understanding of each student’s needs may impact the decision to arrest or take other police action, but the responsibility is that of the KSPSRO;

(b) A provision stipulating that the KSPSRO shall be an employee of the school district, but shall revert to Department of Kentucky State Police employee status during such time that the KSPSRO takes police action pursuant to state or federal law. The KSPSRO shall be under the immediate supervision and direction of the Department of Kentucky State Police when taking police action;

(c) A provision stipulating that the school district shall be responsible for worker’s compensation coverage for the KSPSRO; and

(d) A provision detailing how liability coverage will be provided for any acts or omissions of the KSPSRO within the scope of his or her duties.

(2) A KSPSRO shall promote the safety and security of students and school personnel during school activities and on school property.

(b) A KSPSRO may assist with supportive activities and programs, including but not limited to:

1. Planning and implementing procedures that train and drill all school personnel to respond to crisis events, control access to the school property during the school day, and close or partially close the school property after students arrive;

2. Identifying risk and protective factors of students; and

3. Coordinating nurturing intervention and prevention efforts.

(c) A KSPSRO shall not address school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or school personnel.

(d) A KSPSRO shall not administer formal school discipline such as detentions, suspensions, or expulsions. These decisions are the sole responsibility of school personnel.
(3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and utilize the vehicles, firearms, ammunition, and equipment issued to him or her by the Department of Kentucky State Police or other agency-authorized clothing or equipment. In the event additional weapons or gear is utilized than that which is carried on his or her person, the storage of these items shall be defined by the Department of Kentucky State Police. If a vehicle or equipment is damaged during the scope of a KSPSRO’s secondary employment with the school district, but not while the KSPSRO is engaged in police action, the school district is responsible for restitution to the Department of Kentucky State Police.

(4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an employee of the Department of Kentucky State Police for all purposes whenever engaged in any police action, including arrests, searches and seizures, uses of force, issuing citations, serving warrants, pursuing suspects, or investigating criminal offenses or vehicle accidents.

(5) Nothing in this section shall be construed to require the Department of Kentucky State Police to assign or provide funding for KSPSROs.

(6) Nothing in this section shall be deemed to waive or otherwise limit the rights, privileges, immunities, and matters of defense, now available or hereafter made available, to school districts, the Department of Kentucky State Police, any local law enforcement agency, any KSPSRO, or any school resource officer in any suit brought against them in consequence of acts or omissions.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

KRS 158.441. Definitions for chapter.
As used in this chapter, unless the context requires otherwise:

(2) “Kentucky State Police school resource officer” or “KSPSRO” means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;

(5) “School resource officer” or “SRO” means an officer whose primary job function is to work with youth at a school site as described in Section 3 of this Act, who has specialized training to work with youth at a school site pursuant to Section 3 of this Act and who is:

(a) 1. A sworn law enforcement officer; or

2. A special law enforcement officer appointed pursuant to KRS 61.902; and

(b) Employed:

1. Through a contract between a local law enforcement agency and a school district;

2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or

3. Directly by a local board of education;

REGULATIONS
No relevant regulations found.
MOUs, authorization and/or funding

LAWS

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(2) “Kentucky State Police school resource officer” or “KSPSRO” means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;

(5) “School resource officer” or “SRO” means an officer whose primary job function is to work with youth at a school site as described in Section 3 of this Act, who has specialized training to work with youth at a school site pursuant to Section 3 of this Act, and who is:

(a) 1. A sworn law enforcement officer; or
   2. A special law enforcement officer appointed pursuant to KRS 61.902; and
(b) Employed:
   1. Through a contract between a local law enforcement agency and a school district;
   2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
   3. Directly by a local board of education;

KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each school as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the districts, source of funding, and methods of employment for each position.

(1) Local boards of education, school district superintendents, administrators of state controlled facilities, and local and state law enforcement agencies shall cooperate to assign one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis as funds and qualified personnel become available.

(2) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.

(3) Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
(4) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provisions of local board policy, local school council policy, or memorandum of agreement.

(5) On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer’s employment and SRO II and SRO III within the subsequent two (2) years.

(6) Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

   (a) Foundations of school-based law enforcement;
   (b) Threat assessment and response;
   (c) Youth drug use and abuse;
   (d) Social media and cyber security;
   (e) School resource officers as teachers and mentors;
   (f) Youth mental health awareness;
   (g) Diversity and bias awareness training;
   (h) Trauma-informed action;
   (i) Understanding students with special needs; and
   (j) De-escalation strategies.

(7) Effective January 1, 2020, all school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.

(8) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

(9) Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.

(10) When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer’s employing agency.

(11) A school resource officer who has lost school resource officer certification due solely to the officer’s failure to meet the training requirements of this section may regain certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.

(12) No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.

KRS 159.140. Duties of director of pupil personnel or assistant.

(1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
(a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;

(b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;

(c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;

(d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes;

(e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;

(f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;

(g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;

(h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and

(i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education.

(2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.

(3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted and may, after consultation with the court-designated worker, refer the case to the family accountability, intervention, and response team.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Long-term improvement plans - Suicide prevention awareness information - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address needs of students at risk - Teacher academics - Annual report to Juvenile Justice Oversight Council.

(1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.

(2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel.

Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.

(a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.

(b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers’ roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.

(3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;
(b) Curriculum content and methods of instruction for each content area, including differentiated instruction;
(c) School-based decision making;
(d) Assessment literacy;
(e) Integration of performance-based student assessment into daily classroom instruction;
(f) Nongraded primary programs;
(g) Research-based instructional practices;
(h) Instructional uses of technology;
(i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;
(j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;
(k) Educational leadership; and
(l) Strategies to incorporate character education throughout the curriculum.

(4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

(5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

(a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.

(b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.

(c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.

(6)(a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services shall post on its Web page suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The Web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.

(b) By September 15, 2018, and September 15 of each year thereafter, every public middle and high school administrator shall disseminate suicide prevention awareness information to all middle and high school students. The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.
(c) 1. Beginning with the 2018-2019 school year, and every other year thereafter, a minimum of one (1) hour of high-quality suicide prevention training shall be required for all high school and middle school principals, guidance counselors, and teachers. The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional development under KRS 158.070.

2. When a staff member subject to the training under subparagraph 1. Of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.

(d) The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

(7)(a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.

(b) The trainings shall be Web-based or in-person and cover, at a minimum, the following topics:

1. Recognizing child physical, sexual, and emotional abuse and neglect;
2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
3. Responding to the child; and
4. Understanding the response of child protective services.

(c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.

(d) Each local school board shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.

(e) All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.

(f) All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.

(g) Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

(8) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

(9) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be
developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

(a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
(b) Plan specific instructional strategies to teach at-risk students;
(c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
(d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
(e) Significantly reduce the dropout rate of all students.

(10) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

(11) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

KRS 158.148. Definition of “bullying” - Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:

(a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
(b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
(c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.

KRS 158.443. Terms of board members - Meetings - Selection of administrator for the center - duties of board of directors.

(10) The board shall develop model interagency agreements between local school districts and other local public agencies, including, among others, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of school failure, are at risk of participation in juvenile crime, or have been expelled from the school district.

REGULATIONS
No relevant regulations found.
Funding appropriations

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Long-term improvement plans - Suicide prevention awareness information - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address needs of students at risk - Teacher academies - Annual report to Juvenile Justice Oversight Council.

(5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

(c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.

(9) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

(a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;

(b) Plan specific instructional strategies to teach at-risk students;

(c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;

(d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and

(e) Significantly reduce the dropout rate of all students.

(10) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

KRS 158.445. Local assessment of school safety and school discipline - District assessment - Local plans.

(3) As a result of the district assessment and analysis of data, resources, and needs, each board of education shall adopt a plan for immediate and long-term strategies to address school safety and discipline. The development of the plan shall involve at least one (1) representative from each school in the district as well as representatives from the community as a whole, including representatives from the local juvenile delinquency prevention council if a council exists in that community.
The process of planning shall be determined locally depending to a large extent on the size and characteristics of the district.

(4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program for 1999-2000 and subsequent years. The district plan shall include the local code of acceptable behavior and discipline as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

**KRS 158.446. Use of appropriated funds.**

Of the funds appropriated to support the school safety fund program in the biennial budget, twenty percent (20%) of the funds in 1998-99, and ten percent (10%) in 1999-2000, shall be used for the operation of the Center for School Safety and grants to be distributed by the Center to support exemplary programs in local school districts. The remainder of the appropriation shall be distributed to local school districts on a per pupil basis. The funds shall be used for the purpose of improving school safety and student discipline through alternative education programs and intervention services in compliance with KRS 158.148, 158.150, and 158.445. School districts shall be responsible for documenting the purposes for which these funds were expended.

**REGULATIONS**

**704 KAR 7:070. Guidelines for dropout prevention programs.**

Section 1.

(2) Funds shall be made available to eligible Kentucky school districts through contractual agreements whereby school districts agree to provide special services designed to prevent students of high risk from dropping out. State appropriated funds shall be utilized first in providing grant awards for dropout prevention programs. These funds may be supplemented by other special funds which may be available to the Department of Education through contracts or grants intended for this purpose.

(a) Special contract or grant funds may be used to fund the continuation of successful dropout prevention services in school districts demonstrating a reduction in their dropout rates or numbers.

(b) The Department of Education shall notify school districts of their eligibility to receive funds for a minimum of two (2) years to implement dropout prevention programs.

(c) A school district may apply for funds by submitting an application which specifies special services to be provided to students who are at high risk of dropping out. Applications shall be approved by the Department of Education prior to the encumbrance or expenditure of these funds for a dropout prevention program.

(d) A district receiving dropout prevention funds as provided for in this administrative regulation shall implement a comprehensive research-based model across all grade levels.
Other or Uncategorized

Professional immunity or liability

LAWS

KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. […]

(3) Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

[Per personal communication with Kentucky DOE personnel, KRS 158.156, is Kentucky’s Bullying Law. This law only covers behavior incidents that rise to the level of felony KRS Chapter 508 offenses, but it is the basis for dealing with all bullying in the state. Other bullying related laws are KRS 525.070 (harassment) and KRS 525.080 (harassing communications), listed under CHAPTER 525 RIOT, DISORDERLY CONDUCT, AND RELATED OFFENSES]

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

KRS 158.442. Center for school safety - Duties - School safety coordinator training program - Members of board - Center for school safety and its board of directors not subject to reorganization by the governor.

(1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center’s mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.

(2) To fulfill its mission, the Center for School Safety shall:

   (a) Establish a clearinghouse for information and materials concerning school violence prevention;
(b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies, and communities, which may include coordinating training for administrators, teachers, students, parents, and other community representatives;

(c) Analyze the data collected in compliance with KRS 158.444;

(d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs;

(e) Administer a school safety grant program for local districts as directed by the General Assembly;

(f) Promote the formation of interagency efforts to address discipline and safety issues within communities throughout the state in collaboration with other postsecondary education institutions and with local juvenile delinquency prevention councils;

(g) Prepare and disseminate information regarding best practices in creating safe and effective schools;

(h) Advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security;

(i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an annual report to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414;

(j) Develop and implement a school safety coordinator training program based on national and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators appointed pursuant to KRS 158.4412. The training shall be approved by the board of directors of the Center for School Safety and include instruction on at least the following:
   1. Policies and procedures for conducting emergency response drills using an all-hazards approach including hostage and active shooter situations;
   2. Identification and response to threats to school safety and security; and
   3. Preparing for, conducting, and reviewing school security risk assessments in accordance with KRS 158.4410; and

(k) Award a school safety coordinator certificate of completion to a school safety coordinator upon satisfactory completion of the training program.

(3) The Center for School Safety shall be governed by a board of directors consisting of fifteen (15) members. Members shall consist of:

(a) The commissioner or a designee of the Department of Education;

(b) The secretary or a designee of the Cabinet for Health and Family Services;

(c) The commissioner or a designee of the Department for Behavioral Health, Developmental and Intellectual Disabilities;

(d) The commissioner or a designee of the Department of Kentucky State Police;

(e) The commissioner or a designee of the Department of Criminal Justice Training;

(f) The executive director or a designee of the Kentucky Office of Homeland Security;

(g) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky League of Cities;

(h) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Boards Association;

(i) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Superintendents;
(j) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Resource Officers;
(k) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Education Association;
(l) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Nurses Association;
(m) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association for Psychology in the Schools;
(n) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Counselor Association; and
(o) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Parent Teacher Association.

(4) Notwithstanding KRS 12.028, the Center for School Safety and its board of directors shall not be subject to reorganization by the Governor.

**KRS 158.445. Local assessment of school safety and school discipline - District assessment - Local plans.**

(2) By May 15, 1999, each local school district shall complete a district-level assessment of district-level data, resources, policies and procedures, and district-wide needs as identified from the individual school assessment process. The district shall engage local community agencies including law enforcement and the courts in the assessment process.

(3) As a result of the district assessment and analysis of data, resources, and needs, each board of education shall adopt a plan for immediate and long-term strategies to address school safety and discipline. The development of the plan shall involve at least one (1) representative from each school in the district as well as representatives from the community as a whole, including representatives from the local juvenile delinquency prevention council if a council exists in that community.

The process of planning shall be determined locally depending to a large extent on the size and characteristics of the district.

**REGULATIONS**

**704 KAR 7:070. Guidelines for dropout prevention programs.**

Section 3. The chief state school officer shall be authorized to enter into contractual agreements with the Department of Employment Services and other agencies and organizations for the purpose of securing Job Training Partnership Act funds and other special grant and contract funds to be utilized to supplement state appropriations, under the criteria and standards of this administrative regulation, in reducing the numbers of dropouts in the common schools of Kentucky.

**Other or Uncategorized**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Kentucky provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

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<td>Bullying and Harassment, Kentucky Department of Education (KDE)</td>
<td>Addresses bullying and provides links to resources such as prevention, statistics, and technical assistance in promoting positive school climates.</td>
<td><a href="https://education.ky.gov/school/sdfs/Pages/Bullying.aspx">https://education.ky.gov/school/sdfs/Pages/Bullying.aspx</a></td>
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<tr>
<td>Establishing Learning Culture and Environment, KDE</td>
<td>Provides an overview on school climate; why is it important, what it is, school climate assessment, improving school climate, and other related resources.</td>
<td><a href="https://education.ky.gov/school/stratlsgap/envsupp/Pages/default.aspx">https://education.ky.gov/school/stratlsgap/envsupp/Pages/default.aspx</a></td>
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<tr>
<td>Kentucky System of Intervention (KSI), KDE</td>
<td>Provides an overview of the KSI framework and offers a guidance document to provide resources in planning and decision making as districts and schools develop a system of interventions to meet the needs of all students.</td>
<td><a href="https://education.ky.gov/curriculum/standards/teachtools/Pages/ksi.aspx">https://education.ky.gov/curriculum/standards/teachtools/Pages/ksi.aspx</a></td>
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<tr>
<td>Kentucky Center for School Safety</td>
<td>Collaborated with Kentucky Department of Education to provide training and professional development to school districts and is available to schools across Kentucky, as a &quot;one stop shop&quot; for school safety resources, training and assistance.</td>
<td><a href="http://www.kysafeschools.org/stoppledge/">http://www.kysafeschools.org/stoppledge/</a></td>
</tr>
<tr>
<td>Safe Schools, KDE</td>
<td>Provides an overview of the Safe Schools Team at the Department of Education, including a list of related regulations and statutes, school safety resources, and information for discipline, social emotional learning, PBIS, restraint and seclusion, and bullying.</td>
<td><a href="https://education.ky.gov/school/sdfs/Pages/default.aspx">https://education.ky.gov/school/sdfs/Pages/default.aspx</a></td>
</tr>
<tr>
<td>Safe Schools Data Collection and Reporting, KDE</td>
<td>Provides data standards for data entry of discipline events and resolutions, reporting timeline and requirements.</td>
<td><a href="https://education.ky.gov/school/sdfs/Pages/Safe-Schools-Data-Collection-and-Reporting.aspx">https://education.ky.gov/school/sdfs/Pages/Safe-Schools-Data-Collection-and-Reporting.aspx</a></td>
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<tr>
<td>A Guide to the Kentucky System of Interventions (KSI), KDE</td>
<td>Guide for districts and schools planning and decision making for developing a system of interventions to meet the needs of all students.</td>
<td><a href="http://education.ky.gov/educational/int/ksi/Documents/KSIRtIGuidanceDocument.pdf">http://education.ky.gov/educational/int/ksi/Documents/KSIRtIGuidanceDocument.pdf</a></td>
</tr>
<tr>
<td>Student Discipline Code (A09.438), KDE</td>
<td>Model policy for student discipline code required to be posted at each school, reference in all school handbooks, and provided to school employees, parents, legal guardians, and other persons exercising custodial control or supervision.</td>
<td><a href="https://education.ky.gov/school/sdfs/Documents/Model%20Policy%20A09.438.pdf">https://education.ky.gov/school/sdfs/Documents/Model%20Policy%20A09.438.pdf</a></td>
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<td>Academic and Behavioral Response to Intervention, University of Louisville</td>
<td>Kentucky Department of Education Project focused on developing training and technical assistance in the basics of effective instruction and classroom management that formulate the universal level of PBS and RTI in the school and classroom.</td>
<td><a href="https://louisville.edu/education/abri/about.html">https://louisville.edu/education/abri/about.html</a></td>
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<tr>
<td>Center for Instructional and Behavioral Research in Schools (CIRBS) Videos</td>
<td>Training videos in partnership with Kentucky Department of education on PBIS, mental health prevention and intervention, and restraint and seclusion.</td>
<td><a href="https://cibrs.com/">https://cibrs.com/</a></td>
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Louisiana
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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Safe Supportive Learning
Engagement | Safety | Environment
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<td>Additional powers of the council, school resource officers, School Violence Prevention Training Program</td>
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**Louisiana Board of Elementary and Secondary Education (BESE) Policies/Bulletins**

**Bulletin 741. Louisiana Handbook for School Administrators**

**Chapter 13. Discipline**

§1301. Disciplinary regulations
§1302. Student code of conduct
§1303. Bullying
§1304. Classroom management training for school staff (Formerly §1302)
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**Bulletin 1508: Pupil Appraisal Handbook**

Chapter 3. Interventions and Screenings

§301. Response to intervention

**Bulletin 1706: Regulations for Implementation of the Children with Exceptionalities Act**

Chapter 5. Procedural Safeguards

Subchapter C. Seclusion and Physical Restraint

§540. Definitions
§541. Use of seclusion
§542. Physical restraint
§543. Restrictions on the use of seclusion or physical restraint
General Provisions

Authority to develop and establish rules of conduct

LAWS

§17:7. Duties, functions, and responsibilities of board.
In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(5)(a) Approve courses of study and prepare and adopt rules and regulations for the discipline of students and the governance of the public elementary and secondary schools and other public schools and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the city, parish, and other local public school boards and the local school superintendents; however, the board shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees.

(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

(32) Report in writing to the House Committee on Education and the Senate Committee on Education by not later than September 15, 2010, relative to the standards and criteria used by the board to approve alternative schools and alternative education programs for students in public elementary and secondary schools who are suspended for more than ten days or who are expelled from school for violations of school discipline law or policy and who remain under the supervision of the city, parish, or other local public school taking the action. The report shall specify in detail all minimum standards and criteria that must be met in order for the board to approve the alternative school or program and note standards and criteria that are subject to waiver by the board in making approval determinations.

§17:223. Discipline of pupils; suspension from school.
A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.

B. School principals may suspend from school any pupil for good cause as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§17:240. Prohibition against use of tobacco in schools; prohibition against smoking on school bus; rules and regulations.
C.(1) The governing authority of each public elementary or secondary school shall and any governing authority of any nonpublic elementary or secondary school may adopt necessary rules and regulations to assure compliance with the provisions of this Section.
(2) The governing authority of each public elementary or secondary school and each nonpublic elementary or secondary school may provide for appropriate penalties for violators, including but not limited to disciplinary action or a fine not to exceed two hundred dollars, or both.

(3) The provisions of this Section shall be enforced by the local superintendents of education or their designees pursuant to any rules, regulations, and penalties promulgated pursuant to this Section.

§17:251. Short title; legislative intent.
A. This Subpart may be cited as the "Education/Juvenile Justice Partnership Act".
B. The legislature hereby finds and declares that:
   (1) The good behavior and discipline of students are essential prerequisites to academic learning, the development of student character, and the general, as well as educational, socialization of children and youth.
   (2) Bad behavior and lack of discipline in many schools of the state are impairing the quality of teaching, learning, character development, and socialization, and, in some schools, are creating real and potential threats to school and public safety.
   (3) Greater communication, coordination, and collaboration need to exist between and among state, city, parish, and other local public school systems and juvenile justice agencies to address effectively issues affecting the behavior and discipline of students, especially with respect to safe school planning, mental health service delivery, family strengthening, alternative schools, special education, school zero tolerance policies, school suspensions, and positive behavioral supports.

§17:416. Discipline of students; suspension; expulsion.
A.(2)(a)(ii) Each city and parish school board shall adopt rules regarding the implementation of in-school suspension by no later than January 1, 1995.
A.(2)(b)(iv) Each city and parish school board shall adopt rules regarding the implementation of detention by no later than January 1, 1995.
A.(4) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13.
[...]
G. The State Board of Elementary and Secondary Education shall formulate, develop, adopt, and fully implement by not later than the beginning of the 1998-1999 school year methods and procedures for use as part of the board's school-approval process to determine whether or not state laws and board policies regarding student discipline are being fully complied with by a school's administrators, teachers, and other employees. Any school determined not to be in compliance with such laws and procedures shall not be approved. The provisions of this Subsection shall not apply to private schools.

§17:416.1. Discipline of pupils; additional disciplinary authority.
A. In addition to the specific disciplinary measures authorized in R.S. 17:416 teachers, principals, and administrators of the public schools may, subject to any rules as may be adopted by the parish or city school board, employ other reasonable disciplinary and corrective measures to maintain order in the schools; provided, however, that nothing in this Section shall be construed as superseding the provisions of R.S. 17:416 relative to the disciplining of students, suspensions, and expulsions.
B.(1)(a) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.
   (b) Corporal punishment does not include:
(i) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.

(ii) The use of seclusion and restraint as provided in R.S. 17:416.21.

§17:416.3. Search of students’ persons, desks, lockers, other areas; defense of suits against school personnel; indemnification; reporting of implements seized.

C.(1)(a) On or before January 1, 1995, each parish and city school board shall adopt a policy that is consistent with Subsection A of this Section to provide for reasonable search and seizure by public school teachers, principals, and other school administrators of students’ persons, desks, lockers, or other school areas for evidence that the law, a school rule, or a parish or city school board policy has been violated.

(b) Such policy shall include at a minimum:

(i) Specification of standards regarding procedures for searching students to prevent excessive intrusion.

(ii) Specification of standards for retaining and securing confiscated implements and materials.

(iii) Directions regarding the disposal of implements and materials reported to law enforcement authorities when such authorities notify the principal that the implements and materials need not be retained.

(iv) Specification of disciplinary action when a principal or designated administrator violates any provision of this Section.

(2)(a) Nothing in this Section shall require defense and/or indemnification by a school board, a principal, or other school administrator for suits regarding search and seizure unless such acts are in accordance with the policy adopted by the school board that employs him, if the policy is declared to be reasonable by a court of competent jurisdiction.

(b) No teacher, principal, school security guard, or administrator shall be held personally liable for any action authorized by this Section and performed in accordance with school board policies adopted pursuant to this Section.

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

B. Bullying Policy.

(1) The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct, a policy prohibiting the bullying of a student by another student, which includes the definition of bullying as provided in Subsection C of this Section. This policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

§40:2404.1. Additional powers of the council, school resource officers, School Violence Prevention Training Program.

A. In accordance with the provisions of R.S. 40:2404(11) and R.S. 17:416.19, the Council on Peace Officer Standards and Training shall develop and implement a School Violence Prevention Training Program under their jurisdiction and within the existing school resource officer program in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.
B. The Council on Peace Officer Standards and Training shall have the power to establish and appoint a committee with members representing the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the accredited law enforcement training centers, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.  

C. The committee shall have the following powers:

1. To develop minimum curriculum requirements for the training and certification of school security guards, which standards shall apply uniformly throughout the state for all school security guards.
2. To establish minimum law enforcement instruction qualifications at an accredited P.O.S.T. academy.
3. To approve and certify a school security guard program and to establish other requirements relative to such program.

REGULATIONS

§1301. Disciplinary Regulations.
A. Each LEA shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons.
2. Each LEA shall adopt rules regarding the reporting and review of disciplinary actions.

B. Teachers, principals, and administrators may, subject to any rules as may be adopted by the LEA, apply reasonable disciplinary and corrective measures to maintain order in the schools (refer to R.S. 17:416 and R.S. 17:223).

H. Each local educational governing authority LEA shall adopt rules regarding the implementation of in-school suspension and detention.

§1302. Student Code of Conduct.
A. Each LEA shall adopt a student code of conduct for the students in the schools under its jurisdiction.

1. Such student code of conduct shall be in compliance with all existing rules, regulations, and policies of the board and of BESE and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.
2. Each LEA shall adopt and incorporate into its student code of conduct a policy prohibiting the bullying of a student by another student, which includes the definition of bullying and all other requirements listed in the following Section.

§1303. Bullying.
A. Policy. Each LEA shall develop and adopt a policy that prohibits the bullying of a student by another student.

1. The bullying policy must be implemented in a manner that is ongoing throughout the year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.
2. The policy shall contain the definition of bullying found in this Section and shall address the following:
   a. behavior constituting bullying;
   b. the effect the behavior has on others, including bystanders; and
The disciplinary and criminal consequences of bullying another student

§1315. Corporal punishment.
A. Each LEA shall have discretion in the use of corporal punishment. In those cases in which an LEA decides to use corporal punishment, the LEA shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools under its jurisdiction.
B. Each LEA shall adopt a policy establishing procedures for the investigation of employees accused of impermissible corporal punishment.

§1317. Search and seizure.
C. Each LEA shall adopt a policy to provide for reasonable search and seizure by teachers, by principals, and by other school administrators of a student’s person, desk, locker, or other school areas for evidence that the law, a school rule, or an LEA policy has been violated.
D. Any such policy shall be in accordance with applicable law.

Scope

LAWS

§14:95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone.
A. Carrying a firearm, or dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school sponsored function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school sponsored function in a specific designated area including but not limited to athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus.
B. For purposes of this Section, the following words have the following meanings:
   (1) “Campus” means all facilities and property within the boundary of the school property.
   (2) “Nonstudent” means any person not registered and enrolled in that school or a suspended student who does not have permission to be on the school campus.
   (3) “School” means any elementary, secondary, high school, vocational-technical school, college, or university in this state.
   (4) “School bus” means any motor bus being used to transport children to and from school or in connection with school activities.

§17:223. Discipline of pupils; suspension from school.
A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.
B. School principals may suspend from school any pupil for good cause as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.
§17:240. Prohibition against use of tobacco in schools; prohibition against smoking on school bus; rules and regulations.

A. For purposes of this Section the following terms shall have the following meanings unless the context clearly indicates otherwise:

1. "School property" means school grounds, playgrounds, premises, and property, including but not limited to land, improvements, and school facilities, located on the property of any elementary or secondary school, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, and schools in the Special School District. "School property" also means any school vehicle used for the provision of academic and extracurricular programs and administration at any elementary or secondary school, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, and schools in the Special School District.

2. "Smoking" means possession of a lighted cigar, cigarette, pipe, or any other lighted tobacco product, including but not limited to e-cigs, e-cigarettes, electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods.

B. (1) Notwithstanding any other provision of law, no person shall smoke, chew, inhale, ingest, absorb, or otherwise consume any tobacco or tobacco product in any elementary or secondary school building nor shall any student or school employee smoke, chew, inhale, or absorb, or otherwise consume any tobacco product on any other school property; however, this prohibition shall not be applicable to any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is marketed and sold solely for such an approved purpose.

(2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device, including but not limited to e-cigs, e-cigarettes, electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods on any school property.

(3) The use of tobacco or any tobacco product is hereby prohibited on any school bus or school vehicle transporting students attending any elementary or secondary school.

(4) The provisions of this Subsection shall not apply to any school property that is rented, leased, or otherwise made available for use for non-educational purposes.

§17:416. Discipline of students; suspension; expulsion.

A. (1)(a) Every teacher and other school employee shall endeavor to hold every student to a strict accountability for any disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, on any school bus, during intermission or recess, or at any school-sponsored activity or function.

REGULATIONS

§1301. Disciplinary regulations.

A. Each LEA shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.
Communication of policy

LAWS

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(1) Notice to Students and Parents. The governing authority of each public elementary and secondary school shall inform each student, orally and in writing at the orientation required under R.S. 17:416.20, of the prohibition against bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license as provided in R.S. 17:416.1, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

§17:416.18. Teacher Bill of Rights.

A. Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this Section, which are:

(1) A teacher has the right to teach free from the fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board, pursuant to R.S. 17:416.1(C), 416.4, 416.5, and 416.11, for actions taken in the performance of duties of the teacher's employment.

(2) A teacher has the right to appropriately discipline students in accordance with R.S. 17:223 and 416 through 416.16 and any city, parish, or other local public school board regulation.

(3) A teacher has the right to remove any persistently disruptive student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c).

(4) A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S.17:416(A)(1)(c).

(5) A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16.

(6) A teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12.

(7) A teacher has the right to communicate with and to request the participation of parents in appropriate student disciplinary decisions pursuant to R.S. 17:235.1 and 416(A).

(8) A teacher has the right to be free from excessively burdensome disciplinary paperwork.

(9) A beginning teacher has the right to receive leadership and support in accordance with R.S. 17:3881, including the assignment of a qualified, experienced mentor who commits to helping him
become a competent, confident professional in the classroom and offers support and assistance as needed to meet performance standards and professional expectations.

B. No city, parish, or other local public school board shall establish policies that prevent teachers from exercising the rights provided in this Section or in any other provision included in R.S. 17:416 through 416.16.

C. The provisions of this Section shall not be construed to supersede any other state law, State Board of Elementary and Secondary Education policy, or city, parish, or other local public school board policy enacted or adopted relative to the discipline of students.

D. Each city, parish, or other local public school board shall provide a copy of this Section to all teachers at the beginning of each school year. Each such school board also shall post a copy of the rights provided in this Section in a prominent place in every school and administrative building it operates and provide such a copy to parents or legal guardians of all children attending such schools in a form and manner approved by the school board. Each city, parish, or other local public school board and every school under its jurisdiction that maintains an Internet website shall post on such website a copy of the Teacher Bill of Rights required by this Section.

§17:416.20. Student conduct standards; awareness and understanding by students; required orientation; guidelines.

A. In addition to any other requirements established by law, rule, or regulation relative to student discipline and conduct, the governing authority of a public elementary or secondary school shall require that every student be provided an orientation during the first five days of each school year regarding school disciplinary rules and provisions of the code of student conduct applicable to such students, including but not limited to the policy on bullying as provided in R.S. 17:416.13. Orientation instruction shall be provided by the school principal or his designees and shall include but not be limited to consequences for failing to comply with such school disciplinary rules and code requirements, including suspension, expulsion, the possibility of suspension of a student's driver's license for one year as provided in R.S. 17:416.1, and the possible criminal consequences of violent acts committed on school property, at a school-sponsored function, or in a firearm-free zone. The orientation also shall clearly communicate to students the rights afforded teachers pursuant to R.S. 17:416.18 and other applicable law relative to the discipline of students.

B. The orientation instruction required by this Section shall be age and grade appropriate and shall give full consideration as to whether the student is in a regular or special program of education.

C. Any student who for any reason does not receive the orientation provided for by this Section during the first five days of a school year shall be provided such orientation during the first five days of such student's attendance at the public elementary or secondary school.

REGULATIONS

§1301. Disciplinary regulations.

C. The disciplinary rules (regulations) shall be made known to teachers, parents, and students and shall be reasonably and consistently enforced.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

§17:252. School master plans for supporting student behavior and discipline.
A.(1) The State Board of Elementary and Secondary Education, in collaboration with the Louisiana Juvenile Justice Planning and Coordination Board, shall formulate, develop, and recommend to the Juvenile Justice Reform Act Implementation Commission by March 1, 2004, a model master plan for improving behavior and discipline within schools.

(2) The model master plan may include but need not be limited to guidelines for accomplishing the following:

(a) Improving communication, coordination, and collaboration between the schools and juvenile justice agencies.
(b) Improving safe school planning.
(c) Revising school zero tolerance policies to ensure compliance with all applicable provisions of law to ensure that schools do not make inappropriate referrals to juvenile justice agencies.
(d) Providing improved mental health services in or through the schools.
(e) Providing better assistance to parents in knowing about and accessing family strengthening programs.
(f) Improving the coordination of special education and juvenile justice services.
(g) Improving classroom management using positive behavioral supports and other effective disciplinary tools.
(h) Improving methods and procedures for the handling of school suspensions, the referral of students to alternative schools, and the use of seclusion and physical restraint in addressing challenging student behavior.
(i) Providing for better and more useful reporting on an annual basis of school behavioral and disciplinary problems.

B. Each city, parish, and other local public school board shall cause to be developed and shall submit by October 1, 2004, a master plan for each school under the board's jurisdiction for improving behavior and discipline in each such school based on the model master plan developed and approved by the State Board of Elementary and Secondary Education.

C. The model master plan for improving behavior and discipline within the schools and the school master plans required of city, parish, and other local public school boards by this Section shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons in accordance with the provisions of R.S. 17:416.

D.(1) The school master plans required of city, parish, and other local public school boards by this Section shall make provision for pre-service and ongoing grade appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.

(2) City, parish, and other local public school boards shall provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional classroom
management training is needed, if any, and what additional classroom support activities should be provided by the principal and school administration.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

§17:416. Discipline of students; suspension; expulsion.
A.(1)(b)(i) Each teacher may take disciplinary action to correct a student who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another student, who engages in bullying, who violates school rules, or who interferes with an orderly education process.

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action may include but is not limited to:

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with school board policy.

(c)(i) When a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well being of any student or teacher, when a student exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a student or a teacher, when a student violates the school's code of conduct, or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects, inciting other students to misbehave, or destroying property, the teacher may have the student immediately removed from his classroom and placed in the custody of the principal or his designee. A student removed from the classroom pursuant to this Subparagraph shall be assigned school work missed and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the student's teacher; however, the teacher shall not be required to interrupt class instruction time to prepare any such assignment.

(ii)(aa) Upon being sent to the principal's office pursuant to the provisions of this Subparagraph, the principal or his designee shall advise the pupil of the particular misconduct of which he is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his version of the facts. The principal or his designee then shall conduct a counseling session with the pupil as may be appropriate to establish a course of action, consistent with school board policy to identify and correct the behavior for which the pupil is being disciplined.

(ii)(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of pupils from the classroom. The principal or his designee may provide to such teachers
guidance and support on practicing effective classroom management including but not limited to positive behavior supports.

(iii) A pupil in kindergarten through grade six removed from a class pursuant to this Subparagraph shall not be permitted to return to the class for at least thirty minutes unless agreed to by the teacher initiating the disciplinary action. A pupil in grades seven through twelve removed from a class pursuant to this Subparagraph shall not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Additionally, the pupil shall not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

(aa) In-school suspension.
(bb) Detention.
(cc) Suspension.
(dd) Initiation of expulsion hearings.
(ee) Assignment to an alternative school.
(ff) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
(gg) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

(iv) When a pupil is removed from a classroom pursuant to this Subparagraph, the teacher may require that the parent, tutor, or legal guardian of the pupil have a conference with the teacher in the presence of the principal or his designee before the pupil is readmitted.

§17:416.18. Teacher Bill of Rights.

A. Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this Section, which are:

(2) A teacher has the right to appropriately discipline students in accordance with R.S. 17:223 and 416 through 416.16 and any city, parish, or other local public school board regulation.

(3) A teacher has the right to remove any persistently disruptive student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c).

(4) A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S.17:416(A)(1)(c).

(5) A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16.

REGULATIONS

§1301. Disciplinary regulations.

A. Each LEA shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or

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road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons.

2. Each LEA shall adopt rules regarding the reporting and review of disciplinary actions.

B. Teachers, principals, and administrators may, subject to any rules as may be adopted by the LEA, apply reasonable disciplinary and corrective measures to maintain order in the schools (refer to R.S. 17:416 and R.S. 17:223).

Alternatives to suspension

LAWS

§17:416. Discipline of students; suspension; expulsion.

A.(1)(b)(i) Each teacher may take disciplinary action to correct a student who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another student, who engages in bullying, who violates school rules, or who interferes with an orderly education process.

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action may include but is not limited to:

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with school board policy.

(c)(i) When a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well being of any student or teacher, when a student exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a student or a teacher, when a student violates the school's code of conduct, or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects, inciting other students to misbehave, or destroying property, the teacher may have the student immediately removed from his classroom and placed in the custody of the principal or his designee. A student removed from the classroom pursuant to this Subparagraph shall be assigned school work missed and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the student's teacher; however, the teacher shall not be required to interrupt class instruction time to prepare any such assignment.

(ii)(aa) Upon being sent to the principal's office pursuant to the provisions of this Subparagraph, the principal or his designee shall advise the pupil of the particular misconduct of which he is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his version of the facts. The principal or his designee then shall conduct a counseling session with the pupil as may be appropriate to establish a course of action, consistent with school board policy to identify and correct the behavior for which the pupil is being disciplined.
(ii)(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of pupils from the classroom. The principal or his designee may provide to such teachers guidance and support on practicing effective classroom management including but not limited to positive behavior supports.

(iii) A pupil in kindergarten through grade six removed from a class pursuant to this Subparagraph shall not be permitted to return to the class for at least thirty minutes unless agreed to by the teacher initiating the disciplinary action. A pupil in grades seven through twelve removed from a class pursuant to this Subparagraph shall not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Additionally, the pupil shall not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

(aa) In-school suspension.
(bb) Detention.
(cc) Suspension.
(dd) Initiation of expulsion hearings.
(ee) Assignment to an alternative school.
(ff) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.

(gg) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

(iv) When a pupil is removed from a classroom pursuant to this Subparagraph, the teacher may require that the parent, tutor, or legal guardian of the pupil have a conference with the teacher in the presence of the principal or his designee before the pupil is readmitted.

§17:416.15. Zero tolerance policies; authorization; conflict resolution classes; fees; compliance.

Any city, parish, or other local public school board may adopt and implement a zero tolerance policy for fighting in the schools under its jurisdiction. Such policy may include a requirement that a student who is disciplined pursuant to the policy and such student’s parent or parents shall attend a conflict resolution class or classes and may include provisions for the school board to take appropriate action, as determined by the board, against any student or parent who fails to comply with the class attendance requirement. Such classes may be provided by the school board or other appropriate provider as determined by the board. Any city, parish, or other local public school board may charge a fee for such attendance in an amount as may be determined by the board. However, such fee amount shall not exceed one hundred dollars.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

§17:416.1. Discipline of pupils; additional disciplinary authority.

B.(1)(a) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.
(b) Corporal punishment does not include:

(i) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.

(ii) The use of seclusion and restraint as provided in R.S. 17:416.21.

**REGULATIONS**

§1315. Corporal punishment.

A. Each LEA shall have discretion in the use of corporal punishment. In those cases in which an LEA decides to use corporal punishment, the LEA shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools under its jurisdiction.

B. Each LEA shall adopt a policy establishing procedures for the investigation of employees accused of impermissible corporal punishment.

**Use of student and locker searches**

**LAWS**

§17:416.3. Search of students' persons, desks, lockers, other areas; defense of suits against school personnel; indemnification; reporting of implements seized.

A.(1) The parish and city school systems of the state are the exclusive owners of all public school buildings and all desks and lockers within the building assigned to any student and any other area of any public school building or grounds set aside specifically for the personal use of the students. Any teacher, principal, school security guard, or administrator in any parish or city school system of the state may search any building, desk, locker, area, or grounds for evidence that the law, a school rule, or parish or city school board policy has been violated.

(2)(a) The teacher, principal, school security guard, or administrator may search the person of a student or his personal effects when, based on the attendant circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a school board policy. Such a search shall be conducted in a manner that is reasonably related to the purpose of the search and not excessively intrusive in light of the age or sex of the student and the nature of the suspected offense.

(b) Random searches with a metal detector of students or their personal effects may be conducted at any time, provided they are conducted without deliberate touching of the student.

B.(1) If any teacher, principal, school security guard, or administrator in the public school system is sued for damages by any student, the parent of any student, or other person qualified to bring suit on behalf of the student, based upon a search of that student's person, desk, locker, or any other area of a school building or grounds set aside specifically for that student's personal use, when the teacher, principal, school security guard, or administrator reasonably believed that the student had weapons, illegal drugs, alcohol, stolen goods, or other materials or objects the possession of which is a violation of the parish or city school board policy on his person, or had reasonable belief that such desk, locker, or other area contained such items, or based upon a search using a metal detector, it shall be the responsibility of the school board employing such teacher, principal, school security guard, or administrator to provide the defendant with legal defense, including reasonable attorney's fees, investigatory costs, and other related expenses.
(2) If any such teacher, principal, school security guard, or administrator is cast in judgment for damages in the suit, it shall be the obligation of the school board employing the defendant to indemnify him fully against such judgment, including all principal, interest, and costs.

(3) Nothing in this Section shall require a school board to indemnify a teacher, principal, school security guard, or administrator against a judgment wherein there is a specific finding that the action of the teacher, principal, school security guard, or administrator was maliciously, wilfully, and deliberately intended to harass, embarrass, or intimidate the student.

C.(1)(a) On or before January 1, 1995, each parish and city school board shall adopt a policy that is consistent with Subsection A of this Section to provide for reasonable search and seizure by public school teachers, principals, and other school administrators of students' persons, desks, lockers, or other school areas for evidence that the law, a school rule, or a parish or city school board policy has been violated.

(b) Such policy shall include at a minimum:

   (i) Specification of standards regarding procedures for searching students to prevent excessive intrusion.

   (ii) Specification of standards for retaining and securing confiscated implements and materials.

   (iii) Directions regarding the disposal of implements and materials reported to law enforcement authorities when such authorities notify the principal that the implements and materials need not be retained.

   (iv) Specification of disciplinary action when a principal or designated administrator violates any provision of this Section.

(2)(a) Nothing in this Section shall require defense and/or indemnification by a school board, a principal, or other school administrator for suits regarding search and seizure unless such acts are in accordance with the policy adopted by the school board that employs him, if the policy is declared to be reasonable by a court of competent jurisdiction.

   (b) No teacher, principal, school security guard, or administrator shall be held personally liable for any action authorized by this Section and performed in accordance with school board policies adopted pursuant to this Section.

D.(1) Upon the seizure by any public school teacher, principal, school security guard, or administrator of any firearm, bomb, knife, or other implement which can be used as a weapon and the careless use of which might inflict harm or injury or any controlled dangerous substance as defined in R.S. 40:961(7), the principal or his designated administrator shall report the confiscation of such implement or material to the appropriate law enforcement officials. The principal or his designated administrator may report the confiscation of any other implement or material.

(2) Any implement or material required by Paragraph (1) of this Subsection to be reported to law enforcement officials shall be retained and secured by the school principal in such a manner as to prevent the destruction, alteration, or disappearance of it until such time as the law enforcement authority either takes custody of the implement or material or provides notice to the school principal that it need no longer be retained. In the case that it need not be retained, the school principal shall comply with his school board's policy regarding disposal of the item.

(3) The failure of any principal or designated administrator to report the confiscation of such implement or material or the failure to retain and secure such implement or material shall be reported by the law enforcement authority to the employing school board which shall take disciplinary action pursuant to its policy.

E. The provisions of this Section shall apply to the State Board of Elementary and Secondary Education as it relates to state schools operated by the board in the same way it applies to city and parish school boards.
§17:416.6. Search of persons entering public school buildings or grounds.

A. Notwithstanding any other provision of law to the contrary, any school principal, administrator, or school security guard may search the person, handbag, briefcase, purse, or other object in possession of any person who is not a student enrolled at the school, or a school employee while in any school building or on school grounds either by conducting a random search with a metal detector or when there is reasonable suspicion that such person has any weapons, illegal drugs, alcohol, stolen goods, or other materials or objects the possession of which is a violation of the parish or city school board's policy.

B. If any principal, administrator, or school security guard is sued for damages by any person based upon a search of the person, handbag, briefcase, purse, or other object in possession of that person after the principal, administrator, or school security guard conducts a random search with a metal detector or has a reasonable suspicion that the person had weapons, illegal drugs, alcohol, stolen goods, or other materials or objects the possession of which is a violation of the parish or city school board policy, it shall be the responsibility of the school board employing such principal, administrator, or school security guard, to indemnify him fully against such judgment, including all principal, interest, and costs. Nothing in this Section shall require a school board to indemnify a principal, administrator, or school security guard against a judgment wherein there is a specific finding that the action of the principal, administrator, or school security guard was maliciously, wilfully, and deliberately intended to harass, embarrass, or intimidate the visitor.

C. The provisions of this Section shall not apply to any state or local law enforcement officer while in the performance of his official duties.

REGULATIONS

§1317. Search and seizure.

A. Any teacher, principal, school security guard, or administrator in any LEA of the state may search any building, desk, locker, area, or grounds for evidence that the law, a school rule, or parish or city school board policy has been violated.

B. The teacher, principal, school security guard, or administrator may search the person of a student or his personal effects when, based on the attendant circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a school board policy. Such a search shall be conducted in a manner that is reasonably related to the purpose of the search and not excessively intrusive in light of the age or sex of the student and the nature of the suspected offense.

C. Each LEA shall adopt a policy to provide for reasonable search and seizure by teachers, by principals, and by other school administrators of a student's person, desk, locker, or other school areas for evidence that the law, a school rule, or an LEA policy has been violated.

D. Any such policy shall be in accordance with applicable law.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§17:223. Discipline of pupils; suspension from school.
A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.
B. School principals may suspend from school any pupil for good cause as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§17:224. Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers.
A. Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher, or supervisor of child welfare and attendance, to the juvenile court of the parish, there to be dealt with in the manner prescribed by law.
B. Notwithstanding the provisions of R.S. 17:416 to the contrary, any student who exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion, assignment to an appropriate alternative education program, or transfer to adult education if such student is:
   (1) Seventeen years of age or older with less than five units of credit toward graduation.
   (2) Eighteen years of age or older with less than ten units of credit toward graduation
   (3) Nineteen years of age or older with less than fifteen units of credit toward graduation.

§17:416. Discipline of students; suspension; expulsion.
A.(3)(a) A school principal may suspend from school or suspend from riding on any school bus any student who:
   (i) Is guilty of willful disobedience.
   (ii) Treats a teacher, principal, superintendent, member, or employee of the local school board with intentional disrespect. (iii) Makes against any one of them an unfounded charge.
   (iv) Uses unchaste or profane language.
   (v) Is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates.
   (vi) Uses tobacco or who possesses alcoholic beverages or any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, in school buildings, on school grounds, or on school buses owned by, contracted to, or jointly owned by any city or parish school board.
(vii) Disturbs the school and habitually violates any rule.

(viii) Cuts, defaces, or injures any part of public school buildings, any property belonging to the buildings, or any school buses owned by, contracted to, or jointly owned by any city or parish school board.

(ix) Writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk, or building on the way to or from school, or on any school bus, including those owned by, contracted to, or jointly owned by any city or parish school board.

(x) Is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury.

(xi) Throws missiles liable to injure other persons on the school grounds or while on any school bus, including those owned by, contracted to, or jointly owned by any city or parish school board.

(xii) Instigates or participates in fights while under school supervision.

(xiii) Violates traffic and safety regulations.

(xiv) Leaves the school premises without permission.

(xv) Leaves his classroom during class hours or detention without permission.

(xvi) Is habitually tardy or absent.

(xvii) Has engaged in bullying.

(xviii) Commits any other serious offense.

B.(1)(a) Any student after being suspended for committing any of the offenses enumerated in this Section may be expelled, upon recommendation by the principal of the public school in which said student is enrolled, which recommended expulsion shall be subject to the provisions of Subsection C.

D.(1) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult would have constituted a felony may be cause for expulsion of the student for a period of time as determined by the board. The expulsion shall require the vote of two-thirds of the elected members of the school board.

(2) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, whether said act is committed in this state or outside this state, which had it been committed by an adult would have constituted a felony in this state may be sufficient cause for any public school system superintendent to refuse admission of said student to any school except upon review and approval of a majority of the elected members of the school board when request for admission is made to the board.

REGULATIONS

§1305. Reasons for Suspension (Formerly §1303).
A. School principals may suspend from school any student, including an exceptional student, for good cause in accordance with state law and local policy.

B. Students determined to be guilty of the following offenses may be suspended for the following reasons:

1. Willful disobedience;

2. Disrespect to a teacher, principal, superintendent, and/or member or employee of the local school board;

3. Making an unfounded charge against a teacher, principal, superintendent, and/or member or employee of the local school board;
4. Using unchaste or profane language;
5. Immoral or vicious practices;
6. Conduct or habits injurious to his/her associates;
7. Using tobacco and/or using and possessing alcoholic beverages or any controlled dangerous substances governed by the Uniformed Controlled Dangerous Substance Law in any form in school buildings or on school grounds;
8. Disturbing the school and habitually violating the rules;
9. Cutting, defacing, or injuring any part of public school buildings;
10. Writing profane or obscene language or drawing obscene pictures in or on any public school premises, or on any fence, sidewalk, or building on the way to or from school;
11. Possessing firearms, knives, or other implements that can be used as weapons;
12. Throwing missiles on the school grounds;
13. Instigating or participating in fights while under school supervision;
14. Violating traffic and safety regulations;
15. Leaving the school premises without permission or his/her classroom or detention room without permission;
16. Habitual tardiness or absenteeism; and
17. Committing any other serious offense.

§1307. Reasons for expulsions.
A. Students may be expelled for any of the following reasons:
   1. Any student, after being suspended for committing any of the offenses listed in §1103, may be expelled upon recommendation by the principal of the public school in which the student is enrolled;
   2. Any student, after being suspended on three occasions for committing drugs or weapons offenses during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority;
   3. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board; such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority;
   4. Any student found guilty of being in possession of a firearm on school property or on a school bus or at a school sponsored event shall be expelled from school according to the requirements of R.S. 17:416(C)(2);
   5. Any student in grades six and up found guilty of being in possession of any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2).
   6. Any student older than eleven and in grades six and up, carrying or possessing a knife the blade of which equals or exceeds two inches in length.
B. School officials shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by this Section for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the student’s intent to use the firearm or knife in a criminal manner.
C. Expulsion is not mandatory for a student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials or for a student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

Grounds for mandatory suspension or expulsion

LAWS

§17:416. Discipline of students; suspension; expulsion.
A.(1)(c)(vii)(aa) Notwithstanding any provision of law to the contrary, whenever a pupil is formally accused of violating the provisions of R.S. 14:34.3 or school disciplinary rules, or both, by committing a battery on any school employee or is formally accused of violating the provisions of R.S. 14:38.2 or school disciplinary rules, or both, by committing an assault on any school employee, the principal shall suspend the pupil from school immediately and the pupil shall be removed immediately from the school premises without the benefit of the suspension procedures provided by this Section; however, the necessary notifications and other procedures shall follow as soon as is practicable.

A.(2)(b)(ii) Failure or refusal by a pupil to participate in assigned detention shall subject the pupil to immediate suspension.

B.(1)(b)(i) Notwithstanding the provisions of Subsection A of this Section, the principal shall immediately suspend a student who is found carrying or possessing a firearm or another dangerous instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form. He shall immediately recommend the student's expulsion in accordance with Subsection C of this Section.

B.(1)(c) The provisions of this Section shall not apply to the following:

(i) A student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials.

B.(2) Any pupil who has been suspended on three occasions for committing any of the offenses enumerated in this Subsection or Subsection C of this Section during the same school year shall, upon committing the fourth such offense, be expelled from all the public schools of the city, parish, or other local public school system wherein he resided until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the local school board.

C.(2)(a)(i) Notwithstanding the provisions of Subsection B of this Section, any student sixteen years of age or older found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school-sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.

C.(2)(b)(i) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters, and
shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.

C.(2)(c)(i) Any case involving a student in kindergarten through grade five found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of two complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.

REGULATIONS
No relevant regulations found.

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

LAWS

§17:416. Discipline of students; suspension; expulsion.

A.(5) The provisions of this Subsection shall not be construed to conflict with any federal or state rules or regulations or other guidelines affecting special education students as defined in R.S. 17:1943 et seq.

E. The provisions of this Section shall be applicable to exceptional children provided special education services pursuant to Part I of Chapter 8 of this Title to the maximum extent allowed by federal law and rules applicable to the education of exceptional children in the state. No policy adopted by the State Board of Elementary and Secondary Education applicable to exceptional children as provided in this Subsection shall be more restrictive than required by federal law and rules.

J.(1) Notwithstanding the provisions of this Section or any other provision of law, a student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

(2) Notwithstanding any other provision of law to the contrary, this Subsection shall apply to charter schools. Furthermore, no charter school shall suggest to a parent that it has the authority to suspend or expel a student for a uniform violation that is not tied to willful disregard of school policies.

REGULATIONS

§1309. Guidelines for expulsions.

A. No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any offenses enumerated in R.S. 17:416 shall be admitted to any public school in the state except upon the review and approval by the governing body of the admitting school.

B. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana for one of the reasons listed below shall produce documentation that he or she and his/her parent or legal guardian have enrolled in and participated in an appropriate rehabilitation or counseling program related to the reason(s) for the expulsion prior to being admitted or readmitted on a probationary basis to any public school in the state, unless such requirement is waived by the LEA:
1. possessing on school property or on a school bus a firearm, knife, or other dangerous weapon, or instrumentality customarily used or intended for probable use as a dangerous weapon; or

2. possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law.

§1313. Discipline for Students with Disabilities.

A. If a school district removes a student with disabilities from the student's current educational placement for 10 school days in a school year, consecutively or cumulatively, regardless of the circumstances, beginning on the eleventh day, all students must be offered education services, including:

1. Access to the general curriculum;
2. Implementation of the student’s IEP;
3. Access to statewide test/LEAP 21/GEE 21 preparation and/or remediation equal to those services provided to general education students;
4. Services and modifications designed to prevent the behavior from recurring, if the behavior involves drugs, weapons or behavior substantially likely to cause injury to the student or others.

Administrative procedures related to suspensions and expulsion

LAWS

§17:416. Discipline of students; suspension; expulsion.

A.(3)(b)(i) Prior to any suspension, the school principal, or his designee, shall advise the pupil in question of the particular misconduct of which he is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his version of the facts to the school principal or his designee. In each case of suspension or expulsion the school principal, or his designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent, tutor, or legal guardian of the pupil in question giving notice of the suspension or expulsion, the reasons therefor and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the pupil provided that in the case of expulsion, the contact with the parent or guardian shall include a certified letter. If the parent, tutor, or legal guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond, the principal may determine whether readmitting the pupil is in the best interest of the student. On any subsequent occasions in the same year, the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds. A pupil whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described hereinabove; however, the necessary procedure shall follow as soon as is practicable.

   (c) Any parent, tutor or legal guardian of a pupil suspended shall have the right to appeal to the city or parish superintendent of schools or his designee, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merits of the case, as well as the term of suspension, shall be final, reserving to the superintendent of schools the right to remit any portion of the time of suspension.
(d) A pupil suspended for damages to any property belonging to the school system or to property contracted to the school system shall not be readmitted until payment in full has been made for such damage or until directed by the superintendent of schools. If the property damaged is a school bus owned by, contracted to, or jointly owned by any parish or city school board, a pupil suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for such damage or until directed by the superintendent of schools.

(e) A pupil who is suspended for ten days or fewer shall be assigned school work missed while he is suspended and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the pupil's teacher. A pupil who is suspended for more than ten days, or is expelled and receives educational services at an alternative school site, shall be assigned work by a certified teacher and shall receive credit for school work if it is completed satisfactorily and timely as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the pupil was suspended or expelled.

(f) When a pupil is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and pupil by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor available, the principal may require a conference between the parent, pupil, and all the pupil's teachers and the principal or other administrator.

C.(1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B hereof, a hearing shall be conducted by the superintendent or by any other person designated so to do by the superintendent to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At said hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant. Until such hearing takes place the student shall remain suspended from the school. At such hearing the student may be represented by any person of his choice.

4 The parent or tutor of the pupil may, within five days after the decision is rendered, request the city or parish school board to review the findings of the superintendent or his designee at a time set by the school board; otherwise the decision of the superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the superintendent or his designee, the school board may affirm, modify, or reverse the action previously taken.

5 The parent or tutor of the pupil may, within ten days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the school board in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the school board upon a finding that the ruling of the board was based on an absence of any relevant evidence in support thereof.

REGULATIONS

§1301. Disciplinary regulations.
F. Schools shall provide due process prior to suspensions and expulsions.
G. Students who are removed from the classroom for disruptive, dangerous, or unruly behavior or who are suspended for 10 days or less shall be assigned school work missed and shall receive either full or
partial credit for such work if it is completed satisfactorily and timely as determined by the principal or designee, upon the recommendation of the student’s teacher. A student who is suspended for more than 10 days or is expelled and receives educational services in an alternative school site, shall be assigned school work by a certified teacher and shall receive credit for school work if it is completed satisfactorily and timely as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was suspended or expelled.

§1306. Due Process for Suspensions (Formerly §1305).

A. Prior to any suspension, the school principal or the principal's designee shall advise the student in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his or her designee.

B. The principal, or the principal's designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent or guardian of the student, giving notice of the suspension, the reasons therefore and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student.

1. If the parent or guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective.

2. On not more than one occasion each school year when the parent or guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student.

3. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, guardian, or other appointed representative responds.

C. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described above; however, the necessary procedure shall follow as soon as is practicable.

D. Notice in writing of the suspension and the reasons thereof shall be given to the parent or parents of the suspended student.

E. Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the superintendent or to a designee of the superintendent, who shall conduct a hearing on the merits of the case.

F. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher and/or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including the reasons therefore and terms thereof.

G. The decision of the superintendent on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent to remit any portion

§1311. Due process for expulsions.

A. A recommendation for expulsion is made by the principal.

B. A hearing is conducted by the superintendent of the LEA or someone designated by the superintendent.

C. A determination of whether to expel the student is made by the superintendent or his designee.

D. The principal and teacher as well as the student may be represented by someone of their choice at this hearing.

E. Until the hearing takes place, the student shall remain on suspension.
F. The parent or guardian of the student may, within five days after the decision to expel the student has been rendered, request the local educational governing authority to review the findings of the superintendent or his designee. Otherwise, the decision of the superintendent shall be final.

G. The board, in reviewing the case, may affirm, modify, or reverse the action previously taken.

H. If the board upholds the decision of the superintendent, the parent or guardian of the student may, within 10 days, appeal to the district court for the parish in which the student's school is located. The court may reverse the ruling of the board.

In-school suspension

LAWS

§17:416. Discipline of students; suspension; expulsion.

A.(2)(ii) Each city and parish school board shall adopt rules regarding the implementation of in-school suspension by no later than January 1, 1995.

(iii) A pupil in kindergarten through grade six removed from a class pursuant to this Subparagraph shall not be permitted to return to the class for at least thirty minutes unless agreed to by the teacher initiating the disciplinary action. A pupil in grades seven through twelve removed from a class pursuant to this Subparagraph shall not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Additionally, the pupil shall not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

(aa) In-school suspension.
(bb) Detention.
(cc) Suspension.
(dd) Initiation of expulsion hearings.
(ee) Assignment to an alternative school.
(ff) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.

(gg) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

(2) As used in this Section:

(a)(i) "In-school suspension" means removing a pupil from his normal classroom setting but maintaining him under supervision within the school. Pupils participating in in-school suspension may receive credit for work performed during the in-school suspension. However, any pupil who fails to comply fully with the rules for in-school suspension shall be subject to immediate suspension.

(ii) Each city and parish school board shall adopt rules regarding the implementation of in-school suspension by no later than January 1, 1995.

(b)(i) "Detention" means activities, assignments, or work held before the normal school day, after the normal school day, or on weekends.

(ii) Failure or refusal by a pupil to participate in assigned detention shall subject the pupil to immediate suspension.

(iii) Assignments, activities, or work which may be assigned during detention include but are not limited to counseling, homework assignments, behavior modification programs, or other activities aimed at improving the self-esteem of the pupil.
(iv) Each city and parish school board shall adopt rules regarding the implementation of detention by no later than January 1, 1995.

(5) The provisions of this Subsection shall not be construed to conflict with any federal or state rules or regulations or other guidelines affecting special education students as defined in R.S. 17:1943 et seq.

(bb) A student who is found carrying or possessing a knife with a blade less than two inches in length may be suspended by the school principal as provided in Paragraph (A)(3) of this Section; however, in appropriate cases such student, at a minimum, shall be placed in in-school suspension.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§17:416. Discipline of students; suspension; expulsion.
A.(1)(c)(vii)(bb) No pupil suspended in accordance with the provisions of this Item shall be considered for readmission to the school to which the school employee, allegedly assaulted or battered, or both, by the pupil, is assigned until all hearings and appeals associated with the alleged violation have been exhausted.

(cc) Except when the school system has no other school of suitable grade level for the pupil to attend, no pupil found guilty by a court of competent jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both, or found guilty at a school system suspension hearing of committing a battery on any school employee or committing an assault on any school employee, or both, shall be assigned to attend or shall attend the school to which the school employee battered or assaulted by the pupil is assigned.

(dd) Notwithstanding any provision of R.S. 17:158 to the contrary, a school system shall not be required to provide transportation to any pupil reassigned to attend a school pursuant to the provisions of this Item if providing such transportation for the pupil will result in additional transportation costs to the school system.

B.(3)(a)(i) No student who has been expelled pursuant to the provisions of this Section shall be admitted to any public school in any other parish or city school system in the state except upon the review and approval of the school board of the school system to which he seeks admittance.

(ii) No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in this Section shall be admitted to any public school in the state except upon the review and approval of the governing body of the admitting school.

(b) No student who has been expelled pursuant to the provisions of Paragraph (C)(2) of this Section shall be readmitted to a public school in the city, parish, or other local public school system from which he was expelled prior to the completion of the specified period of expulsion, unless he has complied with the provisions of Subparagraph (C)(2)(d) of this Section.

(c) To facilitate the review and approval mandated by this Paragraph, any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission information on the dates of any expulsions and the reason or reasons for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to
any other public or nonpublic school or school system shall include information on the dates of any expulsions and the reason or reasons for which the student was expelled.

(d)(i) In addition to any other limitations established by this Subsection on the admission of previously expelled pupils to public elementary and secondary schools in Louisiana, no pupil who has been expelled from any public or nonpublic school within or outside the state of Louisiana for possessing on school property or on a school bus a firearm, knife, or other dangerous weapon or instrumentality customarily used or intended for probable use as a dangerous weapon, or for possessing, possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law shall be admitted to any public elementary or secondary school in the state, or readmitted to any such school on a probationary basis prior to the completion of the minimum period of expulsion as provided in Subsection C of this Section, until the pupil produces written documentation that he and his parent or legal guardian have enrolled and participated in an appropriate rehabilitation or counseling program related to the reason or reasons for the pupil's expulsion.

(ii) The rehabilitation or counseling required by the provisions of this Subparagraph shall be provided by existing or new programs approved by the juvenile or family court having jurisdiction, if applicable, or by the school system and shall be at no additional cost to the school system. Such rehabilitation or counseling programs may include the following components relative to successful programs, approaches, and activities for parental involvement which better equip parents to provide support for the education of their children:

(aa) Enhancing parenting skills and expanding curriculum offerings relative to character development, the development of a healthy self-esteem and sense of personal and social responsibility, violence prevention, and conflict resolution.

(bb) Raising the educational level of the parents of public school students through instruction in basic skills.

(cc) Improving developmental skills of students to prepare them for academic success.

(dd) Providing a role model for the child through parental interest in education.

(ee) Enabling parents to become familiar with and comfortable in the school setting.

(ff) Enhancing the relationship of the parent and child through planned, structured parent-school interaction.

(gg) Demonstrating to parents their power to affect their child's ability to learn.

(iii) The requirements of this Subparagraph for a student's enrollment and participation in a rehabilitation or counseling program shall be waived by the school system upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.

(iv) The provisions of this Subparagraph shall be applicable to exceptional children provided special education services pursuant to Part I of Chapter 8 of this Title only to the extent the provisions are not in conflict with federal rules, regulations, and guidelines applicable to the education of exceptional students.

C.(2)(d)(i) Any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local public school board and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. Such terms and conditions may include but need not be limited to placing the student in a suitable alternative education program as determined by the school board. However, any such written agreement shall include a provision that upon
the school principal or superintendent of schools making a determination that the student has violated any term or condition agreed to, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student suspensions and expulsions. As soon thereafter as possible, the principal or his designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefor to the superintendent and to the student's parent or other responsible person.

(ii) Any student expelled pursuant to the provisions of this Subsection or Subsection B of this Section seeking readmission on a probationary basis prior to the end of the specified period of expulsion must also comply with the provisions of Subparagraph (B)(3)(d) of this Section.

(iii) The provisions of this Subparagraph shall not be applicable to any student found guilty by a court of competent jurisdiction, or adjudicated a delinquent by a court of competent jurisdiction, of a criminal violation of any provision of Title 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the suspension, unless the judge finds otherwise.

§17:416.2. Supervision of suspended or expelled students; alternative education programs.
A.(1) Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, shall remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students. Alternative education programs of any local public school shall be approved by the State Board of Elementary and Secondary Education; however, no school system shall be liable for any student attending an alternative education program at a location other than a school site.

(2) A student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2) may be readmitted only to a city, parish, or other local public school in the school system from which he was expelled prior to the completion of the specified period of expulsion, in accordance with the provisions of R.S. 17:416(C)(2)(d).

REGULATIONS

§1306. Due process for suspensions (Formerly §1305).
A. Prior to any suspension, the school principal or the principal's designee shall advise the student in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his or her designee.

B. The principal, or the principal's designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent or guardian of the student, giving notice of the suspension, the reasons therefore and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student.

1. If the parent or guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective.

2. On not more than one occasion each school year when the parent or guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student.

3. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, guardian, or other appointed representative responds.
C. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described above; however, the necessary procedure shall follow as soon as is practicable.

D. Notice in writing of the suspension and the reasons thereof shall be given to the parent or parents of the suspended student.

E. Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the superintendent or to a designee of the superintendent, who shall conduct a hearing on the merits of the case.

F. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher and/or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including the reasons therefore and terms thereof.

G. The decision of the superintendent on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent to remit any portion

§1309. Guidelines for expulsions.

D. Any student expelled from school pursuant to the provisions of R.S. 17:416 may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city or parish city, parish, or other local school board and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. Such terms and conditions may include but need not be limited to placing the student in a suitable alternative education program as determined by the school board. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools making a determination that the student has violated any term or condition agreed to, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student suspensions and expulsions. As soon thereafter as possible, the principal or his designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefore to the superintendent and to the student's parent or other responsible person.

Use of restraint and seclusion

LAWS

§17:7. Duties, functions, and responsibilities of board.

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(5)(a) Approve courses of study and prepare and adopt rules and regulations for the discipline of students and the governance of the public elementary and secondary schools and other public schools and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the city, parish, and other local public school boards and the local school superintendents; however, the board shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees.
(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

§17:416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint.
A. As used in this Section:

(1) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.

(2)(a) "Mechanical restraint" means the application of any device or object used to limit a person's movement.

(b) Mechanical restraint does not include:

(i) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.

(ii) Any device used by a duly licensed law enforcement officer in the execution of his official duties.

(3)(a) "Physical restraint" means bodily force used to limit a person's movement.

(b) Physical restraint does not include:

(i) Consensual, solicited, or unintentional contact.

(ii) Momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person.

(iii) Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.

(iv) Minimal physical contact for the purpose of safely escorting a student from one area to another.

(v) Minimal physical contact for the purpose of assisting the student in completing a task or response.

(4) "Positive behavior interventions and support" means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

(5) "School employee" means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

(6) "Seclusion" means a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.

(7) "Seclusion room" means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

(8) "Written guidelines and procedures" means the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

B.(1) Seclusion shall be used only:
(a) For behaviors that involve an imminent risk of harm.
(b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

(2) Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive techniques.

(3)(a) A seclusion room shall be used only as a last resort if and when less restrictive measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.

(b) A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he or she is in the seclusion room.

(c) Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.

(4) A seclusion room shall:

(a) Be free of any object that poses a danger to the student placed in the room.

(b) Have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.

(c) Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

C.(1) Physical restraint shall be used only:

(a) When a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.

(b) To the degree necessary to stop dangerous behavior.

(c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.

(2) No student shall be subjected to any form of mechanical restraint.

(3) No student shall be physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.

(4) A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

D. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.

E. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

F. A student shall not be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled.

G. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen minutes and adjustments made accordingly, based upon observations of the student's behavior.

H. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.
I.(1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.


M.(1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.

(b) The provisions of Subparagraph (a) of this Paragraph shall not be applicable to the parent of a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

N.(1) The State Board of Elementary and Secondary Education shall adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

(2) The governing authority of each public elementary and secondary school, in accordance with state board policy, shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education.

(3)(a) The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

(b)(i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:
(aa) The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(cc) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.

(ii) The state Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

REGULATIONS

§540. Definitions.

A. As used in these Sections 541 through 543:

1. Imminent Risk of Harm-an immediate and impending threat of a person causing substantial injury to self or others;

2. Mechanical Restraint?
   a. the application of any device or object used to limit a person's movement;
   b. does not include:
      i. a protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider;
      ii. any device used by a duly licensed law enforcement officer in the execution of his official duties;

3. Physical Restraint?
   a. bodily force used to limit a person's movement;
   b. does not include:
      i. consensual, solicited, or unintentional contact;
      ii. momentary blocking of a student's action if said action is likely to result in harm to the student or any other person;
      iii. holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted;
      iv. minimal physical contact for the purpose of safely escorting a student from one area to another; or
      v. minimal physical contact for the purpose of assisting the student in completing a task or response;

4. Positive Behavior Interventions and Support-a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate;

5. Seclusion-a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others;

6. Seclusion Room-a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving;
7. School Employee—a teacher, paraprofessional, administrator, support staff member, or a provider of related services;

8. Written Guidelines and Procedures—the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

§541. Use of Seclusion.
A. Seclusion shall be used only:
   1. for behaviors that involve an imminent risk of harm;
   2. as a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
B. Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive techniques.
C. A seclusion room shall be used only as a last resort and when less restrictive measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
D. A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he or she is in the seclusion room.
E. Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.
F. A seclusion room shall:
   1. be free of any object that poses a danger to the student placed in the room;
   2. have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age; and
   3. have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

§542. Physical Restraint.
A. Physical restraint shall be used only:
   1. when a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others;
   2. to the degree necessary to stop dangerous behavior; and
   3. in a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.
B. No student shall be subjected to any form of mechanical restraint.
C. No student shall be physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
D. A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.
§543. Restrictions on the Use of Seclusion or Physical Restraint.

A. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.

B. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

C. A student shall not be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled.

D. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every 15 minutes and adjustments made accordingly, based upon observations of the student’s behavior.

E. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

F. The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The school shall document all efforts, including conversations, phone calls, electronic communications, and home visits, to notify the parent of a student who has been placed in seclusion or physically restrained.

1. The student's parent or other legal guardian shall also be notified in writing, within 24 hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

G. The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

H. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

I. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's individualized education plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.

J. The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

1. reporting requirements and follow-up procedures;
2. notification requirements for school officials and a student's parent or other legal guardian; and
3. an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

K. The guidelines and procedures shall be provided to the LDE, all school employees and every parent of a child with a disability. The guidelines and procedures shall also be posted at each school and on each school system's website.

L. The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of
Education through the special education reporting (SER) system. At a minimum, all instances must be reported on a monthly basis.

M. The state Department of Education, using the data elements collected in SER, shall maintain a database of all reported incidents of seclusion and physical restraint of students with disabilities and shall disaggregated the data for analysis by school, student age, race, ethnicity, and gender, student disability, where applicable, and any involved school employees.

N. Based upon the data collected, the LDE shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:

1. The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.
2. The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.
3. A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph 2 of this Subsection.

O. The state Department of Education shall post the annual report pursuant to Subsection O of this Section on its website and submit a written copy to the Senate and House Committees on Education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

**Alternative Placements**

**LAWS**

§17:7. Duties, functions, and responsibilities of board.

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(5)(a) Approve courses of study and prepare and adopt rules and regulations for the discipline of students and the governance of the public elementary and secondary schools and other public schools and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the city, parish, and other local public school boards and the local school superintendents; however, the board shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees.

(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

(32) Report in writing to the House Committee on Education and the Senate Committee on Education by not later than September 15, 2010, relative to the standards and criteria used by the board to approve alternative schools and alternative education programs for students in public elementary and secondary schools who are suspended for more than ten days or who are expelled from school for violations of school discipline law or policy and who remain under the supervision of the city, parish, or other local public school taking the action. The report shall specify in detail all minimum standards and criteria that must be met in order for the board to approve the alternative school or program and note standards and criteria that are subject to waiver by the board in making approval determinations.
§17:100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula.

A.(1) Any child who has been adjudicated delinquent or as a member of a family in need of services by a court or who is in the custody of the office of juvenile justice as a result of any such adjudication and is assigned by the office of juvenile justice to a community-based program or facility shall be counted by the city, parish, or other local public school board for the city or parish where such program or facility exists for purposes of the minimum foundation program and any other available state or federal funding for which the child is eligible. No other city, parish, or other local public school board shall include such a child in any count for purposes of the minimum foundation program or any other available state or federal funding for which the child may be eligible. Funds inuring to the city, parish, or other local public school board as a result of the presence of such children in its jurisdiction shall be used to provide educational services for such children.

(2) Subject to the requirements of Subsection B of this Section, any city, parish, or other local public school board may contract for the provision of educational services for children described in Paragraph (1) of this Subsection.

B. Private providers of alternative educational services shall be approved by the city, parish, or other local public school board and the State Board of Elementary and Secondary Education as alternative schools pursuant to standards established by the state board before a contract as authorized by this Section may be entered into by the city, parish, or other local public school board.

C.(1) An alternative school located in a secure care facility under the jurisdiction of the office of juvenile justice shall be considered a public elementary or secondary school and, as such, shall be included by the State Board of Elementary and Secondary Education in the formula required by Article VIII, Section 13 of the Constitution of Louisiana used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools.

(2) Each student in such an alternative school shall be provided for and funded at one hundred percent of the state share per pupil amount as provided in the approved minimum foundation program formula for the city, parish, or other local public school system in which such student would otherwise have been enrolled, as contained in the budget letter approved by the State Board of Elementary and Secondary Education, and the board shall allocate such funds to the office of juvenile justice.

(3) In addition to the allocation of the state share per pupil amount provided for in Paragraph (2) of this Subsection, the city, parish, or other local public school system in which the student would have otherwise been enrolled shall allocate and transfer to the office of juvenile justice an amount of money equal to the local share per pupil amount allocated by such system times the number of students enrolled in alternative schools located in secure care facilities under the jurisdiction of the office of juvenile justice who would have otherwise been enrolled in such local school system. The State Board of Elementary and Secondary Education shall provide for the transfer of the local share per pupil amount from the appropriate city, parish, or other local public school system to the office of juvenile justice.

(4) The office of juvenile justice shall expend all minimum foundation program funds allocated to it pursuant to this Subsection to operate the alternative schools located in secure care facilities under its jurisdiction.

(5) The State Board of Elementary and Secondary Education, in collaboration with the office of juvenile justice, shall develop an equitable means by which to identify and determine the number of students eligible for funding each year pursuant to this Subsection.

(6) The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations to assure that no funds provided through the minimum foundation program or any other
state or federal program as provided in this Section shall supplant any other funding provided to the office of juvenile justice for the educational services for such children.

D. It is the intent of the legislature that the expenditure of minimum foundation program funds and other state and federal funds for office of juvenile justice schools be subject to the same oversight and accountability as the expenditure of such funds for city, parish, and other local public school boards.

§17:100.5. Alternative schools; establishment by local boards.
A. Parish and city school boards, with the approval of the State Board of Elementary and Secondary Education, may establish and maintain one or more alternative schools for children whose behavior is disruptive. Any alternative school shall be maintained and funded at the same level of support as other schools for children in the school district.

B. The State Board of Elementary and Secondary Education shall develop, adopt, and implement guidelines for alternative schools which, at a minimum, shall provide for the following:

   (1) Identifying the needs of students.
   (2) Using group and individualized courses of study.
   (3) Providing assistance with social skills and work habits.
   (4) Using alternative teaching methods.

C. (1) Teachers employed in alternative schools established pursuant to this Section shall be selected from regularly employed school teachers who volunteer.

   (2) Eligibility for enrollment in alternative schools shall be determined from a list compiled by each city and parish school board of students with discipline problems whose behavior is disruptive. Students selected for enrollment in the alternative schools from the eligibility list shall be selected from volunteers, provided that there shall be no racial, sexual, or ethnic discrimination in either the compilation of the eligibility list or in the operation of the school.

D. Each city or parish school board operating an alternative school annually shall evaluate such school. The evaluation shall include testing of basic skills for student participants. The process of evaluation shall also include teacher, parent, and student input from the alternative school.

§17:221.6. Louisiana school dropout recovery program.
A. Each school district and charter school that provides instruction to high school students may offer a dropout recovery program for eligible students. School districts and charter schools should maximize the use of federal Title 1 funds and funds provided through the minimum foundation program formula to establish such programs.

B. The State Board of Elementary and Secondary Education's prescribed standards and achievement testing requirements shall apply to dropout recovery programs.

C. The dropout recovery program shall do the following:

   (1) Make available appropriate and sufficient supports for students, including tutoring, career counseling, and college counseling.
   (2) Comply with federal and state laws governing students with disabilities.
   (3) Meet state requirements for high school graduation.

D. Each eligible student enrolled in a dropout recovery program shall have an individual graduation plan developed by the student's assigned academic coach. The plan shall include the following elements:

   (1) The start date and anticipated end date of the plan.
   (2) Courses to be completed by the student during the academic year.
   (3) Whether courses will be taken sequentially or concurrently.
(4) State competency exams to be taken, as necessary.
(5) Expectations for satisfactory monthly progress.
(6) Expectations for contact with the student's assigned academic coach.

E. Each student enrolled in a dropout recovery program pursuant to this Section shall be recorded on a monthly basis as participating in the program and shall be included in the student enrollment count for the school or school system offering the program. Each participating school and school system shall record, each month, all of the students who meet the following criteria for actively participating in the dropout recovery program:

(1) Newly enrolled students who have an individual graduation plan on file on or before the first school day of the month.
(2) Students who met the expectations for satisfactory monthly progress for the month.
(3) Students who did not meet the expectations for satisfactory monthly progress for the month but did meet the expectations one of the two previous months.
(4) Students who met expectations for program reentry in the revised individual graduation plan in the previous month.

F. School districts and charter schools may contract with an educational management organization to provide a dropout recovery program. If contracting with an educational management organization, the school district or charter school shall ensure that all of the following requirements are met:

(1) The educational management organization is accredited by a regional accrediting body.
(2) Teachers provided by the educational management organization hold a current teaching license from any state, and teachers of core subjects are highly qualified in the subjects to which they are assigned.
(3) The educational management organization has provided one or more dropout recovery programs for at least two years prior to providing a program pursuant to this Section.

G. Dropout recovery programs shall be classified as alternative programs.

H. Entities that are contracted to provide dropout recovery programs may conduct outreach to encourage students who are not enrolled in a school district or charter school in this state to return to school. Entities that are contracted to provide dropout recovery programs shall not conduct advertising or marketing campaigns directed at students who are currently enrolled in a school district or charter school, or undertake any other activity that encourages students who are enrolled in a school district or charter school to stop attending school in order to qualify for a dropout recovery program. All contracts entered into by a city, parish, or other local public school board for the provision of student dropout recovery programs shall include requirements for the protection of all personally identifiable student information that shall comply with all applicable state and federal law and regulations.

I. For purposes of this Section:

(1) "Academic coach" is an adult who assists students in selecting courses needed to meet graduation requirements, monitors student pace and progress through the program, and conducts regular pace and progress interventions.
(2) "Eligible student" means a student who is not enrolled in a school district or charter school and who has been withdrawn from a school district or charter school for at least thirty days, unless a school administrator determines that the student is unable to participate in other district programs.
(3) "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for a full twelve months, would result in the same amount of academic credit being awarded to the student as would be awarded to a student in a traditional education program who
completes a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first two months that a student participates in the program.

(4) "School district" or "district" means a city, parish, or other local public school system.

§17:224. Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers.

A. Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher, or supervisor of child welfare and attendance, to the juvenile court of the parish, there to be dealt with in the manner prescribed by law.

B. Notwithstanding the provisions of R.S. 17:416 to the contrary, any student who exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion, assignment to an appropriate alternative education program, or transfer to adult education if such student is:

(1) Seventeen years of age or older with less than five units of credit toward graduation.
(2) Eighteen years of age or older with less than ten units of credit toward graduation
(3) Nineteen years of age or older with less than fifteen units of credit toward graduation.

§17:416.2. Supervision of suspended or expelled students; alternative education programs.

A.(1) Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, shall remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students. Alternative education programs of any local public school shall be approved by the State Board of Elementary and Secondary Education; however, no school system shall be liable for any student attending an alternative education program at a location other than a school site.

(2) A student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2) may be readmitted only to a city, parish, or other local public school in the school system from which he was expelled prior to the completion of the specified period of expulsion, in accordance with the provisions of R.S. 17:416(C)(2)(d).

(3)(a) Any student placed in an alternative school or an alternative education program, including but not limited to any student receiving education services pursuant to an agreement subject to Paragraph (D)(2) of this Section, shall attend and participate in such school, program, or education services.

(b) The parent, tutor, or legal guardian of any such student shall ensure attendance as required by this Paragraph and any violation of this Subparagraph shall be subject to the provisions of R.S. 17:221(A)(2) and (3).

(c) Visiting teachers or supervisors of child welfare and attendance, with the approval of the superintendent of the local public school system, shall file proceedings in court to enforce the provisions of this Paragraph.


C. For purposes of this Section, alternative education programs may mean programs designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs or who are disruptive in the traditional school environment remain in school and obtain a high school diploma. Alternative programs may include but not be limited to programs that hold students to strict standards of behavior in highly
structured and controlled environments, sometimes referred to as "boot camps", "police schools", or "court schools".

D.(1) The State Board of Elementary and Secondary Education shall adopt the necessary rules and regulations to provide for the implementation of the provisions of this Section.

(2) Such rules and regulations shall include provisions for cases in which a school governing authority enters into an agreement with an education service provider for the education of a student who meets any of the following criteria:

(a) Has been adjudicated delinquent by a court having juvenile jurisdiction as defined in Article 302 of the Louisiana Children's Code.
(b) Has been adjudicated by a court as a member of a family in need of services and is assigned by the office of juvenile justice to a community-based program or facility.
(c) Is in the custody of the office of juvenile justice as a result of an adjudication and is assigned by the office of juvenile justice to a community-based program or facility.
(d) Is a student who has been suspended or expelled pursuant to the provisions of R.S. 17:416(B) or (C)(2).

(3) Rules and regulations pursuant to Paragraph (2) of this Subsection shall include all of the following:

(a) Such services shall be provided to the school governing authority at the actual costs incurred by the provider, not to exceed for each student the prorata share of the combined state and local per pupil amount of the minimum foundation program for such governing authority.
(b) In an effort to support the on-time graduation of students who are suspended, expelled, or at high risk for dropping out or entry into the juvenile justice system, academic, behavioral, and mental health interventions must be provided. Interventions offered shall include but not be limited to the following:

(i) Academic interventions and supports:

(aa) Targeted academic interventions focused on assessed needs in math and reading using an evidence-based and research-supported curriculum.
(bb) Use of validated monthly assessments to monitor individual student academic progress.
(cc) Implementation of research-supported instructional strategies such as differentiated instruction, experiential education, project-based learning, and computer-assisted instruction to support assessed needs and content mastery.
(dd) Opportunities to participate in credit recovery to support progression towards on-time graduation.
(ee) On-site access to at least one career or vocational certification option.

(ii) Behavioral interventions and supports:

(aa) Positive behavioral supports with a high ratio of positive reinforcement over punishment.
(bb) Behavioral shaping steps aligned to assessed behavioral needs and goals.
(cc) Mentoring and frequent behavioral feedback focused on individualized shaping steps for students enrolled.
(dd) Successive approximations and reinforcements to develop more complex social behaviors.

(iii) Mental health interventions and supports:

(aa) Evidence-based cognitive behavioral interventions to address, anger, impulsivity, and aggression.
(bb) Interventions to address past childhood traumas, including forms of abuse and neglect, being a victim of or a witness to violence, and involvement in natural disasters.
(cc) Interventions to address substance use and to prevent substance abuse.
(dd) Interventions to build life skills and social skills in order to increase employability and success in the community.

(4) Nothing in this Section shall prevent any nonprofit organization that provides alternative education services to a school governing authority from applying to operate a charter school pursuant to R.S. 17:3983.

(5) The governing authority of a Type 5 charter school shall receive approval from the superintendent of the Recovery School District before entering into an agreement with an educational service provider for alternative education services pursuant to the provisions of this Section, and any such agreement shall not be subject to the provisions of Subparagraph (3)(a) of this Subsection.

(6) Any agreement in effect on the effective date of this Paragraph and any prospective agreement between the Recovery School District and an educational service provider for alternative education shall not be subject to Subparagraph (3)(a) of this Subsection, but shall be approved by the state superintendent of education.

E. Notwithstanding any provision of R.S. 17:158 to the contrary, a school system shall not be required to provide transportation to any student suspended or expelled from school pursuant to the provisions of R.S. 17:416 and remaining under the supervision of the governing authority of the school system taking such action pursuant to Subsection A of this Section if providing such transportation for the student will result in additional transportation costs to the school system. No school system shall be liable for any suspended or expelled student providing his own transportation pursuant to the provisions of this Section.


G. The provisions of this Section shall not be applicable to any student suspended for up to ten days.

H. The Department of Education shall monitor each city, parish, and other local public school system annually for compliance with the provisions of this Section.

REGULATIONS

§1101. Climate and Culture.
A. Alternative education sites must have a plan to address and continually evaluate school climate and culture to ensure academic and behavioral improvement.

1. Alternative schools should utilize an annual climate survey. The survey should seek to assess student, staff and administrative attitudes and perception of the environment and overall culture of the site.

2. Results of the annual climate survey, if administered, should be shared with teachers, staff, administration, parents and students no later than May 15 each academic year.

§1303. Bullying.
8. Parental Relief. If four or more reports of separate incidents of bullying have been made, and no investigation has occurred, the parent or legal guardian of the alleged victim shall have the option to request that the student be transferred to another school operated by the LEA.

a. In order to exercise this option, the parent or legal guardian shall file a request with the superintendent of the LEA for the transfer of the student to another school under the LEA’s jurisdiction.

b. The LEA shall make a seat available at another of its schools within 10 school days of receipt of the request for a transfer. If the LEA has no other school serving the grade level of the student, then within 15 school days of receipt of the request, the superintendent of the LEA shall:
i. inform the student and the student’s parents or legal guardians and facilitate the student’s enrollment in a statewide virtual school;

ii. offer the student placement in a full-time virtual program or virtual school under the jurisdiction of the LEA;

iii. enter into a memorandum of understanding with the superintendent of another LEA to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, pursuant to R.S. 17:105 and 105.1.

c. If no seat or other placement is made available within 30 calendar days of the receipt of the request by the superintendent, the parent or legal guardian may request a hearing with the school board, which shall be public or private at the option of the parent or legal guardian. The school board shall grant the hearing at its next scheduled meeting or within 60 calendar days, whichever is sooner.

d. At the end of any school year, the parent or legal guardian may request that the LEA transfer the student back to the original school. The LEA shall make a seat available at the school.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§14:95. Illegal carrying of weapons.
A. Illegal carrying of weapons is:
   (1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or
   (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or
   (3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or
   (4)(a) The intentional concealment on one's person of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance located on the handle.
      (b) The provisions of this Paragraph shall not apply to the following:
         (i) Any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade.
         (ii) Any knife that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a detent or other structure that provides resistance that shall be overcome in opening or initiating the opening movement of the blade or a bias or spring load toward the closed position.
   (5)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.
      (b) The provisions of this Paragraph shall not apply to:
         (i) A peace officer as defined by R.S. 14:30(B) in the performance of his official duties.
         (ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
         (iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

§14:95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone.
A. Carrying a firearm, or dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school sponsored function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school sponsored function in a specific designated area.
including but not limited to athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus.

B. For purposes of this Section, the following words have the following meanings:

1. "Campus" means all facilities and property within the boundary of the school property.
2. "Nonstudent" means any person not registered and enrolled in that school or a suspended student who does not have permission to be on the school campus.
3. "School" means any elementary, secondary, high school, vocational-technical school, college, or university in this state.
4. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

C. The provisions of this Section shall not apply to:

1. A federal law enforcement officer or a Louisiana-commissioned state or local Post Certified law enforcement officer who is authorized to carry a firearm.
2. A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
3. Any person having the written permission of the principal or as provided in R.S. 17:3361.1.
4. The possession of a firearm occurring within one thousand feet of school property and entirely on private property, or entirely within a private residence.
5. Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
6. Any student carrying a firearm to or from a class, in which he is duly enrolled, that requires the use of the firearm in the class.
7. A student enrolled or participating in an activity requiring the use of a firearm including but not limited to any ROTC function under the authorization of a university.
8. A student who possesses a firearm in his dormitory room or while going to or from his vehicle or any other person with permission of the administration.
9. Any person who has a valid concealed handgun permit issued pursuant to R.S 40:1379.1 or 1379.3 and who carries a concealed handgun within one thousand feet of any school campus.

D. (1) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school-sponsored function, or in a firearm-free zone shall be imprisoned at hard labor for not more than five years.

(2) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, on school property or in a firearm-free zone with the firearm or dangerous weapon being used in the commission of a crime of violence as defined in R.S. 14:2(B) on school property or in a firearm-free zone, shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both. Any sentence issued pursuant to the provisions of this Paragraph and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(B) shall be served consecutively. Upon commitment to the Department of Public Safety and Corrections after conviction for a crime committed on school property, at a school-sponsored function or in a firearm-free zone, the department shall have the offender evaluated through appropriate examinations or tests conducted under the supervision of the department. Such evaluation shall be made within thirty days of the order of commitment.

E. Lack of knowledge that the prohibited act occurred on or within one thousand feet of school property shall not be a defense.
F.(1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.

(2)(a) If a student is detained by the principal or other school official for violation of this Section or the school principal or other school official confiscates or seizes a firearm or concealed weapon from a student while upon school property, at a school function, or on a school bus, the principal or other school official in charge at the time of the detention or seizure shall immediately report the detention or seizure to the police department or sheriff's department where the school is located and shall deliver any firearm or weapon seized to that agency.

(b) The confiscated weapon shall be disposed of or destroyed as provided by law.

(3) If a student is detained pursuant to Paragraph (2) of this Subsection for carrying a concealed weapon on campus, the principal shall immediately notify the student's parents.

(4) If a person is arrested for carrying a concealed weapon on campus by a university or college police officer, the weapon shall be given to the sheriff, chief of police, or other officer to whom custody of the arrested person is transferred as provided by R.S. 17:1805(B).

G. Any principal or school official in charge who fails to report the detention of a student or the seizure of a firearm or concealed weapon to a law enforcement agency as required by Paragraph (F)(2) of this Section within seventy-two hours of notice of the detention or seizure may be issued a misdemeanor summons for a violation hereof and may be fined not more than five hundred dollars or sentenced to not more than forty hours of community service, or both. Upon successful completion of the community service or payment of the fine, or both, the arrest and conviction shall be set aside as provided for in Code of Criminal Procedure Article 894(B).

§17:416. Discipline of students; suspension; expulsion.

B.(1)(b)(i) Notwithstanding the provisions of Subsection A of this Section, the principal shall immediately suspend a student who is found carrying or possessing a firearm... He shall immediately recommend the student's expulsion in accordance with Subsection C of this Section.

(c) The provisions of this Section shall not apply to the following:

(i) A student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials.

C.(2)(a)(i) Notwithstanding the provisions of Subsection B of this Section, any student sixteen years of age or older found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school-sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.

(b)(i) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters, and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.
(c)(i) Any case involving a student in kindergarten through grade five found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of two complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§17:416. Discipline of students; suspension; expulsion.

B.(1)(b)(i) Notwithstanding the provisions of Subsection A of this Section, the principal shall immediately suspend a student who is found … another dangerous instrumentality other than a knife …. He shall immediately recommend the student's expulsion in accordance with Subsection C of this Section.

(ii)(aa) Except as provided in Item (c)(i) of this Paragraph, no student shall be permitted to carry or possess a knife of any blade length.

(bb) A student who is found carrying or possessing a knife with a blade less than two inches in length may be suspended by the school principal as provided in Paragraph (A)(3) of this Section; however, in appropriate cases such student, at a minimum, shall be placed in in-school suspension.

(cc) The principal shall immediately suspend a student who is found carrying or possessing a knife the blade of which equals or exceeds two inches in length. He also shall immediately recommend the student's expulsion in accordance with Subsection C of this Section, except that, in the case of a student less than eleven years of age in pre-kindergarten through grade five, the principal may, but shall not be required to, recommend the student's expulsion in accordance with Subsection C of this Section.

(c) The provisions of this Section shall not apply to the following:

(i) A student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials.

F. Notwithstanding any provision of this Section to the contrary, school officials shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by this Section for possession by a pupil of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

REGULATIONS
No relevant regulations found.
Students with chronic disciplinary issues

LAWS

§17:416. Discipline of students; suspension; expulsion.
A.(1)(c)(v) Upon the third removal from the same classroom pursuant to this Subparagraph, the teacher and the principal shall discuss the disruptive behavior patterns of the pupil and the potentially appropriate disciplinary measure before the principal implements a disciplinary measure. If appropriate, a referral of the matter may be made to an appropriate building level committee. In addition, a conference between the teacher or other appropriate school employee and the pupil's parent, tutor, or legal guardian shall be required prior to the pupil being readmitted.

(vi)(aa) If disruptive behavior persists, the teacher may request that the principal transfer the pupil into another setting.

A.(3)(f) When a pupil is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and pupil by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor available, the principal may require a conference between the parent, pupil, and all the pupil's teachers and the principal or other administrator.

§17:224. Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers.
A. Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher, or supervisor of child welfare and attendance, to the juvenile court of the parish, there to be dealt with in the manner prescribed by law.

B. Notwithstanding the provisions of R.S. 17:416 to the contrary, any student who exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion, assignment to an appropriate alternative education program, or transfer to adult education if such student is:

(1) Seventeen years of age or older with less than five units of credit toward graduation.
(2) Eighteen years of age or older with less than ten units of credit toward graduation
(3) Nineteen years of age or older with less than fifteen units of credit toward graduation.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§17:221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges.
A.(1) Every parent, tutor, or other person residing within the state of Louisiana having control or charge of any child from that child's seventh birthday until his eighteenth birthday shall send such child to a public or private day school, unless the child graduates from high school prior to his eighteenth birthday. Any child below the age of seven who legally enrolls in school shall also be subject to the provisions of this
Subpart. Every parent, tutor, or other person responsible for sending a child to a public or private day school under provisions of this Subpart shall also assure the attendance of such child in regularly assigned classes during regular school hours established by the school board and shall assure that such child is not habitually tardy from school pursuant to the provisions of R.S. 17:233.

(2) Whoever violates the provisions of this Subsection shall be fined not more than two hundred and fifty dollars or imprisoned not more than thirty days, or both. The court shall impose a minimum condition of probation which may include that the parent, tutor, or other person having control or charge of the child participate in forty hours of school or community service activities, or a combination of forty hours of school or community service and attendance in parenting classes or family counseling sessions or programs approved by the court having jurisdiction, as applicable, or the suspension of any state-issued recreational license.

(3) Whoever violates any other provision of this Subpart or any other provision of law which provides for the penalty provided for in R.S. 17:221 shall be fined not more than fifteen dollars, and, for such violations, each day the violation continues shall constitute a separate offense.

(4) Visiting teachers or supervisors of child welfare and attendance, with the approval of the parish or city superintendents of schools, shall file proceedings in court to enforce the provisions of this Subpart.

B.(1) A city, parish, or other local public school board shall grant admission or readmission to school to any person who meets all of the following criteria:

(a) Resides within the geographic boundaries of the school system.

(b) Meets the eligibility requirements for school entrance pursuant to R.S. 17:222(A).

(c) Is nineteen years of age or younger on September thirtieth of the calendar year in which the school year begins or is twenty years of age on September thirtieth of the calendar year in which the school year begins and has sufficient course credits that he will be able to graduate within one school year of admission or readmission.

(d) Has not received a high school diploma or its equivalent.

(e) Is otherwise eligible for enrollment in a public school pursuant to state law and the policies of the local school board and the State Board of Elementary and Secondary Education.

(2) If a person meets all of the criteria in Paragraph (1) of this Subsection, no city, parish, or other local public school board may deny him admission or readmission based on any of the following characteristics:

(a) The person voluntarily withdrew from school.

(b) The person is pregnant.

(c) The person is a parent.

(d) The person is married.

(3) The admission or readmission of a person who will be twenty years of age on September thirtieth of the calendar year in which the school year begins shall be limited to grade twelve.

(4) The admission or readmission of any person who has been suspended or expelled from a Louisiana public school is subject to all laws and policies applicable to such disciplinary actions.

(5) The admission or readmission of a person with an exceptionality is subject to federal and state law governing the age of eligibility for services for students with exceptionailities.

C. Each of the school boards shall:

(1) Develop and submit to the state Superintendent of Education a detailed written program plan designed to improve school attendance, based on local needs and resources.
(2) Give priority in selecting pilot schools within the local school districts to those with the highest percentage of nonattendance, and

(3) Focus the program in a manner designed to remedy the underlying problems causing poor school attendance.

D. Each school shall develop and implement a system whereby the school shall attempt to provide verbal notification and, if such verbal notification cannot be provided, shall provide written notification to a child’s parent, tutor, or legal guardian when that child has been absent from school for five school days in schools operating on a semester basis, and for ten days in schools not operating on a semester basis.


F. The parent, tutor, or other person responsible for the school attendance of a child who is under age eighteen and who is enrolled in school beyond his sixteenth birthday may request that the student be allowed to attend an alternative education program or a vocational-technical education program. In the case of a child who has no parent, tutor, or other person responsible for his school attendance, the superintendent of the city, parish, or other local public school system may act on behalf of the student in making such a request. Upon such request, the superintendent of the city, parish, or other local school system in which the student is enrolled shall be responsible for determining whether the student remains in the regular school setting or attends an alternative education program or a vocational-technical education program and for developing and implementing an individualized plan of education for such student.

G. The provisions of Paragraph (A)(1) of this Section shall not be applicable to any child who is under the age of seventeen and is attending or is seeking admission to a National Guard Youth Challenge Program in this state, and the parent, tutor, or legal guardian of any such child shall not be considered in violation of the provisions of Paragraph (A)(1) of this Section.

H. Nothing in this Section shall prohibit any child from attending or seeking admission to a National Guard Youth Challenge Program in this state.

I. Nothing in this Section shall prohibit a child who is at least sixteen years of age, who meets criteria established by the State Board of Elementary and Secondary Education for enrolling in an effective adult education program, from enrolling in and attending such a program. A parent, tutor, or other person responsible for the school attendance of a child who is at least sixteen years of age but under age eighteen and who is enrolled in and is fulfilling the attendance requirements of an adult education program shall be considered to be in compliance with the school attendance provisions of Paragraph (A)(1) of this Section. As used in this Subsection, an "effective adult education program" means an approved program that has demonstrated a proven record of student progress in the attainment of basic skills and essential competencies as determined by quality indicators and performance-based criteria developed and adopted by the Board of Supervisors of Community and Technical Colleges in accordance with R.S. 17:3217.1(D)(2).

J. Pursuant to a policy adopted by a school board as defined by and in compliance with R.S. 32:431.1, the driving privileges of a child under eighteen years of age may be denied or suspended if the child withdraws from school prior to graduation or has been determined to be habitually absent or tardy as provided in R.S. 17:233.

K. A child who is at least seventeen years of age and who, after successfully completing a program established by the State Board of Elementary and Secondary Education, has been issued a Louisiana high school equivalency diploma in accordance with criteria established by the Board of Supervisors of Community and Technical Colleges shall be considered exited from high school and shall not be subject to the provisions of this Subpart.
§17:232. Attendance records, principals’ and teachers’ duty to furnish; penalty for violation; pupil absence upon own authority prohibited; notice.

A. Visiting teachers, or supervisors of child welfare and attendance, shall receive the cooperation of all teachers and principals, public and private, in the parish or city in which they are appointed to serve. The principals, or heads, and the teachers of all schools, public, private, denominational, and parochial, shall report in writing to the visiting teachers, or supervisors of child welfare and attendance, the name, birthdate, race, parents, and residence of each pupil in attendance at their schools or classes within thirty days after the beginning of the school term or session, and at such other times as may be required, and make such other reports not inconsistent with law on attendance, census, and child-school adjustment as may be required by the State Board of Elementary and Secondary Education or the State Department of Education, all in accordance with rules adopted pursuant to the Administrative Procedure Act and reviewed in public hearings by legislative oversight subcommittees acting under the authority of R.S. 49:968.

B.(1) The attendance of all school pupils shall be checked each school day and at the beginning of each class period and shall be verified by the teacher keeping such record, which shall be open to inspection by the visiting teacher, or supervisor of child welfare and attendance, or duly authorized representative, at all reasonable times. All schools shall immediately report to the visiting teacher, or supervisor of child welfare and attendance, any unexplained, unexcused, or illegal absence, or habitual tardiness.

(2) Effective with the 1995-1996 school year and thereafter, no public elementary or secondary school pupil shall be permitted for any reason to absent himself from school attendance during the school day upon his own authority. The school principal or the principal’s designee shall make all reasonable efforts to verbally notify the parent or other person responsible for the pupil’s school attendance of any such prohibited absence by a pupil. For the purposes of notification as required by this Paragraph, a parent or other person responsible for a pupil’s school attendance may designate in writing with the school principal one or more alternative contact persons.

C. The provisions of this Section shall not apply to schools which receive no local, state, or federal funds or support, directly or indirectly, and in which neither students nor their parents are recipients or beneficiaries of any local, state, or federal education program or assistance. However, such schools shall be required to report to the state Department of Education their total attendance as of the thirtieth day of their school term or session.

No school which violates the provisions of R.S. 14:358 or R.S. 42:54 shall be exempted from the provisions of this Section.

D. Notwithstanding any provision of law to the contrary, each school in this state, both public and nonpublic, shall, upon the request of the city or parish public school system within which such school is located, state whether any individual student is enrolled in such school and whether such pupil is fulfilling the compulsory attendance requirements provided under R.S. 17:221.

E. Whoever violates this Section shall be punished in accordance with R.S. 17:221.

§17:233. Cases of habitual absence or tardiness referred to juvenile or family court; denial or suspension of driving privileges.

A. Any student who is a juvenile and who is habitually absent from school or is habitually tardy shall be reported by visiting teachers and supervisors of child welfare and attendance to the family or juvenile court of the parish or city as a truant child, pursuant to the provisions of Chapter 2 of Title VII of the Louisiana Children’s Code relative to families in need of services, there to be dealt with in such manner as the court may determine, either by placing the truant in a home or in a public or private institution where school may be provided for the child, or otherwise.
B.(1)(a) A student shall be considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by any school personnel, truancy officer, or other law enforcement personnel have failed to correct the condition after the fifth unexcused absence or fifth unexcused occurrence of being tardy within any school semester.

(b) The parent or legal guardian of a student shall enforce the attendance of the student at the school to which the student is assigned.

(c) The principal of the school, or his designee, shall notify the parent or legal guardian in writing on or before a student's third unexcused absence or unexcused occurrence of being tardy, and shall hold a conference with such student's parent or legal guardian. This notification shall include information relative to the parent or legal guardian's legal responsibility to enforce the student's attendance at school and the civil penalties that may be incurred if the student is determined to be habitually absent or habitually tardy. The student's parent or legal guardian shall sign a receipt for such notification.

(d) The parent or legal guardian of any student in kindergarten through grade eight who is considered habitually absent or habitually tardy pursuant to the provisions of this Section shall be in violation of the provisions of Subparagraph (b) of this Paragraph and shall be punished as follows:

(i) A first offense shall be punishable by a fine of not more than fifty dollars or the performance of not less than twenty-five hours of community service.

(ii) Any subsequent offense shall be punishable in accordance with R.S. 17:221(A)(2).

(iii) For purposes of this Subparagraph, an offense means a violation of this Subsection by the parent or legal guardian of a child who is habitually absent or habitually tardy; multiple offenses may result from violations involving different habitually absent or tardy children of that parent or legal guardian.

(iv) In any case where the child is the subject of a court ordered custody or visitation plan, the parent or legal guardian who is lawfully exercising actual physical custody or visitation of the child shall be responsible for the child's attendance at school on those days and shall be solely responsible for any absence or tardiness of the child on such days. The parent or legal guardian not exercising actual physical custody or visitation on the day of the absence or tardiness shall not be in violation of this Section.

(2) In a nonpublic school, a student shall be considered habitually absent or tardy only when the student has been absent or tardy for more than five days within any month without approval of the parent or other person responsible for the student's school attendance and when the student's principal has filed a written report showing dates of absence or tardiness and dates and results of school contacts with the home.

C. If a student is less than eighteen years of age and is habitually absent or tardy as determined pursuant to this Section, the Department of Public Safety and Corrections may, upon notification from the school board, deny or suspend the driver's permit or license of the student in accordance with the provisions of R.S. 32:431.1.

D. For purposes of this Section, the term “tardy” shall include but not be limited to leaving or checking out of school unexcused prior to the regularly scheduled dismissal time at the end of the school day but shall not include reporting late to class when transferring from one class to another during the school day.

REGULATIONS

No relevant regulations found.
Substance use

LAWS

§17:240. Prohibition against use of tobacco in schools; prohibition against smoking on school bus; rules and regulations.

A. For purposes of this Section the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "School property" means school grounds, playgrounds, premises, and property, including but not limited to land, improvements, and school facilities, located on the property of any elementary or secondary school, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, and schools in the Special School District. "School property" also means any school vehicle used for the provision of academic and extracurricular programs and administration at any elementary or secondary school, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, and schools in the Special School District.

(2) "Smoking" means possession of a lighted cigar, cigarette, pipe, or any other lighted tobacco product, including but not limited to e-cigs, e-cigarettes, electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods.

B. (1) Notwithstanding any other provision of law, no person shall smoke, chew, inhale, ingest, absorb, or otherwise consume any tobacco or tobacco product in any elementary or secondary school building nor shall any student or school employee smoke, chew, inhale, or absorb, or otherwise consume any tobacco product on any other school property; however, this prohibition shall not be applicable to any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is marketed and sold solely for such an approved purpose.

(2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device, including but not limited to e-cigs, e-cigarettes, electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods on any school property.

(3) The use of tobacco or any tobacco product is hereby prohibited on any school bus or school vehicle transporting students attending any elementary or secondary school.

(4) The provisions of this Subsection shall not apply to any school property that is rented, leased, or otherwise made available for use for non-educational purposes.

C. (1) The governing authority of each public elementary or secondary school shall and any governing authority of any nonpublic elementary or secondary school may adopt necessary rules and regulations to assure compliance with the provisions of this Section.

(2) The governing authority of each public elementary or secondary school and each nonpublic elementary or secondary school may provide for appropriate penalties for violators, including but not limited to disciplinary action or a fine not to exceed two hundred dollars, or both.

(3) The provisions of this Section shall be enforced by the local superintendents of education or their designees pursuant to any rules, regulations, and penalties promulgated pursuant to this Section.

D. Nothing in this Section shall apply to a home study program approved by the State Board of Elementary and Secondary Education in accordance with the provisions of R.S. 17:236.1.

§17:416. Discipline of students; suspension; expulsion.

B. (1)(b)(i) Notwithstanding the provisions of Subsection A of this Section, the principal shall immediately suspend a student ... who possesses, distributes, sells, gives, or loans any controlled dangerous
substance governed by the Uniform Controlled Dangerous Substances Law, in any form. He shall immediately recommend the student's expulsion in accordance with Subsection C of this Section.

(c) The provisions of this Section shall not apply to the following:

(ii) A student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

C.(2)(a)(ii) Notwithstanding the provisions of Subsection B of this Section, any student sixteen years of age or older found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph (1) of this Subsection shall be expelled from school for a minimum period of four complete school semesters.

(b)(ii) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph (1) of this Subsection shall be expelled from school for a minimum period of two complete school semesters.

(c)(i) Any case involving a student in kindergarten through grade five found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph (1) of this Subsection shall be referred to the city, parish, or other local public school board where the student attends school through a recommendation for action from the superintendent.

(3)(a) Any student arrested for possession of, or intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property shall be referred by the school principal or his designee, within five days after such arrest, for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances.

(b) If evidence of abuse is found, the student shall be referred to an alcohol and drug abuse treatment professional chosen by the student's parent or tutor. If the student is found by the professional to be in need of treatment, and if the student agrees to cooperate in the recommended treatment, as certified in writing by the medical professional, such documentation may be used to initiate reopening the student's case. The school board shall take into consideration the student's agreement to receive treatment as a positive factor in the final decision relative to any final disciplinary action.

REGULATIONS

§1133. Substance Abuse.

A. Any school employee having reasonable cause to believe that a student possesses a controlled dangerous substance or an alcoholic beverage on a school campus shall report such fact to the principal of the school.

1. If a Substance Abuse Prevention Education (SAPE) team exists within the school, the principal shall forward the report to the chairperson of the team.

2. If the report has been given to the team directly or if the report has been forwarded to the team by the principal, the team shall discuss the circumstances of the report with the student reported without disclosing the name of the reporting person and shall meet with the parents of the student reported.
3. The team shall report to the principal of the school and make recommendations for treatment, counseling, or other appropriate action.

B. Any school employee having factual knowledge that a student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance shall report such fact to the principal of the school who, upon finding that there is reasonable cause to believe that the student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance, shall report such information to the appropriate law enforcement agency.

C. Any person who makes a report in good faith, pursuant to substance abuse, shall have immunity from civil liability that otherwise might be incurred. Such immunity shall extend to testimony in any judicial proceeding resulting from such report.

§1143. Prohibition against the Use of Tobacco.
A. No person shall smoke, chew, or otherwise consume any tobacco or tobacco product in any elementary or secondary school building.
B. No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device on the grounds of any public or private elementary or secondary school property, except in an area specifically designated as a smoking area.
C. Smoking shall be prohibited on any school bus transporting students attending any public elementary or secondary school.

§1305. Reasons for suspension.
A. School principals may suspend from school any student, including an exceptional student, for good cause in accordance with state law and local policy.
B. Students determined to be guilty of the following offenses may be suspended for the following reasons:
   1. Willful disobedience;
   2. Disrespect to a teacher, principal, superintendent, and/or member or employee of the local school board;
   3. Making an unfounded charge against a teacher, principal, superintendent, and/or member or employee of the local school board;
   4. Using unchaste or profane language;
   5. Immoral or vicious practices;
   6. Conduct or habits injurious to his/her associates;
   7. Using tobacco and/or using and possessing alcoholic beverages or any controlled dangerous substances governed by the Uniformed Controlled Dangerous Substance Law in any form in school buildings or on school grounds;
   8. Disturbing the school and habitually violating the rules;
   9. Cutting, defacing, or injuring any part of public school buildings;
   10. Writing profane or obscene language or drawing obscene pictures in or on any public school premises, or on any fence, sidewalk, or building on the way to or from school;
   11. Possessing firearms, knives, or other implements that can be used as weapons;
   12. Throwing missiles on the school grounds;
   13. Instigating or participating in fights while under school supervision;
   14. Violating traffic and safety regulations;
15. Leaving the school premises without permission or his/her classroom or detention room without permission;
16. Habitual tardiness or absenteeism; and
17. Committing any other serious offense.

§1307. Reasons for expulsions.
A. Students may be expelled for any of the following reasons:
   1. Any student, after being suspended for committing any of the offenses listed in §1103, may be expelled upon recommendation by the principal of the public school in which the student is enrolled;
   2. Any student, after being suspended on three occasions for committing drugs or weapons offenses during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority;
   3. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board; such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority;
   4. Any student found guilty of being in possession of a firearm on school property or on a school bus or at a school sponsored event shall be expelled from school according to the requirements of R.S. 17:416(C)(2);
   5. Any student in grades six and up found guilty of being in possession of any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2).
   6. Any student older than eleven and in grades six and up, carrying or possessing a knife the blade of which equals or exceeds two inches in length.

B. School officials shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by this Section for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the student's intent to use the firearm or knife in a criminal manner.

C. Expulsion is not mandatory for a student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials or for a student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

Bullying, harassment, or hazing

LAWS

§14:40.7. Cyberbullying.
A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen.
B. For purposes of this Section:
(1) “Cable operator” means any person or group of persons who provides cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(2) “Electronic textual, visual, written, or oral communication” means any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

(3) “Interactive computer service” means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(4) “Telecommunications service” means the offering of telecommunications for a fee directly to the public, regardless of the facilities used.

C. An offense committed pursuant to the provisions of this Section may be deemed to have been committed where the communication was originally sent, originally received, or originally viewed by any person.

D.(1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) When the offender is under the age of eighteen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

E. The provisions of this Section shall not apply to a provider of an interactive computer service, provider of a telecommunications service, or a cable operator as defined by the provisions of this Section.

F. The provisions of this Section shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 8 of the Constitution of Louisiana.

§14:40.8. Criminal hazing.

A.(1) Except as provided by Subsection D of this Section, it shall be unlawful for any person to commit an act of hazing.

(2)(a) Except as provided by Subparagraph (b) of this Paragraph, any person who commits an act of hazing shall be either fined up to one thousand dollars, imprisoned for up to six months, or both.

(b) If the hazing results in the serious bodily injury or death of the victim, or the hazing involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least 0.30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, any person who commits an act of hazing shall be fined up to ten thousand dollars and imprisoned, with or without hard labor, for up to five years.

B.(1)(a) If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities provided for in Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time of the hazing, knew and failed to report, as soon as practicable under the circumstances, to law enforcement that one or more of the organization’s members were hazing another person, the organization may be subject to the following:

(i) Payment of a fine of up to ten thousand dollars.

(ii) Forfeiture of any public funds received by the organization.
(iii) Forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by the court. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of at least 0.30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

(b) Information reported to law enforcement as provided in Subparagraph (a) of this Paragraph shall include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.

(2) An education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution shall report, as soon as practicable under the circumstances, the alleged act or acts to the law enforcement agency having jurisdiction in the place where the alleged act or acts of hazing occurred. The information reported to law enforcement as required by this Paragraph shall include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. Any education institution who fails to comply with the provisions of this Paragraph may be subject to a fine of up to ten thousand dollars.

C. For purposes of this Section:

(1) “Education institution” means any elementary or secondary school or any postsecondary education institution in this state.

(2)(a) “Hazing” is any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

(i) The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress.

(ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

(iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(c) A physical activity that is normal, customary, and necessary for a person’s training and participation in an athletic, physical education, military training, or similar program sanctioned by the education institution is not considered “hazing” for purposes of this Section.

(3) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose
members are primarily students at, or former students of, an education institution." Organization” includes the national or parent organization of which any of the underlying entities provided for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

(4) “Pledging”, also known as “recruitment” or “rushing”, means any action or activity related to becoming a member of an organization.

D.(1) This Section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself to be hazed.

(2) It is not a defense to prosecution for a violation of this Section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.

E.(1) The penalties provided in Subsection B of this Section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same incident or activity, and in addition to any penalty imposed by the organization or education institution pursuant to its by-laws, rules, or policies regarding hazing.

(2) Nothing in this Section precludes any civil remedy provided by law.

§17:183. Hazing; public elementary and secondary students; intent and findings; definitions; policies.

A.(1) It is the intent of the legislature that every public elementary and secondary school in this state shall be a safe, orderly, civil, and positive learning environment so that no student in this state feels threatened while in school.

(2) The legislature finds that while some forms of initiation for membership in student clubs and organizations constitute acceptable behavior, the hazing of students may degenerate into a dangerous form of intimidation and degradation.

B.(1) As used in this Section, "hazing" means any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or extracurricular activity at a public elementary or secondary school, whether such behavior is planned or occurs on or off school property, including any school bus and school bus stop.

(2) Hazing does not mean any adult-directed and school-sanctioned athletic program practice or event or military training program.

C. Hazing is prohibited in public elementary and secondary schools.

D.(1) Each city, parish, and other local public school board shall develop, adopt, and post a policy to enforce the prohibition in this Section against hazing and to prevent its occurrence.

(2) Each such policy shall include, at a minimum, the following:

(a) A statement that hazing of students, as defined in Subsection B of this Section, is prohibited.

(b) A statement that any solicitation to engage in hazing is prohibited.

(c) A statement that aiding and abetting another person who engages in hazing is prohibited.

(d) A statement that consent of the hazing victim is not a defense.

(e) A statement that all students, teachers, and other school employees shall take reasonable measures within the scope of their individual authority to prevent violations of the policy.

(f) A description of the procedures for students, teachers, and other school employees to report violations of the policy and the procedures to file a complaint for a violation of the policy.

(g) Procedures to investigate reports or complaints of violations of the policy.
(h) A description of the circumstances under which a violation of the policy shall be reported to the appropriate law enforcement agency.

(i) A description of the appropriate penalties and appeal mechanisms for persons that violate the policy.

E. Nothing in this Section shall be construed to limit or exclude prosecution of or punishment for any crime or to limit the right to pursue any civil remedy.

§17:416. Discipline of students; suspension; expulsion.

A.(1)(b)(i) Each teacher may take disciplinary action to correct a student who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another student, who engages in bullying, who violates school rules, or who interferes with an orderly education process.

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action may include but is not limited to:

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with school board policy.

(1)(c)(i) When a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well being of any student or teacher, when a student exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a student or a teacher, when a student violates the school's code of conduct, or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects, inciting other students to misbehave, or destroying property, the teacher may have the student immediately removed from his classroom and placed in the custody of the principal or his designee. A student removed from the classroom pursuant to this Subparagraph shall be assigned school work missed and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the student's teacher; however, the teacher shall not be required to interrupt class instruction time to prepare any such assignment.

(ii)(aa) Upon being sent to the principal's office pursuant to the provisions of this Subparagraph, the principal or his designee shall advise the pupil of the particular misconduct of which he is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his version of the facts. The principal or his designee then shall conduct a counseling session with the pupil as may be appropriate to establish a course of action, consistent with school board policy to identify and correct the behavior for which the pupil is being disciplined.

(ii)(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of pupils from the classroom. The principal or his designee may provide to such teachers guidance and support on practicing effective classroom management including but not limited to positive behavior supports.
§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

A. Code of Conduct. The governing authority of each public elementary and secondary school shall adopt a student code of conduct for the students in the schools under its jurisdiction. The code of conduct shall be in compliance with all existing rules, regulations, and policies of the school board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.

B. Bullying Policy.

(1) The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct, a policy prohibiting the bullying of a student by another student, which includes the definition of bullying as provided in Subsection C of this Section. This policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.

(2) The governing authority of each public elementary and secondary school shall:

(a) Conduct a review of the student code of conduct required by this Section and amend the code as may be necessary to assure that the policy prohibiting the bullying of a student by another student specifically addresses the behavior constituting bullying, the effect the behavior has on others, including bystanders, and the disciplinary and criminal consequences, and includes the definition of bullying as provided in Subsection C of this Section.

(b) Create a program to provide a minimum of four hours of training for new employees who have contact with students and two hours of training each year for all school employees who have contact with students, including bus operators, with respect to bullying. The training shall specifically include the following:

(i) How to recognize the behaviors defined as bullying in Subsection C of this Section.

(ii) How to identify students at each grade level in the employee's school who are most likely to become victims of bullying, while not excluding any student from protection from bullying.

(iii) How to use appropriate intervention and remediation techniques and procedures.

(iv) The procedures by which incidents of bullying are to be reported to school officials.

(v) Information on suicide prevention, including the relationship between suicide risk factors and bullying. This content shall be based on information supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience.

C. Definition of Bullying. "Bullying" means:

(1) A pattern of any one or more of the following:

(a) Gestures, including but not limited to obscene gestures and making faces.

(b) Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.

(c) Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.

(d) Repeatedly and purposefully shunning or excluding from activities.
(2)(a) Where the pattern of behavior as provided in Paragraph (1) of this Subsection is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.

(b) The pattern of behavior as provided in Paragraph (1) of this Subsection must have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(1) Notice to Students and Parents. The governing authority of each public elementary and secondary school shall inform each student, orally and in writing at the orientation required under R.S. 17:416.20, of the prohibition against bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license as provided in R.S. 17:416.1, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

(2) Reporting.

(a) The governing authority of each public elementary and secondary school shall develop a procedure for the reporting of incidents of bullying. This shall include a form for the purposes of bullying reports. The form shall include an affirmation of truth of statement. Any bullying report submitted regardless of recipient shall use this form, but additional information may be provided. The form shall be available on the Department of Education's website.

(b) Students and parents. Any student who believes that he has been, or is currently, the victim of bullying, or any student, or any parent or guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity. Any report of bullying shall remain confidential.

(c) School personnel. Any teacher, counselor, bus operator, or other school employee, whether full- or part-time, and any parent chaperoning or supervising a school function or activity, who witnesses bullying or who learns of bullying from a student pursuant to Subparagraph (b) of this Paragraph, shall report the incident to a school official. A verbal report shall be submitted by the school employee or the parent on the same day as the employee or parent witnessed or otherwise learned of the bullying incident, and a written report shall be filed no later than two days thereafter.

(d) Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to discipline. School and district resources shall not be used to prohibit or dissuade any person who meets the specifications of this Subparagraph.

(e) False Reports. Intentionally making false reports about bullying to school officials is prohibited conduct and will result in the appropriate disciplinary measures as determined by the governing
authority of the school in accordance with the rules and regulations of the State Board of Elementary and Secondary Education.

(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

(a) Scope of investigation. An investigation shall include an interview of the reporter, the victim, the alleged bully, and any witnesses, and shall include obtaining copies or photographs of any audio-visual evidence.

(b) Timing. The school shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by the school official. The investigation shall be completed not later than ten school days after the date the written report of the incident is submitted to the appropriate school official. If additional information is received after the end of the ten-day period, the school principal or his designee shall amend all documents and reports required by this Section to reflect such information.

(c) Appeal.

(i) If the school official does not take timely and effective action pursuant to this Section, the student, parent, or school employee may report the bullying incident to the city, parish, or other local school board or local school governing authority. The school board or school governing authority shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by a school board or governing authority official.

(ii) If the school board does not take timely and effective action, the student, parent, or other school employee may report the bullying incident to the state Department of Education. The department shall track the number of reports, shall notify in writing the superintendent and the president of the school's governing authority, and shall publish the number of reports by school district or governing authority on its website. The department shall provide both the number of actual reports received and the number of reports received by affected student.

(iii) For the purposes of this Section, a report means a written document that meets the requirements of Subparagraph (2)(a) of this Subsection.

(d) Parental Notification.

(i) Upon receiving a report of bullying, the school official shall notify the student's parent or legal guardian according to the definition of notice created by the state Department of Education.

(ii) Under no circumstances shall the delivery of the notice to the parent or legal guardian, which is required by this Subsection, be the responsibility of an involved student. Delivery of the notice by an involved student shall not constitute notice as is required pursuant to this Subsection.

(iii) Before any student under the age of eighteen is interviewed, his parent or legal guardian shall be notified by the school official of the allegations made and shall have the opportunity to attend any interviews with his child conducted as part of the investigation. If, after three attempts in a forty-eight-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed.

(iv) The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop a procedure for meetings with the parent or legal guardian of the victim and the parent or legal guardian of the alleged perpetrator. This procedure shall include:
(aa) Separate meetings with the parents or legal guardians of the victim and the parents or legal guardians of the alleged perpetrator.

(bb) Notification of parents or legal guardians of the victim and of the alleged perpetrator of the available potential consequences, penalties, and counseling options.

(cc) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent or legal guardian of a student who is under the age of eighteen and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the student's behavior and, after notice, the parent, tutor, or legal guardian willfully refuses to attend, that the principal or his designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

(e) Disciplinary Action. If the school has received a report of bullying, has determined that an act of bullying has occurred, and after meeting with the parent or legal guardian of the students involved, the school official shall:

(i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416 and 416.1, against the student that the school official determines has engaged in conduct which constitutes bullying, if appropriate.

(ii) Report criminal conduct to law enforcement, if appropriate.

(f) Parental Relief.

(i) If a parent, legal guardian, teacher, or other school official has made four or more reports of separate instances of bullying, as provided in Paragraph (2) of this Subsection, and no investigation pursuant to Paragraph (3) of this Subsection has occurred, the parent or legal guardian with responsibility for decisions regarding the education of the victim about whom the report or reports have been made may exercise an option to have the student enroll in or attend another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled on the dates when at least three of the reports were submitted.

(ii) The parent shall file a request with the superintendent for the transfer of the student to another school under the governing authority's jurisdiction.

(iii) The governing authority of the public elementary or secondary school in which the student is enrolled shall make a seat available at another public elementary or secondary school under its jurisdiction within ten school days of the parent or legal guardian's request for a transfer. If the governing authority has no other school under its jurisdiction serving the grade level of the victim, within fifteen school days of receiving the request, the superintendent or director of the governing authority shall:

(aa) Inform the student and his parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.

(bb) Offer the student a placement in a full-time virtual program or virtual school under the jurisdiction of the school's governing authority.

(cc) Enter into a memorandum of understanding with the superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the victim under the jurisdiction of the governing authority, pursuant to R.S. 17:105 and 105.1.

(iv) If no seat or other placement pursuant to Item (iii) of this Subparagraph is made available within thirty calendar days of the receipt by the superintendent of the request, the parent or legal guardian may request a hearing with the school's governing authority, which shall be public or private at the
option of the parent or legal guardian. The school's governing authority shall grant the hearing at the next scheduled meeting or within sixty calendar days, whichever is sooner.

(v) At the end of any school year, the parent or legal guardian may make a request to the governing authority of the school at which the student was enrolled when at least three of the reports were filed to transfer the student back to the school. The governing authority shall make a seat available at the school at which the student was originally enrolled. No other schools shall qualify for transfer under this Subparagraph.

(g) Documentation.

(i) The state Department of Education shall develop a behavior incidence checklist that the governing authority of each public elementary and secondary school shall use to document the details of each reported incident of bullying.

(ii) The governing authority of each public elementary and secondary school shall report all such documented incidences of bullying to the state Department of Education as prescribed in rules adopted by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act and documented incidents in reports received by the local superintendent of schools pursuant to R.S. 17:415.

(iii) After the investigation and meeting with the parents, pursuant to this Section, a school, local school board or other local school governing authority shall:

(aa) Compose a written document containing the findings of the investigation, including input from the students' parents or legal guardian, and the decision by the school or school system official. The document shall be placed in the school records of both students.

(bb) Promptly notify the complainant of the findings of the investigation and that remedial action has been taken, if such release of information does not violate the law.

(cc) Keep complaints and investigative reports confidential, except as provided in this Section and where disclosure is required to be made pursuant to 20 U.S.C. 1232g or by other applicable federal laws, rules, or regulations or by state law.

(dd) Maintain complaints and investigative reports for three years in the event that disclosure is warranted by law enforcement officials.

(ee) As applicable, provide a copy of any reports and investigative documents to the governing authority of the school in order that the governing authority can comply with the provisions of R.S. 17:416.1.

(ff) As applicable, provide a copy of any reports and investigative documents to the state Department of Education. Upon receipt, the department shall remove any reports related to the investigative documents from notation on the department's website, but shall maintain a record of those reports for three years.

E. Parental Responsibilities. Nothing herein shall be deemed to interfere with the authority and the responsibility that a parent or legal guardian has for the student at all times, but particularly when the student is not on the school premises, is not engaged in a school-sponsored function or school-sponsored activity, and is not being transported by school-sponsored means of transportation.

F. This Section shall not be interpreted to conflict with or supercede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code Article 609 and as enforced through R.S. 14:403.

G. Preclusion.

(1) This Section shall not be interpreted to prevent a victim of bullying, or his parent or legal guardian, from seeking redress under any other available law, either civil or criminal.
(2) Nothing in this Section is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

H. Construction; equal protection. All students subject to the provisions of this Section shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.

§17:1801. Hazing prohibited; reporting; documentation.
A. Hazing in any form, or the use of any method of initiation into organizations in any education institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.
B. Whoever violates the provisions of this Section shall be expelled, suspended, or dismissed from the education institution and not permitted to return for at least one semester, quarter, or comparable academic period. In addition, the person violating the provisions of this Section may also be subject to the provisions of R.S. 14:40.8 which provides penalties for certain hazing activity.

§17:1801.1. Hazing education; policies; new student orientation; organizations.
A. Not later than August 1, 2018, the Board of Regents shall develop and adopt a uniform policy on hazing prevention. The policy shall define hazing as defined in R.S. 17:1801. Each postsecondary education institution shall adopt the uniform policy developed by the Board of Regents. An institution may expand the definition of hazing to prohibit additional behaviors it determines may be dangerous but shall not otherwise amend the definition.
B. (1) Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
   (2) In addition to the requirement provided in Paragraph (1) of this Subsection, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
   (3) If the student receiving the information required by Paragraphs (1) and (2) of this Subsection is a minor, the information shall also be provided to his parent or legal guardian.
C. Each organization as defined in R.S. 17:1801 shall, as a condition of operating at an institution, adopt the hazing prevention policy that the institution has adopted pursuant to Subsection A of this Section, which shall include possible institutional sanctions against the organization in the event of a reported or confirmed hazing incident, and a policy that prohibits hazing. Each organization shall provide annually at least one hour of hazing prevention education that includes education relative to such policies to all members, prospective members, and anyone who is employed by or volunteers with the organization. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students, employees, and volunteers receiving such education evidenced by an attestation of such individuals receiving the education.

REGULATIONS

§1303. Bullying.
A. Policy. Each LEA shall develop and adopt a policy that prohibits the bullying of a student by another student.
   1. The bullying policy must be implemented in a manner that is ongoing throughout the year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.
   2. The policy shall contain the definition of bullying found in this Section and shall address the following:
      a. Behavior constituting bullying;
b. The effect the behavior has on others, including bystanders; and  
c. The disciplinary and criminal consequences of bullying another student

Other special infractions or conditions

LAWS

§14:34.3. Battery of a school teacher.
A. Battery of a school teacher is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of employment duties.
B. For purposes of this Section:
   (1) "School teacher" shall include any teacher or instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution. For purposes of this Section, "school teacher" shall also include any teacher aide and paraprofessional, school bus driver, food service worker, and other clerical, custodial, or maintenance personnel employed by a city, parish, or other local public school board.
   (2) "School" means any public or nonpublic elementary, secondary, high school, vocational-technical school, college, special, or postsecondary school or institution, or university in this state.
   (3) "Student" means any person registered or enrolled at the school where the school teacher is employed.
C. Whoever commits the crime of battery of a school teacher shall be punished as follows:
   (1) If the battery was committed by a student, upon conviction, the offender shall be fined not more than five thousand dollars or imprisoned not less than thirty days nor more than one year. At least seventy-two hours of the sentence imposed shall be imposed without benefit of suspension of sentence.
   (2) If the battery was committed by someone who is not a student, the offender shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not less than one year nor more than five years, or both.
   (3) If the battery produces an injury that requires medical attention, the offender shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not less than one year nor more than five years, or both.

§17:239. Prohibition against unauthorized use of electronic telecommunication devices; exceptions; penalties.
A. Effective beginning with the 2003-2004 school year and thereafter, no student, unless authorized by the school principal or his designee shall use or operate any electronic telecommunication device including any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system in any public elementary or secondary school building or on the grounds thereof or in any school bus used to transport public school students.
B. A violation of the provisions of Subsection A of this Section may be grounds for disciplinary action by the school system, including but not limited to suspension from school.
C. Nothing in this Section shall affect the conduct of law enforcement activities including the use of electronic detection devices, dogs, or other means of conducting searches for weapons, drugs, or other contraband in whatever manner is otherwise permitted by law and consistent with local school board policy.
D. Nothing in this Section shall prohibit the use and operation by any person, including students, of any electronic telecommunication device described in Subsection A of this Section in the event of an emergency. Emergency means an actual or imminent threat to public health or safety which may result in loss of life, injury, or property damage.

§17:416. Discipline of students; suspension; expulsion.

J.(1) Notwithstanding the provisions of this Section or any other provision of law, a student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

(2) Notwithstanding any other provision of law to the contrary, this Subsection shall apply to charter schools. Furthermore, no charter school shall suggest to a parent that it has the authority to suspend or expel a student for a uniform violation that is not tied to willful disregard of school policies.

§17:416.12. Students; appropriate conduct; compliance.

A. Beginning with the 1999-2000 school year and thereafter, each city and parish school board shall require each student in each public school in kindergarten through fifth grade under the jurisdiction of the board to exhibit appropriate conduct as required in Subsection B of this Section.

B. When any public school student is speaking with any public school system employee while on school property or at a school sponsored event, such student shall address and respond to such public school system employee by using the respectful terms "Yes, Ma'am" and "No, Ma'am" or "Yes, Sir" and "No, Sir", as appropriate, or "Yes, Miss, Mrs., or Ms. (Surname)" and "No, Miss, Mrs., or Ms. (Surname)" or "Yes, Mr. (Surname)" and "No, Mr. (Surname)", as appropriate, each such title to be followed by the appropriate surname.

C. Each city and parish school board shall provide for incorporation of the requirements of this Section into any existing discipline policy or policies or any code of conduct of the school system or of each school within its jurisdiction.

D. Each city and parish school board shall take or provide for such appropriate actions necessary to discipline any student who fails to comply with the requirements of Subsection B of this Section. Provided however, no school board may provide suspension nor expulsion from school as an appropriate punishment for violation of the mandates of this Section.

§17:416.15. Zero tolerance policies; authorization; conflict resolution classes; fees; compliance.

Any city, parish, or other local public school board may adopt and implement a zero tolerance policy for fighting in the schools under its jurisdiction. Such policy may include a requirement that a student who is disciplined pursuant to the policy and such student's parent or parents shall attend a conflict resolution class or classes and may include provisions for the school board to take appropriate action, as determined by the board, against any student or parent who fails to comply with the class attendance requirement. Such classes may be provided by the school board or other appropriate provider as determined by the board. Any city, parish, or other local public school board may charge a fee for such attendance in an amount as may be determined by the board. However, such fee amount shall not exceed one hundred dollars.

REGULATIONS

No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

B. Bullying Policy.

(1) The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct, a policy prohibiting the bullying of a student by another student, which includes the definition of bullying as provided in Subsection C of this Section. This policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

§17:416.17. Youth development and assistance programs; legislative findings and purpose; school authority for programs for elementary students.

A.(1) The legislature finds that early identification and intervention of aggressive, antisocial, or delinquent behaviors are critical components in recognizing and preventing chronic juvenile delinquency in later years.

(2) The legislature further finds that school-based preventive interventions for violent or aggressive behavior in youth are recognized as beneficial to the overall developmental success of students.

(3) The legislature recognizes that the introduction of violence prevention strategies in the early elementary grades may reduce the incidence of delinquent behaviors in the later grades, especially when such programs include parental involvement in the prevention and intervention strategies.

(4) The purpose of this Section is to authorize elementary schools to develop prevention and intervention strategies to address disruptions and violence in schools to create safe school environments in which teachers can teach and students can learn and which increase student and family connectedness to the school.

B. A school may, upon approval of its governing authority, develop and offer youth development and assistance programs that employ violence prevention and intervention initiatives for students in kindergarten and the elementary grades. Such programs shall provide for early identification of and support for students who are at risk before their behavior escalates into aggression or disruption, disciplinary problems, or juvenile delinquency.

C.(1) A youth development and assistance program may consist of age- or grade-appropriate alternative classrooms during school or special intervention or prevention programs before, after, or during the school day.

(2) Such programs may include but shall not be limited to the following components:

   (a) Provision of services for students including behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.

   (b)(i) Provision of services which support the parents of students identified with behavioral needs that may need intervention or support. Such parent services may include literacy services or parental training.
(ii) Required participation of any parent of a student so identified in such intervention at the school or other designated facility.

(c) Collaboration with community-based organizations, including but not limited to youth services, civic, social services, mental health, volunteer services, and juvenile justice agencies.

D. The provisions of this Section shall be implemented upon the approval of each city, parish, or other local public school board of any program submitted by a school and the availability of funds to a school for such purpose.

§17:437.1. Suicide prevention; in-service training; materials and supplies; limitation on liability.

A. The State Board of Elementary and Secondary Education shall develop and adopt guidelines for in-service training in suicide prevention as provided for in Subsection B of this Section. The board, in coordination with the Louisiana Department of Health, shall identify suitable programs for use in such training. The state Department of Education shall post on its website a listing of approved programs. The list shall include instructions on accessing such programs. The board shall update the list every five years.

B. (1) The board shall adopt rules to require that all public and approved nonpublic school teachers, school counselors, and principals and, as determined by the board, other school administrators for whom such training is deemed beneficial participate annually in at least two hours of in-service training in suicide prevention. Such rules shall include provisions permitting such training to be provided by self-review of suitable materials.

(2) The training shall address the following:

(a) Increasing awareness of risk factors including but not limited to the following:

(1) Mental health and substance abuse conditions.

(2) Childhood abuse, neglect, and trauma.

(3) Potential causes of stress, such as bullying, harassment, and relationship problems.

(4) Secondary trauma from a suicide or sensationalized or graphic accounts of suicide in media.

(5) History of suicide attempts and related family history.

(b) How teachers should respond to suspicious behavior or warning signs exhibited by students.

(c) How teachers should respond to a crisis situation in which a student is an imminent danger to himself.

(d) Policies and protocol for communication with parents, including specifications for circumstances in which parental notification is not in the best interest of the student.

(e) Counseling services available within the school for students and their families related to suicide prevention.

(f) Dissemination of information concerning crisis intervention, suicide prevention, and mental health services in the community for students and their families and school employees.

(g) Community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the school system and such an entity in the community or region.

C. (1) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of or good faith attempt to implement the provisions of this Section or resulting from any training or lack thereof required by this Section, unless such loss or damage was caused by willful or wanton misconduct.

(2) Neither the training required by this Section nor the lack thereof shall be construed to impose any specific duty of care.
D.(1) The State Board of Elementary and Secondary Education shall randomly survey employees of public and approved nonpublic secondary schools to ascertain their compliance with the suicide prevention training requirements of this Section.

(2) The governing authority of each such secondary school shall document and verify to the state Department of Education, by December thirty-first of each year, that all school employees have received the mandatory suicide prevention training as outlined in this Section.

(3) The board shall annually develop a written report of the survey findings and any recommendations and shall submit such report to the Senate Committee on Education, the House Committee on Education, the Senate Committee on Health and Welfare, and the House Committee on Health and Welfare not later than March first of each year.

E. This Section shall be known and may be cited as the "Jason Flatt Act".

§40:2404.1. Additional powers of the council, school resource officers, school violence prevention training program.

A. In accordance with the provisions of R.S. 40:2404(11) and R.S. 17:416.19, the Council on Peace Officer Standards and Training shall develop and implement a School Violence Prevention Training Program under their jurisdiction and within the existing school resource officer program in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§17:221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges.

A.(1) Every parent, tutor, or other person residing within the state of Louisiana having control or charge of any child from that child's seventh birthday until his eighteenth birthday shall send such child to a public or private day school, unless the child graduates from high school prior to his eighteenth birthday. Any child below the age of seven who legally enrolls in school shall also be subject to the provisions of this Subpart. Every parent, tutor, or other person responsible for sending a child to a public or private day school under provisions of this Subpart shall also assure the attendance of such child in regularly assigned classes during regular school hours established by the school board and shall assure that such child is not habitually tardy from school pursuant to the provisions of R.S. 17:233.

(2) Whoever violates the provisions of this Subsection shall be fined not more than two hundred and fifty dollars or imprisoned not more than thirty days, or both. The court shall impose a minimum condition of probation which may include that the parent, tutor, or other person having control or charge of the child participate in forty hours of school or community service activities, or a combination of forty hours of school or community service and attendance in parenting classes or family counseling sessions or programs approved by the court having jurisdiction, as applicable, or the suspension of any state-issued recreational license.
§17:221.4. Louisiana school dropout prevention act.
A. This Section shall be known and may be cited as the "Louisiana School Dropout Prevention Act".
B.(1) The State Board of Elementary and Secondary Education shall work with city, parish, and other local public school systems that have the lowest four-year cohort graduation rates. The state board shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all schools.
   (2) The state board shall develop specific methods of targeted intervention or identify appropriate existing methods for city, parish, and other local public school systems that have a four-year cohort graduation rate of less than eighty percent as determined by the state board. These intervention methods may include:
      (a) Early intervention for students who are at risk of failing Algebra I or any ninth grade math class.
      (b) Alternative programs designed to reengage dropouts.
      (c) Increased availability of advanced placement courses.
      (d) Comprehensive coaching for middle school students who are below grade level in reading and math.
      (e) Teacher advisories such as the use of graduation coaches and other supports that are designed to specifically address the needs of youth most at risk of dropping out of school.
      (f) Strategies specifically designed to improve the high school graduation rate of students at highest risk for dropping out, including youth in the foster care system, pregnant and parenting youth, Limited English Proficient students, and students with special education needs.
      (g) Communicating with students and their parents or legal guardians about the availability of local after school programs and the academic enrichment and other activities the programs offered.
      (h) Opportunities for credit recovery.
      (i) Opportunities to participate in the Jobs for America’s Graduates program.
   (3) The state board shall also gather the following data to ensure that all programs are research-based and data-driven and use such data for continuous program improvement:
      (a) Total number of high school suspensions and expulsions.
      (b) Total number of students enrolled in alternative schools.
      (c) Total number of students who have failed Algebra I or English I.
      (d) Total number of students who are repeating the ninth grade.
      (e) Total number of students required to repeat a ninth grade course.
   (4) City, parish, and other local public school systems that fail to show a decline in their annual dropout rates shall prepare and submit to the state board each year a written report that documents:
      (a) The outcomes of the dropout prevention strategies to date at the school system level.
      (b) How the school system dropout prevention strategies and activities will be modified, based on the data.
   (5) Each city, parish, and other local public school system shall:
      (a) Post the four-year cohort graduation rate for each high school in the system and for the system as a whole on its Internet website.
      (b) Send a written notice to the parent or other legal guardian of each high school student that contains the following information:
         (i) The four-year cohort dropout rate of the school in which the student is enrolled.
(ii) The number of students in the school in which the student is enrolled that have been identified as failing pursuant to the school and district accountability system.

C. A student who is under eighteen years of age, who withdraws from school prior to graduating from high school, and who has not enrolled in a dropout recovery program as provided in R.S. 17:221.6 shall exercise one of the following options within one hundred twenty days of leaving school:

1. Reenroll in school and make continual progress toward completing the requirements for high school graduation.

2. Enroll in a high school equivalency diploma program and make continual progress toward completing the requirements for earning such diploma.

3. Enlist in the Louisiana National Guard or a branch of the United States Armed Forces, with a commitment for at least two years of service, and earn a high school equivalency diploma during such service period.

D. The provisions of Subsection C of this Section shall apply only to students who have been ruled to be truants, pursuant to the provisions of Chapter 15 of Title VII of the Louisiana Children's Code, by a court of competent jurisdiction and ordered by the court to comply with the provisions thereof.

§17:221.6. Louisiana school dropout recovery program.

A. Each school district and charter school that provides instruction to high school students may offer a dropout recovery program for eligible students. School districts and charter schools should maximize the use of federal Title 1 funds and funds provided through the minimum foundation program formula to establish such programs.

B. The State Board of Elementary and Secondary Education's prescribed standards and achievement testing requirements shall apply to dropout recovery programs.

C. The dropout recovery program shall do the following:

1. Make available appropriate and sufficient supports for students, including tutoring, career counseling, and college counseling.

2. Comply with federal and state laws governing students with disabilities.

3. Meet state requirements for high school graduation.

D. Each eligible student enrolled in a dropout recovery program shall have an individual graduation plan developed by the student's assigned academic coach. The plan shall include the following elements:

1. The start date and anticipated end date of the plan.

2. Courses to be completed by the student during the academic year.

3. Whether courses will be taken sequentially or concurrently.

4. State competency exams to be taken, as necessary.

5. Expectations for satisfactory monthly progress.

6. Expectations for contact with the student's assigned academic coach.

E. Each student enrolled in a dropout recovery program pursuant to this Section shall be recorded on a monthly basis as participating in the program and shall be included in the student enrollment count for the school or school system offering the program. Each participating school and school system shall record, each month, all of the students who meet the following criteria for actively participating in the dropout recovery program:

1. Newly enrolled students who have an individual graduation plan on file on or before the first school day of the month.

2. Students who met the expectations for satisfactory monthly progress for the month.
(3) Students who did not meet the expectations for satisfactory monthly progress for the month but did meet the expectations one of the two previous months.

(4) Students who met expectations for program reentry in the revised individual graduation plan in the previous month.

F. School districts and charter schools may contract with an educational management organization to provide a dropout recovery program. If contracting with an educational management organization, the school district or charter school shall ensure that all of the following requirements are met:

(1) The educational management organization is accredited by a regional accrediting body.

(2) Teachers provided by the educational management organization hold a current teaching license from any state, and teachers of core subjects are highly qualified in the subjects to which they are assigned.

(3) The educational management organization has provided one or more dropout recovery programs for at least two years prior to providing a program pursuant to this Section.

G. Dropout recovery programs shall be classified as alternative programs.

H. Entities that are contracted to provide dropout recovery programs may conduct outreach to encourage students who are not enrolled in a school district or charter school in this state to return to school. Entities that are contracted to provide dropout recovery programs shall not conduct advertising or marketing campaigns directed at students who are currently enrolled in a school district or charter school, or undertake any other activity that encourages students who are enrolled in a school district or charter school to stop attending school in order to qualify for a dropout recovery program. All contracts entered into by a city, parish, or other local public school board for the provision of student dropout recovery programs shall include requirements for the protection of all personally identifiable student information that shall comply with all applicable state and federal law and regulations.

I. For purposes of this Section:

(1) "Academic coach" is an adult who assists students in selecting courses needed to meet graduation requirements, monitors student pace and progress through the program, and conducts regular pace and progress interventions.

(2) "Eligible student" means a student who is not enrolled in a school district or charter school and who has been withdrawn from a school district or charter school for at least thirty days, unless a school administrator determines that the student is unable to participate in other district programs.

(3) "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for a full twelve months, would result in the same amount of academic credit being awarded to the student as would be awarded to a student in a traditional education program who completes a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first two months that a student participates in the program.

(4) "School district" or "district" means a city, parish, or other local public school system.

§17:416. Discipline of students; suspension; expulsion.

(d)(i) In addition to any other limitations established by this Subsection on the admission of previously expelled pupils to public elementary and secondary schools in Louisiana, no pupil who has been expelled from any public or nonpublic school within or outside the state of Louisiana for possessing on school property or on a school bus a firearm, knife, or other dangerous weapon or instrumentality customarily used or intended for probable use as a dangerous weapon, or for possessing, possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law shall be admitted to any public elementary or secondary school in the state, or readmitted to any such school on a
probationary basis prior to the completion of the minimum period of expulsion as provided in Subsection C of this Section, until the pupil produces written documentation that he and his parent or legal guardian have enrolled and participated in an appropriate rehabilitation or counseling program related to the reason or reasons for the pupil's expulsion.

(ii) The rehabilitation or counseling required by the provisions of this Subparagraph shall be provided by existing or new programs approved by the juvenile or family court having jurisdiction, if applicable, or by the school system and shall be at no additional cost to the school system. Such rehabilitation or counseling programs may include the following components relative to successful programs, approaches, and activities for parental involvement which better equip parents to provide support for the education of their children:

(aa) Enhancing parenting skills and expanding curriculum offerings relative to character development, the development of a healthy self-esteem and sense of personal and social responsibility, violence prevention, and conflict resolution.

(bb) Raising the educational level of the parents of public school students through instruction in basic skills.

(cc) Improving developmental skills of students to prepare them for academic success.

(dd) Providing a role model for the child through parental interest in education.

(ee) Enabling parents to become familiar with and comfortable in the school setting.

(ff) Enhancing the relationship of the parent and child through planned, structured parent-school interaction.

(gg) Demonstrating to parents their power to affect their child's ability to learn.

(iii) The requirements of this Subparagraph for a student's enrollment and participation in a rehabilitation or counseling program shall be waived by the school system upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.

A.(1)(b)(i) Each teacher may take disciplinary action to correct a student who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another student, who engages in bullying, who violates school rules, or who interferes with an orderly education process.

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action may include but is not limited to:

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

A.(1)(c)(v) Upon the third removal from the same classroom pursuant to this Subparagraph, the teacher and the principal shall discuss the disruptive behavior patterns of the pupil and the potentially appropriate disciplinary measure before the principal implements a disciplinary measure. If appropriate, a referral of the matter may be made to an appropriate building level committee. In addition, a conference between the teacher or other appropriate school employee and the pupil's parent, tutor, or legal guardian shall be required prior to the pupil being readmitted.

(vi)(aa) If disruptive behavior persists, the teacher may request that the principal transfer the pupil into another setting.
A.(1)(c)(vi)(bb) Each city, parish, or other local public school board may adopt a policy that requires the parent or legal guardian of a pupil removed from the classroom pursuant to this Subparagraph to attend after school or Saturday intervention sessions with the pupil. The school board may refer a parent who fails to attend such session to the court of competent jurisdiction in accordance with Chapter 2 of Title VII of the Louisiana Children's Code. Each time a parent is referred to the court of competent jurisdiction, the court may impose a fine of not less than twenty-five dollars and not more than two hundred fifty dollars, forty hours of court-approved school or community service activities, or a combination of forty hours of court-approved school or community service and attendance at a court-approved family counseling program by both a parent or legal guardian and the pupil, and may suspend any recreational license issued by the Department of Wildlife and Fisheries.

A.(3)(f) When a pupil is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and pupil by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor available, the principal may require a conference between the parent, pupil, and all the pupil's teachers and the principal or other administrator.

§17:416.2. Supervision of suspended or expelled students; alternative education programs.
D. (1) The State Board of Elementary and Secondary Education shall adopt the necessary rules and regulations to provide for the implementation of the provisions of this Section.
(3) Rules and regulations pursuant to Paragraph (2) of this Subsection shall include all of the following:
   (b) In an effort to support the on-time graduation of students who are suspended, expelled, or at high risk for dropping out or entry into the juvenile justice system, academic, behavioral, and mental health interventions must be provided. Interventions offered shall include but not be limited to the following:
      (i) Academic interventions and supports:
         (aa) Targeted academic interventions focused on assessed needs in math and reading using an evidence-based and research-supported curriculum.
         (bb) Use of validated monthly assessments to monitor individual student academic progress.
         (cc) Implementation of research-supported instructional strategies such as differentiated instruction, experiential education, project-based learning, and computer-assisted instruction to support assessed needs and content mastery.
         (dd) Opportunities to participate in credit recovery to support progression towards on-time graduation.
         (ee) On-site access to at least one career or vocational certification option.
      (ii) Behavioral interventions and supports:
         (aa) Positive behavioral supports with a high ratio of positive reinforcement over punishment.
         (bb) Behavioral shaping steps aligned to assessed behavioral needs and goals.
         (cc) Mentoring and frequent behavioral feedback focused on individualized shaping steps for students enrolled.
         (dd) Successive approximations and reinforcements to develop more complex social behaviors.
      (iii) Mental health interventions and supports:
         (aa) Evidence-based cognitive behavioral interventions to address, anger, impulsivity, and aggression.
         (bb) Interventions to address past childhood traumas, including forms of abuse and neglect, being a victim of or a witness to violence, and involvement in natural disasters.
         (cc) Interventions to address substance use and to prevent substance abuse.
(dd) Interventions to build life skills and social skills in order to increase employability and success in the community.

A.(1) For the purposes of this Section, a "crisis management and response plan" means a plan to address school safety and the incidence of violence at schools, on school buses, and at school-related activities; to respond effectively to such incidents; and to ensure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning. Such plans shall also address the management of any other emergency situation.

(2) A school crisis management and response plan shall be prepared by each public school principal in accordance with guidelines adopted pursuant to school board policy. In preparing the plan, the principal shall consider and include, where appropriate, input from students enrolled in the school and their parents, teachers at the school, other school employees, community leaders, local law enforcement, and fire, public safety, and emergency preparedness officials.

(3) The plan shall detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parent notification in the event of a violent incident or emergency situation.

(4) The plan may include provision for encouraging peer helper programs and identifying students who may have experienced rejection or other traumatic life events.

B.(1) Each public school shall submit such plan in writing to its school board for approval.

(2) Not later than January 1, 2002, each city, parish, and other local public school board shall have approved a crisis management and response plan for each public school under its jurisdiction.

C. Each school crisis management and response plan shall be reviewed by the public school annually and revised as necessary. Any revised school plan shall be resubmitted to the school board for review and approval of the revisions.

§17:416.17. Youth development and assistance programs; legislative findings and purpose; school authority for programs for elementary students.
A.(1) The legislature finds that early identification and intervention of aggressive, antisocial, or delinquent behaviors are critical components in recognizing and preventing chronic juvenile delinquency in later years.

(2) The legislature further finds that school-based preventive interventions for violent or aggressive behavior in youth are recognized as beneficial to the overall developmental success of students.

(3) The legislature recognizes that the introduction of violence prevention strategies in the early elementary grades may reduce the incidence of delinquent behaviors in the later grades, especially when such programs include parental involvement in the prevention and intervention strategies.

(4) The purpose of this Section is to authorize elementary schools to develop prevention and intervention strategies to address disruptions and violence in schools to create safe school environments in which teachers can teach and students can learn and which increase student and family connectedness to the school.

B. A school may, upon approval of its governing authority, develop and offer youth development and assistance programs that employ violence prevention and intervention initiatives for students in kindergarten and the elementary grades. Such programs shall provide for early identification of and support for students who are at risk before their behavior escalates into aggression or disruption, disciplinary problems, or juvenile delinquency.
C. (1) A youth development and assistance program may consist of age- or grade-appropriate alternative classrooms during school or special intervention or prevention programs before, after, or during the school day.

(2) Such programs may include but shall not be limited to the following components:

(a) Provision of services for students including behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.

(b)(i) Provision of services which support the parents of students identified with behavioral needs that may need intervention or support. Such parent services may include literacy services or parental training.

(ii) Required participation of any parent of a student so identified in such intervention at the school or other designated facility.

(c) Collaboration with community-based organizations, including but not limited to youth services, civic, social services, mental health, volunteer services, and juvenile justice agencies.

D. The provisions of this Section shall be implemented upon the approval of each city, parish, or other local public school board of any program submitted by a school and the availability of funds to a school for such purpose.

REGULATIONS

§301. Response to Intervention.

A. The Response to Intervention (RTI) process is a three-tiered approach to providing services and interventions to struggling learners and/or students with challenging behaviors at increasing levels of intensity. Essential components of the process include three tiers of instruction and intervention, use of standard protocols and/or problem-solving methods, and an integrated data collection/assessment system to inform decisions at each tier of instruction/intervention. The process incorporates increasing intensities of instruction and/or intervention that are provided to students in direct proportion to their individual needs. Embedded in each tier is a set of unique support structures or activities that help teachers implement, with fidelity, research-based curricula, instructional practices, and interventions designed to improve student achievement. RTI is designed for use when making decisions in both general and special education, creating a well-integrated system of instruction and intervention guided by student outcome data.

Professional development

LAWS


A. The state Department of Education shall develop and implement, with the approval of the State Board of Elementary and Secondary Education, minimum guidelines for a program on the prevention of crime and disruptive behavior in public schools by the 1993-94 school year. In order to decrease the epidemic level of crime in and around public elementary and secondary schools, the department shall coordinate the instruction, development, and training of teachers in the crime prevention in schools program, provide for the preparation and distribution of instructional materials, and develop program guidelines.

B. In developing the program guidelines, the department, at a minimum, shall:
(1) Assess the problem of disruptive behavior and crime in local school systems in order to provide data on a statewide basis and to define the specific needs of the students.

(2) Define the goals for alleviating disruptive and criminal behavior in schools.

(3) Provide continued training of personnel within the department and within local school systems to enhance the development and training of personnel relative to the prevention of crime and disruptive behavior.

(4) Provide for community programs to educate members of the community concerning crime and disruptive behavior in schools and to involve the community in contributing to the solution to these problems.

(5) Provide for continuing research to define further needs to accomplish the ultimate goal of decreasing crime and disruptive behavior in schools and to refine any programs developed to meet these needs.

(6) Provide for the coordination of school safety programs and any other existing programs addressing drug and alcohol abuse, gang membership, and gang violence.

(7) Review available materials and programs established and funded by the Drug-Free Schools and Communities Program for incorporation into any program guidelines.

(8) Consider any other existing programs within the state which may be utilized or modified in order to deliver the program to the city and parish schools in the state.

C. The program shall be funded by the state and the department may enrich the program using monies available from other sources.

D. Each city and parish school board shall submit a program for approval to the State Board of Elementary and Secondary Education by the 1994-1995 school year. Any such program shall be developed in accordance with the minimum guidelines established by the state Department of Education. Each city and parish school board shall also submit a budget and a method of evaluation of the local program to the board for approval prior to implementation.

§17:53. School board members; training required.

A. (1) Each member of a city, parish, and other local public school board shall receive a minimum of sixteen hours of training and instruction during his first year of service on the board in order to receive the designation of "Distinguished School Board Member" pursuant to Paragraph (B)(3) of this Section.

(2) Except as provided in Paragraph (1) of this Subsection, each member of a city, parish, and other local public school board shall receive a minimum of six hours of training and instruction annually.

(3) The training and instruction referred to in Paragraphs (1) and (2) of this Subsection shall be in the school laws of this state, in the laws governing the powers, duties, and responsibilities of city, parish, and other local public school boards, and in educational trends, research, and policy. Such training and instruction also shall include education policy issues, including but not limited to the minimum foundation program and formula, literacy and numeracy, leadership development, dropout prevention, career and technical education, redesigning high schools, early childhood education, school discipline, and harassment, intimidation, and bullying. Training also shall include instruction relative to the provisions of the Open Meetings Law, R.S. 42:11 et seq., and the Public Bid Law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

(4) In a city, parish, or other local public school district that has one or more schools identified as academically unacceptable or in need of academic assistance as defined by the State Board of Elementary and Secondary Education pursuant to policies developed and adopted by the board for implementation of the school and district accountability system, at least two of the hours referred to in Paragraphs (1) and (2) of this Subsection shall focus on the improvement of schools identified as failing schools as defined by the state board pursuant to such policies.
B.(1) Any such instruction required by Subsection A of this Section may be received from any of the following sources:

   (a) A postsecondary education institution in this state.
   (b) Instruction sponsored by the state Department of Education.
   (c) An in-service training program conducted by a city, parish, or other local public school board central office or the Louisiana School Boards Association provided that the instruction and the method for demonstrating attendance are preapproved by the Louisiana School Boards Association.
   (d) Training and instruction received at any conference presented by the National School Boards Association or by the Council of the Great City Schools, provided that verification of attendance by the school board member at any such training is obtained.

(2) Each school board member’s attendance shall be reported by the instructor to the Louisiana School Boards Association.

(3) The postsecondary education institution, the state Department of Education, the school board central office, or the Louisiana School Boards Association that provides such instruction shall issue a certificate of completion annually to each school board member who completes the instruction required by this Section, and a copy of such certificate shall be entered into the minutes of the school board on which such member serves. The superintendent of the school system on which school board the member serves shall be responsible for verifying that any of the training or instruction received by the school board member pursuant to Subsections A and B of this Section meets the requirements of this Section.

(4) A school board member who has received a certificate of completion for the initial sixteen hours of training and instruction required by Paragraph (A)(1) of this Section and has also received an annual certificate of completion of the training required by Paragraph (A)(2) of this Section for the subsequent three consecutive years shall receive the designation of “Distinguished School Board Member” and the State Department of Education shall issue each such member an appropriate certificate attesting to such designation. A school board member in office on January 1, 2011, who has prior service on the board may receive the designation if he receives a certificate of completion of sixteen hours of training during 2011 and receives a certificate of completion of the required training for the subsequent three consecutive years.

C.(1) The Louisiana School Boards Association shall post on its website regularly updated information relative to the number and subject matter of training hours completed by each school board member pursuant to the provisions of this Section.

(2) At least annually, the superintendent of the school system on which school board the member serves shall transmit to the newspaper which is the official journal of the school board a press release detailing the information for his school board that is posted on the Louisiana School Boards Association website pursuant to Paragraph (1) of this Subsection and also shall include in such press release information concerning each school board member who has been designated a “Distinguished School Board Member” pursuant to Paragraph (B)(4) of this Section.

§17:252. School master plans for supporting student behavior and discipline.

D.(1) The school master plans required of city, parish, and other local public school boards by this Section shall make provision for pre-service and ongoing grade appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.
(2) City, parish, and other local public school boards shall provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional classroom management training is needed, if any, and what additional classroom support activities should be provided by the principal and school administration.

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.
B. Bullying Policy.
(2) The governing authority of each public elementary and secondary school shall:
   (b) Create a program to provide a minimum of four hours of training for new employees who have contact with students and two hours of training each year for all school employees who have contact with students, including bus operators, with respect to bullying. The training shall specifically include the following:
      (i) How to recognize the behaviors defined as bullying in Subsection C of this Section.
      (ii) How to identify students at each grade level in the employee's school who are most likely to become victims of bullying, while not excluding any student from protection from bullying.
      (iii) How to use appropriate intervention and remediation techniques and procedures.
      (iv) The procedures by which incidents of bullying are to be reported to school officials.
      (v) Information on suicide prevention, including the relationship between suicide risk factors and bullying. This content shall be based on information supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience.

§17:437.1. Suicide prevention; in-service training; materials and supplies; limitation on liability.
A. The State Board of Elementary and Secondary Education shall develop and adopt guidelines for in-service training in suicide prevention as provided for in Subsection B of this Section. The board, in coordination with the Louisiana Department of Health, shall identify suitable programs for use in such training. The state Department of Education shall post on its website a listing of approved programs. The list shall include instructions on accessing such programs. The board shall update the list every five years.
B. (1) The board shall adopt rules to require that all public and approved nonpublic school teachers, school counselors, and principals and, as determined by the board, other school administrators for whom such training is deemed beneficial participate annually in at least two hours of in-service training in suicide prevention. Such rules shall include provisions permitting such training to be provided by self-review of suitable materials.
(2) The training shall address the following:
   (a) Increasing awareness of risk factors including but not limited to the following:
      (i) Mental health and substance abuse conditions.
      (ii) Childhood abuse, neglect, and trauma.
      (iii) Potential causes of stress, such as bullying, harassment, and relationship problems.
      (iv) Secondary trauma from a suicide or sensationalized or graphic accounts of suicide in media.
      (v) History of suicide attempts and related family history.
   (b) How teachers should respond to suspicious behavior or warning signs exhibited by students.
   (c) How teachers should respond to a crisis situation in which a student is an imminent danger to himself.
(d) Policies and protocol for communication with parents, including specifications for circumstances in which parental notification is not in the best interest of the student.

(e) Counseling services available within the school for students and their families related to suicide prevention.

(f) Dissemination of information concerning crisis intervention, suicide prevention, and mental health services in the community for students and their families and school employees.

(g) Community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the school system and such an entity in the community or region.

C.(1) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of or good faith attempt to implement the provisions of this Section or resulting from any training or lack thereof required by this Section, unless such loss or damage was caused by willful or wanton misconduct.

(2) Neither the training required by this Section nor the lack thereof shall be construed to impose any specific duty of care.

D.(1) The State Board of Elementary and Secondary Education shall randomly survey employees of public and approved nonpublic secondary schools to ascertain their compliance with the suicide prevention training requirements of this Section.

(2) The governing authority of each such secondary school shall document and verify to the state Department of Education, by December thirty-first of each year, that all school employees have received the mandatory suicide prevention training as outlined in this Section.

(3) The board shall annually develop a written report of the survey findings and any recommendations and shall submit such report to the Senate Committee on Education, the House Committee on Education, the Senate Committee on Health and Welfare, and the House Committee on Health and Welfare not later than March first of each year.

E. This Section shall be known and may be cited as the “Jason Flatt Act”.

REGULATIONS

§303. General Powers of Local Educational Governing Authorities.

A. Each local school board shall determine the number and location of schools to be opened, and the number of teachers and other school personnel to be employed from recommendations made by the local superintendent.

B. Each local school board is authorized to adopt rules and regulations for its own governance that are consistent with law and with the regulations of BESE.

1. Each member of a city and parish school board shall receive a minimum of six hours of training and instruction annually in the school laws of this state, in the laws governing the school boards, and in educational trends, research, and policy. Such training shall also include education policy issues, including but not limited to the Minimum Foundation Program (MFP) and formula, literacy and numeracy, leadership development, dropout prevention, career and technical education, redesigning high schools, early childhood education, school discipline, and harassment, intimidation, and bullying. Training shall also include instruction in Louisiana Open Meeting Law and the Louisiana Public Bid Law. In an LEA that has one or more schools identified as an academically unacceptable school or a school in need of academic assistance as defined by BESE, at least two of the required hours shall focus on the improvement of schools identified as failing schools as defined by BESE.
2. The training may be received from a postsecondary education institution, the LDE, the local school board central office staff, or the Louisiana School Board Association (LSBA) provided that the instruction and the method for demonstrating attendance are pre-approved by the LSBA or at any conference presented by the National School Boards Association or by the Council of the Great City Schools, provided that verification of attendance by the school board member at the training is obtained.

3. Each school board member’s attendance shall be reported by the instructor to the LSBA. Each school board member who completes required instruction shall receive a certificate of completion and a copy of such certificate shall be entered into the minutes of the school board on which the member serves.

4. The superintendent of the school system on which the school board member serves shall be responsible for verifying that any training or instruction received by the school board member as set forth in this Section meets the necessary requirements.

§1303. Bullying.

(b) Create a program to provide a minimum of four hours of training for new employees who have contact with students and two hours of training each year for all school employees who have contact with students, including bus drivers, with respect to bullying. The training shall specifically include the following:

1. How to recognize the behaviors defined as bullying;
2. How to identify students at each grade level who are most likely to become victims of bullying, while not excluding any student from protection from bullying;
3. How to use appropriate intervention and remediation techniques and procedures;
4. The procedures by which incidents of bullying are to be reported to school officials; and
5. Information on suicide prevention, including the relationship between suicide risk factors and bullying.

§1304. Classroom management training for school staff.

A. The school master plans required of city, parish, and other local public school boards shall make provision for pre-service and ongoing grade appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.

B. City, parish, and other local public school boards shall provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional classroom management training is needed, if any, and what additional classroom support activities should be provided by the principal and school administration.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§17:7. Duties, functions, and responsibilities of board.
In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(5)(a) Approve courses of study and prepare and adopt rules and regulations for the discipline of students and the governance of the public elementary and secondary schools and other public schools and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the city, parish, and other local public school boards and the local school superintendents; however, the board shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees.

(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

(32) Report in writing to the House Committee on Education and the Senate Committee on Education by not later than September 15, 2010, relative to the standards and criteria used by the board to approve alternative schools and alternative education programs for students in public elementary and secondary schools who are suspended for more than ten days or who are expelled from school for violations of school discipline law or policy and who remain under the supervision of the city, parish, or other local public school taking the action. The report shall specify in detail all minimum standards and criteria that must be met in order for the board to approve the alternative school or program and note standards and criteria that are subject to waiver by the board in making approval determinations.

§17:183. Hazing; public elementary and secondary students; intent and findings; definitions; policies.
D.(1) Each city, parish, and other local public school board shall develop, adopt, and post a policy to enforce the prohibition in this Section against hazing and to prevent its occurrence.

(2) Each such policy shall include, at a minimum, the following:

(g) Procedures to investigate reports or complaints of violations of the policy.

(h) A description of the circumstances under which a violation of the policy shall be reported to the appropriate law enforcement agency.

(i) A description of the appropriate penalties and appeal mechanisms for persons that violate the policy.

E. Nothing in this Section shall be construed to limit or exclude prosecution of or punishment for any crime or to limit the right to pursue any civil remedy.
§17:416. Discipline of students; suspension; expulsion.

A.(4) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall include but not be limited to the following provisions:

(a) A procedure permitting any teacher or other school employee to report any violation of the provisions of this Subsection to the appropriate school principal. The procedure shall provide for the uniform use throughout the school system of two forms to report incidents of alleged discipline violations. One form shall be used to report only school transportation-related incidents and one form shall be used to report all other incidents.

(i) The form for reporting a transportation-related incident shall provide for the following information:

(aa) Bus number and name of driver.

(bb) Pupil name and grade level.

(cc) School name and name of the principal.

(dd) Date of the incident and whether it occurred on the way to or on the way from the school or school function.

(ee) A menu of check-off items to indicate the nature of the incident, including fighting or bullying at the bus stop, fighting or bullying on the bus, smoking on the bus, leaving the bus without permission, boarding the bus at the incorrect stop, showing disrespect toward the driver, committing an immoral or vicious act, throwing objects within the bus or out of bus windows or doors, refusing to occupy an assigned seat, using profane language, showing willful disobedience, defacing the bus, carrying objects or implements which can be used as weapons, or committing some other undesignated violation.

(ff) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.

(gg) Space to indicate a pupil's prior history of discipline violations related to school transportation incidents.

(hh) A statement to be signed and dated by the bus driver or other school employee, if applicable, that the named pupil is causing a discipline problem, that disciplinary action against the pupil is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.

(iii) A space to report action taken on the incident report, including a menu of check off items to indicate that a parent or other person responsible for the pupil's school attendance has been contacted, that a conference has been conducted with the pupil's parent or other responsible person, that the pupil has been reprimanded, that the pupil has been suspended from receiving school transportation services and for what period of time, that the pupil has been suspended from school and for what period of time, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.

(jj) Space for comments and remarks by the pupil or a pupil's parent or other responsible person concerning the incident and action taken.

(kk) A menu of check off items to indicate that copies of the completed document have been supplied to the pupil's parent or other responsible person, the school's pupil file, the school employee filing the incident report, the supervisor of transportation services for the school system, and the principal.

(ll) Such other information as may be determined by the city or parish school board.
(ii) The form for reporting a nontransportation-related incident shall provide for the following information:

(aa) School name.
(bb) Name and telephone number of the pupil.
(cc) Indication of whether the pupil is in regular or special education and the pupil's homeroom number.
(dd) Time and location of the incident.
(ee) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.
(ff) A menu of check off items indicating action taken by the teacher, including having a conference with the pupil, assigning remedial work, referring the pupil to a counselor, referring the pupil to a social worker, placing the pupil in detention, or taking other action with an explanation of such other action.
(gg) A menu of check off items indicating the type and date of contact with the pupil's parent or other person responsible for the pupil's school attendance, including by phone, by letter, by school conference, or by behavior reports.
(hh) A space for recommendations from the teacher or other school employee initiating the incident report.
(ii) A statement to be signed and dated by the teacher or other school employee initiating the incident report that the named pupil is causing a discipline problem, that disciplinary action against the pupil is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.
(jj) A space to report action taken on the incident report, including a menu of check off items to indicate contact with the pupil's parent or other responsible person, conduct of a conference with the pupil and the pupil's parent or other responsible person and a summary of conference proceedings, referral to a counselor, issuance of a reprimand, placement on detention, placement on probation, suspension, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.
(kk) Space for comments and remarks by the pupil or a pupil's parent or other responsible person concerning the incident and action taken.
(ll) A menu of check off items to indicate that copies of the completed document have been supplied to the pupil's parent or other responsible person, the school's pupil file, the teacher or other school employee filing the incident report, and the principal.
(mm) Such other information as may be determined by the city or parish school board.

(iii) The State Board of Elementary and Secondary Education shall develop the forms necessary to implement the provisions of this Subparagraph and such forms shall be used by each city and parish school board.

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.
D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(2) Reporting.
(a) The governing authority of each public elementary and secondary school shall develop a procedure for the reporting of incidents of bullying. This shall include a form for the purposes of bullying reports. The form shall include an affirmation of truth of statement. Any bullying report submitted regardless of recipient shall use this form, but additional information may be provided. The form shall be available on the Department of Education's website.

(b) Students and parents. Any student who believes that he has been, or is currently, the victim of bullying, or any student, or any parent or guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity. Any report of bullying shall remain confidential.

(c) School personnel. Any teacher, counselor, bus operator, or other school employee, whether full- or part-time, and any parent chaperoning or supervising a school function or activity, who witnesses bullying or who learns of bullying from a student pursuant to Subparagraph (b) of this Paragraph, shall report the incident to a school official. A verbal report shall be submitted by the school employee or the parent on the same day as the employee or parent witnessed or otherwise learned of the bullying incident, and a written report shall be filed no later than two days thereafter.

(d) Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to discipline. School and district resources shall not be used to prohibit or dissuade any person who meets the specifications of this Subparagraph.

(e) False Reports. Intentionally making false reports about bullying to school officials is prohibited conduct and will result in the appropriate disciplinary measures as determined by the governing authority of the school in accordance with the rules and regulations of the State Board of Elementary and Secondary Education.

(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

(a) Scope of investigation. An investigation shall include an interview of the reporter, the victim, the alleged bully, and any witnesses, and shall include obtaining copies or photographs of any audio-visual evidence.

(b) Timing. The school shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by the school official. The investigation shall be completed not later than ten school days after the date the written report of the incident is submitted to the appropriate school official. If additional information is received after the end of the ten-day period, the school principal or his designee shall amend all documents and reports required by this Section to reflect such information.

(c) Appeal.

(i) If the school official does not take timely and effective action pursuant to this Section, the student, parent, or school employee may report the bullying incident to the city, parish, or other local school board or local school governing authority. The school board or school governing authority shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by a school board or governing authority official.
(ii) If the school board does not take timely and effective action, the student, parent, or other school employee may report the bullying incident to the state Department of Education. The department shall track the number of reports, shall notify in writing the superintendent and the president of the school's governing authority, and shall publish the number of reports by school district or governing authority on its website. The department shall provide both the number of actual reports received and the number of reports received by affected student.

(iii) For the purposes of this Section, a report means a written document that meets the requirements of Subparagraph (2)(a) of this Subsection.

§17:416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint.

I.(1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.


M.(1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.

(b) The provisions of Subparagraph (a) of this Paragraph shall not be applicable to the parent of a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

N.(1) The State Board of Elementary and Secondary Education shall adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.
(2) The governing authority of each public elementary and secondary school, in accordance with state board policy, shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education.

(3)(a) The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

(b)(i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:

(aa) The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(cc) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.

(ii) The state Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

§17:223. Discipline of pupils; suspension from school.
A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.
B. School principals may suspend from school any pupil for good cause as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

REGULATIONS

§1301. Disciplinary Regulations.
D. Any principal who fails to act on a report of student violations of disciplinary regulations shall explain his/her reasons for such an action to the superintendent of the LEA by which he or she is employed, or to the superintendent's designee.

§1303. Bullying.
E. Reporting Incidents of Bullying. The LEA shall develop a procedure for the reporting of incidents of bullying using the bullying report form approved by BESE and available on the LDOE website. The procedure shall include the following.
1. Students and Parents
   a. Any student who believes that he or she is or has been the victim of bullying, or any student or parent or legal guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the bullying to a school official.
b. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity.

c. Any report of bullying shall remain confidential.

2. School Personnel and Chaperones. Any teacher, counselor, bus driver, or other school employee, whether full or part time, and any parent chaperoning or supervising a school function or activity, who witnesses or who learns of bullying of a student, shall report the incident to a school official. A verbal report shall be submitted by the school employee or parent on the same day as the school employee or parent witnessed or otherwise learned of the bullying incident, and a written report must be filed no later than two days thereafter.

3. Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to disciplinary action.

4. False Reports. Making false reports about bullying to school officials is prohibited conduct and will result in disciplinary action.

6. LEA Reporting

   a. The LEA shall electronically report all such documented incidences of bullying to the DOE using the DOE behavior report and incidence checklist to document the details of each reported incident of bullying.

Parental notification

LAWS

§14:95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone.

F.(1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.

   (3) If a student is detained pursuant to Paragraph (2) of this Subsection for carrying a concealed weapon on campus, the principal shall immediately notify the student's parents.

§17:221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges.

D. Each school shall develop and implement a system whereby the school shall attempt to provide verbal notification and, if such verbal notification cannot be provided, then shall provide written notification to a child's parent, tutor, or legal guardian when that child has been absent from school for five school days in schools operating on a semester basis, and for ten days in schools not operating on a semester basis.

§17:223. Discipline of pupils; suspension from school.

A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.

B. School principals may suspend from school any pupil for good cause as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or
supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§17:416. Discipline of students; suspension; expulsion.
A.(1)(c)(ii)(bb) The principal or his designee shall provide oral or written notification to the parent or legal guardian of any pupil removed from the classroom pursuant to the provisions of this Subparagraph. Such notification shall include a description of any disciplinary action taken.

A.(3)(b)(i) [...] In each case of suspension or expulsion the school principal, or his designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent, tutor, or legal guardian of the pupil in question giving notice of the suspension or expulsion, the reasons therefor and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the pupil provided that in the case of expulsion, the contact with the parent or guardian shall include a certified letter. If the parent, tutor, or legal guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond, the principal may determine whether readmitting the pupil is in the best interest of the student. On any subsequent occasions in the same year, the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds.

A.(3)(b)(ii)(aa) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent, tutor, or legal guardian of a pupil who is under the age of eighteen and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the pupil's behavior and, after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his designee, shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the pupil.

(bb) The principal, assistant principal, or child attendance and welfare supervisor or his assistant of any school, public or nonpublic, shall be a representative of an agency having the responsibility or ability to supply services to a family as that phrase is used in Children's Code Article 731(A).

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.
D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(d) Parental Notification.

(i) Upon receiving a report of bullying, the school official shall notify the student's parent or legal guardian according to the definition of notice created by the state Department of Education.

(ii) Under no circumstances shall the delivery of the notice to the parent or legal guardian, which is required by this Subsection, be the responsibility of an involved student. Delivery of the notice by an involved student shall not constitute notice as is required pursuant to this Subsection.

(iii) Before any student under the age of eighteen is interviewed, his parent or legal guardian shall be notified by the school official of the allegations made and shall have the opportunity to attend any interviews with his child conducted as part of the investigation. If, after three attempts in a forty-eight-
hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed.

(iv) The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop a procedure for meetings with the parent or legal guardian of the victim and the parent or legal guardian of the alleged perpetrator. This procedure shall include:

(aa) Separate meetings with the parents or legal guardians of the victim and the parents or legal guardians of the alleged perpetrator.

(bb) Notification of parents or legal guardians of the victim and of the alleged perpetrator of the available potential consequences, penalties, and counseling options.

(cc) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent or legal guardian of a student who is under the age of eighteen and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the student’s behavior and, after notice, the parent, tutor, or legal guardian willfully refuses to attend, that the principal or his designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

(e) Disciplinary Action. If the school has received a report of bullying, has determined that an act of bullying has occurred, and after meeting with the parent or legal guardian of the students involved, the school official shall:

(i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416 and 416.1, against the student that the school official determines has engaged in conduct which constitutes bullying, if appropriate.

(ii) Report criminal conduct to law enforcement, if appropriate.

(f) Parental Relief.

(i) If a parent, legal guardian, teacher, or other school official has made four or more reports of separate instances of bullying, as provided in Paragraph (2) of this Subsection, and no investigation pursuant to Paragraph (3) of this Subsection has occurred, the parent or legal guardian with responsibility for decisions regarding the education of the victim about whom the report or reports have been made may exercise an option to have the student enroll in or attend another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled on the dates when at least three of the reports were submitted.

(ii) The parent shall file a request with the superintendent for the transfer of the student to another school under the governing authority's jurisdiction.

(iii) The governing authority of the public elementary or secondary school in which the student is enrolled shall make a seat available at another public elementary or secondary school under its jurisdiction within ten school days of the parent or legal guardian's request for a transfer. If the governing authority has no other school under its jurisdiction serving the grade level of the victim, within fifteen school days of receiving the request, the superintendent or director of the governing authority shall:

(aa) Inform the student and his parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.

(bb) Offer the student a placement in a full-time virtual program or virtual school under the jurisdiction of the school's governing authority.
(cc) Enter into a memorandum of understanding with the superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the victim under the jurisdiction of the governing authority, pursuant to R.S. 17:105 and 105.1.

(iv) If no seat or other placement pursuant to Item (iii) of this Subparagraph is made available within thirty calendar days of the receipt by the superintendent of the request, the parent or legal guardian may request a hearing with the school's governing authority, which shall be public or private at the option of the parent or legal guardian. The school's governing authority shall grant the hearing at the next scheduled meeting or within sixty calendar days, whichever is sooner.

(v) At the end of any school year, the parent or legal guardian may make a request to the governing authority of the school at which the student was enrolled when at least three of the reports were filed to transfer the student back to the school. The governing authority shall make a seat available at the school at which the student was originally enrolled. No other schools shall qualify for transfer under this Subparagraph.

A.(1) For the purposes of this Section, a "crisis management and response plan" means a plan to address school safety and the incidence of violence at schools, on school buses, and at school-related activities; to respond effectively to such incidents; and to ensure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning. Such plans shall also address the management of any other emergency situation.

(2) A school crisis management and response plan shall be prepared by each public school principal in accordance with guidelines adopted pursuant to school board policy. In preparing the plan, the principal shall consider and include, where appropriate, input from students enrolled in the school and their parents, teachers at the school, other school employees, community leaders, local law enforcement, and fire, public safety, and emergency preparedness officials.

(3) The plan shall detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parent notification in the event of a violent incident or emergency situation.

(4) The plan may include provision for encouraging peer helper programs and identifying students who may have experienced rejection or other traumatic life events.

B.(1) Each public school shall submit such plan in writing to its school board for approval.

(2) Not later than January 1, 2002, each city, parish, and other local public school board shall have approved a crisis management and response plan for each public school under its jurisdiction.

C. Each school crisis management and response plan shall be reviewed by the public school annually and revised as necessary. Any revised school plan shall be resubmitted to the school board for review and approval of the revisions.

§17:416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint.
I.(1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.
REGULATIONS

§1303. Bullying.
D. Notice of Bullying Policy to students and parents. The LEA shall inform each student orally and in writing of the prohibition against the bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents of bullying. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

F. Investigation Procedure. When a report of the bullying of a student by another student is received, the school shall conduct an investigation using the following procedure.

2. Parental Notification of Allegation of Bullying
   a. Upon receiving a report of bullying, the school shall notify the parents or legal guardians of the alleged offender and the alleged victim no later than the following school day.
   b. Under no circumstances shall the delivery of this notice to the parent or legal guardian, be the responsibility of an involved student. Delivery of notice by an involved student shall not constitute notice as is required by this Section.
   c. Before any student under the age of 18 is interviewed, his parents or legal guardians shall be notified of the allegations made and shall have the opportunity to attend any interviews conducted with their child as part of the investigation.
   d. All meetings with the parents or legal guardians of an alleged victim or an alleged offender shall be in compliance with the following:
      i. Separate meetings with the parents or legal guardians of the alleged victim and the alleged offender;
      ii. Parents or legal guardians of the alleged victim and alleged offender must be notified of the potential consequences, penalties and counseling options.
   e. In any case where a school official is authorized to require a parent or legal guardian of a student under the age of 18 to attend a conference or meeting regarding the student’s behavior, and after notice willfully refuses to attend, the principal or designee shall file a complaint with a court of competent juvenile jurisdiction, pursuant to Children’s Code Article 730(8) and 731.
   f. A principal or designee may file a complaint pursuant to Children’s Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

§1306. Due Process for Suspensions.
A. Prior to any suspension, the school principal or the principal’s designee shall advise the student in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his or her designee.

B. The principal, or the principal’s designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent or guardian of the student, giving notice of the suspension, the reasons therefore and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student.

   1. If the parent or guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective.
   2. On not more than one occasion each school year when the parent or guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student.
3. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, guardian, or other appointed representative responds.

C. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described above; however, the necessary procedure shall follow as soon as is practicable.

D. Notice in writing of the suspension and the reasons thereof shall be given to the parent or parents of the suspended student.

E. Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the superintendent or to a designee of the superintendent, who shall conduct a hearing on the merits of the case.

F. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher and/or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including the reasons therefore and terms thereof.

G. The decision of the superintendent on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent to remit any portion.

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

**LAWS**

§14:95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone.

F.(1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.

(2)(a) If a student is detained by the principal or other school official for violation of this Section or the school principal or other school official confiscates or seizes a firearm or concealed weapon from a student while upon school property, at a school function, or on a school bus, the principal or other school official in charge at the time of the detention or seizure shall immediately report the detention or seizure to the police department or sheriff's department where the school is located and shall deliver any firearm or weapon seized to that agency.

(b) The confiscated weapon shall be disposed of or destroyed as provided by law.

(3) If a student is detained pursuant to Paragraph (2) of this Subsection for carrying a concealed weapon on campus, the principal shall immediately notify the student's parents.

(4) If a person is arrested for carrying a concealed weapon on campus by a university or college police officer, the weapon shall be given to the sheriff, chief of police, or other officer to whom custody of the arrested person is transferred as provided by R.S. 17:1805(B).

G. Any principal or school official in charge who fails to report the detention of a student or the seizure of a firearm or concealed weapon to a law enforcement agency as required by Paragraph (F)(2) of this Section within seventy-two hours of notice of the detention or seizure may be issued a misdemeanor summons for a violation hereof and may be fined not more than five hundred dollars or sentenced to not more than forty hours of community service, or both. Upon successful completion of the community service or payment of the fine, or both, the arrest and conviction shall be set aside as provided for in Code of Criminal Procedure Article 894(B).
§17:183. Hazing; public elementary and secondary students; intent and findings; definitions; policies.
D.(1) Each city, parish, and other local public school board shall develop, adopt, and post a policy to enforce the prohibition in this Section against hazing and to prevent its occurrence.
   (2) Each such policy shall include, at a minimum, the following:
       (h) A description of the circumstances under which a violation of the policy shall be reported to the appropriate law enforcement agency.
E. Nothing in this Section shall be construed to limit or exclude prosecution of or punishment for any crime or to limit the right to pursue any civil remedy.

§17:224. Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers.
A. Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher, or supervisor of child welfare and attendance, to the juvenile court of the parish, there to be dealt with in the manner prescribed by law.
B. Notwithstanding the provisions of R.S. 17:416 to the contrary, any student who exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion, assignment to an appropriate alternative education program, or transfer to adult education if such student is:
   (1) Seventeen years of age or older with less than five units of credit toward graduation.
   (2) Eighteen years of age or older with less than ten units of credit toward graduation
   (3) Nineteen years of age or older with less than fifteen units of credit toward graduation.

§17:410. Safety education; recognition and reporting of potential threats to safety.
A. Each public school governing authority, in consultation with local law enforcement agencies, shall develop and distribute age and grade appropriate information to each student regarding internet and cell phone safety and online content that is a potential threat to school safety. The information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media. The information shall either be distributed to or explained to students and school personnel at the beginning of each school year and shall be posted on an easily accessible page of each school’s website and the website of the school’s governing authority.
B. The information shall include the following:
   (1) Instruction on how to detect potential threats to school safety exhibited online, including on any social media platform.
   (2) Visual examples of possible threats.
   (3) The reporting process, as provided in Subsection C of this Section.
C. Each public school governing authority shall develop procedures for reporting potential threats to school safety. The reporting procedures, at a minimum, shall include:
   (1) A standardized form to be used by students and school personnel to report potential threats which requests, at a minimum, the following information:
       (a) Name of school, person, or group being threatened.
       (b) Name of student, individual, or group threatening violence.
       (c) Date and time the threat was made.
(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing school personnel to assist students in completing the standardized form.

(3) A process for allowing reporting by an automated voice system.

(4) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

(5) For every threat reported, a school administrator shall record, on the form provided for by this Subsection, the action taken by the school.

D. If information reported to a school pursuant to Subsection C of this Section is deemed a potential threat to school safety, the school shall present the form and evidence to local law enforcement agencies. If the information poses an immediate threat, school administrators shall follow procedures provided in R.S. 17:416.16.

§17:416.1. Discipline of pupils; additional disciplinary authority.

D.(1) In addition to the specific disciplinary measures authorized in R.S. 17:416, a principal or headmaster at a public or private school shall notify the Department of Public Safety and Corrections, office of motor vehicles, of any student between the ages of fourteen and eighteen who has been subjected to a disciplinary action as provided in Paragraph (2) of this Subsection.

(2) As used in this Subsection, "disciplinary action" means an expulsion or suspension from school for ten or more consecutive school days or an assignment to an alternative educational setting for ten or more consecutive school days in accordance with any policy of the school or of the local public school board, limited to expulsions, suspensions, and assignments to alternative educational settings for infractions involving the sale or possession of drugs, alcohol, or any other illegal substance, the possession of a firearm, or an infraction involving assault or battery on a member of the school faculty or staff. The governing authority of any public elementary or secondary school shall promulgate rules and regulations to implement the provisions of this Section.

(3) Any such student who has been subjected to a disciplinary action as provided in Paragraph (2) of this Subsection shall have his driver's license for the operation of a motor vehicle suspended for a period of one year, in accordance with the provisions of R.S. 32:431. The terms "license" or "driver's license" shall include a Class "E" learner's license and intermediate license as provided for in R.S. 32:407.

§17:416.3. Search of students' persons, desks, lockers, other areas; defense of suits against school personnel; indemnification; reporting of implements seized.

D.(1) Upon the seizure by any public school teacher, principal, school security guard, or administrator of any firearm, bomb, knife, or other implement which can be used as a weapon and the careless use of which might inflict harm or injury or any controlled dangerous substance as defined in R.S. 40:961(7), the principal or his designated administrator shall report the confiscation of such implement or material to the appropriate law enforcement officials. The principal or his designated administrator may report the confiscation of any other implement or material.

(2) Any implement or material required by Paragraph (1) of this Subsection to be reported to law enforcement officials shall be retained and secured by the school principal in such a manner as to prevent the destruction, alteration, or disappearance of it until such time as the law enforcement authority either takes custody of the implement or material or provides notice to the school principal that it need no longer be retained. In the case that it need not be retained, the school principal shall comply with his school board's policy regarding disposal of the item.
(3) The failure of any principal or designated administrator to report the confiscation of such implement or material or the failure to retain and secure such implement or material shall be reported by the law enforcement authority to the employing school board which shall take disciplinary action pursuant to its policy.

E. The provisions of this Section shall apply to the State Board of Elementary and Secondary Education as it relates to state schools operated by the board in the same way it applies to city and parish school boards.

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

D.(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

(e) Disciplinary Action. If the school has received a report of bullying, has determined that an act of bullying has occurred, and after meeting with the parent or legal guardian of the students involved, the school official shall:

(i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416 and 416.1, against the student that the school official determines has engaged in conduct which constitutes bullying, if appropriate.

(ii) Report criminal conduct to law enforcement, if appropriate.

§17:1801.1. Hazing education; policies; new student orientation; organizations.

A. Not later than August 1, 2018, the Board of Regents shall develop and adopt a uniform policy on hazing prevention. The policy shall define hazing as defined in R.S. 17:1801. Each postsecondary education institution shall adopt the uniform policy developed by the Board of Regents. An institution may expand the definition of hazing to prohibit additional behaviors it determines may be dangerous but shall not otherwise amend the definition.

B.(1) Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.

(2) In addition to the requirement provided in Paragraph (1) of this Subsection, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.

(3) If the student receiving the information required by Paragraphs (1) and (2) of this Subsection is a minor, the information shall also be provided to his parent or legal guardian.

C. Each organization as defined in R.S. 17:1801 shall, as a condition of operating at an institution, adopt the hazing prevention policy that the institution has adopted pursuant to Subsection A of this Section, which shall include possible institutional sanctions against the organization in the event of a reported or confirmed hazing incident, and a policy that prohibits hazing. Each organization shall provide annually at least one hour of hazing prevention education that includes education relative to such policies to all members, prospective members, and anyone who is employed by or volunteers with the organization. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students, employees, and volunteers receiving such education evidenced by an attestation of such individuals receiving the education.
REGULATIONS

§1301. Disciplinary regulations.
E. Students, who, through no fault of their parents or guardians or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher or supervisor of child welfare and attendance, to the district or family court of the parish having jurisdiction in juvenile matters, there to be dealt with in the manner prescribed by law.

Disclosure of school records

LAWS

§17:416. Discipline of students; suspension; expulsion.
B.(3)(a)(i) No student who has been expelled pursuant to the provisions of this Section shall be admitted to any public school in any other parish or city school system in the state except upon the review and approval of the school board of the school system to which he seeks admittance.

(ii) No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in this Section shall be admitted to any public school in the state except upon the review and approval of the governing body of the admitting school.

(b) No student who has been expelled pursuant to the provisions of Paragraph (C)(2) of this Section shall be readmitted to a public school in the city, parish, or other local public school system from which he was expelled prior to the completion of the specified period of expulsion, unless he has complied with the provisions of Subparagraph (C)(2)(d) of this Section.

(c) To facilitate the review and approval mandated by this Paragraph, any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission information on the dates of any expulsions and the reason or reasons for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any suspensions or expulsions and the reason or reason(s) for which the student was suspended or expelled. Refer to R.S. 17:416(B)(3).

REGULATIONS

§1309. Guidelines for expulsions.
C. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission, information on the dates of any expulsion and the reason(s) for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any suspensions or expulsions and the reason or reason(s) for which the student was suspended or expelled. Refer to R.S. 17:416(B)(3).
Data collection, review, and reporting of disciplinary policies and actions

LAWS

§17:221.4. Louisiana school dropout prevention act.
B.(3) The state board shall also gather the following data to ensure that all programs are research-based and data-driven and use such data for continuous program improvement:
   (a) Total number of high school suspensions and expulsions.
   (b) Total number of students enrolled in alternative schools.
   (c) Total number of students who have failed Algebra I or English I.
   (d) Total number of students who are repeating the ninth grade.
   (e) Total number of students required to repeat a ninth grade course.
(4) City, parish, and other local public school systems that fail to show a decline in their annual dropout rates shall prepare and submit to the state board each year a written report that documents:
   (a) The outcomes of the dropout prevention strategies to date at the school system level.
   (b) How the school system dropout prevention strategies and activities will be modified, based on the data.

§17:415. School records; duty to keep reports by school principal.
Local superintendents and teachers of the public schools of the state shall make and keep such school records as shall be prescribed by the state superintendent of education, prior to receiving their monthly salaries. Each principal of a school shall make to the local superintendent of schools such reports as may be required, including but not limited to the disciplinary reports required in R.S. 17:416(A)(4). If any principal wilfully neglects or fails to do this, the local superintendent of schools may withhold the salary due until the report is satisfactorily made.

§17:416.8. Discipline policy review committees; school option.
A.(1)(a) Each city and parish school board shall establish a discipline policy review committee composed of sixteen members as follows:
   (i) Five classroom teachers to be elected by their peers with at least one teacher each representing an elementary, middle or junior high, and high school.
   (ii) One special education teacher to be elected by his peers.
   (iii) Two guidance counselors to be elected by their peers.
   (iv) Two principals to be elected by their peers, one representing an elementary school and one representing a high school.
   (v) One school bus operator to be elected by his peers.
   (vi) One child welfare and attendance supervisor to be elected by his peers.
   (vii) One school board member to be elected by his peers.
   (viii) The local superintendent or his designee.
   (ix) Two parents to be appointed by a method as provided by rules and regulations adopted by the State Board of Elementary and Secondary Education.
   (b) The discipline policy review committee shall review all school board discipline policies and make recommendations to the school board for appropriate revisions to such policies.
(c) Each committee shall be established no later than November 1, 1994, and shall make its recommendations to its respective school board no later than February 1, 1995.

(2) Each school board shall review its discipline policies prior to the end of the 1994-1995 school year and shall review such policies at least annually thereafter. Following a public hearing on the recommendations of the discipline policy review committee, each school board's discipline policies shall delineate the specific consistent actions to be taken by teachers and other designated school employees to maintain order in the schools and on the school grounds. In addition, such policies shall contain specific consistent penalties which shall be imposed when pupils violate school discipline policies or state laws on school discipline. Copies of school board discipline policies shall be distributed to each school within its jurisdiction prior to the beginning of the 1995-1996 school session. In addition, copies of current school board discipline policies shall be distributed to each school within its jurisdiction prior to the beginning of the 1999-2000 school year and each school year thereafter. Each board shall provide each pupil and his parent, tutor, or legal guardian with a copy of the board's current discipline policy. In addition, each school shall plan and conduct meetings necessary to fully inform all employees and pupils of all such policies within the first week of each school year. Meetings also shall be held throughout the school year as may be necessary to inform new employees and new pupils of such policies.

B. Except as may be provided otherwise for the development or review of a school's discipline policy under the terms of a collective bargaining agreement applicable to the public school, the administrators, teachers, and parents at each public school shall meet during the 1995-1996 school year and develop or review the discipline policy for their school and such policy shall be reviewed at least annually thereafter. In all cases, a school's discipline policy shall be in compliance with current state law and school board policies.

C. However, if, on August 27, 1994, there is in existence a discipline policy review committee which serves the same function for any city or parish school board or for any public school in the state, such existing committee shall remain in existence and shall retain the composition and authority under which it was created.

§17:416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability.

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

(g) Documentation.

(i) The state Department of Education shall develop a behavior incidence checklist that the governing authority of each public elementary and secondary school shall use to document the details of each reported incident of bullying.

(ii) The governing authority of each public elementary and secondary school shall report all such documented incidences of bullying to the state Department of Education as prescribed in rules adopted by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act and documented incidents in reports received by the local superintendent of schools pursuant to R.S. 17:415.
(iii) After the investigation and meeting with the parents, pursuant to this Section, a school, local school board or other local school governing authority shall:

(aa) Compose a written document containing the findings of the investigation, including input from the students' parents or legal guardian, and the decision by the school or school system official. The document shall be placed in the school records of both students.

(bb) Promptly notify the complainant of the findings of the investigation and that remedial action has been taken, if such release of information does not violate the law.

(cc) Keep complaints and investigative reports confidential, except as provided in this Section and where disclosure is required to be made pursuant to 20 U.S.C. 1232g or by other applicable federal laws, rules, or regulations or by state law.

(dd) Maintain complaints and investigative reports for three years in the event that disclosure is warranted by law enforcement officials.

(ee) As applicable, provide a copy of any reports and investigative documents to the governing authority of the school in order that the governing authority can comply with the provisions of R.S. 17:416.1.

(ff) As applicable, provide a copy of any reports and investigative documents to the state Department of Education. Upon receipt, the department shall remove any reports related to the investigative documents from notation on the department's website, but shall maintain a record of those reports for three years.

E. Parental Responsibilities. Nothing herein shall be deemed to interfere with the authority and the responsibility that a parent or legal guardian has for the student at all times, but particularly when the student is not on the school premises, is not engaged in a school-sponsored function or school-sponsored activity, and is not being transported by school-sponsored means of transportation.

F. This Section shall not be interpreted to conflict with or supercede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code Article 609 and as enforced through R.S. 14:403.

G. Preclusion.

(1) This Section shall not be interpreted to prevent a victim of bullying, or his parent or legal guardian, from seeking redress under any other available law, either civil or criminal.

(2) Nothing in this Section is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

H. Construction; equal protection. All students subject to the provisions of this Section shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.

§17:416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint.

I. (2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical
restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.


M.(1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.

(b) The provisions of Subparagraph (a) of this Paragraph shall not be applicable to the parent of a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

N.(1) The State Board of Elementary and Secondary Education shall adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

(2) The governing authority of each public elementary and secondary school, in accordance with state board policy, shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education.

(3)(a) The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

(b)(i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:

(aa) The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.

(cc) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.

(ii) The state Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

§17:3911. Data collection system; establishment.

A. The department shall establish a standardized data collection and analysis system which shall be used to collect the data provided in Subsection B of this Section and shall be the basis for the creation of the progress profiles provided for in this Subpart.

B.(1) The data collection system shall provide for but shall not be limited to the regular collection of the following information on a per school basis, including schools and educational programs located within
secure care facilities under the jurisdiction of the Department of Public Safety and Corrections, office of juvenile justice:

(a) The results of all tests required by law or board regulation, including results from any state required criterion-referenced test, norm-referenced test, and graduation exit exam.
(b) College readiness test information, including American College Test scores.
(c) School performance scores pursuant to R.S. 17:10.1.
(d) Dropout rates, as defined by board rule.
(e) Student attendance rates.
(f) High school completion rates.
(g) Faculty information.
(h) Financial information.
(i) Student discipline information, in total and by unduplicated counts, disaggregated by race, ethnicity, gender, sex, English learner status, and students with exceptionalities, excluding gifted and talented, in accordance with data collection conducted pursuant to 20 U.S.C. 3413(c)(1), including but not limited to the following:
   (i) In-school suspensions.
   (ii) Out-of-school suspensions.
   (iii) In-school expulsions.
   (iv) Out-of-school expulsions.
   (v) Removals to an alternative education setting by school personnel.
   (vi) Referrals to law enforcement.
   (vii) School-related arrests.
(j) Class size information.
(k) Number of students in the general population and number of students in classes for students with exceptionalities.
(l) Number of school resource officers.
(m) Such other data as the board may approve.

(2) The data collection system may also provide for but shall not be limited to the regular collection of the following information:

(a) Faculty attendance rates.
(b) Number of students in advanced placement classes.
(c) Number of National Merit Scholarship finalists and semi-finalists.
(d) Socio-demographic student information.
(e) Such other data as the board may approve.

(3) Each city and parish school board shall ensure that all schools under its jurisdiction accurately report student discipline information, including referrals by teachers for serious disciplinary offenses, using the uniform reporting form developed by the State Board of Elementary and Secondary Education in accordance with the provisions of R.S. 17:416(A)(4)(a)(iii). Each board shall have school-level summaries of the reported student discipline information prepared for its use and shall formally review and analyze the summary information on a regular basis. Upon request by the state Department of Education, the student discipline information required by this Paragraph also shall be collected as part of the data collection system provided for by this Section. The provisions of this Paragraph shall apply
to schools and educational programs located within secure care facilities under the jurisdiction of the Department of Public Safety and Corrections, office of juvenile justice.

(4)(a) The department shall annually collect the following data elements for students with an exceptionality by each disability classification, including breakouts of each speech or language impairment category and breakouts of each intellectual disability category, not including students identified exclusively as gifted and talented, for each city, parish, or other local public school board. The following data elements shall be reported for each disability classification in total as well as by unduplicated counts by race, gender, age, and sex:

(i) Setting.
(ii) Exit code.
(iii) Participation in each assessment type by grade and subject.
(iv) Scoring at the proficient level on each test administered pursuant to the school and district accountability program by grade and subject.
(v) Eligibility for an extended school year program.
(vi) Attending extended school year program.
(vii) Receiving initial evaluations, re-evaluations and waivers from evaluations.

(b) The data collection system shall also include information on student discipline for each public school by percentage and unduplicated counts of total students with exceptionalities receiving discipline, including:

(i) In-school suspensions, broken down by categories of ten days or less and more than ten days.
(ii) Out-of-school suspensions, broken down by categories of ten days or less and more than ten days.
(iii) In-school expulsions, broken down by categories of ten days or less and more than ten days.
(iv) Out-of-school expulsions, broken down by categories of ten days or less and more than ten days.
(v) Restraint procedures.
(vi) Seclusion procedures.
(vii) Unilateral removals to an interim alternative educational setting by school personnel by disability classification and by reason for removal.

(c) The data collection system shall also include:

(i) Percentage and unduplicated count of special education teachers by qualification level for each city, parish, or other local public school system.
(ii) Data and information regarding city, parish, or other local public school board high cost assistance requests and awards including but not limited to the unduplicated count of students included in the request, the total amount requested, and the amount awarded.

(d) The department shall annually compile a report that includes data on each element gathered from the latest collection cycle and trend data from the three prior years. The report shall be sent to each public school governing authority and published on the department’s website.

(e) The requirements of this Paragraph shall not be construed to violate the provisions of R.S. 17:3914.

(f) For any fiscal year in which the department fails to collect and report the required data, the state treasurer shall withhold an amount equal to twenty- five percent of the state general funds appropriated to the state Department of Education through the general appropriations bill for "STATE
ACTIVITIES” which are allocated for travel expenses, until such time as the department complies with the provisions of this Paragraph.

C. The department shall:

1. Develop all procedures and formats for the defining and reporting of all data and statistical components and annually review them.

2. Assist each local board and the office of juvenile justice in compiling the information by identifying and providing any required and discretionary information currently collected at the state level.

3. Perform the statistical analysis necessary to aggregate the reported data.

4. Coordinate all existing and new data collection efforts so as to minimize paperwork at the school and school system level.


D. The board shall review and approve, modify, or reject the data collection system created by the department pursuant to this Section.

REGULATIONS

§1301. Disciplinary regulations.

I. Each LEA shall establish a discipline policy review committee comprised of sixteen members in accordance with the mandates of R.S. 17:416.8. The LEA shall establish procedures for appointing the two parent members.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

B.(2) A "school resource officer" shall be certified by a nationally accredited school resource officer program or a state school resource officer training program certified by the Council on Peace Officer Standards and Training.
C. The Council on Peace Officers Standards and Training shall review and approve any advanced, in-service, or specialized training for school resource officers as the council shall deem advisable.

§40:2404.1. Additional powers of the council, school resource officers, School Violence Prevention Training Program.
A. In accordance with the provisions of R.S. 40:2404(11) and R.S. 17:416.19, the Council on Peace Officer Standards and Training shall develop and implement a School Violence Prevention Training Program under their jurisdiction and within the existing school resource officer program in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.
B. The Council on Peace Officer Standards and Training shall have the power to establish and appoint a committee with members representing the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the accredited law enforcement training centers, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.
C. The committee shall have the following powers:
   (1) To develop minimum curriculum requirements for the training and certification of school security guards, which standards shall apply uniformly throughout the state for all school security guards.
   (2) To establish minimum law enforcement instruction qualifications at an accredited P.O.S.T. academy.
   (3) To approve and certify a school security guard program and to establish other requirements relative to such program.
D. A portion of the funds appropriated for the program shall be allocated to local law enforcement agencies to be utilized for the cost of investigation, detection, and forensics costs of crime committed on school property.
E. After a secure funding source for this program becomes available, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall have six months to implement a one-year pilot test of the School Violence Prevention Training Program. The commission shall evaluate the results of the pilot test before recommending statewide implementation.

REGULATIONS
No relevant regulations found.

MOUs, authorization and/or funding

LAWS

A. Any city, parish, or other local public school system and any nonpublic school may make or enter into agreements with a local law enforcement agency to provide for school resource officers. Any city, parish, or other local public school system and any nonpublic school shall ensure that any school resource officer provided by a local law enforcement agency as provided in this Section is in compliance with the provisions of Subsection B of this Section.
B.(1) A "school resource officer" shall be a peace officer as defined in R.S. 40:2402(3).
   (2) A "school resource officer" shall be certified by a nationally accredited school resource officer program or a state school resource officer training program certified by the Council on Peace Officer Standards and Training.
C. The Council on Peace Officers Standards and Training shall review and approve any advanced, in-service, or specialized training for school resource officers as the council shall deem advisable.
D. A city, parish, or other local public school system that has entered into an agreement with a local law enforcement agency to provide for school resource officers shall annually report to the state Department of Education the total number of school resource officers provided to the system.

§40:2404.1. Additional powers of the council, school resource officers, School Violence Prevention Training Program.
D. A portion of the funds appropriated for the program shall be allocated to local law enforcement agencies to be utilized for the cost of investigation, detection, and forensics costs of crime committed on school property.
E. After a secure funding source for this program becomes available, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall have six months to implement a one-year pilot test of the School Violence Prevention Training Program. The commission shall evaluate the results of the pilot test before recommending statewide implementation.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§17:252. School master plans for supporting student behavior and discipline.

A.(1) The State Board of Elementary and Secondary Education, in collaboration with the Louisiana Juvenile Justice Planning and Coordination Board, shall formulate, develop, and recommend to the Juvenile Justice Reform Act Implementation Commission by March 1, 2004, a model master plan for improving behavior and discipline within schools.

(2) The model master plan may include but need not be limited to guidelines for accomplishing the following:

(a) Improving communication, coordination, and collaboration between the schools and juvenile justice agencies.

(b) Improving safe school planning.

(c) Revising school zero tolerance policies to ensure compliance with all applicable provisions of law to ensure that schools do not make inappropriate referrals to juvenile justice agencies.

(d) Providing improved mental health services in or through the schools.

(e) Providing better assistance to parents in knowing about and accessing family strengthening programs.

(f) Improving the coordination of special education and juvenile justice services.

(g) Improving classroom management using positive behavioral supports and other effective disciplinary tools.

(h) Improving methods and procedures for the handling of school suspensions, the referral of students to alternative schools, and the use of seclusion and physical restraint in addressing challenging student behavior.

(i) Providing for better and more useful reporting on an annual basis of school behavioral and disciplinary problems.

B. Each city, parish, and other local public school board shall cause to be developed and shall submit by October 1, 2004, a master plan for each school under the board’s jurisdiction for improving behavior and discipline in each such school based on the model master plan developed and approved by the State Board of Elementary and Secondary Education.

C. The model master plan for improving behavior and discipline within the schools and the school master plans required of city, parish, and other local public school boards by this Section shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons in accordance with the provisions of R.S. 17:416.

D.(1) The school master plans required of city, parish, and other local public school boards by this Section shall make provision for pre-service and ongoing grade appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.

(2) City, parish, and other local public school boards shall provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional classroom
management training is needed, if any, and what additional classroom support activities should be provided by the principal and school administration.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§17:100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula.

C.(1) An alternative school located in a secure care facility under the jurisdiction of the office of juvenile justice shall be considered a public elementary or secondary school and, as such, shall be included by the State Board of Elementary and Secondary Education in the formula required by Article VIII, Section 13 of the Constitution of Louisiana used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools.

(2) Each student in such an alternative school shall be provided for and funded at one hundred percent of the state share per pupil amount as provided in the approved minimum foundation program formula for the city, parish, or other local public school system in which such student would otherwise have been enrolled, as contained in the budget letter approved by the State Board of Elementary and Secondary Education, and the board shall allocate such funds to the office of juvenile justice.

(3) In addition to the allocation of the state share per pupil amount provided for in Paragraph (2) of this Subsection, the city, parish, or other local public school system in which the student would have otherwise been enrolled shall allocate and transfer to the office of juvenile justice an amount of money equal to the local share per pupil amount allocated by such system times the number of students enrolled in alternative schools located in secure care facilities under the jurisdiction of the office of juvenile justice who would have otherwise been enrolled in such local school system. The State Board of Elementary and Secondary Education shall provide for the transfer of the local share per pupil amount from the appropriate city, parish, or other local public school system to the office of juvenile justice.

(4) The office of juvenile justice shall expend all minimum foundation program funds allocated to it pursuant to this Subsection to operate the alternative schools located in secure care facilities under its jurisdiction.

(5) The State Board of Elementary and Secondary Education, in collaboration with the office of juvenile justice, shall develop an equitable means by which to identify and determine the number of students eligible for funding each year pursuant to this Subsection.

(6) The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations to assure that no funds provided through the minimum foundation program or any other state or federal program as provided in this Section shall supplant any other funding provided to the office of juvenile justice for the educational services for such children.

D. It is the intent of the legislature that the expenditure of minimum foundation program funds and other state and federal funds for office of juvenile justice schools be subject to the same oversight and accountability as the expenditure of such funds for city, parish, and other local public school boards.
§40:2404.1. Additional powers of the council, school resource officers, School Violence Prevention Training Program.

A. In accordance with the provisions of R.S. 40:2404(11) and R.S. 17:416.19, the Council on Peace Officer Standards and Training shall develop and implement a School Violence Prevention Training Program under their jurisdiction and within the existing school resource officer program in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.

D. A portion of the funds appropriated for the program shall be allocated to local law enforcement agencies to be utilized for the cost of investigation, detection, and forensics costs of crime committed on school property.

E. After a secure funding source for this program becomes available, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall have six months to implement a one-year pilot test of the School Violence Prevention Training Program. The commission shall evaluate the results of the pilot test before recommending statewide implementation.

REGULATIONS

No relevant regulations found.
Professional immunity or liability

**LAWS**

§17:416.1. Discipline of pupils; additional disciplinary authority.
C. Should any teacher, principal, or administrator in the public school system be sued for damages by any student, the parent of any student or other persons qualified to bring suit on behalf of such student based upon the act or omission of such teacher, principal, or administrator in the directing of and disciplining of school children under their care and supervision, it shall be the responsibility of the school board employing such teacher, principal, or administrator to provide such defendant with a legal defense to such suit including reasonable attorney fees, investigatory costs, and other related expenses. Should any such teacher, principal, or administrator be cast in judgment for damages in such suit, it shall be the obligation of the school board employing such defendant to indemnify him fully against such judgment including all principal, interest, and costs. Nothing in this Section shall require a school board to indemnify a teacher, principal, or administrator against a judgment wherein there is a specific decree in the judgment that the action of the teacher, principal, or administrator was malicious, and willfully and deliberately intended to cause bodily harm.

§17:416.11. Discipline of pupils; limitation of liability.
A. No teacher, principal, or administrator in a public school system or in an approved nonpublic school shall be personally liable for any act or failure to act in the directing of or disciplining of school children under his care and supervision, unless such act or failure to act was malicious and willfully and deliberately intended to cause bodily harm.
B. This Section shall not be applicable to the operation, use, or maintenance of any motor vehicle.

§17:2092. Prohibition against fraternities; enforcement.
Parish school boards may, by a majority vote, prohibit any organization defined in R.S. 17:2091 in the high schools of the parish.
The principals of the schools in which such organizations have been prohibited shall suspend, or expel from the school under their control any person who:

(1) is or remains a member of, or joins or promises to join, or pledges himself to become a member of any organization which has been prohibited, or
(2) solicits or encourages any other person to join or promise to join, or to pledge himself to become a member of any such organization.

All action taken pursuant to this Section by any parish school board or any high school principal shall be subject to the supervision and control of the state board of education.

**REGULATIONS**
No relevant regulations found.
Community input or involvement

LAWS

§17:253. Advisory council on student behavior and discipline.
A. There is hereby established the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary and Secondary Education and the state Department of Education regarding best practices in providing support to public school governing authorities in the adoption and implementation of each school's master plan for student behavior and discipline as provided in R.S. 17:252.

B. The advisory council shall be composed of twenty-four members as follows:
(1) The state superintendent of education, or his designee.
(2) Three members shall be appointed by the Louisiana Association of Principals. The association shall appoint one principal or assistant principal from the elementary, middle school, and high school levels.
(3) One member shall be a local school superintendent, appointed by the Louisiana Association of School Superintendents.
(4) One member shall be a child welfare and attendance officer, appointed by the Louisiana Association of School Superintendents.
(5) One member shall be a safe and drug-free schools coordinator, appointed by the Louisiana Association of School Superintendents.
(6) One member shall be a director of special education, appointed by the Louisiana Association of Special Education Administrators.
(7) One member shall be a pupil appraisal coordinator, appointed by the Louisiana Association of School Superintendents.
(8) Three members shall be the parent of a child who presents challenging behavior, two of whom shall be the parent of a child with exceptionalities, other than gifted and talented, all of whom shall be appointed by the Louisiana Developmental Disabilities Council.
(9) One member appointed by the Louisiana Developmental Disabilities Council.
(10) One member appointed by the Louisiana Advocacy Center.
(11) One member appointed by the Louisiana School Boards Association.
(12) One member appointed by the Louisiana Council of Juvenile and Family Court Judges.
(13) The secretary of the Louisiana Department of Health, or his designee.
(14) One member shall be a classroom teacher appointed by the Louisiana Federation of Teachers.
(15) One member shall be a classroom teacher appointed by the Louisiana Association of Educators.
(16) One member shall be a classroom teacher appointed by the Associated Professional Educators of Louisiana.
(17) One member appointed by the Southern Poverty Law Center.
(18) One member appointed by the Louisiana Association of Public Charter Schools.
(19) One member appointed by the Louisiana Center for Children's Rights.
(20) One member appointed by the Louisiana Parent Teacher Association.
(21) The executive director of Families and Friends of Louisiana’s Incarcerated Children, or his designee.
(22) The president of the Urban League of Louisiana, or his designee.
(23) The president of Metro Morphosis, or his designee.
(24) The president of the Louisiana Psychological Association, or his designee.
(25) The president of the Louisiana School Counselors Association, or his designee.

C. The state superintendent of education shall convene the first meeting of the advisory council not later than September 1, 2016, and the state Department of Education shall provide staff support to the council.
D. The council shall serve in an advisory capacity and shall comply with the Open Meetings Law.
E. By February 15 of each calendar year, the members of the council shall elect a new chair from among its membership.
F. The council shall meet at least three times annually. Meetings shall be called by the chair, who shall set the agenda.
G. The advisory council shall annually submit a written report to the Senate Committee on Education, the House Committee on Education, and the State Board of Elementary and Secondary Education regarding its findings and recommendations with respect to the implementation of school master plans for improving student behavior and discipline as provided in R.S. 17:252.

§17:416.17. Youth development and assistance programs; legislative findings and purpose; school authority for programs for elementary students.

A.(1) The legislature finds that early identification and intervention of aggressive, antisocial, or delinquent behaviors are critical components in recognizing and preventing chronic juvenile delinquency in later years.

(2) The legislature further finds that school-based preventive interventions for violent or aggressive behavior in youth are recognized as beneficial to the overall developmental success of students.

(3) The legislature recognizes that the introduction of violence prevention strategies in the early elementary grades may reduce the incidence of delinquent behaviors in the later grades, especially when such programs include parental involvement in the prevention and intervention strategies.

(4) The purpose of this Section is to authorize elementary schools to develop prevention and intervention strategies to address disruptions and violence in schools to create safe school environments in which teachers can teach and students can learn and which increase student and family connectedness to the school.

B. A school may, upon approval of its governing authority, develop and offer youth development and assistance programs that employ violence prevention and intervention initiatives for students in kindergarten and the elementary grades. Such programs shall provide for early identification of and support for students who are at risk before their behavior escalates into aggression or disruption, disciplinary problems, or juvenile delinquency.

C.(1) A youth development and assistance program may consist of age- or grade-appropriate alternative classrooms during school or special intervention or prevention programs before, after, or during the school day.

(2) Such programs may include but shall not be limited to the following components:

(a) Provision of services for students including behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.

(b)(i) Provision of services which support the parents of students identified with behavioral needs that may need intervention or support. Such parent services may include literacy services or parental training.
(ii) Required participation of any parent of a student so identified in such intervention at the school or other designated facility.

(c) Collaboration with community-based organizations, including but not limited to youth services, civic, social services, mental health, volunteer services, and juvenile justice agencies.

D The provisions of this Section shall be implemented upon the approval of each city, parish, or other local public school board of any program submitted by a school and the availability of funds to a school for such purpose.

§40:2404.1. Additional powers of the council, school resource officers, School Violence Prevention Training Program.

A. In accordance with the provisions of R.S. 40:2404(11) and R.S. 17:416.19, the Council on Peace Officer Standards and Training shall develop and implement a School Violence Prevention Training Program under their jurisdiction and within the existing school resource officer program in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the office of state police, local law enforcement agencies, and the State Board of Elementary and Secondary Education.

REGULATIONS

No relevant regulations found.

Other or uncategorized

LAWS

§14:95.6. Firearm-free zone; notice; signs; crime; penalties.

A. A “firearm-free zone” is an area inclusive of any school campus and within one thousand feet of any such school campus, and within a school bus, wherein the possession of firearms is prohibited, except as specifically set forth in Subsection B of this Section and R.S. 14:95.2(C).

B. The provisions of this Section shall not apply to:

   (1) A federal, state, or local law enforcement building.
   (2) A military base.
   (3) A commercial establishment which is permitted by law to have firearms or armed security.
   (4) Private premises where a firearm is kept pursuant to law.
   (5) Any constitutionally protected activity within the firearm-free zone, such as a firearm contained entirely within a motor vehicle.

C. For purposes of this Section:

   (1) “School” means any public or private elementary, secondary, high school, or vocational-technical school, college, or university in this state.
   (2) “School campus” means all facilities and property within the boundary of the school property.
   (3) “School bus” means any motor bus being used to transport children to and from school or in connection with school activities.

D. The local governing authority which has jurisdiction over zoning matters in which each firearm-free zone is located shall publish a map clearly indicating the boundaries of each firearm-free zone in accordance with the specifications in Subsection A. The firearm-free zone map shall be made an official
public document and placed with the clerk of court for the parish or parishes in which the firearm-free zone is located.

E.(1) The state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, and the commissioner of higher education, with the approval of the Board of Regents, shall develop a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on and in each school bus indicating that such area is a firearm-free zone and that such zone extends to one thousand feet from the boundary of school property. The state Department of Education shall assist each approved school with the posting of notice as required in this Subsection.

(2) Signs or other markings, in addition to the method developed pursuant to Paragraph (1) of this Subsection, shall provide notice that armed law enforcement officers are permitted within the firearm-free zone by including in the signs or other markings the language "Law Enforcement Weapons Permitted" or language substantially similar thereto.

F.(1) It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone as provided in this Section.

(2) Whoever violates the provisions of this Subsection shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

§14:95.9. Wearing or possessing body armor, by a student or nonstudent on school property, at school-sponsored functions, or in firearm-free zones; exceptions.

A. Wearing or possessing body armor, by a student or nonstudent on school property, at a school-sponsored function, or in a firearm-free zone is unlawful and shall be defined as wearing or possessing of body armor, on one's person, at any time while on a school campus, on school transportation, or at any school-sponsored function in a specific designated area including but not limited to athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus.

B. For purposes of this Section, the following words have the following meanings:

(1) "Body armor" shall mean bullet-resistant metal or other material intended to provide protection from weapons or bodily injury.

(2) "Campus" means all facilities and property within the boundary of the school property.

(3) "Nonstudent" means any person not registered and enrolled in that school or a suspended student who does not have permission to be on the school campus.

(4) "School" means any elementary, secondary, high school, vocational-technical school, college, or university in this state.

(5) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

C. The provisions of this Section shall not apply to:

(1) A federal, state, or local law enforcement officer in the performance of his official duties.

(2) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.

(3) A person who has notified the school principal or chancellor in writing at least twenty-four hours prior to wearing body armor.

(4) The wearing or possessing of body armor occurring within one thousand feet of school property and entirely on private property, or entirely within a private residence, or in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1.
(5) Any constitutionally protected activity which cannot be regulated by the state, such as body armor contained entirely within a motor vehicle.

(6) Any student wearing or possessing body armor to or from a class, in which he is duly enrolled, that requires the use of the body armor in the class.

(7) A student enrolled or participating in an activity requiring the use of body armor.

(8) A student wearing, carrying, or possessing a backpack on school property or a school bus that has bullet-resistant metal or other material intended to provide protection from weapons or bodily injury.

D. Whoever commits the crime of wearing or possessing body armor by a student or nonstudent on school property, at a school-sponsored function, or in a firearm-free zone shall be fined not more than one thousand dollars, or imprisoned, without hard labor, for not less than six months nor more than one year, or both.

E. Lack of knowledge that the prohibited act occurred on or within one thousand feet of school property shall not be a defense.

F.(1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.

(2) If a student is detained by the principal or other school official for violation of this Section or the school principal or other school official confiscates or seizes body armor from a student while upon school property, at a school function, or on a school bus, the principal or other school official in charge at the time of the detention or seizure shall immediately report the detention or seizure to the police department or sheriff's department where the school is located and shall deliver any body armor seized to that agency.

(3) If a student is detained pursuant to Paragraph (2) of this Subsection for wearing or possessing body armor on campus, the principal shall immediately notify the student's parents.

G. Any principal or school official in charge who fails to report the detention of a student or the seizure of body armor to a law enforcement agency as required by Paragraph (F)(2) of this Section within seventy-two hours of notice of the detention or seizure may be fined not more than five hundred dollars or sentenced to not more than forty hours of community service, or both. Upon successful completion of the community service or payment of the fine, or both, the arrest and conviction shall be set aside as provided for in Code of Criminal Procedure Article 894(B).

§14:122.1. Intimidation and interference in the operation of schools.

A. Intimidation and interference in the operation of public schools is the offering to do or doing of any act, or threatening to do any act, directly or indirectly, to any child enrolled in a public school, to any parent, tutor or guardian, or person having lawful custody of or standing in loco parentis to any such child, the purpose and intent of which is to intimidate, induce, influence, reward, compensate or cause any such person, or any school teacher, school principal, transfer operator, or any other school employee, to do or perform any act in violation of any law of this state.

B. Whoever commits the crime of intimidation and interference in the operation of schools shall be fined not less than five hundred dollars, nor more than one thousand dollars, and imprisoned for not more than one year.

C. In the trial of persons charged with public intimidation and interference in the operation of schools, either the person doing or offering to do or the person or persons sought to be influenced, coerced, intimidated, threatened, or forced, may give evidence, or make affidavit against the other, with immunity from prosecution in favor of the first informer, except for perjury in giving such testimony.
D. Any fine imposed and collected from the convicted person or persons under the provisions of this Section shall be paid to the informer or informers who shall give information resulting in the conviction of said person or persons.

§17:280. Internet and cell phone safety education; required instruction.
A. The governing authority of each public elementary and secondary school shall provide age and grade appropriate classroom instruction regarding Internet and cell phone safety. Such instruction shall be integrated into an existing course of study and shall include but need not be limited to providing students with information on the following with respect to both cell phones and the Internet:
   (1) The safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of electronic communication.
   (2) Risks of transmitting personal information.
   (3) Recognizing, avoiding, and reporting solicitations by sexual predators.
   (4) Recognizing and reporting illegal activities and communications.
   (5) Recognizing and reporting harassment and cyberbullying.
   (6) Recognizing and avoiding unsolicited or deceptive communications.
   (7) Copyright laws on written materials, photographs, music, and video.
B. The State Board of Elementary and Secondary Education shall prescribe suitable teaching materials for instruction.
C. Each public school governing authority shall provide teaching materials regarding Internet and cell phone safety to parents and legal guardians.
D. No person shall have a cause of action against any school district, school, or school employee based on any statement made or action taken, or by the omission of any statement or action, regarding instruction required by this Section. The immunity from liability established in this Subsection shall not apply to any statement or action by a school employee that is maliciously, willfully, and deliberately intended to cause bodily harm to a student or to harass or intimidate a student.

§32:431. Driving is a privilege; expulsion or suspension from school, cause for suspension of license.
A.(1) As used in this Section, "disciplinary action" means an expulsion or suspension from school for ten or more consecutive school days or an assignment to an alternative educational setting for ten or more consecutive school days in accordance with any policy of the school or of the local public school board, limited to expulsions, suspensions, and assignments to alternative educational settings for infractions involving the sale or possession of drugs, alcohol, or any other illegal substance, the possession of a firearm, or an infraction involving assault or battery on a member of the school faculty or staff. The governing authority of any public elementary or secondary school shall promulgate rules and regulations to implement the provisions of this Section.
   (2) As used in this Section, "license" or "driver's license" shall include a Class "E" learner's license and intermediate license as provided for in R.S. 32:407.
B.(1) In addition to any other authority to deny driving privileges, upon receipt of written notification from a principal or headmaster at a public or private school pursuant to R.S. 17:416.1(D), the Department of Public Safety and Corrections shall take the following action with respect to the student if he is an unemancipated minor between fifteen years of age and eighteen years of age:
   (a) If the student has a driver's license, the department shall suspend the driver's license for a period of one year beginning as provided for in Subsection C of this Section.
(b) If the student has not obtained a driver’s license, or if he applies for a different driver’s license, any license which he obtains during the period of one year beginning as provided for in Subsection C of this Section shall be immediately suspended for the duration of such one-year period.

(2) The written notice from the principal or headmaster at a public or private school required in this Subsection shall include a copy of the student's disciplinary documentation and the full name, address, date of birth, social security number, and license number, if available, of the student and the name, address, and telephone number of the student's parents, guardian, or custodial parent.

C.(1)(a) Within fifteen days of receipt of written notice from the principal or headmaster, the department shall send notice of the following by certified mail to the last known address of any student who is subjected to such disciplinary action and the student's parents, guardian, or custodial parent:

(i) That any license he holds will be suspended on the thirtieth day following the date the notice was sent by the department and that the license shall be returned to the office of motor vehicles within five days of its suspension.

(ii) That if he does not hold a license, any license he may obtain during one year from the thirtieth day of the date the notice was mailed shall be immediately suspended for the remainder of such year.

(b) The notice shall also advise that a special identification card may be obtained from the office of motor vehicles pursuant to R.S. 40:1321. The notice shall also include a notice of the student's right to request a hearing or a hardship license as provided for in Subsections D and F of this Section.

(2)(a) Any period of suspension under this Section shall begin upon the occurrence of the first of the following:

(i) The receipt by the department of the driver's license.

(ii) Thirty days after the date the notice of suspension is mailed to the student by the department as provided in Paragraph (1) of this Subsection, or the receipt of a written notice of the disposition of an application for hardship driving privileges if it was applied for prior to the beginning of the suspension pursuant to Subsection D of this Section, whichever occurs last.

(b) A license suspension shall not extend beyond the student's eighteenth birthday. At the conclusion of the suspension, the department, in its discretion, may return the license to the student or issue the student a new license, once a reinstatement fee of sixty dollars has been paid to the department.

D. Prior to or after the start of the suspension period, a student may apply to the Department of Public Safety and Corrections for provisional student or family hardship driving privileges upon presentation of appropriate documentation as determined by the office of motor vehicles. Upon approval, a student may receive provisional driving privileges in order to drive to and from school, work, a drug or alcohol treatment counseling program, or a mental health treatment program, as appropriate, when no other transportation is available. Such driving privileges shall not exceed those granted by the license that was suspended.

E. Any student whose license is suspended pursuant to this Section may otherwise be eligible for reapplication or reinstatement if, after six months from the date of denial or suspension, the principal notifies the department in writing that the student has displayed exemplary student behavior at school, has not violated any school policies or been found guilty of any misconduct pursuant to R.S. 17:416 or any policy of the school or of the local public school board, and no further disciplinary measures have been taken.

F. Within fifteen days of the date of the notice required by Subsection C of this Section the student may request an administrative hearing pursuant to the Administrative Procedure Act. The hearing request shall be made in writing to the Department of Public Safety and Corrections, office of motor vehicles, and the hearing shall be held by the Division of Administrative Law pursuant to Chapter 13-B of Title 49 of the
Louisiana Revised Statutes of 1950. The department shall promptly forward the hearing request to the Division of Administrative Law, and the hearing shall be held within thirty days of receipt by the department of the hearing request or as soon as practicable, unless continued at the request of the student. At the request of the student, the hearing may be limited to a review of the written record. The sole issue at the hearing shall be whether the provisions of this Section have been met. The reasons for disciplinary action or the propriety of disciplinary action shall not be an issue at the hearing. The license shall not be suspended until completion of the administrative hearing. Failure of the student or his representative to make an appearance at the time and place noticed for the hearing shall constitute a withdrawal of the hearing request and result in the suspension provided for in this Section.

G. No insurer issuing a policy of automobile insurance covering property damages, personal injury, or accidental death shall increase any rate or premium charges for insurance coverage because of any suspension of a license under the provisions of this Section. The provisions of this Subsection shall not be construed to prohibit the increase of any automobile insurance rate or premium, pursuant to a rate increase which is approved by the commissioner of insurance, for a class of insurance of which the person whose license has been suspended pursuant to this Section.

H. The Department of Public Safety and Corrections shall promulgate all necessary rules and guidelines for the implementation of this Section in accordance with the Administrative Procedure Act as are necessary.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Louisiana provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td>Bullying, Louisiana Department of Education</td>
<td>Provides links to resources assist school districts in preventing and responding to bullying incidents in schools, including implementation checklists, training resources, and sample letters and forms.</td>
<td><a href="http://www.louisianabelieves.com/schools/public-schools/bullying">http://www.louisianabelieves.com/schools/public-schools/bullying</a></td>
</tr>
<tr>
<td>Student Behavior and Discipline, Louisiana Department of Education</td>
<td>Provides an overview of student behavior and discipline and related topics such as multi-tiered system of supports, behavioral intervention, and social-emotional learning. Webpage also includes support tools for behavioral intervention, PBIS, and social emotional learning as well as 2019 Behavioral Intervention Summit Materials for download.</td>
<td><a href="http://www.louisianabelieves.com/schools/public-schools/discipline">http://www.louisianabelieves.com/schools/public-schools/discipline</a></td>
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Documents

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<tr>
<td>Checklist for District Implementation, Act of 861 of the 2012 Legislative Session (October 2012), Louisiana Department of Education</td>
<td>Checklist for school authorities to help assist them in creating or reviewing their plans to ensure that all provisions of Act 861 are included in their policies and procedures.</td>
<td><a href="https://www.louisianabelieves.com/docs/public-school/checklist-district-implementation-bullying.pdf?sfvrsn=73a9b667_3">https://www.louisianabelieves.com/docs/public-school/checklist-district-implementation-bullying.pdf?sfvrsn=73a9b667_3</a></td>
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<td>Sample School Board Policy, Prohibition Against Bullying (July 2012), Louisiana Department of Education</td>
<td>Sample school board policy produced by the Office of Student Programs that prohibits bullying behavior and details the process of investigation, parent notification, discipline, follow-up, and documentation in response to bullying incidents.</td>
<td><a href="http://www.louisianabelieves.com/docs/public-school/Louisiana-sample-bullying-policy12EA763F2BB4D1C6A5423027.pdf?sfvrsn=3">http://www.louisianabelieves.com/docs/public-school/Louisiana-sample-bullying-policy12EA763F2BB4D1C6A5423027.pdf?sfvrsn=3</a></td>
</tr>
<tr>
<td><strong>Other Resources</strong></td>
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<tr>
<td>Safe and Healthy Schools Data Reports, Louisiana Department of Education</td>
<td>Reports on class size, discipline incidents, dropout, attendance, retention, and truancies.</td>
<td><a href="http://www.louisianabelieves.com/resources/library/district-state-data-reports">http://www.louisianabelieves.com/resources/library/district-state-data-reports</a></td>
</tr>
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Maine
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

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

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§1055. Superintendent; powers and duties

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General Provisions

Authority to develop and establish rules of conduct

LAWS

§254. Educational duties.
The commissioner shall have the following educational duties.

11. Statewide standards for behavior. In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide standards for responsible and ethical student behavior. The standards must require annual reporting of incidents of violent and harmful behavior by or against students to the department by school administrative units. The department shall provide forms for reporting.

§263. Response to school bomb threats.
1. Prototype guidelines, policies and protocols. The commissioner, in consultation with state and local emergency services officials and representatives of school personnel and school board members, shall develop prototypical guidelines, policies and protocols for school administrative units to present to their communities when those communities are considering implementing local policies that concern prevention of and response to school bomb threats. The prototypical guidelines, policies and protocols developed by the commissioner must be made available to all schools in the State no later than December 31, 2001.

§1001. Duties of school boards
15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community members, they shall adopt a district-wide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

A. Define unacceptable student behavior;
B. Establish standards of student responsibility for behavior;
C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;
D. Describe appropriate procedures for referring students in need of special services to those services;
E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;
F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate;
G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; and
H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554.
18. Bomb threat information in student handbooks. Beginning with the 2002-2003 school year, each school board shall include in its student handbook a section that addresses in detail the school's bomb threat policies and protocols. The section of the handbook must contain an explanation of the portions of the policies and protocols relevant to students and their families and explain to the students the educational and legal consequences of making a bomb threat to a school.

REGULATIONS

05-071 CMR 33.4. Local policy; Notice to parents.

1. Local Policy Required. All covered entities shall have local policies, consistent with this rule, regarding the use of physical restraint and seclusion. Covered entities must also have a procedure available by which parents may submit a complaint regarding the use of physical restraint or seclusion on their child, based upon which the covered entity shall investigate the circumstances surrounding the incident complained of, make written findings and, where appropriate, determine to take corrective action. Covered entities shall revise existing policies or develop policies consistent with this rule within 90 calendar days of the effective date of this rule.

Scope

LAWS

§5401. Transportation.

12. Safety. Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

§6554. Prohibition on bullying in public schools.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

E. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles

4. Scope. This section applies to bullying that:

A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or

B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in subsection 2, paragraph B.

REGULATIONS

No relevant regulations found.
Communication of policy

LAWS

§255. School administrative unit; reports, records, information.
5. Information. The commissioner shall:
   A. Obtain information on school systems in this State and other states and other countries and the condition and progress of public education throughout the world;
   B. Disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press;
   C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State;

§1001. Duties of school boards.
15. Adoption of student code of conduct. [...] The school board is responsible for ensuring that school officials inform students, parents and community members of the student code of conduct.
15-A. School disciplinary policies. [...] The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.
18. Bomb threat information in student handbooks. Beginning with the 2002-2003 school year, each school board shall include in its student handbook a section that addresses in detail the school's bomb threat policies and protocols. The section of the handbook must contain an explanation of the portions of the policies and protocols relevant to students and their families and explain to the students the educational and legal consequences of making a bomb threat to a school.

§6553. Prohibition of hazing.
5. Dissemination. The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

§6554. Prohibition of bullying in public schools.
6. Dissemination of policy. Each school board shall annually provide the written policies and procedures adopted pursuant to subsection 5 to students, parents, volunteers, administrators, teachers and school staff. The policies and procedures must be posted on the school administrative unit's publicly accessible website. Each school board shall include in its student handbook a section that addresses in detail the policies and procedures adopted pursuant to subsection 5.

REGULATIONS

05-071 CMR 33.4. Local policy; Notice to parents.
1. Local Policy Required. All covered entities shall have local policies, consistent with this rule, regarding the use of physical restraint and seclusion. Covered entities must also have a procedure available by which parents may submit a complaint regarding the use of physical restraint or seclusion on their child, based upon which the covered entity shall investigate the circumstances surrounding the incident complained of, make written findings and, where appropriate, determine to take corrective action. Covered entities shall revise existing policies or develop policies consistent with this rule within 90 calendar days of the effective date of this rule.
2. Annual notification of rule and local policies. Annually, each covered entity shall provide overview and awareness information to all staff, including contracted providers, regarding the content of this rule and any local policies or procedures related to the use of physical restraint and seclusion. Each covered entity shall provide an annual notice informing parents of students enrolled at the covered entity of this rule and any local policies or procedures related to the use of physical restraint and seclusion, including the local complaint process.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

§6554. Prohibition on bullying in public schools.
5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

G. A clear statement that any person who engages in bullying, who is determined to have knowingly and falsely accused another of bullying or who engages in acts of retaliation against a person who reports a suspected incident of bullying is subject to disciplinary actions, which actions may include but are not limited to imposing a series of graduated consequences that include alternative discipline;

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

§6554. Prohibition on bullying in public schools.
2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:

(1) Meeting with the student and the student's parents;
(2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
(3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
(4) Counseling;
(5) Anger management;
(6) Health counseling or intervention;
(7) Mental health counseling;
(8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
(9) Community service; and
(10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§1001. Duties of school boards.
9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:
   A. Who is deliberately disobedient or deliberately disorderly;
   B. For infractions of violence;
   C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
   D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
   E. Who possesses, furnishes or traffics in any scheduled drug as defined in Title 17-A, chapter 45.

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.
   A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the Federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.
   C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§1001. Duties of school boards.

9. Students expelled or suspended. […] The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. […]

9-B. Disciplinary sanctions for children with disabilities. They retain the authority to sanction a child with a disability as defined in section 7001, subsection 1-A for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant principal to enforce this subsection by allowing the superintendent, principal or assistant principal to suspend a child with a disability up to a maximum of 10 days individually or cumulatively for infractions of school rules. When a child with a disability is suspended for 10 days or less individually or cumulatively within a school year for a violation of school rules, the school board is not required to provide a tutor, transportation or any other aspect of the student's special education program. Discipline of children with disabilities must be consistent with the requirements of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1415(k).

9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student:

A. The school board may expel the student for a specific period of time not to exceed the total number of instructional days approved by the school board for the current school year; or [2011, c. 614, §5 (NEW).]

B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph.

   (1) The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

   (2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

   (3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff.

   (4) The reentry plan must be provided to the parents and the student in writing.

   (5) The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

   (6) The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school. Professional
services determined to be necessary by the superintendent must be provided at the expense of the student and the student's parents.

(7) The superintendent may, as appropriate, notify an individualized education program team for a child with a disability who has been expelled by a school board.

(8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§1001. Duties of school boards.
8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents and the student of:

(a) The date, time and location of the hearing;
(b) A description of the incident or incidents that occasioned the expulsion hearing;
(c) The student's and parents' right to review the school records prior to the hearing;
(d) A description of the hearing process; and
(e) An explanation of the consequences of an expulsion; and

(2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

B. At a hearing on the expulsion:

(1) The student has the right to present and cross-examine witnesses;
(2) The student has the right to an attorney or other representation; and
(3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses.

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the school board's written decision may include a reentry plan developed in accordance with subsection 9-C.

REGULATIONS
No relevant regulations found.
In-school suspension

LAWS

§6554. Prohibition on bullying in public schools.
2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:

   (1) Meeting with the student and the student's parents;
   (2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
   (3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
   (4) Counseling;
   (5) Anger management;
   (6) Health counseling or intervention;
   (7) Mental health counseling;
   (8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
   (9) Community service; and
   (10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§1001. Duties of school boards.
9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student:

A. The school board may expel the student for a specific period of time not to exceed the total number of instructional days approved by the school board for the current school year; or

B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph.
(1) The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

(2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

(3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff.

(4) The reentry plan must be provided to the parents and the student in writing.

(5) The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

(6) The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school. Professional services determined to be necessary by the superintendent must be provided at the expense of the student and the student's parents.

(7) The superintendent may, as appropriate, notify an individualized education program team for a child with a disability who has been expelled by a school board.

(8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

§4502. School approval requirements.
5. Other requirements. The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules must set minimum requirements in the following areas, incorporating such requirements as are established by statute:

M. The use of time-out areas, administered in accordance with requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area;

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; and
REGULATIONS

05-071 CMR 33.1. Policy and purpose.
This rule establishes standards for the use of physical restraint and seclusion to provide for the safety of all individuals. Physical restraint and seclusion may only be used as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others.

05-071 CMR 33.2. Definitions.
1. Aversive procedure means the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g. hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.
2. Behavior Intervention Plan (BIP) is a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, and by strengthening replacement skills.
3. Chemical Restraint is the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior.
4. Covered Entity means an entity that owns, operates or controls a school or educational program that receives public funds from the Maine Department of Education including, but not limited to: public schools, public regional programs, public charter schools, private schools, publicly-supported private schools, special purpose private schools, Career and Technical Education schools, public pre-kindergarten, and Child Development Services (CDS).
5. De-escalation is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk for injury or harm.
6. Dangerous Behavior is behavior that presents a risk of injury or harm to a student or others.
7. Emergency is a sudden, urgent occurrence, usually unexpected but sometimes anticipated, that requires immediate action.
8. Functional Behavioral Assessment (FBA) is a school-based process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child’s environment. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms, identify the contextual factors (including affective and cognitive factors) that contribute to the behavior, and formulate a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior. Formal documentation of the assessment by appropriately qualified individuals becomes part of the child’s educational record.
9. Risk of injury or harm describes a situation in which a student has the means to cause physical harm or injury to self or others and such injury or harm is likely to occur; such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
10. Individualized Education Plan (IEP) is a term used under special education law to reference the written document that states goals, objectives and services for students receiving special education.
11. Individual Health Plan (IHP) is a plan of action for a student with special health care needs, actual and potential. It is an adaptation of the nursing care plans commonly used in health care institutions.
12. Mechanical Restraint is any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student.
13. Parent means a parent, as defined in Title 20-A MRSA, section 1, subsection 20, with legal custody of a minor child, except that the “parent” of a child with disabilities means a parent as defined in the federal Individual with Disabilities Education Act, 20 United States Code, Section 1401 (23).

14. Physical escort is temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student’s feet in order to be escorted.

15. Physical prompt is a teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.

16. Physical Restraint is an intervention that restricts a student’s freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily. Physical restraint does not include:
   A. Physical escort;
   B. Physical prompt;
   C. Physical contact when the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact;
   D. Momentarily deflecting the movement of a student when the student's movement would be destructive, harmful or dangerous to the student or to others;
   E. The use of seat belts, safety belts or similar passenger restraint, when used as intended, during the transportation of a child in a motor vehicle; or
   F. The use of a medically prescribed harness, when used as intended; or
   G. A brief period of physical contact necessary to break up a fight.

17. Positive alternatives are a set of instructional and environmental supports to teach students pro-social alternatives to problem behaviors with high rates of positive feedback.

18. School Day is a day in which a school or program is in operation as an instructional day and/or a teacher in-service day.

19. Seclusion is the involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving. Seclusion is not timeout.

20. Section 504 Plan refers to a written plan of modifications and accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

21. Serious bodily injury is any bodily injury that involves-
   A. A substantial risk of death;
   B. Extreme physical pain;
   C. Protrated and obvious disfigurement; or
   D. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

22. Student is a child or adult aged 3 to 20 enrolled in a school or a program owned, operated or controlled by a covered entity as defined in this section.

23. Timeout is an intervention where a student requests, or complies with an adult request for, a break, and is not covered by this rule. Timeout is not seclusion.

**05-071 CMR 33.4. Local policy; Notice to parents.**

1. Local Policy Required
   All covered entities shall have local policies, consistent with this rule, regarding the use of physical restraint and seclusion. Covered entities must also have a procedure available by which parents may submit a complaint regarding the use of physical restraint or seclusion on their child, based upon which
the covered entity shall investigate the circumstances surrounding the incident complained of, make
written findings and, where appropriate, determine to take corrective action.

Covered entities shall revise existing policies or develop policies consistent with this rule within 90
calendar days of the effective date of this rule.

2. Annual notification of rule and local policies

Annually, each covered entity shall provide overview and awareness information to all staff, including
contracted providers, regarding the content of this rule and any local policies or procedures related to the
use of physical restraint and seclusion.

Each covered entity shall provide an annual notice informing parents of students enrolled at the covered
tility of this rule and any local policies or procedures related to the use of physical restraint and
seclusion, including the local complaint process.

05-071 CMR 33.5. Seclusion.

1. Permitted uses of seclusion

A. Seclusion may be used only as an emergency intervention when the behavior of a student presents
a risk of injury or harm to the student or others, and only after other less intrusive interventions have
failed or been deemed inappropriate.

B. Seclusion must be implemented by staff certified in a state-approved training program to the extent
possible. If, due to the nature of the emergency, untrained staff have intervened and initiated a
seclusion, trained personnel must be summoned to the scene and assume control of the situation as
rapidly as possible.

2. Prohibited uses of seclusion

A. Seclusion may not be used for punitive purposes, staff convenience or to control challenging
behavior.

B. Seclusion may not be used to prevent property destruction or disruption of the environment in the
absence of a risk of injury or harm.

C. Seclusion may not be used as a therapeutic or educational intervention.

D. Seclusion may not take place in a locked room.

3. Monitoring of a student in seclusion

A. At least one adult must be physically present to continuously monitor a student in seclusion. The
adult, while not present in the room or defined area, must be situated so that the student is visible at all
times. Students must be continuously monitored until the student no longer presents a risk of injury or
harm to self or others.

B. In the event of an injury to the student or staff, the local policy for emergency response must be
initiated.

4. Termination of seclusion

A. The staff involved in the use of seclusion shall continually assess for signs that the student is no
longer presenting a risk of injury or harm to self or others, and the seclusion must be discontinued as
soon as possible.

B. Time must be recorded consistent with the requirements of the documentation section of this rule
and local policy.

C. The covered entity may request assistance from parents at any time during the incident.

D. If attempts to release from seclusion have been unsuccessful and a student is still presenting
behaviors that create a risk of injury or harm to self or others, then the covered entity may request
assistance from outside sources such as caregivers, case managers, crisis intervention teams, local EMS, or other community resources.

E. If seclusion continues for more than 10 minutes, an administrator or designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every 10 minutes until the seclusion is terminated.

5. Location of seclusion

Seclusion can be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height. If a specific room is designated as a seclusion room, it must be a minimum of 60 square feet with adequate light, heat, ventilation, be of normal room height, contain an unbreakable observation window in a wall or door and be free of hazardous material and objects with which a student could self-inflict bodily injury.

**05-071 CMR 33.6. Physical restraint.**

1. Permitted uses of physical restraint

   A. Physical restraint may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.

   B. Physical restraint must be implemented by staff certified in a state-approved training program to the extent possible. If, due to the nature of the emergency, untrained staff have intervened and initiated a physical restraint and if the need for physical restraint continues, trained personnel must be summoned to the scene and must assume control of the situation as rapidly as possible.

   C. Physical restraint may be used to move a student only if the need for movement outweighs the risks involved in such movement.

   D. Protective equipment or devices that are part of a treatment plan as prescribed by a licensed health care provider are not prohibited by this rule.

2. Prohibited forms and uses of physical restraint

   A. Physical restraint may not be used for punitive purposes, staff convenience or to control challenging behavior.

   B. Physical restraint may not be used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.

   C. No physical restraint may be used that restricts the free movement of the diaphragm or chest or that restricts the airway so as to interrupt normal breathing or speech (restraint-related positional asphyxia) of a student.

   D. No physical restraint may be used that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-down (e.g. tackle), the use of any physical structure (e.g. wall, railing or post), punching and hitting.

   E. Physical restraint may not be used as a therapeutic or educational intervention.

   F. Aversive procedures and mechanical and chemical restraints may not be used under any circumstances.

   G. Prescribed assistive devices are not considered mechanical restraints when used as prescribed. Their use must be supervised by qualified and trained individuals in accordance with professional standards.

   H. Prescribed medications are not considered chemical restraints when administered by a health care provider consistent with a student’s health care plan are permitted.

3. Monitoring of a student in physical restraint
A. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult is precluded.

B. A student in physical restraint must be continuously monitored until the student no longer presents a risk of injury or harm to self or others.

C. In the event of an injury, local policy must be followed.

4. Termination of physical restraint

A. The staff involved in the use of physical restraint must continually assess for signs that the student in physical restraint is no longer presenting a risk of injury or harm to self or others, and the physical restraint must be discontinued as soon as possible.

B. Time must be recorded consistent with the requirements of the documentation section of this rule and local policy.

C. The covered entity may request assistance from parents at any time during the incident.

D. If attempts to release the student from physical restraint have been unsuccessful and the student is still presenting behaviors that create a risk of injury or harm to self or others, the covered entity may request assistance from outside sources such as caregivers, case managers, crisis intervention teams, local emergency medical services, or other community resources.

E. If physical restraint continues for more than 10 minutes, an administrator or designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every 10 minutes until the physical restraint is terminated.

5. Exclusions

Those restraints used by law enforcement officers or school resource officers employed by a police department in the course of their professional duties are not subject to this rule.

05-071 CMR 33.7. Notification of incident.

1. Reporting to an Administrator or Designee, Others

After each incident of physical restraint or seclusion, a staff member involved shall:

A. Report to the administrator or designee by oral notification as soon as possible after each incident, but in no event later than the end of the school day of its occurrence, and

B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, report the incident to the entity responsible for the student’s education within 24 hours or by the end of the next business day.

2. Notification to Parents

A. An administrator or designee shall notify the parent that physical restraint or seclusion and any related first aid have occurred as soon as practical but within the school day in which the incident occurred, utilizing all available phone numbers and other appropriate means. If the parent is unavailable, a phone message must be left for the parent to contact the school as soon as possible. If a parent does not have access to a phone, the entity must use whatever contact information is available for emergencies. The parent must be informed that written documentation will be provided to them within 7 calendar days.

B. If a restraint or seclusion has occurred outside the school day, notification of the restraint or seclusion and any related first aid must occur as soon as possible in compliance with the entity’s procedures for emergency situations

3. Reporting of Serious Bodily Injury or Death

If serious bodily injury or death of a student occurs during the implementation of restraint or seclusion:
A. Oral notification of the incident must follow local health and safety procedures as outlined by the covered entity’s policies and procedures; and
B. The administrator or designee shall notify the Department of Education within 24 hours or the next business day.

05-071 CMR 33.8. Documentation; Incident report.

1. Incident Report

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator or designee as soon as practical after the incident, and in all cases within two school days. At a minimum, the incident report must include:

A. Student name;
B. Age, gender, grade;
C. Location of the incident;
D. Date of incident;
E. Date of report;
F. Person completing the report;
G. Beginning and ending time of each physical restraint and seclusion;
H. Total time of incident;
I. Description of prior events and circumstances;
J. Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
K. The student behavior that justified the use of physical restraint or seclusion;
L. A detailed description of the physical restraint or seclusion used;
M. The staff person(s) involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
N. Description of the incident, including the resolution and process of return to program, if appropriate;
O. Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;
P. If a student or staff sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;
Q. Date, time, and method of parent notification; and
R. Date, time of staff debriefing.

2. Incident Report Provided to Parents, Others

A copy of the incident report must be provided, within 7 calendar days of the incident to:

A. The parent; and
B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, the entity responsible for the student’s education.

3. Duration of Incident

For purposes of this Section and Section 9, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his or her regular programming.

05-071 CMR 33.9. Response to the use of physical restraint or seclusion.

1. Debriefing
A. Following each incident of physical restraint or seclusion, the covered entity shall ensure that, within two school days, an administrator or designee reviews the incident:

(1) With all staff persons who implemented the use of physical restraint or seclusion to discuss:
   (a) Whether the use of restraint or seclusion was implemented in compliance with this rule and local policies, and
   (b) How to prevent or reduce the future need for physical restraint and/or seclusion; and

(2) With the student who was restrained or secluded to discuss:
   (a) What triggered the student’s escalation; and
   (b) What the student and staff can do to reduce the future need for restraint or seclusion.

B. When physical restraint or seclusion has resulted in serious bodily injury to a student or staff member requiring emergency medical treatment, the debriefing must take place as soon as possible but no later than the next school day.

C. Following the debriefing, staff must develop and implement a written plan for response and de-escalation for the student, or, if a plan already exists, staff must review and, if appropriate, revise it.

2. Multiple Incidents of Physical Restraint and Seclusion

A. Special Education/504 Students after Third Incident. After the third incident of physical restraint or seclusion in a school year of a student who has been found eligible for special education or has a Section 504 plan, the student’s IEP or 504 team shall meet within 10 school days of the third incident to discuss the incident and consider the need to conduct an FBA and/or develop a BIP or amend an existing one.

B. For all other students after Third Incident. For students not described in Paragraph A, a team shall meet within ten school days of the third incident in a school year to discuss the incidents:

   (1) The team shall consist of the parent, an administrator or designee, a teacher for the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members.

   (2) The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is to be made, the need to conduct an FBA, and/or develop a BIP.

C. Nothing in this section is meant to prevent the completion of an FBA or BIP for any student who might benefit from these measures but who has had fewer than three restraints or seclusions.

3. Parent Participation

The covered entity shall make reasonable, documented efforts to encourage parent participation in the meetings required in subsection 2 of this section and to schedule them at times convenient for parents to attend.

A covered entity may not seek written permission from a parent to provide restraint and seclusion to a student.

4. Duration of Incident

For purposes of this Section, the time period described in Section 8 (3) constitutes a single incident.

05-071 CMR 33.10. Cumulative reporting.

1. Building-level reporting, analysis

A cumulative report by building must be made to the superintendent or chief administrator on a quarterly and annual basis to include:

   A. Aggregate number of uses of physical restraint;
B. Aggregate number of students placed in physical restraint;
C. Aggregate number of uses of seclusion;
D. Aggregate number of students placed in seclusion;
E. Aggregate number of serious bodily injuries to students related to the use of restraint and seclusions; and
F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

The superintendent or chief administrator shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

2. Reporting Data to the Department of Education

Each covered entity shall submit to the Department of Education an annual report of the incidence of physical restraint and seclusion that must include:

A. Aggregate number of uses of physical restraint;
B. Aggregate number of students placed in physical restraint;
C. Aggregate number of uses of seclusion;
D. Aggregate number of students in placed in seclusion;
E. Aggregate number of serious bodily injuries to students related to physical restraint and seclusion; and
F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

05-071 CMR 33.11. Complaint process.

1. Local Complaint Process

Parent complaints related to restraint and seclusion must be submitted to the covered entity in accordance with local policy and procedure.

2. Department of Education Complaint Process

Any parent who is dissatisfied with the result of the local complaint process may file a complaint with the Department of Education, which complaint is not considered an appeal of that local process. The Department shall review the results of the local complaint process and may initiate its own investigation of the complaint, and shall issue to the complaining parent and the covered entity a written report with specific findings within 60 days of receiving the complaint. If a violation is found, the Department shall develop a corrective action plan by which the entity will achieve compliance.

05-071 CMR 33.12. Staff training: Approved programs.

The Department of Education shall maintain a directory of approved training programs on its website at http://maine.gov/education/. The list of approved training programs may include regional training programs and regional “train the trainer” model programs. These training programs must require participants to demonstrate competency to achieve certification, and must include instruction in at least the following core components:

1. The use of non-physical interventions for responding to potentially dangerous behaviors, including de-escalation and the use of positive alternatives;
2. Identification of dangerous behaviors that may indicate the need for physical restraint or seclusion and methods for evaluating the risk of harm to determine whether such interventions are warranted;
3. Instruction and simulated experience in administering safe physical restraint techniques across a range of increasingly restrictive interventions, including the safe movement of a student, and in
recognizing and avoiding positions involving a high risk of restraint-related positional asphyxia (restricting a student's ability to breathe);

4. The effects of physical restraint and seclusion on a student, including monitoring physical and psychological signs of distress and when to obtain medical assistance in compliance with the covered entity's procedures for emergency interventions;

5. The risks and realities of physical restraint and seclusion; and

6. A review of the process of student and staff debriefing.

Each covered entity shall ensure that a sufficient number of administrators or designees, general and special education staff, maintain certification in an approved training program. A list of staff with the required approved training must be made available in each building office, as well as any central office, along with other school-wide emergency procedures and must be updated at least annually.

05-071 CMR 33.13: Department of education non-regulatory guidance.

The Department shall annually ensure that teachers and administrators throughout the State are provided with consistent and accurate information regarding the requirements of this rule.

**Alternative placements**

**LAWS**

§1001. Duties of school boards.

9. Students expelled or suspended. [...] The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. [...] B. Nothing in this subsection prevents a school board from:

1. Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; or

2. Providing educational services in an alternative setting to a student who has been expelled.

§3271. Compulsory attendance at school.

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program.

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

3. Exceptions. Attendance at school or an alternative education program is not required of:

A. A person who has graduated from high school before the person's 17th birthday;

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and
C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner.

§5001-A. Compulsory attendance.

Attendance at school shall be required of persons in the State as follows.

3. Alternatives to attendance at public day school. Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

   (a) A private school approved for attendance purposes pursuant to section 2901;
   (b) A private school recognized by the department as providing equivalent instruction;
   (c-1) A home instruction program that complies with the requirements of subparagraph (4); or
   (d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(4) The following provisions govern a home instruction program.

   (a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

      (i) The name, signature and address of the student's parent or guardian;
      (ii) The name and age of the student;
      (iii) The date the home instruction program will begin;
      (iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and
      (v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

   (b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

      (i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;
(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209.

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605.

§5104-A. Alternative education programs outside the school administrative unit.

1. Alternative education programs. If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.

§9701. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Drug treatment center. "Drug treatment center" means a facility as defined in Title 22, section 8001, which provides drug and alcohol abuse treatment.

2. Eligible student. "Eligible student" means any resident of the State between the ages of 5 and 20 years who is otherwise eligible for public schooling under this Title.
3. Long-term treatment. “Long-term treatment” means treatment in a drug treatment center designed to provide treatment for a period in excess of 60 days.

§9702. Program responsibility.
A school administrative unit in which a licensed drug treatment center is located or a nearby school administrative unit shall provide an educational program, as prescribed by the commissioner, for each eligible student residing in the center, notwithstanding the student's legal residence within the State. The selection of the school administrative unit to provide that program shall be made by the commissioner pursuant to rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall take into account the educational needs of students, the ability of a school administrative unit to meet those needs, the proximity of school administrative units to the facility, the expressed wishes of officials representing school administrative units and other appropriate considerations. The decision of the commissioner may be appealed to the State Board of Education. The decision of the board shall be final.

§9703. Initial program approval.
Each such school unit shall submit a program plan for educational services to be approved by the commissioner. The program plan shall include the following components:

1. Planning. Evidence of collaborative planning with officials and staff of the center and approval of the center's governing board;
2. Licensure. Proof that the facility is licensed by the Department of Health and Human Services and complies with the rules adopted by that department;
3. Educational activities. Educational activities and an evaluation component suitable to the age and educational needs of the eligible students;
4. Accounting. An accounting of all eligible students who will be provided educational services by the program and a plan for continued accurate accounting of the students; and
5. Line-item budget. A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed the number of students in the approved program plan, on a per student basis, based on the state average tuition rate as provided in sections 5804, 5805 and 15689.

The commissioner or a designee shall approve the program plan in a timely manner in order that appropriate budgeting may occur before the start of the school unit's fiscal year. Approval shall include a payment schedule for disbursement of program funds to the school unit in the fiscal year of the program's operation.

§9704. Appeal process.
A school unit required to offer an educational program or a drug treatment center which treats eligible students may appeal to the commissioner in the event agreement cannot be reached between them. The commissioner’s decision on the program in such an appeal shall be rendered within 60 days and shall be final.

§9705. Renewal of program approval.
Each school unit operating an educational program for eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner.
§9706. Rule-making authority.
The commissioner shall adopt rules to implement this chapter and the funding scheme under the Essential Programs and Services Funding Act.

REGULATIONS

05-071 CMR 128.13. Developing alternative programs.
The legislation encourages school units to establish alternative programs for dropouts and chronic (habitual) truants. Although the word "encouraged" is used, the primary intent of the legislation is to provide school units with the authority to establish programs for the identified pupils.

When developing alternative programs, local school officials should give consideration to the following questions:

A. Do the programs provide for academic and non-academic pursuits in accordance with the needs of the individual student?
B. Do the programs include that which is necessary for meeting curriculum and graduation requirements provided by statute or local board policy?
C. Do the programs provide adequate instructional time equivalent to that required for regular school programs?
D. Are adequate instructional materials provided?
E. Can the programs be evaluated in terms of meeting stated objectives? Alternative programs may be developed and conducted under the direction of local school officials and may become operative within present school facilities during the regular school day. Likewise, alternative programs may be operated under the direction of local school officials outside the regular school facilities and school day.

Regardless of which approach is followed, criteria should be developed to determine pupil eligibility for participation in these programs. A description of locally developed alternative programs is to be filed with this Department and the reporting process can be accomplished by using the data collection form.

It is possible that alternative programs may already exist or could be developed completely apart from local school jurisdiction. These programs could be operated by private individuals, groups, or agencies. If programs operated outside the school by private individuals, groups, or agencies seem appropriate in meeting the needs of the pupil, criteria for the programs should be developed by the local school officials and they should serve as a guide for the local approval of these programs. Such criteria should include the following:

1. The instruction is provided by qualified individuals. The qualifications might be evidenced by a valid teaching credential, a valid license (trade, etc.) in the area of content being presented, or expertise gained through long experience in the content of the specific program (adult education programs).
2. The quality of instruction is equivalent to that provided in the regular public school.
3. The facilities housing the program meet all fire safety, health, and sanitation standards.
4. The program is designed to provide adequate instructional time to meet its stated objectives.
5. There is provision for program evaluation. Any alternative programs developed under this legislation shall be submitted to the local school board for approval.

05-071 CMR 128.16. Parental approval of alternative programs.
Regardless of what type of alternative program arrangement is determined for each individual pupil, local school officials should prepare a form for parents to sign to approve the alternative arrangement. Parents should be included in the total process and should provide evidence to the school officials that they understand what has taken place.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§1001. Duties of school boards.
9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

B. Nothing in this subsection prevents a school board from:

(1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; [...] 

C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection.

§6552. Firearms.
1. Prohibition. A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public school property or the property of an approved private school.

2. Exceptions. The provisions under subsection 1 do not apply to the following.

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

(1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

(b) Takes place outside of regular school hours; and
(c) Is authorized by the school board.

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body.

3. Penalty. A person who violates this section is guilty of a Class E crime.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§1001. Duties of school boards.

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:

   C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;

   D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury;

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§3271. Compulsory attendance at school.

1. Required attendance. Persons residing in the unorganized territory who are at least 6 years of age and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.
1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 7 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.
   A. The person is enrolled in an approved special education program.
   B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

3. Exceptions. Attendance at school or an alternative education program is not required of:
   A. A person who has graduated from high school before the person's 17th birthday;
   B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and
   C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner.

§3272. Truancy; excusable absences.

2. Truancy. A person is truant if:
   A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or
   B. The person is required to attend school or alternative instruction and is at least 6 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or
   C. The person is required to attend school pursuant to section 3271, subsection 1-A and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

§3273. Enforcement.

1. Civil violations. A parent who has control of a person who is truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.
2. Jurisdiction. The District Court shall have jurisdiction over these violations.
4. Penalties.
5. Disposition. The court may order injunctive relief of one or more of the following actions against any person who commits a civil violation under subsection 1:
   A. Ordering the offender to comply with this chapter;
   B. Ordering the offender to take specific action to ensure the student's attendance at school;
   C. Enjoining the offender from engaging in specific conduct which interferes with or may interfere with the student's attendance at school; or
   D. Ordering the offender to undergo counseling by a professional selected by the offender, with the court's approval, or by the court. The counselor shall submit a written evaluation to the court and to the offender.
6. Fine. For a civil violation under this section, the court may impose a fine not to exceed $250, all or part of which may be suspended upon the offender's compliance with a court order under this section.

§5001-A. Compulsory attendance.

Attendance at school shall be required of persons in the State as follows.

1. Requirement. Persons 6 years of age or older and under 17 years of age shall attend a public day school during the time it is in regular session.

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 7 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

2. Exceptions. Attendance at school shall not be required of the following:

   A. A person who graduates from high school before that person's 17th birthday;
   B. A person who has:
      (1) Reached the age of 15 years or completed the 9th grade;
      (2) Permission to leave school from that person's parent;
      (3) Been approved by the principal for a suitable program of work and study or training;
      (4) Permission to leave school from the school board or its designee; and
      (5) Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner;
   D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or
   E. A person enrolled in an online learning program or course, unless the person is enrolled in a virtual public charter school as defined in section 2401, subsection 11.

§5051-A. Truancy

1. Truant.

   A student is truant if the student is subject to section 5001-A and:
   B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year;
   C. Is at least 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or
   D. Is enrolled in a public day school, is at least 5 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

2. Procedures; written notice; referral. This subsection governs the procedure to be followed when a student is truant.

   A-1. The principal, upon determining that a student is truant under subsection 1, shall notify the superintendent of the student's truancy within 5 school days of the last unexcused absence.
   A-2. A student who is determined truant under subsection 1 must be referred to the school's student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 to determine the cause of the
truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit’s intervention system under section 4710 shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is not limited to:

- Frequent communication between the teacher and the family;
- Changes in the learning environment;
- Mentoring;
- Student counseling;
- Tutoring, including peer tutoring;
- Placement into different classes;
- Consideration of multiple pathways as described under section 4703;
- Attendance contracts;
- Referral to other agencies for family services; and
- Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy.

B-1. The superintendent shall develop procedures to refer a student who is truant to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit’s intervention system under section 4710 in accordance with this section. These procedures may include, but are not limited to:

- Identifying school personnel responsible for notifying the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit’s intervention system when a student is truant;
- A process for referral of a student who is truant, including identifying school personnel responsible for inviting the parents and the student to participate in any meeting that results from this referral;
- A timeline for setting up a meeting and developing an intervention plan under paragraph A-2;
- A plan for dealing with future absences of a student who is truant; and
- A plan for reporting of the results of the intervention plan developed pursuant to paragraph A-2.

C. If the intervention plan developed pursuant to paragraph A-2 is unable to correct the truancy of the child, the superintendent shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

- State that the student is required to attend school pursuant to section 5001-A;
- Explain the parent’s right to inspect the student's attendance records, attendance coordinator’s reports and principal’s reports;
- Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with section 5053-A and will jeopardize the student's status in the grade that the student is in;
- State that the superintendent may notify the local law enforcement department of a violation of section 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and
(5) Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan.

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent shall schedule at least one meeting as required in paragraph B-1 and may invite a local prosecutor.

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.

F. When a student is determined to be truant and in violation of section 5001-A and the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 and the superintendent have made a good faith attempt to meet the requirements of paragraph B-1, the superintendent shall notify the school board of the student's truancy.

3. Reports. This subsection applies to reports of truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

(1) Identify the number of truants in the school administrative unit in the preceding school year;
(2) Describe the unit's efforts to deal with truancy;
(3) Account for actions brought under this section including the number of truants reported to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710; and
(4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

§5053-A. Enforcement.

1. Civil violation. If a parent has control of a student who is truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not more than $250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

2. Dispositions. The court may also order a parent adjudicated as violating subsection 1 to take specific action to ensure the child's attendance at school; comply with the intervention plan developed in accordance with section 5051-A, subsection 2, paragraph A-2; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

3. Notice required. Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 may be brought against the parent.

4. Prima facie proof. Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 10 cumulative full days of absences or 5 consecutive school days of absences that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the parent is primarily responsible for the child's truancy or the parent failed to take corrective measures for the child's truancy.
5. Defense. It is a defense to a prosecution under subsection 1 that the parent has exercised reasonable diligence in attempting to cause a child in the parent’s custody to attend school or that the administrators of the child’s school did not perform their duties as required by law.

6. Process. Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

7. Jurisdiction. The District Court has jurisdiction over violations under subsection 1.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

§1001. Duties of school boards.
9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:
   A. Who is deliberately disobedient or deliberately disorderly;
   B. For infractions of violence;
   C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
   D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
   E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

§6621. Performance-Enhancing substances.
1. List of banned substances. The Commissioner of Health and Human Services shall develop a list of banned performance-enhancing substances. The list must include, but is not limited to, the following:
   A. Ephedrine;
   B. Synephrine, also known as bitter orange;
   C. Dehydroepiandrosterone;
   D. All dietary supplements as defined by 21 United States Code, Section 321, Subsection (ff) that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations; and
E. All other substances that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations except for:

(1) A substance that is otherwise illegal in this State; or
(2) A substance the use of which by minors is illegal in this State.

2. Amendments to list. The Commissioner of Health and Human Services shall amend the banned substances list each time a dietary supplement or other substance referenced in subsection 1, paragraph D or E is added to the list of banned substances maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations. For a substance to be prohibited under section 6624 in a particular school year, the substance must be added to the banned substances list maintained under this section no later than July 1st preceding that school year.

3. Notification. The Commissioner of Health and Human Services shall notify the department, the Maine School Management Association and the Maine Principals' Association or their successor organizations when the initial list of banned substances is complete and of any subsequent changes to the list. The department shall notify all school administrative units that have students who participate in sports of the availability of the list. The Commissioner of Health and Human Services shall post the list on the publicly accessible website of the Department of Health and Human Services.

§6622. Awareness.

The department shall request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances. Each school administrative unit shall review its drug and alcohol policies and update such policies to address the use of performance-enhancing substances.

§6623. Marketing.

A teacher, athletic director, sports coach or other school official or employee may not sell, distribute or promote a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A school may not accept a sponsorship from a manufacturer of a performance-enhancing substance on the list of banned substances. A person who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that person is employed or serving in a coaching or other official capacity.

§6624. Prohibition on use.

A student participating in interscholastic sports may not use a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A student who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that student is enrolled.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§6553. Prohibition of hazing.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
A. "Injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in school or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student’s willingness to participate in the activity.

B. "Violator" means any person or any organization which engages in injurious hazing.

2. Adoption of policy. The school board shall adopt a policy which establishes that "injurious hazing," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.

3. Penalties. The school board shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

A. In the case of a person not associated with the public school, the ejection of the violator from school property;
B. In the case of a student, administrator or staff violator, the individual’s suspension, expulsion or other appropriate disciplinary action; and
C. In the case of an organization affiliated with the public school which authorizes hazing, rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with the public school.

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

4. Administrative responsibility. The school board shall assign responsibility for administering the policy to the superintendent of schools and establish procedures for appealing the action or lack of action of the superintendent.

5. Dissemination. The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

§6554. Prohibition on bullying in public schools

3. Prohibition. A person may not engage in bullying on school grounds. This section does not modify or eliminate a school’s obligation to comply with state and federal constitutional protections and civil rights laws applicable to schools.

5. Adoption of policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

A. A provision identifying the responsibility of students and others on school grounds to comply with the policies;
B. A clear statement that bullying, harassment and sexual harassment and retaliation for reporting incidents of such behavior are prohibited;
C. A provision outlining the responsibility of a superintendent to implement and enforce the bullying policies required by this section, including:
   (1) A requirement that the superintendent designate a school principal or other school personnel to administer the policies at the school level; and
   (2) A procedure for publicly identifying the superintendent’s designee or designees for administering the policies at the school level;
D. A requirement that school staff members, coaches and advisors for extracurricular and cocurricular activities report incidents of bullying to the school principal or other school personnel designated by the superintendent pursuant to paragraph C;

E. Procedures for students, school staff members, parents and others to report incidents of bullying. The procedures must permit reports of bullying to be made anonymously;

F. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents and the outcome of the investigations;

G. A clear statement that any person who engages in bullying, who is determined to have knowingly and falsely accused another of bullying or who engages in acts of retaliation against a person who reports a suspected incident of bullying is subject to disciplinary actions, which actions may include but are not limited to imposing a series of graduated consequences that include alternative discipline;

H. A procedure for a person to appeal a decision of a school principal or a superintendent's designee related to taking or not taking disciplinary action in accordance with the policies adopted pursuant to this subsection. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent;

I. A procedure to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services;

J. A process for the school to communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying; and

K. A procedure for communicating with a local or state law enforcement agency if the school principal or the superintendent's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act is appropriate.

School boards may combine the policies and procedures required by this subsection with nondiscrimination, harassment and sexual harassment policies and grievance procedures.

6. Dissemination of policy. Each school board shall annually provide the written policies and procedures adopted pursuant to subsection 5 to students, parents, volunteers, administrators, teachers and school staff. The policies and procedures must be posted on the school administrative unit's publicly accessible website. Each school board shall include in its student handbook a section that addresses in detail the policies and procedures adopted pursuant to subsection 5.

7. Application. A superintendent or the superintendent's designee shall ensure that every substantiated incident of bullying is addressed.

A. The prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation.

B. Any contractor, visitor or volunteer who engages in bullying must be barred from school grounds until the superintendent is assured that the person will comply with this section and the policies of the school board.

C. Any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school.

9. Staff training. A school administrative unit shall provide professional development and staff training in the best approaches to implementing this section.
REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

§4007. Secret societies prohibited.
Secret societies shall be prohibited as follows.
1. Prohibition. Secret fraternities or societies in or associated with public schools shall be prohibited.
2. Enforcement. School boards shall enforce this section.
3. Penalty. School boards may expel or otherwise discipline any student for failure or refusal to comply with this section.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§262. Violence prevention and intervention.
The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence.

§6604. Substance use disorder programs.
1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:
   A. "Chemical health coordinator" means a person who serves as the coordinator of a local school administrative unit's chemical primary and secondary prevention and education program.
2. Local programs. School units may institute special programs to address health and related problems. To further these objectives, school units may employ specialized personnel such as chemical health coordinators and others knowledgeable about substance use and may cooperate with public and private agencies in substance use disorder education, prevention, early intervention, rehabilitation referral and related programs.

§6555. Dangerous behavior prevention and intervention.
1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
   A. "Administrator" has the same meaning as in section 13001-A, subsection 1.
   B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.
   C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.
2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:
   A. Minimizing suspension and expulsion of the student;
   B. Prioritizing counseling and guidance services for the student and educators;
   C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;
   D. Restorative practices;
E. Training for public school employees who interact with the student; and
F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§262. Violence prevention and intervention.
The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence.

§1001. Duties of school boards.
15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior. For the purpose of this subsection, "positive interventions" means instructional and environmental supports that are designed to teach students prosocial alternatives to problem behaviors with high rates of positive feedback;
B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, "restorative interventions" means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior;
C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand; and
D. Provide written notice to the parents of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

§6554. Prohibition on bullying in public schools.
5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and
procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

I. A procedure to remediate any substantial incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services;

§6604. Substance use disorder programs.
1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:
   A. "Chemical health coordinator" means a person who serves as the coordinator of a local school administrative unit's chemical primary and secondary prevention and education program.
2. Local programs. School units may institute special programs to address health and related problems. To further these objectives, school units may employ specialized personnel such as chemical health coordinators and others knowledgeable about substance use and may cooperate with public and private agencies in substance use disorder education, prevention, early intervention, rehabilitation referral and related programs.

§6606. Participation in substance use disorder services.
In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance use or alcohol or drug possession participate in a substance use assessment, education or support group service offered by the school. The school board shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

§6671. Youth mental health first aid training.
A school administrative unit shall establish a youth mental health first aid training program for health educators in secondary schools in the unit pursuant to this section.

1. Recipients of training. A school administrative unit shall schedule training for and ensure training is provided to health educators in secondary schools in the unit responsible for implementing health education pursuant to section 4723.
2. Providers of training. A school administrative unit shall ensure training is delivered by trainers who are properly certified by a national organization for behavioral health to provide training pursuant to subsection 3.
3. Content of training. The training provided pursuant to this section must be in compliance with a course of instruction in youth mental health first aid operated by the national organization for behavioral health under subsection 2 and include training on the skills, resources and knowledge necessary to assist students in crisis to connect with appropriate local mental health care services, training on mental health resources, including the location of local community mental health centers, and training on action plans and protocols for referral to such resources. Recipients of the training must also receive training to:
   A. Safely de-escalate crisis situations;
   B. Recognize the signs and symptoms of mental illness, including such psychiatric conditions as schizophrenia, bipolar disorder, major clinical depression and anxiety disorders; and
C. Timely refer students to mental health services in the early stages of their development of mental disorders to avoid subsequent behavioral health care and to enhance the effectiveness of mental health services.

4. Available funding. A school administrative unit is required to meet the requirements of this section only if it has received funding specifically for this purpose from federal funding, private funding or other funding sources.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

§4502. School approval requirements.

5-B. Suicide awareness education and training. Each school administrative unit shall develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel in accordance with this subsection.

A. Beginning in the 2014-2015 school year for high schools and in the 2015-2016 school year for elementary and middle schools, a one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all school personnel. School personnel shall complete the training module by the commencement of the school year or, for those employees who are newly hired, within 6 months from the beginning of employment. Suicide prevention awareness education must be repeated every 5 years.

B. Beginning in the 2014-2015 school year, a one-day course in suicide prevention and intervention training that will result in at least 2 school personnel trained in suicide prevention and intervention must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit. Additional trained school personnel above the minimum of 2 must receive the training if the number of students in the school administrative unit is above 1,000 as follows:

(1) For 1,001 to 1,500 students, one additional school employee;
(2) For 1,501 to 2,000 students, 2 additional school personnel;
(3) For 2,001 to 2,500 students, 3 additional school personnel;
(4) For 2,501 to 3,000 students, 4 additional school personnel;
(5) For 3,001 to 3,500 students, 5 additional school personnel;
(6) For 3,501 to 4,000 students, 6 additional school personnel;
(7) For 4,001 to 4,500 students, 7 additional school personnel;
(8) For 4,501 to 5,000 students, 8 additional school personnel;
(9) For 5,001 to 5,500 students, 9 additional school personnel;
(10) For 5,501 to 6,000 students, 10 additional school personnel;
(11) For 6,001 to 6,500 students, 11 additional school personnel;
(12) For 6,501 to 7,000 students, 12 additional school personnel;
(13) For 7,001 to 7,500 students, 13 additional school personnel; and
(14) For 7,501 or more students, 14 additional school personnel.

Suicide prevention and intervention training must be repeated every 5 years.
C. Suicide prevention awareness education and suicide prevention and intervention training under this subsection must conform to national guidelines adopted by organizations that offer best practices, research-based training.

D. Training pursuant to this subsection must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under chapters 501 and 502.

The department shall adopt rules to implement this subsection. The rules must include, but are not limited to, implementation standards for suicide prevention awareness education and for suicide prevention and intervention training. Standards adopted for suicide prevention awareness education must be made available on the department’s publicly accessible website. Rules adopted pursuant to this subsection before July 1, 2014 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2014, rules adopted by the department pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

§6554. Prohibition on bullying in public schools.

9. Staff training. A school administrative unit shall provide professional development and staff training in the best approaches to implementing this section.

§6555. Dangerous behavior prevention and intervention.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

   A. “Administrator” has the same meaning as in section 13001-A, subsection 1.

   B. “Assigned public school employee” means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

   C. “Dangerous behavior” means behavior of a student that presents a risk of injury or harm to a student or others.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

   A. Minimizing suspension and expulsion of the student;

   B. Prioritizing counseling and guidance services for the student and educators;

   C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;

   D. Restorative practices;

   E. Training for public school employees who interact with the student; and

   F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination
under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

§6671. Youth mental health first aid training.

A school administrative unit shall establish a youth mental health first aid training program for health educators in secondary schools in the unit pursuant to this section.

1. Recipients of training. A school administrative unit shall schedule training for and ensure training is provided to health educators in secondary schools in the unit responsible for implementing health education pursuant to section 4723.

2. Providers of training. A school administrative unit shall ensure training is delivered by trainers who are properly certified by a national organization for behavioral health to provide training pursuant to subsection 3.

3. Content of training. The training provided pursuant to this section must be in compliance with a course of instruction in youth mental health first aid operated by the national organization for behavioral health under subsection 2 and include training on the skills, resources and knowledge necessary to assist students in crisis to connect with appropriate local mental health care services, training on mental health resources, including the location of local community mental health centers, and training on action plans and protocols for referral to such resources. Recipients of the training must also receive training to:

   A. Safely de-escalate crisis situations;

   B. Recognize the signs and symptoms of mental illness, including such psychiatric conditions as schizophrenia, bipolar disorder, major clinical depression and anxiety disorders; and

   C. Timely refer students to mental health services in the early stages of their development of mental disorders to avoid subsequent behavioral health care and to enhance the effectiveness of mental health services.

4. Available funding. A school administrative unit is required to meet the requirements of this section only if it has received funding specifically for this purpose from federal funding, private funding or other funding sources.

REGULATIONS

05-071 CMR33.12. Staff training; Approved program.

The Department of Education shall maintain a directory of approved training programs on its website at http://maine.gov/education/. The list of approved training programs may include regional training programs and regional “train the trainer” model programs. These training programs must require participants to demonstrate competency to achieve certification, and must include instruction in at least the following core components:

1. The use of non-physical interventions for responding to potentially dangerous behaviors, including de-escalation and the use of positive alternatives;

2. Identification of dangerous behaviors that may indicate the need for physical restraint or seclusion and methods for evaluating the risk of harm to determine whether such interventions are warranted;

3. Instruction and simulated experience in administering safe physical restraint techniques across a range of increasingly restrictive interventions, including the safe movement of a student, and in recognizing and avoiding positions involving a high risk of restraint-related positional asphyxia (restricting a student’s ability to breathe);
4. The effects of physical restraint and seclusion on a student, including monitoring physical and psychological signs of distress and when to obtain medical assistance in compliance with the covered entity's procedures for emergency interventions;

5. The risks and realities of physical restraint and seclusion; and

6. A review of the process of student and staff debriefing.

Each covered entity shall ensure that a sufficient number of administrators or designees, general and special education staff, maintain certification in an approved training program. A list of staff with the required approved training must be made available in each building office, as well as any central office, along with other school-wide emergency procedures and must be updated at least annually.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§254. Educational duties.
The commissioner shall have the following educational duties.

11. Statewide standards for behavior. In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide standards for responsible and ethical student behavior. The standards must require annual reporting of incidents of violent and harmful behavior by or against students to the department by school administrative units. The department shall provide forms for reporting.

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administration units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department’s website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on a least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken.

§263. Response to school bomb threats.

2. Reporting of school bomb threats. Beginning with the 2001-2002 school year, all public schools and private schools enrolling more than 60% of their students at public expense in the State must report each bomb threat incident to the commissioner. The initial report must be made to the office of the superintendent within the school administrative unit or to the headmaster of the private school. The office of the superintendent or headmaster receiving a report of a bomb threat at a school must report that threat to the commissioner within 2 business days of the occurrence of the bomb threat. The commissioner shall report annually on the nature, frequency and impacts of school bomb threats in the State’s schools to the joint standing committee of the Legislature having jurisdiction over education matters.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

D. A requirement that school staff members, coaches and advisors for extracurricular and cocurricular activities report incidents of bullying to the school principal or other school personnel designated by the superintendent pursuant to paragraph C;

E. Procedures for students, school staff members, parents and others to report incidents of bullying. The procedures must permit reports of bullying to be made anonymously;
REGULATIONS

05-071 CMR 33.7. Notification of incident.
Section 7. Notification of Incident
1. Reporting to an Administrator or Designee, others
After each incident of physical restraint or seclusion, a staff member involved shall:
   A. Report to the administrator or designee by oral notification as soon as possible after each incident, but in no event later than the end of the school day of its occurrence, and
   B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, report the incident to the entity responsible for the student’s education within 24 hours or by the end of the next business day.

05-071 CMR 33.8. Documentation; Incident report.
1. Incident Report
Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator or designee as soon as practical after the incident, and in all cases within two school days. At a minimum, the incident report must include:
   A. Student name;
   B. Age, gender, grade;
   C. Location of the incident;
   D. Date of incident;
   E. Date of report;
   F. Person completing the report;
   G. Beginning and ending time of each physical restraint and seclusion;
   H. Total time of incident;
   I. Description of prior events and circumstances;
   J. Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
   K. The student behavior that justified the use of physical restraint or seclusion;
   L. A detailed description of the physical restraint or seclusion used;
   M. The staff person(s) involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
   N. Description of the incident, including the resolution and process of return to program, if appropriate;
   O. Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;
   P. If a student or staff sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;
   Q. Date, time, and method of parent notification; and
   R. Date, time of staff debriefing.
2. Incident Report Provided to Parents, others
A copy of the incident report must be provided, within 7 calendar days of the incident to:
   A. The parent; and
   B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, the entity responsible for the student’s education.
3. Duration of Incident

For purposes of this Section and Section 9, an "incident" consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his or her regular programming.

**Parental notification**

**LAWS**

§1001. Duties of school boards.

9-C. Reentry for students after expulsion.

(2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

(3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff.

(4) The reentry plan must be provided to the parents and the student in writing.

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

D. Provide written notice to the parents of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;

§6001-A. Parental access to information on school activities.

1. Parental notification. Upon written request by a parent, a school administrative unit may provide written notification of all school activities and programs for which parental participation, involvement, notification or awareness is in the best interest of the student. A noncustodial parent may have access to information on school activities and programs upon written request and with the mutual agreement of the custodial parent and the school administrative unit.

2. Exemption. This section does not apply to a parent denied parental rights and responsibilities in a court order.

§6001-B. Transfer of education records.

4. Notice to parents and guardians. Prior to the start of the 2000-01 school year and each school year thereafter, a school administrative unit shall send a written notice to parents or guardians of every student enrolled in the school administrative unit that education records must be sent to a school administrative unit to which a student applies for transfer. Beginning with the 2001-2002 school year, an educational program or school for juveniles located in or operated by a correctional facility shall send a written notice to parents, guardians and custodians of every student enrolled in that educational program or school for juveniles located in or operated by the correctional facility that education records must be sent to a school.
administrative unit to which a student applies for transfer. The notice provided to parents, guardians and custodians must comply with the standards of the federal Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568.

§6554. Prohibition on bullying in public schools.
5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

J. A process for the school to communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying;

§6606. Participation in substance use disorder services.
In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance use or alcohol or drug possession participate in a substance use assessment, education or support group service offered by the school. The school board shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

REGULATIONS

05-071 CMR 33.7. Notification of incident.
2. Notification to parents
   A. An administrator or designee shall notify the parent that physical restraint or seclusion and any related first aid have occurred as soon as practical but within the school day in which the incident occurred, utilizing all available phone numbers and other appropriate means. If the parent is unavailable, a phone message must be left for the parent to contact the school as soon as possible. If a parent does not have access to a phone, the entity must use whatever contact information is available for emergencies. The parent must be informed that written documentation will be provided to them within 7 calendar days.
   B. If a restraint or seclusion has occurred outside the school day, notification of the restraint or seclusion and any related first aid must occur as soon as possible in compliance with the entity’s procedures for emergency situations

05-071 CMR 33.8. Documentation: Incident report.
1. Incident Report
   Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator or designee as soon as practical after the incident, and in all cases within two school days. At a minimum, the incident report must include:
   A. Student name;
   B. Age, gender, grade;
   C. Location of the incident;
   D. Date of incident;
   E. Date of report;
   F. Person completing the report;
G. Beginning and ending time of each physical restraint and seclusion;
H. Total time of incident;
I. Description of prior events and circumstances;
J. Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
K. The student behavior that justified the use of physical restraint or seclusion;
L. A detailed description of the physical restraint or seclusion used;
M. The staff person(s) involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
N. Description of the incident, including the resolution and process of return to program, if appropriate;
O. Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;
P. If a student or staff sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;
Q. Date, time, and method of parent notification; and
R. Date, time of staff debriefing.

2. Incident Report Provided to Parents, Others
A copy of the incident report must be provided, within 7 calendar days of the incident to:
   A. The parent; and
   B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, the entity responsible for the student’s education.

3. Duration of Incident
For purposes of this Section and Section 9, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his or her regular programming.

05-071 CMR 128.16. Parental approval of alternative programs.
Regardless of what type of alternative program arrangement is determined for each individual pupil, local school officials should prepare a form for parents to sign to approve the alternative arrangement. Parents should be included in the total process and should provide evidence to the school officials that they understand what has taken place.

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

**LAWS**

§254. Educational duties.
The commissioner shall have the following educational duties.

12. Technical assistance and statewide standards for reintegration planning. In consultation with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers and parents and other interested local officials and community members, the commissioner shall develop a program of technical assistance and establish statewide standards for reintegration planning and transition services for juvenile offenders who are discharged from juvenile correctional facilities in the State, who have been enrolled in educational programs or schools for juveniles located in or operated by correctional facilities and who are transferring to schools.
located within local school administrative units in the State. The technical assistance and standards must include, but may not be limited to:

A. Timely presentation of student educational records pursuant to section 6001-B and other appropriate information, including confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12;

B. The level and scope of technical assistance to be provided by the department to local school officials and the level and scope of training that local school administrative units must provide to school personnel who may have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; and

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting.

§1001. Duties of school boards

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community members, they shall adopt a district-wide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property;

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under section 5001-A.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

K. A process for communicating with a local or state law enforcement agency if the school principal or the superintendent's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act is appropriate.

§6555. Dangerous behavior prevention and intervention.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Administrator" has the same meaning as in section 13001-A, subsection 1.
B. “Assigned public school employee” means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. “Dangerous behavior” means behavior of a student that presents a risk of injury or harm to a student or others.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

A. Minimizing suspension and expulsion of the student;

B. Prioritizing counseling and guidance services for the student and educators;

C. Providing positive behavioral interventions and supports designed to address the consequences of trauma in the individual and training for the student and educators;

D. Restorative practices;

E. Training for public school employees who interact with the student; and

F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities. Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

§254. Educational duties.
The commissioner shall have the following educational duties.

12. Technical assistance and statewide standards for reintegration planning. In consultation with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers and parents and other interested local officials and community members, the commissioner shall develop a program of technical assistance and establish statewide standards for reintegration planning and transition services for juvenile offenders who are discharged from juvenile correctional facilities in the State, who have been enrolled in educational programs or schools for juveniles located in or operated by correctional facilities and who are transferring to schools located within local school administrative units in the State. The technical assistance and standards must include, but may not be limited to:
A. Timely presentation of student educational records pursuant to section 6001-B and other appropriate information, including confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12;

B. The level and scope of technical assistance to be provided by the department to local school officials and the level and scope of training that local school administrative units must provide to school personnel who may have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; and

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting.

§6001. Dissemination of information

1. Federal and state law. The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, govern the dissemination of education records and personally identifiable information about students in public schools, private schools approved by the department pursuant to chapter 117 and private schools recognized by the department as providing equivalent instruction pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b), as well as written notices of intent to provide equivalent instruction through home instruction and all education records of students receiving equivalent instruction through home instruction.

2. Internet restrictions. A public school may not publish on the Internet or provide for publication on the Internet any personal information about its students without first obtaining the written approval of those students' parents. For the purpose of this section, "personal information" means information that identifies a student, including, but not limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

3. Dissemination of education records to criminal justice agencies. A school may disseminate education records as defined in 20 United States Code, Section 1232 g(a)(4) regarding a juvenile if:

A. The juvenile has not been adjudicated as having committed a juvenile crime;

B. The education records are disseminated to:

(1) Criminal justice agencies; or

(2) Agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile and that have provided the school with a statement describing the purpose of the dissemination; and

C. The education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

Education records received under this subsection are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

§6001-B. Transfer of education records.

1. Education records must follow students who transfer. Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from educational programs or schools for juveniles located in or operated by correctional
facilities or out-of-state schools are also subject to this requirement. For a student who is placed in an interim program, as defined in section 5161, subsection 3-A, the responsible school pursuant to section 5163 shall send or electronically transfer pertinent records, including but not limited to academic and health information records, to the interim program no later than 5 school days after becoming aware that the student has entered the interim program.

2. Transfer of records. Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including disciplinary records, attendance records, health records other than confidential health records for which consent for dissemination has not been obtained and special education records, to school administrators at the school administrative unit to which the student is seeking a transfer. Confidential health records may be provided under this subsection only if the school administrator at the school administrative unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in the following records:

A. Records concerning information on a person's HIV infection status, including the results of an HIV test, as those records are described in Title 5, section 19203-D;
B. Records concerning information on a person's substance use disorder treatment as those records are described in Title 5, section 20047;
C. Records concerning information on a person's health care and treatment as those records are described in Title 22, section 1711-C; and
D. Records concerning information on a person's mental health treatment as those records are described in Title 34-B, section 1207.

3. Determination of disciplinary status of student applying for transfer; discretion of school to accept student. At the request of the superintendent of the school administrative unit into which a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the receiving school administrative unit indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding. In the case of a student who has been expelled or suspended or is the subject of an expulsion or suspension proceeding, the receiving school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the conditions of the expulsion or suspension have been met.

3-A. Determination of status of juvenile applying for admission; discretion of school to accept juvenile. If the receiving school administrative unit receives information under Title 15, section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F that a student is not in compliance with a condition of an individualized plan for the juvenile's rehabilitation and that condition is relevant to the juvenile's reintegration into the school, the receiving school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the condition has been met.

4. Notice to parents and guardians. Prior to the start of the 2000-01 school year and each school year thereafter, a school administrative unit shall send a written notice to parents or guardians of every student enrolled in the school administrative unit that education records must be sent to a school administrative unit to which a student applies for transfer. Beginning with the 2001-2002 school year, an educational program or school for juveniles located in or operated by a correctional facility shall send a written notice
to parents, guardians and custodians of every student enrolled in that educational program or school for juveniles located in or operated by the correctional facility that education records must be sent to a school administrative unit to which a student applies for transfer. The notice provided to parents, guardians and custodians must comply with the standards of the federal Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568.

REGULATIONS
No relevant regulations found.

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

LAWS

§1001. Duties of school boards.
9-C. Reentry for students after expulsion.
   (8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

§1055. Superintendent; powers and duties.
2. Inspect Schools; Annual Report. The superintendent is responsible for:
   A. Inspecting the schools and reviewing the operating rules, the discipline and the proficiency of the students;

§5051-A. Truancy
3. Reports. This subsection applies to reports of truancy.
   A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:
      (1) Identify the number of truants in the school administrative unit in the preceding school year;
      (2) Describe the unit's efforts to deal with truancy;
      (3) Account for actions brought under this section including the number of truants reported to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710; and
      (4) Include any other information on truancy requested by the commissioner.
   B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

§5052-A. Attendance coordinators.
The following provisions apply to attendance coordinators.
3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:
   B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants;
§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, section 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

F. A procedure for promptly investigating and responding to incidents of bullying, including written documentation or reported incidents and the outcome of the investigations;

8. Transparency and monitoring. Each school administrative unit shall file its policies to address bullying and cyberbullying with the department.

REGULATIONS

05-071 CMR 33.10. Cumulative reporting.

1. Building-level reporting, analysis

A cumulative report by building must be made to the superintendent or chief administrator on a quarterly and annual basis to include:

A. Aggregate number of uses of physical restraint;
B. Aggregate number of students placed in physical restraint;
C. Aggregate number of uses of seclusion;
D. Aggregate number of students placed in seclusion;
E. Aggregate number of serious bodily injuries to students related to the use of restraint and seclusions; and

F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

The superintendent or chief administrator shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

2. Reporting Data to the Department of Education

Each covered entity shall submit to the Department of Education an annual report of the incidence of physical restraint and seclusion that must include:

A. Aggregate number of uses of physical restraint;
B. Aggregate number of students placed in physical restraint;
C. Aggregate number of uses of seclusion;
D. Aggregate number of students in placed in seclusion;
E. Aggregate number of serious bodily injuries to students related to physical restraint and seclusion; and

F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

§5052-A. Attendance coordinators.
The following provisions apply to attendance coordinators.

1. Appointment. The following provisions apply to the appointment of attendance coordinators.
   A. A superintendent shall appoint an attendance coordinator or coordinators.
   B. Vacancies must be filled as they occur.

2. Qualifications. An attendance coordinator must be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:
   A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;
   B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants;
   C. Serving as a member of the dropout prevention committee in accordance with section 5103; and
   D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under section 5001-A.

4. Department assistance. The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.
REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§254. Educational duties.
The commissioner shall have the following educational duties.

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken.

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit.

18. Model policy; child sexual abuse prevention. The commissioner shall develop a model policy for child sexual abuse prevention education and response that may be used for public preschool programs operated in compliance with chapter 203, subchapter 3 and for all students enrolled in kindergarten to grade 5.

A. No later than July 1, 2016, the commissioner, in consultation with the Department of Health and Human Services, organizations that have expertise in child sexual abuse prevention education and organizations representing school boards, administrators, teachers and parents, shall develop a model policy based on nationally recognized best practices that includes:

(1) Child sexual abuse response and reporting procedures;
(2) Child sexual abuse awareness training and prevention education for school personnel;
(3) Age-appropriate child sexual abuse prevention education for students, aligned to the system of learning results established pursuant to section 6209 and delivered by qualified instructors;
(4) School response and reporting procedures; and
(5) Resources a victim of child sexual abuse or nonoffending caregivers of a victim of child sexual abuse may access for services and support.

B. The department shall offer technical assistance to school administrative units that operate a public preschool program or an elementary school to aid in the establishment of a local child sexual abuse prevention education and response policy that is consistent with the model policy developed under paragraph A.

C. The department shall send a copy of the model policy developed under paragraph A to each school administrative unit in the State and post the model policy on the publicly accessible portion of the department's website along with any related resources that the commissioner determines necessary.
§5052-A. Attendance coordinators.
The following provisions apply to attendance coordinators.

4. Department assistance. The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education.
The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose sole responsibility is to cover the area of truancy, dropouts and alternative education.

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs pertaining to the problems and have this as the consultant's sole responsibility.

2. Duties. The consultant shall:
   A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;
   B. Develop screening tools for early identification of potential dropouts;
   C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;
   D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;
   E. Develop model curricula and programs for alternative education schools and programs;
   F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner;
   G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;
   H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;
   I. Have the responsibility for preventive programs and alternative education programs;
   J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion;
   K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State;
   L. Provide staff services to the advisory committee; and
   M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.
§6605. Department role
1. Personnel. The commissioner shall appoint, subject to the Civil Service Law, supervisors and consultants knowledgeable about substance use.

2. Technical assistance. The department, through its supervisors and consultants, shall offer technical assistance to public and approved private schools and cooperating community-based organizations to aid in the establishment and implementation of school-based substance use disorder programs and health education curricula.

3. Cooperation; coordination. The department shall carry out its planning activities related to alcohol and drug education and prevention.

4. Information collection and sharing. The Department of Education is authorized to gather information about substance use disorder prevention and intervention programs initiated by state or federal agencies whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

REGULATIONS

05-071 CMR 33.13: Department of education non-regulatory guidance.
The Department shall annually ensure that teachers and administrators throughout the State are provided with consistent and accurate information regarding the requirements of this rule.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

§4009. Civil liability.
The following provisions apply to civil liability.

1. Reasonable force. A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:
   A. Control the disturbing behavior; or
   B. Remove the person from the scene of the disturbance.

2. Exceptions. Subsection 1 shall not apply to the intentional or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.

3. Effect on civil liability. This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.

4. Emergency medical treatment. Notwithstanding any other provision of any public or private and special law, any nonlicensed agent or employee of a school or school administrative unit who renders first aid, emergency treatment or rescue assistance to a student during a school program may not be held liable for injuries alleged to have been sustained by that student or for the death of that student alleged to have occurred as a result of an act or omission in rendering such aid, treatment or assistance. This subsection does not apply to injuries or death caused willfully, wantonly or recklessly or by gross negligence on the part of the agent or employee.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§254. Educational duties.
The commissioner shall have the following educational duties.

16. Parental involvement initiatives. The commissioner shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy in accordance with section 255, subsection 6.

§255. School administrative unit; reports, records, information.

6. Parental involvement initiatives; post. Beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, and the commissioner shall post that initiative on the department's publicly accessible website. The commissioner also shall post on the department's publicly accessible website links to the
publicly accessible websites of those school administrative units that have chosen to adopt districtwide parental involvement initiatives as school board policy and that have submitted those initiatives to the department.

§5102. Definitions.
As used in this subchapter, unless the context otherwise indicates, a "dropout" means any person who has withdrawn for any reason except death, or been expelled from school before graduation or completion of a program of studies and who has not enrolled in another educational institution or program.

§5103. Dropout prevention committee.
The following provisions apply to the dropout prevention committee.

1. Committee. Each superintendent, with school board approval, shall annually establish a separate dropout prevention committee for each individual school unit under the superintendent's supervision. 2. Membership. The dropout prevention committee shall be composed of the following members:

   A. A member of the school board selected by that board;
   B. A school administrator selected by the superintendent;
   C. A teacher and a school counselor selected by the school administrative unit's teacher organization;
   D. A parent selected by the unit's organized parent group, or, if no organized parent group exists, by the school board;
   E. A school attendance coordinator from the district selected by the superintendent;
   F. A high school student selected by the dropout prevention committee members selected in paragraphs A to E;
   G. A dropout selected by the dropout prevention committee members selected in paragraphs A to E; and
   H. A community resident of the district selected by the dropout prevention committee members selected in paragraphs A to E.

2. A dropout prevention committee may increase its membership by majority vote.

3. Terms and vacancies. Members shall serve in accordance with policy established by the school board.

4. Chair. The dropout prevention committee shall select a chair from among its members.

5. Responsibilities. The following provisions apply to responsibilities of the dropout prevention committee.

   A. The dropout prevention committee shall:
      (1) Study the problem of dropouts and truancy and the need for alternative education programs, kindergarten to grade 12;
      (2) Make recommendations for addressing the problems; and
      (3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L-1.

   B. The dropout prevention committee shall consider the following when developing its plan:
      (1) Reasons why students drop out of school;
      (2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternative education programs, counseling and referral;
      (3) Education of teachers and administrators about the dropout problem;
(4) Use of human services programs to help dropouts;
(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and
(6) Discriminatory practices and attitudes within the school administrative unit.

6. Annual report. The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.

7. Department assistance. The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.

§5152. Advisory committee.
1. Commissioner. The commissioner shall appoint an advisory committee on truancy, dropouts and alternative education.
2. Duties of the advisory committee, as appointed by the commissioner. The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. The committee should consider its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.
3. Membership. The advisory committee must have a broad membership reflecting the range of individuals and public and private institutions that are involved or interested in the problem and its solution. It must include representation from each of the following:
   A. Teachers;
   B. Elementary school principals;
   C. Secondary school principals;
   D. Guidance counselors;
   E. Adult education teachers with experience in high school completion education;
   F. Superintendents;
   G. Administrators from private schools involved in alternative education programs;
   H. Department of Health and Human Services;
   I. [2005, c. 397, Pt. A, §16 (RP).]
   J. Department of Corrections;
   K. Department of Labor;
   L. A local positive action committee on truancy, dropout and alternative education programs;
   M. Representatives from the business community; and
   N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs.

Two of the representatives in paragraphs A to D must be directly involved in alternative education programs. There may be no more than 15 members on the committee.
4. Term of office. The members of the advisory committee shall serve for 2 years and may be reappointed.
5. Expenses. Members of the advisory committee shall be reimbursed for expenses only for attending meetings or performing other functions authorized by the committee.

6. Annual reports. The committee shall report annually by February 1st to the joint standing committee of the Legislature having jurisdiction over education.

§6604. Substance use disorder programs.
1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:
   A. “Chemical health coordinator” means a person who serves as the coordinator of a local school administrative unit’s chemical primary and secondary prevention and education program.

2. Local programs. School units may institute special programs to address health and related problems. To further these objectives, school units may employ specialized personnel such as chemical health coordinators and others knowledgeable about substance use and may cooperate with public and private agencies in substance use disorder education, prevention, early intervention, rehabilitation referral and related programs.

§6605. Department role
1. Personnel. The commissioner shall appoint, subject to the Civil Service Law, supervisors and consultants knowledgeable about substance use.

2. Technical assistance. The department, through its supervisors and consultants, shall offer technical assistance to public and approved private schools and cooperating community-based organizations to aid in the establishment and implementation of school-based substance use disorder programs and health education curricula.

3. Cooperation; coordination. The department shall carry out its planning activities related to alcohol and drug education and prevention.

4. Information collection and sharing. The Department of Education is authorized to gather information about substance use disorder prevention and intervention programs initiated by state or federal agencies whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

§1001. Duties of school boards.
9-D. Professional services after expulsion for a child with a disability. Nothing in subsection 9-C may be interpreted to require payment from the parents of an expelled student for professional services determined by the superintendent to be necessary to establish the student’s readiness to return to school if:

   A. The student is a child with a disability who has been determined to be eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.530, Paragraph (d); or
B. The school administrative unit did not have knowledge that the student was a child with a disability prior to taking disciplinary measures against the student and, based on a subsequent evaluation, the student is determined to be a child with a disability who is eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.534, Paragraph (d).

§4511. Accreditation requirements

3. Specific requirements. In addition to standards that are adopted in subsection 1, accreditation standards shall include, but not be limited to, the following.

A. The school has a clearly written statement reflective of the needs, beliefs and values of the school community. It is supported by stated goals and objectives and is consistent with the district's philosophy.

B. The school is effectively managed and provides leadership that promotes the achievement of educational excellence.

C. The school demonstrates evidence of a well planned and periodically evaluated curriculum which has consistently resulted in exemplary educational programming.

D. The school demonstrates a carefully coordinated effort to provide instructional processes which have consistently resulted in a learning environment which promotes excellence. A variety of instructional techniques is used by a majority of the teachers.

E. The school has a carefully planned staff development program guided by sound educational theory that promotes exemplary practices.

F. The school has a climate which promotes individual self-esteem, high expectations for achievement and a positive attitude toward learning.

G. The school has a collaboratively planned community relations program which promotes close cooperation between the school and the community toward the achievement of the school's goals and objectives.

H. The school facility offers an effective setting for the delivery of high quality programs and services.


J. [2018, c. 466, § 7 (RP).]

§5401. Transportation.

12. Safety. Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Maine provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
<th>Title</th>
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<tr>
<td>Attendance and Truancy Resources, Maine Department of Education (Maine DOE)</td>
<td>Addresses topics including attendance, truancy, alternative education, and dropout prevention.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/attendance">https://www.maine.gov/doe/schools/safeschools/attendance</a></td>
</tr>
<tr>
<td>Bullying Prevention, Maine DOE</td>
<td>Addresses law, model policy, procedures, data, and resources for bullying prevention.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/bullying">https://www.maine.gov/doe/schools/safeschools/bullying</a></td>
</tr>
<tr>
<td>School Climate, Maine DOE</td>
<td>Provides an overview of school climate and links to surveys, data, and resources related to the topic.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/schoolclimate">https://www.maine.gov/doe/schools/safeschools/schoolclimate</a></td>
</tr>
<tr>
<td>Student Behavior, Maine DOE</td>
<td>Provides an overview of developing a student code of conduct and links to subtopics: behavior, bullying prevention, and restraint and seclusion.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/studentbehavior">https://www.maine.gov/doe/schools/safeschools/studentbehavior</a></td>
</tr>
<tr>
<td>Restraint and Seclusion, Maine DOE</td>
<td>Provides links to training programs, reporting, information, guidance, Frequently Asked Questions (FAQs), and contact information to Integrated Student Supports Team.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/restraint">https://www.maine.gov/doe/schools/safeschools/restraint</a></td>
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**Documents**

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**Other Resources**

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<th>Title</th>
<th>Description</th>
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</tr>
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<tr>
<td>Data Warehouse, Maine DOE</td>
<td>Database for assessment results and data on the following topics: chronic absenteeism, dropout, behavior, bullying, restraint and seclusion, and truancy.</td>
<td><a href="https://www.maine.gov/doe/data-reporting/reporting/warehouse">https://www.maine.gov/doe/data-reporting/reporting/warehouse</a></td>
</tr>
<tr>
<td>Title</td>
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<td>Website address (if applicable)</td>
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</tr>
<tr>
<td>State-wide Substantiated Incidents of Bullying, Maine DOE</td>
<td>Data for substantiated incidents of bullying submitted to the Maine DOE after an investigation has been conducted by school administration.</td>
<td><a href="https://www.maine.gov/doe/schools/safeschools/bullying#data">https://www.maine.gov/doe/schools/safeschools/bullying#data</a></td>
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Maryland
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Subtitle 8. Immunities and Prohibited Actions - Miscellaneous
§ 5-803. School employees

Criminal Law

Title 3. Other Crimes against the Person
Subtitle 6. Abuse and Other Offensive Conduct
§ 3-607. Hazing
Subtitle 8. Stalking and Harassment
§ 3-805. Misuse of electronic communication or interactive computer service

Title 4. Weapon Crimes
§ 4-102. Deadly weapons on school property

Title 5. Controlled Dangerous Substances, Prescriptions, and Other Substances
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§ 7-428. Inhalant abuse training and awareness
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§ 7-438. Community-Partnered school behavioral health services programs
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13A.01.04. Public School Standards
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13A.02.04. Tobacco Free School Environment
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13A.08.01. General Regulations
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**13A.08.01.05.** Student attendance policy
**13A.08.01.08.** Substance use or distribution
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**13A.08.01.11.** Disciplinary action
**13A.08.01.12.** Arrests on school premises
**13A.08.01.12-1.** Bringing or possessing a firearm on school property
**13A.08.01.13.** Questioning on school premises
**13A.08.01.14.** Searches
**13A.08.01.15.** Reporting delinquent acts
**13A.08.01.17.** School use of reportable offenses
**13A.08.01.18.** Definitions for regulations .19 - .20
**13A.08.01.19.** Probationary and persistently dangerous school designation
**13A.08.01.20.** Unsafe school transfer policy
**13A.08.01.21.** Reducing and eliminating disproportionate/discrepant impact

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<td>13A.08.06.03.</td>
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</tr>
</tbody>
</table>
General Provisions

Authority to develop and establish rules of conduct

LAWS

(f) Regulations. The Baltimore City Board of School Commissioners shall adopt regulations governing the:
   (1) Operation of the Baltimore City School Police Force; and
   (2) Conduct of each Baltimore City school police officer.

7-304. Special programs for disruptive students.
(b) Authority to establish programs. Each county board of education and the Board of School Commissioners of Baltimore City shall establish special programs in the county and Baltimore City for students in the public school system who exhibit disruptive classroom behavior.
(c) Joint use. Two or more county boards may establish special programs for their joint use.

7-306. Corporal punishment; State code of discipline.
(c) Standards of conduct; implementation. - The State Board shall:
   (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
   (2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
   (3) Assist each county board with the implementation of the guidelines.
(d) Regulations. -
   (1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.
   (2) The regulations adopted by a county board under this subsection:
      (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;
      (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
      (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.
(b) In general.
   (1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.
   (2) The model policy developed under paragraph (1) of this subsection shall include:
      (i) A statement prohibiting bullying, harassment, and intimidation in schools;
(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
(iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;
(iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
(v) Standard consequences and remedial actions for persons found to have made false accusations;
(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
(vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
(viii) Information about the types of support services available to the student bully, victim, and any bystanders;
(ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
(x) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(c) Development of policy by county boards.
(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.
(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.
(3) A county board shall develop the policy in consultation with representatives of the following groups:
   (i) Parents or guardians of students;
   (ii) School employees and administrators;
   (iii) School volunteers;
   (iv) Students; and
   (v) Members of the community.
(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.

7-424.3. Bullying, harassment and intimidation policy.
(a)(4) "Nonpublic school" means a nonpublic school that participates in State-funded education programs.
(b) Adoption by nonpublic school. By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.
(c) Contents. The policy adopted under subsection (b) of this section shall include:
   (1) A statement prohibiting bullying, harassment, and intimidation in the school;
   (2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
   (3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
   (4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:
(i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and
(ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;
(5) Standard consequences and remedial actions for persons found to have made false accusations;
(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;
(7) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;
(8) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and
(9) Information about the types of support services available to a student bully or victim and any bystanders.

d) Consultation with groups. A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:
   (1) Parents or guardians of students;
   (2) School employees and administrators;
   (3) School volunteers; and
   (4) Students.

7-1103. Development of policies and procedures.
Each public agency and nonpublic school shall develop policies and procedures in compliance with this subtitle and the regulations adopted by the Department.

REGULATIONS

13A.08.01.11. Disciplinary action.
A. Local Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:
   (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
   (2) Be designed to keep students connected to school so that they may graduate college and career ready;
   (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
   (4) Allow for discretion in imposing discipline;
   (5) Address the ways the educational and counseling needs of suspended students will be met; and
   (6) Explain why and how long-term suspensions or expulsions are last-resort options.
Scope

LAWS

7-424. Reporting incidents of harassment or intimidation against students.

(a) Definitions.

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3)(i) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(ii) "Electronic communication" includes a social media communication.

7-424.3. Bullying, harassment and intimidation policy.

(a)(2) "Bullying, harassment, and intimidation" means any intentional written, verbal, or physical act, including an electronic communication, that:

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.
REGULATIONS

13A.02.04.02. Definitions.
A. In this chapter, the following terms have the meanings indicated.
B. Terms Defined.
   (1) “Official school day” means the regular school day with a designated starting time and ending time as defined by the local school system.
   (2) “School buildings” means local school system owned or leased buildings.
   (3) “School grounds” means local school system owned or leased land that surrounds a school building.

13A.08.01.12-1. Bringing or possessing a firearm on school property.
A. In this regulation, the following terms have the meanings indicated:
   (4) “School property” means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.

13A.08.01.14. Searches.
A. Search of Student by Principal, Assistant Principal, or School Security Guard.
   (1) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student’s possession an item, the possession of which is:
      (a) A criminal offense under the laws of this State; or
      (b) A violation of:
         (i) Any other State law; or
         (ii) A rule or regulation of the local board. […]
B. Search of School by Principal, Assistant Principal, or School Security Guard.
   (1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students.
   (2) The right of a principal, assistant principal, or school security guard to search lockers of students under §B(1) of this regulation shall be announced or published previously in the school.
C. Search of Student on School-Sponsored Trip by Teacher.
   (1) A local board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student’s possession an item, the possession of which is:
      (a) A criminal offense under the laws of this State; or
      (b) A violation of:
         (i) Any other State law; or
         (ii) A rule or regulation of the local board. […]
Communication of policy

LAWS

7-424.1. Model policy prohibiting bullying, harassment and intimidation.
(d) Publication of policy. Each county board shall publicize its policy in student handbooks, school system Web sites, and any other location or venue the county board determines is necessary or appropriate.

7-424.2. Gangs and gang activity.
(f) Policy or regulations by local school system - Publication. Each local school system shall publicize its policy or regulations in student handbooks, on school system Web sites, and at any other location or venue the local school system determines is necessary or appropriate.

7-424.3. Bullying, harassment and intimidation policy.
(e) Publication. A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.

REGULATIONS

Each local school system shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

13A.08.01.05. Student Attendance Policy.
Each local school system shall develop a student attendance policy which includes:
   B. Rules, Definitions, and Procedures for Policy Implementation.
      (8) Information dissemination includes methods for informing school staff, students, parents, and community members of attendance policy requirements.

13A.08.01.14. Searches.
B. Search of School by Principal, Assistant Principal, or School Security Guard.
   (2) The right of a principal, assistant principal, or school security guard to search lockers of students under §B(1) of this regulation shall be announced or published previously in the school.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS

13A.08.04.02. Definitions.
A. In this chapter, the following terms have the meanings indicated.
   (4) “Exclusion” means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

13A.08.04.03. Student Behavior Interventions.
A. General. School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.
B. School personnel shall only use exclusion, restraint, or seclusion:
   (1) After less restrictive or alternative approaches have been considered, and:
      (a) Attempted; or
      (b) Determined to be inappropriate;
   (2) In a humane, safe, and effective manner;
   (3) Without intent to harm or create undue discomfort; and
   (4) Consistent with known medical or psychological limitations and the student's behavioral intervention plan.
C. This chapter does not prohibit:
   (1) School personnel from initiating appropriate student disciplinary actions pursuant to Education Article §7-305, Annotated Code of Maryland, COMAR 13A.08.01.11, and COMAR 13A.08.03; or
   (2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

13A.08.04.04. Use of Exclusion.
A. School personnel may use exclusion to address a student's behavior:
(1) If the student's behavior unreasonably interferes with the student's learning or the learning of others;
(2) If the student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
(3) If exclusion is requested by the student; or
(4) If supported by the student's behavior intervention plan.

B. A setting used for exclusion shall:
   (1) Provide school personnel with the ability to see the student at all times;
   (2) Provide adequate lighting, ventilation, and furnishings; and
   (3) Be unlocked and free of barriers to prevent egress.

C. School personnel shall monitor a student placed in exclusion and provide a student in exclusion with:
   (1) An explanation of the behavior that resulted in the removal; and
   (2) Instructions on the behavior required to return to the learning environment.

D. School personnel shall ensure that each period of exclusion:
   (1) Is appropriate to the developmental level of the student and the severity of the behavior; and
   (2) Does not exceed 30 minutes.

E. Parents and school personnel may at any time request a meeting to address the use of exclusion and to:
   (1) Conduct a functional behavioral assessment; and
   (2) Develop, review, or revise a student's behavioral intervention plan.

F. School personnel shall consider the need to initiate a referral to a pupil services or IEP team if a nondisabled student has experienced excessive exclusion, to determine if the student has a disability that may require the provision of special education and related services, in accordance with COMAR 13A.05.01.

G. School personnel shall ensure the implementation of appropriate procedures, in accordance with COMAR 13A.08.03, if a student with a disability has experienced an excessive period of exclusion that may result in a change of placement.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

7-306. Corporal punishment; State code of discipline.
(b) Corporal punishment prohibited. - Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.
(d) Regulations. - 

(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

(iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS

13A.08.01.11. Disciplinary action.

E. Corporal Punishment. Corporal punishment may not be used to discipline a student in a public school in the State.

Use of student and locker searches

LAWS

7-308. Searches of students and schools.

(a) Authority to search student. A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(b) Authority to search student. By teacher.

(1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(2) To qualify to conduct a search under this subsection, a teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal.

(c) Presence of third party required. A search under subsection (a) or (b) of this section shall be made in the presence of a third party.

(d) Authority to search school.

(1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.

(2) The right of the school official to search the locker shall be announced or published previously in the school.

(e) Rules and regulations. The Department shall adopt rules and regulations relating to the searches permitted under this section.
REGULATIONS

13A.08.01.14. Searches.
A. Search of Student by Principal, Assistant Principal, or School Security Guard.
   (1) A principal, assistant principal, or school security guard of a public school may make a reasonable
       search of a student on the school premises or on a school-sponsored trip if the searcher has a
       reasonable belief that the student has in the student's possession an item, the possession of which is:
       (a) A criminal offense under the laws of this State; or
       (b) A violation of:
           (i) Any other State law; or
           (ii) A rule or regulation of the local board.
   (2) A search under §A(1) of this regulation shall be made in the presence of a third party.
B. Search of School by Principal, Assistant Principal, or School Security Guard.
   (1) A principal, assistant principal, or school security guard of a public school may make a search of the
       physical plant of the school and its appurtenances, including the lockers of students.
   (2) The right of a principal, assistant principal, or school security guard to search lockers of students
       under §B(1) of this regulation shall be announced or published previously in the school.
C. Search of Student on School-Sponsored Trip by Teacher.
   (1) A local board may authorize a teacher of a public school to make a reasonable search of a student
       on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's
       possession an item, the possession of which is:
       (a) A criminal offense under the laws of this State; or
       (b) A violation of:
           (i) Any other State law; or
           (ii) A rule or regulation of the local board.
   (2) To qualify to conduct a search under §C(1) of this regulation, a teacher shall:
       (a) Be designated in writing by a principal; and
       (b) Receive training to conduct a search commensurate with the training received by a principal.
   (3) A search under §C(1) of this regulation shall be made in the presence of a third party.
D. Police officers shall conduct searches of students and the school premises in accordance with their
   established policies and procedures.
E. A school official may not conduct a search of the person of a student at the request of a police officer
   unless a search warrant has been issued authorizing the search.
F. Every effort shall be made to conduct searches in a manner which will minimize disruption of the
   normal school routine and minimize embarrassment to students affected.

Other in-school disciplinary approaches

LAWS

7-306. Corporal punishment; State code of discipline.
(d) Regulations. -
(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:
   (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;
   (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
   (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
13A.08.01.12-1. Bringing or possessing a firearm on school property.

B. General Provisions.
(1) Except as provided in §B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS
7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions.

(a) Definitions.
(1) In this section the following words have the meanings indicated.
(2) "Public prekindergarten program" means:
   (i) Any publicly funded prekindergarten program established under § 7-101.1 of this title; or
   (ii) Any qualified vendor of prekindergarten services as defined in § 7-101.2(a)(7) of this title.
(3) "Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:
   (i) Are conducted by trained staff;
   (ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
(iii) Help build a sense of belonging, safety, and social responsibility in the school community.

(b) In general.

(1) Except as provided in paragraph (2) of this subsection, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(2) A student described under paragraph (1) of this subsection may only be:
   (i) Expelled from school if required by federal law; or
   (ii) Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(3) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under paragraph (2) of this subsection.

(c) Intervention and support by school.

(1) The school shall provide intervention and support to address the student's behavior if the student is:
   (i) Suspended under subsection (b) of this section; or
   (ii) Enrolled in prekindergarten, kindergarten, first grade, or second grade and:
      1. Is disruptive to the school environment; or
      2. Commits an act that would be considered an offense subject to suspension but for the student's grade.

(2) Intervention and support provided under paragraph (1) of this subsection includes:
   (i) Positive behavior interventions and supports;
   (ii) A behavior intervention plan;
   (iii) A referral to a student support team;
   (iv) A referral to an individualized education program team; and
   (v) A referral for appropriate community-based services.

(d) Remedyng impact of behavior. The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

(e) Regulations. On or before May 1, 2018, the Department shall adopt regulations to carry out the requirements of this section.

REGULATIONS

13A.08.01.11. Disciplinary action.

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(2) “Expulsion” means the exclusion of the student from the student’s regular school program for 45 school days or longer, which only may occur under the following circumstances:

   (b) The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and

(3) “Extended suspension” means the exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

   (b) The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and
G. Education Services During Short-Term Suspensions.

(1) For short-term suspensions, the local board of education shall inform all schools under their jurisdiction:

(a) To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and

(b) To provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in § G(1)(a) is met.

(2) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school’s established policy and practice for makeup work in the event of any other excused absence.

13A.08.01.12-1. Bringing or possessing a firearm on school property.
B. General Provisions.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

(3) Nothing in this regulation applies to a firearm:

(a) That is lawfully stored inside a locked vehicle on school property; or

(b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, §7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

13A.08.03.03. Authority of school personnel - Removal of a student with a disability.
A. Removal of a Student with a Disability for not More than 10 Consecutive School Days.

(1) A student with a disability may be removed from the student’s current placement for not more than 10 consecutive school days for any violation of school rules to the same extent that removal is applied to students without disabilities.

(2) Unless it is determined that the removal constitutes a change of placement as described in Regulation .05 of this chapter, a student with a disability may be removed:

(a) To an alternative educational setting;

(b) To another setting; or

(c) By suspension.

(3) A public agency is not required to provide services to a student with a disability if services are not provided to students without disabilities.

B. Removal of a Student with a Disability for More than 10 School Days.

(1) A student with a disability may be removed from the student’s current placement for up to 10 consecutive school days for each incident of misconduct in a school year if the cumulative effect of the removals does not constitute a change of placement in accordance with Regulation .05 of this chapter.

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement as described in Regulation .05 of this chapter is
appropiate for a student with a disability who violates a code of student conduct, consistent with 20 U.S.C. §1415(k)(1)(a) and 34 CFR §300.530.

(3) For each period of removal after a student with a disability has been removed for the cumulative equivalent of 10 school days in a school year, school personnel shall consult with at least one of the student’s teachers to determine what services to provide to enable the student to appropriately:

   (a) Progress in the general curriculum; and
   (b) Advance toward achieving the goals of the student’s IEP.

(4) A student with a disability may be removed for more than 10 consecutive school days for a violation of school rules to the same extent removal is applied to students without disabilities if the student’s IEP teams determines that the behavior subject to the removal is not a manifestation of the student’s disability, in accordance with Regulation .08 of this chapter.

(5) A student with a disability removed consistent with §B(4) of this regulation shall:

   (a) Continue to receive educational services in another setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out in the student’s IEP; and
   (b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence.

13A.08.03.05. Change of placement.
A. Removal constitutes a change of placement if a student with a disability is:

   (1) Removed from the student’s current placement for more than 10 consecutive school days; or
   (2) Subjected to a series of removals that constitutes a pattern of removal that accumulates to more than 10 school days in a school year.

B. To determine if the removal constitutes a pattern of removals, the IEP team shall consider the:

   (1) Length of each removal;
   (2) Total amount of time the student is removed; and
   (3) Proximity of the removals to one another.

C. During any period of removal beyond 10 school days or its cumulative equivalent, the public agency shall provide services to the extent necessary in accordance with Regulation .03B(3) of this chapter.

13A.08.03.06. Interim alternative educational setting.
A. A public agency may remove a student with a disability for up to 45 school days to an interim alternative educational setting if, while at school, on school premises, or at a school function under the jurisdiction of the State or a public agency, the student:

   (1) Carries or possesses a weapon;
   (2) Knowingly possesses or uses an illegal drug;
   (3) Sells or solicits the sale of a controlled substance; or
   (4) Inflicts serious bodily injury on another person.

B. The IEP team shall determine the interim alternative educational setting.

C. An interim alternative educational setting shall enable the student with a disability to:

   (1) Progress in the general curriculum;
   (2) Receive the services and modifications included in the student’s IEP;
   (3) Meet the goals of the student’s IEP; and
(4) Receive services and modifications designed to address the behavior to prevent its recurrence.

D. A student with a disability removed from the student’s current placement consistent with §A of this regulation shall:

(1) Continue to receive educational services in another setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out in the student’s IEP; and

(2) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence.

E. If a public agency believes the behavior of a student with a disability is likely to result in injury to the student or others, a public agency may request a due process hearing to seek the removal of the student to an interim alternative educational setting.

F. If a public agency maintains that it is dangerous for the student with a disability to be in the current placement during the pendency of the due process hearing, the public agency may request that the due process hearing be expedited.

G. An administrative law judge may order a change in placement to an interim alternative educational setting for not more than 45 school days if the administrative law judge determines that the public agency has demonstrated, beyond a preponderance of the evidence, that maintaining the current placement of the student with a disability is substantially likely to result in injury to the student or others.

H. In making the determination in accordance with §G of this regulation, an administrative law judge shall consider whether:

(1) The student’s current placement is appropriate;

(2) The public agency has made reasonable efforts to minimize the risk of harm in the student’s current placement, including the use of supplementary aids and services; and

(3) The interim alternative educational setting proposed by the public agency, in consultation with the student’s special education teacher, meets the requirements of §C of this regulation.

I. A student with a disability may be removed to an interim alternative educational setting in accordance with §A of this regulation without regard to whether the behavior is determined to be a manifestation of the student’s disability.

13A.08.03.07. Responsibilities of the IEP Team.

A. The IEP team shall meet within 10 business days of the removal of a student with a disability to develop an assessment plan if the IEP team has not:

(1) Conducted a functional behavioral assessment; and

(2) Implemented a behavioral intervention plan to address the behavior before the behavior occurred that resulted in the student’s removal as set forth in Regulation .03B or .05 of this chapter.

B. As soon as possible after the completion of the assessments determined appropriate by the IEP team as set forth in §A of this regulation, the IEP team shall meet to:

(1) Develop appropriate behavioral interventions to address the behavior; and

(2) Implement the behavioral intervention plan.

C. If the student with a disability has a behavioral intervention plan, the IEP team shall meet within 10 business days of the removal to review the plan to address the behavior that resulted in the removal, and determine if:

(1) The behavioral intervention plan needs to be modified; or
(2) The implementation of the behavioral intervention plan needs to be modified to address the behavior.

D. For subsequent disciplinary removals of the student beyond the first 10 school days the student is removed during the school year, the IEP team shall meet to review the student’s behavioral intervention plan as set forth in §C of this regulation.

E. The IEP team shall modify the behavioral implementation plan and its implementation to the extent the IEP team determines necessary.

F. Meetings of the IEP team as set forth in §A of this regulation and in Regulation .08B of this chapter may be conducted at the same IEP team meeting.

13A.08.03.08. Manifestation determination.

A. The IEP team shall meet to determine whether a student’s behavior that resulted in a disciplinary removal is a manifestation of the student’s disability each time the student is subject to a removal:

   (1) As set forth in Regulation .03B of this chapter;

   (2) That constitutes a change of placement in accordance with Regulation .05 of this chapter; or

   (3) To an interim alternative educational setting in accordance with Regulation .06 of this chapter.

B. The IEP team shall meet within 10 school days of the date when school personnel take disciplinary action for the removal of a student with a disability as set forth in §A of this regulation to determine:

   (1) Whether the student’s behavior that resulted in disciplinary removal is a manifestation of the student’s disability; and

   (2) The services to be provided during the removal in accordance with Regulation .06C of this chapter to ensure the provision of FAPE.

C. In determining whether the student’s behavior was a manifestation of the student’s disability, the IEP team shall review:

   (1) All relevant information in the student’s file;

   (2) Any teacher observations;

   (3) Any relevant information supplied by the parents; and

   (4) The student’s IEP.

D. To determine that the behavior subject to the disciplinary action is a manifestation of the student’s disability, the IEP team and other qualified personnel must make the determination that the student’s behavior was:

   (1) Caused by or had a direct and substantial relationship to the student’s disability; or

   (2) The direct result of the public agency’s failure to implement the student’s IEP.

E. If the IEP team determines the student’s conduct was the direct result of the public agency’s failure to implement the student’s IEP, the public agency shall take immediate steps to remedy those deficiencies in accordance with 34 CFR §300.530(e)(3).

F. If any of the determinations set forth in §D of this regulation are made, the IEP team shall consider the behavior a manifestation of the student’s disability.

G. If the IEP team determines that the student’s behavior is a manifestation of the student’s disability, the IEP team shall, as appropriate:

   (1) Conduct a functional behavioral assessment and implement a behavioral intervention plan if the public agency had not conducted such assessments prior to a disciplinary removal in accordance with Regulation .03B or .05 of this chapter;
(2) Review the student’s behavioral intervention plan and modify it, if necessary, to address the behavior; and

(3) Return the student to the student’s placement from which the student was removed unless the parent and the public agency agree to a change of placement as part of a modification of the student’s behavioral intervention plan.

H. If the IEP team determines that the behavior is not a manifestation of the student’s disability:

   (1) The student may be disciplined in the same manner as students without disabilities, including a period of suspension or expulsion, as set forth in COMAR 13A.08.01.11C; and

   (2) The IEP team shall determine the extent to which services are necessary during the period of suspension or expulsion to enable the student to appropriately:

      (a) Progress in the general curriculum; and

      (b) Advance toward achieving the goals of the student’s IEP.

I. On initiation of disciplinary actions as set forth in §H of this regulation, the principal shall transmit the student’s special education and disciplinary records to the local school superintendent.

**Administrative procedures related to suspension and expulsion**

**LAWS**

7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions.

(a) Definitions.

   (1) In this section the following words have the meanings indicated.

   (2) "Public prekindergarten program" means:

      (i) Any publicly funded prekindergarten program established under § 7-101.1 of this title; or

      (ii) Any qualified vendor of prekindergarten services as defined in § 7-101.2(a)(7) of this title.

   (3) "Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

      (i) Are conducted by trained staff;

      (ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

      (iii) Help build a sense of belonging, safety, and social responsibility in the school community.

(b) In general.

   (1) Except as provided in paragraph (2) of this subsection, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

   (2) A student described under paragraph (1) of this subsection may only be:

      (i) Expelled from school if required by federal law; or

      (ii) Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
(3) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under paragraph (2) of this subsection.

(c) Intervention and support by school.

(1) The school shall provide intervention and support to address the student's behavior if the student is:
   (i) Suspended under subsection (b) of this section; or
   (ii) Enrolled in prekindergarten, kindergarten, first grade, or second grade and:
       1. Is disruptive to the school environment; or
       2. Commits an act that would be considered an offense subject to suspension but for the student's grade.

(2) Intervention and support provided under paragraph (1) of this subsection includes:
   (i) Positive behavior interventions and supports;
   (ii) A behavior intervention plan;
   (iii) A referral to a student support team;
   (iv) A referral to an individualized education program team; and
   (v) A referral for appropriate community-based services.

(d) Remedying impact of behavior. The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

(e) Regulations. On or before May 1, 2018, the Department shall adopt regulations to carry out the requirements of this section.

7-306. Corporal punishment; State code of discipline.

(d) Regulations. -

(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:
   (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;
   (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and
   (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS

13A.08.01.11. Disciplinary action.

A. Local Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:

   (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
(2) Be designed to keep students connected to school so that they may graduate college and career ready;
(3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
(4) Allow for discretion in imposing discipline;
(5) Address the ways the educational and counseling needs of suspended students will be met; and
(6) Explain why and how long-term suspensions or expulsions are last-resort options.

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(1) “Confer” means a discussion or dialogue by any means, for example, telephone, electronic mail, or face-to-face meeting, where the views of the teacher are communicated and considered.

(2) “Expulsion” means the exclusion of the student from the student’s regular school program for 45 school days or longer, which only may occur under the following circumstances:

(a) The superintendent or designated representative has determined that the student’s return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff;

(b) The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and

(c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.

(3) “Extended suspension” means the exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

(a) The superintendent or designated representative has determined that:

(i) The student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; or

(ii) The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

(b) The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and

(c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.

(4) “In-school suspension” means the removal within the school building of a student from the student's current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal.

(5) “Long-term suspension” means the removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal.

(6) “Principal” means the principal of a school or the principal's designee.

(7) “Public prekindergarten program” means:

(a) Any publicly funded prekindergarten program established under Education Article, 7-101.1, Annotated Code of Maryland; or

(b) Any qualified vendor of prekindergarten services as defined in Education Article, 7-101.2, Annotated Code of Maryland.
(8) “Restorative practices” means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:
   (a) Are conducted by trained staff;
   (b) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
   (c) Help build a sense of belonging, safety, and social responsibility in the school community.

(9) “Short-term suspension” means the removal of a student from school for up to but not more than 3 school days for disciplinary reasons by the principal.

(10) “Suspension” means the application of extended suspension, in-school suspension, short-term suspension, or long-term suspension.

C. Suspension and Expulsion.

(1) Prohibition.
   (a) Except as provided in § C(1)(b) of this regulation, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.
   (b) A student described under § C(1)(a) of this regulation may only be:
      (i) Expelled from school if required by federal law; or
      (ii) Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
   (c) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under § C(1)(b) of this regulation.

(2) In-School Suspension.
   (a) An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:
      (i) Appropriately progress in the general curriculum;
      (ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;
      (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and
      (iv) Participate with peers as they would in their current education program to the extent appropriate.
   (b) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
   (c) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.
   (d) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.
   (e) The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.
(f) Local school systems shall develop policies pertaining to a student's participation in extracurricular activities if the student receives an in-school suspension.

(g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension.

(3) Suspension for Not More Than 10 Days.

(a) In accordance with the rules and regulations of the local board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal, except as provided in § C(1) of this regulation.

(b) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.

(c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.

(d) A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.

(e) If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the local superintendent.

(4) Suspension for More than 10 Days or Expulsion.

(a) At the request of a principal, a local superintendent or the designated representative may suspend a student for more than 10 school days or expel the student, except as provided in § C(1) of this regulation.

(b) Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the local superintendent or designated representative promptly shall make a thorough investigation of the matter.

(c) If after the investigation the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.

(d) The process described in §C(3)(a)-(c) of this regulation shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.

(e) If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools;

(f) If after the conference the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the student or the student's parent or guardian may appeal to the local board within 10 days after the determination.

(g) If an appeal is filed, the local board or its designated committee or hearing officer shall have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows:

(i) This timeline period may be extended if the parent, guardian, or his/her representative requests additional time; and
(ii) This timeline shall also apply in the event that the local board elects to use a hearing examiner.

(h) If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.

(i) The student or the student’s parent or guardian or representative:

   (i) Shall be provided the school system’s witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and

   (ii) May bring counsel and witnesses to the hearing.

(j) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.

(k) The appeal to the local board does not stay the decision of the county superintendent.

(l) The decision of the local board is final.

(5) A student expelled or suspended from school shall remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school-sponsored activities. The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by the student’s parent or guardian.

(6) A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.

(7) If a student has been suspended or expelled, the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student’s parent or guardian.

(8) If a student’s disruptive behavior results in action less than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to that teacher’s classroom. The principal may satisfy this requirement by consulting with the teacher before returning the student to the classroom.

(9) A local superintendent may deny attendance to a student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or extended suspension of the student, on receipt of the request for information.

D. Restitution. Unless the student is referred to the Department of Juvenile Services, if a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student’s parent or guardian, and other appropriate individual, the principal shall require the student or the student’s parent or guardian to make restitution. The restitution may be made in the form of monetary restitution not to exceed the lesser of the fair market value of the property, or $2,500, or by the student’s assignment to a school work project, or both.

E. Corporal Punishment. Corporal punishment may not be used to discipline a student in a public school in the State.
F. Minimum Education Services. In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provide that:

(1) Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and

(2) Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.

G. Education Services During Short-Term Suspensions.

(1) For short-term suspensions, the local board of education shall inform all schools under their jurisdiction:

(a) To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and

(b) To provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in §G(1)(a) is met.

(2) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school’s established policy and practice for makeup work in the event of any other excused absence.

H. Intervention and Support.

(1) School personnel shall provide intervention and support to address the students behavior if the student is:

(a) Suspended under § C(1)(b) of this regulation; or

(b) Enrolled in a public prekindergarten program, kindergarten, first grade, or second grade and:

(i) Is disruptive to the school environment; or

(ii) Commits an act that would be considered an offense subject to suspension but for the students grade.

(2) Intervention and support provided under § H(1) of this regulation includes:

(a) Positive behavior interventions and supports;

(b) A behavior intervention plan;

(c) A referral to a student support team;

(d) A referral to an individualized education program team; and

(e) A referral for appropriate community-based services.

(3) The school system, to the best of its ability, shall remedy the impact of a students behavior on school climate through appropriate intervention methods including restorative practices.

In-school suspension

LAWS

7-306. Corporal punishment; State code of discipline.

(d) Regulations. -
(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

   (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

   (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

   (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

REGULATIONS

13A.08.01.11. Disciplinary action.

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

   (4) "In-school suspension" means the removal within the school building of a student from the student's current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal.

C. Suspension and Expulsion.

(2) In-School Suspension.

   (a) An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:
      
      (i) Appropriately progress in the general curriculum;
      
      (ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;

      (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and

      (iv) Participate with peers as they would in their current education program to the extent appropriate.

   (b) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

   (c) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.

   (d) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.

   (e) The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.

   (f) Local school systems shall develop policies pertaining to a student's participation in extracurricular activities if the student receives an in-school suspension.

   (g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension.
Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

13A.08.01.11. Disciplinary action.

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(2) “Expulsion” means the exclusion of the student from the student’s regular school program for 45 school days or longer, which only may occur under the following circumstances:

(a) The superintendent or designated representative has determined that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff;

(3) “Extended suspension” means the exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

(c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.

C. Suspension and Expulsion.

(5) A student expelled or suspended from school shall remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school-sponsored activities. The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by the student's parent or guardian.

(6) A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.

(7) If a student has been suspended or expelled, the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(8) If a student's disruptive behavior results in action less than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to that teacher's classroom. The principal may satisfy this requirement by consulting with the teacher before returning the student to the classroom.

Use of restraint and seclusion

LAWS

7-1101. Definitions.

(a) In general. In this subtitle the following terms have the meanings indicated.

(b) Behavior intervention plan. “Behavior intervention plan” means a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
(c) Nonpublic school. "Nonpublic school" means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities.

(d) Physical restraint.

(1) "Physical restraint" means the use of physical force, without the use of any device or material, to restrict the free movement of all or a portion of a student's body.

(2) "Physical restraint" does not include:

(i) Briefly holding a student in order to calm or comfort the student;
(ii) Holding a student's hand or arm to escort the student safely from one area to another;
(iii) Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
(iv) Breaking up a fight in the school building or on school grounds.

(e) Public agency. "Public agency" means the Department, a local school system, the Maryland School for the Deaf, or the Maryland School for the Blind.

(f) Seclusion. "Seclusion" means the confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving.

7-1102. Reports and guidance.
Beginning with the 2018-2019 school year, on or before December 1 each year:

(1) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the number of physical restraint and seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement.

(2) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions.

(3) Each public agency and nonpublic school shall:

(i) Personally observe and review seclusion rooms;
(ii) Review training plans for the use of seclusion; and
(iii) Report to the Department regarding findings made under items (i) and (ii) of this paragraph.

(4) The Department shall:

(i) Provide guidance to public agencies and nonpublic schools regarding the requirements of the use of seclusion and rooms for seclusion; and
(ii) Report to the General Assembly, in accordance with § 2-1257 of the State Government Article, regarding findings and recommendations reported to the Department under this section.

7-1103. Development of policies and procedures.
Each public agency and nonpublic school shall develop policies and procedures in compliance with this subtitle and the regulations adopted by the Department.

7-1104. Consultation concerning training requirements.
The State Superintendent shall consult with representatives of institutions of higher education and the Professional Standards and Teacher Education Board under Title 6, Subtitle 7 of this article with respect to the training requirements for teachers and administrators to ensure that sufficient training is available regarding evidence-based positive behavioral interventions, strategies, and supports consistent with professionally accepted practices and standards for persons entering the field of education.
REGULATIONS

13A.08.04.02. Definitions.
A. In this chapter, the following terms have the meanings indicated.

(4) “Exclusion” means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

(8) Mechanical Restraint.
(a) "Mechanical restraint" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
(b) "Mechanical restraint" does not include a protective or stabilizing device.

(11) Physical Restraint.
(a) "Physical restraint" means the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body.
(b) "Physical restraint" does not include:
   (i) Briefly holding a student to calm or comfort the student;
   (ii) Holding a student's hand or arm to escort the student safely from one area to another;
   (iii) Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
   (iv) Intervening in a fight in accordance with Education Article §7-307, Annotated Code of Maryland.

(13) Protective or Stabilizing Device.
(a) "Protective or stabilizing device" means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe positioning of a person.
(b) "Protective or stabilizing device" includes:
   (i) Adaptive equipment prescribed by a health professional, if used for the purpose for which the device is intended by the manufacturer;
   (ii) Seat belts; or
   (iii) Other safety equipment to secure students during transportation in accordance with the public agency or nonpublic school transportation plan.

(15) "Restraint" means the use of a physical or mechanical restraint.

13A.08.04.03. Student Behavior Interventions.
A. General. School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.

B. School personnel shall only use exclusion, restraint, or seclusion:
(1) After less restrictive or alternative approaches have been considered, and:
   (a) Attempted; or
   (b) Determined to be inappropriate;
(2) In a humane, safe, and effective manner;
(3) Without intent to harm or create undue discomfort; and
(4) Consistent with known medical or psychological limitations and the student's behavioral intervention plan.

C. This chapter does not prohibit:

(1) School personnel from initiating appropriate student disciplinary actions pursuant to Education Article §7-305, Annotated Code of Maryland, COMAR 13A.08.01.11, and COMAR 13A.08.03; or

(2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

13A.08.04.05. General Requirements for the Use of Restraint or Seclusion.

A. Use of Restraint.

(1) Physical Restraint.

(a) Except as provided in § A(1)(b) of this regulation, the use of physical restraint is prohibited in public agencies and nonpublic schools until there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

(b) Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used consistent with § A(1)(a) of this regulation, physical restraint may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:

   (i) Review available data to identify any contraindications to the use of physical restraint based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;

   (ii) Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until physical restraint is used in an emergency situation; and

   (iii) Obtain written consent from the parent, consistent with Education Article, § 8-405, Annotated Code of Maryland.

(c) Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C of this chapter.

(d) In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.

(e) Physical restraint:

   (i) Shall be removed as soon as the student is calm; and

   (ii) May not exceed 30 minutes.

(f) In applying physical restraint, school personnel may not:

   (i) Place a student in a face down position;

   (ii) Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct a staff member's view of a student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso; or

   (iii) Straddle a student's torso.

(2) Mechanical Restraint.
(a) The use of mechanical restraint is prohibited in public agencies and nonpublic schools unless a public agency or nonpublic school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations.

(b) Regulation .04 of this chapter does not prohibit school personnel from using a protective or stabilizing device:

(i) As prescribed by a health professional; or

(ii) For a student with a disability, in accordance with the student's IEP or behavior intervention plan.

(3) Documentation of the Use of Restraint.

(a) Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:

(i) Other less intrusive interventions that have failed or been determined inappropriate;

(ii) The precipitating event immediately preceding the behavior that prompted the use of restraint;

(iii) The behavior that prompted the use of a restraint;

(iv) The names of the school personnel who observed the behavior that prompted the use of restraint; and

(v) The names and signatures of the staff members implementing and monitoring the use of restraint.

(b) Documentation under § A(3) of this regulation shall include a description of the restraint event, including:

(i) The type of restraint;

(ii) The length of time in restraint;

(iii) The student's behavior and reaction during the restraint; and

(iv) The name and signature of the administrator informed of the use of restraint.

(4) The documentation described in § A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.

B. Use of Seclusion.

(1) Except as provided in § B(2) of this regulation, the use of seclusion is prohibited in public agencies and nonpublic schools until there is an emergency situation and seclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

(2) Once seclusion has been used or school personnel have made a student-specific determination that it may need to be used consistent with § B(1) of this regulation, seclusion may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:

(a) Review available data to identify any contraindications to the use of seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;

(b) Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until seclusion is used in an emergency situation; and
(c) Obtain written consent from the parent, consistent with Education Article, § 8-405, Annotated Code of Maryland.

(3) Seclusion Room.
   (a) At a minimum, a room used for seclusion shall:
      (i) Be free of objects and fixtures with which a student could self-inflict bodily harm;
      (ii) Provide school personnel an adequate view of the student from all angles; and
      (iii) Provide adequate lighting and ventilation.
   (b) The door of a seclusion room shall not be fitted with a lock unless it releases automatically when not physically held in the locked position by school personnel on the outside of the door.

(4) School personnel shall:
   (a) Remain in close proximity to the door of a seclusion room at all times;
   (b) Actively observe a student placed in seclusion at all times; and
   (c) Provide a student placed in seclusion with:
      (i) An explanation of the behavior that resulted in the removal; and
      (ii) Instructions on the behavior required to return to the learning environment.

(5) Seclusion shall only be applied by school personnel trained in the appropriate use of seclusion consistent with Regulation .06C of this chapter.

(6) A seclusion event:
   (a) Shall be appropriate to the student's developmental level and severity of the behavior;
   (b) May not restrict the student's ability to communicate distress; and
   (c) May not exceed 30 minutes.

(7) Documentation of Seclusion.
   (a) Each time a student is placed in seclusion, school personnel involved in the seclusion event shall debrief and document:
      (i) Other less intrusive interventions that have failed or been determined inappropriate;
      (ii) The precipitating event immediately preceding the behavior that prompted the use of seclusion;
      (iii) The behavior that prompted the use of seclusion; and
      (iv) The names and signatures of the staff members implementing and monitoring the seclusion.
   (b) The documentation under § B(7) of this regulation shall include a description of the seclusion event, including:
      (i) Justification for initiating the use of seclusion;
      (ii) The length of time in seclusion;
      (iii) The student's behavior and reaction during the seclusion; and
      (iv) The name and signature of the administrator informed of the use of seclusion.

(8) The documentation described in § B(7) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(9) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

C. Referral to a Pupil Services or IEP Team.
(1) If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's pupil services team or an IEP team.

(2) If restraint or seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet, in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider:

(a) The need for a functional behavioral assessment;
(b) Developing appropriate behavioral interventions; and
(c) Implementing a behavioral intervention plan.

(3) If restraint or seclusion is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint or seclusion, the student's IEP or behavior intervention plan shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or behavior intervention plan, in accordance with COMAR 13A.05.01 and 13A.08.03.

(4) When an IEP team meets to review or revise a student's IEP or behavior intervention plan, as specified in § C(3) of this regulation, the IEP team shall consider:

(a) Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint or seclusion based on medical history or past trauma;
(b) Information provided by the parent;
(c) Observations by teachers and related service providers;
(d) The student's current placement; and
(e) The frequency and duration of restraint or seclusion events that occurred since the IEP team last met.

(5) The local school system or nonpublic school shall provide the parent of the student with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint or seclusion.

(6) Parental Consent.

(a) The IEP team shall obtain the written consent of the parent if the team proposes to include restraint or seclusion in the behavior intervention plan or IEP to address the students behavior.
(b) If the parent does not provide written consent, the IEP team shall send the parent written notice within 5 business days of the IEP team meeting that states:
   (i) The parent has the right to either consent or refuse to consent to the use of restraint or seclusion; and
   (ii) If the parent does not provide written consent or a written refusal within 15 business days of the IEP team meeting, the IEP team may implement the proposed use of restraint or seclusion.
(c) If the parent provides written refusal, the IEP team may use the dispute resolution options listed in Education Article, § 8-413, Annotated Code of Maryland, to resolve the matter.

13A.08.04.06. Administrative Procedures.

A. Each public agency and nonpublic school shall develop policies and procedures to address:

(1) A continuum of positive behavioral interventions, strategies, and supports for use by school personnel before exclusion, restraint, or seclusion;
(2) The prevention of self-injurious behaviors;
(3) Methods for identifying and defusing potentially dangerous behavior;
(4) The use and documentation of exclusion consistent with Regulation .04 of this chapter;
(5) The use of restraint consistent with Regulation .05A of this chapter; and
(6) The use of seclusion consistent with Regulation .05B of this chapter.

B. Each public agency and nonpublic school shall annually review policies and procedures and provide them to school personnel and parents as described in COMAR 13A.08.01.

C. Professional Development.
   (1) Each public agency and nonpublic school shall provide professional development to designated school personnel on this chapter and the appropriate implementation of policies and procedures developed in accordance with §A of this regulation.
   (2) At the beginning of each school year, each public agency and nonpublic school shall identify school personnel authorized to serve as a school-wide resource to assist in ensuring proper administration of exclusion, restraint, and seclusion.
   (3) The school personnel described in §C(2) of this regulation shall receive training in current professionally accepted practices and standards regarding:
      (a) Positive behavior interventions strategies and supports, including methods for identifying and defusing potentially dangerous behavior;
      (b) Functional behavior assessment and behavior intervention planning;
      (c) Exclusion;
      (d) Restraint and alternatives to restraint;
      (e) Seclusion; and
      (f) Symptoms of physical distress and positional asphyxia.
   (4) The professional development described in §C(3) of this regulation shall include a written examination and physical demonstration of proficiency in the described skills and competencies.

D. Monitoring and Compliance.
   (1) Each public agency and nonpublic school shall develop policies and procedures on:
      (a) Monitoring the use of exclusion, restraint, and seclusion; and
      (b) Receiving and investigating complaints regarding exclusion, restraint, and seclusion practices.
   (2) The Department may monitor and request any information regarding any matter related to exclusion, restraint, or seclusion implemented by a public agency or nonpublic school. The Department shall provide written notice of the requested information and specify the time and the manner in which the public agency or nonpublic school shall respond to the request.

**Alternative placements**

**LAWS**

**4-319. Baltimore City alternative learning center.**
(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Baltimore City School System" means the system of free public schools in Baltimore City.
   (3) "Center" means the Baltimore City Alternative Learning Center.
(b) Established. There is a Baltimore City Alternative Learning Center in the Baltimore City School System.
(c) Director; staff.
(1) The Chief Executive Officer of the Baltimore City Board of School Commissioners shall appoint a Director of the Center.

(2) The Director may employ a staff or retain consultants, including psychologists, social workers, guidance counselors, and teachers.

(d) Actions precipitating transfer; assessment of amenability to services.

(1) Except as otherwise provided in §§ 7-305(g) and 7-305.1 of this article, a student in the Baltimore City School System may be transferred to the Center if the student:

   (i) Assaults a teacher, teacher's aide, student teacher, other professional or paraprofessional school employee, or other student;

   (ii) Carries a gun, rifle, knife, or other deadly weapon onto school property; or

   (iii) Commits any other act that would be a crime if committed by an adult.

(2) The Director shall review recommendations for admission of students to the Center and admit or deny admission for each student based on an assessment of the student's amenability to the services, programs, and treatment available in the Center.

(e) Attendance at Center classes.

(1) Subject to paragraph (2) of this subsection, a student who is admitted to the Center shall attend classes at the Center until the Director orders the student to be transferred to another school in the Baltimore City School System.

(2) A student may not attend the Center for more than one calendar year.

(f) Program development. The Director shall develop and provide the following programs within the Center:

   (1) Elementary and secondary education programs;

   (2) Special education programs that meet the social and emotional needs of the students at the Center and that require the participation of the parents or guardians of the students; and

   (3) Vocational and rehabilitative training programs.

(g) Annual report. The Chief Executive Officer shall report annually to the members of the Baltimore City Delegation in the General Assembly on the progress of the students in the Center.

REGULATIONS

13A.08.01.11. Disciplinary action.

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(2) “Expulsion” means the exclusion of the student from the student’s regular school program for 45 school days or longer, which only may occur under the following circumstances:

   (c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.

(3) “Extended suspension” means the exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

   (c) The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.

C. Suspension and Expulsion.

(2) In-School Suspension.
(e) The student's school of current enrollment shall make provision for the student's education during
the period of in-school suspension.

F. Minimum Education Services. In order to establish accountability and keep suspended or expelled
students on track with classroom work, as is reasonably possible, each local board shall institute
education services that at a minimum provide that:

(1) Each student suspended or expelled out-of-school who is not placed in an alternative education
program shall receive daily classwork and assignments from each teacher, which shall be reviewed and
corrected by teachers on a weekly basis and returned to the student; and

(2) Each principal shall assign a school staff person to be the liaison between the teachers and the
various students on out-of-school suspension or expulsion and to communicate weekly about classwork
assignments and school-related issues by phone or email with those out-of-school suspended/expelled
students and their parents.

G. Education Services During Short-Term Suspensions.

(1) For short-term suspensions, the local board of education shall inform all schools under their
jurisdiction:

(a) To provide all students who receive short-term suspensions with the opportunity to complete the
academic work they miss during the suspension period without penalty; and

(b) To provide all students who receive short-term suspensions, and their parents or guardians, with
the contact information for a school employee who will be responsible for ensuring that the
requirement described in § G(1)(a) is met.

(2) All other aspects of the process for suspended students receiving missed assignments, completing
missed assignments, and making up tests shall be identical with each school’s established policy and
practice for makeup work in the event of any other excused absence.

13A.08.01.12. Bringing or possessing a firearm on school property.

A. In this regulation, the following terms have the meanings indicated:

(1) “Alternative educational setting” means an alternative education program that allows the student to
continue the student’s education within the public school system and, if in a secondary school, the
opportunity to earn credit.

B. General Provisions.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of
expulsion or an alternative educational setting, if alternative educational settings have been approved
by the local board, for a student who has brought a firearm onto school property or to a school-
sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

13A.08.01.17. School use of reportable offenses.

A. Terms Defined. In this regulation the following terms have the meanings indicated:

(1) “Appropriate educational programming” means a regular or alternative education program that
allows a student the opportunity to continue the student’s education within the public school system
and, if in secondary school, the opportunity to receive credit.

B. Administrative Procedures.

(1) Promptly, upon receipt of information from a law enforcement agency of an arrest of a student for a
reportable offense, the local superintendent shall provide the school principal of the school in which the
student is enrolled with the arrest information, including the charges. If the student who has been
arrested is an identified student with disabilities who has been enrolled by the public school system in a
nonpublic school program, the local superintendent shall provide the principal of the nonpublic school with the arrest information, including the charges.

(2) The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student’s parent or guardian:

(a) Participate in the development of the plan; and

(b) Submit information that is relevant to developing the plan.

(3) If the plan results in a change to the student’s educational program, the school principal shall promptly schedule a conference to inform the parent or guardian of the plan. The plan shall be implemented not later than 5 school days after receipt of the arrest information.

(4) The school principal and appropriate staff shall review the plan and the student’s status and make adjustments as appropriate:

(a) Immediately upon notification from the State’s Attorney of the disposition of the reportable offense; or

(b) Pending notification from the State’s Attorney, at a minimum on a quarterly basis.

(5) The parent or guardian shall be informed of any adjustments to the plan.

(6) Each local school system shall provide a review process to resolve any disagreement that arises in the implementation of this regulation.

C. General Provisions.

(4) A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

(8) Reportable offense involving rape or a sexual offense.

(a) Except as otherwise provided in paragraph §C(8)(b) of this regulation, the local superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

(b) If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

13A.08.01.18. Definitions for regulations .19 - .20.

A. In Regulations .19 and .20 of this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Conviction of or adjudication of” means that the perpetrator has been convicted of, adjudicated delinquent of, pleads guilty or nolo contendere with respect to, or receives probation before judgment with respect to, a violent criminal offense.

(2) “Corrective action plan” means a plan that includes information concerning conditions in the school that may have contributed to the commission of the offenses set forth in §B(4) of this regulation. A corrective action plan shall describe any behavioral interventions that will be used to address problems in the school.

(3) “Local school system” means any of the 24 local public school systems in the State.
(4) “Persistently dangerous school” means a school in which each year for 3 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the following offenses equals 2-1/2 percent or more of the total number of students enrolled in the school:

(a) Arson or fire;
(b) Drugs;
(c) Explosives;
(d) Firearms;
(e) Other guns;
(f) Other weapons;
(g) Physical attack on a student;
(h) Physical attack on a school system employee or other adult; and
(i) Sexual assault.

(5) “Safe school” means a school that has not been placed on probationary status or designated as persistently dangerous pursuant to Regulation .19 of this chapter.

(6) “School grounds” means a local school system owned or leased building and land that surrounds a school building and also includes school vehicles.


13A.08.01.19. Probationary and persistently dangerous school designation.

A. Probationary Status.

(1) The State Board of Education shall place on probationary status any school having each year for a period of 2 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equal to 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school that the State has placed the school on probationary status.

(3) The local superintendent shall submit a corrective action plan to the State Superintendent of Schools within 30 days of being notified by the State Board of Education that a school in the jurisdiction of the school system is on probationary status.

(4) During the probationary status the school shall implement in a timely manner strategies to reduce the commission of offenses set forth in Regulation .18B(4) of this chapter.

B. Persistently Dangerous Designation.

(1) After placing a school on probationary status, the State Board of Education shall designate that school as persistently dangerous if during the next consecutive school year the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equals 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school:

(a) That the State has identified the school as persistently dangerous; and
(b) Of the opportunity for school transfer as set forth in Regulation .20A(1) of this chapter.

(3) If a school has been designated a persistently dangerous school, the school shall retain that designation for at least 1 full school year.
(4) Each year that a school remains identified as persistently dangerous, the local school superintendent shall submit a corrective action plan to the State Superintendent of Schools within 30 days of being notified by the State that the status of the school as persistently dangerous has not changed.

(5) The State Board of Education shall remove a school’s designation as a persistently dangerous school if the school no longer meets the requirements set forth in Regulation .18B(4) of this chapter.

13A.08.01.20. Unsafe school transfer policy.
A. Each local school system shall allow a student attending a public elementary or secondary school to attend a safe public elementary or secondary school within the school system if the student:
   (1) Attends a persistently dangerous public elementary or secondary school; or
   (2) Is a victim of a violent criminal offense as defined in Criminal Law Article, §14-101, Annotated Code of Maryland:
      (a) During the regular school day; or
      (b) While attending a school sponsored event in or on the grounds of a public elementary or secondary school that the student attends.
B. The local school system shall effectuate a transfer pursuant to §A of this regulation in a timely manner following either the:
   (1) Designation of a school as persistently dangerous; or
   (2) Conviction of or adjudication of delinquency of the perpetrator of a violent criminal offense.
C. To the extent possible, the local school system shall allow a student to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring.
D. Each local superintendent of schools shall certify annually in writing to the State Superintendent of Schools that Regulations .18-.20 of this chapter are implemented.
E. The State Department of Education shall:
   (1) Maintain a list of schools determined to be persistently dangerous; and
   (2) Revise the list annually.

13A.08.03.05. Change of placement.
A. Removal constitutes a change of placement if a student with a disability is:
   (1) Removed from the student’s current placement for more than 10 consecutive school days; or
   (2) Subjected to a series of removals that constitutes a pattern of removal that accumulates to more than 10 school days in a school year.
B. To determine if the removal constitutes a pattern of removals, the IEP team shall consider the:
   (1) Length of each removal;
   (2) Total amount of time the student is removed; and
   (3) Proximity of the removals to one another.
C. During any period of removal beyond 10 school days or its cumulative equivalent, the public agency shall provide services to the extent necessary in accordance with Regulation .03B(3) of this chapter.
13A.08.03.06. Interim alternative educational setting.

A. A public agency may remove a student with a disability for up to 45 school days to an interim alternative educational setting if, while at school, on school premises, or at a school function under the jurisdiction of the State or a public agency, the student:
   (1) Carries or possesses a weapon;
   (2) Knowingly possesses or uses an illegal drug;
   (3) Sells or solicits the sale of a controlled substance; or
   (4) Inflicts serious bodily injury on another person.

B. The IEP team shall determine the interim alternative educational setting.

C. An interim alternative educational setting shall enable the student with a disability to:
   (1) Progress in the general curriculum;
   (2) Receive the services and modifications included in the student’s IEP;
   (3) Meet the goals of the student’s IEP; and
   (4) Receive services and modifications designed to address the behavior to prevent its recurrence.

D. A student with a disability removed from the student’s current placement consistent with §A of this regulation shall:
   (1) Continue to receive educational services in another setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out in the student’s IEP; and
   (2) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence.

E. If a public agency believes the behavior of a student with a disability is likely to result in injury to the student or others, a public agency may request a due process hearing to seek the removal of the student to an interim alternative educational setting.

F. If a public agency maintains that it is dangerous for the student with a disability to be in the current placement during the pendency of the due process hearing, the public agency may request that the due process hearing be expedited.

G. An administrative law judge may order a change in placement to an interim alternative educational setting for not more than 45 school days if the administrative law judge determines that the public agency has demonstrated, beyond a preponderance of the evidence, that maintaining the current placement of the student with a disability is substantially likely to result in injury to the student or others.

H. In making the determination in accordance with §G of this regulation, an administrative law judge shall consider whether:
   (1) The student’s current placement is appropriate;
   (2) The public agency has made reasonable efforts to minimize the risk of harm in the student’s current placement, including the use of supplementary aids and services; and
   (3) The interim alternative educational setting proposed by the public agency, in consultation with the student’s special education teacher, meets the requirements of §C of this regulation.

I. A student with a disability may be removed to an interim alternative educational setting in accordance with §A of this regulation without regard to whether the behavior is determined to be a manifestation of the student’s disability.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

4-102. Deadly weapons on school property.
(a) Exceptions. This section does not apply to:
   (1) a law enforcement officer in the regular course of the officer’s duty;
   (2) An off-duty law enforcement officer who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
      (I) The officer is displaying the officer’s badge or credential; and
      (II) The weapon carried or possessed by the officer is concealed;
   (3) a person hired by a county board of education specifically for the purpose of guarding public school property;
   (4) a person engaged in organized shooting activity for educational purposes; or
   (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.
(b) Prohibited. A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.
(c) Penalty.
   (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $ 1,000 or both.
   (2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

REGULATIONS

13A.08.01.12-1. Bringing or possessing a firearm on school property.
A. In this regulation, the following terms have the meanings indicated:
   (1) “Alternative educational setting” means an alternative education program that allows the student to continue the student’s education within the public school system and, if in a secondary school, the opportunity to earn credit.
   (2) “Expulsion” means at a minimum the removal of a student from the student’s regular school program.
   (3) “Firearm” means a weapon as defined in 18 U.S.C. §921.
   (4) “School property” means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.
   (5) “Year” means a calendar year of 12 months.
B. General Provisions.
(1) Except as provided in §B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.

(2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

(3) Nothing in this regulation applies to a firearm:
   (a) That is lawfully stored inside a locked vehicle on school property; or
   (b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, §7-305, Annotated Code of Maryland, and COMAR 13A.08.03.

D. Administrative Procedures.
   (1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:
      (a) Written certification that the local school system is in compliance with the requirements of this regulation;
      (b) A description of the circumstances surrounding any expulsions imposed under State law as required by §B(1) of this regulation;
      (c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity;
      (d) The name of the school where each incident took place;
      (e) The type of firearm involved;
      (f) The disposition of each case, including the number of students:
         (i) Expelled from each school, and
         (ii) Placed in alternative educational settings; and
      (g) A description of alternative educational settings used in compliance with this regulation.
   (2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

Other weapons

LAWS

4-102. Deadly weapons on school property.
(a) Exceptions. This section does not apply to:
   (1) a law enforcement officer in the regular course of the officer's duty;
(2) An off-duty law enforcement officer who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
   (I) The officer is displaying the officer’s badge or credential; and
   (II) The weapon carried or possessed by the officer is concealed;
(3) a person hired by a county board of education specifically for the purpose of guarding public school property;
(4) a person engaged in organized shooting activity for educational purposes; or
(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) Prohibited. A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) Penalty.
   (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.
   (2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

(b) Investigation; counseling; notice to Department of Juvenile Services. - On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:
   (1) Shall initiate an investigation into the cause of the child’s truancy;
   (2) May provide counseling regarding the availability of social, health, and educational services; and
   (3) Following the investigation or intervention:
      (i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;
      (ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and
      (iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts Article.

7-302.2. Truant students.
(a) In this section, “truant student” means a student:
   (1) Who is unlawfully absent from school for more than:
      (i) 8 days in any quarter;
(ii) 15 days in any semester; or
(iii) 20 days in a school year; and

(2) Whose absences for purposes of item (1) of this subsection are unlawful absences as defined by regulation.

(b) Each county board shall develop a system of active intervention for truant students.

(c)(1) Each truant student attending kindergarten through 12th grade shall immediately be referred to the county board’s system of active intervention developed under this section.

(2) This section does not prohibit a county board from intervening in the case of a student who is frequently absent from school for both lawful and unlawful purposes, but is not a truant student.

REGULATIONS

13A.08.01. Unlawful Absence.
B. Truancy. A truant is a student who is absent without lawful cause as defined in Regulation .03, of this chapter, from the attendance for a school day or portion of it.

C. Habitual Truant. A student is an habitual truant if the student is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year. A local school system has the prerogative of defining habitual truancy in a more but not less stringent manner (for example, unlawful absences in excess of 15 percent of the school days).

13A.08.01.11. Disciplinary action.
B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(3) “Extended suspension” means the exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

(a) The superintendent or designated representative has determined that:

(i) The student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; or

(ii) The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

Attendance and truancy

LAWS

7-301. Compulsory attendance [Subject to amendment effective July 1, 2015; amended version follows this section.
(b) Excused absences. A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.
(c) Duty of parent or guardian. Each person who has legal custody or care and control of a child who is 5 years old or older and under 16 shall see that the child attends school or receives instruction as required by this section.
(e) Penalties.

(1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of
a misdemeanor and on conviction is subject to a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed $100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.

(e-1) Applicability of subsection; charge filed in juvenile court.

(1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

7-301.1. Attendance policy for pregnant or parenting students.
(a) In general. A student's absence due to a student's pregnancy or parenting needs is a lawful absence as provided under this section.
(b) County board to develop written attendance policy. Each county board shall develop a written attendance policy for pregnant and parenting students that, at a minimum, meets the requirements of this section.
(c) Contents of policy; alternatives; publication.

(1) The policy developed under subsection (b) of this section shall:

(i) Excuse all absences due to pregnancy- or parenting-related conditions, including absences for:

1. Labor;
2. Delivery;
3. Recovery; and
4. Prenatal and postnatal medical appointments;
(ii) Provide at least 10 days of excused absences for a parenting student after the birth of the student's child;

(iii) Excuse any parenting-related absences due to an illness or a medical appointment of the student's child, including up to 4 days of absences per school year for which the school may not require a note from a physician; and

(iv) Excuse any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody, and visitation.

(2) In addition to home and hospital services, the school may allow the student to:

(i) Make up the work that the student missed in a time period that equals at least as many days that the student was absent; and

(ii) Choose one of the following alternatives to make up work that the student missed:

1. Retake a semester;
2. Participate in an online course credit recovery program; or
3. Allow the student 6 weeks to continue at the same pace and finish at a later date.

(3) Each county board shall publish its written attendance policy for pregnant and parenting students on the county board's Web site.


(b) Investigation; counseling; notice to Department of Juvenile Services. - On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:

(1) Shall initiate an investigation into the cause of the child's truancy;

(2) May provide counseling regarding the availability of social, health, and educational services; and

(3) Following the investigation or intervention:

(i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;

(ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and

(iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts Article.

7-302.2. Truant students.

(a) In this section, “truant student” means a student:

(1) Who is unlawfully absent from school for more than:

(i) 8 days in any quarter;

(ii) 15 days in any semester; or

(iii) 20 days in a school year; and

(2) Whose absences for purposes of item (1) of this subsection are unlawful absences as defined by regulation.

(b) Each county board shall develop a system of active intervention for truant students.

(c)(1) Each truant student attending kindergarten through 12th grade shall immediately be referred to the county board’s system of active intervention developed under this section.
(2) This section does not prohibit a county board from intervening in the case of a student who is frequently absent from school for both lawful and unlawful purposes, but is not a truant student.

7-304.1. Positive behavioral interventions and support program.

(c) Program established Truancy.

(1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative, research-based, positive, and effective behavior modification program in collaboration with the Department.

(2) A school is subject to this subsection if it has a truancy rate that exceeds:

(i) 8 percent of its enrollment for the 2008-2009 school year;

(ii) 6 percent of its enrollment for the 2009-2010 school year;

(iii) 4 percent of its enrollment for the 2010-2011 school year;

(iv) 2 percent of its enrollment for the 2011-2012 school year; and

(v) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

REGULATIONS

13A.08.01.01. Attendance.

A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age, or the child is exempted under Regulation .02-2A of this chapter.

B. A child who resides in this State shall attend a public or nonpublic kindergarten program regularly during the school year before entering the first grade unless the child is enrolled in an alternative program as specified in Regulation .02-2B of this chapter or is receiving home instruction as provided in COMAR 13A.10.01.

C. A child who resides in this State and attends a nonpublic kindergarten program for part of the year may transfer to a public kindergarten if the child meets the minimum age requirement for admission to a public school kindergarten program, as set forth in Regulation .02B(2) of this chapter.

D. Students shall be considered in attendance at school when participating in school-sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees. Students shall be considered in attendance in an alternative program setting when participating in activities during the day sponsored by the alternative program, and when that participation is approved by the director of a licensed child care center, registered family day care home, or Head Start 5-year-old program.

E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and the Maryland Student Records System Manual 2011, which is incorporated by reference in COMAR 13A.08.02.01.
13A.08.01.04. Unlawful Absence.
A. An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy. Local school systems may add specified criteria for unlawful absences to local board-approved attendance policies.
B. Truancy. A truant is a student who is absent without lawful cause as defined in Regulation .03, of this chapter, from the attendance for a school day or portion of it.
C. Habitual Truant. A student is an habitual truant if the student is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year. A local school system has the prerogative of defining habitual truancy in a more but not less stringent manner (for example, unlawful absences in excess of 15 percent of the school days).

13A.08.01.05. Student Attendance Policy.
Each local school system shall develop a student attendance policy which includes:
A. A general statement dealing with the local school system’s purpose and rationale for promoting regular school attendance.
B. Rules, Definitions, and Procedures for Policy Implementation.
   (1) Reasons for lawful and unlawful absences and tardiness include lawful/unlawful absence as defined in Regulations .03 and .04, of this chapter. Clarification of special situations for unlawful absence may also be identified.
   (2) Standards for regular attendance include minimal requirements for student attendance in order to foster continuity of the instructional program. The standards for school attendance may identify a specific number of excessive or unlawful absences allowed within a marking period, semester, or school year.
   (3) Procedure to verify absences/tardiness includes responsible persons, time limits, and methods of absent/tardy verification.
   (4) Penalties for not meeting standards for regular attendance requirements include actions taken by school system staff when a student is unlawfully absent or accumulates an equivalent number of excessive or unlawful absences which exceeds the standard for regular school attendance. The penalties should be identified, and should reflect a continuum of excessive or unlawful absences.
   (5) Make-up work requirements include classroom teacher and student responsibility, time limits, and grading policy for make-up work. Make-up work requirements may also involve a procedure for completing class work in advance of an absence wherever possible.
   (6) Attendance-monitoring procedure includes:
      (a) Record-keeping format to comply with State attendance reporting requirements;
      (b) Intervention strategies and procedures for dealing with absenteeism at the beginning stages of the problem as well as chronic absenteeism; and
      (c) A referral process to pupil services or other central office professionals for case management of chronic attendance cases.
   (7) Reward process includes an identified motivational program to reward regular school attendance.
   (8) Information dissemination includes methods for informing school staff, students, parents, and community members of attendance policy requirements.
   (9) Appeals process includes specific due process procedures for appealing attendance violation decisions at the school and central office level.
   (10) Legal foundation includes citations of legal authority for attendance policy development and implementation.
Substance use

LAWS

4-124. Drug-free school zones.
(a) Regulations requiring the posting of signs. A county board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of public and nonpublic elementary and secondary schools as "drug-free school zones".
(b) Notice of § 5-627 of the Criminal Law Article. The signs shall be designed in order to provide notice of the provisions of § 5-627 of the Criminal Law Article.
(c) Hotline number in Anne Arundel County, Baltimore City, and Prince George's County. In Anne Arundel County, Baltimore City, and Prince George's County, all new and replacement signs shall include a hotline number to report information concerning suspected illegal drug activity.

5-627. Controlled dangerous substance near school.
(a) Prohibited. A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or conspire to commit any of these crimes:
   (1) in a school vehicle, as defined under § 11-154 of the Transportation Article; or
   (2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education.
(b) Application of subsection (a). Subsection (a) of this section applies whether or not:
   (1) school was in session at the time of the crime; or
   (2) the real property was being used for purposes other than school purposes at the time of the crime.
(c) Penalty.
   (1) A person who violates this section is guilty of a felony and on conviction is subject to:
      (i) for a first violation, imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both; or
      (ii) for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years or a fine not exceeding $40,000 or both.
   (2) (i) The court may not suspend the 5-year minimum sentence required by paragraph (1)(ii) of this subsection.
      (ii) Except as otherwise provided in § 4-305 of the Correctional Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible for parole during this period of the 5-year minimum sentence.
   (3) A sentence imposed under paragraph (1) of this subsection shall be consecutive to any other sentence imposed.
(d) Merger. Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

5-803. School employees.
(a) Making reports.
   (1) Whether or not an individual receives compensation for the individual's services, an employee of a county health department or other local department or agency functioning as a school nurse or school
health aide or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private, or parochial school is immune from liability for:

(i) Making a report required by law, if the individual acts on reasonable grounds;

(ii) Participating in a judicial proceeding that results from the individual's report; and

(iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:

1. Under the influence of alcoholic beverages or a controlled dangerous substance;

2. In possession of alcoholic beverages or a controlled dangerous substance; or

3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

7-412. Preservation of rights of student seeking to overcome drug abuse.

(a) Inadmissibility of statement of student. If a student seeks information to overcome any form of drug abuse, as defined in § 8-101 of the Health - General Article, from a teacher, counselor, principal, or other professional educator employed by an educational institution that has received a certificate of approval under § 2-206 of this article, a statement, whether oral or written, made by the student or an observation or conclusion derived from the statement is not admissible against the student in any proceeding.

(b) Rules and regulations may not require disclosure. A rule, regulation, or order may not require disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this contact.

26-103. Drinking or possessing intoxicating beverages on school premises.

(a) Prohibited conduct.

(1) Unless locally approved by the county board of education, a person may not drink or possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

(b) Penalty.

(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

REGULATIONS

13A.02.04.01. Scope.
These regulations require each local school system to maintain a tobacco-free school environment.

13A.02.04.02. Definitions.
A. In this chapter, the following terms have the meanings indicated.
B. Terms Defined.

(1) “Official school day” means the regular school day with a designated starting time and ending time as defined by the local school system.
(2) “School buildings” means local school system owned or leased buildings.

(3) “School grounds” means local school system owned or leased land that surrounds a school building.

(4) Tobacco.
   
   (a) “Tobacco” means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed.
   
   (b) “Tobacco” does not include nicotine replacement therapy.

13A.02.04.03. Tobacco Use.

The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day.


Each local school system shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

13A.02.04.05. Tobacco-Free Guidelines.

The State Department of Education shall develop guidelines to assist the local school systems in implementing a tobacco-free environment.

13A.08.01.08. Substance Use or Distribution.

A. Alcohol and Other Drugs. Students are prohibited from possessing or using, or both, alcohol or other drugs without a physician’s prescription, in any form on the school premises.

B. Tobacco. Students are prohibited from possessing or using tobacco in any form on the school premises.

C. Alcohol and Other Drugs Policy. Consistent with Regulations .11-.15 of this chapter, COMAR 13A.08.02, and other applicable law, a local board of education shall adopt a policy on alcohol and other drug use or possession, or both, by students, which shall address at least the following areas:
   
   (1) Purpose;
   
   (2) Definition of terms;
   
   (3) Rules for student behavior;
   
   (4) Student referral procedures;
   
   (5) Procedures for investigating policy violations;
   
   (6) Due process requirements;
   
   (7) Provision of emergency medical care;
   
   (8) Confidentiality of students’ educational records;
   
   (9) Alcohol and other drugs policy dissemination;
   
   (10) Staff training; and
   
   (11) Drug education curriculum.

D. Coordination with Local Law Enforcement.
   
   (1) The local board of education shall notify local law enforcement officials of the local board of education’s alcohol and other drugs policy.
   
   (2) The local board of education, to the extent possible and consistent with applicable law, shall coordinate efforts with local law enforcement officials to:
   
   (a) Prevent alcohol and other drug abuse by students;
(b) Detect the possession of alcohol or illegal drugs by students on school premises;
(c) Adopt standard operating procedures regarding the reporting of activity related to alcohol and other drug abuse on school premises;
(d) Adopt standard operating procedures regarding the investigation of activity related to alcohol and other drug abuse on school premises; and
(e) Adopt standard operating procedures regarding the seizure and storage of contraband.

Bullying, harassment, or hazing

LAWS

3-607. Hazing.
(a) Prohibited. A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.
(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.
(c) Prohibited defense. The implied or express consent of a student to hazing is not a defense under this section.

3-805. Misuse of electronic communication or interactive computer service.
(a) "Electronic communication" defined. In this section, "electronic communication" means the transmission of information, data, or a communication by the use of a computer or any other electronic means that is sent to a person and that is received by the person.
(b) Prohibited. A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:
   (1) with the intent to harass, alarm, or annoy the other;
   (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and
   (3) without a legal purpose.
(d) Exception. This section does not apply to a peaceable activity intended to express a political view or provide information to others.
(e) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

7-424. Reporting incidents of harassment or intimidation against students.
(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
      (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
         1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
         2. Threatening or seriously intimidating; and
(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
   2. Substantially disrupts the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) Report required.
   (1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.
   (2) An incident of bullying, harassment, or intimidation may be reported by:
      (i) A student;
      (ii) The parent, guardian, or close adult relative of a student; or
      (iii) A school staff member.

(c) Contents; distribution.
   (1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.
   (2) Each victim of bullying, harassment, or intimidation report form shall:
      (i) Identify the victim and the alleged perpetrator, if known;
      (ii) Indicate the age of the victim and alleged perpetrator;
      (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
      (iv) Indicate the location of the incident;
      (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
      (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
      (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
      (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.
   (3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board’s jurisdiction.

(d) Anonymous two-way electronic tip program.
   (1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.
   (2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.
   (3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system Web sites, and other locations that the county board determines are necessary or appropriate.
   (4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:
      (i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and
      (ii) Provide a transcript of the conversation to a designated person in the school.
(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality.
   (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.
   (2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:
   (1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and
   (2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly.
   (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.
   (2) The report submitted by the Department shall include, to the extent feasible:
      (i) A description of the act constituting the bullying, harassment, or intimidation;
      (ii) The age of the victim and alleged perpetrator;
      (iii) The allegation of the alleged perpetrator's motive;
      (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
      (v) The number of days a student is absent from school, if any, as a result of the incident; and
      (vi) The number of false allegations reported.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.
(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
      (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
         1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or
         2. Threatening or seriously intimidating; and
      (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
         2. Substantially disrupts the orderly operation of a school.
   (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.
      (i) "Electronic communication" includes a social media communication.
(b) In general.

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

(i) A statement prohibiting bullying, harassment, and intimidation in schools;

(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;

(iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;

(v) Standard consequences and remedial actions for persons found to have made false accusations;

(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;

(vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;

(viii) Information about the types of support services available to the student bully, victim, and any bystanders;

(ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and

(x) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(c) Development of policy by county boards.

(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students; and

(v) Members of the community.

(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board’s update of the model policy under subsection (b)(3) of this section.

(d) Publication of policy. Each county board shall publicize its policy in student handbooks, school system Web sites, and any other location or venue the county board determines is necessary or appropriate.

(e) Reporting procedure. Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and

(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.
(f) Submission of policy.
   (1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.
   (2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.

(g) Educational programs. Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
   (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
   (2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) Limitation of liability.
   (1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.
   (2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.3. Bullying, harassment and intimidation policy.

(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Bullying, harassment, and intimidation" means any intentional written, verbal, or physical act, including an electronic communication, that:
      (i) 1. Physically harms an individual;
          2. Damages an individual's property;
          3. Substantially interferes with an individual's education or learning environment; or
          4. Places an individual in reasonable fear of harm to the individual's person or property; and
      (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
          2. Substantially disrupts the orderly operation of a school.
      (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.
      (4) "Nonpublic school" means a nonpublic school that participates in State-funded education programs.

(b) Adoption by nonpublic school. By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(c) Contents. The policy adopted under subsection (b) of this section shall include:
   (1) A statement prohibiting bullying, harassment, and intimidation in the school;
   (2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
   (3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;
   (4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:
(i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and

(ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;

(5) Standard consequences and remedial actions for persons found to have made false accusations;

(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;

(7) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;

(8) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and

(9) Information about the types of support services available to a student bully or victim and any bystanders.

(d) Consultation with groups. A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:

(1) Parents or guardians of students;

(2) School employees and administrators;

(3) School volunteers; and

(4) Students.

(e) Publication. A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.

(f) Educational programs. A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) Civil liability. An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) Construction of provisions. The provisions of this section may not be construed to:

(1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or

(2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

REGULATIONS

13A.01.04.03. School Safety.

All students in Maryland's public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to educational environments that are:

A. Safe;

B. Appropriate for academic achievement; and

C. Free from any form of harassment.
Other special infractions or conditions

LAWS

7-303. Arrest for reportable offense.

(g) Prohibition of student to attend same school or ride the same bus as victim.

1. Except as otherwise provided in paragraph (2) of this subsection, the local superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

2. If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

7-424.2. Gangs and gang activity.

(a) "School security officer" defined.

1. In this section, "school security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

2. "School security officer" does not include a teacher.

(b) Model policy. By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) Model policy - Contents. The model policy developed under subsection (b) of this section shall include:

1. A statement prohibiting gang activity in schools;

2. A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;

3. A definition of gang and gang activity;

4. Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;

5. Standard consequences and remedial actions for individuals found to have made false accusations;

6. Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

7. Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;

8. Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and

9. Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

(d) Policy or regulations by local school system.

1. Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.
(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:
   (i) Parents or guardians of students;
   (ii) School employees and administrators;
   (iii) School volunteers;
   (iv) Students;
   (v) Local law enforcement;
   (vi) Gang prevention and intervention programs;
   (vii) The Office of the Public Defender;
   (viii) The Maryland State's Attorneys Association; and
   (ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. Each local school system shall publicize its policy or regulations in student handbooks, on school system Web sites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Policy or regulations by local school system - Education programs. Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:
   (1) An educational gang awareness program for students, staff, volunteers, and parents; and
   (2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) Reporting of gang activity.
   (1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.
   (2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) Meetings.
   (1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.
   (2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:
      (i) School principals;
      (ii) School security officers;
      (iii) Guidance counselors;
      (iv) Local law enforcement officers;
      (v) Representatives from the county State's Attorney's Office;
      (vi) Representatives from the Office of the Public Defender;
      (vii) Gang prevention and intervention program representatives; and
(viii) Any other individuals that the county superintendent considers appropriate.

(j) Coordination of efforts. Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) Report. On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

REGULATIONS

13A.08.01.09. Student organizations.
A. All student organizations desiring to conduct activities in public school buildings or on public school grounds shall be permitted to conduct these activities only if authorized to do so and shall thereafter be subject to the supervision of the administration and faculty of the school.

B. Any secret, exclusive, or self-perpetuating organization which seeks to organize and perpetuate itself by taking in members from among the students enrolled in the public schools in which they are students, upon the basis of decision of the membership of the organization, rather than from the free choice of any students in the school who are qualified to fill the special aims of the organization, shall be prohibited from conducting its activities in public school buildings or on public school grounds.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

7-304. Special programs for disruptive students.
(a) Purpose of section. The purpose of this section is to require each county board of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.

7-411. Drug addiction and prevention education program.
(a) State Board to implement program. The State Board shall develop and implement a program of drug addiction and prevention education in the public schools.
(b) Teachers to be trained in drug addiction and prevention education.
   (1) Except as provided in subsection (c)(2) of this section, this program shall be started before the sixth grade in each public school by teachers who are trained in the field of drug education.
   (2) The State Board shall establish standards for determining how a teacher is considered to be "trained in the field of drug addiction and prevention education" for the purposes of this section.
(c) Components of program.
   (1) The program shall include instruction related to heroin and opioid addiction and prevention, including information relating to the lethal effect of fentanyl.
   (2) The instruction required under paragraph (1) of this subsection shall be:
      (i) Delivered in grade bands as follows:
         1. Third grade through fifth grade;
         2. Sixth grade through eighth grade; and
         3. Ninth grade through twelfth grade; and
      (ii) A stand-alone unit in the program.
(d) Coordination with other State agencies. This program shall be coordinated with other State agencies that are responsible for drug abuse education and control.

7-413. Alcohol abuse program.
(a) State Board to implement program.
   (1) By the fall of 1978, the State Board shall develop and implement a program of health education that deals specifically with the abuse of alcohol.
   (2) This program may be included in the drug education program under § 7-411 of this subtitle.
(b) Coordination with other State agencies. This program shall be coordinated with other State agencies that are responsible for alcohol abuse education and control.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.
(g) Educational programs. Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

7-424.3. Bullying, harassment and intimidation policy.
(f) Educational programs. A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
(2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

7-439. Awareness and prevention of sexual abuse and assault program.
(a) "Nonpublic school" defined. In this section, "nonpublic school" means a noncollegiate educational institution that:

(1) Holds a certificate of approval from the State Board under § 2-206(e) of this article; and
(2) Participates in the Nonpublic Schools Textbook and Technology Grants Program.

(b) Development and implementation.

(1) The State Board and each nonpublic school in the State shall develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault.

(2) The program required under paragraph (1) of this subsection shall be:

(i) Taught by a teacher who is trained to provide instruction on the awareness and prevention of sexual abuse and assault; and

(ii) Incorporated into the health curriculum of each county board and each nonpublic school.

(c) Regulations. The State Board shall adopt regulations to carry out the provisions of this section.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

7-304. Special programs for disruptive students.
(a) Purpose of section. The purpose of this section is to require each county board of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.

7-304.1. Positive behavioral interventions and support program.
(a) "Positive Behavioral Interventions and Support Program" defined. In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

(b) Program established. Suspension.
(1) Subject to paragraph (3) of this subsection, each county board shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
   (i) A positive behavioral interventions and support program; or
   (ii) An alternative behavior modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:
   (i) 18 percent of its enrollment for the 2005-2006 school year;
   (ii) 16 percent of its enrollment for the 2006-2007 school year;
   (iii) 14 percent of its enrollment for the 2007-2008 school year;
   (iv) 12 percent of its enrollment for the 2008-2009 school year; and
   (v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.

(3) An elementary school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its existing program if it has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection.

(c) Program established. Truancy.
(1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
   (i) A positive behavioral interventions and support program; or
   (ii) An alternative, research-based, positive, and effective behavior modification program in collaboration with the Department.

(2) A school is subject to this subsection if it has a truancy rate that exceeds:
   (i) 8 percent of its enrollment for the 2008-2009 school year;
   (ii) 6 percent of its enrollment for the 2009-2010 school year;
   (iii) 4 percent of its enrollment for the 2010-2011 school year;
   (iv) 2 percent of its enrollment for the 2011-2012 school year; and
   (v) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

7-305.1. Student enrolled in public prekindergarten program, kindergarten, first grade, or second grade - Suspension or expulsion prohibited; exceptions.

(a) Definitions.
(1) In this section the following words have the meanings indicated.
(2) "Public prekindergarten program" means:
   (i) Any publicly funded prekindergarten program established under § 7-101.1 of this title; or
   (ii) Any qualified vendor of prekindergarten services as defined in § 7-101.2(a)(7) of this title.
(3) "Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:
   (i) Are conducted by trained staff;
   (ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
(iii) Help build a sense of belonging, safety, and social responsibility in the school community.

(b) In general.

(1) Except as provided in paragraph (2) of this subsection, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(2) A student described under paragraph (1) of this subsection may only be:

   (i) Expelled from school if required by federal law; or

   (ii) Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(3) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under paragraph (2) of this subsection.

(c) Intervention and support by school.

(1) The school shall provide intervention and support to address the student's behavior if the student is:

   (i) Suspended under subsection (b) of this section; or

   (ii) Enrolled in prekindergarten, kindergarten, first grade, or second grade and:

       1. Is disruptive to the school environment; or

       2. Commits an act that would be considered an offense subject to suspension but for the student's grade.

(2) Intervention and support provided under paragraph (1) of this subsection includes:

   (i) Positive behavior interventions and supports;

   (ii) A behavior intervention plan;

   (iii) A referral to a student support team;

   (iv) A referral to an individualized education program team; and

   (v) A referral for appropriate community-based services.

(d) Remedying impact of behavior. The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

(e) Regulations. On or before May 1, 2018, the Department shall adopt regulations to carry out the requirements of this section.

7-306. Corporal punishment; State code of discipline.

(d) Regulations. -

(1) Subject to the provisions of subsections (b) and (c) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

   (i) Shall provide for educational and behavioral interventions, restorative approaches, counseling, and student and parent conferencing;

   (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; and

   (iii) Shall state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.
7-310. Dissemination of community resources list.
(a) In general. Each county board shall develop and disseminate to each public school within the county board's jurisdiction a community resources list.
(b) Contents. The community resources list may include the name and contact information of local and statewide social services and nonprofit health care providers that provide nondiscriminatory services to children and families in need of assistance.

7-428. Inhalant abuse training and awareness.
(a) In general. The Department, in collaboration with the Maryland Department of Health, shall provide awareness and training for Directors of Student Services in local education agencies on inhalant abuse.
(b) Resource information and materials. The Maryland Department of Health shall provide to the Department:
   (1) Resource information on inhalant abuse to be distributed to local school supervisors of health, counseling, and psychology; and
   (2) Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on inhalant abuse.

7-431. Telephone number of Maryland youth crisis hotline.
Each county board shall provide each student in grades six through twelve with the telephone number of the Maryland Youth Crisis Hotline by:
   (1) Printing the telephone number prominently in the school handbook; and
   (2) Printing the telephone number on a student's school identification card, if provided.

7-438. Community-partnered school behavioral health services programs.
(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Behavioral health services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.
   (3) (i) "Community-partnered school behavioral health services program" means a program that provides behavioral health services to students by community behavioral health providers in partnership with public schools and families that augment the behavioral health services and supports provided by public schools.
      (ii) "Community-partnered school behavioral health services program" does not include school-based health centers.
(b) Standardized reporting system.
   (1) The Department, in consultation with the Maryland Department of Health, county boards, and other interested stakeholders, as determined by the Department, shall develop and implement a standardized reporting system to determine the effectiveness of community-partnered school behavioral health services programs.
   (2) The standardized reporting system developed under paragraph (1) of this subsection shall use measures that collect data on the outcomes of students who receive behavioral health services from community-partnered school behavioral health services programs, including a student's academic, behavioral, social, and emotional functioning and progress.
(c) Report to Governor and General Assembly. On or before December 1, 2017, and every 2 years thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that provides an analysis of the effectiveness of community-partnered school behavioral health services programs.

7-440. Individualized or group behavioral counseling services.

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) “Behavioral health counseling services” means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

(3) “Health care provider” has the meaning stated in § 20-104 of the Health - General Article.

(b) In general.

(1) The Maryland Department of Health, in conjunction with the Department, shall recommend best practices for county boards of education to provide to students:

   (i) Behavioral needs assessments; and
   
   (ii) Individualized or group behavioral health counseling services with a health care provider through a school-based health center or through community partnered school-based behavioral health services.

(c) Construction of section. This section may not be construed to require a county board to provide behavioral needs assessments or individualized or group behavioral health counseling services to students.

REGULATIONS

13A.08.01.05. Student attendance policy.

Each local school system shall develop a student attendance policy which includes:

   B. Rules, Definitions, and Procedures for Policy Implementation.

   (6) Attendance-monitoring procedure includes:

      (b) Intervention strategies and procedures for dealing with absenteeism at the beginning stages of the problem as well as chronic absenteeism; and
      
      (c) A referral process to pupil services or other central office professionals for case management of chronic attendance cases.

   (7) Reward process includes an identified motivational program to reward regular school attendance.

13A.08.01.11. Disciplinary action.

A. Local Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:

   (5) Address the ways the educational and counseling needs of suspended students will be met; and

C. Suspension and Expulsion.

   (1) In-School Suspension.

      (g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension.
H. Intervention and Support.

(1) School personnel shall provide intervention and support to address the students behavior if the student is:

(a) Suspended under § C(1)(b) of this regulation; or
(b) Enrolled in a public prekindergarten program, kindergarten, first grade, or second grade and:
   (i) Is disruptive to the school environment; or
   (ii) Commits an act that would be considered an offense subject to suspension but for the student's grade.

(2) Intervention and support provided under § H(1) of this regulation includes:

(a) Positive behavior interventions and supports;
(b) A behavior intervention plan;
(c) A referral to a student support team;
(d) A referral to an individualized education program team; and
(e) A referral for appropriate community-based services.

(3) The school system, to the best of its ability, shall remedy the impact of a student's behavior on school climate through appropriate intervention methods including restorative practices.

13A.08.01.17. School use of reportable offenses.

A. Terms Defined. In this regulation the following terms have the meanings indicated:

(6) “Related services” means any supportive intervention that is available through the local school system.

B. Administrative Procedures.

(2) The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student's parent or guardian:

(a) Participate in the development of the plan; and
(b) Submit information that is relevant to developing the plan.

C. General Provisions.

(3) A local superintendent or school principal who transmits information about a student under §C(2) of this regulation shall include in the confidential transmittal information on any educational programming and related services provided to the student.

(4) A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

(6) Appropriate educational programming and related services shall be provided to an identified student with disabilities in accordance with the Individuals with Disabilities Education Act and State special education law and regulations, including COMAR 13A.05.01.

13A.08.03.07. Responsibilities of the IEP team.

A. The IEP team shall meet within 10 business days of the removal of a student with a disability to develop an assessment plan if the IEP team has not:

(1) Conducted a functional behavioral assessment; and
(2) Implemented a behavioral intervention plan to address the behavior before the behavior occurred that resulted in the student’s removal as set forth in Regulation .03B or .05 of this chapter.

B. As soon as possible after the completion of the assessments determined appropriate by the IEP team as set forth in §A of this regulation, the IEP team shall meet to:
   (1) Develop appropriate behavioral interventions to address the behavior; and
   (2) Implement the behavioral intervention plan.

C. If the student with a disability has a behavioral intervention plan, the IEP team shall meet within 10 business days of the removal to review the plan to address the behavior that resulted in the removal, and determine if:
   (1) The behavioral intervention plan needs to be modified; or
   (2) The implementation of the behavioral intervention plan needs to be modified to address the behavior.

D. For subsequent disciplinary removals of the student beyond the first 10 school days the student is removed during the school year, the IEP team shall meet to review the student’s behavioral intervention plan as set forth in §C of this regulation.

E. The IEP team shall modify the behavioral implementation plan and its implementation to the extent the IEP team determines necessary.

F. Meetings of the IEP team as set forth in §A of this regulation and in Regulation .08B of this chapter may be conducted at the same IEP team meeting.

13A.08.04.01. Scope.
This chapter applies to student behavior interventions by public agencies and nonpublic schools.

13A.08.04.03. Student behavior interventions.
A. General. School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.

13A.08.06.01. Definitions.
A. In this chapter, the following terms have the meanings indicated.

B. TermsDefined.
   (1) “Alternative behavior modification program” means a research-based, positive and effective school-wide program that includes the following:
      (a) Systems and practices that:
         (i) Enhance the capacity for all children to be successful; and
         (ii) Recognize appropriate behaviors and respond to behavioral violations; and
      (b) A continuous assessment of school discipline data to facilitate appropriate decisions about implementation of research based practices.
   (2) “Elementary school” means any comprehensive public school, excluding alternative settings or special schools, in which the school population includes any combination of students in prekindergarten through grade 5.
   (3) “Habitually truant” means a student that meets all of the following criteria:
      (a) The student was age 5 through 20 during the school year;
      (b) The student was in membership in a school for 91 or more days; and
(c) The student was unlawfully absent from school for more than 20 percent of the days in membership.

(4) “Local school system” means any of the 24 local school systems in the State.

(5) “Positive behavioral interventions and support program (PBIS)” means the research-based, systems approach method adopted by the State Board to:
   (a) Build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn; and
   (b) Improve the link between research-validated practices and the environments in which teaching and learning occur.

(6) “School” means any comprehensive public school in which the school population includes any combination of students in prekindergarten through grade 12, excluding alternative settings or special schools, in which the school population includes any combination of students in prekindergarten through grade 12.

(7) “Suspension rate” means the unduplicated count of students who receive out-of-school suspension as a disciplinary action during a year divided by the September 30 enrollment count.

(8) “Truancy rate” means the unduplicated count of students who are “habitually truant” from school during a school year divided by the September 30 enrollment count.

13A.08.06.02. Administrative procedures - Suspension rates.
A. Upon receipt of notification from the Department that an elementary school’s out-of-school suspension rate exceeds the standard specified in §B of this regulation, the local school superintendent or the superintendent’s designee shall direct the principal of the school to implement:
   (1) A PBIS; or
   (2) An alternative behavioral modification program developed in collaboration with the Department.

B. An elementary school is subject to this regulation if it has an out-of-school suspension rate that exceeds:
   (1) 18 percent of its enrollment for the 2005-2006 school year;
   (2) 16 percent of its enrollment for the 2006-2007 school year;
   (3) 14 percent of its enrollment for the 2007-2008 school year;
   (4) 12 percent of its enrollment for the 2008-2009 school year; and
   (5) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.

C. The school principal or the principal’s designee and appropriate staff members shall:
   (1) Develop a plan for implementing a program as set forth in §A of this regulation;
   (2) Attend PBIS or alternative behavior modification training program approved by the Department; and
   (3) Follow implementation guidelines and practices for PBIS or the alternative behavior modification training program.

D. The following apply to an elementary school that has at least one grade beyond grade 5:
   (1) The suspension rates in §B of this regulation shall apply to students in prekindergarten through grade 5; and
   (2) PBIS or the alternative behavioral modification program shall focus on students in prekindergarten through grade 5.

E. Nothing in this regulation precludes a school system from implementing PBIS or an alternative behavioral modification program either in specific schools or system-wide.
F. An elementary school shall expand its existing PBIS or alternative behavior modification program by providing more intensive interventions to targeted students in need of such interventions if:

(1) The elementary school has already implemented a PBIS or an alternative behavior modification program; and

(2) The elementary school has a suspension rate that exceeds the standard specified in §B of this regulation.

13A.08.06.03. Administrative procedures - Truancy rates.

A. Upon receipt of notification from the Department that a school’s habitual truancy rate exceeds the standard specified in §B of this regulation, the local school superintendent or the superintendent’s designee shall direct the principal of the school to implement:

(1) A PBIS; or

(2) An alternative behavior modification program developed in collaboration with the Department.

B. A school is subject to this regulation if it has a truancy rate that exceeds:

(1) 8 percent of its enrollment for the 2008-2009 school year;

(2) 6 percent of its enrollment for the 2009-2010 school year;

(3) 4 percent of its enrollment for the 2010-2011 school year;

(4) 2 percent of its enrollment for the 2011-2012 school year; and

(5) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

C. The school principal or the principal’s designee and appropriate staff members shall:

(1) Develop a plan for implementing a program as set forth in §A of this regulation;

(2) Attend PBIS or alternative behavior modification training program approved by the Department; and

(3) Follow implementation guidelines and practices for PBIS or the alternative behavior modification training program.

D. A school shall expand its existing PBIS or alternative behavior modification program by providing more intensive interventions to targeted students in need of such interventions if:

(1) The school has already implemented a PBIS or an alternative behavior modification program; and

(2) The school has a truancy rate that exceeds the standard specified in §B of this regulation.

E. Nothing in this regulation precludes a school system from implementing PBIS or an alternative behavioral modification program either in specific schools or system-wide.

Professional development

LAWS

7-411. Drug addiction and prevention education program.

(a) State Board to implement program. The State Board shall develop and implement a program of drug addiction and prevention education in the public schools.

(b) Teachers to be trained in drug addiction and prevention education.

(1) Except as provided in subsection (c)(2) of this section, this program shall be started before the sixth grade in each public school by teachers who are trained in the field of drug education.

(2) The State Board shall establish standards for determining how a teacher is considered to be "trained in the field of drug addiction and prevention education" for the purposes of this section.
(c) Components of program.
   (1) The program shall include instruction related to heroin and opioid addiction and prevention, including
   information relating to the lethal effect of fentanyl.
   (2) The instruction required under paragraph (1) of this subsection shall be:
      (i) Delivered in grade bands as follows:
          1. Third grade through fifth grade;
          2. Sixth grade through eighth grade; and
          3. Ninth grade through twelfth grade; and
      (ii) A stand-alone unit in the program.

(d) Coordination with other State agencies. This program shall be coordinated with other State agencies
    that are responsible for drug abuse education and control.

7-428. Inhalant abuse training and awareness.
(a) In general. The Department, in collaboration with the Maryland Department of Health, shall provide
    awareness and training for Directors of Student Services in local education agencies on inhalant abuse.
(b) Resource information and materials. The Maryland Department of Health shall provide to the
    Department:
       (1) Resource information on inhalant abuse to be distributed to local school supervisors of health,
           counseling, and psychology; and
       (2) Materials for distribution that describe local, State, and national resources to which students,
           parents, counselors, and school personnel can refer for information on inhalant abuse.

7-439. Awareness and prevention of sexual abuse and assault program.
(a) "Nonpublic school" defined. In this section, "nonpublic school" means a noncollegiate educational
    institution that:
       (1) Holds a certificate of approval from the State Board under § 2-206(e) of this article; and
       (2) Participates in the Nonpublic Schools Textbook and Technology Grants Program.
(b) Development and implementation.
       (1) The State Board and each nonpublic school in the State shall develop and implement a program of
           age-appropriate education on the awareness and prevention of sexual abuse and assault.
       (2) The program required under paragraph (1) of this subsection shall be:
           (i) Taught by a teacher who is trained to provide instruction on the awareness and prevention of
               sexual abuse and assault; and
           (ii) Incorporated into the health curriculum of each county board and each nonpublic school.
(c) Regulations. The State Board shall adopt regulations to carry out the provisions of this section.

7-1104. Consultation concerning training requirements.
The State Superintendent shall consult with representatives of institutions of higher education and the
Professional Standards and Teacher Education Board under Title 6, Subtitle 7 of this article with respect
to the training requirements for teachers and administrators to ensure that sufficient training is available
regarding evidence-based positive behavioral interventions, strategies, and supports consistent with
professionally accepted practices and standards for persons entering the field of education.
REGULATIONS

13A.08.06.02. Administrative procedures - Suspension rates.

C. The school principal or the principal’s designee and appropriate staff members shall:
   
   (2) Attend PBIS or alternative behavior modification training program approved by the Department; and
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

**5-803. School employees.**

(a) Making reports.

(1) Whether or not an individual receives compensation for the individual's services, an employee of a county health department or other local department or agency functioning as a school nurse or school health aide or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private, or parochial school is immune from liability for:

   (i) Making a report required by law, if the individual acts on reasonable grounds;

   (ii) Participating in a judicial proceeding that results from the individual's report; and

   (iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:

       1. Under the influence of alcoholic beverages or a controlled dangerous substance;

       2. In possession of alcoholic beverages or a controlled dangerous substance;

       3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

**7-302. Report of absences and maladjustment.**

(b) Investigation; counseling; notice to Department of Juvenile Services. On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:

(3) Following the investigation or intervention:

   (i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;

   (ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article; and

   (iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts Article.

**7-424. Reporting incidents of harassment or intimidation against students.**

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

   (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
2. Threatening or seriously intimidating; and
   (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
   2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) Report required.
   (1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.
   (2) An incident of bullying, harassment, or intimidation may be reported by:
      (i) A student;
      (ii) The parent, guardian, or close adult relative of a student; or
      (iii) A school staff member.

(c) Contents; distribution.
   (1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.
   (2) Each victim of bullying, harassment, or intimidation report form shall:
      (i) Identify the victim and the alleged perpetrator, if known;
      (ii) Indicate the age of the victim and alleged perpetrator;
      (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
      (iv) Indicate the location of the incident;
      (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
      (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
      (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
      (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.
   (3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program.
   (1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.
   (2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.
   (3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system Web sites, and other locations that the county board determines are necessary or appropriate.
   (4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:
(i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and
(ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality.

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.
(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and
(2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly.

(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.
(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the bullying, harassment, or intimidation;
(ii) The age of the victim and alleged perpetrator;
(iii) The allegation of the alleged perpetrator's motive;
(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
(v) The number of days a student is absent from school, if any, as a result of the incident; and
(vi) The number of false allegations reported.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(b) In general.

(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.
(2) The model policy developed under paragraph (1) of this subsection shall include:

(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
(vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

(e) Reporting procedure. Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and
(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

7-424.2. Gangs and gang activity.

(c) Model policy - Contents. The model policy developed under subsection (b) of this section shall include:

(6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

(7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;

(h) Reporting of gang activity.

(1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.

(2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

REGULATIONS

13A.08.04.05. General Requirements for the Use of Restraint or Seclusion.

A. Use of Restraint.

(3) Documentation of the Use of Restraint.

(a) Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:

(i) Other less intrusive interventions that have failed or been determined inappropriate;

(ii) The precipitating event immediately preceding the behavior that prompted the use of restraint;

(iii) The behavior that prompted the use of a restraint;

(iv) The names of the school personnel who observed the behavior that prompted the use of restraint; and

(v) The names and signatures of the staff members implementing and monitoring the use of restraint.

(b) Documentation under § A(3) of this regulation shall include a description of the restraint event, including:

(i) The type of restraint;

(ii) The length of time in restraint;

(iii) The student's behavior and reaction during the restraint; and

(iv) The name and signature of the administrator informed of the use of restraint.

(4) The documentation described in § A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.

B. Use of Seclusion.

(7) Documentation of Seclusion.
(a) Each time a student is placed in seclusion, school personnel involved in the seclusion event shall debrief and document:

(i) Other less intrusive interventions that have failed or been determined inappropriate;
(ii) The precipitating event immediately preceding the behavior that prompted the use of seclusion;
(iii) The behavior that prompted the use of seclusion; and
(iv) The names and signatures of the staff members implementing and monitoring the seclusion.

(b) The documentation under § B(7) of this regulation shall include a description of the seclusion event, including:

(i) Justification for initiating the use of seclusion;
(ii) The length of time in seclusion;
(iii) The student's behavior and reaction during the seclusion; and
(iv) The name and signature of the administrator informed of the use of seclusion.

(8) The documentation described in § B(7) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(9) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

Parental notification

LAWS
No relevant laws found.

REGULATIONS

13A.08.01.12. Arrests on school premises.
A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.
B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.
C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardians immediately and thereafter promptly to advise the local superintendent of schools.

13A.08.01.13. Questioning on school premises.
C. Except as provided in §D of this regulation, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent's office of the nature of the investigation and such other details as may be required.
D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect and suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland.
E. In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent or guardians, except as provided below:

(1) A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child;

(2) The Superintendent or the Superintendent’s designee shall ensure that prompt notification of a student’s removal from school under this section is made to the student’s parent or guardians.

13A.08.01.15. Reporting delinquent acts.
A. Delinquent acts are offenses committed by a person who is under 18 years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.

B. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.

13A.08.01.17. School use of reportable offenses.
B. Administrative Procedures.

(2) The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student’s parent or guardian:

(a) Participate in the development of the plan; and

(b) Submit information that is relevant to developing the plan.

(3) If the plan results in a change to the student’s educational program, the school principal shall promptly schedule a conference to inform the parent or guardian of the plan. The plan shall be implemented not later than 5 school days after receipt of the arrest information.

(4) The school principal and appropriate staff shall review the plan and the student’s status and make adjustments as appropriate:

(a) Immediately upon notification from the State’s Attorney of the disposition of the reportable offense; or

(b) Pending notification from the State’s Attorney, at a minimum on a quarterly basis.

(5) The parent or guardian shall be informed of any adjustments to the plan.

13A.08.01.19. Probationary and persistently dangerous school designation.
A. Probationary Status.

(1) The State Board of Education shall place on probationary status any school having each year for a period of 2 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equal to 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school that the State has placed the school on probationary status.

B. Persistently Dangerous Designation.
(1) After placing a school on probationary status, the State Board of Education shall designate that school as persistently dangerous if during the next consecutive school year the total number of student suspensions for more than 10 days or expulsions for any of the offenses set forth in Regulation .18B(4) of this chapter equals 2-1/2 percent or more of the total number of students enrolled in the school.

(2) The local school system shall notify in a timely manner the parents of each student attending the school:
   (a) That the State has identified the school as persistently dangerous; and
   (b) Of the opportunity for school transfer as set forth in Regulation .20A(1) of this chapter.

13A.08.04.03. Parental notification.
On the date a student with a disability is removed from the student's current placement for a violation of a code of student conduct in accordance with Regulation .03B or .05 of this chapter, school personnel shall:

A. Notify the parents of the decision; and
B. Provide the parents with the procedural safeguards notice in accordance with COMAR 13A.05.01.11A.

13A.08.04.05. General Requirements for the Use of Restraint or Seclusion.
A. Use of Restraint.
   (3) Documentation of the Use of Restraint.
      (a) Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:
         (i) Other less intrusive interventions that have failed or been determined inappropriate;
         (ii) The precipitating event immediately preceding the behavior that prompted the use of restraint;
         (iii) The behavior that prompted the use of a restraint;
         (iv) The names of the school personnel who observed the behavior that prompted the use of restraint; and
         (v) The names and signatures of the staff members implementing and monitoring the use of restraint.
      (b) Documentation under § A(3) of this regulation shall include a description of the restraint event, including:
         (i) The type of restraint;
         (ii) The length of time in restraint;
         (iii) The student's behavior and reaction during the restraint; and
         (iv) The name and signature of the administrator informed of the use of restraint.
   (4) The documentation described in § A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.
   (5) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.
B. Use of Seclusion.
   (7) Documentation of Seclusion.
      (a) Each time a student is placed in seclusion, school personnel involved in the seclusion event shall debrief and document:
(i) Other less intrusive interventions that have failed or been determined inappropriate;
(ii) The precipitating event immediately preceding the behavior that prompted the use of seclusion;
(iii) The behavior that prompted the use of seclusion; and
(iv) The names and signatures of the staff members implementing and monitoring the seclusion.

(b) The documentation under § B(7) of this regulation shall include a description of the seclusion event, including:
   (i) Justification for initiating the use of seclusion;
   (ii) The length of time in seclusion;
   (iii) The student's behavior and reaction during the seclusion; and
   (iv) The name and signature of the administrator informed of the use of seclusion.

(8) The documentation described in § B(7) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

(9) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

Reporting and referrals between schools and law enforcement

LAWS

7-303. Arrest for reportable offense.
(b) Notification of local superintendent or nonpublic school principal - Arrest and charges. - If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the law enforcement agency making the arrest:
   (1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:
      (i) The local superintendent;
      (ii) The school principal; and
      (iii) For a school that has a school security officer, the school security officer; and
   (2) May notify the State's Attorney of the arrest and charges.

(c) Notification of local superintendent or nonpublic school principal - Disposition. - The State's Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

7-303.1. School principal to report student criminal activity.
(a) "School principal" defined. - In this section, "school principal" means the principal of a public or nonpublic school, or a designee of the principal who is an administrator.
(b) In general. - A school principal may make a report to any relevant law enforcement agency if, after an investigation is completed, the school principal has reason to believe that a student has engaged in conduct that constitutes an offense under:
   (1) Section 3-201 of the Criminal Law Article (assault in the first degree);
   (2) Section 3-202 of the Criminal Law Article (assault in the second degree);
(3) Section 3-805 of the Criminal Law Article (misuse of electronic communication or interactive computer service); or
(4) Section 3-809 of the Criminal Law Article (revenge porn).

7-424.2. Gangs and gang activity.
(a) "School security officer” defined.
   (1) In this section, “school security officer” includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.
   (2) “School security officer” does not include a teacher.
(b) Model policy. By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.
(c) Model policy - Contents. The model policy developed under subsection (b) of this section shall include:
   (1) A statement prohibiting gang activity in schools;
   (2) A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;
   (3) A definition of gang and gang activity;
   (4) Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;
   (5) Standard consequences and remedial actions for individuals found to have made false accusations;
   (6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;
   (7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;
   (8) Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and
   (9) Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.
(d) Policy or regulations by local school system.
   (1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.
   (2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.
   (3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:
      (i) Parents or guardians of students;
      (ii) School employees and administrators;
      (iii) School volunteers;
      (iv) Students;
      (v) Local law enforcement;
      (vi) Gang prevention and intervention programs;
(vii) The Office of the Public Defender;
(viii) The Maryland State's Attorneys Association; and
(ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. Each local school system shall publicize its policy or regulations in student handbooks, on school system Web sites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Policy or regulations by local school system - Education programs. Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:
   (1) An educational gang awareness program for students, staff, volunteers, and parents; and
   (2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) Reporting of gang activity.
   (1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.
   (2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) Meetings.
   (1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.
   (2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:
      (i) School principals;
      (ii) School security officers;
      (iii) Guidance counselors;
      (iv) Local law enforcement officers;
      (v) Representatives from the county State's Attorney's Office;
      (vi) Representatives from the Office of the Public Defender;
      (vii) Gang prevention and intervention program representatives; and
      (viii) Any other individuals that the county superintendent considers appropriate.

(j) Coordination of efforts. Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) Report. On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.
REGULATIONS

13A.08.01.08. Substance Use or Distribution.
D. Coordination with Local Law Enforcement.
   (1) The local board of education shall notify local law enforcement officials of the local board of
       education’s alcohol and other drugs policy.
   (2) The local board of education, to the extent possible and consistent with applicable law, shall
       coordinate efforts with local law enforcement officials to:
       (a) Prevent alcohol and other drug abuse by students;
       (b) Detect the possession of alcohol or illegal drugs by students on school premises;
       (c) Adopt standard operating procedures regarding the reporting of activity related to alcohol and
           other drug abuse on school premises;
       (d) Adopt standard operating procedures regarding the investigation of activity related to alcohol and
           other drug abuse on school premises; and
       (e) Adopt standard operating procedures regarding the seizure and storage of contraband.

13A.08.01.12. Arrests on school premises.
A. When possible and appropriate, arrest by police should be made during nonschool hours and away
   from the school premises.
B. When an arrest on school premises during the school hours is necessary, the responsible school
   official shall ascertain the facts from the arresting officer which will enable the school official to fully advise
   the parent or guardians and other school officials of the nature of the charge, the identity of the arresting
   officer, and the location of the student.
C. When an arrest has taken place on school premises or during school hours, every effort shall be made
   by school officials to inform the parent or guardians immediately and thereafter promptly to advise the
   local superintendent of schools.
D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both
   embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.
E. School officials may not permit questioning of a student under arrest on the school premises and shall
   request the arresting officer to remove the student from the premises as soon as practicable after the
   arrest is made.
F. Beginning in the 2015-2016 school year, data on school arrests shall be reported in a manner and
   format developed by the Department, in consultation with local school systems, and approved by the
   State Board.

13A.08.01.12-1. Bringing or possessing a firearm on school property.
D. Administrative Procedures.
   (2) Each local school system shall report each incident in which a student brings a firearm onto school
       property or to a school-sponsored activity or possesses a firearm on school property or at a school-
       sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

13A.08.01.13. Questioning on school premises.
A. Police investigations involving the questioning of students may not be permitted on school premises
   unless in connection with a crime committed on the premises or in connection with an investigation which,
   if not immediately permitted, would compromise the success of that investigation or endanger the lives or
safety of the students or other persons, provided, however, that a school official should be present throughout that questioning.

B. A local school system shall permit personnel from a local department of social services or a police officer to question a student on school premises during the school day in an investigation involving suspected child neglect or suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland. The following apply:

(1) The local superintendent or the superintendent’s designee shall determine, after consultation with the individual from the local department of social services or the police officer, whether a school official shall be present during the questioning of a student pursuant to this section.

(2) Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, §6(b), Annotated Code of Maryland.

C. Except as provided in §D of this regulation, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent’s office of the nature of the investigation and such other details as may be required.

D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect and suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland.

E. In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent or guardians, except as provided below:

(1) A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child;

(2) The Superintendent or the Superintendent’s designee shall ensure that prompt notification of a student’s removal from school under this section is made to the student’s parent or guardians.

13A.08.01.14. Searches.

D. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.

E. A school official may not conduct a search of the person of a student at the request of a police officer unless a search warrant has been issued authorizing the search.

13A.08.01.15. Reporting delinquent acts.

A. Delinquent acts are offenses committed by a person who is under 18 years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.

B. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.

13A.08.01.17. School use of reportable offenses.

A. Terms Defined. In this regulation the following terms have the meanings indicated:

(1) “Appropriate educational programming” means a regular or alternative education program that allows a student the opportunity to continue the student's education within the public school system and, if in secondary school, the opportunity to receive credit.
(2) “Criminal gang” has the meaning stated in Criminal Law Article, §9-801, Annotated Code of Maryland.

(3) “Law enforcement agency” means the law enforcement agencies listed in Public Safety Article, §3-101(e), Annotated Code of Maryland.

(4) “Local school system” means the schools and school programs under the supervision of the local superintendent.

(5) “Local superintendent” means the county superintendent, for the county in which a student is enrolled, or a designee of the superintendent, who is an administrator.

(6) “Related services” means any supportive intervention that is available through the local school system.

(7) “Reportable offense” means:
   (a) A crime of violence, as defined in Criminal Law Article, §14-101, Annotated Code of Maryland;
   (b) Any of the offenses enumerated in Courts and Judicial Proceedings Article, §3-8A-03(d)(4), Annotated Code of Maryland;
   (c) A violation of Criminal Law Article §4-101, 4-102, 4-203 or 4-204, Annotated Code of Maryland;
   (d) A violation of Criminal Law Article, §5-602-5-609, 5-612-5-614, 5-617, 5-618, 5-627 or 5-628, Annotated Code of Maryland;
   (e) A violation of Criminal Law Article, §4-503, 9-504 or 9-505, Annotated Code of Maryland;
   (f) A violation of Criminal Law Article §6-102, 6-103, 6-104 or 6-105, Annotated Code of Maryland;
   (g) A violation of Criminal Law Article §9-802 or 9-803, Annotated Code of Maryland;
   (h) A violation of Criminal Law Article §3-203, Annotated Code of Maryland;
   (i) A violation of Criminal Law Article §6-301, Annotated Code of Maryland;
   (j) A violation of Criminal Law Article §9-302, 9-303 or 9-305, Annotated Code of Maryland;
   (k) A violation of Criminal Law Article §7-105, Annotated Code of Maryland; or
   (l) An offense related to membership in a criminal gang.

(8) “School principal” means the principal of the public or nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.

(9) “School security officer” means an individual designated to maintain the security and safety of a school.
   (a) School security officer includes:
      (i) A school principal or other school administrator;
      (ii) A law enforcement officer; or
      (iii) Other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.
   (b) School security officer does not include:
      (i) A teacher;
      (ii) A school counselor;
      (iii) A school psychologist; or
      (iv) A school social worker.

(10) “Student” means an individual enrolled in a public school system in the State who is 5 years old or older and younger than 22 years old.

B. Administrative Procedures.
(1) Promptly, upon receipt of information from a law enforcement agency of an arrest of a student for a reportable offense, the local superintendent shall provide the school principal of the school in which the student is enrolled with the arrest information, including the charges. If the student who has been arrested is an identified student with disabilities who has been enrolled by the public school system in a nonpublic school program, the local superintendent shall provide the principal of the nonpublic school with the arrest information, including the charges.

(2) The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student’s parent or guardian:
   (a) Participate in the development of the plan; and
   (b) Submit information that is relevant to developing the plan.

(3) If the plan results in a change to the student’s educational program, the school principal shall promptly schedule a conference to inform the parent or guardian of the plan. The plan shall be implemented not later than 5 school days after receipt of the arrest information.

(4) The school principal and appropriate staff shall review the plan and the student’s status and make adjustments as appropriate:
   (a) Immediately upon notification from the State’s Attorney of the disposition of the reportable offense; or
   (b) Pending notification from the State’s Attorney, at a minimum on a quarterly basis.

(5) The parent or guardian shall be informed of any adjustments to the plan.

(6) Each local school system shall provide a review process to resolve any disagreement that arises in the implementation of this regulation.

C. General Provisions.

(1) Except by order of a juvenile court or other court upon good cause shown or as provided in §C(2) of this regulation, the reportable offense information is confidential and may not be redisclosed by subpoena or otherwise and may not be made part of the student’s permanent educational record.

(2) If the disposition of the reportable offense was a conviction, an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, a local superintendent or school principal may transmit the information obtained under this regulation as a confidential file to the local superintendent of another public school system or to another nonpublic school in the state in which the student has enrolled or has transferred, to carry out the purposes of this regulation.

(3) A local superintendent or school principal who transmits information about a student under §C(2) of this regulation shall include in the confidential transmittal information on any educational programming and related services provided to the student.

(4) A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

(5) Notice of the reportable offense charge alone may not be the basis for suspension or expulsion of the student. However, nothing in this regulation is intended to limit the manner in which a school obtains information or uses information obtained by any lawful means other than through notice of the arrest.

(6) Appropriate educational programming and related services shall be provided to an identified student with disabilities in accordance with the Individuals with Disabilities Education Act and State special education law and regulations, including COMAR 13A.05.01.

(7) The reportable offense information obtained by a local superintendent, school principal or school security officer shall be:
(a) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in this regulation; and
(b) Destroyed when the first of the following occurs:
   (i) The student graduates;
   (ii) The student otherwise permanently leaves school;
   (iii) The student turns 22 years old;
   (iv) The criminal case involving the reportable offense is dismissed;
   (v) The student is found not guilty of the reportable offense; or
   (vi) The student pleads to a lesser offense that is not a reportable offense.

(8) Reportable offense involving rape or a sexual offense.
   (a) Except as otherwise provided in paragraph §C(8)(b) of this regulation, the local superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.
   (b) If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

(9) Nothing in this regulation is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in §C(2) of this regulation.

(10) Each public school that enrolls students in grades six through 12 in the State shall designate at least one school security officer.

13A.08.03.11. Referral to law enforcement.
A. A public agency may report a crime committed by a student with a disability to appropriate law enforcement authorities consistent with State law and 34 CFR §300.535.
B. The public agency shall ensure that copies of the student's special education and disciplinary records are transmitted to the appropriate authorities to whom the public agency reported the crime, to the extent permitted, in accordance with COMAR 13A.08.02.

Disclosure of school records

LAWS

4-131. Student data privacy.
(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2)(i) "Covered information" means information or material that:
       1. Personally identifies an individual student in this State or that is linked to information or material that personally identifies an individual student in this State; and
       2. Is gathered by an operator through the operation of a site, a service, or an application.
   (ii) "Covered information" includes a student's:
       1. Educational and disciplinary record;
       2. First and last name;
3. Home address and geolocation information;
4. Telephone number;
5. Electronic mail address or other information that allows physical or online contact;
6. Test results, grades, and student evaluations;
7. Special education data;
8. Criminal records;
9. Medical records and health records;
10. Social Security number;
11. Biometric information;
12. Socioeconomic information;
13. Food purchases;
14. Political and religious affiliations;
15. Text messages;
16. Student identifiers;
17. Search activity;
18. Photos; and

(3) "Operator" means a person who is operating in accordance with a contract or an agreement with a public school or local school system in the State to provide an Internet Web site, an online service, an online application, or a mobile application that:

(i) Is used primarily for a PreK-12 school purpose;
(ii) Is issued at the direction of a public school, a teacher, or any other employee of a public school, local school system, or the Department; and
(iii) Was designed and marketed primarily for a PreK-12 school purpose.

(4) "Persistent unique identifier" means a unique reference number used as an identifier in computer software that is stored across different usage sessions.

(5)(i) "PreK-12 school purpose" means an activity that:

1. Takes place at the direction of a public school, a teacher, an administrator, or a local school system; or
2. Aids in the administration of public school activities.

(ii) "PreK-12 school purpose" includes:

1. Instruction in the classroom;
2. Home instruction;
3. Administrative activities;
4. Collaboration among students, public school employees, and parents;
5. Maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application; and
6. An activity that is for the use and benefit of the public school.

(6)(i) "Targeted advertising" means presenting advertisements to an individual student that are selected based on information obtained or inferred from the student's online behavior, usage of applications, or covered information.
(ii) "Targeted advertising" does not include advertisements presented to an individual student at an online location:
   1. Based on the student's current visit to the online location without collection or retention of the student's online activities over time; or
   2. In response to a single search query without collection or retention of the student's online activities over time.

(b) Applicability. This section does not apply to a general audience Internet Web site, general audience online service, general audience online application, or general audience mobile application, even if log-in credentials created for an operator's site, service, or application may be used to access the general audience site, service, or application.

(c) Operators - Duties. An operator shall:
   (1) Protect covered information from unauthorized access, destruction, use, modification, or disclosure;
   (2) Implement and maintain reasonable security procedures and practices to protect covered information; and
   (3) If covered information is under the authority of a public school or local school system in accordance with a contract or an agreement, delete within a reasonable time the covered information if the public school or local school system requests deletion of the covered information.

(d) Operators - Prohibited activities.
   (1) An operator may not knowingly engage in any of the following activities with respect to the operator's site, service, or application:
      (i) Engage in targeted advertising if the advertising is based on information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of the operator's site, service, or application;
      (ii) Except in furtherance of a PreK-12 school purpose, use information, including covered information and persistent unique identifiers, created or gathered by the operator's site, service, or application, to make a profile about a student;
      (iii) Subject to paragraph (2) of this subsection and except as provided in subsection (f) of this section, sell a student's information; or
      (iv) Except as provided in subsection (e) of this section, disclose covered information.
   (2) Nothing in this subsection shall be construed to prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.
   (3) For purposes of paragraph (1)(ii) of this subsection, making a profile of a student does not include the collection and retention of account information that remains under the authority of a student, a student's parent or guardian, a public school, or a local school system.

(e) When disclosure permitted. Notwithstanding subsection (d)(1)(iv) of this section, an operator may disclose a student's covered information:
   (1) If the disclosure is made only in furtherance of the PreK-12 school purpose of the site, service, or application and the recipient of the covered information:
      (i) Does not further disclose the information; and
      (ii) Is legally required to comply with subsections (c) and (d)(1) of this section;
   (2) To ensure legal or regulatory compliance;
   (3) To take precautions against liability;
   (4) To respond to or participate in judicial process;
(5) To protect the safety of users or others or the security or integrity of the site, service, or application;
(6) To a service provider, provided the operator contractually:
   (i) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator;
   (ii) Except for a purpose expressly permitted under this subsection, prohibits the service provider from disclosing covered information provided by the operator with a third party; and
   (iii) Requires the service provider to comply with the requirements of subsections (c) and (d)(1)(i) through (iii) of this section;
(7) If subsection (d)(1)(i) through (iii) of this section is not violated;
(8) If federal or State law requires the operator to disclose the information, and the operator complies with the requirements of federal and State law in protecting and disclosing the information;
(9) For a legitimate research purpose as:
   (i) Required by federal or State law; or
   (ii) Allowed by federal or State law and under the direction of a public school, local school system, or the Department, if a student's covered information is not used for advertising or to make a profile on the student for a purpose other than a PreK-12 school purpose; or
(10) To a State or local education agency, including public schools and local school systems, for a PreK-12 school purpose, as permitted by federal and State law.
(f) Successor entities to operators subject to section. If an operator of a site, a service, or an application used for a PreK-12 school purpose is merged with or acquired by another entity, the successor entity is subject to this section for previously collected covered information.
(g) Operators - Permitted actions. Nothing in this section prohibits an operator from:
   (1) Using aggregated or de-identified covered information:
      (i) To develop or improve an educational product or service within any site, service, or application the operator owns; or
      (ii) To demonstrate the effectiveness of the operator's products or services; or
   (2) Sharing aggregated or de-identified covered information for the development or improvement of educational sites, services, or applications.
(h) Use or disclosure of covered information by operator.
   (1) Except for subsection (d)(1)(iii) of this section and subject to paragraph (2) of this subsection, nothing in subsections (d) and (e) of this section may be construed to prohibit the use or disclosure of a student's covered information by an operator.
   (2) An operator may use or disclose covered information under paragraph (1) of this subsection if the operator:
      (i) Provided clear and conspicuous notice of the use or disclosure of the student's covered information to the student or the student's parent or guardian; and
      (ii) Obtained the affirmative consent of the student, if the student is at least 18 years old, or the student's parent or guardian to use or disclose the student's covered information.
(i) Authority of law enforcement agency to obtain content or information. This section may not be construed to limit the authority of a law enforcement agency to obtain content or information from an operator as authorized by federal or State law or in accordance with an order of a court of competent jurisdiction.
(j) Use of information for adaptive or customized student learning purposes; permitted uses for other purposes. This section does not limit the ability of an operator to:

1. Use a student's covered information for adaptive learning or customized student learning purposes;
2. Use recommendation engines to recommend to a student additional content or services relating to an educational, other learning, or employment opportunity purpose within an operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party;
3. Respond to a student's search query, other request for information, or request for feedback if the information or response is not determined in whole or in part by payment or other consideration from a third party; or
4. Use or retain covered information to:
   i. Ensure legal or regulatory compliance; or
   ii. Take precautions against liability.

(k) Direct marketing to parents. This section may not be construed to prohibit an operator of an Internet Web site, an online service, an online application, or a mobile application from marketing educational products directly to parents if the marketing was not a result of the use of covered information obtained by the operator through the provision of services covered under this section.

(l) Duty of software or application providers. This section may not be construed to impose a duty on a provider of an electronic store, a gateway, marketplace, or any other means of purchasing or downloading software or applications to review or enforce compliance of this section.

(m) Duty of third-party providers of interactive services. This section may not be construed to impose a duty on a provider of an interactive computer service, as defined in Chapter 5, Title 47 of the United States Code, to review or enforce compliance with this section by third-party content providers.

(n) Students handling student's own data. This section may not be construed to impede the ability of students to download, export, transfer, or otherwise save or maintain their own data or documents.

(o) Internet service providers. The provisions of this section may not be construed to prohibit an Internet service provider from providing Internet connectivity to public schools, students, or students' families.

7-303. Arrest for reportable offense.

(d) Information confidential. Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

1. Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and
2. May not be made part of the student's permanent educational record.

(e) Information confidential. Exception.

1. Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.
2. A local superintendent or school principal who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.
(f) Regulations in limiting use of information. - The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

1. Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel;
2. Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and
3. Destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

24-701. Definitions.
(a) In general. In this subtitle the following words have the meanings indicated.
(b) Center. “Center” means the Maryland Longitudinal Data System Center.
(c) De-identified data. “De-identified data” means a data set in which parent and student identity information, including the State Assigned Student Identifier and student Social Security number, has been removed.
(d) Governing Board. “Governing Board” means the Governing Board of the Maryland Longitudinal Data System Center.
(e) State Assigned Student Identifier or SASID. “State Assigned Student Identifier” or “SASID” means the identifier assigned to each student by:
   1. A local education agency based on the identifier system developed by the State Department of Education; or
   2. An institution of higher education, if the student has not been assigned an identifier by a local education agency.
(f) Student data.
   1. “Student data” means data relating to or impacting student performance.
   2. “Student data” includes:
      i. State and national assessments;
      ii. Course-taking and completion;
      iii. Grade point average;
      iv. Remediation;
      v. Retention;
      vi. Degree, diploma, or credential attainment;
      vii. Enrollment;
      viii. Demographic data;
      ix. Juvenile delinquency records; and
     x. Elementary and secondary school disciplinary records.
   3. “Student data” does not include:
      i. Criminal and CINA records; and
      ii. Medical and health records
(g) Workforce data. “Workforce data” means data relating to:
   1. Employment status;
(2) Wage information;
(3) Geographic location of employment; and
(4) Employer information.

24-702. Maryland longitudinal data system.
(a) Established. The State Department of Education, Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Department of Labor, Licensing, and Regulation jointly shall establish the Maryland Longitudinal Data System that shall be fully operational by December 31, 2014.
(b) In general. The Maryland Longitudinal Data System is a statewide data system that contains individual-level student data and workforce data from all levels of education and the State’s workforce, and allows the Center to:
   (1) Effectively organize, manage, disaggregate, and analyze individual student data; and
   (2) Examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.
(c) Time period for linkage of student data and workforce data. The linkage of student data and workforce data for the purposes of the Maryland Longitudinal Data System shall be limited to no longer than 20 years from the date of latest attendance in any educational institution in the State.
(d) Purpose. The purpose of the Maryland Longitudinal Data System is to:
   (1) Generate timely and accurate information about student performance that can be used to improve the State's education system and guide decision makers at all levels; and
   (2) Facilitate and enable the linkage of student data and workforce data.

24-703. Maryland longitudinal data system center.
(a) Established. There is a Maryland Longitudinal Data System Center.
(b) Status. The Center is an independent unit within State government.
(c) Placement and location. The organizational placement and location of the Center shall be determined by the Governing Board.
(d) Head; additional staff.
   (1) The head of the Center is the Executive Director, who shall be appointed by the Governing Board.
   (2) The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.
(e) Authorized representative. The Center shall be considered an authorized representative of the State Department of Education and the Maryland Higher Education Commission under applicable federal and State statutes for purposes of accessing and compiling student record data for research purposes.
(f) Functions and duties. The Center shall perform the following functions and duties:
   (1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:
      (i) The State Department of Education;
      (ii) Local education agencies;
      (iii) The Maryland Higher Education Commission;
      (iv) Institutions of higher education;
      (v) The Department of Labor, Licensing, and Regulation; and
(vi) The Department of Juvenile Services;
(2) Oversee and maintain the warehouse of the Maryland Longitudinal Data System data sets;
(3) Ensure routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies, including:
   (i) The required use of de-identified data in data research and reporting;
   (ii) The required disposition of information that is no longer needed;
   (iii) Providing data security, including the capacity for audit trails;
   (iv) Providing for performance of regular audits for compliance with data privacy and security standards; and
   (v) Implementing guidelines and policies that prevent the reporting of other potentially identifying data;
(4) Conduct research using timely and accurate student data and workforce data to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals;
(5) Conduct research relating to:
   (i) The impact of State and federal education programs;
   (ii) The performance of educator preparation programs; and
   (iii) Best practices regarding classroom instruction, education programs and curriculum, and segment alignment;
(6) Fulfill information and data requests to facilitate State and federal education reporting with existing State agencies as appropriate; and
(7) Fulfill approved public information requests.

(g) Access, use, release, and sale of data.
   (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center.
   (2) The Center may only use de-identified data in the analysis, research, and reporting conducted by the Center.
   (3) The Center may only use aggregate data in the release of data in reports and in response to data requests.
   (4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.
   (5) The Center may not release or sell information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

(h) Funding. The Center may receive funding from the following sources:
   (1) State appropriations;
   (2) Grants or other assistance from local education agencies and institutions of higher education;
   (3) Federal grants; and
   (4) Any other grants or contributions from public or private entities received by the Center.

24-703.1. Maryland longitudinal data system center - reports.
The Center shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on or before December 15 of each year, disaggregated by local school system, regarding:
   (1) The number of students who are dually enrolled under Title 18, Subtitle 14A of this article; and
(2) The number and course name of the courses in which a student under item (1) of this section dually enrolls at the high school and at the public institution of higher education.

24-704. Governing board.

(a) Established. There is a Governing Board of the Center.

(b) Members. The Governing Board shall include the following members:

1. The Secretary of Higher Education, or the Secretary's designee;
2. The Chancellor of the University System of Maryland, or the Chancellor's designee;
3. The President of Morgan State University, or the President's designee;
4. The State Superintendent of Schools, or the Superintendent's designee;
5. The Secretary of Juvenile Services, or the Secretary’s designee;
6. The Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;
7. A representative of local superintendents of schools, appointed by the Governor with the advice and consent of the Senate;
8. The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;
9. The President of the Maryland Independent College and University Association, or the President's designee; and
10. Four members of the public, appointed by the Governor with the advice and consent of the Senate.

(c) Public member. One of the public members of the Governing Board shall have expertise in large data systems and data security.

(d) Chair. The Governor shall appoint a chair of the Governing Board from among its members.

(e) Term. A member appointed by the Governor:

1. Serves at the pleasure of the Governor;
2. Serves for a term of 3 years and until a successor is appointed and qualifies; and
3. May be reappointed but may not serve more than two consecutive terms.

(f) Compensation and reimbursement for expenses. A member of the Governing Board:

1. May not receive compensation as a member of the Governing Board; but
2. Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) Responsibilities. The Governing Board shall:

1. Establish the organizational placement and location of the Center after seeking and evaluating proposals from interested entities based on criteria that shall include:
   (i) The ability of the entity to support the operation of a large data system;
   (ii) Strength of funding support; and
   (iii) Expertise in data security;
2. Develop an implementation plan to phase in the establishment and operation of the Maryland Longitudinal Data System and the Center;
3. Provide general oversight and direction to the Center;
4. Approve the annual budget for the Center;
5. Establish the policy and research agenda of the Center;
6. Before the incorporation of any individual data in the Maryland Longitudinal Data System:
(i) Create an inventory of the individual student data:
   1. Proposed to be maintained in the system; and
   2. Required to be reported by State and federal education mandates;

(ii) Develop and implement policies to comply with the federal Family Educational Rights and Privacy Act and any other privacy measures, as required by law or the Governing Board; and

(iii) Develop a detailed data security and safeguarding plan that includes:
   1. Authorized access and authentication for authorized access;
   2. Privacy compliance standards;
   3. Privacy and security audits;
   4. Breach notification and procedures; and
   5. Data retention and disposition policies;

(7) Oversee routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies;

(8) Ensure that any contracts that govern databases that are outsourced to private vendors include express provisions that safeguard privacy and security and include penalties for noncompliance;

(9) Designate a standard and compliance timeline for electronic transcripts that includes the use of SASID to ensure the uniform and efficient transfer of student data between local education agencies and institutions of higher education; and

(10) Review research requirements and set policies for the approval of data requests from State and local agencies, the Maryland General Assembly, and the public.


(a) Annual report. The Governing Board shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on or before December 15 of each year.

(b) Contents. The report shall include:

   (1) An update on the implementation of the Maryland Longitudinal Data System and the Center's activities;
   (2) A list of all studies performed by the Center during the reporting period;
   (3) A list of currently warehoused data that is determined to be no longer necessary to carry out the mission of the Center;
   (4) Any proposed or planned expansion of data maintained in the database; and
   (5) Any other recommendations made by the Governing Board.

24-706. Regulations.

The Center shall adopt regulations to implement the provisions of this subtitle.

24-707. Transfer of student data and workforce data.

(a) Agencies, community colleges and public senior higher education institutions. Local education agencies, community colleges, public senior higher education institutions, and State agencies shall:

   (1) Make every effort to comply with the data requirements and implementation schedule for the Maryland Longitudinal Data System as set forth by the Governing Board; and
   
   (2) Transfer student data and workforce data to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24-704(g)(6) of this subtitle.
(b) Private secondary schools. Private secondary schools may transfer student data and workforce data to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24-704(g)(6) of this subtitle.

(c) For-profit and private nonprofit institutions of higher education, and institutions of post-secondary education.

(1) For-profit institutions of higher education, private nonprofit institutions of higher education that do not receive State funds, and institutions of higher education that are required to register under § 11-202.2 of this article shall transfer student-level enrollment data, degree data, and financial aid data for all Maryland residents to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24-704(g)(6) of this subtitle.

(2) Private nonprofit institutions of higher education that receive State funds shall transfer student-level enrollment data, degree data, financial aid data, and credit data for all students to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24-704(g)(6) of this subtitle.

(3) An institution that transfers or discloses student-level data under paragraph (1) or (2) of this subsection is not liable for a breach of confidentiality or for a disclosure, use, retention, or destruction of the data that results from an act or omission by:

   (i) The Maryland Longitudinal Data System Center;

   (ii) A State agency; or

   (iii) A person provided access to the data by the Maryland Longitudinal Data System Center or a State agency.

(4) If the Maryland Independent College and University Association transfers or discloses student-level data to the Maryland Longitudinal Data System or a State agency on behalf of a private nonprofit institution of higher education under paragraph (1) or (2) of this subsection, the association is not liable for a breach of confidentiality or for a disclosure, use, retention, or destruction of the data that results from an act or omission by:

   (i) The Maryland Longitudinal Data System Center;

   (ii) A State agency; or

   (iii) A person provided access to the data by the Maryland Longitudinal Data System Center or a State agency.

REGULATIONS

13A.08.01.11. Disciplinary action.

C. Suspension and Expulsion.

(9) A local superintendent may deny attendance to a student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or extended suspension of the student, on receipt of the request for information.

13A.08.01.17. School use of reportable offenses.

C. General Provisions.

(1) Except by order of a juvenile court or other court upon good cause shown or as provided in §C(2) of this regulation, the reportable offense information is confidential and may not be redisclosed by subpoena or otherwise and may not be made part of the student’s permanent educational record.
(2) If the disposition of the reportable offense was a conviction, an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, a local superintendent or school principal may transmit the information obtained under this regulation as a confidential file to the local superintendent of another public school system or to another nonpublic school in the state in which the student has enrolled or has transferred, to carry out the purposes of this regulation.

(3) A local superintendent or school principal who transmits information about a student under §C(2) of this regulation shall include in the confidential transmittal information on any educational programming and related services provided to the student.

(4) A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

(5) Notice of the reportable offense charge alone may not be the basis for suspension or expulsion of the student. However, nothing in this regulation is intended to limit the manner in which a school obtains information or uses information obtained by any lawful means other than through notice of the arrest.

(6) Appropriate educational programming and related services shall be provided to an identified student with disabilities in accordance with the Individuals with Disabilities Education Act and State special education law and regulations, including COMAR 13A.05.01.

(7) The reportable offense information obtained by a local superintendent, school principal or school security officer shall be:

(a) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in this regulation; and

(b) Destroyed when the first of the following occurs:

(i) The student graduates;
(ii) The student otherwise permanently leaves school;
(iii) The student turns 22 years old;
(iv) The criminal case involving the reportable offense is dismissed;
(v) The student is found not guilty of the reportable offense; or
(vi) The student pleads to a lesser offense that is not a reportable offense.

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

LAWS


(a) Immediate report required. - The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.

(c) Student information. - The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency information regarding the number of students identified as being habitually truant.

7-306. Corporal punishment; State code of discipline.

(e) Disaggregation of data. -
(1) On or before October 1 each year, the Department shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, a student discipline data report that includes a description of the uses of restorative approaches in the State and a review of disciplinary practices and policies in the State.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, English language proficiency, and type of discipline for:
   (i) The State;
   (ii) Each local school system; and
   (iii) Each public school.

(3) Special education-related data in any report prepared under this subsection shall be disaggregated by race, ethnicity, and gender.

(f) Collection of data on alternative school discipline practices.
   (1) In this subsection, "alternative school discipline practice" means a discipline practice used in a public school that is not an in-school suspension or an out-of-school suspension.
   (2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:
      (i) The types of alternative school discipline practices that are used in a local school system; and
      (ii) The type of misconduct for which an alternative discipline practice is used.

7-424. Reporting incidents of harassment or intimidation against students.

(a) Definitions.
   (1) In this section the following words have the meanings indicated.
   (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
      (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
         1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
         2. Threatening or seriously intimidating; and
      (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
         2. Substantially disrupts the orderly operation of a school.
   (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) Report required.
   (1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.
   (2) An incident of bullying, harassment, or intimidation may be reported by:
      (i) A student;
      (ii) The parent, guardian, or close adult relative of a student; or
      (iii) A school staff member.
(c) Contents; distribution.

(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:
   (i) Identify the victim and the alleged perpetrator, if known;
   (ii) Indicate the age of the victim and alleged perpetrator;
   (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
   (iv) Indicate the location of the incident;
   (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
   (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
   (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
   (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) Anonymous two-way electronic tip program.

(1) A county board may establish an anonymous two-way electronic tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student.

(2) The purpose of the anonymous two-way electronic tip program is for a student, a parent, guardian, or close adult relative of a student, or a school staff member to report acts of bullying, harassment, or intimidation.

(3) Each county board that establishes an anonymous two-way electronic tip program shall publicize the anonymous two-way electronic tip program in student handbooks, school system Web sites, and other locations that the county board determines are necessary or appropriate.

(4) On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way electronic tip, the recipient of the report or the recipient's designee shall:
   (i) Complete a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section; and
   (ii) Provide a transcript of the conversation to a designated person in the school.

(5) The Governor may include funding in the State budget to provide grants to county boards to establish an anonymous two-way electronic tip program.

(e) County boards to provide annual summaries of reports to State Board; confidentiality.

(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(f) Confidentiality. The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section or received from an anonymous two-way electronic tip in accordance with subsection (d) of this section:

   (1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and
   (2) May not be made a part of a student's permanent educational record.

(g) Departmental reporting to General Assembly.
(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:
   (i) A description of the act constituting the bullying, harassment, or intimidation;
   (ii) The age of the victim and alleged perpetrator;
   (iii) The allegation of the alleged perpetrator's motive;
   (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
   (v) The number of days a student is absent from school, if any, as a result of the incident; and
   (vi) The number of false allegations reported.

7-424.2. Gangs and gang activity.

(k) Report. On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

7-438. Community-partnered school behavioral health services programs.

(a) Definitions.

   (1) In this section the following words have the meanings indicated.

   (2) "Behavioral health services" means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

   (3) (i) "Community-partnered school behavioral health services program" means a program that provides behavioral health services to students by community behavioral health providers in partnership with public schools and families that augment the behavioral health services and supports provided by public schools.

   (ii) "Community-partnered school behavioral health services program" does not include school-based health centers.

(b) Standardized reporting system.

   (1) The Department, in consultation with the Maryland Department of Health, county boards, and other interested stakeholders, as determined by the Department, shall develop and implement a standardized reporting system to determine the effectiveness of community-partnered school behavioral health services programs.

   (2) The standardized reporting system developed under paragraph (1) of this subsection shall use measures that collect data on the outcomes of students who receive behavioral health services from community-partnered school behavioral health services programs, including a student's academic, behavioral, social, and emotional functioning and progress.

(c) Report to Governor and General Assembly. On or before December 1, 2017, and every 2 years thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that provides an analysis of the effectiveness of community-partnered school behavioral health services programs.
7-1102. Reports and guidance.

Beginning with the 2018-2019 school year, on or before December 1 each year:

(1) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the number of physical restraint and seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement.

(2) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions.

(3) Each public agency and nonpublic school shall:
   (i) Personally observe and review seclusion rooms;
   (ii) Review training plans for the use of seclusion; and
   (iii) Report to the Department regarding findings made under items (i) and (ii) of this paragraph.

(4) The Department shall:
   (i) Provide guidance to public agencies and nonpublic schools regarding the requirements of the use of seclusion and rooms for seclusion; and
   (ii) Report to the General Assembly, in accordance with § 2-1257 of the State Government Article, regarding findings and recommendations reported to the Department under this section.

REGULATIONS

13A.08.01.11. Disciplinary action.

A. Local Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:

   (1) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
   (2) Be designed to keep students connected to school so that they may graduate college and career ready;
   (3) Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
   (4) Allow for discretion in imposing discipline;
   (5) Address the ways the educational and counseling needs of suspended students will be met; and
   (6) Explain why and how long-term suspensions or expulsions are last-resort options.

13A.08.01.12. Arrests on school premises.

A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.

F. Beginning in the 2015-2016 school year, data on school arrests shall be reported in a manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.

13A.08.01.12-1. Bringing or possessing a firearm on school property.

D. Administrative Procedures.
(1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:

(a) Written certification that the local school system is in compliance with the requirements of this regulation;

(b) A description of the circumstances surrounding any expulsions imposed under State law as required by §B(1) of this regulation;

(c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;

(d) The name of the school where each incident took place;

(e) The type of firearm involved;

(f) The disposition of each case, including the number of students:
   (i) Expelled from each school, and
   (ii) Placed in alternative educational settings; and

(g) A description of alternative educational settings used in compliance with this regulation.

13A.08.01.15. Reporting delinquent acts.
A. Delinquent acts are offenses committed by a person who is under 18 years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.

B. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.

C. Beginning in the 2015-2016 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department, in consultation with local school systems, and approved by the State Board.

13A.08.01.21 Reducing and eliminating disproportionate/discrepant impact.
A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.

B. The Department may use the discrepancy model to assess the impact of discipline on special education students.

C. If the Department identifies a school’s discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.

D. The local school system will report its progress annually to the State Board.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

(a) "Baltimore City school police officer" defined. In this section, "Baltimore City school police officer" means any person who, when acting in an official capacity, is authorized by law to make arrests and who is a member of the Baltimore City School Police Force.
(b) Established. There is a Baltimore City School Police Force.
(c) Members. The members of the Baltimore City School Police Force shall be employees of and be appointed by the Baltimore City Board of School Commissioners.
(d) Powers; limitations; carrying a weapon.
   (1) Except as provided in paragraph (3) of this subsection, a Baltimore City school police officer has all the powers of a law enforcement officer in the State.
   (2)(i) A Baltimore City school police officer may act in an official capacity only on the premises of schools and any other property used for educational purposes owned, leased, or operated by, or under the control of the Baltimore City Board of School Commissioners.
   (ii) A Baltimore City school police officer may not act in an official capacity on any other property unless:
       1. Engaged in fresh pursuit of a suspected offender;
       2. Requested or authorized to do so by the Police Commissioner of Baltimore City;
       3. The exercise of power is necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Baltimore City School System; or
       4. Ordered to do so by the Mayor of Baltimore City.
   (3)(i) Notwithstanding any other provision of law, a Baltimore City school police officer whose permanent or temporary assignment is at a school or on school property may carry a firearm on the premises of the school to which the officer is assigned before or after regular school hours on school days and on days other than school days § 26-102. Trespass on the grounds of a public institution of elementary, secondary, or higher education.

7-303. Arrest for reportable offense.
(a)(8)(i) "School security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.
   (ii) "School security officer" does not include a teacher.
(i) Designation of school security officer. Each public school that enrolls students in grades six through twelve in the State shall designate at least one school security officer.

(a) Authority to intervene; degree of force.
(1) A principal, teacher, school security guard, or other school system personnel in any public school may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals.

(2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals.

26-102. Trespass on the grounds of a public institution of elementary, secondary, or higher education.

(a) "School resource officer" defined. In this section, "school resource officer" means a law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

(b) Denial of access to school grounds. The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

   (1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;

   (2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

   (3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

(c) Staff may demand identification. Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

(d) Agreement with law enforcement agencies. The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

   (1) The institution is closed; or

   (2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.

(e) Penalty. A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, imprisonment not exceeding 6 months, or both if he:

   (1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;

   (2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection (b) of this section as being authorized to deny access to the buildings or grounds of the institution; or

   (3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

REGULATIONS

No relevant regulations found.
Certification or training

LAWS

(d) Powers; limitations; carrying a weapon.

(3)(i) The Baltimore City Board of School Commissioners shall establish policies to implement the provisions of subparagraph (i) of this paragraph.

(e) Requirements; standards for performance.

(1) In consultation with the Maryland Police Training Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

(2) Any requirements adopted by the Civil Service Commission on or after July 1, 1991 may not affect the status of any individual who is a qualified Baltimore City school police officer on that date.

7-430. Cultural competency model training curriculum.
(a) Development. - The Maryland Police Training and Standards Commission, in consultation with the Department, shall develop a cultural competency model training curriculum for law enforcement officers assigned to public schools.

(b) Contents. -

(1) The cultural competency model training curriculum shall teach behaviors, attitudes, and policies that enable law enforcement officers to understand, communicate with, and effectively interact with the individuals, organizations, and institutions in the community in which the public school to which a law enforcement officer is assigned is located.

(2) The cultural competency model training curriculum shall include:

(i) Personal exposure to the individuals, organizations, and institutions within the assigned community; and

(ii) Knowledge of government and community services available to help prevent juvenile arrests.

(c) Officer assigned to patrol school. - A law enforcement officer who is assigned to patrol a school building or school grounds is encouraged to complete the cultural competency model training curriculum established under subsection (b) of this section before the law enforcement officer begins an assignment in a public school.

REGULATIONS

13A.08.04.05. General Requirements for the Use of Restraint or Seclusion.
A. Use of Restraint.

(c) Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C of this chapter.

B. Use of Seclusion.

(5) Seclusion shall only be applied by school personnel trained in the appropriate use of seclusion consistent with Regulation .06C of this chapter.
MOUs, authorization, and/or funding

LAWS

7-1501. Definitions.

(j) School resource officer. - "School resource officer" means:

(1) A law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency; or
(2) A Baltimore City school police officer, as defined in § 4-318 of this article.

26-102. Trespass on the grounds of a public institution of elementary, secondary, or higher education.

(a) "School resource officer" defined. In this section, "school resource officer" means a law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

REGULATIONS

13A.08.01.17. School use of reportable offenses.

A. Terms Defined. In this regulation the following terms have the meanings indicated:

(9) "School security officer" means an individual designated to maintain the security and safety of a school.

(a) School security officer includes:

(i) A school principal or other school administrator;
(ii) A law enforcement officer; or
(iii) Other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(b) School security officer does not include:

(i) A teacher;
(ii) A school counselor;
(iii) A school psychologist; or
(iv) A school social worker.

C. General Provisions.

(10) Each public school that enrolls students in grades six through 12 in the State shall designate at least one school security officer.
State Education Agency Support

State model policies and implementation support

LAWS

7-306. Corporal punishment; State code of discipline.
(c) Standards of conduct; implementation. - The State Board shall:
(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards;
(2) On request, provide technical assistance and training to county boards regarding the use of restorative approaches; and
(3) Assist each county board with the implementation of the guidelines.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.
(a) Definitions.
(1) In this section the following words have the meanings indicated.
(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or
2. Threatening or seriously intimidating; and
(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
2. Substantially disrupts the orderly operation of a school.
(3) (i) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.
(ii) "Electronic communication" includes a social media communication.
(b) In general.
(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.
(2) The model policy developed under paragraph (1) of this subsection shall include:
(i) A statement prohibiting bullying, harassment, and intimidation in schools;
(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
(iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;
(iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
(v) Standard consequences and remedial actions for persons found to have made false accusations;
(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
(vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
(viii) Information about the types of support services available to the student bully, victim, and any bystanders;
(ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle; and
(x) Information regarding the availability and use of an anonymous two-way electronic tip program established under § 7-424 of this subtitle.

(3) By September 1, 2016, and every 5 years thereafter, the State Board, after consultation with local school systems, shall update the model policy required under paragraph (1) of this subsection.

c) Development of policy by county boards.

(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:
   (i) Parents or guardians of students;
   (ii) School employees and administrators;
   (iii) School volunteers;
   (iv) Students; and
   (v) Members of the community.

(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.

d) Publication of policy. Each county board shall publicize its policy in student handbooks, school system Web sites, and any other location or venue the county board determines is necessary or appropriate.

e) Reporting procedure. Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:
   (1) A chain of command in the reporting process; and
   (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

f) Submission of policy.

(1) By July 1, 2009, each county board shall submit its policy to the State Superintendent.

(2) By January 1, 2017, and every 5 years thereafter, each county board shall submit its updated policy to the State Superintendent.

g) Educational programs. Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:
   (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
   (2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

h) Limitation of liability.
(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.2. Gangs and gang activity.

(a) “School security officer” defined.

(1) In this section, “school security officer” includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(2) “School security officer” does not include a teacher.

(b) Model policy. By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Services, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) Model policy - Contents. The model policy developed under subsection (b) of this section shall include:

(1) A statement prohibiting gang activity in schools;

(2) A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;

(3) A definition of gang and gang activity;

(4) Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;

(5) Standard consequences and remedial actions for individuals found to have made false accusations;

(6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

(7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;

(8) Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and

(9) Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

(d) Policy or regulations by local school system.

(1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students;
(v) Local law enforcement;
(vi) Gang prevention and intervention programs;
(vii) The Office of the Public Defender;
(viii) The Maryland State's Attorneys Association; and
(ix) Members of the community.

(e) Policy or regulations by local school system - Submission to State Superintendent. Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Policy or regulations by local school system - Publication. Each local school system shall publicize its policy or regulations in student handbooks, on school system Web sites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Policy or regulations by local school system - Education programs. Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:

   (1) An educational gang awareness program for students, staff, volunteers, and parents; and
   (2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) Reporting of gang activity.

   (1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.

   (2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) Meetings.

   (1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.

   (2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:

      (i) School principals;
      (ii) School security officers;
      (iii) Guidance counselors;
      (iv) Local law enforcement officers;
      (v) Representatives from the county State's Attorney's Office;
      (vi) Representatives from the Office of the Public Defender;
      (vii) Gang prevention and intervention program representatives; and
      (viii) Any other individuals that the county superintendent considers appropriate.

(j) Coordination of efforts. Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) Report. On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.
7-1102. Reports and guidance.
Beginning with the 2018-2019 school year, on or before December 1 each year:
(1) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the number of physical restraint and seclusion incidents, disaggregated by the student’s jurisdiction, disability, race, gender, age, and type of placement.
(2) Each public agency and nonpublic school shall submit to the Department a report for the prior school year on the professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions.
(3) Each public agency and nonpublic school shall:
   (i) Personally observe and review seclusion rooms;
   (ii) Review training plans for the use of seclusion; and
   (iii) Report to the Department regarding findings made under items (i) and (ii) of this paragraph.
(4) The Department shall:
   (i) Provide guidance to public agencies and nonpublic schools regarding the requirements of the use of seclusion and rooms for seclusion; and
   (ii) Report to the General Assembly, in accordance with § 2-1257 of the State Government Article, regarding findings and recommendations reported to the Department under this section.

REGULATIONS

13A.02.04.05. Tobacco-Free Guidelines.
The State Department of Education shall develop guidelines to assist the local school systems in implementing a tobacco-free environment.

Funding appropriations

LAWS

4-1301. Definitions.
(a) In general. - In this subtitle the following words have the meanings indicated.
(b) Executive Director. - "Executive Director" means the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services.
(c) Fund. - "Fund" means the Student Peer Mediation Program Fund.
(d) Student peer mediation program. - "Student peer mediation program" means a program that trains students in conflict resolution.

4-1302. Student peer mediation program fund.
(a) Established. - There is a Student Peer Mediation Program Fund.
(b) Purpose. - The purpose of the Fund is to provide grant assistance to schools and community-based organizations in Baltimore City to establish student peer mediation programs to reduce juvenile violence.
(c) Administration. - The Executive Director shall administer the Fund.
(d) Status; management. -
   (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
(2) The State Treasurer shall hold the Fund separately and the Comptroller, in conjunction with the Executive Director, shall account for the Fund.

(e) Composition. -

(1) The Fund consists of:
   (i) money appropriated in the State budget to the Fund;
   (ii) investment earnings of the Fund; and
   (iii) money from any other source accepted for the benefit of the Fund.

(2) The Governor annually shall appropriate at least $50,000 for the Fund.

(f) Uses. - The Fund may be used only to provide grant assistance to schools and community-based organizations in Baltimore City to establish student peer mediation programs to reduce juvenile violence.

(g) Investments; interest earnings. -

(1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) Expenditures. - Expenditures from the Fund may be made only in accordance with the State budget.

(i) Audit. - The accounts and transactions of the Fund shall be subject to audit by the Legislative Auditor as provided in § 2-1220 of the State Government Article.

4-1303. Grants.

(a) Procedures to apply. -

(1) The Executive Director shall establish procedures for schools and community-based organizations in Baltimore City to apply for grants from the Fund.

(2) A school or a community-based organization that applies for a grant from the Fund shall provide the Executive Director with:
   (i) a plan that details how the proposed program will train students in conflict resolution techniques; and
   (ii) any information the Executive Director deems necessary.

(b) In general. - The Executive Director shall make grants from the Fund to schools and community-based organizations in Baltimore City.

(c) Use of money disbursed. - Money disbursed from the Fund shall be used to supplement, and not supplant, any other funding that would otherwise be available to schools and community-based organizations in Baltimore City.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

5-803. School employees.
(a) Making reports.
   (1) Whether or not an individual receives compensation for the individual's services, an employee of a county health department or other local department or agency functioning as a school nurse or school health aide or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private, or parochial school is immune from liability for:
      (i) Making a report required by law, if the individual acts on reasonable grounds;
      (ii) Participating in a judicial proceeding that results from the individual's report; and
      (iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:
           1. Under the influence of alcoholic beverages or a controlled dangerous substance;
           2. In possession of alcoholic beverages or a controlled dangerous substance; or
           3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

(a) Authority to intervene; degree of force.
   (1) A principal, teacher, school security guard, or other school system personnel in any public school may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals.
   (2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals.

(b) Compensation for injury and time lost from duties. A principal, teacher, school security guard, or other school system personnel who is hurt while taking preventive action or intervening in a fight under this section:
   (1) Shall be compensated by the county board for any necessary medical expenses that result directly from the preventive action or intervention; and
   (2) May not lose any compensation for time lost from school duties that results directly from the preventive action or intervention, but compensation may be reduced by any payments made under the Maryland Workers' Compensation Act.

(c) Legal counsel; indemnity. In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, school security guard, or other school system personnel because of the preventive action or intervention, the county board:
   (1) Shall provide legal counsel for the principal, teacher, school security guard, or other school system personnel or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate; and
(2) Shall save the principal, teacher, school security guard, or other school system personnel harmless from any award or decree against him.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(h) Limitation of liability.

(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

7-424.3. Bullying, harassment and intimidation policy.

(g) Civil liability. An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) Construction of provisions. The provisions of this section may not be construed to:

(1) Limit the legal rights of a victim of bullying, harassment, or intimidation.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

7-310. Dissemination of community resources list.

(a) In general. Each county board shall develop and disseminate to each public school within the county board's jurisdiction a community resources list.

(b) Contents. The community resources list may include the name and contact information of local and statewide social services and nonprofit health care providers that provide nondiscriminatory services to children and families in need of assistance.

7-424.1. Model policy prohibiting bullying, harassment and intimidation.

(c) Development of policy by county boards.

(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students; and
(v) Members of the community.

(4) By January 1, 2017, and every 5 years thereafter, each county board shall update its policy based on the State Board's update of the model policy under subsection (b)(3) of this section.

7-424.2. Gangs and gang activity.

(d) Policy or regulations by local school system.

(1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

- (i) Parents or guardians of students;
- (ii) School employees and administrators;
- (iii) School volunteers;
- (iv) Students;
- (v) Local law enforcement;
- (vi) Gang prevention and intervention programs;
- (vii) The Office of the Public Defender;
- (viii) The Maryland State's Attorneys Association; and
- (ix) Members of the community.

(g) Policy or regulations by local school system - Education programs. Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:

(1) An educational gang awareness program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(i) Meetings.

(1) Each county superintendent shall require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.

(2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:

- (i) School principals;
- (ii) School security officers;
- (iii) Guidance counselors;
- (iv) Local law enforcement officers;
- (v) Representatives from the county State's Attorney's Office;
- (vi) Representatives from the Office of the Public Defender;
- (vii) Gang prevention and intervention program representatives; and
- (viii) Any other individuals that the county superintendent considers appropriate.
(j) Coordination of efforts. Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

7-1502. Center established.
(a) Established. - There is a Maryland Center for School Safety.
(b) Status. - The Center is an independent unit within the Department.
(c) Location. - The Center shall be based at the Maryland Coordination and Analysis Center.
(d) Executive director. - The head of the Center is the executive director, who shall be appointed by the Subcabinet.
(e) Staff. - The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.
(f) Satellite offices. - The Center shall establish a satellite office at Bowie State University.
(g) Functions and duties. - The Center shall perform the following functions and duties:
   1. Provide technical assistance and consultation to local school systems, State and local government, and community organizations on best practices for safe schools and violence prevention;
   2. Develop a website containing a searchable database of definitive research, books, videos, white papers, speakers, websites, and other school safety resources;
   3. Develop criteria that may be applied consistently and uniformly in local school systems for coding unsafe incidents and serious or violent offenses;
   4. Research and recommend the use of common assessment tools to be used to identify specific problems and needs of schools and neighborhoods to facilitate intervention before assessed findings become problematic;
   5. Assist local school systems to conduct a thorough assessment of their school safety data, school building layouts, and use of human resources for monitoring purposes to determine the need for:
      i. Surveillance and other security technology; and
      ii. Innovations to maximize the use of human resources to monitor activity and influence positive relationship building;
   6. Maintain and maximize relationships with emergency responders, law enforcement personnel, parents, and other emergency preparedness stakeholders to ensure seamless execution in an emergency event, including:
      i. Consolidate resources among stakeholders to maximize support and secure necessary skills to ensure emergency plan implementation;
      ii. Conduct collaborative training and preparation exercises; and
      iii. Identify improvements and ensure nonduplication of effort in emergency response procedures;
   7. Provide safety information on traveling to and from school to parents and students twice a year that includes data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system or school to improve safety, and information on the available options for reporting incidents or concerns;
   8. Utilize and update an existing clearinghouse of law enforcement resources that are available to support school safety to ensure that it includes information regarding the purpose and process for accessing available funding;
   9. Assist local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents;
(10) Assist the Department to evaluate and update current data systems to ensure they are best suited for providing useful information on school safety issues;

(11) Assist local school systems to monitor local school system and individual school behavior data to ensure fairness in the application of consequences for student misbehavior;

(12) Assist the Department and local school systems:
   (i) To prepare an annual report that combines multiple school safety data systems into one format for public review; and
   (ii) To incorporate new data points into existing data collection systems;

(13) Assist in the development of safety and security criteria for the design and operation of school facilities;

(14) Assist local school systems to identify resources and implement training for students and parents about relationship violence, identifying the signs of unhealthy relationships, and preventing relationship violence;

(15) Provide technical assistance to local school systems in the review of safety and security audits and the implementation of improvements in school facilities;

(16) Analyze data on school resource officers and develop guidelines and training for local school systems as required under Section 7-1508 of this subtitle;

(17) Certify school safety coordinators as required under Section 7-1508 of this subtitle;

(18) Submit to the General Assembly and the Governor a summary of reports on school resource officer and local law enforcement agency coverage in public schools as required under Section 7-1508 of this subtitle;

(19) Consult with local school systems on safety evaluations developed under Section 7-1510 of this subtitle;

(20) Review and comment on school emergency plans developed under Section 7-1510 of this subtitle; and

(21) Report to the General Assembly and the Governor on life-threatening incidents as required under Section 7-1510 of this subtitle.


(a) Subcabinet established. - There is a School Safety Subcabinet.

(b) Purpose. - The Subcabinet is the governing board of the Center.

(c) Membership. - The Subcabinet consists of the following members:
   (1) The State Superintendent, or the State Superintendent's designee;
   (2) The Secretary of State Police, or the Secretary's designee;
   (3) The Attorney General, or the Attorney General's designee;
   (4) The Secretary of Disabilities, or the Secretary's designee;
   (5) The Secretary of Health, or the Secretary's designee; and
   (6) The Executive Director of the Interagency Commission on School Construction, or the executive director's designee.

(d) Chair. - The State Superintendent, or the State Superintendent's designee, shall chair the Subcabinet.

(e) Staff. - The Executive Director of the Center shall provide staff for the Subcabinet.

(f) Meetings. - The Subcabinet shall meet regularly at such times and places as it determines.

(g) Duties. - The Subcabinet shall:
(1) Collaborate with local school systems in the State, law enforcement agencies, State and local government agencies, community organizations, parents, and other stakeholders to provide a comprehensive, coordinated approach to school safety;

(2) In partnership with the Advisory Board and other stakeholders:
   (i) Disseminate information on best practices, programs, and resources;
   (ii) Provide technical assistance and training to local jurisdictions and local school systems;
   (iii) Collaborate on collection, analysis, and integration of statewide data; and
   (iv) Promote interagency efforts that support safe schools for all students, school staff, parents, and community members;

(3) Establish a Safe School Information and Best Practices Clearinghouse of up-to-date, research-based, and data-driven information on effective strategies for creating and maintaining safe schools;

(4) Identify safe school professional staff development best practices;

(5) Initiate collaborative partnerships and facilitate coordination among local school systems, law enforcement agencies, State and local government, and community organizations to leverage existing resources to deliver school safety services uniformly to local school systems;

(6) Foster coordination among all entities responsible for ensuring the safety and security of school facilities in the State;

(7) Distribute grants from the Fund in accordance with Section 7-1512 of this subtitle;

(8) Collaborate with the Department on the model policy for an assessment team under Section 7-1507 of this subtitle;

(9) Adopt regulations to define a school security employee for the purpose of the training and report required for school security employees under Section 7-1508 of this subtitle;

(10) Provide general oversight and direction to the Center;

(11) Approve the annual budget for the Center;

(12) Adopt any regulations necessary to carry out the Subcabinet's duties under this subtitle; and

(13) Perform other duties assigned by the Governor.

(h) Reports.
   (1) The Subcabinet shall report to the Governor and, in accordance with Section 2-1257 of the State Government Article, the General Assembly on or before December 15 each year.

   (2) The report shall include:
      (i) A list of all the activities of the Center, including aggregate data on the information collected from each local school system under Section 7-1510 of this subtitle;
      (ii) An update on the current status and effectiveness of the Center;
      (iii) Data collected on school resource officers under Section 7-1508 of this subtitle; and
      (iv) Recommendations made by the Subcabinet for improving school and student safety.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Maryland provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<td><strong>Website</strong></td>
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<tr>
<td>Bullying Prevention, Maryland Department of Education</td>
<td>Provides an overview on bullying and links to reports, webinars, forms, and resources for educators on cyberbullying.</td>
<td><a href="http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/Bullying/index.aspx">http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/Bullying/index.aspx</a></td>
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<td>Positive Behavioral Interventions and Supports (PBIS), Maryland</td>
<td>Provides a guideline for PBIS in Maryland, including framework, implementation process, standards and protocols, schoolwide evaluation tool, inventory, and benchmarks of quality; and contact information to Maryland’s PBIS Local Point(s) of contact.</td>
<td><a href="http://marylandpublicschools.org/about/pages/dsfss/pbis/index.aspx">http://marylandpublicschools.org/about/pages/dsfss/pbis/index.aspx</a></td>
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<td>Student Services and Strategic Planning (SSSP), Maryland Department</td>
<td>Provides technical assistance, emergency planning, and student services resources related to bullying, discipline, suicide prevention, teen pregnancy, mental health, and other related programs/services.</td>
<td><a href="http://www.marylandpublicschools.org/about/Pages/DSFSS/SSSP/index.aspx">http://www.marylandpublicschools.org/about/Pages/DSFSS/SSSP/index.aspx</a></td>
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<td>Division of Special Education/Early Intervention Services: Strategic Plan, Moving Maryland Forward: Sharpen the Focus for 2020 (November 2016), Maryland Department of Education</td>
<td>Guidance document to support local school systems in preparing to implement the new requirements.</td>
<td><a href="http://marylandpublicschools.org/stateboard/Documents/03262019/TabN-SpecialEducation.pdf">http://marylandpublicschools.org/stateboard/Documents/03262019/TabN-SpecialEducation.pdf</a></td>
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<tr>
<td>Maryland’s Model Policy to Address Bullying, Harassment, or Intimidation (July 2016), Maryland Department of Education</td>
<td>Model policy regarding bullying developed by Maryland State Department of Education.</td>
<td><a href="http://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/ModelBullyingPolicy072016.pdf">http://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/ModelBullyingPolicy072016.pdf</a></td>
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**Other Resources**

No relevant resources found
Massachusetts
Compilation of School
Discipline Laws and
Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Section 91. Recovery High School; definition; enrollment; student performance; rules and regulations; deduction of home school district allotment for failure to transfer funds as required
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Section 2. Duties of parents; penalty
Section 16. Children excluded from school; remedies

Section 17. Hearing prerequisite to exclusion

Section 18. Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section

Section 19. Supervisors of attendance; employment

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**General Provisions**

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

**LAWS**

*Part I. Title 12. Chapter 69. Section 1D. Statewide educational goals; academic standards; vocational training; grant program.*

The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

The standards may provide for instruction in the issues of physical education, human immunodeficiency virus and acquired immune deficiency syndrome education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

*Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.*

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. [...] The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.


(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and
investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and
guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.
Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.
The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student’s parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

REGULATIONS

603 CMR 49.01. Authority.
603 CMR 49.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, §37O, as added by St. 2010, c. 92.

603 CMR 49.02. Scope and Purpose.
603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603
CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

603 CMR 53.01. Authority, purpose, and scope.

(1) 603 CMR 53.00 is promulgated pursuant to the authority of the Department of Elementary and Secondary Education under G.L. c. 69, §§ 1A and 1B, G.L. c. 71, §37H, and G.L. c. 71, § 37H¾

(2) The purpose of 603 CMR 53.00 is:

(a) for those discipline offenses subject to G.L. 71, § 37H¾, as set forth in 603 CMR 53.01(3)(a), to limit the use of long-term suspension as a consequence for student misconduct until other consequences have been considered and tried as appropriate;

(b) to promote engagement of a student's parent in discussion of the student's misconduct, and options for responding to it;

(c) to assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion; and,

(d) to keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

(3) 603 CMR 53.00 sets forth, for all public preschool, elementary, and secondary schools and programs in Massachusetts, including charter and virtual schools:

(a) at 603 CMR 53.03 through 53.11, the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½;

(b) the minimum requirements and procedures necessary to ensure that all students who have been suspended, in-school or out-of-school, or expelled, regardless of the type of offense, have an opportunity to make academic progress during their period of suspension, expulsion, or removal from regular classroom activities; and

(c) the requirements pertaining to school discipline data reporting and analysis.

Scope

LAWS


(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo
electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

(b) Bullying shall be prohibited:

(i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and

(ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

REGULATIONS

603 CMR 49.04. Bullying and retaliation prohibited.

(2) Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, shall be prohibited if the bullying:

(a) creates a hostile environment at school for the target;

(b) infringes on the rights of the target at school; or

(c) materially and substantially disrupts the education process or the orderly operation of a school.
Communication of policy

LAWS

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.
The superintendent of every school district shall publish the district’s policies pertaining to the conduct of teachers and students. […] Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district. […]

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.
Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.
Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution’s policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

REGULATIONS

603 CMR 18.05. Required Policies and Procedures

(1) Admissions.

(a) No school, or program operated by a school, shall enroll eligible students under the provisions of 603 CMR 28.00: Special Education unless approved to do so by the Department.

(b) Prior to admission, the school shall provide to the parents and the local school district a written copy of the school's policies and procedures, including:

1. The school's statement of purpose;
2. The type of services provided;
3. Admission criteria;
4. Parents' rights as described in 603 CMR 18.05(4);
5. Health care, including provisions for emergency health care and/or hospitalization as described in 603 CMR 18.05(9);
6. Planning for both foreseen and emergency terminations as described in 603 CMR 18.05(6) and (7);
7. Methods of behavior support, violence prevention, discipline, management of harmful behavior by a student to himself or herself or others, and proper use of restraints as described in 603 CMR 18.05(5);
8. Activities related to daily living skills;
9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00: Special Education;
10. Clothing requirements;
11. A description of normal daily routines;
12. Any specific treatment strategy employed by the facility;
13. A description of any normally occurring religious practices;
14. Visiting hours and other procedures related to communication with students and the facility as described in 603 CMR 18.036(9);
15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;
16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility.
17. A copy of the approved school calendar.

603 CMR 33.04. Filing of reports.
(1) On or before October 1 of each year, the principal or headmaster of every secondary school shall file a report as required by M.G.L. c. 269, § 19 with the Bureau of Student Services.

(2) Such reports as required by 603 CMR 33.04(1) shall include the following certifications:
(a) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19 to every group or organization under its authority and to every member, plebe, pledgee or applicant for membership in such group or organization;
(b) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19, to every non-school affiliated organization;
(c) that the school has obtained an acknowledgement of receipt from an officer of every group or organization under its authority, and every individual which has received a copy of M.G.L. c. 269, " 17 through 19;
(d) that the school has obtained an acknowledgement from a contact person for each non-school affiliated organization that such organization has distributed a copy of M.G.L. c. 269, " 17 through 19, to every member, plebe, pledgee or applicant for membership in such group or organization;
(e) that the school has adopted a disciplinary policy with regard to the organizers of and participants in hazing which has been approved by the school committee, is available to anyone upon request and has been filed with the Bureau of Student Services as required by M.G.L. c. 71, § 37H.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

Part I. Title 12. Chapter 71. Section 37H.3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.
(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

REGULATIONS

603 CMR 53.05. Alternatives to suspension under Section 37H¾.
In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.
Use of corporal punishment

LAWS

Part I. Title 12. Chapter 76. Section 37G. Corporal punishment of pupils prohibited; use of physical restraint; regulations.

(a) The power of the school committee or of any teacher or any other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.

(b) The provisions of this section shall not preclude any member of the school committee or any teacher or any employee or agent of the school committee from using such reasonable force as is necessary to protect pupils, other persons, and themselves from an assault by a pupil. When such an assault has occurred, the principal shall file a detailed report of such with the school committee.

(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall require training of all personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to the parents.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

603 CMR 53.11. Exclusion from extracurricular activities and school-sponsored events.

The principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student’s misconduct. Such a removal is not subject to the procedures in G.L. c. 71, § 37H¾ or 603 CMR 53.00.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

Part I. Title 12. Chapter 71. Section 37H1/2. Felony complaint or conviction of student; suspension; expulsion; right to appeal.

Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. […]

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. […]

REGULATIONS

603 CMR 53.02. Definitions.

(3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, except for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½. A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.
(4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½" means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.

(5) "Expulsion" means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c. 71, §§37H or 37H½ for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.

(7) "Long-term suspension" means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

(11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

(13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.

603 CMR 53.07. Emergency removal under Section 37H½.

(1) Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

(a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);

(b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);

(c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.
(d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

**Grounds for mandatory suspension or expulsion**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

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

**LAWS**

Part I. Title 12. Chapter 71. Section 84. Discipline of students on matters unrelated to school-sponsored activities prohibited.
No student shall be suspended, expelled, or otherwise disciplined on account of marriage, pregnancy, parenthood or for conduct which is not connected with any school-sponsored activities; provided, however, that in the case of a pregnant student, the school committee may require that the student be under the supervision of a physician.

A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him and his parent or guardian an opportunity to be heard.

**REGULATIONS**
No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.
Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions: […]

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

Part I. Title 12. Chapter 71. Section 37H1/2. Felony complaint or conviction of student; suspension; expulsion; right to appeal.

(1) […] The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) […] The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the
effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

**Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.**

(a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.
(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

Any pupil who has attained age eighteen, or the parent, guardian or custodian of a pupil who has not attained said age of eighteen, who has been refused admission to or excluded from the public schools or from the advantages, privileges and courses of study of such public schools shall on application be furnished by the school committee with a written statement of the reasons therefor, and thereafter, if the refusal to admit or exclusion was unlawful, such pupil may recover from the town or, in the case of such refusal or exclusion by a regional school district from the district, in tort and may examine any member of the school committee or any other officer of the town or regional school district upon interrogatories.

A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him and his parent or guardian an opportunity to be heard.

REGULATIONS

603 CMR 18.05. Required Policies and Procedures

(6) Suspension.
(a) Upon admission of a student, the school shall provide a written policy on suspensions to the parents, and the school district or human service agency that placed the student. Such policy shall conform to the federal requirements on discipline pursuant to 34 CFR § 300.
(b) Whenever a student is suspended, the school shall immediately notify the parents or the Department of Social Services as appropriate, and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents or the Department of Social Services as appropriate and the public school district and human service agency responsible for the placement.
(c) No student may be suspended and sent home unless a responsible adult is available to receive the student.
(d) Once a student has been suspended for three consecutive school days or five non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal
requirements, shall explore together all possible program modifications within the school in an attempt to prevent total suspension of the student from the program.

603 CMR 53.08. Principal's hearing under Section 37H¾.

(1) The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth in 603 CMR 53.08(3) in addition to those rights afforded to students who may face a short-term suspension from school.

(2) Principal Hearing - Short-term Suspension

(a) The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and, if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

(3) Principal Hearing - Long-term Suspension

(a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.

(b) At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:

In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;

the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;

the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;

the right to cross-examine witnesses presented by the school district;

the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.
(c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR 53.05, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall:

Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;

Set out the key facts and conclusions reached by the principal;

Identify the length and effective date of the suspension, as well as a date of return to school;

Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a);

Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language: a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(e) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

603 CMR 53.09. Superintendent's hearing under Section 37H¾.

(1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.

(2) The student or parent shall file a notice of appeal with the superintendent within the time period set forth 603 CMR 53.08 (3) (c) 5.a). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

(3) The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.

(4) The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

(5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to
the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

(6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).

(7) The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

(8) The decision of the superintendent shall be the final decision of the school district, charter school, or virtual school, with regard to the suspension.

603 CMR 53.12. Disciplinary offenses under Section 37H or 37H½.

(1) School districts shall adopt disciplinary policies and procedures applicable to a student who is accused of a disciplinary offense under G.L. c. 71, §§37H or 37H½. Such policies and procedures shall be consistent with the applicable statute and provide due process of law.

(2) The principal may remove a student who has committed a disciplinary offense under G.L. c. 71, §§37H or 37H½ from school for more than ninety (90) days in a school year.

(3) Any student who is removed from school for a disciplinary offense under G.L. c. 71, §37H or §37H½ shall have an opportunity to receive education services and make academic progress during the period of removal, as provided in 603 CMR 53.13.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

603 CMR 53.02. Definitions.

(6) "In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00.

603 CMR 53.10. In-School suspension under Section 37H¾.

(1) The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

(2) The principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(5) and the student has the opportunity to make academic progress as set forth in 603 CMR 53.13(1).
(3) The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

(4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

Part I. Title 12. Chapter 76. Section 37G. Corporal punishment of pupils prohibited; use of physical restraint; regulations.
(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall require training of all personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to the parents.

REGULATIONS

603 CMR 46.01. Authority, scope, purpose and construction.
(1) Authority. 603 CMR 46.00 is promulgated by the Board of Education pursuant to M.G.L. c. 69, § 1B, and c. 71, § 37G.
(2) Scope. 603 CMR 46.00 governs the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, collaborative education programs and special education schools approved under 603 CMR 28.09, except as provided in 603 CMR 18.05(5)(h). Educational programs in facilities operated by the Department of Youth Services shall comply with the restraint requirements of 102 CMR 3.00.

(3) Purpose. The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint. Physical restraint shall be used only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

(a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and

(b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

(4) Construction. Nothing in 603 CMR 46.00 shall be construed to limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Nothing in 603 CMR 46.00 precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

603 CMR 46.02. Definitions.

As used in 603 CMR 46.00, the following terms shall have the following meanings:

(1) Extended restraint: A physical restraint the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described in 603 CMR 46.06.

(2) Physical escort: Touching or holding a student without the use of force for the purpose of directing the student.

(3) Physical restraint: The use of bodily force to limit a student’s freedom of movement.

(4) Public education programs: Public schools, including charter schools, collaborative education programs, special education schools approved under 603 CMR 28.09, except as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs.

(5) Restraint - Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian. The use of seclusion restraint is prohibited in public education programs.

(a) Mechanical Restraint: The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

(b) Seclusion Restraint: Physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."

(c) Chemical restraint: The administration of medication for the purpose of restraint.

(6) School Working Day: Any day or partial day that students are in attendance at the public education program for instructional purposes.
603 CMR 46.03. Procedures and training.

(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

(a) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;

(b) A school policy regarding restraint that provides a description and explanation of the school's or program's method of physical restraint, a description of the school's or program's training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(2) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the school's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

(a) The program's restraint policy;

(b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;

(c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;

(d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and

(e) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

(3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal or director of each public education program or his or her designee shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department of Elementary and Secondary Education recommends that such training be at least sixteen (16) hours in length.

(4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

(a) Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

(b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

(c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

(d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and

(e) Demonstration by participants of proficiency in administering physical restraint.
603 CMR 46.04. Determining when physical restraint may be used.

(1) Use of restraint. Physical restraint may be used only in the following circumstances:
   (a) Non-physical interventions would not be effective; and
   (b) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

(2) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

(3) Prohibitions. Physical restraint is prohibited in the following circumstances:
   (a) As a means of punishment; or
   (b) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.

(4) Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:
   (a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
   (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
   (c) The exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A. These regulations shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

603 CMR 46.05. Proper administration of physical restraint.

(1) Trained personnel. Only school personnel who have received training pursuant to 603 CMR 46.03(2) or 603 CMR 46.03(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

(2) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

(3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.

(4) Duration of restraint. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, it shall be considered an "extended restraint" for purposes of the reporting requirements in 603 CMR 46.06.

(5) Safety requirements. Additional requirements for the use of physical restraint:
   (a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(d) Following the release of a student from a restraint, the program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

603 CMR 46.06. Reporting requirements.

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of physical restraint as specified in 603 CMR 46.06(2) after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of a duration longer than five minutes.

(2) Informing school administration. The program staff member who administered the restraint shall verbally inform the program administration of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal or director of the program or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.

(3) Informing parents. The principal or director of the program or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of restraint. If the school or program customarily provides a parent or guardian of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent or guardian in that language.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.

(e) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.
(f) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

(5) Report to the Department of Elementary and Secondary Education. When a restraint has resulted in a serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Elementary and Secondary Education within five school working days of the administration of the restraint. The program shall also provide the Department with a copy of the record of physical restraints maintained by the program administrator pursuant to 603 CMR 46.06(2) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).

603 CMR 46.07. Special circumstances.

(1) Special Circumstances - Students with Disabilities. Restraint administered to a student with a disability pursuant to an Individualized Education Plan ("IEP") or other written plan developed in accordance with state and federal law to which the public education program and the student's parent or guardian have agreed shall be deemed to meet the requirements of 603 CMR 46.00, except that the limitations on chemical, mechanical, and seclusion restraint set forth in 603 CMR 46.02(5), the training requirements set forth in 603 CMR 46.03, and the reporting requirements set forth in 603 CMR 46.06 shall apply.

(2) Special Circumstances - Individual Waiver of Reporting Requirements. Public education programs may seek a parent's or guardian's consent to waive the reporting requirements of 603 CMR 46.06 for restraints administered to an individual student that do not result in serious injury to the student or a program staff member and do not constitute extended restraint. Extended restraints and restraints that result in serious injury to a student or program staff member must be reported in accordance with the requirements of 603 CMR 46.06, regardless of any individual waiver to which the parent or guardian may have consented. Individual waivers should be sought only for students who present a high risk of frequent, dangerous behavior that may require the frequent use of restraint.

(3) Limitations on individual waivers.
(a) A public education program may not require a parent's consent to such a waiver as a condition of admission or provision of services.
(b) A parent may withdraw consent to such waiver at any time without penalty.

(4) Individual Waiver - documentation required. The program shall maintain the following documentation on site in the student's file and shall make such documentation available for inspection by the Department of Elementary and Secondary Education at its request at any time:
(a) The informed written consent of the parent or guardian to the waiver, which shall specify those reporting requirements(s) in 603 CMR 46.06(1)-(4) that the parent or guardian agrees to waive; and
(b) Specific information regarding when and how the parent or guardian will be informed regarding the administration of all restraints to the individual student.

(5) Prohibition on Program or Classroom Waivers: Nothing herein shall be construed to allow a program or classroom to receive an exemption or waiver from any of the requirements of 603 CMR 46.00 on behalf of all of the students enrolled in a particular program or classroom.
Alternative placements

LAWS

Part I. Title 12. Chapter 69. Section 1N. Alternative education grant program.

(a) The department of education, hereinafter referred to as the department, shall establish a grant program, subject to appropriation, to be known as the alternative education grant program for the purpose of providing grants to assist school districts and Horace Mann and commonwealth charter schools with the development and establishment of alternative education programs and services to students suspended or expelled from school. The grants shall support the development of alternative education programs which would:

1. allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives to provide educational services to suspended or expelled students; or
2. establish a district based alternative education program for those students. The grants may also be used to encourage the use of technology in alternative education programs.

The grants shall also encourage voluntary expansion of existing alternative education programs in the commonwealth, and shall be used to provide alternative education programs for students who are at risk of educational failure due to truancy, or dropping out of school. Grants may also be used to assist in developing programs that provide a range of approaches to address behavior issues, such as behavior specialists, in-school suspension rooms and crisis centers, in addition to out-of-school alternative settings.

Programs designed under the grants shall be developed at the middle and high school levels and shall afford students the opportunity to earn a high school diploma in accordance with section 1D, and to be taught to the same academic standards and curriculum frameworks established for all students in accordance with sections 1D and 1E. The programs shall make use of existing resources in school districts, educational collaboratives, community colleges, and other agencies, service providers, and organizations. Programs shall be designed as placements that, at a minimum, educate students to the same academic standards and curriculum frameworks as taught to all students, address behavioral problems, utilize small class size, address individual needs and learning styles, provide engaging instruction and a supportive environment, and, where appropriate, utilize flexible scheduling. The programs shall also provide a comprehensive array of social services to support a student’s remediation of issues that cause school failure, excessive absenteeism, truancy and school dropout. Grant recipients shall develop remediation plans for students that address both academic and behavioral issues. Grants may also be made available for in-school regular education programs that include self-improvement, behavior management and life skills training to help provide students with tools to better manage their lives and attitudes, to support programs that use family-based approaches, and to assist students and teachers during the transition of students back into regular education classrooms.

A grant awarded pursuant to this subsection, shall require that recipients undertake ongoing program evaluations that document the effectiveness of the program in helping students to achieve academically to the same academic standards and curriculum frameworks required for all students, to develop self-management skills, and to reintegrate and remain in regular education classrooms. In awarding grants, priority shall be given to programs that employ interventions that have been empirically validated.

The department shall establish guidelines governing the alternative education grant program. The guidelines shall include, but not be limited to, a requirement that when a student is transferred to an alternative education program a representative of the school district shall meet with the student and the student’s parents or legal guardian to develop an agreement that specifies the responsibilities of the
school, the student and the student’s parents or legal guardian. The agreement shall, at a minimum, include:

(1) a remediation plan to address both academic and behavioral issues;
(2) a plan for frequent evaluations and assessments of the student’s adjustment, and academic achievement and progress;
(3) a requirement that the parents or legal guardian of the student attend specified meetings or conferences with teachers, or utilize such other means of communication as determined necessary to facilitate communication, to review and assist in the student’s progress;
(4) a timetable for reintegrating the student into a regular education classroom;
(5) the student’s and the parents’ or legal guardian’s acknowledgement that they understand and accept the responsibilities imposed by the agreement.

(b) The department shall establish a grant program, subject to appropriation, to assist school districts with the development and establishment of in-school regular education programs and services to address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence. As used in this subsection, students suffering from the traumatic effects of exposure to violence shall include, but not be limited to, those exposed to abuse, family or community violence, war, homelessness or any combination thereof. The grants shall support the development of school based teams with community ties that:

(1) collaborate with broadly recognized experts in the fields of trauma and family and community violence and with battered women shelters;
(2) provide ongoing training to inform and train teachers, administrators, and other school personnel to understand and identify the symptoms and trauma; and
(3) evaluate school policy and existing school and community programs and services to determine whether and to what extent students identified as suffering from exposure to trauma can receive effective supports and interventions that can help them to succeed in their public school programs, and where necessary be referred quickly and confidentially to appropriate services.

Grants may also be awarded to assist school districts in developing comprehensive programs to help prevent violence in schools, from whatever causes, and to promote school safety. The programs shall be designed to meet the following objectives: creating a school environment where students feel safe and that prevents problems from starting; helping students to take the lead in keeping the school safe; ensuring that school personnel have the skills and resources to identify and intervene with at-risk students; equipping students and teachers with the skills needed to avoid conflict and violence; and helping schools and individuals to reconnect with the community and share resources.

The department shall develop guidelines governing the implementation of the grant program authorized by this subsection. A grant awarded pursuant to this subsection shall require that recipients undertake ongoing evaluations of the effectiveness of the program. In awarding grants, priority shall be given to programs that are based on empirically validated interventions.

The department of education, in consultation with the department of public health and the department of mental health, shall establish an advisory committee to assist in implementing the grant program and in assisting public schools in addressing the learning and behavior problems of students who manifest trauma-related symptoms or classroom behavior that interferes with learning. Members of the advisory committee shall include but not be limited to: 3 educators, 1 of whom shall serve as the chair, appointed by the commissioner of the department of education; 2 leaders in the field of trauma and its relationship to school learning and behavior appointed by the commissioner of the department of public health; 2 leaders in mental health with expertise in family and/or community violence appointed by the commissioner of
mental health; 1 leader in battered women’s services appointed by the commissioner of public health; 1 leader in the area of homelessness and its impact on children appointed by commissioner of mental health; and 3 parents, 1 each appointed by the commissioner of education, the commissioner of public health, the commissioner of mental health. The advisory committee, at its discretion, may select additional members with relevant experience including but not limited to child advocates, medical doctors and representatives of juvenile and probate court.

(c) The commissioner shall evaluate annually the effectiveness of programs established under this section including the potential for replicating such programs throughout the commonwealth. The annual evaluation shall also examine whether students in alternative education programs funded under this section are being taught to the same academic standards required for all students, how much time students are spending in the programs, the racial profile of expelled or suspended students and the percentages of the students who are in special education or bilingual education. The commissioner shall also provide technical assistance to school districts seeking to replicate programs funded under this section, and shall provide training for teachers in the development of effective remediation plans for students in alternative education, and in the development of skills, techniques, and innovative strategies to assist the students. In evaluating programs funded under subsection (b), the commissioner shall consult with the department of public health, the department of mental health, and the advisory committee established pursuant to said subsection (b).

Part I. Title 12. Chapter 76. Section 21. Opportunity for academic progress for suspended students; education service plans; alternative educational services.

Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. In developing the education service plan, principals may seek the cooperation or input of relevant health and human service, housing and nonprofit agencies education collaboratives, and other service providers. Any school or school district that expels a student or suspends a student for more than 10 consecutive school days shall provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service. Students exempt from attending school under section 1 of chapter 76 shall not be subject to this section.

Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation. The reimbursements shall be in addition to amounts distributed under chapter 70 and shall not be included in the calculation of base aid, as defined in section 2 of said chapter 70, for any subsequent fiscal year. Instructional costs eligible for reimbursement shall include only those costs directly attributable to providing alternative educational services under this section, such as salary of educational personnel, salary of related services personnel, costs for specialized books, materials or equipment, tuition costs, if the student is receiving services from other than the local public school, consultant costs if directly attributable to the student's instructional program and instructional costs of extended day or year services if such services are a part of the education service plan. Such costs shall be prorated as appropriate to reflect group
activities or costs for part-time services. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than 1 student, the costs of fringe benefits of personnel employed by the school district, nor the costs associated with the development of the education service plan or service coordination for the student. Instructional costs associated with an education service plan shall be reported to and approved by the department and shall be reimbursed according to the formula and procedures in said section 5A of said chapter 71B.

REGULATIONS

603 CMR 53.02. Definitions.

(10) "School-wide education service plan" means the document developed by a principal, in accordance with G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.

603 CMR 53.13. Education services and academic progress under Sections 37H, 37H½, 37H¾.

(1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

(2) Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

(3) The principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c 69, §§ 1D and 1F.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

(b) For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.
Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

Part IV. Title 1. Chapter 269. Section 10. Carrying dangerous weapons/possession of machine gun or sawed-off shotguns; possession of large capacity weapon or large capacity feeding device; punishment.

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, “firearm” shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

Part I. Title 12. Chapter 71. Section 37L. Notification to school personnel of reporting requirements for child abuse and neglect and fires; reports of students possessing or using dangerous weapons on school premises; transferred students’ school records.

[... ] any school department personnel shall report in writing to their immediate supervisor an incident involving a student’s possession or use of a dangerous weapon on school premises at any time.
Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of children and families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

**Part IV. Title 1. Chapter 269. Section 14. Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution.**

(a) For the purposes of this section, the following words shall have the following meanings:

“Hijack”, to commande or to take control without authority.

“School”, any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

“Serious bodily injury”, bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 21/2 years, or by fine of not more than $10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 21/2 years, or by fine of not less than $1,000 nor more than $50,000, or by both such fine and imprisonment.

**REGULATIONS**

No relevant regulations found.
Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

Part I. Title 12. Chapter 76. Section 1. Requirements and exceptions.
Every child between the minimum and maximum ages established for school attendance by the board of education shall, subject to section fifteen, attend a public day school in the town the student resides, or some other day school approved by the school committee, during the number of days required by the board of education in each school year, unless the child attends school in another town, for said number of days, under sections six to twelve, inclusive, or attends an experimental school project established under an experimental school plan, as provided in section one G of chapter fifteen, but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to the provisions of section three of chapter seventy-one B or of a child granted an employment permit by the superintendent of schools when such superintendent determines that the welfare of such child will be better served through the granting of such permit, or of a child who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee. The superintendent of schools may transfer to any specialized type of school on a full-time basis any child who possesses the educational qualifications enumerated in this section and in the opinion of the superintendent would be benefited by such transfer. The superintendent, or teachers in so far as authorized by him or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half day sessions in any period of six months. Absences may also be permitted for religious education at such times as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further, that such time shall be no more than one hour each week. For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching, and, in order to protect children from the hazards of traffic and promote their safety, cities and towns may appropriate money for conveying pupils to and from any schools approved under this section.

Except as herein provided, pupils who attend approved private schools of elementary and high school grades shall be entitled to the same rights and privileges as to transportation to and from school as are provided by law for pupils of public schools and shall not be denied such transportation because their attendance is in a school which is conducted under religious auspices or includes religious instruction in its curriculum. Each school committee shall provide transportation for any pupil attending such an approved private school within the boundaries of the school district, provided, however, that the distance between said pupil's residence and the private school said pupil attends exceeds two miles or such other minimum distance as may be established by the school committee for transportation of public school students. Any school committee which is required by law to transport any pupil attending an approved
private school beyond the boundaries of the school district shall not be required to do so further than the distance from the residence of such pupil to the public school he is entitled to attend.

The school committee of each town shall provide for and enforce the school attendance of all children actually residing therein in accordance herewith.

**Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.**

Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

**Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.**

The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child’s absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student’s parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

**Part I. Title 12. Chapter 76. Section 2. Duties of parents; penalty.**

Every person in control of a child described in section one shall cause him to attend school as therein required, and, if he fails so to do for seven day sessions or fourteen half day sessions within any period of six months, he shall, on complaint by a supervisor of attendance, be punished by a fine of not more than twenty dollars. […]

**Part I. Title 12. Chapter 76. Section 18. Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section.**

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student’s tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit
The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.

The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.


Every school committee shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education; provided, that such supervisors shall have attained the age of twenty-one years. The committees of two or more towns may employ the same supervisors of attendance.


Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

REGULATIONS

No relevant regulations found.
Substance use

LAWS

Part I. Title 12. Chapter 71. Section 2A. Use of tobacco products within school building or facilities or on school grounds.

It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of [...] a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

Part I. Title 12. Chapter 71. Section 91. Recovery High School; definition; enrollment; student performance; rules and regulations; deduction of home school district allotment for failure to transfer funds as required.

(a) The term "Recovery High School" shall mean a public school or collaborative program for students diagnosed with substance use disorder or dependency, as defined by the Diagnostic and Statistical Manual of Mental Disorders IV-TR, that provides: (1) a comprehensive 4-year high school education, and (2) a structured plan of recovery.

(b) A school district shall transfer the state average foundation budget per pupil to a Recovery High School for a student meeting the following criteria: (1) the student is currently enrolled in the district or currently resides in the municipality in which the district is located; (2) the student is considered by a clinician, as defined by 105 CMR 164.006, to be clinically appropriate, using the criteria for Substance Use Disorders as defined in the Diagnostic and Statistical Manual of Mental Disorders IV-TR; and (3) the student meets all matriculation criteria as outlined by the sending district and the department of elementary and secondary education, with determination of academic eligibility based on existing documentation provided by the district. The district and the Recovery High School shall arrange to confer a diploma when a student completes state and district-mandated graduation requirements.

(c) A Recovery High School shall submit to the board of elementary and secondary education data considered necessary by the board to provide information regarding each student's academic performance. A Recovery High School shall also submit to the department of public health data regarding each student's recovery.

(d) The board of elementary and secondary education, in consultation with the department of public health and the department of mental health, shall promulgate rules and regulations, as necessary to implement this section.
(e) Failure by a school district to transfer funds to a Recovery High School as required in subsection (b) shall result in a deduction of the amount therein from the home school district's chapter 70 per pupil allotment for the following fiscal year.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students: student handbooks.
The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. [...] The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. [...]  

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.
"Bullying", the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

(i) causes physical or emotional harm to the victim or damage to the victim's property;
(ii) places the victim in reasonable fear of harm to himself or of damage to his property;
(iii) creates a hostile environment at school for the victim;
(iv) infringes on the rights of the victim at school; or
(v) materially and substantially disrupts the education process or the orderly operation of a school.
For the purposes of this section, bullying shall include cyber-bullying.
"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.
"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one
or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"Department", the department of elementary and secondary education.

"Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

"Plan", a bullying prevention and intervention plan established pursuant to subsection (d).

"Perpetrator", a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

"School district", the school department of a city or town, a regional school district or a county agricultural school.

"School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

"Victim", a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited:

(i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and

(ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.
(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer
information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school
informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall:

(i) publish a model plan for school districts and schools to consider when creating their plans; and

(ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools.

The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

See http://www.doe.mass.edu/bullying/BPIP.pdf for Massachusetts Model Policy.

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means.

(l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.
(m) Each school district, charter school, approved private day or residential school or collaborative school may adopt an anti-bullying seal to represent the district or school's commitment to bullying prevention and intervention.

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.

Part IV. Title 1. Chapter 269. Section 17. Hazing; organizing or participating; hazing defined.

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.


Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable.

Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group,
team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution’s policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

REGULATIONS

603 CMR 33.01. Authority.
603 CMR 33.00 is promulgated by the Board of Education pursuant to M.G.L. c. 269, § 19.

603 CMR 33.02. Scope and purpose.
603 CMR 33.00 governs the content and frequency of reports secondary schools must file with the Board of Education regarding the distribution of copies of the law against hazing and the adoption of a disciplinary policy concerning the organizers of and participants in hazing activities.

603 CMR 33.03. Definitions.
Hazing shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Non-school affiliated organization shall mean any group or organization that operates on the campus of a secondary school but is not under the authority of such school.

Secondary school shall mean any school, be it public or private, that has been designated or approved as a secondary school by the school committee.

603 CMR 33.04. Filing of reports.
(1) On or before October 1 of each year, the principal or headmaster of every secondary school shall file a report as required by M.G.L. c. 269, § 19 with the Bureau of Student Services.
(2) Such reports as required by 603 CMR 33.04(1) shall include the following certifications:
   (a) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19 to every group or organization under its authority and to every member, plebe, pledgee or applicant for membership in such group or organization;
(b) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19, to every non-school affiliated organization;
(c) that the school has obtained an acknowledgement of receipt from an officer of every group or organization under its authority, and every individual which has received a copy of M.G.L. c. 269, " 17 through 19;
(d) that the school has obtained an acknowledgement from a contact person for each non-school affiliated organization that such organization has distributed a copy of M.G.L. c. 269, " 17 through 19, to every member, plebe, pledgee or applicant for membership in such group or organization;
(e) that the school has adopted a disciplinary policy with regard to the organizers of and participants in hazing which has been approved by the school committee, is available to anyone upon request and has been filed with the Bureau of Student Services as required by M.G.L. c. 71, § 37H.

603 CMR 33.05. Notifying the Attorney General.

(1) On November 1 of each year, the Commissioner of Education shall notify the Attorney General of any failure by a secondary school to file a report as required by M.G.L. c. 269, § 19.

603 CMR 49.01. Authority.

603 CMR 49.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, §37O, as added by St. 2010, c. 92.

603 CMR 49.02. Scope and purpose.

603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603 CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

603 CMR 49.03. Definitions and terms (selected).

Aggressor is a student or a member of school staff who engages in bullying, cyberbullying or retaliation towards a student as defined in M.G.L. c. 71, §37O.

Bullying, pursuant to M.G.L. c. 71, §37O, means the repeated use by one or more students or a member of school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

(a) causes physical or emotional harm to the target or damage to the target's property;
(b) places the target in reasonable fear of harm to himself or herself or damage to his or her property;
(c) creates a hostile environment at school for the target;
(d) infringes on the rights of the target at school; or
(e) materially and substantially disrupts the education process or the orderly operation of a school.

Bullying shall include cyberbullying.

Cyberbullying, pursuant to M.G.L. c. 71, §37O, means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include:

(a) the creation of a web page or blog in which the creator assumes the identity of another person, or
(b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions in 603 CMR 49.03: Bullying(a) through (e).

Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions in 603 CMR 49.03: Bullying(a) through (e).

Hostile environment, pursuant to M.G.L. c. 71, §37O, means a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

Local law enforcement agency means a local police department.

Local plan means the bullying prevention and intervention plan required to be developed under M.G.L. c. 71, §37O.

Parent means a student's father or mother, or guardian.

Principal means the administrative leader of a public school, charter school, collaborative school, or approved private day or residential school, or his or her designee for the purposes of implementing the school's bullying prevention and intervention plan.

Retaliation means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

School means an approved private day or residential school, collaborative school, or charter school.

School district, pursuant to M.G.L. c. 71, §37O, means the school department of a city or town, a regional school district or a county agricultural school.

Student record has the meaning set forth in the Massachusetts Student Records Regulations, 603 CMR 23.02.

Target means a student victim of bullying or retaliation as defined in M.G.L. c. 71, §37O.

603 CMR 49.04. Bullying and retaliation prohibited.

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff or paraprofessionals.

(1) Bullying of a student is prohibited as provided in M.G.L. c. 71, §37O. Retaliation is also prohibited.

(2) Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, shall be prohibited if the bullying:

   (a) creates a hostile environment at school for the target;

   (b) infringes on the rights of the target at school; or

   (c) materially and substantially disrupts the education process or the orderly operation of a school.

(3) Each school district and school shall have procedures for receiving reports of bullying or retaliation; promptly responding to and investigating such reports, and determining whether bullying or retaliation has occurred; responding to incidents of bullying or retaliation; and reporting to parents and law enforcement as set forth in 603 CMR 49.05 and 49.06.
603 CMR 49.05. Notice to parents.
(1) Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Nothing in 603 CMR 49.05 prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.
(2) Notice required by 603 CMR 49.05 shall be provided in the primary language of the home.
(3) Each school district and school shall include the requirements and procedures for communicating with the parents of the aggressor and target of bullying or retaliation in the local plan.
(4) A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

603 CMR 49.06. Notice to law enforcement agency.
(1) Before the first day of each school year, the superintendent or designee of a school district and the school leader or designee of an approved private day or residential school, collaborative school, or charter school shall communicate with the chief of police or designee of the local police department about the implementation of 603 CMR 49.06. Such communication may include agreeing on a method for notification, a process for informal communication, updates of prior written agreements, or any other subject appropriate to the implementation of 603 CMR 49.06.
(2) At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.
   (a) In making the determination whether notification to law enforcement is appropriate, the principal may consult with the school resource officer and any other individuals the principal deems appropriate.
   (b) Nothing in 603 CMR 49.06 shall prevent the principal from taking appropriate disciplinary or other action pursuant to school district or school policy and state law, provided that disciplinary actions balance the need for accountability with the need to teach appropriate behavior.
   (c) The principal shall respond to the incident as set forth in relevant provisions of the local plan consistent with 603 CMR 49.06.
(3) If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the school district or school, the principal of the school informed of the bullying or retaliation shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.
(4) Each school district and school shall include the requirements and procedures for communicating with the local law enforcement agency in the local plan.

603 CMR 49.07. Confidentiality of records.
(1) A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.
(2) A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

(3) A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

Part I. Title 12. Chapter 69. Section 1D. Statewide educational goals; academic standards; vocational training; grant program.
The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.
The standards may provide for instruction in the issues of physical education, human immunodeficiency virus and acquired immune deficiency syndrome education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

Part I. Title 12. Chapter 69. Section 1O. Truancy prevention program certification process.
The department of elementary and secondary education shall adopt regulations establishing a truancy prevention program certification process, consistent with the behavioral health and public schools framework developed pursuant to section 19 of chapter 321 of the acts of 2008, and shall require that the truancy prevention program evaluate the level of out-of-school support for students and families and address conditions that make students more likely to become truant including, but not limited to, previously unidentified or inadequately addressed special needs, bullying and harassment. Any truancy prevention program established under this section by a school district shall meet the requirements for certification adopted by the department.

Part I. Title 12. Chapter 71. Section 13D. High schools; required subjects; driver training.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.
(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians
and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.
(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

**Part I. Title 12. Chapter 71. Section 96. Substance use prevention and abuse education policies for public schools.**

Each public school shall have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse. The school shall notify the parents or guardians of all students attending the school of the policy and shall post the policy on the school's website. The policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.

The department of elementary and secondary education, in consultation with the department of public health, shall provide guidance and recommendations to assist schools with developing and implementing effective substance use prevention and abuse education policies and shall make such guidance and recommendations publicly available on the department's website. Guidance and recommendations may include educating parents or guardians on recognizing warning signs of substance abuse and providing available resources. Guidance and recommendations shall be reviewed and regularly updated to reflect applicable research and best practices.

Each school district and charter school shall file its substance use prevention and abuse education policies with the department of elementary and secondary education in a manner and form prescribed by the department.

**REGULATIONS**

No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**

**Part I. Title 12. Chapter 69. Section 1P. Safe and supportive schools framework.**

(a) As used in this section the term “safe and supportive schools” shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that: (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students’ behavioral health, including social and emotional learning, bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children’s mental health, foster care and homeless youth education, inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) Consistent with the framework recommended by the behavioral health and public schools task force created under section 19 of chapter 321 of the acts of 2008, the department of elementary and secondary
education shall develop a safe and supportive schools framework. The framework shall provide guidance and support to schools to assist with the creation of safe and supportive schools that improve education outcomes for students.

(c) Subject to appropriation, any city, town or school district, by vote of its school committee, may implement the safe and supportive schools framework developed under subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create safe and supportive school environments and coordinate and align student support initiatives.

(d) The self-assessment tool created by the department consistent with the recommendations of the behavioral health and public school task force created under said section 19 of said chapter 321 shall be organized according to the elements of the framework established under subsection (b), and shall be used by schools to: (i) assess the school's capacity to create and sustain safe and supportive school environments for all students; (ii) identify areas where additional school-based action, efforts, guidance and support are needed to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or refining the safe and supportive schools framework and the safe and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established under subsection (g).

(e) Subject to appropriation, any city, town or school district, by vote of its school committee, may develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 11; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as to limit the ability of the school principal to appoint a team to develop the school's action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall attempt to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

School action plans shall be designed to address the areas of need identified through the use of the self-assessment tool described in subsection (d) and shall include the following: (i) strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may include attendance and graduation rates, bullying incidences, number of student suspensions, expulsions and office referrals, truancy and tardiness rates, time spent on learning and other measures of school success; and (iv) a process and schedule for reviewing the plan annually and updating it at least once every 3 years. School action plans shall be published on the school district's website.

(f) Subject to appropriation, the department shall facilitate and oversee the implementation of the safe and supportive schools framework in schools that vote to develop and implement the framework. The department shall, subject to appropriation: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, through which grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e).
Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.

(g) There shall be a safe and supportive schools commission to collaborate with and advise the department on the feasibility of state-wide implementation of the framework. The commission shall consist of 19 members: 1 of whom shall be the commissioner of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents, Inc.; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees, Inc.; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators’ Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be a teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers-Massachusetts; 1 of whom shall be a director of special education or a director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by The Massachusetts School Psychologists Association, Inc.; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers, Inc.; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association, Inc.; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization, Inc.; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on learning appointed by Massachusetts Advocates for Children, Inc.; 1 of whom shall be a representative of the Parent/Professional Advocacy League, Inc. appointed by the Parent/Professional Advocacy League, Inc.; 1 of whom shall be a student appointed by the department of elementary and secondary education’s student advisory council; and 4 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework; 1 of whom shall be a representative of Massachusetts recovery high schools with expertise in adolescent substance use disorders; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children’s behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

The commission shall: (i) investigate and make recommendations to the board on updating, improving and refining the framework and the self-assessment tool as appropriate; (ii) identify strategies for increasing schools’ capacity to carry out the administrative functions identified by the behavioral health and public schools task force; (iii) propose steps for improving schools’ access to clinically, culturally and linguistically appropriate services; (iv) identify and recommend evidenced-based training programs and professional development for school staff on addressing students’ behavioral health and creating safe and supportive learning environments; (v) identify federal funding sources that can be leveraged to support statewide implementation of the framework; (vi) develop recommendations on best practices for collaboration with families, including families of children with behavioral health needs; and (vii) examine and recommend model approaches for integrating school action plans, required under subsection (e), with school improvement plans and for using the framework to organize other school and district improvement processes.
The commission may collect and review data and feedback from schools as the schools complete the self-assessment tool and develop school action plans, and may convene stakeholders to facilitate solutions to challenges as such challenges arise during the implementation process. The commission may request from the department such information and assistance as may be necessary to complete its work.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: (i) the office of the child advocate; (ii) the department of early education and care; (iii) the department of children and families; (iv) the department of mental health; (v) the department of public health; (vi) the department of youth services; (vii) the department of developmental services; and (viii) any other parties or entities the commission deems appropriate.

The commission shall prepare and submit an annual progress report concerning the commission’s activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, not later than December 31. The commission shall meet not fewer than 4 times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse, the joint committee on children, families and persons with disabilities, and the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that may support statewide implementation of the safe and supportive schools framework; (ii) training programs and professional development for school staff on creating safe and supportive learning environments; (iii) improving access to clinically, culturally and linguistically appropriate services; and (iv) addressing the administrative functions necessary to carry out the implementation of the safe and supportive schools framework.

**Part I. Title 12. Chapter 71. Section 2A. Use of tobacco products within school building or facilities or on school grounds.**

It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

**Part I. Title 12. Chapter 71. Section 37L. Notification to school personnel of reporting requirements for child abuse and neglect and fires; reports of students possessing or using dangerous weapons on school premises; transferred students’ school records.**

[ ...] Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

**Part I. Title 12. Chapter 71. Section 97. Verbal screening tool for substance abuse disorders.**

(a) Subject to appropriation, each city, town, regional school district, charter school or vocational school district shall utilize a verbal screening tool to screen pupils for substance use disorders. Screenings shall occur on an annual basis and occur at 2 different grade levels as recommended by the department of elementary and secondary education, in consultation with the department of public health. Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools shall be approved by the department of elementary and secondary
education, in conjunction with the department of public health. De-identified screening results shall be reported to the department of public health, in a manner to be determined by the department of public health, not later than 90 days after completion of the screening.

(b) A pupil or the pupil's parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. A city, town, regional school district, charter school or vocational school district utilizing a verbal screening tool shall comply with the department of elementary and secondary education's regulations relative to consent.

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

(d) The department of elementary and secondary education shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section. School districts with alternative substance use screening policies may, on a form provided by the department, opt out of the required verbal screening tool. The form shall be signed by the school superintendent and provide a detailed description of the alternative substance use program the district has implemented and the reasons why the required verbal screening tool is not appropriate for the district.

(e) No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section.

REGULATIONS

603 CMR 53.05. Alternatives to suspension under Section 37H¾.
In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Professional development

LAWS

(d) (4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school
environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

REGULATIONS

603 CMR 46.03. Procedures and training.
(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

(a) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;

(b) A school policy regarding restraint that provides a description and explanation of the school's or program's method of physical restraint, a description of the school's or program's training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(2) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the school's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

(a) The program's restraint policy;

(b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;

(c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;

(d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and

(e) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

(3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal or director of each public education program or his or her designee shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department of Elementary and Secondary Education recommends that such training be at least sixteen (16) hours in length.

(4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

(a) Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

(b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
(c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
(d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
(e) Demonstration by participants of proficiency in administering physical restraint.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.

(d) […] The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.


(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

REGULATIONS

603 CMR 46.06. Reporting requirements.

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of physical restraint as specified in 603 CMR 46.06(2) after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of a duration longer than five minutes
(2) Informing school administration. The program staff member who administered the restraint shall verbally inform the program administration of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal or director of the program or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.

(3) Informing parents. The principal or director of the program or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of restraint. If the school or program customarily provides a parent or guardian of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent or guardian in that language.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student’s behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.

(e) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(f) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

(5) Report to the Department of Elementary and Secondary Education. When a restraint has resulted in a serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Elementary and Secondary Education within five school working days of the administration of the restraint. The program shall also provide the Department with a copy of the record of physical restraints maintained by the program administrator pursuant to 603 CMR 46.06(2) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).

603 CMR 49.04: Bullying and retaliation prohibited.

(3) Each school district and school shall have procedures for receiving reports of bullying or retaliation; promptly responding to and investigating such reports, and determining whether bullying or retaliation has
occurred; responding to incidents of bullying or retaliation; and reporting to parents and law enforcement
as set forth in 603 CMR 49.05 and 49.06.

603 CMR 53.03. Policies and procedures.
Each school committee and board of trustees shall ensure that policies and procedures are in place in
public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a
minimum, the requirements of G.L. c.71, §37H¾, G.L. c. 76, §21, and 603 CMR 53.00.

603 CMR 53.04. Investigation of disciplinary incidents.
Nothing in these regulations shall prevent a school administrator from conducting an investigation,
including student interviews, of a school-related disciplinary incident.

Parental notification

LAWS

(d)(5) The plan shall include provisions for informing parents and guardians about the bullying prevention
curriculum of the school district or school and shall include, but not be limited to: (i) how parents and
 guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the
dynamics of bullying; and (iii) online safety and cyber-bullying.
(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse,
cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or
paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has
witnessed or become aware of to the principal or to the school official identified in the plan as responsible
for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall
promptly conduct an investigation. If the school principal or a designee determines that bullying or
retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency
if the school principal or designee believes that criminal charges may be pursued against a perpetrator;
i(ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the
parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of
the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or
guardians of the victim about the department's problem resolution system and the process for seeking
assistance or filing a claim through the problem resolution system.

Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those
set forth in Secs. 37H or 37H1/2.
(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which
the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the
student, notice of the charges and the reason for the suspension or expulsion in English and in the
primary language spoken in the home of the student. The student shall receive the written notification and
shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges
and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The
principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included
in the meeting, provided that such meeting may take place without the parent or guardian only if the
principal or headmaster, or a designee, can document reasonable efforts to include the parent or
 guardian in that meeting. The department shall promulgate rules and regulations that address a
principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

**Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.**

Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

**Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.**

The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child’s absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student’s parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

**Part I. Title 12. Chapter 76. Section 18. Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section.**

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student’s tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit interview. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within 10 days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than 14 days. The superintendent, or a designee, may proceed with any such interview without a parent or guardian if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.
The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.

REGULATIONS

603 CMR 49.02. Scope and purpose.

603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603 CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

603 CMR 49.05. Notice to parents.

(1) Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Nothing in 603 CMR 49.05 prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.

(2) Notice required by 603 CMR 49.05 shall be provided in the primary language of the home.

(3) Each school district and school shall include the requirements and procedures for communicating with the parents of the aggressor and target of bullying or retaliation in the local plan.

(4) A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

603 CMR 53.06. Notice of suspension and hearing under Section 37H¾.

(1) Except as provided in 603 CMR 53.07 and 603 CMR 53.10, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and
written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

(2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

(a) the disciplinary offense;
(b) the basis for the charge;
(c) the potential consequences, including the potential length of the student's suspension;
(d) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
(e) the date, time, and location of the hearing;
(f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
(g) if the student may be placed on long-term suspension following the hearing with the principal:
   the rights set forth in 603 CMR 53.08 (3)(b); and
   the right to appeal the principal's decision to the superintendent.

(3) The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

(4) Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

603 CMR 53.07. Emergency removal under Section 37H¾.

(1) Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

(a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);
(b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
(c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.
(d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.
(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

603 CMR 53.10. In-School suspension under Section 37H¾.

(4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

Reporting and referrals between schools and law enforcement

LAWS


(d)(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) […] If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).
Part IV. Title 1. Chapter 269. Section 10. Carrying dangerous weapons/possession of machine gun or sawed-off shotguns; possession of large capacity weapon or large capacity feeding device; punishment.

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, “firearm” shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

Part IV. Title 1. Chapter 269. Section 14. Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution.

(a) For the purposes of this section, the following words shall have the following meanings:

“Hijack”, to commandeer or to take control without authority.

“School”, any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

“Serious bodily injury”, bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 21/2 years, or by fine of not more than $10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 21/2 years, or by fine of not less than $1,000 nor more than $50,000, or by both such fine and imprisonment.
Part IV. Title 1. Chapter 269. Section 17. Hazing; organizing or participating; hazing defined.

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.


Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the
provisions of this section and sections seventeen and eighteen and also certifying that said institution has
adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy
has been set forth with appropriate emphasis in the student handbook or similar means of communicating
the institution’s policies to its students. The board of higher education and, in the case of secondary
institutions, the board of education shall promulgate regulations governing the content and frequency of
such reports, and shall forthwith report to the attorney general any such institution which fails to make
such report.

REGULATIONS

603 CMR 49.06: Notice to law enforcement agency.

(1) Before the first day of each school year, the superintendent or designee of a school district and the
school leader or designee of an approved private day or residential school, collaborative school, or
charter school shall communicate with the chief of police or designee of the local police department about
the implementation of 603 CMR 49.06. Such communication may include agreeing on a method for
notification, a process for informal communication, updates of prior written agreements, or any other
subject appropriate to the implementation of 603 CMR 49.06.

(2) At any point after receipt of a report of bullying or retaliation, including after an investigation, the
principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe
that criminal charges may be pursued against the aggressor. Notice shall be consistent with the
requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The
principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603
CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which
bullying and retaliation can be handled appropriately within the school district or school.

   (a) In making the determination whether notification to law enforcement is appropriate, the principal may
       consult with the school resource officer and any other individuals the principal deems appropriate.

   (b) Nothing in 603 CMR 49.06 shall prevent the principal from taking appropriate disciplinary or other
       action pursuant to school district or school policy and state law, provided that disciplinary actions
       balance the need for accountability with the need to teach appropriate behavior.

   (c) The principal shall respond to the incident as set forth in relevant provisions of the local plan
       consistent with 603 CMR 49.06.

(3) If an incident of bullying or retaliation occurs on school grounds and involves a former student under
the age of 21 who is no longer enrolled in the school district or school, the principal of the school informed
of the bullying or retaliation shall notify the local law enforcement agency if the principal has a reasonable
basis to believe that criminal charges may be pursued against the aggressor.

(4) Each school district and school shall include the requirements and procedures for communicating with
the local law enforcement agency in the local plan.

Disclosure of school records

LAWS

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder
screening shall be considered confidential information and shall not be disclosed by a person receiving
the statement, response or disclosure to any other person without the prior written consent of the pupil,
parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise
required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

REGULATIONS

603 CMR 23.07. Access to student records

(1) Log of Access. A log shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

(a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
(b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
(c) school nurses who inspect the student health record.

(2) Access of Eligible Students and Parents. The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

(a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.
(b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
(c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.
(d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

(3) Access of Authorized School Personnel. Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will
not permit any other third party to have access to such information without the written consent of the eligible student or parent.

(a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.

(d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

(e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.

(f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

(g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student’s record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

   1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

(b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).

e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

603 CMR 49.07. Confidentiality of records.
(1) A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.

(2) A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

(3) A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

Part I. Title 12. Chapter 69. Section 1I. Performance of public-school districts and individual public schools; evaluation system; assessment instruments; report.

The board shall adopt a system for evaluating on an annual basis the performance of both public school districts and individual public schools. With respect to individual schools, the system shall include instruments designed to assess the extent to which schools and districts succeed in improving or fail to improve student performance, as defined by student acquisition of the skills, competencies and knowledge called for by the academic standards and embodied in the curriculum frameworks established by the board pursuant to sections one D and one E in the areas of mathematics, science and technology, history and social science, English, foreign languages and the arts, as well as by other gauges of student learning judged by the board to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

The system shall be designed both to measure outcomes and results regarding student performance, and to improve the effectiveness of curriculum and instruction. In its design and application, the system shall strike a balance among considerations of accuracy, fairness, expense and administration. The system shall employ a variety of assessment instruments on either a comprehensive or statistically valid sampling basis. Such instruments shall be criterion referenced, assessing whether students are meeting the academic standards described in this chapter. As much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples, projects and portfolios, and shall facilitate authentic and direct gauges of student performance. Such instruments shall provide the means to compare student performance among the various school systems and communities in the commonwealth, and between students in other states and in other nations, especially those nations which compete with the commonwealth for employment and economic opportunities. The board shall take all appropriate action to bring about and continue the commonwealth’s participation in the assessment activities of the National Assessment of Educational Progress and in the development of standards and assessments by the New Standards Program.

In addition, comprehensive diagnostic assessment of individual students shall be conducted at least in the fourth, eighth and tenth grades. Said diagnostic assessments shall identify academic achievement levels of all students in order to inform teachers, parents, administrators and the students themselves, as to individual academic performance. The board shall develop procedures for updating, improving or refining the assessment system.

The assessment instruments shall be designed to avoid gender, cultural, ethnic or racial stereotypes and shall recognize sensitivity to different learning styles and impediments to learning. The system shall take into account on a nondiscriminatory basis the cultural and language diversity of students in the commonwealth and the particular circumstances of students with special needs. Said system shall comply with federal requirements for accommodating children with special needs. All potential English proficient students from language groups in which English learner programs established under chapter 71A are offered under chapter seventy-one A shall also be allowed opportunities for assessment of their performance in the language which best allows them to demonstrate educational achievement and mastery of academic standards and curriculum frameworks established under sections 1D and 1E. For the purposes of this section, a “potential English proficient student” shall be defined as a student who is
not able to perform ordinary class work in English; provided, however, that no student shall be allowed to
be tested in a language other than English for longer than three consecutive years.

The commissioner is authorized and directed to gather information, including the information specified
herein and such other information as the board shall require, for the purposes of evaluating individual
public schools, school districts, and the efficacy and equity of state and federal mandated programs. All
information filed pursuant to this section shall be filed in the manner and form prescribed by the
department.

The board shall establish and maintain a data system to collect information from school districts for the
purpose of assessing the effectiveness of district evaluation systems in assuring effective teaching and
administrative leadership in the public schools. Such information shall be made available in the aggregate
to the public; provided, however, that any data or information that school districts, the department or both
create, send or receive in connection with educator evaluation that is evaluative in nature and which may
be linked to an individual educator, including information concerning an educator’s formative assessment
or evaluation or summative evaluation or performance rating or the student learning, growth and
achievement data that may be used as part of an individual educator’s evaluation, shall be considered
personnel information within the meaning of subclause (c) of clause Twenty-sixth of section 7 of chapter 4
and shall not be subject to disclosure under said clause Twenty-sixth of said section 7 of said chapter 4 or
under section 10 of chapter 66.

Each school district shall file a report with the department every year by a date and in a format
determined by the board. Said report shall include, but not be limited to, the following:

(a) an outline of the curriculum and graduation requirements of the district;
(b) pupil/teacher ratios and class size policy and practice;
(c) teacher and administrator evaluation procedures;
(d) statistics, policies, and procedures relative to truancy and dropouts;
(e) statistics, policies, and procedures relative to expulsions and in-school and out-of-school
suspensions;
(f) percent of school-age children attending public schools;
(g) racial composition of teaching and administrative staff;
(h) enrollment and average daily attendance;
(i) the annual budgets and expenditures for both the district and the individual schools in the district.

Each school district shall file a description of the following instructional procedures and programs with
the department every year:

(a) art and music programs;
(b) technology education;
(c) programs for gifted and talented students;
(d) adult education programs;
(e) library and media facilities;
(f) condition of instructional materials including textbooks, workbooks, audio-visual materials, and
laboratory materials;
(g) types and condition of computers and computer software;
(h) basic skills remediation programs;
(i) drug, tobacco and alcohol abuse programs;
(j) multi-cultural education training for students and teachers;
(k) global education; and
(l) nutrition and wellness programs.

Each school district and charter school shall file an annual report for the current school year regarding implementation of chapter 71B with the department every November 1 first in a format determined by the board. The report shall include, but not be limited to, the following:-

(a) the number of children receiving services pursuant to said chapter 71B within each disability category as set forth in section 1 of said chapter 71B;
(b) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a publicly operated day school program;
(c) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private day setting;
(d) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private residential setting;
(e) the number of children who remain in the regular education program full time; the number of children who are removed from the regular classroom for up to 25 per cent of the day; the number of children who are removed from the regular classroom between 25 and 60 per cent of the day;
(f) the number of children who are placed in substantially separate classrooms on a regular education school site;
(g) the number of children, ages three and four, who are educated in integrated and separate classrooms; and the assignment by sex, national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level; and
(h) the number of children, by grade level, receiving special education services who are English learners.

Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.

[...] The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the
use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

**Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means.

(l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

**REGULATIONS**

**603 CMR 46.03: Procedures and training.**

(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students.

**603 CMR 53.14. Student suspension and expulsion data collection and reporting.**

(1) Every school district, charter school, and virtual school shall collect and annually report data to the Department regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals under 603 CMR 53.07, access to education services under 603 CMR 53.13, and such other information as may be required by the Department. Such data shall be reported in a manner and form directed by the Department.

(2) The principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. In reviewing the data, the principal shall assess the extent of
in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals under 603 CMR 53.07, and the impact of such disciplinary action on selected student populations. The principal shall further determine whether it is necessary or appropriate to modify disciplinary practices due to over-reliance on expulsion, in-school or out-of-school suspension, or emergency removals, or the impact of such suspensions, removals, and expulsions on selected student populations compared with other students.

(3) In the fall of each year, the Department shall publish an analysis and report of student discipline data disaggregated by district and school, and by selected student populations, included but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. The data shall be reported in a manner that protects the identity of each student and shall be made available to the public online in a machine readable format.

(4) The Department shall annually determine the schools with the highest percentage of students expelled or placed on long-term suspension for more than ten (10) cumulative days in a school year. After review of the discipline data described in 603 CMR 53.14(3) and other relevant school and district information, including but not limited to student demographics, student performance, promotion, attendance, attrition, graduation, and dropout rates, the Commissioner shall identify schools that need assistance to reduce over-reliance on long-term suspension or expulsion as a consequence for student misconduct. The Department shall identify models that such schools may use to incorporate intermediate steps before long-term suspension and expulsion and to foster positive school climate.

Through use of statistical analysis, the Commissioner shall identify schools and districts with data that reflect significant disparities in the rate of suspension and expulsion by race and ethnicity, or disability. Such schools and districts shall develop and implement a plan approved by the Department to address such significant disparities.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

Part I. Title 12. Chapter 71. Section 37P. School resource officers.
(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:
'School resource officer', a duly sworn municipal police officer with all necessary training, up-to-date certificates or a special officer appointed by the chief of police charged with providing law enforcement and security services to elementary and secondary public schools. For the purpose of this section a school resource officer shall be exempt under subsection (j) of section 10 of chapter 269, while serving in the officer's official capacity.
(b) Every chief of police, in consultation with the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town where the school is located, in
consultation with the superintendent, shall assign the school resource officer, which may be the same
officer for all schools in the city or town.
In assigning a school resource officer, the chief of police shall consider candidates that the chief believes
would strive to foster an optimal learning environment and educational community; provided further, that
the chief of police may give preference to candidates who have received specialized training in child and
adolescent development, de-escalation and conflict resolution techniques with children and adolescents,
behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice
diversion strategies and behavioral threat assessment methods. The appointment shall not be based
solely on seniority. The performance of school resource officers shall be reviewed annually by the
superintendent and the chief of police. The superintendent and the chief of police shall enter into a written
memorandum of understanding to clearly define the role and duties of the school resource officer which
shall be placed on file in the office of the school superintendent.

**Part I. Title 12. Chapter 76. Section 19. Supervisors of attendance: employment.**

Every school committee shall appoint, make regulations governing and fix the compensation of one or
more supervisors of attendance, who may be either male or female, and who shall meet such standards
of qualifications for such work as shall be established by the department of education; provided, that such
supervisors shall have attained the age of twenty-one years. The committees of two or more towns may
employ the same supervisors of attendance.

**Part I. Title 12. Chapter 76. Section 20. Powers and duties of supervisors of attendance.**

Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter
seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections
ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for
petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if
the court so orders, have oversight of children placed on probation; of minors licensed by the school
committee under section nineteen of chapter one hundred and one; and of children admitted to or
attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one
hundred and forty. They may apprehend and take to school without a warrant any truant or absentee
found wandering in the streets or public places.

**REGULATIONS**

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS


(i) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall:

   (i) publish a model plan for school districts and schools to consider when creating their plans; and
   (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools.

The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

See http://www.doe.mass.edu/bullying/BPIP.pdf for Massachusetts Model Policy.


(a) Subject to appropriation, each city, town, regional school district, charter school or vocational school district shall utilize a verbal screening tool to screen pupils for substance use disorders. Screenings shall occur on an annual basis and occur at 2 different grade levels as recommended by the department of elementary and secondary education, in consultation with the department of public health. Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools shall be approved by the department of elementary and secondary education, in conjunction with the department of public health. De-identified screening results shall be reported to the department of public health, in a manner to be determined by the department of public health, not later than 90 days after completion of the screening.

(b) A pupil or the pupil's parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. A city, town, regional school district, charter school or vocational school district utilizing a verbal screening tool shall comply with the department of elementary and secondary education's regulations relative to consent.

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

(d) The department of elementary and secondary education shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section. School districts
with alternative substance use screening policies may, on a form provided by the department, opt out of the required verbal screening tool. The form shall be signed by the school superintendent and provide a detailed description of the alternative substance use program the district has implemented and the reasons why the required verbal screening tool is not appropriate for the district.

(e) No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section.

**REGULATIONS**
No relevant regulations found.

**Funding appropriations**

**LAWS**

**Part I. Title 12. Chapter 69. Section 1N. Alternative education grant program.**

(a) The department of education, hereinafter referred to as the department, shall establish a grant program, subject to appropriation, to be known as the alternative education grant program for the purpose of providing grants to assist school districts and Horace Mann and commonwealth charter schools with the development and establishment of alternative education programs and services to students suspended or expelled from school. The grants shall support the development of alternative education programs which would:

(1) allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives to provide educational services to suspended or expelled students; or

(2) establish a district based alternative education program for those students. The grants may also be used to encourage the use of technology in alternative education programs.

The grants shall also encourage voluntary expansion of existing alternative education programs in the commonwealth, and shall be used to provide alternative education programs for students who are at risk of educational failure due to truancy, or dropping out of school. Grants may also be used to assist in developing programs that provide a range of approaches to address behavior issues, such as behavior specialists, in-school suspension rooms and crisis centers, in addition to out-of-school alternative settings.

Programs designed under the grants shall be developed at the middle and high school levels and shall afford students the opportunity to earn a high school diploma in accordance with section 1D, and to be taught to the same academic standards and curriculum frameworks established for all students in accordance with sections 1D and 1E. The programs shall make use of existing resources in school districts, educational collaboratives, community colleges, and other agencies, service providers, and organizations. Programs shall be designed as placements that, at a minimum, educate students to the same academic standards and curriculum frameworks as taught to all students, address behavioral problems, utilize small class size, address individual needs and learning styles, provide engaging instruction and a supportive environment, and, where appropriate, utilize flexible scheduling. The programs shall also provide a comprehensive array of social services to support a student's remediation of issues that cause school failure, excessive absenteeism, truancy and school dropout. Grant recipients shall develop remediation plans for students that address both academic and behavioral issues. Grants may also be made available for in-school regular education programs that include self-improvement, behavior management and life skills training to help provide students with tools to better manage their lives and attitudes, to support programs that use family-based approaches, and to assist students and teachers during the transition of students back into regular education classrooms.
A grant awarded pursuant to this subsection, shall require that recipients undertake ongoing program evaluations that document the effectiveness of the program in helping students to achieve academically to the same academic standards and curriculum frameworks required for all students, to develop self-management skills, and to reintegrate and remain in regular education classrooms. In awarding grants, priority shall be given to programs that employ interventions that have been empirically validated.

The department shall establish guidelines governing the alternative education grant program. The guidelines shall include, but not be limited to, a requirement that when a student is transferred to an alternative education program a representative of the school district shall meet with the student and the student’s parents or legal guardian to develop an agreement that specifies the responsibilities of the school, the student and the student’s parents or legal guardian. The agreement shall, at a minimum, include:

1. a remediation plan to address both academic and behavioral issues;
2. a plan for frequent evaluations and assessments of the student’s adjustment, and academic achievement and progress;
3. a requirement that the parents or legal guardian of the student attend specified meetings or conferences with teachers, or utilize such other means of communication as determined necessary to facilitate communication, to review and assist in the student’s progress;
4. a timetable for reintegrating the student into a regular education classroom;
5. the student’s and the parents’ or legal guardian’s acknowledgement that they understand and accept the responsibilities imposed by the agreement.

(b) The department shall establish a grant program, subject to appropriation, to assist school districts with the development and establishment of in-school regular education programs and services to address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence. As used in this subsection, students suffering from the traumatic effects of exposure to violence shall include, but not be limited to, those exposed to abuse, family or community violence, war, homelessness or any combination thereof. The grants shall support the development of school based teams with community ties that:

1. collaborate with broadly recognized experts in the fields of trauma and family and community violence and with battered women shelters;
2. provide ongoing training to inform and train teachers, administrators, and other school personnel to understand and identify the symptoms and trauma; and
3. evaluate school policy and existing school and community programs and services to determine whether and to what extent students identified as suffering from exposure to trauma can receive effective supports and interventions that can help them to succeed in their public school programs, and where necessary be referred quickly and confidentially to appropriate services.

Grants may also be awarded to assist school districts in developing comprehensive programs to help prevent violence in schools, from whatever causes, and to promote school safety. The programs shall be designed to meet the following objectives: creating a school environment where students feel safe and that prevents problems from starting; helping students to take the lead in keeping the school safe; ensuring that school personnel have the skills and resources to identify and intervene with at-risk students; equipping students and teachers with the skills needed to avoid conflict and violence; and helping schools and individuals to reconnect with the community and share resources.

The department shall develop guidelines governing the implementation of the grant program authorized by this subsection. A grant awarded pursuant to this subsection shall require that recipients undertake
ongoing evaluations of the effectiveness of the program. In awarding grants, priority shall be given to programs that are based on empirically validated interventions.

The department of education, in consultation with the department of public health and the department of mental health, shall establish an advisory committee to assist in implementing the grant program and in assisting public schools in addressing the learning and behavior problems of students who manifest trauma-related symptoms or classroom behavior that interferes with learning. Members of the advisory committee shall include but not be limited to: 3 educators, 1 of whom shall serve as the chair, appointed by the commissioner of the department of education; 2 leaders in the field of trauma and its relationship to school learning and behavior appointed by the commissioner of the department of public health; 2 leaders in mental health with expertise in family and/or community violence appointed by the commissioner of mental health; 1 leader in battered women’s services appointed by the commissioner of public health; 1 leader in the area of homelessness and its impact on children appointed by commissioner of mental health; and 3 parents, 1 each appointed by the commissioner of education, the commissioner of public health, the commissioner of mental health. The advisory committee, at its discretion, may select additional members with relevant experience including but not limited to child advocates, medical doctors and representatives of juvenile and probate court.

(c) The commissioner shall evaluate annually the effectiveness of programs established under this section including the potential for replicating such programs throughout the commonwealth. The annual evaluation shall also examine whether students in alternative education programs funded under this section are being taught to the same academic standards required for all students, how much time students are spending in the programs, the racial profile of expelled or suspended students and the percentages of the students who are in special education or bilingual education. The commissioner shall also provide technical assistance to school districts seeking to replicate programs funded under this section, and shall provide training for teachers in the development of effective remediation plans for students in alternative education, and in the development of skills, techniques, and innovative strategies to assist the students. In evaluating programs funded under subsection (b), the commissioner shall consult with the department of public health, the department of mental health, and the advisory committee established pursuant to said subsection (b).

**Part I. Title 12. Chapter 71. Section 59D. School-community partnerships; grant program.**

Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Part I. Title 12. Chapter 71. Section 59D. School-community partnerships; grant program.
Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

Each school district in the commonwealth, subject to appropriation, shall implement a specific policy and discipline code to address teen dating violence in public schools. The policy shall clearly state that dating violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating
violence. The policy may include a teen dating violence prevention task force comprised of staff, students and parents to provide awareness training and education for the school community. Topics to be covered in the policy include, without limitation, defining the issue of teen dating violence, recognizing warning signs, identifying issues of confidentiality, safety and appropriate legal school-based interventions.

Part I. Title 12. Chapter 71. Section 93. Policy regarding internet safety measures for schools providing computer access to students.

Every public school providing computer access to students shall have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet and shall notify the parents or guardians of all students attending the school of the policy. The policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.

REGULATIONS

603 CMR 53.02. Definitions.
(1) "Commissioner" means the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c. 15, §1F, or his or her designee.
(2) "Department" means the Department of Elementary and Secondary Education.
(3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, except for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½. A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.
(4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½" means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
(5) "Expulsion" means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c. 71, §§37H or 37H½ for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
(6) "In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00.
(7) "Long-term suspension" means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

(8) "Parent" means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

(9) "Principal" means the instructional leader or headmaster of a public school or his or her designee for purposes of school disciplinary matters. The board of trustees of a charter school or virtual school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00.

(10) "School-wide education service plan" means the document developed by a principal, in accordance with G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.

(11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

(12) "Superintendent" means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to G.L. c. 71, §§59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school or virtual school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.

(13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Massachusetts provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying Prevention and Intervention Resources, Massachusetts Department of Elementary and Secondary Education</td>
<td>Presents information on bullying prevention and intervention resources and includes links to the model bullying prevention and intervention plan, laws and regulations, social emotional learning, and resources from state agencies.</td>
<td><a href="http://www.doe.mass.edu/sfs/bullying/">http://www.doe.mass.edu/sfs/bullying/</a></td>
</tr>
<tr>
<td>Education Laws and Regulations, Massachusetts Department of Elementary and Secondary Education</td>
<td>Presents relevant amendments and newly passed laws and regulations relating to education and schools.</td>
<td><a href="http://www.doe.mass.edu/lawsregs/">http://www.doe.mass.edu/lawsregs/</a></td>
</tr>
<tr>
<td>Safe &amp; Supportive Schools, Massachusetts Department of Elementary and Secondary Education</td>
<td>Provides an overview on safe and supportive schools and links to related resources that can help school districts and communities build safe and supportive learning environments.</td>
<td><a href="http://www.doe.mass.edu/sfs/safety/">http://www.doe.mass.edu/sfs/safety/</a></td>
</tr>
<tr>
<td>Student Discipline Resources and Information, Massachusetts Department of Elementary and Secondary Education</td>
<td>Provides links to statewide resources and information regarding student discipline and alternative approaches to addressing school climate.</td>
<td><a href="http://www.doe.mass.edu/sfs/discipline/">http://www.doe.mass.edu/sfs/discipline/</a></td>
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Documents

<p>| Checklist - Required Content of Bullying Prevention and Intervention Plans under G.L. c. 71 § 37O, Massachusetts Department of Elementary and Secondary Education | Checklist for optional use when schools and districts create or review plans for inclusion of all elements required by the Massachusetts General Laws, Chapter 71, section 370. | <a href="http://www.doe.mass.edu/sfs/bullying/">http://www.doe.mass.edu/sfs/bullying/</a>                               |</p>
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<td>Model Bullying Prevention and Intervention Plan (June 2014), Massachusetts Department of Elementary and Secondary Education</td>
<td>Model plan addressing bullying prevention and intervention in Massachusetts schools.</td>
<td><a href="http://www.doe.mass.edu/sfs/bullying/#1">http://www.doe.mass.edu/sfs/bullying/#1</a></td>
</tr>
<tr>
<td><strong>Other Resources</strong></td>
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</tr>
<tr>
<td>Education Laws and Regulations Student Discipline Laws and Regulations: Question and Answers; Student Discipline Laws and Regulations, Massachusetts Department of Elementary and Secondary Education</td>
<td>Guidance document for interpreting and enforcing school discipline laws and regulations in Massachusetts schools.</td>
<td><a href="http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html">http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html</a></td>
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Michigan
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Safe Supportive Learning
Engagement | Safety | Environment
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No relevant regulations found.
General Provisions

Authority to develop and establish rules of conduct

LAWS

380.11a. General powers school district.
(3) A general powers school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to a power expressly stated in this act; and, except as otherwise provided by law, may exercise a power incidental or appropriate to the performance of a function related to operation of a public school and the provision of public education services in the interests of public elementary and secondary education in the school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons. A school district may do either or both of the following:

(i) Educate pupils by directly operating 1 or more public schools on its own.

(ii) Cause public education services to be provided for pupils of the school district through an agreement, contract, or other cooperative agreement with another public entity, including, but not limited to, another school district or an intermediate school district.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

380.1308. Statewide school safety information policy.
(1) Not later than October 6, 1999, the superintendent of public instruction, attorney general, and director of the department of state police shall adopt, publish, and distribute to school boards, county prosecutors, and local law enforcement agencies the statewide school safety information policy described in subsection (2). Not later than January 6, 2000, each school board, county prosecutor, and local law enforcement agency shall do both of the following:

(a) Meet and confer as appropriate on the implementation of the statewide school safety information policy for each school district and on any related issues that are unique to the affected locality. The appropriate local law enforcement agency or agencies to be involved shall be determined locally, consistent with the statewide school safety information policy.

(b) Begin compliance with the statewide school safety information policy.

380.1309. Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.
(2) A school board shall adopt a local policy specifying the types of conduct for which a pupil may be suspended from a class, subject, or activity by a teacher under this section. This policy shall be included in the school board's code of student conduct.
380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(a) Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

(c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

(d) Provisions for considering the use of restorative practices in the correction of bullying behavior, as described in section 1310c.

380.1312. "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

REGULATIONS
No relevant regulations found.

Scope

LAWS

380.1308. Statewide school safety information policy.

(12) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

380.1310. Physical assault at school against another pupil; expulsion required; alternative education; definitions.

(3) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.
380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(10) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

380.1301. Pregnant persons; expulsion or exclusion from public school prohibited; withdrawal; alternative educational program or program of special services; rules.

(1) A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.

(2) A pregnant person who is under the compulsory school age may withdraw from a regular public school program in accordance with rules promulgated by the state board.

(3) The board of a local or intermediate school district may provide an accredited alternative educational program for school age expectant parents and school age parents and their children, or provide a program of special services within the conventional school setting, or contract with another school district offering the educational program.

(4) The state board shall promulgate rules to implement this section.

380.1306. School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.
380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

   (e) A statement describing how the policy is to be publicized.

380.1311. Suspension or expulsion of pupil.

(11) If an individual is expelled under subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under subsection (2) and under section 1311a and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

REGULATIONS

No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

380.1309. Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.
(1) If a teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct for which the pupil may be suspended from a class, subject, or activity according to the local policy required under subsection (2), the teacher may cause the pupil to be suspended from the class, subject, or activity for up to 1 full school day. The teacher shall immediately report the suspension and the reason for the suspension to the school principal and send the pupil to the school principal or the school principal's designee for appropriate action. If that action requires the continued presence of the pupil at school, the pupil shall be under appropriate supervision. As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.
(2) A school board shall adopt a local policy specifying the types of conduct for which a pupil may be suspended from a class, subject, or activity by a teacher under this section. This policy shall be included in the school board's code of student conduct.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

380.1310c. Restorative practices as alternative or in addition to suspension or expulsion; definitions.
(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition
to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:
   (a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.
   (b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
   (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
   (d) "School district" means a school district, an intermediate school district, or a public school academy.

380.1310d. Suspension or expulsion of pupil; factors; exercise of discretion; rebuttable presumption; section inapplicable for possession of firearm in weapon free school zone; consideration of factors mandatory; definitions.
(1) Before suspending or expelling a pupil under section 1310, 1311(1), 1311(2), or 1311a, the board of a school district or intermediate school district or board of directors of a public school academy, or a superintendent, school principal, or other designee under section 1311(1), shall consider each of the following factors:
   (a) The pupil's age.
   (b) The pupil's disciplinary history.
   (c) Whether the pupil is a student with a disability.
   (d) The seriousness of the violation or behavior committed by the pupil.
   (e) Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.
   (f) Whether restorative practices will be used to address the violation or behavior committed by the pupil.
   (g) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

(2) Except as provided in subsection (3), this section applies to give the board of a school district or intermediate school district or board of directors of a public school academy, or its designee, discretion over whether or not to suspend or expel a pupil under section 1310, 1311(1), 1311(2), or 1311a. In exercising this discretion with regard to a suspension of more than 10 days or an expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection
(1). For a suspension of 10 or fewer days, there is no rebuttable presumption, but the board or board of directors, or its designee, shall consider each of the factors listed under subsection (1).

(3) This section does not apply to a pupil being expelled under section 1311(2) for possessing a firearm in a weapon free school zone.

(4) Except as provided in subsection (3), consideration of the factors listed in subsection (1) is mandatory before suspending or expelling a student under section 1310, 1311(1), 1311(2), or 1311a. The method used for consideration of the factors is at the sole discretion of the board of a school district or intermediate school district or board of directors of a public school academy, or its designee.

(5) As used in this section:
   (a) “Expel” means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.
   (b) “Firearm” means that term as defined in section 1311.
   (c) “Suspend” means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.
   (d) “Weapon free school zone” means that term as defined in section 1311.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(1) As used in this section, “corporal punishment” means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:
   (a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.
   (b) For self-defense or the defense of another.
   (c) To prevent a pupil from inflicting harm on himself or herself.
(d) To quell a disturbance that threatens physical injury to any person.
(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.
(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA 170, MCL 691.1401 to 691.1415.

(6) A person who willfully or through gross negligence violates subsection (3) or who willfully or through gross negligence violates subsection (4) may be appropriately disciplined by his or her school board or public school academy. This subsection does not limit a school board's or public school academy's authority to discipline an employee for a violation of its own policies.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, policy, ordinance, or other authority permitting corporal punishment is void.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

380.1306. School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

(1) A pupil who uses a locker that is the property of a school district, local act school district, intermediate school district, or public school academy is presumed to have no expectation of privacy in that locker or that locker's contents.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those
pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.

(3) A public school principal or his or her designee may search a pupil's locker and the locker's contents at any time in accordance with the policy under subsection (2).

(4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's contents if that assistance is at the request of the school principal or his or her designee and the search is conducted in accordance with the policy under subsection (2).

(5) Not later than 90 days after the effective date of this section, the superintendent of public instruction shall develop and make available a model policy on searches of pupils' lockers and locker contents that may be adopted for the purposes of this section.

(6) Any evidence obtained as a result of a search of a pupil's locker or locker's contents shall not be inadmissible in any court or administrative proceedings because the search violated this section, violated the policy under subsection (2), or because no policy was adopted.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

380.1310c. Restorative practices as alternative or in addition to suspension or expulsion; definitions.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:

(a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.

(b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(d) "School district" means a school district, an intermediate school district, or a public school academy.

380.1310d. Suspension or expulsion of pupil; factors; exercise of discretion; rebuttable presumption; section inapplicable for possession of firearm in weapon free school zone; consideration of factors mandatory; definitions.

(1) Before suspending or expelling a pupil under section 1310, 1311(1), 1311(2), or 1311a, the board of a school district or intermediate school district or board of directors of a public school academy, or a superintendent, school principal, or other designee under section 1311(1), shall consider each of the following factors:

(a) The pupil's age.

(b) The pupil's disciplinary history.

(c) Whether the pupil is a student with a disability.

(d) The seriousness of the violation or behavior committed by the pupil.

(e) Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.

(f) Whether restorative practices will be used to address the violation or behavior committed by the pupil.

(g) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

(2) Except as provided in subsection (3), this section applies to give the board of a school district or intermediate school district or board of directors of a public school academy, or its designee, discretion over whether or not to suspend or expel a pupil under section 1310, 1311(1), 1311(2), or 1311a. In exercising this discretion with regard to a suspension of more than 10 days or an expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection (1). For a suspension of 10 or fewer days, there is no rebuttable presumption, but the board or board of directors, or its designee, shall consider each of the factors listed under subsection (1).

(3) This section does not apply to a pupil being expelled under section 1311(2) for possessing a firearm in a weapon free school zone.

(4) Except as provided in subsection (3), consideration of the factors listed in subsection (1) is mandatory before suspending or expelling a student under section 1310, 1311(1), 1311(2), or 1311a. The method used for consideration of the factors is at the sole discretion of the board of a school district or intermediate school district or board of directors of a public school academy, or its designee.

(5) As used in this section:

(a) "Expel" means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.

(b) "Firearm" means that term as defined in section 1311.

(c) "Suspend" means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.

(d) "Weapon free school zone" means that term as defined in section 1311.

380.1312. "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation;
deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

REGULATIONS
No relevant regulations found.
Grounds for possible suspension or expulsion

LAWS

380.1311. Suspension or expulsion of pupil.
(1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

REGULATIONS
No relevant regulations found.
Grounds for mandatory suspension or expulsion

LAWS

380.1310. Physical assault at school against another pupil; expulsion required; alternative education; definitions.

(1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

380.1311. Suspension or expulsion of pupil.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). […]

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the discretion of the school board or its designee. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a
school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

380.1301. Pregnant persons; expulsion or exclusion from public school prohibited; withdrawal; alternative educational program or program of special services; rules.
(1) A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.

380.1310. Physical assault at school against another pupil; expulsion required; alternative education; definitions.
(1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

380.1311. Suspension or expulsion of pupil.
(1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:
(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(4) If an individual is expelled under subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled under subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled under subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m or a cyber school as defined in section 551, an individual expelled under subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6). Except as otherwise provided by law, a program operated for individuals expelled under subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district under subsection (2) is not placed in an alternative education program, strict discipline academy, or cyber school, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled under subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date
of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil under subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy under subsection (2).

(8) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).

(9) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(10) If a pupil expelled from a public school district under subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(11) If an individual is expelled under subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under subsection (2) and under section 1311a and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(12) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.79.

(b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) "Dangerous weapon" means that term as defined in section 1313.

(d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.

(e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
(f) "School district" means a school district, intermediate school district, or public school academy.

(g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

380.1309. Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.

(1) As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.

380.1310. Physical assault at school against another pupil; expulsion required; alternative education; definitions.

(1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

(2) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on
and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office for safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(3) As used in this section:
   
   (a) “At school” means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.
   
   (b) “Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence.
   
   (c) “School board” means a school board, intermediate school board, or the board of directors of a public school academy.
   
   (d) “School district” means a school district, a local act school district, an intermediate school district, or a public school academy.


(1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

380.1310c. Restorative practices as alternative or in addition to suspension or expulsion; definitions.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim’s parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:

   (a) “Bullying” and “cyberbullying” mean those terms as defined in section 1310b.
   
   (b) “Restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a pupil’s misconduct.
(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
(d) "School district" means a school district, an intermediate school district, or a public school academy.

380.1310d. Suspension or expulsion of pupil; factors; exercise of discretion; rebuttable presumption; section inapplicable for possession of firearm in weapon free school zone; consideration of factors mandatory; definitions.

(1) Before suspending or expelling a pupil under section 1310, 1311(1), 1311(2), or 1311a, the board of a school district or intermediate school district or board of directors of a public school academy, or a superintendent, school principal, or other designee under section 1311(1), shall consider each of the following factors:
   (a) The pupil's age.
   (b) The pupil's disciplinary history.
   (c) Whether the pupil is a student with a disability.
   (d) The seriousness of the violation or behavior committed by the pupil.
   (e) Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.
   (f) Whether restorative practices will be used to address the violation or behavior committed by the pupil.
   (g) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

(2) Except as provided in subsection (3), this section applies to give the board of a school district or intermediate school district or board of directors of a public school academy, or its designee, discretion over whether or not to suspend or expel a pupil under section 1310, 1311(1), 1311(2), or 1311a. In exercising this discretion with regard to a suspension of more than 10 days or an expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection (1). For a suspension of 10 or fewer days, there is no rebuttable presumption, but the board or board of directors, or its designee, shall consider each of the factors listed under subsection (1).

(3) This section does not apply to a pupil being expelled under section 1311(2) for possessing a firearm in a weapon free school zone.

(4) Except as provided in subsection (3), consideration of the factors listed in subsection (1) is mandatory before suspending or expelling a student under section 1310, 1311(1), 1311(2), or 1311a. The method used for consideration of the factors is at the sole discretion of the board of a school district or intermediate school district or board of directors of a public school academy, or its designee.

(5) As used in this section:
   (a) "Expel" means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.
   (b) "Firearm" means that term as defined in section 1311.
   (c) "Suspend" means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.
   (d) "Weapon free school zone" means that term as defined in section 1311.
380.1311. Suspension or expulsion of pupil.

(1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(4) If an individual is expelled under subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled under subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled under subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m or a cyber school as defined in section 551, an individual expelled under subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6). Except as otherwise provided by law, a program operated for individuals expelled under subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district under subsection (2) is not placed in an alternative education program, strict discipline academy, or cyber school, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for
homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled under subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual’s parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.
(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil under subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy under subsection (2).

(8) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).

(9) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(10) If a pupil expelled from a public school district under subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.
(11) If an individual is expelled under subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under subsection (2) and under section 1311a and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(12) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.79.

(b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) "Dangerous weapon" means that term as defined in section 1313.

(d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.

(e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(f) "School district" means a school district, intermediate school district, or public school academy.

(g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the discretion of the school board or its designee. A district superintendent or building principal who receives a report
described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

(3) If an individual is permanently expelled pursuant to this section, the expelling school district shall enter on the individual's permanent record that he or she has been permanently expelled pursuant to this section. Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to this section and section 1311(2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m, an individual permanently expelled pursuant to this section is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to this section and section 1311(2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual permanently expelled from a school district pursuant to this section is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil permanently expelled pursuant to this section than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board permanently expels an individual pursuant to this section, the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) The individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) The individual shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the
individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5). The department may designate the form used for a petition for reinstatement under section 1311 as a form that may be used under this section.

(8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.
(9) If a pupil expelled from a school district pursuant to this section is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or the alternative education program is immediately eligible for the prorated share of either the public school academy’s or operating school district’s foundation allowance or the expelling school district’s foundation allowance, whichever is higher.

(10) A school board or its designee shall report all assaults described in subsection (1) or (2) to appropriate state or local law enforcement officials and prosecutors as provided in the statewide school safety information policy under section 1308.

(11) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to this section and pursuant to section 1311(2), and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(12) As used in this section:
   (a) “At school” means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.
   (b) “Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence.
   (c) “School board” means a school board, intermediate school board, or the board of directors of a public school academy.
   (d) “School district” means a school district, intermediate school district, or public school academy.

388.1767a. Plan to reduce expulsions and suspensions that exceed 10 days; implementation.
A district is encouraged to implement a plan to reduce pupil expulsions and suspensions that exceed 10 days. It is the intent of the legislature that a district that has not implemented a plan to reduce pupil expulsions and suspensions that exceed 10 days will be subject to forfeiture of a portion of its total state school aid.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

380.1311. Suspension or expulsion of pupil.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and
of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
(ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.
(iii) The age and maturity of the individual.
(iv) The individual's school record before the incident that caused the expulsion.
(v) The individual's attitude concerning the incident that caused the expulsion.
(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.
(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil under subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy under subsection (2).

The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).

This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:
(a) The individual’s parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) The individual shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a
condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5). The department may designate the form used for a petition for reinstatement under section 1311 as a form that may be used under this section.

(8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a school district pursuant to this section is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or the alternative education program is immediately eligible for the prorated share of either the public school academy’s or operating school district’s foundation allowance or the expelling school district’s foundation allowance, whichever is higher.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

380.1307. Use of seclusion and restraint in public schools; uniform policy; objectives; right or remedy under state or federal law.

(1) It is the intent of the legislature that sections 1307 to 1307h shall provide for a uniform policy regarding the use of seclusion and restraint in the public schools that accomplishes the following objectives:

(a) Promotes the care, safety, welfare, and security of the school community and the dignity of each pupil.

(b) Encourages the use of proactive, effective, evidence- and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils.

(c) Ensures that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.

(d) Clearly defines the terms "seclusion", "restraint", "emergency seclusion", and "emergency physical restraint" and clearly states the procedures for the use of emergency seclusion and emergency physical restraint.

(2) Sections 1307 to 1307h do not limit any right or remedy of an individual under state or federal law.

380.1307a. Use of seclusion and restraint in public schools; adoption and implementation of local policy; noncompliance as violation of act.

Not later than December 1, 2016, the department shall develop a state policy regarding the use of seclusion and restraint in the public schools that includes all of the elements under sections 1307b to
1307h, along with guidelines as the department considers appropriate. Not later than the beginning of the 2017-2018 school year, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a local policy that is consistent with the state policy under this section. A person who fails to comply with this section or who fails to comply with any of the requirements of the state policy developed under this section is considered to have failed to comply with and to have violated this act.

380.1307b. Statement of prohibited practices.
The state policy under section 1307a shall include a clear statement that all of the following practices are prohibited for school personnel in the public schools of this state under all circumstances, including emergency situations:

(a) Corporal punishment, as defined in section 1312.
(b) The deprivation of basic needs.
(c) Child abuse.
(d) Seclusion, other than emergency seclusion.
(e) The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.
(f) Mechanical restraint.
(g) Chemical restraint.
(h) Any restraint that negatively impacts breathing.
(i) Prone restraint.
(j) Physical restraint, other than emergency physical restraint.
(k) Any other type of restraint.

380.1307c. Emergency seclusion and emergency physical restraint; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning use of emergency seclusion and emergency physical restraint:

(a) Emergency seclusion and emergency physical restraint may be used only under emergency situations and only if essential to providing for the safety of the pupil or safety of another.
(b) Emergency seclusion and emergency physical restraint may not be used in place of appropriate less restrictive interventions.
(c) Emergency seclusion and emergency physical restraint shall be performed in a manner that, based on research and evidence, is safe, appropriate, and proportionate to and sensitive to the pupil's severity of behavior, chronological and developmental age, physical size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse or other trauma.
(d) A requirement that school personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the pupil or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
(e) A requirement that the school district, intermediate school district, or public school academy must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online
training and an online acknowledgment of understanding developed or approved by the department and completed by the substitute teacher.

(f) Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil, all of the following are required:

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(g) Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than 10 minutes. If an emergency physical restraint lasts longer than 10 minutes, all of the following are required:

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(h) While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

(i) Involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil.

(ii) Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.

(iii) Document observations.

(iv) Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate using the pupil's primary mode of communication.

(v) Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

380.1307d. Documentation and reporting of seclusion and restraint; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.

(b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.
(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

(i) Conduct a functional behavioral assessment.

(ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.

(iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

380.1307e. Development and implementation of emergency intervention plan; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning development and implementation of an emergency intervention plan:

(a) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

(i) Describe in detail the emergency intervention procedures.

(ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.

(iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.

(iv) Conduct a peer review by knowledgeable school personnel.

(v) Provide the parent or guardian with all of the following, in writing and orally:

(A) A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.

(B) An explanation of what constitutes an emergency situation as defined in section 1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.

(C) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.

(D) A detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.

(E) A description of possible discomforts or risks.

(F) Answers to any questions.

(b) A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.
(c) Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

380.1307f. Data collection; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning data collection:

(a) A school district or public school academy, or an intermediate school district program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the school district, public school academy, or intermediate school district program. In collecting and reporting this data, a school district, public school academy, or intermediate school district program shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

(b) All of the following should occur with respect to the data collected under subdivision (a):

(i) The data should be analyzed by the school and school district, public school academy, or intermediate school district in which the pupil is enrolled to determine the efficacy of the school's schoolwide system of behavioral support.

(ii) The data should be analyzed by the school and school district, public school academy, or intermediate school district in the context of attendance, suspension, expulsion, and dropout data.

(iii) The data should be analyzed by the school and school district, public school academy, or intermediate school district for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

(iv) The data should be analyzed by the school and school district, public school academy, or intermediate school district on a schedule determined by the department.

(v) The data should be reported electronically to the department in accordance with department guidelines by the school district, public school academy, or intermediate school district.

(c) The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by school district, public school academy, and intermediate school district on a quarterly basis.

380.1307g. Training; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning training, which may include online training that is developed or approved by the department:

(a) In accordance with department guidelines, a school district, intermediate school district, or public school academy shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision (b).

(b) A school district, intermediate school district, or public school academy shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who
may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

(i) Proactive practices and strategies that ensure the dignity of pupils.

(ii) De-escalation techniques.

(iii) Techniques to identify pupil behaviors that may trigger emergency situations.

(iv) Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.

(v) Instruction in the use of emergency seclusion and emergency physical restraint.

(vi) Identification of events and environmental factors that may trigger emergency situations.

(vii) Instruction on the state policy on the use of seclusion and restraint.

(viii) Description and identification of dangerous behaviors.

(ix) Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.

(x) Types of seclusion.

(xi) Types of restraint.

(xii) The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.

(xiii) The effects of seclusion and restraint on all pupils.

(xiv) How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.

(xv) How to obtain appropriate medical assistance.

(xvi) Cardiopulmonary resuscitation and first aid.

(xvii) Conflict resolution.

(xviii) Mediation.

(xix) Social skills training.

(xx) Positive behavioral intervention and support strategies.

380.1307h. Definitions.

As used in sections 1307 to 1307h:

(a) "Chemical restraint" means the administration of medication for the purpose of restraint.

(b) "De-escalation techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

(c) "Documentation" means documentation developed by the department that is uniform across the state.

(d) "Emergency physical restraint" means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical restraint does not include a
practice prohibited under section 1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(e) "Emergency seclusion" means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and the room or area used for confinement must comply with state and local fire and building codes; must not be locked; must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area; and must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines. Emergency seclusion does not include the confinement of preschool children or of pupils who are severely self-injurious or suicidal; seclusion that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under section 1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(f) "Emergency situation" means a situation in which a pupil's behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

(g) "Functional behavioral assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

(h) "Key identified personnel" means those individuals who have received the mandatory training described in section 1307g(b)(i) to (xvi).

(i) "Mechanical restraint" means the use of any device, article, garment, or material attached to or adjacent to a pupil's body to perform restraint.

(j) "Physical restraint" means restraint involving direct physical contact.

(k) "Positive behavioral intervention and support" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on pupil need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all pupils.

(l) "Positive behavioral intervention and support plan" means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the pupil, guidance or instruction for the pupil to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

(m) "Prone restraint" means the restraint of an individual facedown.

(n) "Regularly and continuously work under contract" means that term as defined in section 1230.

(o) "Restraint" means an action that prevents or significantly restricts a pupil's movement. Restraint does not include the brief holding of a pupil in order to calm or comfort, the minimum contact necessary
to physically escort a pupil from 1 area to another, the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration, or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil’s immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in section 1310, or to take a weapon from a pupil. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

(p) "Restraint that negatively impacts breathing" means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

(q) "School personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school.

(r) "Seclusion" means the confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving. Seclusion does not include the general confinement of pupils if that confinement is an integral part of an emergency lockdown drill required under section 19(5) of the fire prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils.

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

REGULATIONS
No relevant regulations found.
Alternative placements

LAWS

380.472. School for confinement, discipline, instruction, and maintenance of children.
A first class school district may establish, maintain, and conduct a school for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of the city of compulsory school age who may be committed to the school by a court of competent jurisdiction, or admitted on the recommendation of the judge with the consent of their parents or guardian. A child who has been convicted of an offense punishable by confinement in a penal institution shall not be committed or admitted to the school.

380.1310. Physical assault at school against another pupil; expulsion required; alternative education; definitions.
(2) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office for safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

380.1311. Suspension or expulsion of pupil.
(4) If an individual is expelled under subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled under subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled under subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m or a cyber school as defined in section 551, an individual expelled under subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6). Except as otherwise provided by law, a program operated for individuals expelled under subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district under subsection (2) is not placed in an alternative education program, strict discipline academy, or cyber school, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled under subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.
(10) If a pupil expelled from a public school district under subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of
expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(11) If an individual is expelled under subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under subsection (2) and under section 1311a and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(3) If an individual is permanently expelled pursuant to this section, the expelling school district shall enter on the individual's permanent record that he or she has been permanently expelled pursuant to this section. Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to this section and section 1311(2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m, an individual permanently expelled pursuant to this section is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to this section and section 1311(2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual permanently expelled from a school district pursuant to this section is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil permanently expelled pursuant to this section than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

(11) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to this section and pursuant to section 1311(2), and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it
serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

380.1311g. Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of pupils; special education pupil; pupils committed to high-security or medium-security juvenile facility, mental health facility, or child caring institution; pupil ceasing to meet requirements under subsections (3) to (5); custody of or jurisdiction over child by department of corrections; residence requirements; grades.

(1) A strict discipline academy may be located in all or part of an existing public school building. Except for a strict discipline academy that includes pupils who are the responsibility of a county juvenile agency, a strict discipline academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (6), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) A strict discipline academy shall be established under sections 1311b to 1311m specifically for enrolling 1 or more of the following types of pupils:
   (a) Pupils placed in the strict discipline academy by a court or by the department of health and human services or a county juvenile agency under the direction of a court.
   (b) Pupils who have been expelled under section 1311(2).
   (c) Pupils who have been expelled under section 1311a or another provision of this act.
   (d) Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school or placed in the strict discipline academy by the pupil's parent or legal guardian.

(4) In addition to the types of pupils specified in subsection (3), a strict discipline academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized education program team recommends that the special education pupil be placed in the strict discipline academy. As used in this subsection, “individualized education program team” means that term as defined in section 614 of the individuals with disabilities education act, 20 USC 1414.

(5) In addition to the types of pupils specified in subsections (3) and (4), a strict discipline academy may enroll a pupil who is placed in a high-security or medium-security juvenile facility, mental health facility, or child caring institution that is operated by a private agency or a pupil who became a resident of this state as an unaccompanied or resettled minor under the care of the department of health and human services and who is less than 22 years of age as of September 1 of the current school year.

(6) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsections (3) to (5). A pupil who is enrolled in a strict discipline academy under subsections (3) to (5) may, at the option of his or her parent or legal guardian, continue to remain enrolled in the strict discipline academy after he or she ceases to meet the requirements for enrollment under subsections (3) to (5) as long as he or she meets the other applicable requirements for enrollment.
(7) A strict discipline academy is not required to keep any group of pupils described in subsections (3) to (5) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

(8) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the department of health and human services or another state department or agency. Further, if the department of corrections or another state department or agency other than the department of health and human services has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.

(9) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) to (5) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) to (5), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) to (5). For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) to (5). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. A strict discipline academy shall allow any pupil who was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy. A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

28.425o. Premises on which carrying concealed weapon or portable device that uses electro-muscular disruption technology prohibited; “premises” defined; exceptions to subsections (1) and (2); violation; penalties.

(1) Subject to subsection (5), an individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(h), shall not carry a concealed pistol on the premises of any of the following:

(a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the student from the school. As used in this section, “school” and “school property” mean those terms as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

(5) Subsections (1) and (2) do not apply to any of the following:

(a) An individual licensed under this act who is a retired police officer, retired law enforcement officer, or retired federal law enforcement officer.

(b) An individual who is licensed under this act and who is employed or contracted by an entity described under subsection (1) to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.

(c) An individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.

(d) An individual who is licensed under this act and who is a corrections officer of a county sheriff’s department or who is licensed under this act and is a retired corrections officer of a county sheriff’s department, if that individual has received county sheriff approved weapons training.

(e) An individual who is licensed under this act and who is a motor carrier officer or capitol security officer of the department of state police.

(f) An individual who is licensed under this act and who is a member of a sheriff’s posse.

(g) An individual who is licensed under this act and who is an auxiliary officer or reserve officer of a police or sheriff’s department.

(h) An individual who is licensed under this act and who is any of the following:

(i) A parole, probation, or corrections officer, or absconder recovery unit member, of the department of corrections, if that individual has obtained a Michigan department of corrections weapons permit.

(ii) A retired parole, probation, or corrections officer, or retired absconder recovery unit member, of the department of corrections, if that individual has obtained a Michigan department of corrections weapons permit.

(i) A state court judge or state court retired judge who is licensed under this act.

(j) An individual who is licensed under this act and who is a court officer.
(k) An individual who is licensed under this act and who is a peace officer.

(6) An individual who violates this section is responsible for a state civil infraction or guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the individual is responsible for a state civil infraction and may be fined not more than $500.00. The court shall order the individual’s license to carry a concealed pistol suspended for 6 months.

(b) For a second violation, the individual is guilty of a misdemeanor punishable by a fine of not more than $1,000.00. The court shall order the individual's license to carry a concealed pistol revoked.

(c) For a third or subsequent violation, the individual is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. The court shall order the individual’s license to carry a concealed pistol revoked.

380.1308. Statewide school safety information policy.

(2) […] The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. […]

380.1311. Suspension or expulsion of pupil.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual
may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

380.1313. Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.

(1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

REGULATIONS

No relevant regulations found.
Other weapons

LAWS

380.1308. Statewide school safety information policy.
(2) [...] The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. [...] 

380.1311. Suspension or expulsion of pupil.
(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.
(b) The weapon was not knowingly possessed by the pupil.
(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.
(b) The pupil has no history of suspension or expulsion.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.
(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

380.1313. Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.

(1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

380.1586. Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.

(1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child
complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

380.1571. Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.

(1) The intermediate school board shall select 1 or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of $1,000.00.

(2) The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of $1,000.00.

(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

(4) At the opening of the schools the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing an attendance officer.

380.1586. Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.

(1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental
relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child’s irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

380.1170. Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.

(1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.


(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers develop appropriate prevention and intervention programs.

(b) Provide the continuous assessment tools needed for revising and refining school safety programs.

(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.
(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

380.1318. Use of performance-enhancing substances in interscholastic athletics; eligibility policy; list of drugs to be provided by department of community health.

(1) The board of a school district or board of directors of a public school academy shall ensure that its policies concerning a pupil's eligibility for participation in interscholastic athletics include use of a performance-enhancing substance by the pupil as a violation that will affect a pupil's eligibility, as determined by the board or board of directors. The governing body of a nonpublic school is encouraged to adopt an eligibility policy that meets the requirements of this section.

(2) For the purposes of this section, the department of community health shall develop, periodically update, and make available to school districts, public school academies, and nonpublic schools a list of performance-enhancing substances. The department of community health shall base the list on the list of banned drugs contained in bylaw 31.2.3.1 of the bylaws of the national collegiate athletic association.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

380.1300a. Sexual harassment policy.

Not later than January 1, 1995, the board of each school district shall adopt and implement a written sexual harassment policy. At a minimum, the policy shall prohibit sexual harassment by school district employees, board members and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(2) Subject to subsection (3), before adopting the policy required under subsection (1) or any modification to the policy, the board or board of directors shall hold at least 1 public hearing on the proposed policy or modification. This public hearing may be held as part of a regular board meeting. Subject to subsection (3), not later than 30 days after adopting or modifying the policy under subsection (1), the board or board of directors shall submit a copy of its policy to the department.

(3) If, as of March 31, 2015, a school district, intermediate school district, or public school academy has already adopted and implemented an existing policy prohibiting bullying at school and that policy is in compliance with subsections (1) and (5), the board of the school district or intermediate school district or board of directors of the public school academy is not required to adopt and implement a modified policy under subsection (1). However, this subsection applies to a school district, intermediate school district, or public school academy described in this subsection only if the board or board of directors submits a copy of its policy to the department not later than May 31, 2015.
(4) Not later than 1 year after the deadline under subsection (2) for districts and public school academies to submit copies of their modified policies to the department, the department shall submit a report to the senate and house standing committees on education summarizing the status of the implementation of the modifications to policies required under 2014 PA 478.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

(a) A statement prohibiting bullying of a pupil. Not later than October 1, 2015, this statement shall be modified as necessary to comply with 2014 PA 478 including, but not limited to, the inclusion of cyberbullying as a form of bullying.

(b) A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying.

(c) A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus.

(d) The identification by job title of school officials responsible for ensuring that the policy is implemented.

(e) A statement describing how the policy is to be publicized.

(f) A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying.

(g) A procedure for reporting an act of bullying.

(h) A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation.

(i) A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis.

(j) An assurance of confidentiality for an individual who reports an act of bullying and procedures to safeguard that confidentiality.

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(a) Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

(c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

(d) Provisions for considering the use of restorative practices in the correction of bullying behavior, as described in section 1310c.

(7) The department shall establish a form and procedure for school districts and public school academies to report incidents of bullying to the department on an annual basis and shall make this information readily available to the public. A school district or public school academy shall report incidents of bullying to the department according to the form and procedures established by the department. The department shall ensure that the information collected and made available under this subsection does not include personally identifiable information about any individual who reports or is involved in a specific incident of bullying.
(8) A school employee, school volunteer, pupil, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. However, this immunity does not apply to a school official who is designated under subsection (5)(d), or who is responsible for remedying the bullying, when acting in that capacity.

(9) If the board of a school district or intermediate school district or board of directors of a public school academy amends or otherwise modifies its policy required under this subsection at any time after a copy of the policy was initially submitted to the department under subsection (2) or (3), the board or board of directors shall submit a copy of the modified policy to the department not later than 30 days after adopting the modification.

(10) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

(b) "Bullying" means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following:

(i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(c) "Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following:

(i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(d) "Restorative practices" means that term as defined in section 1310c.

(e) "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

(11) This section shall be known as "The Matt Epling Safe School Law".
380.1310c. Restorative practices as alternative or in addition to suspension or expulsion: definitions.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:
   (a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.
   (b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
   (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
   (d) "School district" means a school district, an intermediate school district, or a public school academy.

750.411t. Hazing prohibited; violation; penalty; exceptions; certain defenses barred; definitions; section title.

(1) Except as provided in subsection (4), a person who attends, is employed by, or is a volunteer of an educational institution shall not engage in or participate in the hazing of an individual.

(2) A person who violates subsection (1) is guilty of a crime punishable as follows:
   (a) If the violation results in physical injury, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both.
   (b) If the violation results in serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both.
   (c) If the violation results in death, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

(3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

(4) This section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed.

(5) This section does not apply to an activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the educational institution.
(6) It is not a defense to a prosecution for a crime under this section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.

(7) As used in this section:

(a) “Educational institution” means a public or private school that is a middle school, junior high school, high school, vocational school, college, or university located in this state.

(b) “Hazing” means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Subject to subsection (5), hazing includes any of the following that is done for such a purpose:

(i) Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

(ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.

(iii) Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.

(iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(c) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution.

(d) “Pledge” means an individual who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.

(e) “Pledging” means any action or activity related to becoming a member of an organization.

(f) “Serious impairment of a body function” means that term as defined in section 479a.

(8) This section shall be known and may be cited as “Garret’s law”.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

380.1303. Pocket pager, electronic communication device, or other personal communication device; applicability of subsection (1).

(1) Until the end of the 2003-2004 school year, unless the board or board of directors adopts its own local policy to the contrary, the board of a school district or board of directors of a public school academy shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board or board of directors. A board or board of directors may develop penalties that it considers appropriate for a pupil who violates this prohibition or its own policy.
(2) Beginning with the 2004-2005 school year, subsection (1) does not apply and the board of a school district or board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school.

380.1311. Suspension or expulsion of pupil.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). […]

(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

380.1316. Public school fraternity, sorority, or secret society prohibited; definition.

(1) A school official or a board of a school district shall not authorize, support, or permit the creation and existence of a public school fraternity, sorority, or secret society.

(2) A fraternity, sorority, or secret society is declared an obstruction to education and inimical to the public welfare.

(3) As used in this section, a “public school fraternity, sorority, or secret society” means an organization whose active membership is composed wholly or in part of pupils of the public schools of this state enrolled in 1 or more of the 12 grades and perpetuating itself by taking in additional members from the pupils enrolled in the public schools on the basis of the decision of its membership, rather than upon the right of a pupil who is qualified by the regulations of the school to be a member of and take part in class or group exercises, subjects required by the course of study, or program of school activities fostered and promoted by the board and superintendent of schools or by the board and intermediate superintendent for a school not employing a superintendent of schools.

REGULATIONS
No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

**380.1163. Gun safety instruction for elementary school pupils; model program.**

(1) Not later than August 1, 2011, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for gun safety instruction for elementary school pupils. The model program shall adopt or be based on the "Eddie Eagle" gunsafe accident prevention program developed by the national rifle association.

(2) Each school district and public school academy is encouraged to adopt and implement the model gun safety instruction program developed under subsection (1) in at least grade 3 beginning in the 2011-2012 school year.

**380.1170. Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.**

(1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.

**380.1310a. Report.**

(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

   (c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.
380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(a) Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

(c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

380.1307d. Documentation and reporting of seclusion and restraint; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

(i) Conduct a functional behavioral assessment.

(ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.

(iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

380.1307e. Development and implementation of emergency intervention plan; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning development and implementation of an emergency intervention plan:

(a) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency intervention plan to protect the health,
safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

(i) Describe in detail the emergency intervention procedures.
(ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
(iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.
(iv) Conduct a peer review by knowledgeable school personnel.
(v) Provide the parent or guardian with all of the following, in writing and orally:
   (A) A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.
   (B) An explanation of what constitutes an emergency situation as defined in section 1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.
   (C) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.
   (D) A detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
   (E) A description of possible discomforts or risks.
   (F) Answers to any questions.

(b) A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.

(c) Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

380.1307g. Training; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning training, which may include online training that is developed or approved by the department:

(b) A school district, intermediate school district, or public school academy shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

   (xvii) Conflict resolution.
   (xviii) Mediation.
   (xix) Social skills training.
(xx) Positive behavioral intervention and support strategies.

380.1307h. Definitions.

As used in sections 1307 to 1307h:

(b) "De-escalation techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

(d) "Emergency physical restraint" means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical restraint does not include a practice prohibited under section 1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(e) "Emergency seclusion" means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and the room or area used for confinement must comply with state and local fire and building codes; must not be locked; must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area; and must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines. Emergency seclusion does not include the confinement of preschool children or of pupils who are severely self-injurious or suicidal; seclusion that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under section 1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(f) "Emergency situation" means a situation in which a pupil's behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

(g) "Functional behavioral assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

(k) "Positive behavioral intervention and support" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on pupil need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all pupils.

(l) "Positive behavioral intervention and support plan" means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate
to the pupil, guidance or instruction for the pupil to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.


(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(d) Provisions for considering the use of restorative practices in the correction of bullying behavior, as described in section 1310c.

(10) As used in this section:

(d) "Restorative practices" means that term as defined in section 1310c.

380.1310c. Restorative practices as alternative or in addition to suspension or expulsion; definitions.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that
sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:
   (a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.
   (b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
   (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
   (d) "School district" means a school district, an intermediate school district, or a public school academy.

380.1311. Suspension or expulsion of pupil.
(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:
   (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.
(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:
   (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement
to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

380.1307c. Emergency seclusion and emergency physical restraint; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning use of emergency seclusion and emergency physical restraint:

(e) A requirement that the school district, intermediate school district, or public school academy must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online training and an online acknowledgment of understanding developed or approved by the department and completed by the substitute teacher.

380.1307g. Training; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning training, which may include online training that is developed or approved by the department:

(a) In accordance with department guidelines, a school district, intermediate school district, or public school academy shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision (b).

(b) A school district, intermediate school district, or public school academy shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who
may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

(i) Proactive practices and strategies that ensure the dignity of pupils.

(ii) De-escalation techniques.

(iii) Techniques to identify pupil behaviors that may trigger emergency situations.

(iv) Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.

(v) Instruction in the use of emergency seclusion and emergency physical restraint.

(vi) Identification of events and environmental factors that may trigger emergency situations.

(vii) Instruction on the state policy on the use of seclusion and restraint.

(viii) Description and identification of dangerous behaviors.

(ix) Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.

(x) Types of seclusion.

(xi) Types of restraint.

(xii) The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.

(xiii) The effects of seclusion and restraint on all pupils.

(xiv) How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.

(xv) How to obtain appropriate medical assistance.

(xvi) Cardiopulmonary resuscitation and first aid.

(xvii) Conflict resolution.

(xviii) Mediation.

(xix) Social skills training.

(xx) Positive behavioral intervention and support strategies.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

REGULATIONS

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

380.1307d. Documentation and reporting of seclusion and restraint; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning
documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and
reported in writing or orally to the school building administration and the pupil's parent or guardian
immediately and documented in a written report for each use of seclusion or restraint, including multiple
uses within a given day, with this written report provided to the parent or guardian within the earlier of 1
school day or 7 calendar days.

(b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief
and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate,
regarding the determination of future actions. The debriefing and consultation shall be done in
accordance with department guidelines and documented on forms developed by the department.

(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency
situation in the future that could result in the use of emergency seclusion or emergency physical
restraint, school personnel are encouraged to do all of the following:

(i) Conduct a functional behavioral assessment.

(ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of
the use of seclusion and restraint.

(iii) Develop an assessment and planning process conducted by a team knowledgeable about the
pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for
implementation of the positive behavioral intervention and support plan; and individuals
knowledgeable in positive behavioral intervention and support.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission
of policy to department; contents of policy; annual report of incidents of bullying; form and
procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of
bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe
School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school
academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

(g) A procedure for reporting an act of bullying.

(h) A procedure for prompt investigation of a report of violation of the policy or a related complaint,
identifying either the principal or the principal's designee as the person responsible for the investigation.

(i) A procedure for each public school to document any prohibited incident that is reported and a
procedure to report all verified incidents of bullying and the resulting consequences, including discipline
and referrals, to the board of the school district or intermediate school district or board of directors of the
public school academy on an annual basis.
(j) An assurance of confidentiality for an individual who reports an act of bullying and procedures to safeguard that confidentiality.

380.1586. Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

380.1136. Protection of pupil privacy.

(1) To protect pupil privacy, the superintendent of public instruction shall ensure that the department complies with all of the following and the state budget director shall ensure that CEPI complies with all of the following:

(f) If the department or CEPI provides any personally identifiable information concerning a pupil that is collected or created by the department or CEPI as part of the pupil's education records to any person other than the school district, intermediate school district, public school academy, authorizing body, preschool, or postsecondary institution in which the pupil is currently or was formerly enrolled, or the pupil's parent or legal guardian, then the department or CEPI shall, if the pupil is under 18 years of age or claimed as a dependent on a parent's or legal guardian's federal income tax return, disclose to the pupil's parent or legal guardian upon his or her written request all of the following:

(i) The specific data fields that were disclosed.

(ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.

(iii) The reason for the disclosure.

(g) The department or CEPI shall disclose the information under subdivision (f) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the department or CEPI considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the department or CEPI shall not charge the parent or legal guardian for the cost of making those copies.

(2) To protect pupil privacy, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the school district, intermediate school district, or public school academy complies with all of the following, and the governing board of an authorizing body shall ensure that the authorizing body complies with all of the following:

(b) Upon written request by a pupil's parent or legal guardian, a school district, an intermediate school district, a public school academy, or an authorizing body shall disclose to the parent or legal guardian any personally identifiable information concerning the pupil that is collected or created by the school
district, intermediate school district, public school academy, or authorizing body as part of the pupil's education records.

(c) Subject to the exemptions under subsection (3), if a school district, intermediate school district, public school academy, or authorizing body provides any information described in subdivision (b) to any person, agency, or organization, then the school district, intermediate school district, public school academy, or authorizing body shall disclose to the pupil's parent or legal guardian upon his or her written request all of the following:

(i) The specific information that was disclosed.

(ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.

(iii) The legitimate reason that the person, agency, or organization had in obtaining the information.

(d) A school district, an intermediate school district, a public school academy, or an authorizing body shall disclose the information under subdivisions (b) and (c) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the school district, intermediate school district, public school academy, or authorizing body considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the school district, intermediate school district, public school academy, or authorizing body shall not charge the parent or legal guardian for the cost of those copies.

(3) Subsection (2)(c) does not apply to any of the following situations:

(b) A school district, intermediate school district, public school academy, or authorizing body providing the information to the pupil's parent or legal guardian.

(g) Providing the information to a person, agency, or organization with written consent from the pupil's parent or legal guardian or, if the pupil is at least age 18, the pupil.

(j) A school district, intermediate school district, public school academy, or authorizing body providing information that is covered by the opt-out form described in subsection (6), unless the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil has signed and submitted the opt-out form under subsection (6)(d).

(6) For the purposes of this section, each school district, intermediate school district, public school academy, or authorizing body shall do all of the following:

(b) Develop an opt-out form that lists all of the uses or instances under subdivision (a) and allows a parent or legal guardian to elect not to have his or her child's directory information disclosed for 1 or more of these uses.

(c) Present the opt-out form under subdivision (b) to each pupil's parent or legal guardian within the first 30 days of the school year. A school district, intermediate school district, public school academy, or authorizing body also shall make the form available to a parent or legal guardian at other times upon request.

(d) If an opt-out form under subdivision (b) is signed and submitted to the school district, intermediate school district, public school academy, or authorizing body by a pupil's parent or legal guardian, the school district, intermediate school district, public school academy, or authorizing body shall not include the pupil's directory information in any of the uses that have been opted out of in the opt-out form.

380.1306. School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on
searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.

380.1307d. Documentation and reporting of seclusion and restraint; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.

(b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.

(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

(i) Conduct a functional behavioral assessment.

(ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.

(iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

380.1307e. Development and implementation of emergency intervention plan; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning development and implementation of an emergency intervention plan:

(a) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

(i) Describe in detail the emergency intervention procedures.

(ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
(iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.

(iv) Conduct a peer review by knowledgeable school personnel.

(v) Provide the parent or guardian with all of the following, in writing and orally:

380.1308. Statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) shall identify the types of incidents occurring at school that must be reported to law enforcement agencies and shall establish procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy shall address at least all of the following:

(d) The amount and nature of assistance to be provided by school officials, and the scope of their involvement in law enforcement procedures. This provision shall require school officials to notify the parent or legal guardian of a minor pupil who is a victim or witness when law enforcement authorities interview the pupil.

(10) Reporting of information by a school district or school personnel under this section is subject to 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(11) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

380.1309. Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.

(1) If a teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct for which the pupil may be suspended from a class, subject, or activity according to the local policy required under subsection (2), the teacher may cause the pupil to be suspended from the class, subject, or activity for up to 1 full school day. The teacher shall immediately report the suspension and the reason for the suspension to the school principal and send the pupil to the school principal or the school principal's designee for appropriate action. If that action requires the continued presence of the pupil at school, the pupil shall be under appropriate supervision. As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.
380.1310b. **Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."**

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

   (f) A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying.

380.1311. **Suspension or expulsion of pupil.**

(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

380.1313. **Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.**

(1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is enroute to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

380.1586. **Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.**

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

REGULATIONS

No relevant regulations found.
Reporting and referrals between schools and law enforcement

LAWS

28.425o. Premises on which carrying concealed weapon or portable device that uses electro-muscular disruption technology prohibited; “premises” defined; exceptions to subsections (1) and (2): violation; penalties.

(1) Subject to subsection (5), an individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(h), shall not carry a concealed pistol on the premises of any of the following:

(a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the student from the school. As used in this section, “school” and “school property” mean those terms as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

(5) Subsections (1) and (2) do not apply to any of the following:

(a) An individual licensed under this act who is a retired police officer, retired law enforcement officer, or retired federal law enforcement officer.

(b) An individual who is licensed under this act and who is employed or contracted by an entity described under subsection (1) to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.

(c) An individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.

(d) An individual who is licensed under this act and who is a corrections officer of a county sheriff’s department or who is licensed under this act and is a retired corrections officer of a county sheriff’s department, if that individual has received county sheriff approved weapons training.

(e) An individual who is licensed under this act and who is a motor carrier officer or capitol security officer of the department of state police.

(f) An individual who is licensed under this act and who is a member of a sheriff’s posse.

(g) An individual who is licensed under this act and who is an auxiliary officer or reserve officer of a police or sheriff’s department.

(h) An individual who is licensed under this act and who is any of the following:

(i) A parole, probation, or corrections officer, or absconder recovery unit member, of the department of corrections, if that individual has obtained a Michigan department of corrections weapons permit.

(ii) A retired parole, probation, or corrections officer, or retired absconder recovery unit member, of the department of corrections, if that individual has obtained a Michigan department of corrections weapons permit.

(i) A state court judge or state court retired judge who is licensed under this act.

(j) An individual who is licensed under this act and who is a court officer.

(k) An individual who is licensed under this act and who is a peace officer.

(6) An individual who violates this section is responsible for a state civil infraction or guilty of a crime as follows:
(a) Except as provided in subdivisions (b) and (c), the individual is responsible for a state civil infraction and may be fined not more than $500.00. The court shall order the individual’s license to carry a concealed pistol suspended for 6 months.

(b) For a second violation, the individual is guilty of a misdemeanor punishable by a fine of not more than $1,000.00. The court shall order the individual’s license to carry a concealed pistol revoked.

(c) For a third or subsequent violation, the individual is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. The court shall order the individual’s license to carry a concealed pistol revoked.

380.1135. Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality.

(1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:

(a) A certified copy of the student's birth certificate.

(b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.

(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134. If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with the family educational rights and privacy act, 20 U.S.C. 1232g.

380.1306. School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

(4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's contents if that assistance is at the request of the school principal or his or her designee and the search is conducted in accordance with the policy under subsection (2).

380.1308. Statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) shall identify the types of incidents occurring at school that must be reported to law enforcement agencies and shall establish
procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy shall address at least all of the following:

(a) Law enforcement protocols and priorities for the reporting process. The law enforcement protocols must be developed with the cooperation of the appropriate state or local law enforcement agency. The law enforcement priorities shall include at least investigation of reported incidents, identification of those involved in a reported incident, assistance in prevention of these types of incidents, and, when appropriate, assistance from a child protection agency.

(b) Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.

(c) Protocols for responding to reportable incidents, addressing at least all of the following:
   (i) Initial notification and reporting by school officials.
   (ii) The information to be provided by school officials.
   (iii) Initial response by law enforcement agencies, which shall be specifically tailored for incidents in progress, incidents not in progress, and incidents involving delayed reporting. School officials shall be consulted to determine the extent of law enforcement involvement required by the situation.
   (iv) Custody of actors.

(3) A school board or its designee shall report to the appropriate state or local law enforcement agencies and prosecutors all information that is required to be reported to those officials under the statewide school safety information policy.

(4) If school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the statewide school safety information policy under this section or under subsection (3), the superintendent of the school district, or his or her designee, immediately shall report that finding to the appropriate state or local law enforcement agency in the manner prescribed in the statewide school safety information policy.

(5) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency with any information the law enforcement agency determines it needs to provide this report to school officials.

(6) If provided in the statewide school safety information policy under this section, the prosecuting attorney of a county shall notify a school district located in whole or in part in that county of any criminal or juvenile court action initiated or taken against a pupil of the school district, including, but not limited to, convictions, adjudications, and dispositions. This notification shall be made to either the school district superintendent or to the intermediate superintendent of the intermediate school district in which the county is located, as provided in the policy or by local agreement. If the notification is made to the intermediate superintendent, the intermediate superintendent shall forward the information to the superintendent of the school district in which the pupil is enrolled. Upon receipt of information under this subsection, a school district superintendent shall share the information with appropriate school building personnel. The prosecuting attorney may inquire of each school age individual involved in a court action described in this subsection whether the individual is a pupil in a school district and, if so, in which school district.
(7) If provided for in the statewide school safety information policy under this section, the appropriate court shall inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

(8) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote school safety if the agreement or other measures are consistent with the statewide school safety information policy.

(9) A school board shall cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints, and site plans, as appropriate, for each school building operated by the school board are provided to the appropriate local law enforcement agency.

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the discretion of the school board or its designee. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

(10) A school board or its designee shall report all assaults described in subsection (1) or (2) to appropriate state or local law enforcement officials and prosecutors as provided in the statewide school safety information policy under section 1308.

380.1313. Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.

(1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law
enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

**REGULATIONS**

No relevant regulations found.

**Disclosure of school records**

**LAWS**

380.1135. Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality.

(1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:

(a) A certified copy of the student's birth certificate.

(b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.

(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student’s record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134. If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with the family educational rights and privacy act, 20 U.S.C. 1232g.

380.1136. Protection of pupil privacy.

(1) To protect pupil privacy, the superintendent of public instruction shall ensure that the department complies with all of the following and the state budget director shall ensure that CEPI complies with all of the following:
(a) The department or CEPI shall not sell any information that is part of a pupil's education records.
(b) Within 30 days after the effective date of this section, the department and CEPI each shall post on its website a notice of the information it collects for a pupil's education records. The notice shall include at least an inventory of all pupil data elements collected by the department or CEPI and a description of each pupil data element.
(c) At least 30 days before initiating the collection of any pupil data elements in addition to those already disclosed in the inventory under subdivision (b), the department or CEPI shall post on its website a notice of the additional pupil data elements it is proposing to collect and an explanation of the reasons for the proposal.
(d) The department or CEPI shall not disclose any information concerning a pupil that is collected or created by the department or CEPI except in accordance with a policy adopted and made publicly available by the superintendent of public instruction or state budget director, as applicable, that clearly states the criteria for the disclosure of the information.
(e) The department or CEPI shall ensure that any contract it has with a vendor that allows the vendor access to education records contains express provisions requiring the vendor to protect the privacy of education records and provides express penalties for noncompliance.
(f) If the department or CEPI provides any personally identifiable information concerning a pupil that is collected or created by the department or CEPI as part of the pupil's education records to any person other than the school district, intermediate school district, public school academy, authorizing body, preschool, or postsecondary institution in which the pupil is currently or was formerly enrolled, or the pupil's parent or legal guardian, then the department or CEPI shall, if the pupil is under 18 years of age or claimed as a dependent on a parent's or legal guardian's federal income tax return, disclose to the pupil's parent or legal guardian upon his or her written request all of the following:
   (i) The specific data fields that were disclosed.
   (ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.
   (iii) The reason for the disclosure.
(g) The department or CEPI shall disclose the information under subdivision (f) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the department or CEPI considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the department or CEPI shall not charge the parent or legal guardian for the cost of making those copies.
(2) To protect pupil privacy, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the school district, intermediate school district, or public school academy complies with all of the following, and the governing board of an authorizing body shall ensure that the authorizing body complies with all of the following:
   (a) A school district, an intermediate school district, a public school academy, an educational management organization, or an authorizing body shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a pupil's education records. This subdivision does not apply to any of the following situations:
      (i) For a pupil enrolled in a public school academy, if the public school academy has a management agreement with an educational management organization, the public school academy providing the information to that educational management organization.
      (ii) Providing the information as necessary for standardized testing that measures the pupil's academic progress and achievement.
(iii) Providing the information as necessary to a person that is providing educational or educational support services to the pupil under a contract with the school district, intermediate school district, public school academy, or educational management organization.

(b) Upon written request by a pupil's parent or legal guardian, a school district, an intermediate school district, a public school academy, or an authorizing body shall disclose to the parent or legal guardian any personally identifiable information concerning the pupil that is collected or created by the school district, intermediate school district, public school academy, or authorizing body as part of the pupil's education records.

(c) Subject to the exemptions under subsection (3), if a school district, intermediate school district, public school academy, or authorizing body provides any information described in subdivision (b) to any person, agency, or organization, then the school district, intermediate school district, public school academy, or authorizing body shall disclose to the pupil's parent or legal guardian upon his or her written request all of the following:

(i) The specific information that was disclosed.

(ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.

(iii) The legitimate reason that the person, agency, or organization had in obtaining the information.

(d) A school district, an intermediate school district, a public school academy, or an authorizing body shall disclose the information under subdivisions (b) and (c) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the school district, intermediate school district, public school academy, or authorizing body considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the school district, intermediate school district, public school academy, or authorizing body shall not charge the parent or legal guardian for the cost of those copies.

(3) Subsection (2)(c) does not apply to any of the following situations:

(a) A school district, intermediate school district, public school academy, or authorizing body providing the information to the department or CEPI.

(b) A school district, intermediate school district, public school academy, or authorizing body providing the information to the pupil's parent or legal guardian.

(c) A public school academy providing the information to its authorizing body or to an educational management organization with which it has a management agreement.

(d) A school district or public school academy providing the information to its intermediate school district or to another intermediate school district providing services to the school district or public school academy or its pupils pursuant to a written agreement.

(e) An intermediate school district providing the information to a school district or public school academy in which the pupil is enrolled or to a school district or public school academy for which the intermediate school district is providing services pursuant to a written agreement.

(f) An authorizing body providing the information to a public school academy in which the pupil is enrolled.

(g) Providing the information to a person, agency, or organization with written consent from the pupil's parent or legal guardian or, if the pupil is at least age 18, the pupil.

(h) Providing the information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction.

(i) Providing the information as necessary for standardized testing that measures the pupil's academic progress and achievement.
(j) A school district, intermediate school district, public school academy, or authorizing body providing information that is covered by the opt-out form described in subsection (6), unless the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil has signed and submitted the opt-out form under subsection (6)(d).

(4) If an educational management organization receives information that is part of a pupil's education records from any source as permitted under this section, the educational management organization shall not sell or otherwise provide the information to any other person except as provided under this section.

(5) In addition to ensuring compliance with subsection (1), the superintendent of public instruction shall ensure that the department, and the state budget director shall ensure that CEPI, complies with all other applicable privacy law.

(6) For the purposes of this section, each school district, intermediate school district, public school academy, or authorizing body shall do all of the following:

   (a) Develop a list of uses for which the school district, intermediate school district, public school academy, or authorizing body commonly would disclose a pupil's directory information.

   (b) Develop an opt-out form that lists all of the uses or instances under subdivision (a) and allows a parent or legal guardian to elect not to have his or her child's directory information disclosed for 1 or more of these uses.

   (c) Present the opt-out form under subdivision (b) to each pupil's parent or legal guardian within the first 30 days of the school year. A school district, intermediate school district, public school academy, or authorizing body also shall make the form available to a parent or legal guardian at other times upon request.

   (d) If an opt-out form under subdivision (b) is signed and submitted to the school district, intermediate school district, public school academy, or authorizing body by a pupil's parent or legal guardian, the school district, intermediate school district, public school academy, or authorizing body shall not include the pupil's directory information in any of the uses that have been opted out of in the opt-out form.

(7) If a pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf under subsection (6).

(8) As used in this section:

   (a) "Authorizing body" means that term as defined in part 6a, 6c, or 6e or section 1311b, as applicable.

   (b) "CEPI" means the center for educational performance and information created under section 94a of the state school aid act of 1979, MCL 388.1694a.

   (c) "Directory information" means that term as defined in 34 CFR 99.3.

   (d) "Education records" means that term as defined in 34 CFR 99.3.

   (e) "Educational management organization" means that term as defined in section 503c, 523c, or 553c, as applicable.

   (f) "Management agreement" means that term as defined in section 503c, 523c, or 553c, as applicable.

   (g) "Personally identifiable information" means that term as defined in 34 CFR 99.3.

380.1308. Statewide school safety information policy.

(5) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency...
with any information the law enforcement agency determines it needs to provide this report to school officials.

(10) Reporting of information by a school district or school personnel under this section is subject to 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(11) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil’s parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

REGULATIONS
No relevant regulations found.

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

LAWS

380.1307. Use of seclusion and restraint in public schools; uniform policy; objectives; right or remedy under state or federal law.

(1) It is the intent of the legislature that sections 1307 to 1307h shall provide for a uniform policy regarding the use of seclusion and restraint in the public schools that accomplishes the following objectives:

(c) Ensures that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.

380.1307d. Documentation and reporting of seclusion and restraint; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil’s parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.

(b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.

(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

(i) Conduct a functional behavioral assessment.

(ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.

(iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for
implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

380.1307f. Data collection; state policy; provisions.
The state policy under section 1307a shall include at least all of the following provisions concerning data collection:

(a) A school district or public school academy, or an intermediate school district program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the school district, public school academy, or intermediate school district program. In collecting and reporting this data, a school district, public school academy, or intermediate school district program shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

(b) All of the following should occur with respect to the data collected under subdivision (a):

(i) The data should be analyzed by the school and school district, public school academy, or intermediate school district in which the pupil is enrolled to determine the efficacy of the school's schoolwide system of behavioral support.

(ii) The data should be analyzed by the school and school district, public school academy, or intermediate school district in the context of attendance, suspension, expulsion, and dropout data.

(iii) The data should be analyzed by the school and school district, public school academy, or intermediate school district for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

(iv) The data should be analyzed by the school and school district, public school academy, or intermediate school district on a schedule determined by the department.

(v) The data should be reported electronically to the department in accordance with department guidelines by the school district, public school academy, or intermediate school district.

(c) The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by school district, public school academy, and intermediate school district on a quarterly basis.

380.1307h. Definitions.
As used in sections 1307 to 1307h:

(g) “Functional behavioral assessment” means an evidence-based and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

(1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its
website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers develop appropriate prevention and intervention programs.
(b) Provide the continuous assessment tools needed for revising and refining school safety programs.
(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.
(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

(3) Each school building shall collect and keep current on a weekly basis the information required for the report under subsection (2) and must provide that information, within 7 days, upon request. At least annually, each school board shall make a copy disaggregated by school building, of the most recent report for the school district under subsection (2) available to the parent or legal guardian of each pupil enrolled in the school district.

(4) As used in this section, "at school", "school board", and "school district" mean those terms as defined in section 1310.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:
   (i) A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis.

(7) The department shall establish a form and procedure for school districts and public school academies to report incidents of bullying to the department on an annual basis and shall make this information readily available to the public. A school district or public school academy shall report incidents of bullying to the department according to the form and procedures established by the department. The department shall ensure that the information collected and made available under this subsection does not include personally identifiable information about any individual who reports or is involved in a specific incident of bullying.
REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

380.1240. Law enforcement agency; creation.
(1) Subject to subsection (3), the board of a school district that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent decennial census may create a law enforcement agency in accordance with and as provided under the public body law enforcement agency act, 2004 PA 378, MCL 28.581 to 28.590.

(2) Subject to subsection (3), if the board of a school district creates a law enforcement agency under subsection (1), the board may grant to law enforcement officers of that law enforcement agency the same powers, immunities, and authority as are granted by law to peace officers and police officers to detect crime and to enforce the criminal laws of this state and to enforce state laws, local ordinances, and the ordinances and regulations of the school district, as provided under the public body law enforcement agency act, 2004 PA 378, MCL 28.581 to 28.590. Law enforcement officers to whom the authority of peace officers and police officers is granted under that act are considered peace officers of this state and have the authority of peace officers provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, and as provided under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(3) If a school district operates a law enforcement agency under this section and becomes a qualifying school district under section 12b, the qualifying school district’s law enforcement agency shall be transferred by operation of law on the transfer date to the community district created under part 5b. Beginning on the transfer date, the community district may operate a law enforcement agency in accordance with this section.

(4) For purposes of this section, a community district’s membership is considered to be the same as the membership of the qualifying school district whose law enforcement agency is transferred under subsection (3).

(5) As used in this section, “transfer date” means that term as defined in section 12b.

380.1571. Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.
(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

380.1586. Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.
(1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.
(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

380.1571. Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.

(1) The intermediate school board shall select 1 or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of $1,000.00.

(2) The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of $1,000.00.

(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

(4) At the opening of the schools the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing an attendance officer.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

380.1308 Statewide school safety information policy.

(8) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote
school safety if the agreement or other measures are consistent with the statewide school safety information policy.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

380.1163. Gun safety instruction for elementary school pupils; model program.
(1) Not later than August 1, 2011, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for gun safety instruction for elementary school pupils. The model program shall adopt or be based on the "Eddie Eagle" gunsafe accident prevention program developed by the national rifle association.
(2) Each school district and public school academy is encouraged to adopt and implement the model gun safety instruction program developed under subsection (1) in at least grade 3 beginning in the 2011-2012 school year.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(8) A school employee, school volunteer, pupil, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. However, this immunity does not apply to a school official who is designated under subsection (5)(d), or who is responsible for remedying the bullying, when acting in that capacity.

380.1311. Suspension or expulsion of pupil.

(7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil under subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy under subsection (2).

380.1311a. Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

(6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.

380.1312. “Corporal punishment” defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA 170, MCL 691.1401 to 691.1415.
380.1313. Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

380.1291. Local school security task force.

The board of a school district may establish a local school security task force for the school district to perform functions at the local level similar to those performed at the state level by the school security task force created under the school security task force act. The local school security task force shall include representatives of parents, teachers and other school employees, school administrators, law enforcement officials, pupils, and other members of the community affected by weapons in schools. A school district may use school operating funds for the activities of its local school security task force. This section does not require a school district to establish a local school security task force, or create liability for a school district that does not establish a local school security task force.


(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

380.1310b. Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of
bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

(2) Subject to subsection (3), before adopting the policy required under subsection (1) or any modification to the policy, the board or board of directors shall hold at least 1 public hearing on the proposed policy or modification. This public hearing may be held as part of a regular board meeting. Subject to subsection (3), not later than 30 days after adopting or modifying the policy under subsection (1), the board or board of directors shall submit a copy of its policy to the department.

380.1311. Suspension or expulsion of pupil.

(5) If a school board expels an individual under subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

    (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Michigan provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Safe and Supportive Schools, Michigan Department of Education (MDE)</td>
<td>Provides general information, survey tools, programmatic interventions, and resources regarding Safe and Supportive Schools.</td>
<td><a href="http://www.michigan.gov/mde/0,4615,7-140-28753_64839_38684_29233_59543--00.html">http://www.michigan.gov/mde/0,4615,7-140-28753_64839_38684_29233_59543--00.html</a></td>
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<tr>
<td>School Health and Safety, MDE</td>
<td>Provides links to states resources for Positive Behavioral Interventions and Supports and the model anti-bullying policy.</td>
<td><a href="http://michigan.gov/safeschools/0,4665,7-181-49444--00.html">http://michigan.gov/safeschools/0,4665,7-181-49444--00.html</a></td>
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<td><strong>Documents</strong></td>
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<td>Alternatives to Suspensions and Expulsions Toolkit, MDE</td>
<td>Toolkit intended to provide alternatives to suspensions and expulsions including 11 modules around Restorative Justice Practices (with 4 videos examples embedded).</td>
<td><a href="https://www.michigan.gov/mde/0,4615,7-140-74638_72831--00.html">https://www.michigan.gov/mde/0,4615,7-140-74638_72831--00.html</a></td>
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<td>Integrating Mental Health in Schools Toolkit, MDE</td>
<td>Toolkit provides schools with the tools needed to assess the school district’s approach to mental health and improve educational performance through community collaboration.</td>
<td><a href="http://michigan.gov/mde/0.4615.7-140-43092_53593--00.html">http://michigan.gov/mde/0.4615.7-140-43092_53593--00.html</a></td>
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<td>Policies on Bullying (November 2010), MDE</td>
<td>Policies on Bullying that requires state education programs and public schools to develop plans to prevent and respond to bullying as part of a district-wide safety and discipline plan.</td>
<td><a href="http://www.michigan.gov/documents/mde/Model_Anti-Bullying_Policy_with_Revisions_38556_7.pdf">http://www.michigan.gov/documents/mde/Model_Anti-Bullying_Policy_with_Revisions_38556_7.pdf</a></td>
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<td><strong>Other Resources</strong></td>
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Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

121A.031. School student bullying policy.
3. Local district and school policy.
   (a) Districts and schools, in consultation with students, parents, and community organizations, to the extent practicable, shall adopt, implement, and, on a cycle consistent with other district policies, review, and revise where appropriate, a written policy to prevent and prohibit student bullying consistent with this section. The policy must conform with sections 121A.41 to 121A.56. A district or school must adopt and implement a local policy under subdivisions 3 to 5 or comply with the provisions of the state model policy in subdivision 6.

121A.55. Policies to be established.
(a) The commissioner of education shall promulgate guidelines to assist each school board to establish uniform criteria for dismissal and adopt written policies and rules to effectuate sections 121A.031 and 121A.40. to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and be designed to prevent students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school to educate the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.
(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.
(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

121A.61. Discipline and removal of students from class.
1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

121A.69. Hazing policy.
3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must
conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

REGULATIONS
No relevant regulations found.

Scope

LAWS

121A.031. School student bullying policy.

1. Student bullying policy; scope and application.
   (a) This section applies to bullying by a student against another student enrolled in a public school and which occurs:
      (1) on the school premises, at the school functions or activities, or on the school transportation;
      (2) by use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
      (3) by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
   (b) A nonpublic school under section 123B.41, subdivision 9, consistent with its school accreditation cycle, is encouraged to electronically transmit to the commissioner its antibullying policy, if any, and any summary data on its bullying incidents.
   (c) This section does not apply to a home school under sections 120A.22, subdivision 4, and 120A.24, or a nonpublic school under section 123B.41, subdivision 9.
   (d) A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the same student bullying policy provisions applicable to the public school students participating in the activity.

121A.69. Hazing policy.

3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

REGULATIONS
No relevant regulations found.
Communication of policy

LAWS

121A.03. Model policy.
2. Sexual, religious, and racial harassment and violence policy. A school board must adopt a written sexual, religious, and racial harassment and sexual, religious, and racial violence policy that conforms with chapter 363A. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56. The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's sexual, religious, and racial harassment and violence policy with students and school employees.

121A.031. School student bullying policy.
3. Local district and school policy.

(b) Each local district and school policy must establish research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring policy violations; apply throughout the school or district; and foster active student, parent, and community participation. A district or school may request assistance from the school safety technical assistance center under section 127A.052 in complying with local policy requirements. The policy shall:

(4) be conspicuously posted in the administrative offices of the school and school district in summary form;

(5) be given to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the district or school;

(6) be included in the student handbook on school policies; and

(7) be available to all parents and other school community members in an electronic format in the languages appearing on the district or school Web site, consistent with the district policies and practices.

(c) Consistent with its applicable policies and practices, each district and school under this subdivision must discuss its policy with students, school personnel, and volunteers and provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. Districts and schools must establish a training cycle, not to exceed a period of three school years, for school personnel under this paragraph. Newly employed school personnel must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.

(d) Each district and school under this subdivision must submit an electronic copy of its prohibited conduct policy to the commissioner.

121A.0311. Notice of the rights and responsibilities of students and parents under the Safe and Supportive Minnesota Schools Act.
A district or school subject to section 121A.031 must include in the student discipline policy it distributes or otherwise transmits to students and their parents annually at the beginning of each school year notice about the rights and responsibilities of students and their parents under the Safe and Supportive Minnesota Schools Act.
121A.61. Discipline and removal of students from class.
3. Policy components. The policy must include at least the following components:
   (a) rules governing student conduct and procedures for informing students of the rules;

121A.69. Hazing policy.
3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

121A.72. School locker policy.
2. Dissemination. The locker policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. A copy of the policy must be provided to a student the first time that the student is given the use of a locker.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

121A.60. Definitions.
1. Removal from class. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a pupil from attending a class or activity period for a period of time not to exceed five days, pursuant to procedures established in the school district discipline policy adopted by the school board pursuant to section 121A.61.
2. Class period. "Class period" or "activity period" means a period of time as defined in the district's written discipline policy.

121A.61. Discipline and removal of students from class.
1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.
2. Grounds for removal from class. The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:
   (a) Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
   (b) Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and
   (c) Willful violation of any rule of conduct specified in the discipline policy adopted by the board.
3. Policy components. The policy must include at least the following components:
   (a) Rules governing student conduct and procedures for informing students of the rules;
   (b) The grounds for removal of a student from a class;
(c) The authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
(d) The procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
(e) The period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
(f) Provisions relating to the responsibility for and custody of a student removed from a class;
(g) The procedures for return of a student to the specified class from which the student has been removed;
(h) The procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
(i) Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
(j) Any procedures determined appropriate for encouraging early detection of behavioral problems;
(k) Any procedures determined appropriate for referring a student in need of special education services to those services;
(l) The procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
(m) Procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
(n) The minimum consequences for violations of the code of conduct;
(o) Procedures for immediate and appropriate interventions tied to violations of the code;
(p) A provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;
(q) An agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and
(r) A provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

122A.42. General control of schools.
(a) The teacher of record shall have the general control and government of the school and classroom. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers.
(b) Consistent with paragraph (a), the teacher may remove students from class under section 121A.61, subdivision 2, for violent or disruptive conduct.

REGULATIONS
No relevant regulations found.
Alternatives to suspension

**LAWS**

**121A.45. Grounds for dismissal.**
(1) No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**121A.575. Alternatives to pupil suspension.**
Notwithstanding any law to the contrary and in accordance with sections 121A.40. to 121A.56, after a school administration notifies a pupil of the grounds for suspension, the school administration may, instead of imposing the suspension, do one or more of the following:

1. Strongly encourage a parent or guardian of the pupil to attend school with the pupil for one day;
2. Assign the pupil to attend school on Saturday as supervised by the principal or the principal's designee; and
3. Petition the juvenile court that the student is in need of services under chapter 260C.

**REGULATIONS**
No relevant regulations found.

Use of corporal punishment

**LAWS**

**121A.58. Corporal punishment.**
1. Definition. For the purpose of this section, "corporal punishment" means conduct involving:
   (1) Hitting or spanking a person with or without an object; or
   (2) Unreasonable physical force that causes bodily harm or substantial emotional harm.
2. Corporal punishment not allowed. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
3. Violation. Conduct that violates subdivision 2 is not a crime under section 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter 609.

**REGULATIONS**
No relevant regulations found.

Use of student and locker searches

**LAWS**

**121A.72. School locker policy.**
1. Policy. It is the policy of the state of Minnesota that:
   "School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers
may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials."

2. Dissemination. The locker policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. A copy of the policy must be provided to a student the first time that the student is given the use of a locker.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

121A.61. Discipline and removal of students from class.
1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

2. Grounds for removal from class. The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:

   (a) Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher’s ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

   (b) Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and

   (c) Willful violation of any rule of conduct specified in the discipline policy adopted by the board.

3. Policy components. The policy must include at least the following components:

   (a) Rules governing student conduct and procedures for informing students of the rules;

   (b) The grounds for removal of a student from a class;

   (c) The authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district’s policy;

   (d) The procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;

   (e) The period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
(f) Provisions relating to the responsibility for and custody of a student removed from a class;

(g) The procedures for return of a student to the specified class from which the student has been removed;

(h) The procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;

(i) Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;

(j) Any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) Any procedures determined appropriate for referring a student in need of special education services to those services;

(l) The procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

(m) Procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

(n) The minimum consequences for violations of the code of conduct;

(o) Procedures for immediate and appropriate interventions tied to violations of the code;

(p) A provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

(q) An agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and

(r) A provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

121A.70. Secret fraternities and societies.

2. Penalties. A school board may suspend or dismiss any pupil from school, or prevent the pupil from graduating or participating in school honors when, after investigation, in the judgment of the board or a majority of its membership, the pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by the board for the purpose of governing its schools, or enforcing this section.

122A.627. Positive behavioral interventions and supports.

"Positive behavioral interventions and supports" or "PBIS" means an evidence-based framework for preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students. Schoolwide implementation of PBIS requires training, coaching, and evaluation for school staff to consistently implement the key components that make PBIS effective for all students, including:

(1) Establishing, defining, teaching, and practicing three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;

(2) Developing and implementing a consistent system used by all staff to provide positive feedback and acknowledgment for students who display schoolwide behavioral expectations;
(3) Developing and implementing a consistent and specialized support system for students who do not display behaviors representative of schoolwide positive expectations;

(4) Developing a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;

(5) Using a continuum of evidence-based interventions that is integrated and aligned to support academic and behavioral success for all students; and

(6) Using a team-based approach to support effective implementation, monitor progress, and evaluate outcome

Consistent with section 120B.232, subdivision 1, character education curriculum and programs may be used to support implementation of the key components of PBIS.

REGULATIONS

3525.0850. Behavior interventions.

This policy is intended to encourage the use of positive approaches to behavioral interventions. The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs, or procedures must be designed to enable a pupil to benefit from an appropriate, individualized educational program as well as develop skills to enable them to function as independently as possible in their communities.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

121A.45. Grounds for dismissal.
1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.
2. Grounds for dismissal. A pupil may be dismissed on any of the following grounds:
   (a) Willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;
   (b) Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
   (c) Willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.
3. Parent notification and meeting. If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.61. Discipline and removal of students from class.
1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.
2. Grounds for removal from class. The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:
   (a) Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
(b) Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and
(c) Willful violation of any rule of conduct specified in the discipline policy adopted by the board.

121A.69. Hazing policy.
1. Definitions.
   (a) “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.
   (b) "Student organization" means a group, club, or organization having students as its primary members or participants.
2. Model policy. The commissioner of education shall maintain and make available to school boards a model policy on student or staff hazing that addresses the requirements of subdivision 3.
3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41 to 121A.56. Each school must include the policy in the student handbook on school policies.

121A.70. Secret fraternities and societies.
1. Membership regulated. It is unlawful for any pupil, registered and attending any public school to join, become a member of, or to solicit any other pupil of any public school to join, or become a member of, any secret fraternity or society wholly or partially formed from the membership of pupils attending any public schools or to take part in the organization or formation of any fraternity or society, except societies or associations sanctioned by the district school board.
2. Penalties. A school board may suspend or dismiss any pupil from school, or prevent the pupil from graduating or participating in school honors when, after investigation, in the judgment of the board or a majority of its membership, the pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by the board for the purpose of governing its schools, or enforcing this section.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

121A.44. Expulsion for possession of firearm.
(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.
(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be
disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

121A.41. Definitions.
10. “Suspension” means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

121A.43. Exclusion and expulsion of pupils with a disability.
(a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.
(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.
(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.
(d) Before initiating an expulsion or exclusion under sections 121A.40. to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial
relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

121A.44. Expulsion for possession of firearm.
(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

121A.61. Discipline and removal of students from class.
3. Policy components. The policy must include at least the following components:
   (e) The period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

121A.40. Citation.
Sections 121A.40 to 121A.56 may be cited as the "Pupil Fair Dismissal Act."

121A.42. Policy.
No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

121A.46. Suspension procedures.
1. Informal administrative conference before suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

2. Administrator notifies pupil of grounds for suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or
property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

4. Suspension pending expulsion or exclusion hearing. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

**121A.47. Exclusion and expulsion procedures.**

1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

2. Written notice. Written notice of intent to take action shall:
   (a) Be served upon the pupil and the pupil's parent or guardian personally or by mail;
   (b) Contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
   (c) State the date, time, and place of the hearing;
   (d) Be accompanied by a copy of sections 121A.40. to 121A.56;
   (e) Describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
   (f) Inform the pupil and parent or guardian of the right to:
      (1) Have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education;
      (2) Examine the pupil's records before the hearing;
      (3) Present evidence; and
      (4) Confront and cross-examine witnesses.

3. Hearing schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

4. Convenient time and place of hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

5. Closed or open hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

6. Impartial hearer. The hearing shall take place before:
   (1) An independent hearing officer;
   (2) A member of the school board;
   (3) A committee of the school board; or
   (4) The full school board;

   As determined by the school board. The hearing shall be conducted in a fair and impartial manner.

7. Creating hearing record. The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.
8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

9. Pupil's right to compel testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

10. Pupil's right to present evidence and testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

11. Pupil not compelled to testify. The pupil cannot be compelled to testify in the dismissal proceedings.

12. Hearer's recommendation limited to evidence at hearing; service within two days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

13. Basis of school board decision; opportunity for comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer’s recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

14. Admission or readmission plan.

(a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.232, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

121A.48. Good faith exception.

A violation of the technical provisions of the Pupil Fair Dismissal Act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.
121A.49. Appeal.
A party to an exclusion or expulsion decision made under sections 121A.40. to 121A.56 may appeal the decision to the commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

1. In violation of constitutional provisions;
2. In excess of the statutory authority or jurisdiction of the school district;
3. Made upon unlawful procedure, except as provided in section 121A.48;
4. Affected by other error of law;
5. Unsupported by substantial evidence in view of the entire record submitted; or
6. Arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section 121A.50.

121A.50. Judicial review.
The decision of the commissioner of education made under sections 121A.40. to 121A.56 is subject to judicial review under sections 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

121A.52. Nonapplication of compulsory attendance law.
The provisions of section 120A.22, subdivision 5, shall not apply to any pupil during a dismissal pursuant to sections 121A.40 to 121A.56.

121A.53. Report to commissioner of education.
1. Exclusions and expulsions; physical assaults. The school board must report through the department electronic reporting system each exclusion or expulsion and each physical assault of a district employee by a student within 30 days of the effective date of the dismissal action or assault to the commissioner of education. This report must include a statement of alternative educational services, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

2. Report.
   (a) The school board must include state student identification numbers of affected pupils on all dismissal and other disciplinary reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals and physical assaults of district employees by a student by age, grade, gender, race, and special education status of the
affected pupils. All dismissal and other disciplinary reports must be submitted through the department electronic reporting system.

(b) The commissioner must aggregate the district data reported under this section and include the aggregated data, including aggregated data on physical assaults of a district employee by a student, in the annual school performance reports under section 120B.36.

121A.55. Policies to be established.

(a) The commissioner of education shall promulgate guidelines to assist each school board to establish uniform criteria for dismissal and adopt written policies and rules to effectuate sections 121A.031 and 121A.40. to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and be designed to prevent students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school to educate the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

121A.61. Discipline and removal of students from class.

1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

2. Grounds for removal from class. The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:

   (a) Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

   (b) Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and

   (c) Willful violation of any rule of conduct specified in the discipline policy adopted by the board.

3. Policy components. The policy must include at least the following components:

   (a) Rules governing student conduct and procedures for informing students of the rules;

   (b) The grounds for removal of a student from a class;
(c) The authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
(d) The procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
(e) The period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
(f) Provisions relating to the responsibility for and custody of a student removed from a class;
(g) The procedures for return of a student to the specified class from which the student has been removed;
(h) The procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
(i) Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
(j) Any procedures determined appropriate for encouraging early detection of behavioral problems;
(k) Any procedures determined appropriate for referring a student in need of special education services to those services;
(l) The procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
(m) Procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
(n) The minimum consequences for violations of the code of conduct;
(o) Procedures for immediate and appropriate interventions tied to violations of the code;
(p) A provision that states that a teacher, school employee, school bus driver, or other agent of a district may usereasonable force in compliance with section 121A.582 and other laws;
(q) An agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and
(r) A provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

121A.67. Removal by peace officer.
2. Removal by peace officer. If a pupil who has an individualized education program is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individualized education program team must meet to determine if the pupil's individualized education program is adequate or if additional evaluation is needed.
REGULATIONS

3525.4750. Expedited hearings, who may request.
1. Parent request for a hearing. A parent of a pupil with a disability may request an expedited due process hearing if the pupil's parent disagrees:
   A. with the determination that the pupil's behavior subject to disciplinary action was not a manifestation of the pupil's disability;
   B. with any decision regarding a change of the pupil's placement to an interim alternative educational setting for a weapon, controlled substance, or drug violation; or
   C. with any decision regarding a change of the pupil's placement under Code of Federal Regulations, title 34, sections 300.520 to 300.528, that is based upon a district contention that the move is for disciplinary or safety reasons.
2. Local education agency request for a hearing. The local education agency may request an expedited hearing if school personnel maintain that the current placement of the pupil is substantially likely to result in injury to the pupil or to others.
3. Continued placement. When a district proposes that an interim alternative placement should continue beyond 45 calendar days, it must provide parents with a written statement of the reasons for this proposal.

3525.4770. Expedited hearings, timelines.
1. When parents request hearing. When requesting an expedited hearing the parents shall provide the district and department with:
   A. a statement indicating the parents request an expedited hearing;
   B. the name and address of the child involved;
   C. the name, address, and telephone number, if available, of the parent;
   D. the name of the school the child is attending at the time of the request;
   E. the name or number of the school district of the parent's residence;
   F. a description of the nature of the problem of the child relating to the manifestation determination, interim placement, or proposed interim placement, including facts relating to the problem; and
   G. a proposed resolution of the problem to the extent known and available to the parents at the time.
The parent's right to an expedited hearing must not be denied or delayed for failure to provide the notice required here.
Immediately upon the district's receipt of the request for an expedited hearing or upon the initiation of an expedited hearing, the district shall serve the parents with a written notice of rights and procedures relative to the hearing, including the availability of free or low-cost legal services.
2. When district requests hearing. When the district requests an expedited hearing it shall provide the parents and department with a written notice of:
   A. a description of the nature of the problem including the behavior for which the change of placement is requested;
   B. a description of the interim placement or proposed interim placement; and
   C. a proposed resolution of the problem to the extent known at the time.
3. Hearing officer appointment. Within two business days of receipt of the notice, the commissioner shall appoint a hearing officer.
5. Disclosure of data. At least three business days prior to an expedited hearing, or longer, if ordered by the hearing officer, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party who fails to comply with this subpart from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

6. Prehearing conference. Within two business days of appointment, the hearing officer shall hold a prehearing conference, which may be by telephone. At that conference, or later, the hearing officer may take any appropriate action relating to scheduling, jurisdiction, and listing witnesses, including expert witnesses. Issues not raised in an expedited due process hearing are not waived in subsequent proceedings. Any exchange of witness lists, evidence, and any other information deemed necessary by the hearing officer shall be exchanged based on the timeline ordered by the hearing officer as required to allow the hearing officer to render a written decision within ten calendar days of the request for the hearing. At the prehearing conference, and subsequently, the hearing officer may order either party to submit educational records, evaluations, and any other information to the hearing officer for prehearing review. The hearing officer may establish procedures necessary to ensure the timely and fair resolution of the dispute.

8. Decision. A written decision for an expedited hearing shall be rendered by the hearing officer in ten school days from the date the hearing was requested. An extension of up to five calendar days may be granted by the hearing officer for good cause shown on the record. The decision is effective upon issuance consistent with Code of Federal Regulations, title 34, section 300.514. All regulations in this chapter apply to expedited due process hearings to the extent not modified by this part.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

121A.41. Definitions.
10. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in
the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

121A.47. Exclusion and expulsion procedures.
14. Admission or readmission plan.
   (a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.232, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.
   (b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

121A.54. Notice of right to be reinstated.
Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

121A.61. Discipline and removal of students from class.
3. Policy components. The policy must include at least the following components:
   (g) The procedures for return of a student to the specified class from which the student has been removed;

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

121A.67. Removal by peace officer.
2. Removal by peace officer. If a pupil who has an individualized education program is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individualized education program team must meet to determine if the pupil's individualized education program is adequate or if additional evaluation is needed.

125A.0941. Definitions.
(a) The following terms have the meanings given them.
(b) "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Emergency does not mean circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred and no threat of physical injury currently exists.

(c) "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury. The term physical holding does not mean physical contact that:

1. Helps a child respond or complete a task;
2. Assists a child without restricting the child's movement;
3. Is needed to administer an authorized health-related service or procedure; or
4. Is needed to physically escort a child when the child does not resist or the child's resistance is minimal.

(d) "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately, including the key components under section 122A.627.

(e) "Prone restraint" means placing a child in a face down position.

(f) "Restrictive procedures" means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child.

(g) "Seclusion" means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

125A.0942. Standards for restrictive procedures.

1. Restrictive procedures plan. (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that at least:

   (1) lists the restrictive procedures the school intends to use;
   (2) Describes how the school will implement a range of positive behavior strategies and provide links to mental health services;
   (3) Describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;
   (4) Describes how the school will monitor and review the use of restrictive procedures, including:
       (i) Conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause (5); and
       (ii) Convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; and
(5) Includes a written description and documentation of the training staff completed under subdivision 5.

(b) Schools annually must publicly identify oversight committee members who must at least include:

(1) A mental health professional, school psychologist, or school social worker;
(2) An expert in positive behavior strategies;
(3) A special education administrator; and
(4) A general education administrator.

2. Restrictive procedures. (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

(c) The district must hold a meeting of the individualized education program team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for using restrictive procedures in an emergency.

(d) If the individualized education program team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

(e) At the individualized education program meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

(f) An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

3. Physical holding or seclusion. (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:
(1) Physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
(2) Physical holding or seclusion is not used to discipline a noncompliant child;
(3) Physical holding or seclusion ends when the threat of harm ends, and the staff determines the child can safely return to the classroom or activity;
(4) Staff directly observes the child while physical holding or seclusion is being used;
(5) Each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:
   (i) A description of the incident that led to the physical holding or seclusion;
   (ii) Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
   (iii) The time the physical holding or seclusion began and the time the child was released; and
   (iv) A brief record of the child's behavioral and physical status;
(6) The room used for seclusion must:
   (i) Be at least six feet by five feet;
   (ii) Be well lit, well ventilated, adequately heated, and clean;
   (iii) Have a window that allows staff to directly observe a child in seclusion;
   (iv) Have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;
   (v) Have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and
   (vi) Not contain objects that a child may use to injure the child or others; and
(7) Before using a room for seclusion, a school must:
   (i) Receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and
   (ii) Register the room with the commissioner, who may view that room.
(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the
commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

4. Prohibitions. The following actions or procedures are prohibited:

1. Engaging in conduct prohibited under section 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
5. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
6. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556;
7. Withholding regularly scheduled meals or water;
8. Denying access to bathroom facilities;
9. Physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and

5. Training for staff. (a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:

1. Positive behavioral interventions;
2. Communicative intent of behaviors;
3. Relationship building;
4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. De-escalation methods;
6. Standards for using restrictive procedures only in an emergency;
7. Obtaining emergency medical assistance;
8. The physiological and psychological impact of physical holding and seclusion;
9. Monitoring and responding to a child's physical signs of distress when physical holding is being used;
10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
11. District policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
12. Schoolwide programs on positive behavior strategies.

(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program teams reduce
the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

6. Behavior supports; reasonable force. (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

121A.41. Definitions.

11. Alternative educational services. "Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02, although in a different setting.

121A.43. Exclusion and expulsion of pupils with a disability.

(a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.

(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

(d) Before initiating an expulsion or exclusion under sections 121A.40. to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an
individualized education program is excluded or expelled under sections 121A.40. to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

121A.45. Grounds for dismissal.
1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

121A.53. Report to commissioner of education.
1. Exclusions and expulsions; physical assaults. The school board must report through the department electronic reporting system each exclusion or expulsion and each physical assault of a district employee by a student within 30 days of the effective date of the dismissal action or assault to the commissioner of education. This report must include a statement of alternative educational services, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

2. Report.
   (a) The school board must include state student identification numbers of affected pupils on all dismissal and other disciplinary reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals and physical assaults of district employees by a student by age, grade, gender, race, and special education status of the affected pupils. All dismissal and other disciplinary reports must be submitted through the department electronic reporting system.
   (b) The commissioner must aggregate the district data reported under this section and include the aggregated data, including aggregated data on physical assaults of a district employee by a student, in the annual school performance reports under section 120B.36.

121A.55. Policies to be established.
(a) The commissioner of education shall promulgate guidelines to assist each school board to establish uniform criteria for dismissal and adopt written policies and rules to effectuate sections 121A.031 and 121A.40. to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and be designed to prevent students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school to educate the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

121A.61. Discipline and removal of students from class.
3. Policy components. The policy must include at least the following components:
(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

121A.05. Policy to refer firearms possessor.
A school board must have a policy requiring the appropriate school official to, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a pupil who brings a firearm to school unlawfully.

121A.44. Expulsion for possession of firearm.
(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.
(b) Notwithstanding chapter 13, a student’s expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

609.66. Dangerous weapons.
1d. Possession on school property; penalty.
(a) Except as provided under paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.
(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.
(c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a misdemeanor.
(d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person’s clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.
(e) As used in this subdivision:
(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;
(2) "Dangerous weapon" has the meaning given it in section 609.02, subdivision 6;
(3) "Replica firearm" has the meaning given it in section 609.713; and
(4) "School property" means:
   (i) A public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;
(ii) A child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) The area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) That portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(f) This subdivision does not apply to:

(1) Active licensed peace officers;

(2) Military personnel or students participating in military training, who are on-duty, performing official duties;

(3) Persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(4) Persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;

(5) Firearm safety or marksmanship courses or activities conducted on school property;

(6) Possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(7) A gun or knife show held on school property;

(8) Possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

(9) Persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

(g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

121A.06. Reports of dangerous weapon incidents in school zones.
1. Definitions. As used in this section:

   (1) “Dangerous weapon” has the meaning given it in section 609.02, subdivision 6;

   (2) “School” has the meaning given it in section 120A.22, subdivision 4; and

   (3) “School zone” has the meaning given it in section 152.01, subdivision 14a, clauses (1) and (3).

2. Reports; content. School districts must electronically report to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones. The form must include the following information:
(1) A description of each incident, including a description of the dangerous weapon involved in the incident;
(2) Where, at what time, and under what circumstances the incident occurred;
(3) Information about the offender, other than the offender’s name, including the offender’s age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;
(4) Information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;
(5) The cost of the incident to the school and to the victim; and
(6) The action taken by the school administration to respond to the incident.

The commissioner shall provide an electronic reporting format that allows school districts to provide aggregate data.

3. Reports; filing requirements. By July 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be submitted using the electronic reporting system developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety and the legislature.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

260A.02. Definitions.
1. Scope. The definitions in this section apply to this chapter.
2. Board. "Board" means a school attendance review board created under section 260A.05.
3. Continuing truant. "Continuing truant" means a child who is subject to the compulsory instruction requirements of section 120A.22 and is absent from instruction in a school, as defined in section 120A.05, without valid excuse within a single school year for:
   (1) Three days if the child is in elementary school; or
   (2) Three or more class periods on three days if the child is in middle school, junior high school, or high school.

Nothing in this section shall prevent a school district or charter school from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

260C.007. Definitions.
19. Habitual truant. "Habitual truant" means a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.
REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

120A.22. Compulsory instruction.
1. Parental responsibility. The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship.
2a. Noncustodial parent access to records. Upon request, a noncustodial parent has the right of access to, and to receive copies of, school records and information, to attend conferences, and to be informed about the child's welfare, educational progress, and status, as authorized under section 518.17, subdivision 3. The school is not required to hold a separate conference for each parent.
2. Applicability. This section and sections 120A.24; 120A.26; 120A.32; and 120A.34 apply only to a child required to receive instruction according to subdivision 5 and to instruction that is intended to fulfill that requirement.
3. Parent defined; residency determined.
   (a) In this section and sections 120A.24 and 120A.26, "parent" means a parent, guardian, or other person having legal custody of a child.
   (b) In sections 125A.03 to 125A.24 and 125A.65, "parent" means a parent, guardian, or other person having legal custody of a child under age 18. For an unmarried pupil age 18 or over, "parent" means the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator.
   (c) For purposes of sections 125A.03 to 125A.24 and 125A.65, the school district of residence for an unmarried pupil age 18 or over who is a parent under paragraph (b) and who is placed in a center for care and treatment, shall be the school district in which the pupil's biological or adoptive parent or designated guardian resides.
   (d) For a married pupil age 18 or over, the school district of residence is the school district in which the married pupil resides.
   (e) If a district reasonably believes that a student does not meet the residency requirements of the school district in which the student is attending school, the student may be removed from the school only after the district sends the student's parents written notice of the district's belief, including the facts upon which the belief is based, and an opportunity to provide documentary evidence of residency in person to the superintendent or designee, or, at the option of the parents, by sending the documentary evidence to the superintendent, or a designee, who will then make a determination as to the residency status of the student.
4. School defined. For the purpose of compulsory attendance, a "school" means a public school, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24.
5. Ages and terms.
   (a) Every child between seven and 17 years of age must receive instruction unless the child has graduated. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction.
Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.

(b) A school district by annual board action may require children subject to this subdivision to receive instruction in summer school. A district that acts to require children to receive instruction in summer school shall establish at the time of its action the criteria for determining which children must receive instruction.

(c) A pupil 16 years of age or older who meets the criteria of section 124D.68, subdivision 2, and under clause (5) of that subdivision has been excluded or expelled from school or under clause (11) of that subdivision has been chronically truant may be referred to an area learning center. Such referral may be made only after consulting the principal, area learning center director, student, and parent or guardian and only if, in the school administrator’s professional judgment, the referral is in the best educational interest of the pupil. Nothing in this paragraph limits a pupil’s eligibility to apply to enroll in other eligible programs under section 124D.68

6. Children under seven.

(a) Once a pupil under the age of seven is enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and section 120A.34, unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision.

(b) In a district in which children under seven are subject to compulsory attendance under this subdivision, paragraphs (c) to (e) apply.

(c) A parent or guardian may withdraw the pupil from enrollment in the school for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the pupil in another school, as defined in subdivision 4, or the immaturity of the child.

(d) When the pupil enrolls, the enrolling official must provide the parent or guardian who enrolls the pupil with a written explanation of the provisions of this subdivision.

(e) A pupil under the age of seven who is withdrawn from enrollment in the public school under paragraph (c) is no longer subject to the compulsory attendance provisions of this chapter.

(f) In a district that had adopted a policy to exempt children under seven from this subdivision, the district’s chief attendance officer must keep the truancy enforcement authorities supplied with a copy of the board’s current policy certified by the clerk of the board.

7. Education records.

(a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student’s educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student’s educational records, within ten business days of the school’s closure, to the student’s school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student’s educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56. The district, the charter school, or the nonpublic
school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

8. Withdrawal from school. Any student who is 17 years old who seeks to withdraw from school, and the student's parent or guardian must:

(1) Attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and
(2) Sign a written election to withdraw from school.

9. Knowledge and skills. Instruction must be provided in at least the following subject areas:

(1) Basic communication skills including reading and writing, literature, and fine arts;
(2) Mathematics and science;
(3) Social studies including history, geography, economics, government, and citizenship; and
(4) Health and physical education.

Instruction, textbooks, and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

10. Requirements for instructors. A person who is providing instruction to a child must meet at least one of the following requirements:

(1) Hold a valid Minnesota teaching license in the field and for the grade level taught;
(2) Be directly supervised by a person holding a valid Minnesota teaching license;
(3) Successfully complete a teacher competency examination;
(4) Provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;
(5) Hold a baccalaureate degree; or
(6) Be the parent of a child who is assessed according to the procedures in subdivision 11.

Any person providing instruction in a public school must meet the requirements of clause (1).


(a) Each year the performance of every child ages seven through 16 and every child ages 16 through 17 for which an initial report was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and who is not enrolled in a public school must be assessed using a nationally norm-referenced standardized achievement examination. The superintendent of the district in which the child receives instruction and the person in charge of the child's instruction must agree about the specific examination to be used and the administration and location of the examination.
(b) To the extent the examination in paragraph (a) does not provide assessment in all of the subject areas in subdivision 9, the parent must assess the child’s performance in the applicable subject area. This requirement applies only to a parent who provides instruction and does not meet the requirements of subdivision 10, clause (1), (2), or (3).

(c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's performance on the total battery score is at or below the 30th percentile or one grade level below the performance level for children of the same age, the parent must obtain additional evaluation of the child's abilities and performance for the purpose of determining whether the child has learning problems.

(d) A child receiving instruction from a nonpublic school, person, or institution that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner, is exempt from the requirements of this subdivision.

12. Legitimate exemptions.

(a) A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) That the child’s physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:
   (i) Child illness, medical, dental, orthodontic, or counseling appointments;
   (ii) Family emergencies;
   (iii) The death or serious illness or funeral of an immediate family member;
   (iv) Active duty in any military branch of the United States;
   (v) The child has a condition that requires ongoing treatment for a mental health diagnosis; or
   (vi) Other exemptions included in the district’s school attendance policy;

(2) That the child has already completed state and district standards required for graduation from high school; or

(3) That it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

(b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from an all-day, every day kindergarten program and put their child in a half-day program, if offered, or an alternate-day program without being truant. A school board must excuse a kindergarten child from a part of a school day at the request of the child's parent.

13. Issuing and reporting excuses. The clerk or any authorized officer of the board must issue and keep a record of such excuses, under such rules as the board may from time to time establish.
120A.24. Reporting.

4. Reports to the state. A superintendent must make an annual report to the commissioner of education by December 1 of the total number of nonpublic children reported as residing in the district. The report must include the following information:

   (1) The number of children residing in the district attending nonpublic schools or receiving instruction from persons or institutions other than a public school;
   
   (2) The number of children in clause (1) who are in compliance with section 120A.22 and this section; and
   
   (3) The number of children in clause (1) who the superintendent has determined are not in compliance with section 120A.22 and this section.

5. Obligations. Nothing in this section alleviates the obligations under section 120A.22.

120A.26. Enforcement and prosecution.

1. [Repealed, 1Sp2011 c 11 art 1 s 37]

2. [Repealed, 1Sp2011 c 11 art 1 s 37]

3. Notice to parents. The superintendent must notify the parent, in writing, if a child is alleged to be receiving instruction in violation of sections 120A.22 and 120A.24. The written notification must include a list of the specific alleged violations.

4. Fact-finding and mediation. If the specified alleged violations of the compulsory attendance requirements are not corrected within 15 days of receipt of the written notification, the superintendent must request fact-finding and mediation services from the commissioner.

5. Notice to county attorney. If the alleged violations are not corrected through the fact-finding and mediation process under subdivision 4, the superintendent must notify the county attorney of the alleged violations. The superintendent must notify the parents, by certified mail, of the superintendent’s intent to notify the county attorney of the alleged violations.

6. Criminal complaint; prosecution. The county attorney in the county in which the alleged violations have occurred has jurisdiction to conduct a prosecution for violations of this section, section 120A.22, or section 120A.24. A criminal complaint may be filed in any court in the county exercising criminal jurisdiction and must name the persons neglecting or refusing to comply with this section, section 120A.22, or section 120A.24. After the complaint has been filed, a warrant must be issued and proceedings in trial must commence as provided by law in misdemeanor cases.

120A.32. Officers, teachers; Neglect of duty, penalty.

Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120A.22, 120A.26, 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All persons found guilty shall be punished for each offense by a fine of not more than $10 or by imprisonment for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

120A.34. Violations; Penalties.

Any person who fails or refuses to provide for instruction of a child of whom the person has legal custody, and who is required by section 120A.22, subdivision 5, to receive instruction, when notified so to do by a truant officer or other official, or any person who induces or attempts to induce any child unlawfully to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully
absent from school, shall be guilty of a petty misdemeanor. Any fines collected shall be paid into the county treasury for the benefit of the school district in which the offense is committed.’

124D.03. Enrollment options program.

12. Termination of enrollment. A district may terminate the enrollment of a nonresident student enrolled under this section or section 124D.08 at the end of a school year if the student meets the definition of a habitual truant under section 260C.007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under this section if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under section 120A.22, subdivision 8.

260A.01. Truancy programs and services.

(a) The programs in this chapter are designed to provide a continuum of intervention and services to support families and children in keeping children in school and combating truancy and educational neglect. School districts, county attorneys, and law enforcement may establish the programs and coordinate them with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.

(b) Consistent with section 125A.091, subdivision 5, a parent's refusal to provide the parent's child with sympathomimetic medications does not constitute educational neglect.

260A.02. Definitions.

1. Scope. The definitions in this section apply to this chapter.

2. Board. "Board" means a school attendance review board created under section 260A.05.

3. Continuing truant. "Continuing truant" means a child who is subject to the compulsory instruction requirements of section 120A.22 and is absent from instruction in a school, as defined in section 120A.05, without valid excuse within a single school year for:

   (1) Three days if the child is in elementary school; or
   (2) Three or more class periods on three days if the child is in middle school, junior high school, or high school.

Nothing in this section shall prevent a school district or charter school from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

260A.03. Notice to parent or guardian when child is a continuing truant.

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

(1) That the child is truant;
(2) That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
(3) That the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34;
(4) That this notification serves as the notification required by section 120A.34;
(5) That alternative educational programs and services may be available in the child's enrolling or resident district;
(6) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
(7) That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260C;
(8) That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260C.201; and
(9) That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

260A.04. Community-based truancy projects and service centers.
1. Establishment.
   (a) Community-based truancy projects and service centers may be established to:
      (1) Provide for identification of students with school attendance problems;
      (2) Facilitate the provision of services geared to address the underlying issues that are contributing to a student's truant behavior; and
      (3) Provide facilities to receive truant students from peace officers and probation officers.
   (b) Truancy projects and service centers may provide any of these services and shall provide for referral of children and families to other appropriate programs and services.
2. Community-based action projects. Schools, community agencies, law enforcement, parent associations, and other interested groups may cooperate to provide coordinated intervention, prevention, and educational services for truant students and their families. Services may include:
   (1) Assessment for underlying issues that are contributing to the child's truant behavior;
   (2) Referral to other community-based services for the child and family, such as individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;
   (3) Transition services to integrate the child back into school and to help the child succeed once there;
   (4) Culturally sensitive programming and staffing; and
   (5) Increased school response, including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.
3. Truancy service centers.
   (a) Truancy service centers may be established as facilities to receive truant students from peace officers and probation officers and provide other appropriate services. A truancy service center may:
      (1) Assess a truant student's attendance situation, including enrollment status, verification of truancy, and school attendance history;
      (2) Assist in coordinating intervention efforts where appropriate, including checking with juvenile probation and children and family services to determine whether an active case is pending and facilitating transfer to an appropriate facility, if indicated; and evaluating the need for and making referral to a health clinic, chemical dependency treatment, protective services, social or recreational programs, or other school or community-based services and programs described in subdivision 2;
      (3) Contact the parents or legal guardian of the truant student and release the truant student to the custody of the parents, guardian, or other suitable person; and
      (4) Facilitate the student's earliest possible return to school.
(b) Truancy service centers may not accept:
   (1) Juveniles taken into custody for violations of law that would be crimes if committed by adults;
   (2) Intoxicated juveniles;
   (3) Ill or injured juveniles; or
   (4) Juveniles older than mandatory school attendance age.

(c) Truancy service centers may expand their service capability in order to receive curfew violators and take appropriate action, such as coordination of intervention efforts, contacting parents, and developing strategies to ensure that parents assume responsibility for their children's curfew violations.

260A.05. School attendance review boards.
1. Establishment. A school district or charter school may establish one or more school attendance review boards to exercise the powers and duties in this section. The school district or charter school board shall appoint the members of the school attendance review board and designate the schools within the board's jurisdiction. Members of a school attendance review board may include:
   (1) The superintendent of the school district or the superintendent's designee or charter school director or the director's designee;
   (2) A principal and one or more other school officials from within the district or charter school;
   (3) Parent representatives;
   (4) Representatives from community agencies that provide services for truant students and their families;
   (5) A juvenile probation officer;
   (6) School counselors and attendance officers; and
   (7) Law enforcement officers.
2. General powers and duties. A school attendance review board shall prepare an annual plan to promote interagency and community cooperation and to reduce duplication of services for students with school attendance problems. The plan shall include a description of truancy procedures and services currently in operation within the board's jurisdiction, including the programs and services under section 260A.04. A board may provide consultant services to, and coordinate activities of, truancy programs and services. If a board determines that it will be unable to provide services for all truant students who are referred to it, the board shall establish procedures and criteria for determining whether to accept referrals of students or refer them for other appropriate action.
3. Oversight of truant students. A school attendance review board shall oversee referrals of truant students and provide appropriate intervention and services under section 260A.06. The board shall establish procedures for documenting student attendance and verifying actions and interventions with respect to truant students and their families.

260A.07. County attorney truancy mediation program.
1. Establishment; referrals. A county attorney may establish a truancy mediation program for the purpose of resolving truancy problems without court action. If a student is in a school district or charter school that has established a school attendance review board, the student may be referred to the county attorney under section 260A.06, subdivision 3. If the student's school district or charter school has not established a board, the student may be referred to the county attorney by the school district or charter school if the student continues to be truant after the parent or guardian has been sent or conveyed the notice under section 260A.03.
2. Meeting; notice. The county attorney may request the parent or legal guardian and the child referred under subdivision 1 to attend a meeting to discuss the possible legal consequences of the minor's truancy. The notice of the meeting must be served personally or by certified mail at least five days before the meeting on each person required to attend the meeting. The notice must include:

   (1) The name and address of the person to whom the notice is directed;
   (2) The date, time, and place of the meeting;
   (3) The name of the minor classified as a truant;
   (4) The basis for the referral to the county attorney;
   (5) A warning that a criminal complaint may be filed against the parents or guardians pursuant to section 120A.34 for failure to compel the attendance of the minor at school or that action may be taken in juvenile court; and
   (6) A statement that the meeting is voluntary.

260C.007. Definitions.
19. Habitual truant. “Habitual truant” means a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

121A.29. Reporting; chemical abuse.
1. Teacher's duty. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.
2. Other reports. Nothing in this section prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

121A.61. Discipline and removal of students from class.
3. Policy components. The policy must include at least the following components:
   (m) Procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

122A.66. Teacher training; effects of drugs and alcohol.
All educational institutions providing teacher education must offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals. Every student attending
educational institutions in preparation for teaching service shall be required to take and to satisfactorily complete a program under this section.

144.4165. Tobacco products prohibited in public schools.
No person shall at any time smoke, chew, or otherwise ingest tobacco or a tobacco product, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, and no person under the age of 18 shall possess any of these items. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755 subdivision 12.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

121A.031. School student bullying policy.
1. Student bullying policy; scope and application.
   (a) This section applies to bullying by a student against another student enrolled in a public school and which occurs:
      (1) On the school premises, at the school functions or activities, or on the school transportation;
      (2) By use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
      (3) By use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
   (b) A nonpublic school under section 123B.41, subdivision 9, consistent with its school accreditation cycle, is encouraged to electronically transmit to the commissioner its antibullying policy, if any, and any summary data on its bullying incidents.
   (c) This section does not apply to a home school under sections 120A.22, subdivision 4, and 120A.24, or a nonpublic school under section 123B.41, subdivision 9.
   (d) A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the same student bullying policy provisions applicable to the public school students participating in the activity.
2. Definitions.
   (a) For purposes of this section, the following terms have the meanings given them.
   (b) "District" means a district under section 120A.05, subdivision 8.
   (c) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.
   (d) "Student" means a student enrolled in a school under paragraph (c).
(e) "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

(1) There is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; or

(2) Materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

(f) "Cyberbullying" means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site or forum, transmitted through a computer, cell phone, or other electronic device.

(g) Intimidating, threatening, abusive, or harming conduct may involve, but is not limited to, conduct that causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or chapter 363A.

(h) "Prohibited conduct" means bullying or cyberbullying as defined under this subdivision or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

(i) "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Districts and schools may seek the assistance of the school safety technical assistance center under section 127A.052 to develop and implement remedial responses on behalf of a student who is the target of prohibited conduct, to stop and correct a student engaging in prohibited conduct, and for use with students and adults in the school community.

3. Local district and school policy.

(a) Districts and schools, in consultation with students, parents, and community organizations, to the extent practicable, shall adopt, implement, and, on a cycle consistent with other district policies, review, and revise where appropriate, a written policy to prevent and prohibit student bullying consistent with this section. The policy must conform with sections 121A.41 to 121A.56. A district or school must adopt and implement a local policy under subdivisions 3 to 5 or comply with the provisions of the state model policy in subdivision 6.

(b) Each local district and school policy must establish research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring policy violations; apply throughout the school or district; and foster active student, parent, and community participation. A district or school may request assistance from the school safety technical assistance center under section 127A.052 in complying with local policy requirements. The policy shall:

(1) Define the roles and responsibilities of students, school personnel, and volunteers under the policy;

(2) Specifically list the characteristics contained in subdivision 2, paragraph (g);

(3) Emphasize remedial responses;

(4) Be conspicuously posted in the administrative offices of the school and school district in summary form;
(5) Be given to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the district or school;

(6) Be included in the student handbook on school policies; and

(7) Be available to all parents and other school community members in an electronic format in the languages appearing on the district or school Web site, consistent with the district policies and practices.

c) Consistent with its applicable policies and practices, each district and school under this subdivision must discuss its policy with students, school personnel, and volunteers and provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. Districts and schools must establish a training cycle, not to exceed a period of three school years, for school personnel under this paragraph. Newly employed school personnel must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.

(d) Each district and school under this subdivision must submit an electronic copy of its prohibited conduct policy to the commissioner.

4. Local policy components.

(a) Each district and school policy implemented under this section must, at a minimum:

(1) Designate a staff member as the primary contact person in the school building to receive reports of prohibited conduct under clause (3), ensure the policy and its procedures including restorative practices, consequences, and sanctions are fairly and fully implemented, and serve as the primary contact on policy and procedural matters implicating both the district or school and the department;

(2) Require school employees who witness prohibited conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;

(3) Provide a procedure to begin to investigate reports of prohibited conduct within three school days of the report, and make the primary contact person responsible for the investigation and any resulting record and for keeping and regulating access to any record;

(4) Indicate how a school will respond to an identified incident of prohibited conduct, including immediately intervening to protect the target of the prohibited conduct; at the school administrator’s discretion and consistent with state and federal data practices law governing access to data, including section 13.02, subdivision 8, a presumption that a district or school official will notify the parent of the reported target of the prohibited conduct and the parent of the actor engaged in the prohibited conduct; providing other remedial responses to the prohibited conduct; and ensuring that remedial responses are tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history;

(5) Prohibit reprisals or retaliation against any person who asserts, alleges, or reports prohibited conduct or provides information about such conduct and establish appropriate consequences for a person who engages in reprisal or retaliation;

(6) Allow anonymous reporting but do not rely solely on an anonymous report to determine discipline;

(7) Provide information about available community resources to the target, actor, and other affected individuals, as appropriate;

(8) Where appropriate for a child with a disability to prevent or respond to prohibited conduct, allow the child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;
(9) Use new employee training materials, the school publication on school rules, procedures, and standards of conduct, and the student handbook on school policies to publicize the policy;
(10) Require ongoing professional development, consistent with section 122A.60, to build the skills of all school personnel who regularly interact with students, including but not limited to educators, administrators, school counselors, social workers, psychologists, other school mental health professionals, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to identify, prevent, and appropriately address prohibited conduct;
(11) Allow the alleged actor in an investigation of prohibited conduct to present a defense; and
(12) Inform affected students and their parents of their rights under state and federal data practices laws to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data.

(b) Professional development under a local policy includes, but is not limited to, information about:
   (1) Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
   (2) The complex dynamics affecting an actor, target, and witnesses to prohibited conduct;
   (3) Research on prohibited conduct, including specific categories of students at risk for prohibited conduct in school;
   (4) The incidence and nature of cyberbullying; and
   (5) Internet safety and cyberbullying.

5. Safe and supportive schools programming.
   (a) Districts and schools are encouraged to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying. Districts and schools must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.
   (b) Districts and schools are encouraged to:
      (1) Engage all students in creating a safe and supportive school environment;
      (2) Partner with parents and other community members to develop and implement prevention and intervention programs;
      (3) Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
      (4) Train student bystanders to intervene in and report incidents of prohibited conduct to the school’s primary contact person;
      (5) Teach students to advocate for themselves and others;
      (6) Prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and
      (7) Foster student collaborations that foster a safe and supportive school climate.

(a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

1. Define prohibited conduct, consistent with this section;
2. Apply the prohibited conduct policy components in this section;
3. For a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and
4. Encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

1. Periodically reviewing district and school programs and policies for compliance with this section;
2. Investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and
3. Allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's Web site information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

7. Relation to existing law.

(a) This section does not:

1. Establish any private right of action;
2. Limit rights currently available to an individual under other civil or criminal law, including, but not limited to, chapter 363A; or
3. Interfere with a person's rights of religious expression and free speech and expression under the First Amendment of the United States Constitution.

121A.69. Hazing policy.

1. Definitions.

(a) "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.

(b) "Student organization" means a group, club, or organization having students as its primary members or participants.

2. Model policy. The commissioner of education shall maintain and make available to school boards a model policy on student or staff hazing that addresses the requirements of subdivision 3.

3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe.
to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

125B.15. Internet access for students.
(a) Recognizing the difference between school libraries, school computer labs, and school media centers, which serve unique educational purposes, and public libraries, which are designed for public inquiry, all computers at a school site with access to the Internet available for student use must be equipped to restrict, including by use of available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law.
(b) A school site is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase.
(c) A school district receiving technology revenue under section 125B.26 must prohibit, including through use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography.
(d) A school district, its agents or employees, are immune from liability for failure to comply with this section if they have made a good faith effort to comply with the requirements of this section.
(e) “School site” means an education site as defined in section 123B.04, subdivision 1, or charter school under chapter 124E.

128C.02. Duties, Policies, Criteria, Rules of Board.
Subdivision 1. Decisions, policies, advisory committees. - The board shall establish and adopt policies, including a policy on corporate sponsorships and similar agreements, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions.
Subd. 2. Sexual harassment and violence; hazing. - The board of the league shall adopt a policy, rules, penalties, and recommendations addressing sexual harassment and sexual violence and hazing toward and by participants in league activities.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

121A.69. Hazing policy.
1. Definitions.
(a) “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.
(b) “Student organization” means a group, club, or organization having students as its primary members or participants.
2. Model policy. The commissioner of education shall maintain and make available to school boards a model policy on student or staff hazing that addresses the requirements of subdivision 3.
3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

121A.70. Secret fraternities and societies.
1. Membership regulated. It is unlawful for any pupil, registered and attending any public school to join, become a member of, or to solicit any other pupil of any public school to join, or become a member of, any secret fraternity or society wholly or partially formed from the membership of pupils attending any public schools or to take part in the organization or formation of any fraternity or society, except societies or associations sanctioned by the district school board.

2. Penalties. A school board may suspend or dismiss any pupil from school, or prevent the pupil from graduating or participating in school honors when, after investigation, in the judgment of the board or a majority of its membership, the pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by the board for the purpose of governing its schools, or enforcing this section.

3. "Rushing" or soliciting forbidden. It is a misdemeanor for any person, not a pupil of the schools, to be upon school grounds, or to enter any school building, for the purpose of "rushing" or soliciting any pupil of the schools to join any fraternity, society, or association organized outside of the schools. The district court has jurisdiction of offenses committed under this subdivision. All persons found guilty shall be fined not less than $2, nor more than $10, to be paid to the county treasurer or, upon failure to pay the fine, to be imprisoned for not more than ten days.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

120B.21. Mental health education.
School districts and charter schools are encouraged to provide mental health instruction for students in grades 4 through 12 aligned with local health standards and integrated into existing programs, curriculum, or the general school environment of a district or charter school. The commissioner, in consultation with the commissioner of human services, commissioner of health, and mental health organizations, must, by July 1, 2020, and July 1 of each even-numbered year thereafter, provide districts and charter schools with resources gathered by Minnesota mental health advocates, including:

(1) age-appropriate model learning activities for grades 4 through 12 that encompass the mental health components of the National Health Education Standards and the benchmarks developed by the department's quality teaching network in health and best practices in mental health education; and

(2) a directory of resources for planning and implementing age-appropriate mental health curriculum and instruction in grades 4 through 12 that includes resources on suicide and self-harm prevention.

120B.22. Violence prevention education.

1. Violence prevention curriculum.

(a) The commissioner of education, in consultation with the commissioners of health and human services, state minority councils, battered women's and domestic abuse programs, battered women's shelters, sexual assault centers, representatives of religious communities, and the assistant commissioner of the Office of Drug Policy and Violence Prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) A comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, self-protection, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) Planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) A special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) Involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;
(5) Collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) Collaboration among districts and service cooperatives;

(7) Targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;

(8) Opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) Administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

2. In-service training. Each district is encouraged to provide training for district staff and school board members on the following:

(1) Helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways

(2) Responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

(3) Complying with mandatory reporting requirements under section 626.556

The in-service training must be ongoing and involve experts familiar with sexual abuse, domestic violence, and personal safety issues.

3. Funding sources. Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

120B.232. Character development education.

1. Character development education. (a) Character education is the shared responsibility of parents, teachers, and members of the community. The legislature encourages districts to integrate or offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness. Instruction should be integrated into a district's existing programs, curriculum, or the general school environment. To the extent practicable, instruction should be integrated into positive behavioral intervention strategies, under section 122A.627. The commissioner shall provide assistance at the request of a district to develop character education curriculum and programs.

(b) Character development education under paragraph (a) may include a voluntary elementary, middle, and high school program that incorporates the history and values of Congressional Medal of Honor recipients and may be offered as part of the social studies, English language arts, or other curriculum, as a schoolwide character building and veteran awareness initiative, or as an after-school program, among other possibilities.

1a. Staff development; continuing education. (a) Staff development opportunities under section 122A.60 may include training in character development education that incorporates the history and values of Congressional Medal of Honor recipients under subdivision 1, paragraph (b), and is provided without cost to the interested school or district.

(b) Local continuing education and relicensure committees or other local relicensure committees under section 122A.187, subdivision 3, are encouraged to approve up to six clock hours of continuing
education for licensed teachers who complete the training in character development education under paragraph (a).

2. Funding sources. The commissioner must first use federal funds for character development education programs to the extent available under United States Code, title 20, section 7247. Districts may accept funds from private and other public sources for character development education programs developed and implemented under this section, including programs funded through the Congressional Medal of Honor Foundation, among other sources.

121A.03. Model policy.
1. Model policy. The commissioner shall maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. The model policy shall address the requirements of subdivision 2, and may encourage violence prevention and character development education programs, consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.

121A.031. School student bullying policy.
5. Safe and supportive schools programming.
(a) Districts and schools are encouraged to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying. Districts and schools must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.
(b) Districts and schools are encouraged to:
   (1) Engage all students in creating a safe and supportive school environment;
   (2) Partner with parents and other community members to develop and implement prevention and intervention programs;
   (3) Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
   (4) Train student bystanders to intervene in and report incidents of prohibited conduct to the school's primary contact person;
   (5) Teach students to advocate for themselves and others;
   (6) Prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and
   (7) Foster student collaborations that foster a safe and supportive school climate.

122A.627. Positive behavioral interventions and supports.
"Positive behavioral interventions and supports" or "PBIS" means an evidence-based framework for preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students. Schoolwide implementation of PBIS requires training, coaching, and evaluation for school staff to consistently implement the key components that make PBIS effective for all students, including:
   (1) Establishing, defining, teaching, and practicing three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;
(2) Developing and implementing a consistent system used by all staff to provide positive feedback and acknowledgment for students who display schoolwide behavioral expectations;

(3) Developing and implementing a consistent and specialized support system for students who do not display behaviors representative of schoolwide positive expectations;

(4) Developing a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;

(5) Using a continuum of evidence-based interventions that is integrated and aligned to support academic and behavioral success for all students; and

(6) Using a team-based approach to support effective implementation, monitor progress, and evaluate outcome

Consistent with section 120B.232, subdivision 1, character education curriculum and programs may be used to support implementation of the key components of PBIS.

124D.895. Parental involvement programs.

1. Program goals. The department, in consultation with the state curriculum advisory committee, must develop guidelines and model plans for parental involvement programs that will:

   (1) Engage the interests and talents of parents or guardians in recognizing and meeting the emotional, intellectual, native and English language development, and physical needs of their school-age children;

   (2) Promote healthy self-concepts among parents or guardians and other family members;

   (3) Offer parents or guardians a chance to share and learn about educational skills, techniques, and ideas;

   (4) Provide creative learning experiences for parents or guardians and their school-age children, including involvement from parents or guardians of color;

   (5) Encourage parents to actively participate in their district's curriculum advisory committee under section 120B.11 in order to assist the school board in improving children's education programs;

   (6) Encourage parents to help in promoting school desegregation/integration under sections 124D.861 and 124D.862; and

   (7) Partner with parents in establishing a positive school climate by developing and implementing prevention and intervention programs on prohibited conduct under section 121A.031.

2. Plan contents. Model plans for a parental involvement program must include at least the following:

   (1) Program goals;

   (2) Means for achieving program goals;

   (3) Methods for informing parents or guardians, in a timely way, about the program;

   (4) Strategies for ensuring the full participation of parents or guardians, including those parents or guardians who lack literacy skills or whose native language is not English, including the involvement of parents or guardians of color;

   (5) Procedures for coordinating the program with kindergarten through grade 12 curriculum, with parental involvement programs currently available in the community, with the world's best workforce under section 120B.11, and with other education facilities located in the community;

   (6) Strategies for training teachers and other school staff to work effectively with parents and guardians;

   (7) Procedures for parents or guardians and educators to evaluate and report progress toward program goals; and
(8) A mechanism for convening a local community advisory committee composed primarily of parents or guardians to advise a district on implementing a parental involvement program.

3. Plan activities. Activities contained in the model plans must include:

   (1) Educational opportunities for families that enhance children's learning and native and English language development;
   
   (2) Educational programs for parents or guardians on families' educational responsibilities and resources;
   
   (3) The hiring, training, and use of parental involvement liaison workers to coordinate family involvement activities and to foster linguistic and culturally competent communication among families, educators, and students, consistent with the definition of culturally competent under section 120B.30, subdivision 1, paragraph (q);
   
   (4) Curriculum materials and assistance in implementing home and community-based learning activities that reinforce and extend classroom instruction and student motivation;
   
   (5) Technical assistance, including training to design and carry out family involvement programs;
   
   (6) Parent resource centers;
   
   (7) Parent training programs and reasonable and necessary expenditures associated with parents' attendance at training sessions;
   
   (8) Reports to parents on children's progress;
   
   (9) Use of parents as classroom volunteers, or as volunteers in before and after school programs for school-age children, tutors, and aides;
   
   (10) Soliciting parents' suggestions in planning, developing, and implementing school programs;
   
   (11) Educational programs and opportunities for parents or guardians that are multicultural, multilingual, gender fair, and disability sensitive;
   
   (12) Involvement in a district's curriculum advisory committee or a site team under section 120B.11; and
   
   (13) Opportunities for parent involvement in developing, implementing, or evaluating school and district desegregation/integration plans under sections 124D.861 and 124D.862.

124D.8955. Parent and family involvement policy.

(a) In order to promote and support student achievement, a local school board is encouraged to formally adopt and implement a parent and family involvement policy that promotes and supports:

   (1) Oral and written communication between home and school that is regular, two-way, meaningful, and in families' native language;
   
   (2) Parenting skills;
   
   (3) Parents and caregivers who play an integral role in assisting student learning and learn about fostering students' academic success and learning at home and school;
   
   (4) Welcoming parents in the school and using networks that support families' cultural connections, seeking their support and assistance;
   
   (5) Partnerships with parents in the decisions that affect children and families in the schools; and
   
   (6) Providing community resources to strengthen schools, families, and student learning, including establishing a safe and supportive school climate by developing and implementing prevention and intervention programs on prohibited conduct under section 121A.031.

(b) A school board that implements a parent and family involvement policy under paragraph (a) must convene an advisory committee composed of an equal number of resident parents who are not district employees and school staff to make recommendations to the board on developing and evaluating the
board's parent and family involvement policy. If possible, the advisory committee must represent the diversity of the district. The advisory committee must consider the district's demographic diversity and barriers to parent involvement when developing its recommendations. The advisory committee must recommend to the school board and district or school how programs serving children and adolescents can collaborate on:

1. Understanding child and adolescent development;
2. Encouraging healthy communication between parents and children;
3. Managing students' behavior through positive reinforcement;
4. Establishing expectations for student behavior;
5. Providing media and Internet limits and supervision; and

The advisory committee must present its recommendations to the board for board consideration.

(c) The board must consider research-based best practices when implementing this policy.

(d) The board periodically must review this policy to determine whether it is aligned with the most current research findings on parent involvement policies and practices and how effective the policy is in supporting increased student achievement.

(e) Nothing in this section obligates a school district to exceed any parent or family involvement requirement under federal law.

**126C.44. Safe schools levy.**

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to $36 multiplied by the district's adjusted pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

1. To pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;
2. To pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;
3. To pay the costs for a gang resistance education training curriculum in the district's schools;
4. To pay the costs for security in the district's schools and on school property;
5. To pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;
6. To pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;
7. To pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;
8. To pay for costs associated with improving the school climate; or
9. To pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors.
No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**

**121A.25. Chemical abuse preassessment teams; definitions.**

1. Applicability. The definitions in this section apply to sections 121A.26 to 121A.29 and 121A.61, subdivision 3.

2. Controlled substances. "Controlled substances" means the term as defined in section 152.01, subdivision 4, and "marijuana" as defined in section 152.01, subdivision 9.

3. Chemical abuse. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordered behavior, to the extent that the minor's normal functioning in academic, school, or social activities is chronically impaired.

4. Teachers. "Teachers" has the meaning given it in section 122A.15, subdivision 1.

**121A.26. School preassessment teams.**

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

Within 45 days after receiving an individual reported case, the preassessment team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse. Data may be disclosed without consent in health and safety emergencies pursuant to section 13.32 and applicable federal law and regulations.

Notwithstanding section 138.163, destruction of records identifying individual students shall be governed by this section. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.

**121A.031. School student bullying policy.**

4. Local policy components.

(a) Each district and school policy implemented under this section must, at a minimum:

(7) provide information about available community resources to the target, actor, and other affected individuals, as appropriate;
121A.45. Grounds for dismissal.
3. Parent notification and meeting. If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.67. Removal by peace officer.
2. Removal by peace officer. If a pupil who has an individualized education program is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individualized education program team must meet to determine if the pupil's individualized education program is adequate or if additional evaluation is needed.

122A.627. Positive behavioral interventions and supports.
"Positive behavioral interventions and supports" or "PBIS" means an evidence-based framework for preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students. Schoolwide implementation of PBIS requires training, coaching, and evaluation for school staff to consistently implement the key components that make PBIS effective for all students, including:

1. Establishing, defining, teaching, and practicing three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;
2. Developing and implementing a consistent system used by all staff to provide positive feedback and acknowledgment for students who display schoolwide behavioral expectations;
3. Developing and implementing a consistent and specialized support system for students who do not display behaviors representative of schoolwide positive expectations;
4. Developing a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;
5. Using a continuum of evidence-based interventions that is integrated and aligned to support academic and behavioral success for all students; and
6. Using a team-based approach to support effective implementation, monitor progress, and evaluate outcome
Consistent with section 120B.232, subdivision 1, character education curriculum and programs may be used to support implementation of the key components of PBIS.

123B.41. Definitions.
4. Pupil support services. "Pupil support services" means guidance and counseling services and health services.
14. Guidance and counseling services. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.
124D.68. Graduation incentives program.

1. Purpose. The legislature finds that it is critical to provide options for children to succeed in school. Therefore, the purpose of this section is to provide incentives for and encourage all Minnesota students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

2. Eligible pupils. (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

   (1) Performs substantially below the performance level for pupils of the same age in a locally determined achievement test;
   (2) Is behind in satisfactorily completing coursework or obtaining credits for graduation;
   (3) is pregnant or is a parent;
   (4) Has been assessed as chemically dependent;
   (5) Has been excluded or expelled according to sections 121A.40 to 121A.56;
   (6) Has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;
   (7) Is a victim of physical or sexual abuse;
   (8) Has experienced mental health problems;
   (9) Has experienced homelessness sometime within six months before requesting a transfer to an eligible program;
   (10) Speaks English as a second language or is an English learner;
   (11) Has withdrawn from school or has been chronically truant; or
   (12) Is being treated in a hospital in the seven-county metropolitan area for cancer or other life-threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) For fiscal years 2017 and 2018 only, a pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, and was in an early middle college program during the previous school year is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section.

3. Eligible programs.

   (a) A pupil who is eligible according to subdivision 2 may enroll in a state-approved alternative program under sections 123A.05 to 123A.08.
   (b) A pupil who is eligible according to subdivision 2 and who is a high school junior or senior may enroll in postsecondary courses under section 124D.09.
   (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program.
   (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services. However, notwithstanding other provisions of this section, only a pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative school that is specifically structured to provide educational services to such a pupil.
(e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic education programs approved under section 124D.52 and operated under the community education program contained in section 124D.19.

4. Additional eligible program. A pupil who is at least 16 years of age, who is eligible under subdivision 2, and who has been enrolled only in a public school, if the pupil has been enrolled in any school, during the year immediately before transferring under this subdivision, may transfer to any nonpublic school that has contracted with the serving school district to provide nonsectarian educational services. The school must enroll every eligible pupil who seeks to transfer to the school under this program subject to available space.

5. Pupil enrollment.
   (a) Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:
      (1) An eligible pupil to enroll in any eligible program in a nonresident district under subdivision 3 or 4 or a state-approved alternative program established under section 123A.05; or
      (2) An eligible pupil under subdivision 2, to enroll in an adult basic education program approved under section 124D.52.
   (b) Notwithstanding paragraph (a), a nonresident district must first approve the enrollment application of any eligible pupil who was expelled under section 121A.45 for a reason stated in section 124D.03, subdivision 1, paragraph (b).

6. Dissemination of information. A district must disseminate information, developed by the department, about the graduation incentives program to residents in the district who are under the age of 21.

7. Desegregation plans. Notwithstanding any provision to the contrary, students may not enroll in a nonresident district under this section if their enrollment in another district would result in a violation of a district's desegregation plan, as mandated and approved by the commissioner of education.

8. Aid adjustments. General education aid and transportation aid attributable to a pupil covered by programs under this section must be paid according to sections 127A.47, subdivision 7, and 123B.92, subdivision 3, respectively.

9. Enrollment verification.
   (a) For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department must pay 90 percent of the district's average general education revenue less basic skills revenue to the eligible program and ten percent of the district's average general education revenue less basic skills revenue to the contracting district within 30 days after the eligible program verifies enrollment using the form provided by the department. For a pupil attending an eligible program part time, revenue, excluding compensatory revenue, shall be reduced proportionately, according to the amount of time the pupil attends the program, and the payments to the eligible program and the contracting district shall be reduced accordingly. A pupil for whom payment is made according to this section may not be counted by any district for any purpose other than computation of general education revenue. If payment is made for a pupil under this subdivision, a district shall not reimburse a program under section 124D.69 for the same pupil. The basic skills revenue generated by pupils attending the eligible program according to section 126C.10, subdivision 4, shall be paid to the eligible program.
   (b) The department must pay up to 100 percent of the revenue to the eligible program if there is an agreement to that effect between the school district and the eligible program.
   (c) Notwithstanding paragraphs (a) and (b), for an eligible program that provides chemical treatment services to students, the department must pay 100 percent of the revenue to the eligible program.
10. Severability. If for any reason any portion of this section is found by a court to be unconstitutional, the remaining portions of the section shall remain in effect.

125A.0941. Definitions.

(d) "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately, including the key components under section 122A.627.

125A.0942. Standards for restrictive procedures.

6. Behavior supports; reasonable force. (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section.

126C.44. Safe schools levy.

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to $36 multiplied by the district's adjusted pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

(1) To pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;

(2) To pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;

(3) To pay the costs for a gang resistance education training curriculum in the district's schools;

(4) To pay the costs for security in the district's schools and on school property;

(5) To pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;

(6) To pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;

(7) To pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;

(8) To pay for costs associated with improving the school climate; or

(9) To pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors.

256.995. School-linked services for At-Risk Children and Youth.

Subdvision 1. Program established. - In order to enhance the delivery of needed services to at-risk children and youth and maximize federal funds available for that purpose, the commissioners of human services and education shall design a statewide program of collaboration between providers of health and social services for children and local school districts, to be financed, to the greatest extent possible, from
federal sources. The commissioners of health and public safety shall assist the commissioners of human services and education in designing the program.

Subd. 2. At-risk children and youth. - The program shall target at-risk children and youth, defined as individuals, whether or not enrolled in school, who are under 21 years of age and who:

(1) are school dropouts;
(2) have failed in school;
(3) have become pregnant;
(4) are economically disadvantaged;
(5) are children of drug or alcohol abusers;
(6) are victims of physical, sexual, or psychological abuse;
(7) have committed a violent or delinquent act;
(8) have experienced mental health problems;
(9) have attempted suicide;
(10) have experienced long-term physical pain due to injury;
(11) are at risk of becoming or have become drug or alcohol abusers or chemically dependent;
(12) have experienced homelessness;
(13) have been excluded or expelled from school under sections 121A.40 to 121A.56; or
(14) have been adjudicated children in need of protection or services.

Subd. 3. Services. - The program must be designed not to duplicate existing programs, but to enable schools to collaborate with county social service agencies and county health boards and with local public and private providers to assure that at-risk children and youth receive health care, mental health services, family drug and alcohol counseling, and needed social services. Screenings and referrals under this program shall not duplicate screenings under section 121A.17.

Subd. 4. Funding. - The program must be designed to take advantage of available federal funding, including the following:

(1) child welfare funds under United States Code, title 42, sections 620-628 (1988) and United States Code, title 42, sections 651-669 (1988);
(2) funds available for health care and health care screening under medical assistance, United States Code, title 42, section 1396 (1988);
(3) social services funds available under United States Code, title 42, section 1397 (1988);
(4) children’s day care funds available under federal transition year child care, the Family Support Act, Public Law 100-485; federal at-risk child care program, Public Law 101-5081; and federal child care and development block grant, Public Law 101-5082; and
(5) funds available for fighting drug abuse and chemical dependency in children and youth, including the following:
   (i) funds received by the Office of Drug Policy under the federal Anti-Drug Abuse Act and other federal programs;
   (ii) funds received by the commissioner of human services under the federal alcohol, drug abuse, and mental health block grant; and
   (iii) funds received by the commissioner of human services under the Drug-Free Schools and Communities Act.

Subd. 5. Waivers. - The commissioner of human services shall collaborate with the commissioners of education, health, and public safety to seek the federal waivers necessary to secure federal funds for
implementing the statewide school-based program mandated by this section. Each commissioner shall amend the state plans for programs specified in subdivision 3, to the extent necessary to ensure the availability of federal funds for the school-based program.

Subd. 6. Pilot projects. - Within 90 days of receiving the necessary federal waivers, the commissioners of human services and education shall implement at least two pilot programs that link health and social services in the schools. One program shall be located in a school district in the seven-county metropolitan area. The other program shall be located in a greater Minnesota school district. The commissioner of human services, in collaboration with the commissioner of education, shall select the pilot programs on a request for proposal basis. The commissioners shall give priority to school districts with some expertise in collocating services for at-risk children and youth. Programs funded under this subdivision must:

(1) involve a plan for collaboration between a school district and at least two local social service or health care agencies to provide services for which federal funds are available to at-risk children or youth;
(2) include parents or guardians in program planning and implementation;
(3) contain a community outreach component; and
(4) include protocol for evaluating the program.

Subd. 7. [Repealed, 1999 c 86 art 1 s 83]

260A.01. Truancy programs and services.
(a) The programs in this chapter are designed to provide a continuum of intervention and services to support families and children in keeping children in school and combating truancy and educational neglect. School districts, county attorneys, and law enforcement may establish the programs and coordinate them with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.

(b) Consistent with section 125A.091, subdivision 5, a parent's refusal to provide the parent's child with sympathomimetic medications does not constitute educational neglect.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

120B.22. Violence prevention education.
2. In-service training. Each district is encouraged to provide training for district staff and school board members on the following:

(1) Helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways
(2) Responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and
(3) Complying with mandatory reporting requirements under section 626.556.

The in-service training must be ongoing and involve experts familiar with sexual abuse, domestic violence, and personal safety issues.
3. Funding sources. Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

**121A.031. School student bullying policy.**

4. Local policy components.

(a) Each district and school policy implemented under this section must, at a minimum:

(9) use new employee training materials, the school publication on school rules, procedures, and standards of conduct, and the student handbook on school policies to publicize the policy;

(10) require ongoing professional development, consistent with section 122A.60, to build the skills of all school personnel who regularly interact with students, including but not limited to educators, administrators, school counselors, social workers, psychologists, other school mental health professionals, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to identify, prevent, and appropriately address prohibited conduct;

(b) Professional development under a local policy includes, but is not limited to, information about:

(1) Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

(2) The complex dynamics affecting an actor, target, and witnesses to prohibited conduct;

(3) Research on prohibited conduct, including specific categories of students at risk for prohibited conduct in school;

(4) The incidence and nature of cyberbullying; and

(5) Internet safety and cyberbullying.

**122A.60. Staff development program.**

1. Staff development committee. (a) A school board must use the revenue authorized in section 122A.61 for:

(1) Teacher development and evaluation plans under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) Principal development and evaluation under section 123B.147, subdivision 3;

(3) In-service education programs under section 120B.22, subdivision 2; and

(4) Other staff development needs.

(b) The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

1a. Effective staff development activities. (a) Staff development activities must:

(1) Focus on the school classroom and research-based strategies that improve student learning;

(2) Provide opportunities for teachers to practice and improve their instructional skills over time;

(3) Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;

(4) Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;
(5) Align with state and local academic standards;

(6) Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;

(7) Align with the plan of the district or site for an alternative teacher professional pay system;

(8) Provide teachers of English learners, including English as a second language and content teachers, with differentiated instructional strategies critical for ensuring students' long-term academic success; the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners; and skills to support native and English language development across the curriculum; and

(9) Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options.

Staff development activities may include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. The school district also may implement other staff development activities required by law and activities associated with professional teacher compensation models.

(b) Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

2. Contents of plan. The plan must include the staff development outcomes under section 122A.40, subdivision 8, or 122A.41, subdivision 5, and section 123B.147, subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education and staff development outcomes, consistent with relicensure requirements under section 122A.187. The plan also must:

1. Support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;

2. Emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;

3. Maintain a strong subject matter focus premised on students' learning goals, consistent with section 120B.125;

4. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and

5. Reinforce national and state standards of effective teaching practice.

3. Staff development outcomes. The advisory staff development committee must adopt a staff development plan, consistent with section 122A.40, subdivision 8, or 122A.41, subdivision 5, for developing and evaluating teachers and for improving student outcomes and with section 123B.147, subdivision 3, for strengthening principals' capacity in areas of instruction, supervision, evaluation, and teacher development. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achieving the following goals:
(1) Improve student achievement of state and local education standards in all areas of the curriculum, including areas of regular academic and applied and experiential learning, by using research-based best practices methods;

(2) Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, English learners, and gifted children, within the regular classroom, applied and experiential learning settings, and other settings;

(3) Provide an inclusive curriculum for a racially, ethnically, linguistically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) Improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;

(5) Effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;

(6) Effectively deliver digital and blended learning and curriculum and engage students with technology; and

(7) Provide teachers and other members of site-based management teams with appropriate management and financial management skills.

4. Staff development report. (a) The district and site staff development committees shall write a report of staff development activities and expenditures for the previous year. The report, signed by the district superintendent and staff development chair, must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities under subdivision 3 as part of the district's world's best workforce report under section 120B.11, subdivision 5.

(b) The report must break down expenditures for:

   (1) Curriculum development and curriculum training programs; and

   (2) Staff development training models, workshops, and conferences, and the cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards.

**122A.66. Teacher training; effects of drugs and alcohol.**

All educational institutions providing teacher education must offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals. Every student attending educational institutions in preparation for teaching service shall be required to take and to satisfactorily complete a program under this section.

**125A.0942. Standards for restrictive procedures.**

5. Training for staff.

(a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:

   (1) Positive behavioral interventions;

   (2) Communicative intent of behaviors;
(3) Relationship building;
(4) Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
(5) De-escalation methods;
(6) Standards for using restrictive procedures only in an emergency;
(7) Obtaining emergency medical assistance;
(8) The physiological and psychological impact of physical holding and seclusion;
(9) Monitoring and responding to a child's physical signs of distress when physical holding is being used;
(10) Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
(11) District policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
(12) Schoolwide programs on positive behavior strategies.

(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

121A.03. Model policy.
2. Sexual, religious, and racial harassment and violence policy. A school board must adopt a written sexual, religious, and racial harassment and sexual, religious, and racial violence policy that conforms with chapter 363A. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. […]

121A.031. School student bullying policy.
4. Local policy components.
   (a) Each district and school policy implemented under this section must, at a minimum:
       (1) designate a staff member as the primary contact person in the school building to receive reports of prohibited conduct under clause (3), ensure the policy and its procedures including restorative practices, consequences, and sanctions are fairly and fully implemented, and serve as the primary contact on policy and procedural matters implicating both the district or school and the department;
       (2) require school employees who witness prohibited conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;
       (3) provide a procedure to begin to investigate reports of prohibited conduct within three school days of the report, and make the primary contact person responsible for the investigation and any resulting record and for keeping and regulating access to any record;
       (4) indicate how a school will respond to an identified incident of prohibited conduct, including immediately intervening to protect the target of the prohibited conduct; at the school administrator's discretion and consistent with state and federal data practices law governing access to data, including section 13.02, subdivision 8, a presumption that a district or school official will notify the parent of the reported target of the prohibited conduct and the parent of the actor engaged in the prohibited conduct; providing other remedial responses to the prohibited conduct; and ensuring that remedial responses are tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history;
       (5) prohibit reprisals or retaliation against any person who asserts, alleges, or reports prohibited conduct or provides information about such conduct and establish appropriate consequences for a person who engages in reprisal or retaliation;
       (6) allow anonymous reporting but do not rely solely on an anonymous report to determine discipline;
       (7) provide information about available community resources to the target, actor, and other affected individuals, as appropriate;
       (8) where appropriate for a child with a disability to prevent or respond to prohibited conduct, allow the child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;
121A.69. Hazing policy.
3. School board policy. Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours and be consistent with section 121A.031. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.031 and 121A.41. to 121A.56. Each school must include the policy in the student handbook on school policies.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

120A.26. Enforcement and prosecution.
3. Notice to parents. The superintendent must notify the parent, in writing, if a child is alleged to be receiving instruction in violation of sections 120A.22 and 120A.24. The written notification must include a list of the specific alleged violations.

121A.45. Grounds for dismissal.
3. Parent notification and meeting. If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.46. Suspension procedures.
3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40. to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

121A.47. Exclusion and expulsion procedures.
1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.
2. Written notice. Written notice of intent to take action shall:
   (a) Be served upon the pupil and the pupil's parent or guardian personally or by mail;
(b) Contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
(c) State the date, time, and place of the hearing;
(d) Be accompanied by a copy of sections 121A.40. to 121A.56;
(e) Describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
(f) Inform the pupil and parent or guardian of the right to:
   (1) Have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education;
   (2) Examine the pupil's records before the hearing;
   (3) Present evidence; and
   (4) Confront and cross-examine witnesses.

121A.54. Notice of right to be reinstated.
Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

121A.61. Discipline and removal of students from class.
2. Grounds for removal from class. The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year...
3. Policy components. The policy must include at least the following components:
   (h) The procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
   (i) Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;

124D.8957. Prekindergarten through grade 12 parental rights code elsewhere.
1. Scope. The sections referred to in subdivisions 2 to 30 are codified outside this section. Those sections include many but not all the sections governing parental rights related to topics in prekindergarten through grade 12 education.
2. Compulsory instruction. Parental rights related to compulsory instruction, including the right to withdraw a child from school; to receive notice related to transfer of disciplinary records; to excuse a child from school for illnesses, appointments, or religious events; and the right of noncustodial parents to access school records and conferences, among other rights, are governed by section 120A.22.
3. Longitudinal data. The parental right to annual summary longitudinal performance and progress data is governed by section 120B.31.
4. Antibullying. Parental rights related to school district antibullying policies, including the right to be involved in developing the policies, the right to be notified of incidents of prohibited conduct, and the right to be informed of data practices laws, are governed by section 121A.031.
5. Student discipline policies. The parental right to notice in student discipline policies of rights under the Safe and Supportive Minnesota Schools Act is governed by section 121A.0311.

6. Early childhood development screening. Parental rights to certain notice requirements related to early childhood development screening and to receive results of early childhood development screening are governed by section 121A.17. The parental right to provide consent before individual screening data may be disclosed to a school district is governed by section 121A.18.

7. Chemical abuse. The parental right to be informed of a reported case of chemical abuse by a minor student is governed by section 121A.26.

8. Pesticides. The parental right to be notified regarding the use of pesticides at a school is governed by the Janet B. Johnson Parents' Right-to-Know Act under section 121A.30.

9. Student dismissal. The parental right to notice and a meeting regarding the removal of a student for more than ten days is governed by section 121A.45.

10. Exclusion and expulsion. The parental right to be included in exclusion or expulsion hearing procedures, including access to records, ability to testify and present evidence, and inclusion in the student's readmission plan, is governed by section 121A.47.

11. Exclusion and expulsion appeal. The parental right to notice of the right to appeal an exclusion or expulsion decision is governed by section 121A.49.

12. Reinstatement after termination of dismissal. The parental right to notice of a student's right to be reinstated after the termination of dismissal is governed by section 121A.54.

13. Interdistrict cooperation. The parental right to notice of an informational school board meeting relating to discontinuing interdistrict cooperation is governed by section 123A.32.

14. Background checks. The parental right to notice of a school's background check policy for hiring teachers is governed by section 123B.03.

15. Textbook fees. The parental right to notice of a school board's policy to charge fees for textbooks lost or destroyed by students is governed by section 123B.37.

16. Transportation privileges. The parental right to surrender a student's privilege to receive transportation services from a school district is governed by section 123B.88.

17. Nonresident district policies. The parental right to receive notice of: a decision on an application by a student to attend school in a nonresident district; the transportation policies of the nonresident district; and the right to be reimbursed for costs of transportation to the nonresident district's border is governed by section 124D.03.

18. Out-of-state districts. Under section 124D.04, the parental rights related to a student attending a nonresident district under section 124D.03 apply to a student attending an out-of-state district.

19. Free or reduced-price lunch eligibility. The parental right to opt a child out of disclosing a child's eligibility for free or reduced-price lunch to the Department of Education and the Department of Human Services is governed by section 124D.1115.

20. Learning year programs. The parental right to notice of optional learning year programs is governed by section 124D.128.

21. English learners programs. Parental rights related to student enrollment in programs for English learners, including notice, withdrawal, and parental involvement, are governed by section 124D.60.

22. Charter school transportation. The parental right to receive pupil transportation information from the charter school or school district providing transportation services to a charter school student is governed by section 123B.88.

23. Services for children with disabilities. The parental right to be included in determining the appropriate and necessary services for students with disabilities is governed by section 125A.027.
Subd. 24. [Repealed, 2018 c 182 art 1 s 109(2)]

25. Special education alternative dispute resolution. Parental rights regarding notice, participation, and due process related to special education alternative dispute resolution procedures are governed by section 125A.091.

26. Third-party reimbursement for children with disabilities. The parental right to notice of a school district seeking reimbursement from medical assistance or MinnesotaCare for services rendered to a student with a disability is governed by section 125A.21.

27. Services provided to children with disabilities. Parental rights related to services provided to students eligible for Part C services under the Individuals with Disabilities Education Act and the right to receive written materials regarding the implementation of Part C services are governed by sections 125A.42 and 125A.48. The parental right to use mediation to resolve disputes under section 125A.42 is governed by section 125A.43.

28. Minnesota State Academies discharge. The parental right to notice of a student's discharge from the Minnesota State Academies is governed by section 125A.68.

29. Education records for military children. The parental right to education records under the Interstate Compact on Educational Opportunity for Military Children is governed by section 127A.85.

30. Appeal adverse school board decision. The parental right to appeal a school board decision adversely affecting an academic program of an enrolled student is governed by section 129C.10, subdivision 3b.

125A.0942. Standards for restrictive procedures.

2. Restrictive procedures.

   (b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

260A.02. Definitions.

3. Continuing truant. "Continuing truant" means a child who is subject to the compulsory instruction requirements of section 120A.22 and is absent from instruction in a school, as defined in section 120A.05, without valid excuse within a single school year for:

   (1) Three days if the child is in elementary school; or
   (2) Three or more class periods on three days if the child is in middle school, junior high school, or high school.

Nothing in this section shall prevent a school district or charter school from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

260A.03. Notice to parent or guardian when child is a continuing truant.

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

   (1) That the child is truant;
   (2) That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
   (3) That the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34;
(4) That this notification serves as the notification required by section 120A.34;
(5) That alternative educational programs and services may be available in the child’s enrolling or resident district;
(6) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
(7) That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260C;
(8) That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child’s driving privilege pursuant to section 260C.201; and
(9) That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

260A.04. Community-based truancy projects and service centers.
3. Truancy service centers.
   (a) Truancy service centers may be established as facilities to receive truant students from peace officers and probation officers and provide other appropriate services. A truancy service center may:
      (3) contact the parents or legal guardian of the truant student and release the truant student to the custody of the parents, guardian, or other suitable person;

260A.06. Referral of truant students to school attendance review board.
1. Referral; notice.
An attendance officer or other school official may refer a student who is a continuing truant to the school attendance review board. The person making the referral shall provide a written notice by first class mail or other reasonable means to the student and the student's parent or legal guardian. The notice must:
   (1) Include the name and address of the board to which the student has been referred and the reason for the referral; and
   (2) Indicate that the student, the parent or legal guardian, and the referring person will meet with the board to determine a proper disposition of the referral, unless the board refers the student directly to the county attorney or for other appropriate legal action.

260A.07. County attorney truancy mediation program.
1. Establishment; referrals. A county attorney may establish a truancy mediation program for the purpose of resolving truancy problems without court action. If a student is in a school district or charter school that has established a school attendance review board, the student may be referred to the county attorney under section 260A.06, subdivision 3. If the student's school district or charter school has not established a board, the student may be referred to the county attorney by the school district or charter school if the student continues to be truant after the parent or guardian has been sent or conveyed the notice under section 260A.03.
2. Meeting; notice. The county attorney may request the parent or legal guardian and the child referred under subdivision 1 to attend a meeting to discuss the possible legal consequences of the minor’s truancy. The notice of the meeting must be served personally or by certified mail at least five days before the meeting on each person required to attend the meeting. The notice must include:
   (1) The name and address of the person to whom the notice is directed;
   (2) The date, time, and place of the meeting;
   (3) The name of the minor classified as a truant;
(4) The basis for the referral to the county attorney;
(5) A warning that a criminal complaint may be filed against the parents or guardians pursuant to section 120A.34 for failure to compel the attendance of the minor at school or that action may be taken in juvenile court; and
(6) A statement that the meeting is voluntary.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

120A.26. Enforcement and prosecution.
5. Notice to county attorney. If the alleged violations are not corrected through the fact-finding and mediation process under subdivision 4, the superintendent must notify the county attorney of the alleged violations. The superintendent must notify the parents, by certified mail, of the superintendent's intent to notify the county attorney of the alleged violations.
6. Criminal complaint; prosecution. The county attorney in the county in which the alleged violations have occurred has jurisdiction to conduct a prosecution for violations of this section, section 120A.22, or section 120A.24. A criminal complaint may be filed in any court in the county exercising criminal jurisdiction and must name the persons neglecting or refusing to comply with this section, section 120A.22, or section 120A.24. After the complaint has been filed, a warrant must be issued and proceedings in trial must commence as provided by law in misdemeanor cases.

120A.32. Officers, teachers; Neglect of duty, penalty.
Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120A.22, 120A.26, 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All persons found guilty shall be punished for each offense by a fine of not more than $10 or by imprisonment for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

120A.34. Violations; Penalties.
Any person who fails or refuses to provide for instruction of a child of whom the person has legal custody, and who is required by section 120A.22, subdivision 5, to receive instruction, when notified so to do by a truant officer or other official, or any person who induces or attempts to induce any child unlawfully to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a petty misdemeanor. Any fines collected shall be paid into the county treasury for the benefit of the school district in which the offense is committed.'

121A.05. Policy to refer firearms possessor.
A school board must have a policy requiring the appropriate school official to, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a pupil who brings a firearm to school unlawfully.
121A.28. Law enforcement records.
A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, 152.092, 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

121A.29. Reporting; chemical abuse.
1. Teacher's duty. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.

2. Other reports. Nothing in this section prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

121A.75. Receipt of records; sharing.
3. Peace officer records of children.
(a) A law enforcement agency must transmit the notice required by section 260B.171, subdivision 5, to the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school the student attends if there is no superintendent. The principal must place the notice in the student's educational record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.

(b) Data received under this subdivision are private data on individuals under section 13.32 and are received for the limited purpose of serving the student's educational needs and protecting students or staff. The teacher, counselor, staff member, administrator, substitute, or volunteer must not further disseminate the data, except to communicate with the student or the student's parent or guardian as needed to serve the student, protect students or staff, or as otherwise required by law.

(c) The principal must include the notice in the student's educational record as required by section 120A.22, subdivision 7.

(d) If the county attorney determines not to proceed with a petition alleging any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent. The notice must contain the name of the student and a summary of the resolution of the case. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and
destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(e) If the juvenile court makes a decision on a petition that alleges any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a student and is not a disposition order, the court must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent, of the decision. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(f) In addition to the data destruction requirements of this subdivision, a principal must comply with the requirements of section 120A.22, subdivision 7.

260A.06. Referral of truant students to school attendance review board.

3. Referral to county attorney; other appropriate action.

If the school attendance review board determines that available community services cannot resolve the attendance problems of the truant student, if the student or the parent or guardian has failed to comply with any referrals or agreements under subdivision 2 or to otherwise cooperate with the board, or if the board determines that a student should be referred directly under this subdivision, the board may:

(1) Refer the matter to the county attorney under section 260A.07, if the county attorney has elected to participate in the truancy mediation program; or

(2) If the county attorney has not elected to participate in the truancy mediation program, refer the matter for appropriate legal action against the child or the child's parent or guardian under chapter 260 or section 120A.34.

260A.07. County attorney truancy mediation program.

1. Establishment; referrals. A county attorney may establish a truancy mediation program for the purpose of resolving truancy problems without court action. If a student is in a school district or charter school that has established a school attendance review board, the student may be referred to the county attorney under section 260A.06, subdivision 3. If the student's school district or charter school has not established a board, the student may be referred to the county attorney by the school district or charter school if the student continues to be truant after the parent or guardian has been sent or conveyed the notice under section 260A.03.

2. Meeting; notice. The county attorney may request the parent or legal guardian and the child referred under subdivision 1 to attend a meeting to discuss the possible legal consequences of the minor's truancy. The notice of the meeting must be served personally or by certified mail at least five days before the meeting on each person required to attend the meeting. The notice must include:

   (1) The name and address of the person to whom the notice is directed;
   (2) The date, time, and place of the meeting;
   (3) The name of the minor classified as a truant;
   (4) The basis for the referral to the county attorney;
   (5) A warning that a criminal complaint may be filed against the parents or guardians pursuant to section 120A.34 for failure to compel the attendance of the minor at school or that action may be taken in juvenile court; and
   (6) A statement that the meeting is voluntary.
609.66. Dangerous weapons.

1d. Possession on school property; penalty.

(a) Except as provided under paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.

(c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a misdemeanor.

(d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person’s clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(e) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "Dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "Replica firearm" has the meaning given it in section 609.713; and

(4) "School property" means:

(i) A public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

(ii) A child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) The area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) That portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(f) This subdivision does not apply to:

(1) Active licensed peace officers;

(2) Military personnel or students participating in military training, who are on-duty, performing official duties;

(3) Persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(4) Persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;

(5) Firearm safety or marksmanship courses or activities conducted on school property;

(6) Possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(7) A gun or knife show held on school property;

(8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
(9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

(g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

120A.22. Compulsory instruction.
7. Education records.
(a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.
(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.
(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).
(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.
(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.
121A.44. Expulsion for possession of firearm.
(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

121A.47. Exclusion and expulsion procedures.
8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

121A.51. Reports to service agency.
The school board shall report any action taken pursuant to sections 121A.40. to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

121A.64. Notification: teachers’ legitimate education interest.
(a) A classroom teacher has a legitimate educational interest in knowing which students placed in the teacher's classroom have a history of violent behavior, including any documented physical assault of a district employee by the student, and must be notified before such students are placed in the teacher's classroom.

(b) Representatives of the school board and the exclusive representative of the teachers shall discuss issues related to the model policy on student records adopted under Laws 1999, chapter 241, article 9, section 50, and any modifications adopted under Laws 2003, First Special Session chapter 9, for notifying classroom teachers and other school district employees having a legitimate educational interest in knowing about students with a history of violent behavior, including any documented physical assault of a district employee by students placed in classrooms. The representatives of the school board and the exclusive representative of the teachers also may discuss the need for intervention services or conflict resolution or training for staff related to placing students with a history of violent behavior in teachers' classrooms.

121A.75. Receipt of records; sharing.
1. Definitions.
   (a) For purposes of this section "principal" means a principal or other person having general administrative control and supervision of a school.

   (b) For purposes of this section, "school" means a public school under section 120A.22, subdivision 4; a nonpublic school under section 120A.22, subdivision 4, that elects to comply with this section; and a charter school under chapter 124E, but does not mean a home school.

2. Disposition orders.
   (a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the order to the principal of the school where the student is in attendance. The principal must place the disposition order in the student's permanent education record. The principal must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the principal must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other
persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if they determine these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information.

(b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data may not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except as necessary to serve the student, to protect students or staff, or as otherwise required by law, and only to the following persons:

   (1) The student; or

   (2) The student's parent or guardian.

(c) If a student is removed from school as part of the disposition order, the superintendent of the student's school district or chief administrative officer of the student's school must maintain the copy of the order in a secure file and shall notify the principal when the student is returned to school. If the student is returned to a different school district or school, the student's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief administrative officer of the new school.

(d) The disposition order must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring under section 120A.22, subdivision 7.

(e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the student graduates from school or at the end of the school year in which the student reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the student is discharged from probation.

3. Peace officer records of children.

   (a) A law enforcement agency must transmit the notice required by section 260B.171, subdivision 5, to the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school the student attends if there is no superintendent. The principal must place the notice in the student's educational record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.

   (b) Data received under this subdivision are private data on individuals under section 13.32 and are received for the limited purpose of serving the student's educational needs and protecting students or staff. The teacher, counselor, staff member, administrator, substitute, or volunteer must not further disseminate the data, except to communicate with the student or the student's parent or guardian as needed to serve the student, protect students or staff, or as otherwise required by law.
(c) The principal must include the notice in the student's educational record as required by section 120A.22, subdivision 7.

(d) If the county attorney determines not to proceed with a petition alleging any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent. The notice must contain the name of the student and a summary of the resolution of the case. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(e) If the juvenile court makes a decision on a petition that alleges any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a student and is not a disposition order, the court must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent, of the decision. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(f) In addition to the data destruction requirements of this subdivision, a principal must comply with the requirements of section 120A.22, subdivision 7.

124E.03. Applicable law.

5. Records and data requirements. (a) A charter school must comply with chapter 13 governing government data; and sections 121A.75 governing access to juvenile justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

(b) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.

REGULATIONS

No relevant regulations found.

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

LAWS

120A.24. Reporting.

4. Reports to the state. A superintendent must make an annual report to the commissioner of education by December 1 of the total number of nonpublic children reported as residing in the district. The report must include the following information:

   (1) The number of children residing in the district attending nonpublic schools or receiving instruction from persons or institutions other than a public school;

   (2) The number of children in clause (1) who are in compliance with section 120A.22 and this section; and
(3) The number of children in clause (1) who the superintendent has determined are not in compliance with section 120A.22 and this section.

5. Obligations. Nothing in this section alleviates the obligations under section 120A.22.

120B.36. School accountability.

1. School performance reports and public reporting.
   (a) The commissioner shall report
      (1) student academic performance data under section 120B.35, subdivisions 2 and 3;
      (2) academic progress consistent with federal expectations;
      (3) school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d);
      (4) rigorous coursework under section 120B.35, subdivision 3, paragraph (c);
      (5) the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph (e);
      (6) longitudinal data on the progress of eligible districts in reducing disparities in students’ academic achievement and realizing racial and economic integration under section 124D.861;
      (7) the acquisition of English, and where practicable, native language academic literacy, including oral academic language, and the academic progress of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as English learners under section 124D.59;
      (8) two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;
      (9) staff characteristics excluding salaries;
      (10) student enrollment demographics;
      (11) foster care status, including all students enrolled in a Minnesota public school course or program who are currently or were previously in foster care, student homelessness, and district mobility; and
      (12) extracurricular activities.
   (b) The school performance report for a school site and a school district must include school performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.
   (c) The commissioner shall develop, annually update, and post on the department Web site school performance reports consistent with paragraph (a) and section 120B.11.
   (d) The commissioner must make available performance reports by the beginning of each school year.
   (e) A school or district may appeal its results in a form and manner determined by the commissioner and consistent with federal law. The commissioner’s decision to uphold or deny an appeal is final.
   (f) School performance data are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner shall annually post school performance reports to the department's public Web site no later than September 1, except that in years when the reports reflect new performance standards, the commissioner shall post the school performance reports no later than October 1.

2. Student progress and other data.
   (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine federal expectations under the most recently reauthorized
Elementary and Secondary Education Act, set state growth targets, and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public Web site no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

121A.06. Reports of dangerous weapon incidents in school zones.

1. Definitions. As used in this section:
   (1) "Dangerous weapon" has the meaning given it in section 609.02, subdivision 6;
   (2) "School" has the meaning given it in section 120A.22, subdivision 4; and
   (3) "School zone" has the meaning given it in section 152.01, subdivision 14a, clauses (1) and (3).

2. Reports; content. School districts must electronically report to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones. The form must include the following information:
   (1) A description of each incident, including a description of the dangerous weapon involved in the incident;
   (2) Where, at what time, and under what circumstances the incident occurred;
   (3) Information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;
   (4) Information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;
   (5) The cost of the incident to the school and to the victim; and
   (6) The action taken by the school administration to respond to the incident.

The commissioner shall provide an electronic reporting format that allows school districts to provide aggregate data.

3. Reports; filing requirements. By July 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be submitted using the electronic reporting system developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety and the legislature.

121A.031. School student bullying policy.

   (b) The commissioner shall develop and post departmental procedures for:
      (1) Periodically reviewing district and school programs and policies for compliance with this section;
      (2) Investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and
      (3) Allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.
121A.53. Report to commissioner of education.

1. Exclusions and expulsions; physical assaults. The school board must report through the department electronic reporting system each exclusion or expulsion and each physical assault of a district employee by a student within 30 days of the effective date of the dismissal action or assault to the commissioner of education. This report must include a statement of alternative educational services, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

2. Report.

(a) The school board must include state student identification numbers of affected pupils on all dismissal and other disciplinary reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals and physical assaults of district employees by a student by age, grade, gender, race, and special education status of the affected pupils. All dismissal and other disciplinary reports must be submitted through the department electronic reporting system.

(b) The commissioner must aggregate the district data reported under this section and include the aggregated data, including aggregated data on physical assaults of a district employee by a student, in the annual school performance reports under section 120B.36.

121A.65. Review of policy.

The principal or other person having general control and supervision of the school, and representatives of parents, students, and staff in a school building shall confer at least annually to review the discipline policy and to assess whether the policy has been enforced. A school board must conduct an annual review of the districtwide discipline policy.

125A.0942. Standards for restrictive procedures.

3. Physical holding or seclusion. (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

(1) Physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;

(2) Physical holding or seclusion is not used to discipline a noncompliant child;

(3) Physical holding or seclusion ends when the threat of harm ends, and the staff determines the child can safely return to the classroom or activity;

(4) Staff directly observes the child while physical holding or seclusion is being used;

(5) Each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:

(i) A description of the incident that led to the physical holding or seclusion;

(ii) Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;

(iii) The time the physical holding or seclusion began and the time the child was released; and

(iv) A brief record of the child's behavioral and physical status;

(6) The room used for seclusion must:

(i) Be at least six feet by five feet;

(ii) Be well lit, well ventilated, adequately heated, and clean;

(iii) Have a window that allows staff to directly observe a child in seclusion;
(iv) Have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) Have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) Not contain objects that a child may use to injure the child or others; and

(7) Before using a room for seclusion, a school must:

(i) Receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) Register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

121A.67. Removal by peace officer.
2. Removal by peace officer. If a pupil who has an individualized education program is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individualized education program team must meet to determine if the pupil's individualized education program is adequate or if additional evaluation is needed.

260A.06. Referral of truant students to school attendance review board.
1. Referral; notice.
An attendance officer or other school official may refer a student who is a continuing truant to the school attendance review board. The person making the referral shall provide a written notice by first class mail or other reasonable means to the student and the student's parent or legal guardian.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

126C.44. Safe schools levy.
(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to $36 multiplied by the district's adjusted pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

(1) To pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;
(4) To pay the costs for security in the district's schools and on school property;
(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

121A.03. Model policy.
1. Model policy. The commissioner shall maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. The model policy shall address the requirements of subdivision 2, and may encourage violence prevention and character development education programs, consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.

2. Sexual, religious, and racial harassment and violence policy. A school board must adopt a written sexual, religious, and racial harassment and sexual, religious, and racial violence policy that conforms with chapter 363A. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56. The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's sexual, religious, and racial harassment and violence policy with students and school employees.

3. Submission to commissioner. Each school board must submit to the commissioner a copy of the sexual, religious, and racial harassment and sexual, religious, and racial violence policy the board has adopted.

121A.031. School student bullying policy.
(a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:
(1) Define prohibited conduct, consistent with this section;
(2) Apply the prohibited conduct policy components in this section;
(3) For a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and
(4) Encourage violence prevention and character development education programs under section 120B.232, subdivision 1.
(b) The commissioner shall develop and post departmental procedures for:
(1) Periodically reviewing district and school programs and policies for compliance with this section;
(2) Investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and
(3) Allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's Web site information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

121A.69. Hazing policy.
2. Model policy. The commissioner of education shall maintain and make available to school boards a model policy on student or staff hazing that addresses the requirements of subdivision 3.

122A.60. Staff development program.
1. Staff development committee. (a) A school board must use the revenue authorized in section 122A.61 for:
   (1) Teacher development and evaluation plans under section 122A.40, subdivision 8, or 122A.41, subdivision 5;
   (2) Principal development and evaluation under section 123B.147, subdivision 3;
   (3) In-service education programs under section 120B.22, subdivision 2; and
   (4) Other staff development needs.

(b) The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

127A.052. School climate technical assistance center.
(a) The commissioner shall establish a school climate technical assistance center at the department to help districts and schools under section 121A.031 provide a safe and supportive learning environment and foster academic achievement for all students by focusing on prevention, intervention, support, and recovery efforts to develop and maintain safe and supportive schools. The center must work collaboratively with implicated state agencies identified by the center and schools, communities, and interested individuals and organizations to determine how to best use available resources.

(b) The center's services shall include:
   (1) Evidence-based policy review, development, and dissemination;
   (2) Single, point-of-contact services designed for schools, parents, and students seeking information or other help;
   (3) Qualitative and quantitative data gathering, interpretation, and dissemination of summary data for existing reporting systems and student surveys and the identification and pursuit of emerging trends and issues;
   (4) Assistance to districts and schools in using Minnesota student survey results to inform intervention and prevention programs;
   (5) Education and skill building;
   (6) Multisector and multiagency planning and advisory activities incorporating best practices and research; and
(7) Administrative and financial support for school and district planning, schools recovering from incidents of violence, and school and district violence prevention education.

c) The center shall:

(1) Compile and make available to all districts and schools evidence-based elements and resources to develop and maintain safe and supportive schools;

(2) Establish and maintain a central repository for collecting and analyzing information about prohibited conduct under section 121A.031, including, but not limited to:

   (i) Training materials on strategies and techniques to prevent and appropriately address prohibited conduct under section 121A.031;

   (ii) Model programming;

   (iii) Remedial responses consistent with section 121A.031, subdivision 2, paragraph (i); and

   (iv) Other resources for improving the school climate and preventing prohibited conduct under section 121A.031;

(3) Assist districts and schools to develop strategies and techniques for effectively communicating with and engaging parents in efforts to protect and deter students from prohibited conduct under section 121A.031; and

(4) Solicit input from social media experts on implementing this section.

d) The commissioner shall provide administrative services including personnel, budget, payroll and contract services, and staff support for center activities including developing and disseminating materials, providing seminars, and developing and maintaining a Web site. Center staff shall include a center director, a data analyst coordinator, and trainers who provide training to affected state and local organizations under a fee-for-service agreement. The financial, administrative, and staff support the commissioner provides under this section must be based on an annual budget and work program developed by the center and submitted to the commissioner by the center director.

e) School climate technical assistance center staff may consult with school safety center staff at the Department of Public Safety in providing services under this section.

f) The center is voluntary and advisory. The center does not have enforcement, rulemaking, oversight, or regulatory authority.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

120B.22. Violence prevention education.

3. Funding sources. Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

120B.23. Violence prevention education grants.

1. Grant program established. The commissioner of education, after consulting with the assistant commissioner of the Office of Drug Policy and Violence Prevention, shall establish a violence prevention education grant program to enable a school district, an education district, or a group of districts that cooperate for a particular purpose to develop and implement or to continue a violence prevention program for students in kindergarten through grade 12 that can be integrated into existing curriculum. A
district or group of districts that elects to develop and implement or to continue a violence prevention program under section 120B.22 is eligible to apply for a grant under this section.

2. Grant application. To be eligible to receive a grant, a school district, an education district, a service cooperative, or a group of districts that cooperate for a particular purpose must submit an application to the commissioner in the form and manner and according to the timeline established by the commissioner. The application must describe how the applicant will: (1) continue or integrate into its existing K-12 curriculum a program for violence prevention that contains the program components listed in section 120B.22; (2) collaborate with local organizations involved in violence prevention and intervention; and (3) structure the program to reflect the characteristics of the children, their families and the community involved in the program. The commissioner may require additional information from the applicant. When reviewing the applications, the commissioner shall determine whether the applicant has met the requirements of this subdivision.

3. Grant awards.
   (a) The commissioner may award grants for a violence prevention education program to eligible applicants as defined in subdivision 2. Grant amounts may not exceed $3 per resident pupil unit in the district or group of districts in the prior school year. Grant recipients should be geographically distributed throughout the state.
   (b) School districts and charter schools may accept funds from private and other public sources for child sexual abuse prevention programs developed and implemented under sections 120B.021, subdivision 1, paragraph (d), and 120B.234, including federal funding under the Every Student Succeeds Act.

4. Grant proceeds. A successful applicant must use the grant money to develop and implement or to continue a violence prevention program according to the terms of the grant application.

120B.232. Character development education.

1. Character development education.
   (a) Character education is the shared responsibility of parents, teachers, and members of the community. The legislature encourages districts to integrate or offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness. Instruction should be integrated into a district's existing programs, curriculum, or the general school environment. To the extent practicable, instruction should be integrated into positive behavioral intervention strategies, under section 122A.627. The commissioner shall provide assistance at the request of a district to develop character education curriculum and programs.
   (b) Character development education under paragraph (a) may include a voluntary elementary, middle, and high school program that incorporates the history and values of Congressional Medal of Honor recipients and may be offered as part of the social studies, English language arts, or other curriculum, as a schoolwide character building and veteran awareness initiative, or as an after-school program, among other possibilities.

1a. Staff development; continuing education.
   (a) Staff development opportunities under section 122A.60 may include training in character development education that incorporates the history and values of Congressional Medal of Honor recipients under subdivision 1, paragraph (b), and is provided without cost to the interested school or district.
   (b) Local continuing education and relicensure committees or other local relicensure committees under section 122A.187, subdivision 3, are encouraged to approve up to six clock hours of continuing
education for licensed teachers who complete the training in character development education under paragraph (a).

2. Funding sources. The commissioner must first use federal funds for character development education programs to the extent available under United States Code, title 20, section 7247. Districts may accept funds from private and other public sources for character development education programs developed and implemented under this section, including programs funded through the Congressional Medal of Honor Foundation, among other sources.

121A.61. Discipline and removal of students from class.

3. Policy components. The policy must include at least the following components:

(q) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention;

122A.60. Staff development program.

1. Staff development committee.

(a) A school board must use the revenue authorized in section 122A.61 for:

(1) Teacher development and evaluation plans under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) Principal development and evaluation under section 123B.147, subdivision 3;

(3) In-service education programs under section 120B.22, subdivision 2; and

(4) Other staff development needs.

(b) The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

126C.44. Safe schools levy.

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to $36 multiplied by the district's adjusted pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

(1) To pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;

(2) To pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;

(3) To pay the costs for a gang resistance education training curriculum in the district's schools;

(4) To pay the costs for security in the district's schools and on school property;

(5) To pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;
(6) To pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;

(7) To pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;

(8) To pay for costs associated with improving the school climate; or

(9) To pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors.

(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

(c) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed $15 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

120A.32. Officers, teachers; Neglect of duty, penalty.
Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120A.22, 120A.26, 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All persons found guilty shall be punished for each offense by a fine of not more than $10 or by imprisonment for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

121A.29. Reporting; chemical abuse.
1. Teacher's duty. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.
2. Other reports. Nothing in this section prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

121A.582. Student discipline; reasonable force.
1. Reasonable force standard.
(a) A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
(b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
(c) Paragraphs (a) and (b) do not authorize conduct prohibited under section 125A.0942.
2. Civil liability.
(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.
(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.
3. Criminal prosecution.
(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.
(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person’s lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

4. Supplementary rights and defenses. Any right or defense in this section is supplementary to those specified in section 121A.58, 121A.67, 123B.25, or 609.06, subdivision 1.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

120B.22. Violence prevention education.

1. Violence prevention curriculum.

(a) The commissioner of education, in consultation with the commissioners of health and human services, state minority councils, battered women's and domestic abuse programs, battered women's shelters, sexual assault centers, representatives of religious communities, and the assistant commissioner of the Office of Drug Policy and Violence Prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) A comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, self-protection, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) Planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) A special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) Involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) Collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) Collaboration among districts and service cooperatives;

(7) Targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;
(8) Opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) Administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

2. In-service training. Each district is encouraged to provide training for district staff and school board members on the following:

(1) Helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways

(2) Responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

(3) Complying with mandatory reporting requirements under section 626.556

The in-service training must be ongoing and involve experts familiar with sexual abuse, domestic violence, and personal safety issues.

3. Funding sources. Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

121A.031. School student bullying policy.

5. Safe and supportive schools programming.

(b) Districts and schools are encouraged to:

(1) Engage all students in creating a safe and supportive school environment;

(2) Partner with parents and other community members to develop and implement prevention and intervention programs;

(3) Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;

(4) Train student bystanders to intervene in and report incidents of prohibited conduct to the school's primary contact person;

(5) Teach students to advocate for themselves and others;

(6) Prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and

(7) Foster student collaborations that foster a safe and supportive school climate.

121A.61. Discipline and removal of students from class.

1. Required policy. Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

127A.051. School safety technical assistance council.

Subdivision 1. Establishment and membership; terms.
(a) A 23-member multiagency leadership council is established to improve school climate and school safety so that all Minnesota students in prekindergarten through grade 12 schools and higher education institutions have a safe and supportive learning environment in order to maximize each student’s learning potential.

(b) The council shall consist of:

(1) the commissioners or their designees from the Departments of Education, Health, Human Rights, Human Services, Public Safety, and Corrections, and the Office of Higher Education;

(2) one representative each from the Minnesota Association of School Administrators, Minnesota School Boards Association, Elementary School Principals Association, Association of Secondary School Principals, and Education Minnesota as selected by each organization;

(3) two representatives each of student support personnel, parents, and students as selected by the commissioner of education;

(4) two representatives of local law enforcement as selected by the commissioner of public safety;

(5) two representatives of the judicial branch as selected by the chief justice of the Supreme Court; and

(6) one charter school representative selected by the Minnesota Association of Charter Schools.

(c) A member serves at the pleasure of their appointing authority and continues to serve until their successor is appointed.

Subd. 2. Duties. - The council must provide leadership for the following activities:

(1) establishment of norms and standards for prevention, intervention, and support around issues of prohibited conduct;

(2) advancement of evidence-based policy and best practices to improve school climate and promote school safety;

(3) development and dissemination of resources and training for schools and communities about issues of prohibited conduct under section 121A.031, and other school safety-related issues; and

(4) develop policies and procedures for the services provided by the school climate center under section 127A.052.

Subd. 3. Meetings; chair. - The commissioner of education must convene the first meeting of the council by October 1, 2014, and must serve as chair. The council must meet at least one time per year. The council does not need a quorum to conduct its meetings.

Subd. 4. Compensation. - Council members are not eligible for compensation or reimbursement for expenses related to council activities.

Subd. 5. Support. - The Department of Education and the Department of Public Safety must provide technical assistance to council members upon request. The council, upon request, must consult with the school safety technical assistance center and the school safety center.

Subd. 6. Reporting. - The council must report its activities annually by October 1, to the commissioner of education. The Department of Education must post the council’s meeting notices and other relevant information regarding its duties on the agency’s Web site.


127A.052. School climate technical assistance center.

(a) The commissioner shall establish a school climate technical assistance center at the department to help districts and schools under section 121A.031 provide a safe and supportive learning environment and foster academic achievement for all students by focusing on prevention, intervention, support, and recovery efforts to develop and maintain safe and supportive schools. The center must work
collaboratively with implicated state agencies identified by the center and schools, communities, and interested individuals and organizations to determine how to best use available resources.

(b) The center's services shall include:

(1) Evidence-based policy review, development, and dissemination;
(2) Single, point-of-contact services designed for schools, parents, and students seeking information or other help;
(3) Qualitative and quantitative data gathering, interpretation, and dissemination of summary data for existing reporting systems and student surveys and the identification and pursuit of emerging trends and issues;
(4) Assistance to districts and schools in using Minnesota student survey results to inform intervention and prevention programs;
(5) Education and skill building;
(6) Multisector and multiagency planning and advisory activities incorporating best practices and research; and
(7) Administrative and financial support for school and district planning, schools recovering from incidents of violence, and school and district violence prevention education.

c) The center shall:

(1) Compile and make available to all districts and schools evidence-based elements and resources to develop and maintain safe and supportive schools;
(2) Establish and maintain a central repository for collecting and analyzing information about prohibited conduct under section 121A.031, including, but not limited to:
   (i) Training materials on strategies and techniques to prevent and appropriately address prohibited conduct under section 121A.031;
   (ii) Model programming;
   (iii) Remedial responses consistent with section 121A.031, subdivision 2, paragraph (i); and
   (iv) Other resources for improving the school climate and preventing prohibited conduct under section 121A.031;
(3) Assist districts and schools to develop strategies and techniques for effectively communicating with and engaging parents in efforts to protect and deter students from prohibited conduct under section 121A.031; and
(4) Solicit input from social media experts on implementing this section.

d) The commissioner shall provide administrative services including personnel, budget, payroll and contract services, and staff support for center activities including developing and disseminating materials, providing seminars, and developing and maintaining a Web site. Center staff shall include a center director, a data analyst coordinator, and trainers who provide training to affected state and local organizations under a fee-for-service agreement. The financial, administrative, and staff support the commissioner provides under this section must be based on an annual budget and work program developed by the center and submitted to the commissioner by the center director.

e) School climate technical assistance center staff may consult with school safety center staff at the Department of Public Safety in providing services under this section.

(f) The center is voluntary and advisory. The center does not have enforcement, rulemaking, oversight, or regulatory authority.
260A.01. Truancy programs and services.
(a) The programs in this chapter are designed to provide a continuum of intervention and services to support families and children in keeping children in school and combating truancy and educational neglect. School districts, county attorneys, and law enforcement may establish the programs and coordinate them with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.
(b) Consistent with section 125A.091, subdivision 5, a parent's refusal to provide the parent's child with sympathomimetic medications does not constitute educational neglect.

260A.04. Community-based truancy projects and service centers.
1. Establishment.
(a) Community-based truancy projects and service centers may be established to:
   (1) Provide for identification of students with school attendance problems;
   (2) Facilitate the provision of services geared to address the underlying issues that are contributing to a student's truant behavior; and
   (3) Provide facilities to receive truant students from peace officers and probation officers.

(b) Truancy projects and service centers may provide any of these services and shall provide for referral of children and families to other appropriate programs and services.

2. Community-based action projects. Schools, community agencies, law enforcement, parent associations, and other interested groups may cooperate to provide coordinated intervention, prevention, and educational services for truant students and their families. Services may include:
   (1) Assessment for underlying issues that are contributing to the child's truant behavior;
   (2) Referral to other community-based services for the child and family, such as individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;
   (3) Transition services to integrate the child back into school and to help the child succeed once there;
   (4) Culturally sensitive programming and staffing; and
   (5) Increased school response, including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.

3. Truancy service centers.
(a) Truancy service centers may be established as facilities to receive truant students from peace officers and probation officers and provide other appropriate services. A truancy service center may:
   (1) Assess a truant student's attendance situation, including enrollment status, verification of truancy, and school attendance history;
   (2) Assist in coordinating intervention efforts where appropriate, including checking with juvenile probation and children and family services to determine whether an active case is pending and facilitating transfer to an appropriate facility, if indicated; and evaluating the need for and making referral to a health clinic, chemical dependency treatment, protective services, social or recreational programs, or other school or community-based services and programs described in subdivision 2;
   (3) Contact the parents or legal guardian of the truant student and release the truant student to the custody of the parents, guardian, or other suitable person; and
   (4) Facilitate the student's earliest possible return to school.

(b) Truancy service centers may not accept:
(1) Juveniles taken into custody for violations of law that would be crimes if committed by adults;
(2) Intoxicated juveniles;
(3) Ill or injured juveniles; or
(4) Juveniles older than mandatory school attendance age.

(c) Truancy service centers may expand their service capability in order to receive curfew violators and take appropriate action, such as coordination of intervention efforts, contacting parents, and developing strategies to ensure that parents assume responsibility for their children's curfew violations.

260A.05. School attendance review boards.

1. Establishment. A school district or charter school may establish one or more school attendance review boards to exercise the powers and duties in this section. The school district or charter school board shall appoint the members of the school attendance review board and designate the schools within the board's jurisdiction. Members of a school attendance review board may include:

   (1) The superintendent of the school district or the superintendent's designee or charter school director or the director's designee;
   (2) A principal and one or more other school officials from within the district or charter school;
   (3) Parent representatives;
   (4) Representatives from community agencies that provide services for truant students and their families;
   (5) A juvenile probation officer;
   (6) School counselors and attendance officers; and
   (7) Law enforcement officers.

2. General powers and duties. A school attendance review board shall prepare an annual plan to promote interagency and community cooperation and to reduce duplication of services for students with school attendance problems. The plan shall include a description of truancy procedures and services currently in operation within the board's jurisdiction, including the programs and services under section 260A.04. A board may provide consultant services to, and coordinate activities of, truancy programs and services. If a board determines that it will be unable to provide services for all truant students who are referred to it, the board shall establish procedures and criteria for determining whether to accept referrals of students or refer them for other appropriate action.

3. Oversight of truant students. A school attendance review board shall oversee referrals of truant students and provide appropriate intervention and services under section 260A.06. The board shall establish procedures for documenting student attendance and verifying actions and interventions with respect to truant students and their families.

260A.06. Referral of truant students to school attendance review board.

1. Referral; notice.

   An attendance officer or other school official may refer a student who is a continuing truant to the school attendance review board. The person making the referral shall provide a written notice by first class mail or other reasonable means to the student and the student's parent or legal guardian. The notice must:

   (1) Include the name and address of the board to which the student has been referred and the reason for the referral; and

   (2) Indicate that the student, the parent or legal guardian, and the referring person will meet with the board to determine a proper disposition of the referral, unless the board refers the student directly to the county attorney or for other appropriate legal action.
2. Meeting; community services.
   (a) Except as provided in paragraph (b), the school attendance review board shall schedule the meeting described in subdivision 1 and provide notice of the meeting by first class mail or other reasonable means to the student, parent or guardian, and referring person. If the board determines that available community services may resolve the attendance problems of the truant student, the board shall refer the student or the student’s parent or guardian to participate in the community services. The board may develop an agreement with the student and parent or guardian that specifies the actions to be taken. The board shall inform the student and parent or guardian that failure to comply with any agreement or to participate in appropriate community services will result in a referral to the county attorney under subdivision 3. The board may require the student or parent or guardian to provide evidence of participation in available community services or compliance with any agreement.
   (b) A school attendance review board may refer a student directly to the county attorney or for other appropriate legal action under subdivision 3 if it has established procedures and criteria for these referrals.

3. Referral to county attorney; other appropriate action.
   If the school attendance review board determines that available community services cannot resolve the attendance problems of the truant student, if the student or the parent or guardian has failed to comply with any referrals or agreements under subdivision 2 or to otherwise cooperate with the board, or if the board determines that a student should be referred directly under this subdivision, the board may:
   (1) Refer the matter to the county attorney under section 260A.07, if the county attorney has elected to participate in the truancy mediation program; or
   (2) If the county attorney has not elected to participate in the truancy mediation program, refer the matter for appropriate legal action against the child or the child's parent or guardian under chapter 260 or section 120A.34.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

119A.035. School crisis response teams.
1. Commissioner's duties. To ensure timely responses to school crises, the commissioner must work in cooperation with the Minnesota School Safety Center to collect, maintain, and make available to schools contact information for crisis response teams throughout the state.

2. Crisis response teams. In regions of Minnesota where an existing crisis response team has not been formed by a school district, county, or city, the commissioner, in cooperation with the Minnesota School Safety Center, must convene a working group in each region to develop a plan to form a crisis response team for that region. Team members from the public and private sectors may represent various disciplines, including school administrators, guidance counselors, psychologists, social workers, teachers, nurses, security experts, media relations professionals, and other related areas.

121A.59. Bus transportation a privilege not a right.
Transportation by school bus is a privilege not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline
policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law 101-336, are governed by these provisions.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Minnesota provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Website</td>
<td>Provides resources for school staff to reduce out-of-school suspensions as a response to disciplinary incidents to keep students in school where they can learn.</td>
<td><a href="http://education.state.mn.us/MDE/dse/sped/alt/index.htm">http://education.state.mn.us/MDE/dse/sped/alt/index.htm</a></td>
</tr>
<tr>
<td>Alternatives to Suspension, Minnesota</td>
<td>Provides alternative to suspension as a response to disciplinary incidents to keep students in school where they can learn.</td>
<td></td>
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<tr>
<td>Department of Education (MDE)</td>
<td></td>
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<tr>
<td>Conflicts in Special Education, MDE</td>
<td>Outlines dispute resolution procedures, including special education complaints, due process hearings, and alternative dispute resolution, which may address certain discipline matters for students with disabilities.</td>
<td><a href="https://education.mn.gov/MDE/dse/sped/conf/">https://education.mn.gov/MDE/dse/sped/conf/</a></td>
</tr>
<tr>
<td>Ensuring Safe and Supportive Schools, MDE</td>
<td>Provides an overview of the School Climate Center and presents crisis and traumatic event resources for schools. Links are provided to subsections related to school climate such as bullying prevention, restorative practices, and social emotional learning.</td>
<td><a href="http://education.state.mn.us/MDE/dse/safe/">http://education.state.mn.us/MDE/dse/safe/</a></td>
</tr>
<tr>
<td>PBIS Minnesota</td>
<td>Provides information on PBIS Regional Implementation Projects to help school teams implement PBIS to support students across Minnesota. Projects expand the logistical support, technical assistance, training and coaching to Minnesota school districts so that schools in every region can implement PBIS with fidelity.</td>
<td><a href="http://pbismn.org/">http://pbismn.org/</a></td>
</tr>
<tr>
<td>Physical Holds and Seclusion, MDE</td>
<td>Outlines the definitions of physical holding and seclusion and includes IEP team and school district responsibilities.</td>
<td><a href="http://education.state.mn.us/MDE/fam/sped/holds/index.htm">http://education.state.mn.us/MDE/fam/sped/holds/index.htm</a></td>
</tr>
</tbody>
</table>
### Positive Behavioral Interventions and Supports (PBIS), MDE

Provides an overview on PBIS in Minnesota's schools and the use of the PBIS Recognition system to identify and recognize exemplar schools and districts that have completed PBIS implementation and are continuing to achieve positive student outcomes.

[http://education.state.mn.us/MDE/dse/sped/pbis/index.htm](http://education.state.mn.us/MDE/dse/sped/pbis/index.htm)

### Restrictive Procedures, MDE

Provides an overview on restrictive procedures for school districts and links additional resources such as model restrictive procedures plan and checklist.

[http://education.state.mn.us/MDE/dse/sped/restr/index.htm](http://education.state.mn.us/MDE/dse/sped/restr/index.htm)

### School and Staff Resources, MDE

Provides school and staff with resources, tools, strategies and best practices to prevent bullying, respond to bullying and improve school climate. Webpage contains links to training and procedures, model policies, responding to trauma and tragedy, and school safety.


### Student Discipline, MDE

Provides an overview on student discipline and links to the Disciplinary Incident Reporting System (DIRS) and related resources such as school climate and alternatives to suspension.

[http://education.state.mn.us/MDE/dse/disc/](http://education.state.mn.us/MDE/dse/disc/)

### Documents

#### A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students (September 2017), MDE

Toolkit providing guidance for schools to create school environments where transgender and gender nonconforming students are safe, supported and fully included, and have equal access to the educational opportunities provided to all students.


#### Model Harassment and Violence Prohibition Policy (January 2013), MDE

Model policy addressing prohibition of harassment and violence in Minnesota schools.


#### Model Hazing Prohibition Policy (March 2012), MDE

Model policy addressing prohibition of hazing in Minnesota schools.

<table>
<thead>
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<th>Model Restrictive Procedures Checklist (March 2014), MDE</th>
<th>Checklist containing information for the compliance review of the use of restrictive procedures - physical holding and seclusion and to verify compliance in the following areas: seclusion, physical holding, and restrictive procedures plan and training.</th>
<th><a href="https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&amp;dDocName=054727&amp;RevisionSelectionMethod=latestReleased&amp;Rendition=primary">https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&amp;dDocName=054727&amp;RevisionSelectionMethod=latestReleased&amp;Rendition=primary</a></th>
</tr>
</thead>
</table>

**Other Resources**

| Discipline Data, MDE | Reports summarize the disciplinary incident data as well as student demographic data (grade, gender, race/ethnicity) for disciplinary actions (suspensions, exclusions and expulsions) by district and state totals for the most current school year. Includes a trend report of student disciplinary actions by district and state totals for the last three school years. | https://public.education.mn.gov/MDEAnalytics/DataTopic.jsp?TOPICID=133 |
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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37-11-57. Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension and expulsion of students
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General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 37-7-301. General powers and duties.
The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(a) Specific grounds for disciplinary action under the school district's discipline plan;
(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;
(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;
(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;
(e) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;
(f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and

(g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

§ 37-11-69. Anti-bullying personnel and discipline policies and code of student conduct.

(1) Each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior, that:

(a) Prohibit the bullying of a student;
(b) Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
(c) Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
(d) Establish the actions a student should take to obtain assistance and intervention in response to bullying;
(e) Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
(f) Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying and determining whether the reported incident of bullying occurred;
(g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and
(h) Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.).

(2) The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

(3) The procedure for reporting bullying established under subsection (1) of this section must be posted on the district's Internet website.

§ 45-6-7. Powers of board.

In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter, including the authority to require the submission of reports and information by law enforcement agencies of the state and its political subdivisions.
(b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the
Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

(c) Certify persons as being qualified under the provisions of this chapter to be law enforcement officers or part-time law enforcement officers.

(d) Revoke certification for cause and in the manner provided in this chapter. The board is authorized to subpoena documents regarding revocations. The board shall maintain a current list of all persons certified under this chapter who have been placed on probation, suspended, subjected to revocation of certification, or any combination of these.

(e) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training police and other law enforcement officers, both full- and part-time, which shall include a minimum of two (2) hours of training in a course or courses related to the identification of and support for victims of human trafficking and commercial sexual exploitation.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.

(n) Establish jointly with the State Board of Education the minimum level of basic law enforcement training required of persons employed by school districts as school security guards, or school resource officers or in other positions that have the powers of a peace officer.

REGULATIONS

Rule 97.1. Weapons.

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of
damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

Scope

LAWS

§ 37-9-69. General duties of superintendents, principals and teachers.
It shall be the duty of each superintendent, principal and teacher in the public schools of this state to enforce in the schools the courses of study prescribed by law or by the state board of education, to comply with the law in distribution and use of free textbooks, and to observe and enforce the statutes, rules and regulations prescribed for the operation of schools. Such superintendents, principals and teachers shall hold the pupils to strict account for disorderly conduct at school, on the way to and from school, on the playgrounds, and during recess.

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(e) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;

(f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and

(g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

§ 97-37-17. Possession of weapons by students; aiding or encouraging.
(1) The following definitions apply to this section:

(a) “Educational property” shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school related activity; provided however, that the term “educational property” shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.

REGULATIONS
No relevant regulations found.
Communication of Policy

LAWS

§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.

(1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.


The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(a) Specific grounds for disciplinary action under the school district's discipline plan;

(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;

(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

(e) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;

(f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and

(g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.
REGULATIONS

No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.
(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting
teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
§ 37-11-57. Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension and expulsion of students.
(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board, does not constitute negligence or child abuse. No teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

(3) Notwithstanding subsection (2) of this section a public school teacher, assistant teacher, principal, assistant principal or other school personnel is prohibited from using corporal punishment, as defined in subsection (2) of this section, on any student with a disability. No school personnel shall be granted immunity from liability under subsection (2) of this section for the use of corporal punishment on a student with a disability. For purposes of this subsection, the term "student with a disability" means a student who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. The term "school personnel" includes all individuals employed on a full-time or part-time basis by a public school.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.
Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

§ 37-11-19. Suspension or expulsion of student damaging school property; liability of parent or custodian.
If any pupil shall willfully destroy, cut, deface, damage, or injure any school building, equipment or other school property he shall be liable to suspension or expulsion and his parents or person or persons in loco parentis shall be liable for all damages

§ 37-11-43. Public high school fraternity, sorority or secret society; duties of boards of trustees.
All boards of trustees of public high schools shall prohibit fraternities, sororities, or secret societies in all high schools under their respective jurisdiction. It shall be the duty of said boards of trustees to suspend or expel from said high schools under their control, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of, any such public high school fraternity, sorority or secret society, as defined in Section 37-11-37.

REGULATIONS
No relevant regulations found.
Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS
No relevant laws found.

REGULATIONS


22. Alternative school placement shall be for, but not limited to, the following categories of compulsory school age students;

(a) Whose presence in the classroom is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher;

(b) Who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious acts;

(c) Who are referred by the dispositive order of a chancellor or youth court judge, with the consent of the school district’s superintendent; and

(d) Who has been referred by the parent, legal guardian or custodian of such child due to disciplinary problems (37-13-92).

23. The removal of a student to an alternative education program shall include a process of educational review to develop the student’s individual instruction plan.

24. Alternative school placement shall be determined individually on a case-by-case basis and applied consistently.

25. School districts are without discretion to establish categories or classes of offenses for which the penalty is total removal from the school setting. Thus, unless a child has been suspended or expelled from school for possession of a weapon or other felonious conduct, the student must be assigned to the alternative school for that school district. The district is cautioned not to have policies that remove students from the traditional school setting to an alternative school setting for minor infractions. If the acts of a student, although not rising to the level of a felony, are such that the student poses a threat to the safety of himself or others or will disrupt the educational process at the alternative school, the school district is not required to admit the student into the alternative school.

Administrative procedures related to suspensions and expulsion

LAWS

§ 37-9-71. Suspension or expulsion of pupils.

The superintendent of schools and the principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event when such conduct by a pupil, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed or expelled by the school board under state or federal law or any rule, regulation or policy of the local school district. For any suspension of more than ten (10) days or expulsions, a student shall have the right to a due process hearing, be represented by legal counsel, to
present evidence and cross-examine witnesses presented by the district. The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of more than ten (10) days and expulsions to the school board. The standard of proof in all disciplinary proceedings shall be substantial evidence. The parent or guardian of the child shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such a hearing.

§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child’s suspension.

(1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.

(2) All discipline plans of school districts shall include, but not be limited to, the following:

(a) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;

(b) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;

(c) Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and

(d) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.

(3) Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed Two Hundred Fifty Dollars ($ 250.00).

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars ($ 20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree. The action authorized in this section shall be in addition to all other actions which the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents, for damages to which such minor or other person would otherwise be liable.
(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

REGULATIONS
No relevant regulations found.
Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS

1. Introduction
The Mississippi Department of Education and the State Board of Education supports a positive approach to behavior that uses proactive strategies to create a safe school climate that promotes dignity, creates authentic student engagement, and improves student achievement for all students. When teachers and administrators implement evidence-based positive behavior supports with fidelity, a safe and orderly school environment is created that is conducive to learning and students are able to achieve without the constant interruptions that occur when teachers are required to address discipline in the classroom.

Research indicates that the most effective response to school violence is to establish a school culture that emphasizes prevention, early identification, teaching, reinforcement of appropriate behavior and continuous data-based problem solving. One primary method is to structure the environment using a non-aversive effective behavioral system, such as Positive Behavior Interventions and Supports (PBIS). Effective positive behavioral systems are comprehensive, in that they are comprised of a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. The PBIS prevention oriented framework or approach applies to all students, all staff, and all settings. When integrated with effective academic instruction, such systems can help provide the supports children need to become actively engaged in their own learning and academic success. Schools successfully implementing comprehensive behavioral systems create school-wide environments that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. In schools implementing comprehensive behavioral systems, trained school staff use preventive assessments to identify where, under what conditions, with whom, and why specific inappropriate behavior may occur, as well as implement de-escalation techniques to defuse potentially violent dangerous behavior. Preventive assessments should include (1) a review of existing records; (2) interviews with parents, family members, and students; and (3) examination of previous and existing behavioral intervention plans. Using these data from such assessments helps schools identify the conditions when inappropriate behavior is likely to occur and the factors that lead to the occurrence of these behaviors; and develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate the inappropriate behavior. The use of comprehensive behavioral systems significantly decreases the likelihood that restraint or seclusion would be used, supports the attainment of more appropriate behavior, and, when implemented as described, can help to improve academic achievement and behavior. In order to reduce the use of aversive techniques in response to student behavior, restraint and seclusion, school wide behavior systems should include a comprehensive behavior management system that includes: (a) socially valued and measurable outcomes, (b) empirically validated and practical practices (c) systems that efficiently and effectively support the implementation of these practices, and (d) continuous collection and use of data for decision making.

However, at times, some students exhibit behaviors which place themselves and others in imminent danger. Schools shall implement proactive strategies and interventions to reduce the likelihood of these situations, and they shall have clearly identified responses to address such situations when they occur.
Additionally, schools shall have policies in place that address the responses needed to ensure the safety of all students and staff.

2. Restraint and Seclusion Policy

A Restraint and Seclusion Policy is defined through written local school board-approved policies and procedures that define appropriate means of restraint and seclusion to provide for a safe and orderly education. These policies and procedures shall apply to all students in the local school district and shall not focus on one or more subgroups of students.

In accordance with Miss. Code Ann. §§ 37-9-69 and 37-11-57, it is recognized that staff may intercede in situations wherein students are displaying physically violent behavior or are deemed to be a danger to themselves or others. State Board policy positively prohibits the use of excessive force, or cruel and unusual punishment regarding student management. Restraint and/or seclusion shall not be utilized as a punitive measure.

This policy in no way shall inhibit the right of staff to reasonable self-defense in accordance with the provisions of the 5th and 14th amendments to the Constitution of the United States, or the Constitution of Mississippi, nor negate the obligation of the district to provide a safe work environment.

3. Definitions

a. Aversive behavioral interventions is defined as a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.

b. Aversive procedure is defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g., hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.

c. Aversive technique is defined as physical, emotional or mental distress as a method of redirecting or controlling behavior.

d. Behavioral intervention is defined as the implementation of strategies to address behavior that is dangerous, inappropriate, detrimental, or otherwise impedes the learning of the students.

e. Behavior Intervention Plan (BIP) is defined as a plan of action for managing a student’s behavior. The BIP includes a set of strategies and supports intended to increase the occurrence of behaviors that school personnel encourage and to decrease behaviors that school personnel want to lessen or eliminate. The BIP shall include:

ii. Observable and measurable description of the problem behavior;

iii. Identified purpose of the problem behavior as a result of the FBA;

iv. General strategy or combination of strategies for changing the problem behavior;

v. Written description of when, where, and how often the strategy will be implemented; and

vi. Consistent system of monitoring and evaluating the effectiveness of the plan.

f. Chemical restraint is defined as “the administration of medication for the purpose of restraint.” Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a licensed physician. The use of chemical restraint is prohibited in Mississippi Public Schools.
g. Dangerous behavior is defined as behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out-of-seat behaviors.

h. De-escalation techniques are defined as strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

i. Emergency situation is defined as spontaneous unpredictable events posing an imminent threat of serious bodily injury.

j. Functional Behavioral Assessment (FBA) is defined as a school-based, collaborative process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child’s environment.

   i. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms.

   ii. Contextual factors (including affective and cognitive factors) are identified that contribute to the behavior, and a hypothesis is formulated regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior.

   iii. Formal documentation of the assessment by appropriately qualified individuals become part of the child’s educational record.

   iv. The FBA must include all of the following:

      a. Clear description of the problematic behavior;

      b. Identification of the antecedent events, times, and situations that predict when the problem behavior will and will not occur;

      c. Identification of the consequences of the problem behavior;

      d. Development of hypotheses and summary statements that describes the problem behavior and its functions; and

      e. Collection of data from a variety of sources: interviews, direct observation data, etc.

k. Imminent danger is defined as a danger which is impending, close at hand, threatening, or about to happen.

l. Individualized Education Plan (IEP) is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320-300.324.

m. Mechanical restraint is defined as “any device that attaches to a student’s body that restricts movement and cannot be removed by the student.” Examples include: straps, tie downs, boards, and harnesses. Handcuffs are also considered mechanical restraints, but may only be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. The use of mechanical restraints is prohibited in Mississippi Public Schools, except as provided in §§ 37-7-321 and 37-7-323. Devices not considered mechanical restraints include: adaptive equipment, protective devices, or assistive technology devices documented in a student’s individualized education plan (IEP), Section 504 plan, behavior intervention plan, or otherwise prescribed for the student by a medical or related service provider, seatbelts, and other safety equipment when used to secure students during transportation.

n. Physical escort is defined as the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out (with minimal resistance) and able to respond to such physical prompt, to move to a safe location.
o. Physical prompt is defined as a teaching technique that involves physical contact with the student and that enable the student to learn or model the physical movement necessary for the development of the desired competency.

p. Physical Restraint is defined as “the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student’s body.” Physical restraint does not include briefly holding a student’s hand or arm to calm them or escort them to another area. A physical restraint shall be removed as soon as the student is no longer a danger to himself/herself or others. The term physical restraint does not include:

i. Physical restraint that restricts the flow of air to the student’s lungs.

ii. Prone restraint in which a student is placed face down on the floor or other surface, and physical pressure is applied to the student's body to keep the student in the prone position.

q. Positive Behavior Interventions and Supports (PBIS) is defined as a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.

r. Positive Behavior Support Plan is defined as the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

s. Seclusion is defined as “the confinement of a student in an enclosure from which the student’s egress is restricted.” Seclusion does not include in-school suspension, detention, or alternative school.

t. Section 504 Plan is defined as an individualized plan of accommodations and modifications to provide a free appropriate public education to a student who has a disability that substantially limits a major life activity. A 504 plan spells out the modifications and accommodations that will be needed for a student to have the opportunity to perform at the same level as their peers.

u. Written report is defined as a printed paper filings and electronic filings that can be printed.

4. General Procedures

Restraint

a. Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness based on the following criteria:

i. The student or other person is engaged in actions that would constitute a danger to themselves or others;

ii. The student or other person is engaged in actions that would constitute potential or actual destruction of property;

iii. To remove a non-compliant student or person from the scene of an incident;

iv. The restraint should be removed as soon as the student is no longer a danger to themselves or others.

b. When using physical restraint for students who are a danger to themselves or others, staff should take precautions necessary to ensure the safety of the student and the staff members engaged in restraining the student. Physical restraints that restrict the flow of air are prohibited in all situations. When deemed it is necessary to restrain a student who is a danger to themselves or others, the following procedures shall be used:
i. Restraint shall be conducted by staff who are trained in the restraint procedures adopted by the school district;

ii. Staff shall carefully observe the student throughout the restraint to observe the student’s physical and emotional status;

iii. Restraint shall be immediately terminated if the student appears to be, or claims to be, in severe stress;

iv. The restraint shall be removed as soon as the staff determines the student is no longer a danger to himself/herself or others;

v. When the student is able, he/she should be returned to the instructional activity, or to a less restrictive environment;

vi. Parents must be notified on the same school day of the incident. At the time the parent is notified, the school shall schedule a debriefing with the parent to discuss the incident. In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have.

vii. Within two school days after the restraint incident occurs, the staff shall conduct a debriefing of the circumstances leading to the restraint and discuss any alternative behaviors that could have been utilized;

viii. The school shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education.

c. School districts that permit restraint and seclusion shall ensure that staff members are trained in the use of restraint. This training shall be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, crisis intervention, and de-escalation techniques. Absent an imminent danger to health or safety, physical restraint shall only be practiced by staff trained in the physical restraint approach adopted by the local school district. The Mississippi Department of Education does not endorse a particular training program. The local school district shall select programs which are approved by the MDE and those that are founded on evidence-based techniques which focus on:

i. Certification for school personnel and recertification as required by the training program;

ii. Preventing the need for restraint;

iii. Training in first aid;

iv. Identification of antecedent behaviors;

v. Use of positive behavior supports, de-escalation, and conflict management;

vi. Keeping staff and students safe during required restraints.

Local school district administrators shall monitor the use of physical restraint to ensure fidelity of implementation. Additional and follow-up training shall be provided on an ongoing basis and any situations in which procedures are not followed shall be addressed immediately.

d. The use of mechanical restraints is prohibited in Mississippi Public Schools, except by law enforcement.

e. The use of chemical restraints is prohibited in Mississippi Public Schools.

Behavioral Interventions

a. Behavioral intervention must be consistent with the child’s right to be treated as an individual. Schools shall implement an evidence-based system of positive behavioral intervention strategies and support. Elements of the system of support shall include universal screening to identify potential
students, teaching school-wide expected behaviors and social skills, and a system to monitor the effectiveness of the interventions and supports.

b. Behavioral strategies, in conjunction with the school-wide system of positive behavioral interventions shall be used to help identify the causes of dangerous behavior and reduce the need for restraint or seclusion. Information about a student through interviews, observation, and records help identify the causes of the dangerous behavior and shall guide the development of a behavioral plan for the student.

A complete plan shall include:

i. Addressing the characteristics of the setting and the event;
ii. If possible, removing the antecedents that triggered the event;
iii. Adding antecedents that promote appropriate behavior;
iv. Teaching appropriate behaviors to replace the dangerous behaviors.

Seclusion.

a. The use of seclusion occurs in a specially designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. The room or space used for seclusion may not be locked and staff shall be present to monitor the student. Seclusion shall cease once the student regains control of his or her behavior.

Only school personnel trained in the use of restraint and seclusion should be used to observe and monitor these students. Staff engaged in monitoring students shall have knowledge of effective restraint and seclusion procedures, emergency procedures, and knowledge of how to effectively debrief students after the use of restraint or seclusion.

b. The room or space used for seclusion shall not contain any objects or fixtures with which a student could reasonably be harmed. Additionally, the room shall provide adequate lighting and ventilation.

c. School personnel may use seclusion to address a student's behavior:

i. If the student’s behavior constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;

ii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.

d. Each time a student is placed in restraint or seclusion, the incident shall be documented in the student’s educational record or cumulative folder. The documentation shall be available to the parent or guardian, and the parent or guardian shall be notified verbally or in writing on the day of the restraint or seclusion or no later than 48 hours following the incident in the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have. This documentation shall be provided using an incident report that is completed for each student in each instance in which the student is restrained or placed in seclusion. This report shall include the following:

i. Date of incident and date submitted in MSIS;
ii. Student’s name, age and grade level;
iii. Ethnicity, sex, and non-disabled/disabled status;
iv. Location of restraint;
v. Precipitating behavior/antecedent;
vi. De-escalation efforts tried;
vii. Type of restraint used;
viii. The student’s behavior and physical status during the restraint/seclusion;
ix. Total time spent in restraint or seclusion. The student shall not be kept in seclusion for more than 20 minutes. If additional time is needed, school personnel shall reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student shall be assessed for transport to a medical facility for evaluation by a physician and the parent notified;

x. Injuries to student or staff;

xi. Staff participating in the restraint/seclusion;

xii. Staff signatures, including the principal/administrator;

xiii. Name of school employee who the parent can contact; and

xiv. Date and time parent was contacted.

After an incident of restraint and/or seclusion, all school personnel involved in the incident and appropriate administrative staff shall participate in a debriefing session for the purpose of planning to prevent or at least reduce the reoccurrence of the event. The debriefing session shall occur no later than two school days following the imposition of physical restraint or seclusion.

e. If restraint and/or seclusion is used on a student who is not identified with a disability, the student shall be referred to the school's intervention team within 10 days of the incident. The team shall determine if the student shows a pattern of behavior that would indicate the need for an intervention plan.

5. Administrative Procedures

a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:

i. Staff and faculty training on the use of physical restraint;

ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;

iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;

iv. Procedures for the periodic review of the use of restraint and seclusion policies;

v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;

vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.

b. The policies and procedures shall be reviewed with all staff on an annual basis.

c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.

d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.

e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.
f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.

g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.

h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.

6. Parental Notification

a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school.

b. All parents shall be notified when physical restraint is used to restrain their student before the close of school on the day the restraint was used or within 48 hours following the incident.

**Alternative Placements**

**LAWS**

§ 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report.

(1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child's school district;

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the interest and welfare of the students and teachers of such class as a whole; and

(e) No school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care system in alternative school. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

(i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services custody;

(ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and
(iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

1. A strength needs assessment.
2. A determination of the child's academic strengths and deficiencies.
3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(4) A school district, in its discretion, may provide a program of general educational development (GED) preparatory instruction in the alternative school program. However, any GED preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the State Board for Community and Junior Colleges. The school district may administer the General Educational Development (GED) Testing Program under the policies and guidelines of the GED Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program. Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive general educational development (GED) preparatory instruction, that
the local school board assign the student to a GED preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and general educational development (GED) placement;
(b) Clear and consistent goals for students and parents;
(c) Curricula addressing cultural and learning style differences;
(d) Direct supervision of all activities on a closed campus;
(e) Attendance requirements that allow for educational and workforce development opportunities;
(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;
(h) A motivated and culturally diverse staff;
(i) Counseling for parents and students;
(j) Administrative and community support for the program; and
(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

(11) Each school district having an alternative school program shall submit a report annually to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7)(a) through (j).

[From and after July 1, 2015, this section shall read as follows:]

(1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;
(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;
(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child's school district;

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the interest and welfare of the students and teachers of such class as a whole; and

(e) No school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care system in alternative school. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

   (i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services;

   (ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and

   (iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

       1. A strength needs assessment.
       2. A determination of the child's academic strengths and deficiencies.
       3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

   (a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

   (b) The duration of alternative placement; and

   (c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(4) A school district, in its discretion, may provide a program of High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the Mississippi Community College Board. The school district may administer the High School
Equivalency Diploma Testing Program under the policies and guidelines of the Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program. Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;
(b) Clear and consistent goals for students and parents;
(c) Curricula addressing cultural and learning style differences;
(d) Direct supervision of all activities on a closed campus;
(e) Attendance requirements that allow for educational and workforce development opportunities;
(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;
(h) A motivated and culturally diverse staff;
(i) Counseling for parents and students;
(j) Administrative and community support for the program; and
(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.
(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

REGULATIONS

1. The alternative school program is defined through written board-approved policies and procedures that define and provide appropriate educational opportunities for the categories of students to be served. Further, the program must meet the requirements of Mississippi Code Section 37-13-92.
2. The district has and follows written procedures which meet the federal guidelines outlined in Goss vs Lopez due process requirements for removal of a student from school for disciplinary reasons.
3. The curriculum and instructional methodology address the needs of students through an Individual Instructional Plan which emphasizes academic performance behavior modification, functional skills, and career education.
4. The student/teacher ratio in each classroom is no greater than 15:1 with a process for approving exceptions by the State Department of Education.
5. Adequate instructional staff is assigned to ensure the continuing education of students and classroom supervision at all times.
6. Certified teaching staff and other staff assigned to the alternative program have adequate credentials to achieve the stated mission of the program. Further, students assigned for a grading period or longer and receiving Carnegie unit credits will receive instruction from appropriately certified teachers.
7. When the alternative school program is housed in a free standing facility separate from the regular school program, there is a certified administrator assigned to supervise the program.
8. When the alternative school program is housed in an existing school, the safety of regular staff and students will be insured by appropriate supervision and isolation as necessary. When an alternative program is operated by two or more school districts, pursuant to a contract approved by the State Department of Education, the contract will indicate which school district will house and which district will operate the alternative education program.
9. Rules and regulations which address the unique needs of alternative program students have been developed and disseminated to parents and students.
10. The alternative school facilities are clean, safe and functional, and commensurate with facilities provided to other students by the local school district.
11. The school district is in compliance with applicable laws and State Department of Education guidelines for reporting information relating to the alternative program.
12. Cumulative records on each student placed in an alternative program remain at and are maintained by the sending school.
13. Personnel assigned to an alternative program will report any criminal activity or other unlawful activity committed on school property to the appropriate authority.
14. Students enrolled in alternative programs/schools, including those provided through contractual agreements among multidistricts will participate in the Mississippi Assessment System at sites
determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. Test results for these students will be reported in the home school district.

15. Evaluation of the student's progress will be conducted at regular intervals according to district policy and the appropriate records will be maintained and subject to the State Department of Education review.

16. The Individual Instruction Plan will provide full-day attendance with a rigorous workload and minimal noninstructional time.

17. Districts may select programs from options provided by the local school district, the Mississippi Department of Human Services (Division of Youth Services) or the youth court, and/or transfer to a community-based alternative school.

18. Alternative programs will provide:
   a) A motivated and culturally diverse staff
   b) Counseling for parents and students
   c) Administrative and community support for the program.

19. The district will complete an annual program review and evaluation as directed by the State Department of Education.

20. No school district is required to place a child returning from out-of-home placement, in the mental health, juvenile justice or foster care system in an alternative school program. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:
   (i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services custody; 
   (ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and
   (iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:
      1. A strength needs assessment.
      2. A determination of the child's academic strengths and deficiencies.
      3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date (37-13-92).

21. School districts that enter into a contractual agreement with a private entity to provide services to students placed in an alternative setting must ensure compliance with federal and state laws and State Board Policies governing alternative education.

22. Alternative school placement shall be for, but not limited to, the following categories of compulsory school age students;
   (a) Whose presence in the classroom is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher;
   (b) Who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious acts;
   (c) Who are referred by the dispositive order of a chancellor or youth court judge, with the consent of the school district's superintendent; and
   (d) Who has been referred by the parent, legal guardian or custodian of such child due to disciplinary problems (37-13-92).
23. The removal of a student to an alternative education program shall include a process of educational review to develop the student’s individual instruction plan.

24. Alternative school placement shall be determined individually on a case-by-case basis and applied consistently.

25. School districts are without discretion to establish categories or classes of offenses for which the penalty is total removal from the school setting. Thus, unless a child has been suspended or expelled from school for possession of a weapon or other felonious conduct, the student must be assigned to the alternative school for that school district. The district is cautioned not to have policies that remove students from the traditional school setting to an alternative school setting for minor infractions. If the acts of a student, although not rising to the level of a felony, are such that the student poses a threat to the safety of himself or others or will disrupt the educational process at the alternative school, the school district is not required to admit the student into the alternative school.

**Rule 9.1. Attendance reporting.**

When local school districts receive a report from a juvenile court that a student’s probation has school attendance as a condition, the following rules will be followed:

3. Alternative placement will be considered if the act necessitating the order would hinder the instructional program or place others at risk for their personal safety;

**Rule 83.1. Violence.**

(This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the Consolidated Plan for No Child Left Behind)

1. The following definitions apply to this policy:
   a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:
      (i) An elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
      (ii) An elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and
   b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:
      Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,
      Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,
      Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,
      Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,
      Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,
      Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,
      Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,
Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended, Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended, Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

2. Whenever the State Board of Education has information that a school meets the criteria described in paragraph 1.a (i) or 1.a (ii), the State Board of Education shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the State Board of Education shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one school year.

3. Students assigned to a school which the State Board of Education has determined to be persistently dangerous shall be allowed to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level.

4. Any student who is the victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to choose to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level and provided the student requests transfer within 30 days of the violent criminal offense.

5. Local school systems shall establish a process for assuring any student who has the right to transfer from a school under this policy is allowed to transfer to a school in the LEA, which is not persistently dangerous. The process must be included in the system's Safe School Plan.

6. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.

No Child Left Behind (NCLB) - Title IX, Sec. 9532. Unsafe School Choice Option

(a) Unsafe School Choice Policy - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

(b) Certification - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.

Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

§ 97-37-17. Possession of weapons by students; aiding or encouraging.

(1) The following definitions apply to this section:

(a) “Educational property” shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school related activity; provided however, that the term “educational property” shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.

(b) “Student” shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, whether the person is an adult or a minor.

(c) “Switchblade knife” shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.

(d) “Weapon” shall mean any device enumerated in subsection (2) or (4) of this section.

(2) It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(3) It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.
(4) It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or be imprisoned not exceeding six (6) months, or both.

(5) It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or be imprisoned not exceeding six (6) months, or both.

(6) It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:

(a) The person is not a student attending school on any educational property; (b) The firearm is within a motor vehicle; and

(b) The firearm is within a motor vehicle; and

(c) The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.

(7) This section shall not apply to:

(a) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

(b) Armed forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, when acting in the discharge of their official duties;

(c) Home schools as defined in the compulsory school attendance law, Section 37-13-91;

(d) Competitors while participating in organized shooting events;

(e) Any person as authorized in Section 97-37-7 while in the performance of his official duties;

(f) Any mail carrier while in the performance of his official duties; or

(g) Any weapon not prescribed by Section 97-37-1 which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section 43-21-105, which is used to bring or pick up a student at a school building, school property or school function.

(8) All schools shall post in public view a copy of the provisions of this section.

REGULATIONS

Rule 97.1. Weapons.

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:
The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

Other weapons

LAWS

§ 97-37-17. Possession of weapons by students; aiding or encouraging.

(1) The following definitions apply to this section:
   (a) “Educational property” shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, directors or administrators of any public or private educational institution or during a school related activity; provided however, that the term “educational property” shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.
   (b) “Student” shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, whether the person is an adult or a minor.
   (c) “Switchblade knife” shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.
   (d) “Weapon” shall mean any device enumerated in subsection (2) or (4) of this section.

(2) It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(3) It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(4) It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this
subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or be imprisoned not exceeding six (6) months, or both.

(5) It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or be imprisoned not exceeding six (6) months, or both.

(6) It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:

(a) The person is not a student attending school on any educational property;
(b) The firearm is within a motor vehicle; and
(c) The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.

(7) This section shall not apply to:

(a) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
(b) Armed forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, when acting in the discharge of their official duties;
(c) Home schools as defined in the compulsory school attendance law, Section 37-13-91;
(d) Competitors while participating in organized shooting events;
(e) Any person as authorized in Section 97-37-7 while in the performance of his official duties;
(f) Any mail carrier while in the performance of his official duties; or
(g) Any weapon not prescribed by Section 97-37-1 which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section 43-21-105, which is used to bring or pick up a student at a school building, school property or school function.

(8) All schools shall post in public view a copy of the provisions of this section.

REGULATIONS

25. School districts are without discretion to establish categories or classes of offenses for which the penalty is total removal from the school setting. Thus, unless a child has been suspended or expelled from school for possession of a weapon or other felonious conduct, the student must be assigned to the alternative school for that school district. The district is cautioned not to have policies that remove students from the traditional school setting to an alternative school setting for minor infractions. If the acts of a student, although not rising to the level of a felony, are such that the student poses a threat to the safety of himself or others or will disrupt the educational process at the alternative school, the school district is not required to admit the student into the alternative school.
Rule 97.1. Weapons.

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

Students with chronic disciplinary issues

LAWS

§ 37-11-18.1. Expulsion of habitually disruptive students aged 13 years or older upon third occurrence of disruptive behavior within school year.

(1) For the purposes of this section:

(a) The term "disruptive behavior" means conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher; and

(b) The term "habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

(2) Every behavior modification plan written pursuant to this section must be developed by utilizing evidence-based practices and positive behavioral intervention supports. The plan must be implemented no later than two (2) weeks after the occurrence of the disruptive behavior.

(3) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student, a psychological evaluation shall be performed upon the child.

REGULATIONS

No relevant regulations found.
Attendance and truancy

LAWS

§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.
(1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."
(2) The following terms as used in this section are defined as follows:
   (a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.
   (b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.
   (c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.
   (d) "School day" means not less than five and one-half (5-1/2) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.
   (e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.
   (f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.
   (g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.
   (h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.
   (i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.
(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:
   (a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.
   (b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.
   (c) When a compulsory-school-age child is being educated in a legitimate home instruction program.
The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.
The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;
(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;
(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and
(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a charter school or nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An “unlawful absence” is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. For purposes of reporting absenteeism under subsection (6) of this section, if a compulsory-school-age child has an absence that is more than thirty-seven percent (37%) of the instructional day, as fixed by the school board for the school at which the compulsory-school-age child is enrolled, the child must be considered absent the entire school day. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.
(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or...
within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

REGULATIONS

Rule 9.1. Attendance reporting.
When local school districts receive a report from a juvenile court that a student's probation has school attendance as a condition, the following rules will be followed:

1. A review will be conducted by the school administration to determine the most appropriate academic placement, the need for counseling and other social services, and the development of an instruction plan, if appropriate;
2. Parental involvement will be encouraged;
3. Alternative placement will be considered if the act necessitating the order would hinder the instructional program or place others at risk for their personal safety; and
4. The appropriate School Attendance Officer will be notified.

Rule 30.1. Compulsory school attendance.
1. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with MS Code §37-13-89.
2. Pursuant to MS Code §43-21-321 and §37-13-80 School Attendance Officers shall:
(a) Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
(b) Gather accurate data on youth in juvenile detention centers to properly track students.

3. In addition to the duties set forth in statute, State School Attendance Officers shall be required to provide technical assistance to school districts in the areas of attendance and dropout prevention.

**Rule 30.2. Reporting unexcused absences.**

Pursuant to Mississippi Code 37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic for the period of time that the child is of compulsory-school-age. Mississippi Code Section 37-9-14(2)(u) states that School District Superintendents are “to comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-92(6).” The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer.

1. An unlawful absence is an absence by any compulsory school-age child missing for thirty-seven (37%) or more of a school day, in which the absence is not due to a valid excuse for temporary nonattendance.

2. An unlawful absence is an absence by any compulsory school-age child who is removed from school for days missed as a result of disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee. A student that is absent due to suspensions or expulsions shall not be reported as truant.

Based on Section 37-13-91(6), the school district superintendent or his/her designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officers. Therefore, pursuant to Section 37-13-85(o), provides that the MDE shall adopt any other policies that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add or contradict with the requirements of Section 37-13-91. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur and code them as “unexcused absences”. However, these absences will not be counted towards a student being identified as truant.

For the purpose of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of his/her instructional day, as fixed by the local school board, and defined by the student’s schedule, in order to be considered in full-day attendance.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

1. An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

2. An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

3. An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

4. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.
5. An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

6. An absence may be excused if the religion, to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

7. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

8. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

If a compulsory-school-age child is participating in an authorized school activity with the prior approval of the superintendent of the school district, or his/her designee, the student is considered PRESENT for average daily attendance reporting purposes. The activities include, but are not limited to:

a) Official Organized Events Sponsored by the 4-H
b) Future Farmers of America
c) Junior Livestock Shows
d) Rodeo Events
e) Official Employment as a Page at the State Capitol
f) Subject-Matter Field Trips
g) Athletic Contest
h) Student Conventions
i) Music Festivals or Contest

A student's participation in an authorized school activity must be verified by one of the following:

a) Student Schedule
b) Class Roster
c) Activity Roster

If a district superintendent fails to comply with the above guidelines, the following may occur:

1. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.

2. If no action is warranted, the Director of the Office of Compulsory School Attendance Enforcement will notify the School Attendance Officer in writing of the determination.

3. If further action is warranted, the Director of the Office of Compulsory School Attendance Enforcement may recommend to the State Superintendent of Education or his/her designee, downgrading of the district's accreditation status.
4. When information on file in the Mississippi Department of Education indicates that a school district may be in violation of a state law, the superintendent of the district will be informed in writing by appropriate staff in the Department responsible for monitoring compliance with the compulsory school attendance law.

5. School district officials will be given thirty (30) days from the date of receipt of notification to provide a written response verifying accuracy or inaccuracy of the notice of possible noncompliance with the compulsory school attendance law. If the written response includes appropriate evidence to correct or refute the alleged violation, the superintendent of the district will be notified by appropriate staff.

6. The appropriate staff member in the Office of Accreditation will notify the superintendent of the district in writing of the verified violation. Although the accreditation status of the district may not be subject to change until the next assignment of annual district status, the superintendent is required to provide a written response specifying how and when the violation will be corrected.

**Rule 30.4. Truancy rate definition, calculation and rate.**

**Purpose.**

Pursuant to MS Code §37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory-school-age. A “Compulsory-school-age child” means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

Pursuant to the Elementary and Secondary School Act, Subpart I, §4112, (c)(3)(A)(B)(i), beginning with the 2005-2006 school year, state education agencies were required to report truancy rates on a school-by-school basis to the US Department of Education. In an effort to ensure compliance with federal guidelines, this policy sets forth the distinction between excused and unlawful absences and provides formulas for truancy, habitual truancy, suspension and expulsion rate calculations. This information will serve to establish a uniform reporting method.

**Definitions.**

- **Cumulative Enrollment** - sum of all entering students within a school year.
- **Excused Absence** - any of seven designated valid excuses for temporary nonattendance of a compulsory-school-age child enrolled in a public school, pursuant to MS Code §37-13-91, (4) (a) through (4) (i).
- **Habitual Truant** - a student who has accumulated twelve (12) or more unlawful absences, excluding suspension and expulsion days, in a school year, which shall result in the filing of a petition in a court of competent jurisdiction by the school attendance officer.
- **School Day** - pursuant to Mississippi Code §37-13-91 (d), defined as not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.
- **Truant** - a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.
Unlawful absence - (also known as an unexcused absence) an absence during a school day by a compulsory-school-age child, which the absence is not due to a valid excuse for temporary nonattendance, pursuant to MS Code §37-13-91 (4).

Requirements.

(1) Truancy shall only apply to students of compulsory-school-age.

(2) Each local school district shall determine whether an absence is excused or unlawful based on the Compulsory School Attendance Law §37-13-91 of the Mississippi Code 1972 Annotated.

(3) For the purpose of calculating truancy rates, out of school suspensions shall not be considered unlawful absences. Out of school suspension days shall not be factored into truancy rate calculations.

(4) Students that satisfy the school day attendance requirements shall not be considered absent and/or calculated in the truancy rate, including students enrolled in alternative education programs, GED Options programs, and students detained in juvenile detention centers.

(5) The MDE shall calculate the truancy, habitual truancy, suspension, and expulsion rates once per year. The MDE shall report disaggregated data at both the state and district levels. The following calculations shall be used in determining truancy, suspension and expulsion rates:

(a) The Truancy Rate shall be calculated using the following formula:
   Numerator: Number of students with five or more unlawful absences (truant)
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(b) The Habitual Truancy Rate shall be calculated using the following formula:
   Numerator: Number of students with twelve or more unlawful absences (habitual truant)
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(c) The Student Out-of-School Suspension Rate shall be calculated using the following formula:
   Numerator: Total number of student out-of-school suspensions in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(d) The Overall Out-of-School Suspension Rate shall be calculated using the following formula:
   Numerator: Total number of out-of-school suspension days in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(e) The Expulsion Rate shall be calculated using the following formula:
   Numerator: Number of student expulsions in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value
Substance use

LAWS

§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.
Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

§ 37-14-3. Office of Healthy Schools of state department of education to administer school nurse program; transfer of School Nurse Intervention Program to Office of Healthy Schools; responsibilities of program nurses; duties of Office of Healthy Schools.
(4) The nurses in the Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse Program shall have the following specific responsibilities:
   (c) Implement activities to promote health and prevent tobacco, alcohol and substance use and abuse;

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 37-11-20. Intimidation, threatening or coercion of students for purpose of interfering with attendance of classes.
It shall be unlawful for any person to intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, whether by illegal force, threats of force or by the distribution of intimidating, threatening or coercive material, any person enrolled in any school for the purpose of interfering with the right of that person to attend school classes or of causing him not to attend such classes.
Upon conviction of violation of any provision of this section, such individual shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500.00), imprisonment in jail for a period not to exceed six (6) months, or both. Any person under the age of seventeen (17) years who violates any provision of this section shall be treated as a delinquent within the jurisdiction of the youth court.

§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.
The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict,

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including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

§ 37-11-67. Bullying or harassing behavior in public schools prohibited.

(1) As used in this section, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(a) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(b) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(3) No person shall engage in any act of reprisal or retaliation against a victim, witness or a person with reliable information about an act of bullying or harassing behavior.

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

(6) Conduct described in subsection (1) of this section is considered bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school.

§ 37-11-69. Anti-bullying personnel and discipline policies and code of student conduct.

(1) Each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior, that:

(a) Prohibit the bullying of a student;

(b) Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(c) Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;

(d) Establish the actions a student should take to obtain assistance and intervention in response to bullying;
(e) Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(f) Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying and determining whether the reported incident of bullying occurred;

(g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(h) Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.).

(2) The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

(3) The procedure for reporting bullying established under subsection (1) of this section must be posted on the district's Internet website.

§ 97-3-105. Hazing; initiation into organization.

(1) A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

(2) Any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars ($2,000.00) or imprisonment in the county jail for not more than six (6) months, or both.

(3) A person is guilty of hazing in the second degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

(4) Any person violating the provisions of subsection (3) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00).

(5) The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

§ 37-11-37. Public high school fraternity, sorority or secret society; definition.

A public high school fraternity, sorority or secret society, as contemplated by Sections 37-11-37 through 37-11-45, is hereby defined to be any organization composed wholly, or in part, of public high school pupils, which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such high school on the basis of the decision of the membership of such fraternity, sorority or secret society, rather than upon the free choice of any pupil in the school. However, this does not apply to the Order of
DeMolay or a similar organization sponsored by any branch of the Masonic Orders or like adult fraternal organization.

§ 37-11-39. Public high school fraternity, sorority or secret society; illegality.
Any public high school fraternity, sorority, or secret society organization as defined in Section 37-11-37 is hereby declared to be inimical to public free schools and therefore unlawful.

§ 37-11-41. Public high school fraternity, sorority or secret society; membership or participation in activities.
It shall be unlawful for any pupil attending the public schools of this state to become a member of or to belong to or participate in the activities of any high school fraternity, sorority, or secret society as defined in Section 37-11-37.

§ 37-11-43. Public high school fraternity, sorority or secret society; duties of boards of trustees.
All boards of trustees of public high schools shall prohibit fraternities, sororities, or secret societies in all high schools under their respective jurisdiction. It shall be the duty of said boards of trustees to suspend or expel from said high schools under their control, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of, any such public high school fraternity, sorority or secret society, as defined in Section 37-11-37.

§ 37-11-45. Public high school fraternity, sorority or secret society; solicitation of pupils.
It shall be unlawful for any person not enrolled in any such public high school to solicit any pupil enrolled in any such public high school, to join or pledge himself or herself to become a member of any such public high school fraternity, sorority, or secret society, or to solicit any such pupil to attend a meeting thereof or any meeting where the joining of any such public high school fraternity, sorority, or secret organization shall be encouraged.
Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each and every offense.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 37-3-101. Local school districts to adopt policy on student suicide prevention and provide in-service training on suicide prevention education for all school district employees.

(1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist districts in developing policies for student suicide prevention, the State Department of Education shall establish a model policy in consultation with the Mississippi Department of Mental Health for use by local school districts in accordance with this section.

(2) In the 2017-2018 school year, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

§ 37-3-103. In-service training on suicide prevention education for newly employed school district employees.

Beginning with the 2017-2018 school year and annually thereafter, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all newly employed school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials. SOURCES: Laws, 2009, ch. 529, § 2; Laws, 2017, ch. 365, § 4, eff from and after July 1, 2017.

§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.
§ 37-14-3. Office of Healthy Schools of state department of education to administer school nurse program; transfer of School Nurse Intervention Program to Office of Healthy Schools; responsibilities of program nurses; duties of Office of Healthy Schools.

(4) The nurses in the Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse Program shall have the following specific responsibilities:

(c) Implement activities to promote health and prevent tobacco, alcohol and substance use and abuse;

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§ 37-11-18.1. Expulsion of habitually disruptive students aged 13 years or older upon third occurrence of disruptive behavior within school year.

(1) For the purposes of this section:

(a) The term "disruptive behavior" means conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher; and

(b) The term "habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

(2) Every behavior modification plan written pursuant to this section must be developed by utilizing evidence-based practices and positive behavioral intervention supports. The plan must be implemented no later than two (2) weeks after the occurrence of the disruptive behavior.

(3) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student, a psychological evaluation shall be performed upon the child.

§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of
school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

§ 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; local school district responsibilities; dropout prevention plan to address student transition to home school districts; legislative intent.

(1) There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program.

(2) The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any other regulations or policies that may be adopted by the State Board of Education. However, if for any reason within the two-year period beginning July 1, 2014, a new director for the Office of Dropout Prevention is employed by the department, the employment of such individual shall not be subject to the rules and regulations of the State Personnel Board, except as otherwise provided in Section 25-9-127(4).

(3) Each school district shall implement a dropout prevention program approved by the Office of Dropout Prevention of the State Department of Education by the 2012-2013, and annually thereafter, school year.

(4) Each local school district will be held responsible for reducing and/or eliminating dropouts in the district. The local school district will be responsible for the implementation of dropout plans focusing on issues such as, but not limited to:

   (a) Dropout Prevention initiatives that focus on the needs of individual local education agencies;
   (b) Establishing policies and procedures that meet the needs of the districts;
   (c) Focusing on the student-centered goals and objectives that are measureable;
   (d) Strong emphasis on reducing the retention rates in grades kindergarten, first and second;
   (e) Targeting subgroups that need additional assistance to meet graduation requirements; and
   (f) Dropout recovery initiatives that focus on students age seventeen (17) through twenty-one (21), who dropped out of school.

(5) The Office of Dropout Prevention may provide technical assistance upon written request by the local school district. The Office of Dropout Prevention will collaborate with program offices within the Mississippi Department of Education to develop and implement policies and initiatives to reduce the state’s dropout rate.

(6) Each school district’s dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers.

(7) It is the intent of the Legislature that, through the statewide dropout prevention program and the dropout prevention programs implemented by each school district, the graduation rate for cohort classes will be increased to not less than eighty-five percent (85%) by the 2018-2019 school year. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-
2009 school year through the 2018-2019 school year, which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

§ 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.

(1) The State Board of Education shall implement a Middle School Dropout Prevention and Recovery Pilot Program in select "D" and "F" rated school districts selected by the State Board of Education. The purpose of the pilot program is to reengage students and increase the graduation rates in Mississippi through an educational program that provides vocational technology, flexible scheduling and a blended learning environment with individualized and self-paced learning options.

(2) Under the pilot program, the educational services and programming shall be provided by an education partner that is a nonprofit or for-profit entity approved by the State Board of Education. The local school board of the districts selected to participate in the pilot program shall be responsible for reporting enrollment to the State Department of Education, working with the education partner to align graduation requirements. The participating schools district shall be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

(3) The pilot program shall provide at least the following:
   (a) Facilities that are easily accessible to the students being served;
   (b) Flexible scheduling, including at least two (2) different program schedules;
   (c) Differentiated instruction that shall include individualized, group and online instructional components;
   (d) The capacity for assessing, recording and responding to the students' academic progress on a daily basis using assessments that are aligned with state and local standards and requirements;
   (e) A focus on serving a defined population of at-risk students who have dropped out or are likely to drop out of school in the foreseeable future without some type of intervention;
   (f) Support services, including social workers and crisis intervention professionals who are trained to assist students in removing barriers to attending school and graduating;
   (g) Vocational technology and other instructional models that are self-paced and mastery-based; and
   (h) Individualized graduation plans to guide students to graduation with a standard high school diploma.

(4) Before the State Board of Education approves an applicant as an education partner, the applicant must demonstrate the following:
   (a) A history providing dropout recovery services to high school students in public schools;
   (b) At least two (2) years of relevant experience operating and providing services to brick-and-mortar public schools;
   (c) At least two (2) years of relevant experience providing comprehensive online learning or vocational technology programs;
   (d) Relevant experience serving diverse student populations, including socioeconomically disadvantaged students;
   (e) An explanation of the steps taken by the applicant to ensure that its proposed instructional content is aligned with state standards;
   (f) A plan for the recruitment and hiring of state-certified teachers, including hiring criteria;
   (g) A plan for the recruitment and hiring of qualified administrators, including hiring criteria;
(h) A detailed description of the applicant's plan to work with the participating local school districts and the State Board of Education to identify students who need to be served, to reengage those students, and to provide alternative education options for students at risk of dropping out. Students at risk of dropping out from their current schools may be transferred into the pilot program; and

(i) An operational plan that includes the following:

   (i) The number and physical location of proposed sites and a list of the equipment required;
   (ii) A proposed program calendar and daily schedule and an explanation of how the calendar and schedule meet the needs of prospective students. The schedule must include at least four (4) hours per school day of on-site learning at a physical location;
   (iii) The student-to-teacher ratio;
   (iv) A description of each of the instructional methods to be used and number of hours per day for each method;
   (v) A plan for differentiated instruction that must include individualized, group, and online instructional components;
   (vi) Capacity for assessing, recording, and responding to students' academic progress on a daily basis using standard assessments;
   (vii) A detailed one-year budget;
   (viii) A system of competency-based credit; and
   (ix) A plan for aggregation and reporting of student performance data and reporting of financial activity.

(5)(a) The State Board of Education shall develop and implement an alternative student performance accountability method to evaluate the performance and effectiveness of pilot program school districts that solely provide dropout prevention services and dropout recovery programs to at-risk students who have dropped out of or are likely to drop out of their base high school. Data and student results collected and compiled from the pilot program districts shall inform the State Board of Education in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole.

   (b) The alternative accountability method shall only measure academic growth of students who have been continuously enrolled for a period of one hundred twenty (120) days. Students shall be assessed by pre-testing and post-testing at the beginning and end of the one hundred twenty-day enrollment period to measure student growth and shall apply beginning with the 2014-2015 school year.

REGULATIONS

Rule 9.1. Attendance reporting.
When local school districts receive a report from a juvenile court that a student's probation has school attendance as a condition, the following rules will be followed:

   1. A review will be conducted by the school administration to determine the most appropriate academic placement, the need for counseling and other social services, and the development of an instruction plan, if appropriate;
   2. Parental involvement will be encouraged;

Rule 38.2. Behavior modifications.
Section 37-13-92, Mississippi Code of 1972, requires the State Board of Education to establish the definition and components of a behavior modification program.
Definition:

Policies, procedures and research-based strategies that teach students the skills needed to make positive decisions concerning behavior and learning.

Components:

The program will contain procedures and research-based strategies that:

Include a (proactive) prevention component for all students;
Include interventions designed to deal with common disciplinary problems;
Provide an intensive intervention program for low-incidence behavior problems;
Provide professional development for all team members and parents;
Provide a safe and disciplined environment where teaching and learning can take place; and
Permit implementation of the School Safety Plan.

Professional development

LAWS

§ 37-3-89. School discipline and classroom management courses; requirement; approval.
The State Board of Education, acting through the Commission on Teacher and Administrator Education, Certification and Licensure and Development, shall require each educator preparation program in the state, as a condition for approval, to include a course or courses on school discipline or classroom management as a required part of the teacher education program. All school discipline or classroom management courses offered by a teacher education program shall be approved by the Educator License Commission.

§ 37-3-91. Regional behavioral institutes; discipline and classroom management strategies; participation.

(1) Subject to the availability of funds appropriated for such purpose, the State Department of Education may establish regional behavioral institutes for the purpose of providing state-of-the-art training to teachers and administrators in discipline and classroom management strategies and behavioral health screenings for students.

(2) Any school district may volunteer to participate in a regional behavioral institute. However, the State Department of Education may require a school district to participate in a regional behavioral institute if the department determines that such participation is in the best interest of the school district based upon:

(a) Complaints received and determined by the department to be valid which relate to disciplinary problems in the school district;

(b) Any visit to the school by representatives of the department which indicates disciplinary problems in the school district; or

(c) A review of reports submitted by a school district to the department which indicates disciplinary problems in the school district.

(3) Effective with the 2019-2020 school year, the Mississippi Department of Mental Health shall develop a standardized Memorandum of Understanding ("MOU") to be utilized by the Mississippi Department of Mental Health certified mental health providers and mental health facilities in providing mental health services to local school districts. The MOU shall include standardized behavioral health screening and referral protocols, procedures and forms to be utilized by the local school districts. Any standardized behavioral health screening and referral protocols shall only be performed on students with the approval.
of the student’s parent or legal guardian. The Mississippi Department of Mental Health shall provide online training for appropriate school personnel to conduct initial behavioral health screenings of students experiencing or exhibiting behavioral stress or at risk of harming themselves or others.

§ 37-3-101. Local school districts to adopt policy on student suicide prevention and provide in-service training on suicide prevention education for all school district employees.

(1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist districts in developing policies for student suicide prevention, the State Department of Education shall establish a model policy in consultation with the Mississippi Department of Mental Health for use by local school districts in accordance with this section.

(2) In the 2017-2018 school year, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

§ 37-3-103. In-service training on suicide prevention education for newly employed school district employees.

Beginning with the 2017-2018 school year and annually thereafter, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all newly employed school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials. SOURCES: Laws, 2009, ch. 529, § 2; Laws, 2017, ch. 365, § 4, eff from and after July 1, 2017.

REGULATIONS


5. Administrative Procedures

a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:

i. Staff and faculty training on the use of physical restraint;

b. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.

(1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

§ 37-11-67. Bullying or harassing behavior in public schools prohibited.

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

§ 37-15-6. Central reporting system for information concerning expulsions from public schools; access to information.

For the purpose of providing notice to public and private school officials, both within and outside the boundaries of the state, of the expulsion of any public school student, the State Department of Education may develop a central reporting system for maintaining information concerning each expulsion from a public school. In establishing and maintaining the reporting system, the department may require each school district to report, within a certain period of time after an expulsion, as established by the department, information such as the following:

(a) The name of the student expelled;
(b) The date the student was expelled;
(c) The age of the student at the time of the expulsion;
(d) The school from which the student was expelled;
(e) The reason for the expulsion, including a detailed description of the student's act or acts;
(f) The duration of the period of expulsion, if not indefinite; and
(g) Any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be available to the general public.

REGULATIONS

Rule 38.1. School violence reporting.

Parental notification

LAWS

§ 37-13-89. School attendance officers; qualifications; duties; salaries.
(4) It shall be the duty of each school attendance officer to:
   (f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;
   (g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

§ 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report.
(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:
   (c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a
manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

REGULATIONS


5. Administrative Procedures
   a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:
      ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;

6. Parental Notification
   a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school. 162
   b. All parents shall be notified when physical restraint is used to restrain their student before the close of school on the day the restraint was used or within 48 hours following the incident.

Reporting and referrals between schools and law enforcement

LAWS


(1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:
   (w) To notify, in writing, the parent, guardian or custodian, the youth court and local law enforcement of any expulsion of a student for criminal activity as defined in Section 37-11-29.
   (x) To notify the youth court and local law enforcement agencies, by affidavit, of the occurrence of any crime committed by a student or students upon school property or during any school-related activity, regardless of location and the identity of the student or students committing the crime.

§ 37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.

(1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

(2) Whenever any person who shall be an enrolled student in any school or educational institution in this state supported in whole or in part by public funds, or who shall be an enrolled student in any private school or educational institution, is arrested for, and lawfully charged with, the commission of any crime and convicted upon the charge for which he was arrested, or convicted of any crime charged against him
after his arrest and before trial, the office or law enforcement department of which the arresting officer is a member, and the justice court judge and any circuit judge or court before whom such student is tried upon said charge or charges, shall make or cause to be made a report thereof to the superintendent or the president or chancellor, as the case may be, of the school district or other educational institution in which such student is enrolled.

If the charge upon which such student was arrested, or any other charges preferred against him are dismissed or nol prossed, or if upon trial he is either convicted or acquitted of such charge or charges, same shall be reported to said respective superintendent or president, or chancellor, as the case may be. A copy of said report shall be sent to the Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, at Jackson, Mississippi.

Said report shall be made within one (1) week after the arrest of such student and within one (1) week after any charge placed against him is dismissed or nol prossed, and within one (1) week after he shall have pled guilty, been convicted, or have been acquitted by trial upon any charge placed against him. This section shall not apply to ordinary traffic violations involving a penalty of less than Fifty Dollars ($50.00) and costs.

The State Superintendent of Public Education shall gather annually all of the reports provided under this section and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school related activity. All data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved. However, the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.

On or before January 1 of each year, the State Superintendent of Public Education shall report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Joint PEER Committee on this section. The report must include data regarding arrests as a result of any unlawful activity which occurred on educational property or during a school related activity.

(3) When the superintendent or his designee has a reasonable belief that an act has occurred on educational property or during a school related activity involving any of the offenses set forth in subsection (6) of this section, the superintendent or his designee shall immediately report the act to the appropriate local law enforcement agency. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the superintendent. The State Board of Education shall prescribe a form for making reports required under this subsection. Any superintendent or his designee who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35.

(4) The law enforcement authority shall immediately dispatch an officer to the educational institution and with probable cause the officer is authorized to make an arrest if necessary as provided in Section 99-3-7.

(5) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.

(6) For purposes of this section, "unlawful activity" means any of the following:

(a) Possession or use of a deadly weapon, as defined in Section 97-37-1;

(b) Possession, sale or use of any controlled substance;

(c) Aggravated assault, as defined in Section 97-3-7;

(d) Simple assault, as defined in Section 97-3-7, upon any school employee;

(e) Rape, as defined under Mississippi law;
§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

REGULATIONS


13. Personnel assigned to an alternative program will report any criminal activity or other unlawful activity committed on school property to the appropriate authority.

Disclosure of school records

LAWS


(1) Test questions and answers in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, which are to be used in future academic examinations, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(2) Letters of recommendation in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, respecting admission to any educational agency or institution, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(3) (a) Except as provided in paragraph (b) of this subsection, documents, records, papers, data, protocols, information or materials in the possession of a community college or state institution of higher learning that are created, collected, developed, generated, ascertained or discovered during the course of academic research, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(4) Unpublished manuscripts, preliminary analyses, drafts of scientific or academic papers, plans or proposals for future research and prepublication peer reviews in the possession of a community college or state institution of higher learning, or submitted and accepted for publication by publishers shall be exempt from the provisions of the Mississippi Public Records Act of 1983.
(5) Nothing in this section shall otherwise create a public record right over, or shall impede or infringe upon, the copyright in any work.

(6) School safety plan documents containing preventive services listed in Section 37-3-83 shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

§ 37-15-6. Central reporting system for information concerning expulsions from public schools; access to information.

For the purpose of providing notice to public and private school officials, both within and outside the boundaries of the state, of the expulsion of any public school student, the State Department of Education may develop a central reporting system for maintaining information concerning each expulsion from a public school. In establishing and maintaining the reporting system, the department may require each school district to report, within a certain period of time after an expulsion, as established by the department, information such as the following:

(a) The name of the student expelled;
(b) The date the student was expelled;
(c) The age of the student at the time of the expulsion;
(d) The school from which the student was expelled;
(e) The reason for the expulsion, including a detailed description of the student's act or acts;
(f) The duration of the period of expulsion, if not indefinite; and
(g) Any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be available to the general public.

REGULATIONS

Rule 73.1. School records.
The following procedures are adopted as provided under the Mississippi Public Records Act of 1983, Chapter 424, Laws of 1983 (hereinafter referred to as the Public Records Act.

I. Definitions

a. Public body: A public body is defined as "any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. Within the meaning of this act, the term 'entity' shall not be construed to include individuals employed by a public body or any appointed or elected public official."

b. Public records: Public records are defined as "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body."

c. Exempt records: Those records exempt from disclosure under the Public Records Act.

d. Nonexempt records: Those records which are not exempt from disclosure under the Public Records Act.
e. Working day: A working day is any day other than a weekend, State holiday, or a day which by executive order an agency is authorized to be absent.

II. Fees

a. By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record. However, if the searching, reviewing, or duplicating of documents or the separating of nonexempt material from documents, etc., containing exempt material requires more than one-quarter hour of work, then the requesting party shall be charged for the work time above one-quarter hour in addition to the actual cost per page of mechanical reproduction for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid qualified employee of the State Department of Education (hereinafter referred to as the Department) available to do the job.

In the event the public record is available in computer files and can be obtained through computer use, then the requesting party must pay the charge for the computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the Department.

b. Mailing costs calculated at the applicable United States Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than United States Postal Service shall be charged to the person requesting the special shipment.

III. Procedures

a. All requests for access to or copies of a public record shall be in writing and shall specify what record is being sought as well as the name and address of the individual and/or organization requesting the record. Requests shall be addressed to the State Superintendent of Education. Request forms are available in the State Superintendent of Education's office.

b. The Department shall respond in writing within fourteen (14) working days from the date of the request. Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the Department for not less than three years from the date denial is made.

c. Access to nonexempt records will be allowed during regular business hours.

d. If any public record which is held to be exempt from disclosure contains material which is not exempt, the Department shall separate the exempt material and make the nonexempt material available for examination and/or copying.

e. When fees are appropriate as specified in Section II of this regulation, the fees must be paid prior to the Department's compliance with the request. Cash, money orders, cashier's checks, personal or company checks will be accepted in payment for fees under Section II. Payment by personal or company check will be accepted subject to clearance within fourteen working (14) days.

f. Records furnished to the Department by third parties, which are not public bodies as defined in the Public Records Act, will not be released until notice to the third parties has been given. The records shall be released in fourteen days unless the third party obtains a court order protecting the records as confidential.

g. The State Superintendent of Education or his designee has the authority to specify the mode, manner, time and place of access.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 37-3-91. Regional behavioral institutes; discipline and classroom management strategies; participation.

(2) Any school district may volunteer to participate in a regional behavioral institute. However, the State Department of Education may require a school district to participate in a regional behavioral institute if the department determines that such participation is in the best interest of the school district based upon:

(c) A review of reports submitted by a school district to the department which indicates disciplinary problems in the school district.


(1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:

(o) To make such reports as are required by the State Board of Education.

(p) To make an enumeration of educable children in his school district as prescribed by law.

(q) To keep in his office and carefully preserve the public school record provided, to enter therein the proceedings of the school board and his decision upon cases and his other official acts, to record therein the data required from the monthly and term reports of principals and teachers, and from the summaries of records thus kept.

§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child’s suspension.

(1) [...] The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.

§ 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.

(1) The State Board of Education shall implement a Middle School Dropout Prevention and Recovery Pilot Program in select “D” and “F” rated school districts selected by the State Board of Education. The purpose of the pilot program is to reengage students and increase the graduation rates in Mississippi through an educational program that provides vocational technology, flexible scheduling and a blended learning environment with individualized and self-paced learning options.

(2) Under the pilot program, the educational services and programming shall be provided by an education partner that is a nonprofit or for-profit entity approved by the State Board of Education. The local school board of the districts selected to participate in the pilot program shall be responsible for reporting enrollment to the State Department of Education, working with the education partner to align graduation
requirements. The participating schools district shall be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

(3) The pilot program shall provide at least the following:

(a) Facilities that are easily accessible to the students being served;
(b) Flexible scheduling, including at least two (2) different program schedules;
(c) Differentiated instruction that shall include individualized, group and online instructional components;
(d) The capacity for assessing, recording and responding to the students' academic progress on a daily basis using assessments that are aligned with state and local standards and requirements;
(e) A focus on serving a defined population of at-risk students who have dropped out or are likely to drop out of school in the foreseeable future without some type of intervention;
(f) Support services, including social workers and crisis intervention professionals who are trained to assist students in removing barriers to attending school and graduating;
(g) Vocational technology and other instructional models that are self-paced and mastery-based; and
(h) Individualized graduation plans to guide students to graduation with a standard high school diploma.

(4) Before the State Board of Education approves an applicant as an education partner, the applicant must demonstrate the following:

(a) A history providing dropout recovery services to high school students in public schools;
(b) At least two (2) years of relevant experience operating and providing services to brick-and-mortar public schools;
(c) At least two (2) years of relevant experience providing comprehensive online learning or vocational technology programs;
(d) Relevant experience serving diverse student populations, including socioeconomically disadvantaged students;
(e) An explanation of the steps taken by the applicant to ensure that its proposed instructional content is aligned with state standards;
(f) A plan for the recruitment and hiring of state-certified teachers, including hiring criteria;
(g) A plan for the recruitment and hiring of qualified administrators, including hiring criteria;
(h) A detailed description of the applicant's plan to work with the participating local school districts and the State Board of Education to identify students who need to be served, to reengage those students, and to provide alternative education options for students at risk of dropping out. Students at risk of dropping out from their current schools may be transferred into the pilot program; and
(i) An operational plan that includes the following:
   (i) The number and physical location of proposed sites and a list of the equipment required;
   (ii) A proposed program calendar and daily schedule and an explanation of how the calendar and schedule meet the needs of prospective students. The schedule must include at least four (4) hours per school day of on-site learning at a physical location;
   (iii) The student-to-teacher ratio;
   (iv) A description of each of the instructional methods to be used and number of hours per day for each method;
   (v) A plan for differentiated instruction that must include individualized, group, and online instructional components;
   (vi) Capacity for assessing, recording, and responding to students' academic progress on a daily basis using standard assessments;
(vii) A detailed one-year budget;
(viii) A system of competency-based credit; and
(ix) A plan for aggregation and reporting of student performance data and reporting of financial activity.

(5)(a) The State Board of Education shall develop and implement an alternative student performance accountability method to evaluate the performance and effectiveness of pilot program school districts that solely provide dropout prevention services and dropout recovery programs to at-risk students who have dropped out of or are likely to drop out of their base high school. Data and student results collected and compiled from the pilot program districts shall inform the State Board of Education in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole.

(b) The alternative accountability method shall only measure academic growth of students who have been continuously enrolled for a period of one hundred twenty (120) days. Students shall be assessed by pre-testing and post-testing at the beginning and end of the one hundred twenty-day enrollment period to measure student growth and shall apply beginning with the 2014-2015 school year.

§ 37-13-89. School attendance officers; qualifications; duties; salaries.

(4) It shall be the duty of each school attendance officer to:

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement;

§ 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report.

(11) Each school district having an alternative school program shall submit a report annually to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7)(a) through (j).

[From and after July 1, 2015, this section shall read as follows:]

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

REGULATIONS

Rule 18.1 Annual Report.


The information required to be in the Children First Act (CFA) Annual Report will be compiled by the Mississippi Department of Education's Office of Research and Statistics. This report is, according to the CFA, to be printed in the newspaper, listed on the district website and made available free of charge at a location(s) in the district in a hard copy format. The report shall look at the district as a whole and be printed in the paper and made available on the district website no later than November 1 of each year.
2. Publication in the Newspaper

There are three categories of information which shall be included in the Annual Reports: District Profile Information, Academic Achievement Information and Financial Data Information. Specific items to be included in the report are as follows:

a. District Profile
   i. Number of students
   ii. Number of employees
   iii. Number of full-time teachers
   iv. Number of National Board Certified teachers
   v. Percentage of teachers who are highly qualified
   vi. Percentage of teachers with emergency licenses
   vii. Number of special education teachers
   viii. Percentage of special education teachers who are highly qualified
   ix. Percentage of special education teachers with emergency licenses
   x. Racial profile of student population
   xi. Percentage of students receiving free and reduced lunches
   xii. Number and percentage of students receiving special education services
   xiii. Percentage of students receiving out-of-school suspensions and expulsions
   xiv. Percentage of students receiving special education services receiving out-of-school suspensions and expulsions
   xv. Average Daily Attendance rate (ADA)
   xvi. Contact information for the district and information on how to get involved in the schools
   xvii. Superintendent's name and contact information

b. Academic Achievement Information
   i. Accreditation status
   ii. Percentage of students receiving a high school diploma
   iii. Percentage of students receiving special education services receiving a high school diploma
   iv. Percentage of students receiving an occupational diploma
   v. Percentage of students receiving special education services receiving an occupational diploma
   vi. Percentage of students receiving a certificate of completion
   vii. Percentage of students receiving special education services receiving a certificate of completion
   viii. Dropout rate for all students
   ix. Dropout rate for students receiving special education services
   x. Percent of Graduates Taking the ACT
   xi. District rating level
   xii. Number of schools by rating level
   xiii. ACT information (% taking the test and the average score)

c. Financial Data
   i. Total Revenue: Local, State and Federal Funds (Actual dollar amount and percentage of total revenues)
ii. Millage Rate (Operations and Debt Service broken out separately)
iii. State average of millage rates
iv. Total millage dollars
v. Assessed Valuation
vi. Total Expenditures: Instructional, Operations & Maintenance, Other Instructional, General Administration, School Administration (Percentage of total expenditures)
vii. Per Pupil Expenditures: Local, State and Federal dollar amounts broken out separately

All information needed to compile this report will be available on the Mississippi Department of Education's Web site in time for submission to the local paper for publication before the November 1 deadline. Districts shall be required to purchase ad space at least three columns in width to ensure readability of the report upon publication. Districts are responsible for placing the ad in the newspaper, paying for the ad in the newspaper and submitting an electronic or hard copy of the report to the newspaper staff.

3. Publication on the Web

In addition to information published in the newspaper, information will be published by the Mississippi Department of Education's Office of Research and Statistics on a centralized Web site. Each district shall be required to post a link to the Web site on the home page of the district Web site. That information is as follows:

a. District Profile
   i. Number of teachers with advanced degrees
   ii. Percent in Pre-K
   iii. Number of students in gifted programs
   iv. Number of students in special education
   v. Number of Title I schools
   vi. Quality of the Distribution Index
   vii. High School Completer Index

b. Academic Achievement Information
   i. Percent of students with dual enrollment
   ii. Number enrolled in AP courses
   iii. Percent of students at each achievement level (Minimal, Basic, Proficient, Advanced)
   iv. Drop-out rate

c. Financial Data
   i. Average teacher salary
   ii. Amount of debt
   iii. Any audit findings or a statement showing there were no audit findings (letter from state auditor and a link to the state auditor's website)
   iv. Federal dollars by funding category

Rule 30.4. Truancy rate definition, calculation and rate.

Purpose.
Pursuant to MS Code §37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory-school-age. A “Compulsory-school-age child” means a child
who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and
who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and
shall include any child who has attained or will attain the age of five (5) years on or before September 1
and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or
guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to
disenroll the child from the program on a one-time basis, and such child shall not be deemed a
compulsory-school-age child until the child attains the age of six (6) years.

Pursuant to the Elementary and Secondary School Act, Subpart I, §4112, (c)(3)(A)(B)(i), beginning with
the 2005-2006 school year, state education agencies were required to report truancy rates on a school-
by-school basis to the US Department of Education. In an effort to ensure compliance with federal
guidelines, this policy sets forth the distinction between excused and unlawful absences and provides
formulas for truancy, habitual truancy, suspension and expulsion rate calculations. This information will
serve to establish a uniform reporting method.

Definitions.

Cumulative Enrollment - sum of all entering students within a school year.

Excused Absence - any of seven designated valid excuses for temporary nonattendance of a
compulsory-school-age child enrolled in a public school, pursuant to MS Code §37-13-91, (4) (a)
through (4) (i).

Habitual Truant - a student who has accumulated twelve (12) or more unlawful absences, excluding
suspension and expulsion days, in a school year, which shall result in the filing of a petition in a court of
competent jurisdiction by the school attendance officer.

School Day - pursuant to Mississippi Code §37-13-91 (d), defined as not less than five (5) and not more
than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for
scheduled schoolwork.

Truant - a student that has accumulated five (5) or more unlawful absences in a school year, excluding
suspension and expulsion days.

Unlawful absence - (also known as an unexcused absence) an absence during a school day by a
compulsory-school- age child, which the absence is not due to a valid excuse for temporary
nonattendance, pursuant to MS Code §37-13-91 (4).

Requirements.

(1) Truancy shall only apply to students of compulsory-school-age.

(2) Each local school district shall determine whether an absence is excused or unlawful based on the

(3) For the purpose of calculating truancy rates, out of school suspensions shall not be considered
unlawful absences. Out of school suspension days shall not be factored into truancy rate calculations.

(4) Students that satisfy the school day attendance requirements shall not be considered absent and/or
calculated in the truancy rate, including students enrolled in alternative education programs, GED
Options programs, and students detained in juvenile detention centers.

(5) The MDE shall calculate the truancy, habitual truancy, suspension, and expulsion rates once per
year. The MDE shall report disaggregated data at both the state and district levels. The following
calculations shall be used in determining truancy, suspension and expulsion rates:

(a) The Truancy Rate shall be calculated using the following formula:
  Numerator: Number of students with five or more unlawful absences (truant)
  Denominator: Count of Student Membership - Cumulative Enrollment
  Multiplied by 100 to create a percentage value
(b) The Habitual Truancy Rate shall be calculated using the following formula:
   Numerator: Number of students with twelve or more unlawful absences (habitual truant)
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(c) The Student Out-of-School Suspension Rate shall be calculated using the following formula:
   Numerator: Total number of student out-of-school suspensions in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(d) The Overall Out-of-School Suspension Rate shall be calculated using the following formula:
   Numerator: Total number of out-of-school suspension days in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

(e) The Expulsion Rate shall be calculated using the following formula:
   Numerator: Number of student expulsions in a school year
   Denominator: Count of Student Membership - Cumulative Enrollment
   Multiplied by 100 to create a percentage value

**Rule 38.1. School violence reporting.**

**Rule 38.13. Restraint and seclusion.**
5. Administrative Procedures
   a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:
      i. Staff and faculty training on the use of physical restraint;
      ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;
      iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;
      iv. Procedures for the periodic review of the use of restraint and seclusion policies;
      v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;
      vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.
   b. The policies and procedures shall be reviewed with all staff on an annual basis.
c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.

d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.

e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.

f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.

g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.

h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.

Rule 83.1. Violence.
(This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the Consolidated Plan for No Child Left Behind)

1. The following definitions apply to this policy:
   a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:
      (i) an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
      (ii) an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and

   b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:

      Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,
      Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,
      Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,
      Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,
      Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,
      Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,
      Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,
Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended, Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended, Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

2. Whenever the State Board of Education has information that a school meets the criteria described in paragraph 1.a (i) or 1.a (ii), the State Board of Education shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the State Board of Education shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one school year.

3. Students assigned to a school which the State Board of Education has determined to be persistently dangerous shall be allowed to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level.

4. Any student who is the victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to choose to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level and provided the student requests transfer within 30 days of the violent criminal offense.

5. Local school systems shall establish a process for assuring any student who has the right to transfer from a school under this policy is allowed to transfer to a school in the LEA, which is not persistently dangerous. The process must be included in the system's Safe School Plan.

6. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.

No Child Left Behind (NCLB) - Title IX, SEC. 9532. Unsafe School Choice Option

(a) Unsafe School Choice Option - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

(b) Certification - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

§ 37-3-82. Mississippi Community Oriented Policing Services in Schools grant program established; purpose; use of funds.
(2) The MCOPS program shall meet the following requirements and standards:
   (e) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law Enforcement Officers' Training Academy where they shall be required to participate in training through the Advanced Law Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars ($1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

§ 37-7-321. Employment and designation of peace officers; minimum level of basic law enforcement training required; operation of radio broadcasting and transmission station; interlocal agreements with other law enforcement entities for provision of certain equipment or services.
(2) Any person employed by a school board as a security guard or school resource officer or in any other position that has the powers of a peace officer must receive a minimum level of basic law enforcement training, as jointly determined and prescribed by the Board on Law Enforcement Officer Standards and Training and the State Board of Education, within two (2) years of the person's initial employment in such position. Upon the failure of any person employed in such position to receive the required training within the designated time, the person may not exercise the powers of a peace officer in or on the property of the school district.

The Office of Compulsory School Attendance Enforcement shall have the following powers and duties, in addition to all others imposed or granted by law:
(j) To provide for a course of training and education for school attendance officers, and to require successful completion of the course as a prerequisite to certification by the office as school attendance officers;

§ 37-13-89. School attendance officers; qualifications; duties; salaries.
(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

§ 37-13-107. Training and education course for school attendance officers; effect of failure to receive certificate.
(1) Every school attendance officer shall be required annually to attend and complete a comprehensive course of training and education which is provided or approved by the Office of Compulsory School Attendance Enforcement of the State Department of Education. Attendance shall be required beginning with the first training seminar conducted after the school attendance officer is employed as a school attendance officer.

(2) The Office of Compulsory School Attendance Enforcement shall provide or approve a course of training and education for school attendance officers of the state. The course shall consist of at least twelve (12) hours of training per year. The content of the course of training and when and where it is to be conducted shall be approved by the office. A certificate of completion shall be furnished by the State Department of Education to those school attendance officers who complete the course. Each certificate shall be made a permanent record of the school attendance officer supervisor's office where the school attendance officer is employed.

(3) Upon the failure of any person employed as a school attendance officer to receive the certificate of completion from the State Department of Education within the first year of his employment, the person shall not be allowed to carry out any of the duties of a school attendance officer and shall not be entitled to compensation for the period of time during which the certificate has not been obtained.

§ 45-6-7. Powers of board.
In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter, including the authority to require the submission of reports and information by law enforcement agencies of the state and its political subdivisions.

(b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.
(c) Certify persons as being qualified under the provisions of this chapter to be law enforcement officers or part-time law enforcement officers.

(d) Revoke certification for cause and in the manner provided in this chapter. The board is authorized to subpoena documents regarding revocations. The board shall maintain a current list of all persons certified under this chapter who have been placed on probation, suspended, subjected to revocation of certification, or any combination of these.

(e) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training police and other law enforcement officers, both full- and part-time, which shall include a minimum of two (2) hours of training in a course or courses related to the identification of and support for victims of human trafficking and commercial sexual exploitation.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.

(n) Establish jointly with the State Board of Education the minimum level of basic law enforcement training required of persons employed by school districts as school security guards, or school resource officers or in other positions that have the powers of a peace officer.

REGULATIONS
No relevant regulations found.

MOUs, authorization and/or funding

LAWS

§ 37-3-82. Mississippi Community Oriented Policing Services in Schools grant program established; purpose; use of funds.

(1) There is hereby established the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program in the State Department of Education to provide funding, pursuant to specific appropriation by the Legislature therefor, to assist law enforcement agencies in providing additional
School Resource Officers to engage in community policing in and around primary and secondary schools. The MCOPS program shall authorize the State Department of Education to make grants to increase deployment of law enforcement officers in order (a) to increase or enhance community policing in this state, (b) that trained, sworn enforcement officers assigned to schools play an integral part in the development and/or enhancement of a comprehensive school safety plan, and (c) that the presence of these officers shall provide schools with a direct link to local law enforcement agencies.

(2) The MCOPS program shall meet the following requirements and standards:

(a) This program shall provide an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence and implement educational programs to improve student and school safety.

(b) The additional School Resource Officers must devote at least seventy-five percent (75%) of their time to work in and around primary and secondary schools, in addition to the time that School Resource Officers are devoting in the absence of the MCOPS in Schools grant.

(c) Beginning with the 2019-2020 school year, the MCOPS in Schools program shall provide a minimum state contribution of up to Ten Thousand Dollars ($10,000.00) per officer position over the one-year grant period, to be matched from local funds on a 50/50 matching basis. Officers paid with MCOPS funds may be employed by the local law enforcement agency or by the local school district. MCOPS funds may be used to pay for entry-level salaries and benefits of newly trained additional School Resource Officers and may be used to pay the salaries and benefits of School Resource Officers employed prior to July 1, 2013. All jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without state assistance. Schools or law enforcement agencies may not reduce its overall federal, state, locally funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving MCOPS in Schools grant funding. MCOPS in Schools funding may be used to rehire sworn officers previously employed who have been laid off for financial reasons unrelated to the availability of the MCOPS in Schools grant, but must obtain prior written approval from the State Department of Education. MCOPS in Schools funding may be used to train school resource officers. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for School Resource Officer funding.

(d) School Resource Officers (SROs) may serve in a variety of roles, including, but not limited to, that of a law enforcement officer/safety specialist, law-related educator, and problem-solver/community liaison. These officers may teach programs such as crime prevention, substance abuse prevention, and gang resistance as well as monitor and assist troubled students through mentoring programs. The School Resource Officer(s) may also identify physical changes in the environment that may reduce crime in and around the schools, as well as assist in developing school policies which address criminal activity and school safety. The application must also include a Memorandum of Understanding (MOU), signed by the law enforcement executive and the appropriate school official(s), to document the roles and responsibilities to be undertaken by the law enforcement agency and the educational school partner(s) through this collaborative effort. The application must also include a Narrative Addendum to document that the School Resource Officer(s) will be assigned to work in and around primary or secondary schools and provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.
(e) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law Enforcement Officers’ Training Academy where they shall be required to participate in training through the Advanced Law Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars ($1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

(3) The State Department of Education shall promulgate rules and regulations prescribing procedures for the application, expenditure requirements and the administration of the Mississippi Community Oriented Policing Services in Schools (MCOPS) program established in this section, and shall make a report on the implementation of the MCOPS program with any recommendations to the 2020 Regular Session of the Legislature.

§ 37-3-82.1. Schools unable to meet financial requirements for participation in MCOPS program authorized to develop alternative plans for student security.

In the event that a public school district is unable to participate in the MCOPS program due to the district's inability to meet the necessary financial requirements of the local fund match, the local school board of that school district may develop a plan for the security of its students, faculty and administration, which must be approved by the State Board of Education and the Mississippi Department of Public Safety prior to its implementation. The local school board may still apply for grants under the MCOPS program for training of security personnel employed by the school district.

§ 37-7-321. Employment and designation of peace officers; minimum level of basic law enforcement training required; operation of radio broadcasting and transmission station; interlocal agreements with other law enforcement entities for provision of certain equipment or services.

(1) The school board of any school district within the State of Mississippi, in its discretion, may employ one or more persons as security personnel and may designate such persons as peace officers in or on any property operated for school purposes by such board upon their taking such oath and making such bond as required of a constable of the county in which the school district is situated.

(4) If a law enforcement officer is duly appointed to be a peace officer by a school district under this section, the local school board may enter into an interlocal agreement with other law enforcement entities for the provision of equipment or traffic control duties, however, the duty to enforce traffic regulations and to enforce the laws of the state or municipality off of school property lies with the local police or sheriff's department which cannot withhold its services solely because of the lack of such an agreement.

§ 37-7-323. Application and enforcement of general criminal laws of state.

Any act which, if committed within the limits of a city, town or village, or in any public place, would be a violation of the general laws of this state, shall be criminal and punishable if done on the campus, grounds or roads of any of the public schools of this state. The peace officers duly appointed by the school board of any school district are vested with the powers and subjected to the duties of a constable for the purpose of preventing all violations of law on school property within the district, and for preserving order and decorum thereon. The peace officers duly appointed by the school board of any school district are also vested with the powers and subjected to the duties of a constable for the purpose of preventing all violations of law that occur within five hundred (500) feet of any property owned by the school district, if
reasonably determined to have a possible impact on the safety of students, faculty or staff of the school district while on said property. Provided, however, that nothing in this section shall be interpreted to require action by any such peace officer appointed by a school district to events occurring outside the boundaries of school property, nor shall any such school district or its employees be liable for any failure to act to any event occurring outside the boundaries of property owned by the school district.

The Office of Compulsory School Attendance Enforcement shall have the following powers and duties, in addition to all others imposed or granted by law:

(a) To establish any policies or guidelines concerning the employment of school attendance officers which serve to effectuate a uniform system of enforcement under the Mississippi Compulsory School Attendance Law throughout the state, and to designate the number of school attendance officers which shall be employed to serve in each school district area;
(b) To supervise and assist school attendance officer supervisors in the performance of their duties;
(c) To establish minimum standards for enrollment and attendance for the state and each individual school district, and to monitor the success of the state and districts in achieving the required levels of performance;
(d) To provide to school districts failing to meet the established standards for enrollment and attendance assistance in reducing absenteeism or the dropout rates in those districts;
(e) To establish any qualifications, in addition to those required under Section 37-13-89, for school attendance officers as the office deems necessary to further the purposes of the Mississippi Compulsory School Attendance Law;
(f) To develop and implement a system under which school districts are required to maintain accurate records that document enrollment and attendance in such a manner that the records reflect all changes in enrollment and attendance, and to require school attendance officers to submit information concerning public school attendance on a monthly basis to the office;
(g) To prepare the form of the certificate of enrollment required under the Mississippi Compulsory School Attendance Law and to furnish a sufficient number of the certificates of enrollment to each school attendance officer in the state;
(h) To provide to the State Board of Education statistical information concerning absenteeism, dropouts and other attendance-related problems as requested by the State Board of Education;
(i) To provide for the certification of school attendance officers;
(j) To provide for a course of training and education for school attendance officers, and to require successful completion of the course as a prerequisite to certification by the office as school attendance officers;
(k) To adopt any guidelines or policies the office deems necessary to effectuate an orderly transition from the supervision of school attendance officers by district attorneys to the supervision by the school attendance officer supervisors;
(l) Beginning on July 1, 1998, to require school attendance officer supervisors to employ persons employed by district attorneys before July 1, 1998, as school attendance officers without requiring such persons to submit an application or interview for employment with the State Department of Education;
(m) To adopt policies or guidelines linking the duties of school attendance officers to the appropriate courts, law enforcement agencies and community service providers; and
(n) To adopt any other policies or guidelines that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add to or contradict with the requirements of Section 37-13-91.

§ 37-13-87. District office supervisors; powers and duties; qualifications; salaries.  
(1) The Director of the Office of Compulsory School Attendance Enforcement shall employ three (3) school attendance officer supervisors, each to maintain an office within a different Supreme Court district. Each supervisor shall be responsible for the enforcement of the Mississippi Compulsory School Attendance Law within his district and shall exercise direct supervision over the school attendance officers in the district. The supervisors, who shall report to the director of the office, shall assist the school attendance officers in the performance of their duties as established by law or otherwise.

(2) No person having less than eight (8) years combined actual experience as a school attendance officer, school teacher, school administrator, law enforcement officer possessing a college degree with a major in a behavioral science or a related field, and/or social worker in the state shall be employed as a school attendance officer supervisor. Further, a school attendance officer supervisor shall possess a college degree with a major in a behavioral science or a related field or shall have actual experience as a school teacher, school administrator, law enforcement officer possessing such degree or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers shall meet any additional qualifications established by the State Personnel Board for school attendance officers or school attendance officer supervisors. The school attendance officer supervisors shall receive an annual salary to be set by the State Superintendent of Public Education, subject to the approval of the State Personnel Board.

§ 37-13-89. School attendance officers; qualifications; duties; salaries.
(1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

(2)(a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars ($ 50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education, employee of the State Department of Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.
(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(4) It shall be the duty of each school attendance officer to:

(a) Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school;

(b) Cooperate with all courts of competent jurisdiction;

(c) Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children not enrolled in a nonpublic school;

(d) Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school;

(e) Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school;

(f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;

(g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement; and
(i) Perform all other duties relating to compulsory school attendance established by the State Department of Education or district school attendance supervisor, or both.

(5) While engaged in the performance of his duties, each school attendance officer shall carry on his person a badge identifying him as a school attendance officer under the Office of Compulsory School Attendance Enforcement of the State Department of Education and an identification card designed by the State Superintendent of Public Education and issued by the school attendance officer supervisor. Neither the badge nor the identification card shall bear the name of any elected public official.

(6) The State Personnel Board shall develop a salary scale for school attendance officers as part of the variable compensation plan. The various pay ranges of the salary scale shall be based upon factors including, but not limited to, education, professional certification and licensure, and number of years of experience. School attendance officers shall be paid in accordance with this salary scale. The minimum salaries under the scale shall be no less than the following:

(a) For school attendance officers holding a bachelor’s degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

- Years of Experience: 0-4 years, Salary: $ 19,650.00
- Years of Experience: 5-8 years, Salary: $ 21,550.00
- Years of Experience: 9-12 years, Salary: $ 23,070.00
- Years of Experience: 13-16 years, Salary: $ 24,590.00
- Years of Experience: Over 17 years, Salary: $ 26,110.00

(b) For school attendance officers holding a license as a social worker, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

- Years of Experience: 0-4 years, Salary: $ 20,650.00
- Years of Experience: 5-8 years, Salary: $ 22,950.00
- Years of Experience: 9-12 years, Salary: $ 24,790.00
- Years of Experience: 13-16 years, Salary: $ 26,630.00
- Years of Experience: 17-20 years, Salary: $ 28,470.00
- Years of Experience: Over 21 years, Salary: $ 30,310.00

(c) For school attendance officers holding a master’s degree in a behavioral science or a related field, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

- Years of Experience: 0-4 years, Salary: $ 21,450.00
- Years of Experience: 5-8 years, Salary: $ 24,000.00
- Years of Experience: 9-12 years, Salary: $ 26,040.00
- Years of Experience: 13-16 years, Salary: $ 28,080.00
- Years of Experience: 17-20 years, Salary: $ 30,120.00
- Years of Experience: Over 21 years, Salary: $ 32,160.00

(7)(a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer
could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(8)(a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

(b) The State Department of Education annually shall designate a period of six (6) consecutive weeks in the summer between school years during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the six (6) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under Section 25-3-93 or 25-3-95 for such absence.
(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

REGULATIONS

Rule 9.1. Attendance reporting.
When local school districts receive a report from a juvenile court that a student's probation has school attendance as a condition, the following rules will be followed:

4. The appropriate School Attendance Officer will be notified.

Rule 30.1. Compulsory school attendance.
1. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with MS Code §37-13-89.
2. Pursuant to MS Code §43-21-321 and §37-13-80 School Attendance Officers shall:
   (a) Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
   (b) Gather accurate data on youth in juvenile detention centers to properly track students.
3. In addition to the duties set forth in statute, State School Attendance Officers shall be required to provide technical assistance to school districts in the areas of attendance and dropout prevention.

Rule 30.2. Reporting unexcused absences.
[...] If a district superintendent fails to comply with the above guidelines, the following may occur:

1. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§ 37-3-83. School Safety Grant Program; implementation of "Erin's Law Awareness" policy addressing sexual abuse of children.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

§ 37-11-57. Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension and expulsion of students.

(1) Except in the case of excessive force or cruel and unusual punishment, a teacher, assistant teacher, principal, or an assistant principal acting within the course and scope of his employment shall not be liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, assistant teacher, principal, or assistant principal acting within the course and scope of his employment in any action which may be filed against such school personnel. A school district shall be entitled to reimbursement for legal fees and expenses from its employee if a court finds that the act of the employee was outside the course and scope of his employment, or that the employee was acting with criminal intent. Any action by a school district against its employee and any action by the employee against the school district for necessary legal fees and expenses shall be tried to the court in the same suit brought against the school employee.

(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not constitute negligence or child abuse. No teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

(3) Notwithstanding subsection (2) of this section a public school teacher, assistant teacher, principal, assistant principal or other school personnel is prohibited from using corporal punishment, as defined in subsection (2) of this section, on any student with a disability. No school personnel shall be granted immunity from liability under subsection (2) of this section for the use of corporal punishment on a student with a disability. For purposes of this subsection, the term "student with a disability" means a student who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. The term "school personnel" includes all individuals employed on a full-time or part-time basis by a public school.
§ 37-18-5. School improvement plan; assistance team; community-based prekindergarten through higher education council.

(1) Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies.

(2) The school improvement plan shall be developed and approved by the principal of the School At-Risk, the superintendent of the local school district, the local school board and a majority of the teachers of the school, within a time period to be determined by the evaluation team. If the plan is not approved, the State Board of Education may approve and implement the plan in the school.

(3) The State Department of Education shall provide technical assistance and shall assist in identifying funding to the School At-Risk in the implementation of the school improvement plan, including the implementation of any recommended professional development plan, and the department may contract with the institutions of higher learning to provide such technical assistance. The assistance team shall collaborate with school and school district employees in the implementation and monitoring of the school improvement plan and the State Department of Education shall ensure that a report is issued monthly to the local school board and the local community-based advisory council.

(4) A school district that has been designated as failing as defined by the State Board of Education or a district with a School At-Risk shall also establish a community-based prekindergarten through higher education council comprised of a broad spectrum of the community, including economic developers, elected officials, civic leaders, business leaders, faith-based leaders, social services, nonprofit organizations, school attendance officers, law enforcement officials, health department officials, day care providers, librarians, parents and others with the knowledge and resources that can be leveraged to build strong communities. The State Board of Education shall develop procedures for appointments to the council, which shall not be appointed solely by the school board. The council will serve as a community-led group that is inclusive, accountable and required to publicly report progress to the community as a whole.

§ 95-15-1. Limitation of liability for report of suspicious activity or behavior.

(1) The School Safety Center within the State Department of Education shall develop and implement a statewide media campaign to prioritize and raise awareness for the “See Something, Say Something Act” established under this section, as well as the national campaign established by the United States Department of Homeland Security, as a measure to encourage good faith reporting of suspicious activity to law enforcement agencies. The media campaign shall inform the public of the protections provided by the law in addition to useful tools, resources, appropriate local law enforcement agencies and emergency services contact information, and partnering entities, including, the Mississippi Office of Homeland Security, the Mississippi Department of Public Safety and the Mississippi Department of Mental Health. In addition to the media campaign, the School Safety Center shall also make this information available on the Internet website of the State Department of Education.

(2) A person who in good faith makes a report of suspicious activity or behavior shall be immune from civil and criminal liability for the making of the report if the report is based on objectively reasonable suspicion.

(3) For purposes of this section, "report of suspicious activity or behavior" means any communication to a law enforcement officer or agency or other appropriate authority of the behavior or activity of another person if the report is made with the reasonable belief that the behavior or activity constitutes or is in furtherance of an act of terrorism.

(4) This section does not apply to the intentional making of a report known to be false, including a violation of Section 97-35-47, or to a report made with reckless disregard for the truth of the report.
§ 99-3-28. Teachers or sworn law enforcement officers charged with committing crime while in the performance of duties; certain procedural requirements to be met prior to issuance of arrest warrant.

(1)(a) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1, a certified jail officer as defined in Section 45-4-9, a counselor at an adolescent opportunity program created under Section 43-27-201 et seq., or a sworn law enforcement officer within this state as defined in Section 45-6-3 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf.

(b) The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.

(2) Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or wellbeing of the public.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§ 37-18-5. School improvement plan; assistance team; community-based prekindergarten through higher education council.

(1) Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies.

(2) The school improvement plan shall be developed and approved by the principal of the School At-Risk, the superintendent of the local school district, the local school board and a majority of the teachers of the school, within a time period to be determined by the evaluation team. If the plan is not approved, the State Board of Education may approve and implement the plan in the school.

(3) The State Department of Education shall provide technical assistance and shall assist in identifying funding to the School At-Risk in the implementation of the school improvement plan, including the implementation of any recommended professional development plan, and the department may contract with the institutions of higher learning to provide such technical assistance. The assistance team shall collaborate with school and school district employees in the implementation and monitoring of the school improvement plan and the State Department of Education shall ensure that a report is issued monthly to the local school board and the local community-based advisory council.
(4) A school district that has been designated as failing as defined by the State Board of Education or a district with a School At-Risk shall also establish a community-based prekindergarten through higher education council comprised of a broad spectrum of the community, including economic developers, elected officials, civic leaders, business leaders, faith-based leaders, social services, nonprofit organizations, school attendance officers, law enforcement officials, health department officials, day care providers, librarians, parents and others with the knowledge and resources that can be leveraged to build strong communities. The State Board of Education shall develop procedures for appointments to the council, which shall not be appointed solely by the school board. The council will serve as a community-led group that is inclusive, accountable and required to publicly report progress to the community as a whole.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

§ 37-3-83. School Safety Grant Program; implementation of "Erin's Law Awareness" policy addressing sexual abuse of children.

(1) There is established within the State Department of Education, using only existing staff and resources, a School Safety Grant Program, available to all eligible public school districts, to assist in financing programs to provide school safety. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Grant Program.

(2) The school board of each school district, with the assistance of the State Department of Education School Safety Center, shall adopt a comprehensive local school district school safety plan and shall update the plan on an annual basis.

(3) Subject to the extent of appropriations available, the School Safety Grant Program shall offer any of the following specific preventive services, and other additional services appropriate to the most current school district school safety plan:
   (a) Metal detectors;
   (b) Video surveillance cameras, communications equipment and monitoring equipment for classrooms, school buildings, school grounds and school buses;
   (c) Crisis management/action teams responding to school violence;
   (d) Violence prevention training, conflict resolution training, behavioral stress training and other appropriate training designated by the State Department of Education for faculty and staff; and
   (e) School safety personnel.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State
Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

(5) As part of the School Safety Grant Program, the State Department of Education may conduct a pilot program to research the feasibility of using video camera equipment in the classroom to address the following:

(a) Determine if video cameras in the classroom reduce student disciplinary problems;
(b) Enable teachers to present clear and convincing evidence of a student’s disruptive behavior to the student, the principal, the superintendent and the student’s parents; and
(c) Enable teachers to review teaching performance and receive diagnostic feedback for developmental purposes.

(6) Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

(7) As a component of the comprehensive local school district school safety plan required under subsection (2) of this section, the school board of a school district may adopt and implement a policy addressing sexual abuse of children, to be known as “Erin’s Law Awareness.” Any policy adopted under this subsection may include or address, but need not be limited to, the following:

(a) Methods for increasing teacher, student and parental awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;
(b) Educational information for parents or guardians, which may be included in the school handbook, on the warning signs of a child being abused, along with any needed assistance, referral or resource information;
(c) Training for school personnel on child sexual abuse;
(d) Age-appropriate curriculum for students in prekindergarten through fifth grade;
(e) Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention;
(f) Counseling and resources available for students affected by sexual abuse; and
(g) Emotional and educational support for a child who has been abused to enable the child to be successful in school.

(8) As part of the school safety grant program, the State Department of Education shall establish three (3) pilot programs in six (6) school districts utilizing an evidence-based curriculum to provide students in Grades K-5 with skills to manage stress and anxiety in order for them to be better equipped to handle challenges in a healthy way and build resiliency. The Mississippi Department of Mental Health shall be responsible for the selection of the content of the evidence-based curriculum. The results of this pilot program shall be measured and reported, and such results shall be used in consideration of the implementation of this curriculum statewide.

(9) As a component of the comprehensive local school district safety plan required under subsection (2) of this section, beginning in the 2019-2020 school year, the State Department of Education shall require local school districts to conduct, every two (2) years, refresher training on mental health and suicide prevention for all school employees and personnel, including all cafeteria workers, custodians, teachers and administrators. The Mississippi Department of Mental Health shall be responsible for the development and/or selection of the content of the training, which training shall be provided at no cost to school employees. School districts shall report completion of the training to the State Department of Education.
§ 37-3-84. Confiscation of illegal firearms; reward.

(1) Each school district in the state may pay a reward not exceeding Five Hundred Dollars ($ 500.00) to any person who provides information that leads to the confiscation by the school district or a law enforcement agency of any illegal firearm on public school property.

(2) Each school district shall establish a policy necessary to protect the confidentiality of any person who provides such information leading to the confiscation of an illegal firearm under this section.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Mississippi provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<tr>
<td>School Safety, Mississippi Department of Education (MDE)</td>
<td>Provides an overview of school safety in Mississippi schools and links teacher resources, online courses and training, and other related school safety websites.</td>
<td><a href="https://www.mdek12.org/OSOS/SS">https://www.mdek12.org/OSOS/SS</a></td>
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<tr>
<td>Suicide - Bullying Prevention Resources, MDE</td>
<td>Presents information on bullying prevention in Mississippi schools and provides links to tools and supports such as training and sample bullying policy.</td>
<td><a href="https://www.mdek12.org/SBR">https://www.mdek12.org/SBR</a></td>
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<tr>
<td>Sample Bullying Policy (July 2017), MDE</td>
<td>Sample policy addressing the prohibition of bullying or harassing behavior in Mississippi schools.</td>
<td><a href="https://www.mdek12.org/sites/default/files/sample-bullying-policy.pdf">https://www.mdek12.org/sites/default/files/sample-bullying-policy.pdf</a></td>
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<td><strong>Other Resources</strong></td>
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<td>Quick Reference to School Related Statutes (March 2017), Mississippi Department of Education</td>
<td>Reference guide includes many of the criminal, educational and juvenile statutes of the Mississippi Code of 1972, Annotated. Information is meant to provide quick reference to many used statutes by school safety personnel, however it is not all inclusive of all Mississippi statutes related to Mississippi schools.</td>
<td><a href="https://www.mdek12.org/sites/default/files/Page_Docs/quick-reference-guide-to-school-related-statutes-%28new%29.pdf">https://www.mdek12.org/sites/default/files/Page_Docs/quick-reference-guide-to-school-related-statutes-%28new%29.pdf</a></td>
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Missouri
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 160.069. R.S.Mo. Policy on consequences of possession or drinking alcohol at school or during extracurricular activities.
Every school district shall develop a policy by June 30, 2006, detailing the consequences that will result for a student at school if the student is found to be in possession or drinking alcohol either on school property or while representing the school at extracurricular activities.

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education—contents—reporting requirements—additional restrictions for certain suspensions—weapons offense, mandatory suspension or expulsion—no civil liability for authorized personnel—spanking not child abuse, when—investigation procedure—officials falsifying reports, penalty.
1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.
2. […] The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.
9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

§ 160.263. R.S.Mo. Confinement of a student prohibited, when—policy on restrictive behavioral interventions required—model policy to be developed.
2. By July 1, 2011, the local board of education of each school district shall adopt a written policy that comprehensively addresses the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:
(1) Definitions of restraint, seclusion, and time-out and any other terminology necessary to describe the continuum of restrictive behavioral interventions available for use or prohibited in the district;

(2) Description of circumstances under which a restrictive behavioral intervention is allowed and prohibited and any unique application requirements for specific groups of students such as differences based on age, disability, or environment in which the educational services are provided;

(3) Specific implementation requirements associated with a restrictive behavioral intervention such as time limits, facility specifications, training requirements or supervision requirements; and

(4) Documentation, notice and permission requirements associated with use of a restrictive behavioral intervention.


1. On or before July 1, 2001, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that require:

   (1) Each school district's designated safety coordinator to have a thorough knowledge of all federal, state and local school violence prevention programs and resources available to students, teachers or staff in the district; and

   (2) Each school district to fully utilize all such programs and resources that the local school board or its designee determines are necessary and cost-effective for the school district.

§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.

1. Every district shall adopt an antibullying policy by September 1, 2007.

§ 161.209. R.S.Mo. Rules and policies, department has affirmative duty to seek comment on-review of existing rules and policies, procedure-no penalty for failure to meet resource standards, when.

1. The department of elementary and secondary education has an affirmative duty to seek comment on its rules, regulations, and policies after their final approval or implementation. The department shall undertake such review on existing rules, regulations, and policies on an ad hoc, periodic basis with a priority given to such rules, regulations, and policies that could successfully be revised without affecting student achievement to accommodate periods when there is no increase in the appropriation for basic state aid funding pursuant to section 163.031 from one fiscal year to the next or when withholdings of appropriated funds result in a situation equivalent to no increase in such appropriation.

§ 161.210. R.S.Mo. State board may modify or waive rules, when.

State board may modify or waive rules, when

1. Notwithstanding any provision of law to the contrary, the state board of education is hereby granted authority to waive or modify any administrative rule adopted by the state board or policy implemented by the department of elementary and secondary education. School districts may submit applications for a waiver or modification authorized pursuant to this section. Each application shall include a written request by the school district or school districts and shall demonstrate that the intent of the rule or policy can be addressed in a more effective, efficient or economical manner or that the waiver or modification is necessary to implement a specific plan for improved student performance and school improvement. Prior to an application for waiver, the school district shall hold a public hearing regarding such waiver.

2. The state board of education may grant waivers or modifications for a school district or school districts that successfully demonstrate the ability to address the intent of the rule or policy in a more effective, efficient or economical manner or when the waivers or modifications are demonstrated to be necessary to stimulate innovation or improve student performance, provided that the waiver or
modification is based upon sound educational practices, does not endanger the health and safety of students or staff, and does not compromise equal opportunity for learning. Approved waivers or modifications shall remain in effect for a period not to exceed three school years and may be renewed by the state board of education upon application by the school district or school districts.

§ 171.011. R.S.Mo. School board may adopt rules and regulations.
The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner.

REGULATIONS
No relevant regulations found.

Scope

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

2. [...] As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. [...]
Communication of policy

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

1. [...] A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.

4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:

   (1) A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;
   (6) A statement of how the policy is to be publicized; and
   (7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

      (a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;
      (b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;
      (c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

§ 162.208. R.S.Mo. Internet websites, required postings.

If any public school district hosts a district-sponsored internet website, that district shall post the following on such site:

   (1) A current version of that district's policy manual and all related documents; and
   (2) A current version of that district's handbook, or, if the district has more than one handbook, a current version of all of that district's handbooks.

REGULATIONS

No relevant regulations found.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Alternatives to suspension**

**LAWS**

§ 167.164. R.S.Mo. Suspension or expulsion not to relieve duty to educate-district to pay costs of alternative education-voucher-district may contract for alternative education services.

1. Any suspension issued pursuant to section 167.161, or this section, or expulsion pursuant to section 167.161, shall not relieve the state or the suspended student's parents or guardians of their responsibilities to educate the student. School districts are encouraged to provide an in-school suspension system and to search for other acceptable discipline alternatives prior to using suspensions of more than ten days or expelling a student from the school.

**REGULATIONS**
No relevant regulations found.

**Use of corporal punishment**

**LAWS**

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil
enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.
15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

   (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

   (2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

   (3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

§ 563.061. R.S.Mo. Use of force by persons with responsibility for care, discipline or safety of others.

The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or
when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

(1) The actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

(2) The force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

§ 167.166. R.S.Mo. Prohibition on strip searches, exceptions-strip search defined-violation, penalty-prohibition on removal of certain items not deemed disruptive.
1. Except as provided in subsections 2 and 3 of this section, no employee of or volunteer at any public school or charter school within this state shall perform a strip search, as that term is defined in section 544.193, of any student of any such school. However, strip searches may be conducted by, or under the authority of, a commissioned law enforcement officer.
2. A student may be strip searched by a school employee only if a commissioned law enforcement officer is not immediately available and if the school employee reasonably believes that a student possesses a weapon, explosive, or substance that poses an imminent threat of physical harm to himself or herself or another person.
3. For the purposes of this section, the term "strip search" shall not include the removal of clothing in order to investigate the potential abuse or neglect of a student; give medical attention to a student; provide health services to a student; or screen a student for medical conditions.
4. If a student is strip searched by an employee of a school or a commissioned law enforcement officer, the district will attempt to notify the student's parent or guardian as soon as possible.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 167.161. R.S.Mo. Suspension or expulsion of pupil-notice-hearing-felony violation, grounds for suspension.

1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. […]

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

§ 171.141. R.S.Mo. Fraternities and sororities may be barred-enforcement.

3. Upon the adoption of the rule authorized by subsection 2, the school board may suspend, discipline and expel from the schools under its control, any pupil who remains a member of, who joins or promises to join, or who becomes pledged to become a member, or who solicits any other person to join, promise to join or be pledged or to become a member of a school fraternity or sorority. Upon direction of the board, by rule or otherwise, the superintendent of schools may suspend and discipline any person who violates the rule authorized by subsection 2 until the time that the matter is considered by the board.

For definitions see § 171.141 R.S.Mo. (2013) (1).

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:
(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-content reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

   (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

   (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

§ 167.161. R.S.Mo. Suspension or expulsion of pupil-notice-hearing-felony violation, grounds for suspension.

1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. [...] 

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education—contents—reporting requirements—additional restrictions for certain suspensions—weapons offense, mandatory suspension or expulsion—no civil liability for authorized personnel—spanking not child abuse, when—investigation procedure—officials falsifying reports, penalty.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

   (1) Such student is under the direct supervision of the student’s parent, legal guardian, or custodian and the superintendent or the superintendent’s designee has authorized the student to be on school property;

   (2) Such student is under the direct supervision of another adult designated by the student’s parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent’s designee has authorized the student to be on school property;

   (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

   (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student’s unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school’s disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district’s ability to:

   (1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;
(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

   (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

   (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district’s educational persistence ratio.

§ 167.023. R.S.Mo. Affidavit of expulsion for certain offenses required for student admission-false statements, penalty.

Prior to admission to any public school, a school board may require the parent, guardian, or other person having control or charge of a child of school age to provide, upon enrollment, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at any school, public or private, in this state or in any other state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person making a materially false statement or affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document shall be maintained as a part of the student’s scholastic record.

§ 167.161. R.S.Mo. Suspension or expulsion of pupil-notice-hearing-felony violation, grounds for suspension.

1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, provided that appropriate due process procedures shall be observed which shall include the right for a trial de novo by the circuit court.
4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.


1. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

   (1) The pupil shall be given oral or written notice of the charges against such pupil;

   (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

   (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

   (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

§ 167.171. Summary suspension of pupil—appeal—grounds for suspension—procedure—conference required, when—statewide suspension, when.

1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:
   (1) The pupil shall be given oral or written notice of the charges against such pupil;
   (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
   (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
   (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:
   (1) Such pupil has been convicted of; or
   (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
(3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
   (a) First degree murder under section 565.020;
   (b) Second degree murder under section 565.021;
   (c) First degree assault under section 565.050;
   (d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
   (e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
   (f) Statutory rape under section 566.032;
   (g) Statutory sodomy under section 566.062;
   (h) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
   (i) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
   (j) Arson in the first degree under section 569.040;
   (k) Kidnapping or kidnapping in the first degree, when classified as a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

REGULATIONS
No relevant regulations found.
Use of restraint and seclusion

LAWS

§ 160.263. R.S.Mo. Confinement of a student prohibited, when-policy on restrictive behavioral interventions required-model policy to be developed.

1. The school discipline policy under section 160.261 shall prohibit confining a student in an unattended, locked space except for an emergency situation while awaiting the arrival of law enforcement personnel.

2. By July 1, 2011, the local board of education of each school district shall adopt a written policy that comprehensively addresses the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:

   (1) Definitions of restraint, seclusion, and time-out and any other terminology necessary to describe the continuum of restrictive behavioral interventions available for use or prohibited in the district;
   
   (2) Description of circumstances under which a restrictive behavioral intervention is allowed and prohibited and any unique application requirements for specific groups of students such as differences based on age, disability, or environment in which the educational services are provided;
   
   (3) Specific implementation requirements associated with a restrictive behavioral intervention such as time limits, facility specifications, training requirements or supervision requirements; and
   
   (4) Documentation, notice and permission requirements associated with use of a restrictive behavioral intervention.

3. The department of elementary and secondary education shall, in cooperation with appropriate associations, organizations, agencies and individuals with specialized expertise in behavior management, develop a model policy that satisfies the requirements of subsection 2 of this section by July 1, 2010.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

§ 167.164. R.S.Mo. Suspension or expulsion not to relieve duty to educate-district to pay costs of alternative education-voucher-district may contract for alternative education services.

1. Each school district or special school district constituting the domicile of any child for whom alternative education programs are provided or procured under this section shall pay toward the per pupil costs for alternative education programs for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 of this section* for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an
amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

2. A school district may contract with other political subdivisions, public agencies, not-for-profit organizations, or private agencies for the provision of alternative education services for students whose demonstrated disruptive behavior indicates that they cannot be adequately served in the traditional classroom setting. Such contracting may be included as part of a grant application pursuant to section 167.335 or conducted independent of the provisions of section 167.335.

§ 167.091. R.S.Mo. Truant or parental schools, establishment-attendance may be compelled-neglected children, attendance-support payments.

1. The school board of any district which has ten thousand inhabitants or more, may establish and maintain from the public school funds one or more special truant or parental day schools in the city or district for children who are either habitual truants from any school in which they are enrolled as pupils, or who, while in attendance at any school are incorrigible, vicious or immoral, or who habitually wander or loiter about the streets or roads or other public places without lawful employment, or who, in the opinion of the board or of its superintendent of instruction, require special attention and instruction. The school board, through its officers, may assign, require and compel all such children to attend the special truant or parental school or any department of the graded schools that the board directs.

2. The board may also establish and maintain from the public school funds, either within or without its district, a parental school for the care and education of any child resident of the school district and committed to it by a juvenile court under the provisions of section 211.181. For every child committed to the school there shall be paid to the board of education out of the treasury of the city or county the sum of ten dollars per month for the support, maintenance, clothing and other expenses of the child from the time of its entrance into the school until its discharge therefrom.

REGULATIONS


(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exist:

(A) In each of three (3) consecutive years:

1. The school has a federal and/or state gun-free schools violation; or

2. A violent criminal offense as set forth below is committed on school property which includes but is not limited to school buses or school activities; and

(B) In any two (2) years within the three (3)-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one (1) of the following rates:
1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;
2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or
3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous school as defined above or becomes a victim of a violent criminal offense while on school property which includes but is not limited to school buses or school activities.

(4) For the purpose of determining a persistently dangerous school, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:
   (A) Murder 1st Degree under section 565.020, RSMo;
   (B) Murder 2nd Degree under section 565.021, RSMo;
   (C) Kidnapping under section 565.110, RSMo;
   (D) Assault 1st Degree under section 565.050, RSMo;
   (E) Forcible Rape under section 566.030, RSMo;
   (F) Forcible Sodomy under section 566.060, RSMo;
   (G) Burglary 1st Degree under section 569.160, RSMo;
   (H) Burglary 2nd Degree under section 569.170, RSMo;
   (I) Robbery 1st Degree under section 569.020, RSMo;
   (J) Distribution of Drugs under section 195.211, RSMo;
   (K) Distribution of Drugs to a Minor under section 195.212, RSMo;
   (L) Arson 1st Degree under section 569.040, RSMo;
   (M) Voluntary Manslaughter under section 565.023, RSMo;
   (N) Involuntary Manslaughter under section 565.024, RSMo;
   (O) Assault 2nd Degree under section 565.060, RSMo;
   (P) Sexual Assault under section 566.040, RSMo;
   (Q) Felonious Restraint under section 565.120, RSMo;
   (R) Property Damage 1st Degree under section 569.100, RSMo;
   (S) Possession of a Weapon under Chapter 571, RSMo;
   (T) Child Molestation 1st Degree under section 566.067, RSMo;
   (U) Deviate Sexual Assault under section 566.070, RSMo;
   (V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
   (W) Sexual Abuse under section 566.100, RSMo.

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible to transfer to a safe school in the district, a violent criminal offense includes:
   (A) Kidnapping under section 565.110, RSMo;
   (B) Assault 1st Degree under section 565.050, RSMo;
   (C) Forcible Rape under section 566.030, RSMo;
(D) Forcible Sodomy under section 566.060, RSMo;
(E) Burglary 1st Degree under section 569.160, RSMo.
(F) Robbery 1st Degree under section 569.020, RSMo;
(G) Arson 1st Degree under section 569.040, RSMo;
(H) Assault 2nd Degree under section 565.060, RSMo;
(I) Sexual Assault under section 566.040, RSMo;
(J) Felonious Restraint under section 565.120, RSMo;
(K) Property Damage 1st Degree under section 569.100, RSMo;
(L) Child Molestation 1st Degree under section 566.067, RSMo;
(M) Deviate Sexual Assault under section 566.070, RSMo;
(N) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
(O) Sexual Abuse under section 566.100, RSMo.

(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:
   1. A federal or state gun-free schools violation; or
   2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:
   1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;
   2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or
   3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

   (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

   (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

§ 171.410. R.S.Mo. Program may be taught to first graders, purpose.

1. Each school district and charter school may annually teach the Eddie Eagle GunSafe Program to first grade students. School districts and charter schools may also teach any substantially similar program of the same qualifications or any successor program in lieu of the Eddie Eagle GunSafe Program.

2. The purpose of the educational program shall be to promote the safety and protection of children. The educational program shall emphasize how students should respond if they encounter a firearm. School personnel and program instructors shall not make value judgments about firearms.

3. No school district or charter school shall include or use a firearm or demonstrate the use of a firearm when teaching the program.

4. Students with disabilities shall participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

5. School districts and charter schools may seek grant funding for the program from public, private, and nonprofit entities.
571.010. Definitions.
As used in this chapter, the following terms shall mean:
(8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive;

571.030. R.S.Mo. Unlawful use of weapons-exceptions-penalties.
1. A person commits the crime of unlawful use of weapons if he or she knowingly:
   (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
   (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or
3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.
5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:
   (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§ 167.034. R.S.Mo. Absences in St. Louis City reported to division of family services, children's division, when, notification requirements-duties of children's division.

1. In any city not within a county where a child under the age of seventeen required to attend school under section 167.031 accumulates fifteen or more absences during any one school year, the child's school district shall report such absences to the division of family services, children's division, within ten business days of the fifteenth day of absence. Such notification, which shall be in written form and retained in the student's school records, shall include:

(1) The student's full name and parents' or guardians' full names;
(2) The addresses and phone numbers of the student and parents or guardians;
(3) The student's date of birth and age;
(4) The student's current school and grade level;
(5) The student's current grades for all classes in which the student is enrolled; and
(6) The total number of days missed and specific days missed from school.

2. Upon receipt of a report of the absences of a child under this section, the children's division shall notify the child's parent or guardian that the child has accumulated fifteen or more absences and such report may be subject to the educational neglect provisions under section 210.145. The notification required
under this section is required regardless of whether a student’s parent or guardian contacted the school and approved of the absences.

§ 167.061. R.S.Mo. Penalty for violating compulsory attendance law.
Any parent, guardian or other person having charge, control or custody of a child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of section 167.031. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is immediately placed and kept in regular attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

§ 167.071. R.S.Mo. School attendance officers in seven-director districts, powers and duties-powers of police officers in certain areas.
1. In school districts having seven or more directors the school board may appoint and remove at pleasure one or more school attendance officers and shall pay them from the public school funds.
2. Each attendance officer has the powers of a deputy sheriff in the performance of his duties. He shall investigate the claims of children for exemptions under section 167.031, and report his findings to the person authorized by that section to grant the exemption sought. He shall refer all cases involving an alleged violation of section 167.031 involving a public school to the superintendent of the public school of the district where the child legally resides and all cases involving an alleged violation of section 167.031 involving a private, parochial, parish or home school to the prosecuting attorney of the county wherein the child legally resides. When reasonable doubt exists as to the age of any such child he may require a properly attested birth certificate or an affidavit stating the child’s age, date of birth, physical characteristics and bearing the signature of the child. He may visit and enter any mine, office, factory, workshop, business house, place of amusement, or other place in which children are employed or engaged in any kind of service, or any place or building in which children loiter or idle during school hours; may require a properly attested certificate of the attendance of any child at school; may arrest, without warrant, any truant, or nonattendants or other juvenile disorderly persons, and place them in some school or take them to their homes, or take them to any place of detention provided for neglected children in the county or school district. He shall serve in the cases which he prosecutes without additional fee or compensation. Each attendance officer appointed by a school board shall carry into effect the regulations lawfully prescribed by the board by which he was appointed.

§ 167.091. R.S.Mo. Truant or parental schools, establishment-attendance may be compelled-neglected children, attendance-support payments.
1. The school board of any district which has ten thousand inhabitants or more, may establish and maintain from the public school funds one or more special truant or parental day schools in the city or district for children who are either habitual truants from any school in which they are enrolled as pupils, or who, while in attendance at any school are incorrigible, vicious or immoral, or who habitually wander or loiter about the streets or roads or other public places without lawful employment, or who, in the opinion of the board or of its superintendent of instruction, require special attention and instruction. The school board, through its officers, may assign, require and compel all such children to attend the special truant or parental school or any department of the graded schools that the board directs.
2. The board may also establish and maintain from the public school funds, either within or without its district, a parental school for the care and education of any child resident of the school district and committed to it by a juvenile court under the provisions of section 211.181. For every child committed to the school there shall be paid to the board of education out of the treasury of the city or county the sum of ten dollars per month for the support, maintenance, clothing and other expenses of the child from the time of its entrance into the school until its discharge therefrom.

§ 167.111. R.S.Mo. Officials to enforce compulsory attendance law.

The state commissioner of education, superintendents of schools, school boards, county superintendents of public welfare, and every school attendance and probation officer shall enforce all laws relating to compulsory school attendance.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

§ 160.069. R.S.Mo. Policy on consequences of possession or drinking alcohol at school or during extracurricular activities.

Every school district shall develop a policy by June 30, 2006, detailing the consequences that will result for a student at school if the student is found to be in possession or drinking alcohol either on school property or while representing the school at extracurricular activities.

§ 579.150. R.S.Mo. Distribution of prescription medication on school property - exceptions - penalty.

1. A person commits the offense of distribution of prescription medication on school property if he or she is less than twenty-one years of age and knowingly distributes upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.  

2. The provisions of this section shall not apply to any person authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.

3. The offense of distribution of prescription medication on school property is a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense.

§ 579.155. R.S.Mo. Possession of prescription medication on school property - exceptions - penalty.

1. A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

2. The provisions of this section shall not apply to any person authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any
prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.

3. The offense of possession of prescription medication on school property is a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 160.775. R.S.Mo. Antibullying policy required-definition- content, requirements.
1. Every district shall adopt an antibullying policy by September 1, 2007.
2. "Bullying" means intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for his or her physical safety or property; substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. Bullying of students is prohibited on school property, at any school function, or on a school bus. "Cyberbullying" means bullying as defined in this subsection through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.
3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat all students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.
4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:
   (1) A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;
   (2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge. The policy shall require a district employee who witnesses an incident of bullying to report the incident to the district's designated individual at the school within two school days of the employee witnessing the incident;
   (3) A procedure for reporting an act of bullying. The policy shall also include a statement requiring that the district designate an individual at each school in the district to receive reports of incidents of bullying. Such individual shall be a district employee who is teacher level staff or above;
   (4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation including, at a minimum, the following requirements:
      (a) Within two school days of a report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident;
      (b) The school principal may appoint other school staff to assist with the investigation; and
      (c) The investigation shall be completed within ten school days from the date of the written report unless good cause exists to extend the investigation;
(5) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(6) A statement of how the policy is to be publicized; and

(7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

(d) The administration of the school district shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

5. Notwithstanding any other provision of law to the contrary, any school district shall have jurisdiction to prohibit cyberbullying that originates on a school's campus or at a district activity if the electronic communication was made using the school's technological resources, if there is a sufficient nexus to the educational environment, or if the electronic communication was made on the school's campus or at a district activity using the student's own personal technological resources. The school district may discipline any student for such cyberbullying to the greatest extent allowed by law.

6. Each district shall review its antibullying policy and revise it as needed. The district's school board shall receive input from school personnel, students, and administrators when reviewing and revising the policy.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.

4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:

(7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

(d) The administration of the school district shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

§ 161.203. R.S.Mo. Videotape to be produced on prison conditions and the young offender-rules for distribution to all districts-viewing required for all students and status offenders, exceptions.

1. The department of corrections, in cooperation with the department of elementary and secondary education, shall prepare a film or videotape which relates to Missouri prisons and which specifically addresses prison conditions, young offenders and the liberties that are lost as a result of imprisonment. Funding for the film may be made from appropriations requested by the department of elementary and secondary education and approved by the Missouri general assembly from funding received from federal or private grants or donations received from private individuals or groups. No funding shall come from general revenue.

2. The department of elementary and secondary education shall promulgate rules and regulations to provide for the viewing of the film, prepared pursuant to subsection 1 of this section. Such rules and
regulations shall attempt to make available such video or film to all districts requesting it, and require viewing by all status offenders or students convicted of misdemeanors, excluding traffic violations.

§ 161.506. R.S.Mo. Concentration of program-elements-enhanced efforts-use of funds-advisory committee.

1. Law enforcement agencies and school districts receiving funds under sections 161.500 to 161.508 shall concentrate enhanced apprehension, prevention and education efforts and resources on drug and alcohol use and drug trafficking in and around schools, parks and playgrounds. Such enhanced apprehension, prevention, and education efforts shall include, but not be limited to:

   (1) Drug and alcohol traffic intervention programs;

   (2) School- and classroom-oriented programs, using tested drug and alcohol education curriculum that provides in-depth and accurate information on drugs and alcohol, which may include the participation of local law enforcement agencies and qualified drug and alcohol use prevention specialists and which are designed to increase teachers' and students' awareness of drugs and alcohol and their effects;

   (3) Family-oriented programs aimed at preventing drug and alcohol use, which may include the participation of community-based organizations experienced in the successful operation of such programs;

   (4) The establishment of a local drug-free school advisory committee. The committee shall be established and appointed by the school board of each school district. The committee may be a newly created committee or an existing local drug and alcohol use committee as designated by the appointing authority. The committee shall be composed of, at a minimum, the following:

      (a) Local and law enforcement executives;

      (b) School district administrators;

      (c) School-site staff, which includes administrators, teachers and certified personnel;

      (d) Parents;

      (e) Students;

      (f) School peace officers;

      (g) State, county, or local drug and alcohol program administrators designated pursuant to chapter 195; and

      (h) Drug and alcohol prevention program executives;

   (5) Development and distribution of appropriate written and audiovisual aids for training of school and law enforcement staff for handling drug- and alcohol-related problems and offenses. Appropriate existing aids may be used in lieu of the development of new materials;

   (6) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs;

   (7) Development of a coordinated intervention system that identifies students with chronic drug and alcohol abuse treatment programs.

2. Enhanced apprehension, prevention, and education efforts commenced under this section shall be a joint effort between law enforcement agencies and local school districts. These efforts shall include, but are not limited to, the concentration of apprehension efforts in problem areas cooperatively identified by local school and law enforcement authorities.
§ 161.650. R.S.Mo. Department to identify and adopt violence prevention program, district to administer—state board to adopt violence prevention program—duties—administered how—funding.

1. The department of elementary and secondary education shall identify and adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, but shall not be limited to, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

§ 161.1050. R.S.Mo. Initiative established, department duties—definitions.

1. There is hereby established within the department of elementary and secondary education the "Trauma-Informed Schools Initiative".

2. The department of elementary and secondary education shall consult the department of mental health and the department of social services for assistance in fulfilling the requirements of this section.

3. The department of elementary and secondary education shall:
   (1) Provide information regarding the trauma-informed approach to all school districts;
   (2) Offer training on the trauma-informed approach to all school districts, which shall include information on how schools can become trauma-informed schools; and
   (3) Develop a website about the trauma-informed schools initiative that includes information for schools and parents regarding the trauma-informed approach and a guide for schools on how to become trauma-informed schools.

4. Each school district shall provide the address of the website described under subdivision (3) of subsection 3 of this section to all parents of the students in its district before October first of each school year.

5. For purposes of this section, the following terms mean:
   (1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;
   (2) "Trauma-informed school", a school that:
      (a) Realizes the widespread impact of trauma and understands potential paths for recovery;
      (b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;
      (c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and
      (d) Seeks to actively resist retraumatization.

§ 161.1055. R.S.Mo. Pilot program established, selection of schools—fund created—definitions.

1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".
2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

   (1) One public school located in a metropolitan school district;

   (2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

   (3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

   (4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

   (5) One public school located in any one of the following counties:

      (a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

      (b) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

      (c) A county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants;

      (d) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat;

      (e) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat;

      (f) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

      (g) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants as the county seat;

      (h) A county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

      (i) A county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants; or

      (j) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

4. The department of elementary and secondary education shall:
(1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;

(2) Provide the five schools with funds to implement the trauma-informed approach; and

(3) Closely monitor the progress of the five schools in becoming trauma-informed schools and provide further assistance if necessary.

5. The department of elementary and secondary education shall terminate the trauma-informed schools pilot program on August 28, 2019. Before December 31, 2019, the department of elementary and secondary education shall submit a report to the general assembly that contains the results of the pilot program, including any benefits experienced by the five schools chosen for the program.

6.(1) There is hereby created in the state treasury the "Trauma-Informed Schools Pilot Program Fund". The fund shall consist of any appropriations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

   (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

   (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. For purposes of this section, the following terms mean:

   (1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

   (2) "Trauma-informed school", a school that:

      (a) Realizes the widespread impact of trauma and understands potential paths for recovery;

      (b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

      (c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

      (d) Seeks to actively resist retraumatization.

8. The provisions of this section shall expire December 31, 2019.

§ 162.946. R.S.Mo. Disability history and awareness instruction, school board may require—October designated disability history and awareness month—content and goals of instruction.

1. Each district school board may require schools within the district to provide disability history and awareness instruction in all K-12 public schools during the month of October of each year. The month of October shall be designated "Disability History and Awareness Month".

2. During disability history and awareness month, students may be provided instruction to expand their knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement.

3. Disability history may include the events and time lines of the development and evolution of services to, and the civil rights of, individuals with disabilities. Disability history may also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders. The instruction may be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, inviting classroom and assembly speakers with experience or expertise on disabilities, or providing other school-related activities. The instruction may be delivered by qualified school personnel or by knowledgeable guest speakers.
4. The goals of the disability history and awareness instruction include:

   (1) Instilling in students sensitivity for fellow students with disabilities and encouraging educational cultures that nurture safe and inclusive environments for students with disabilities in which bullying is discouraged and respect and appreciation for students with disabilities is encouraged;
   (2) An understanding that disability is a natural part of the human experience; we are all more alike than different; and regardless of disability, every citizen is afforded the same rights and responsibilities as that of any other;
   (3) The creation of a more inclusive school community, where students with disabilities are included in every aspect of society, and every student is acknowledged for their unique gifts, talents, and contributions; and
   (4) Reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities. The department of elementary and secondary education may identify and adopt preliminary guidelines for each district school board to use to develop its curriculum that incorporates these goals for the disability history and awareness instruction. In respect of local control, school districts are encouraged to exercise innovation that accomplishes the above-stated goals.

5. Institutions of higher education within the state are encouraged to conduct and promote activities on individual campuses that provide education, understanding, and awareness of individuals with disabilities.

§ 170.048. R.S.Mo. Youth suicide awareness and prevention policy, requirements-model policy, feedback.

1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness and prevention, including plans for how the district will provide for the training and education of its district employees.

2. Each district's policy shall address and include, but not be limited to, the following:
   (1) Strategies that can help identify students who are at possible risk of suicide;
   (2) Strategies and protocols for helping students at possible risk of suicide; and
   (3) Protocols for responding to a suicide death.

3. By July 1, 2017, the department of elementary and secondary education shall develop a model policy that districts may adopt. When developing the model policy, the department shall cooperate, consult with, and seek input from organizations that have expertise in youth suicide awareness and prevention. By July 1, 2021, and at least every three years thereafter, the department shall request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention. The department shall review this information and may use it to adapt the department's model policy. The department shall post any information on its website that it has received from districts that it deems relevant. The department shall not post any confidential information or any information that personally identifies any student or school employee.

§ 171.410. R.S.Mo. Program may be taught to first graders, purpose.

1. Each school district and charter school may annually teach the Eddie Eagle Gunsafe Program to first grade students. School districts and charter schools may also teach any substantially similar program of the same qualifications or any successor program in lieu of the Eddie Eagle Gunsafe Program.

2. The purpose of the educational program shall be to promote the safety and protection of children. The educational program shall emphasize how students should respond if they encounter a firearm. School personnel and program instructors shall not make value judgments about firearms.

3. No school district or charter school shall include or use a firearm or demonstrate the use of a firearm when teaching the program.
4. Students with disabilities shall participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

5. School districts and charter schools may seek grant funding for the program from public, private, and nonprofit entities.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.
4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:

(7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

(d) The administration of the school district shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

§ 161.506. R.S.Mo. Concentration of program-elements-enhanced efforts-use of funds-advisory committee.
1. Law enforcement agencies and school districts receiving funds under sections 161.500 to 161.508 shall concentrate enhanced apprehension, prevention and education efforts and resources on drug and alcohol use and drug trafficking in and around schools, parks and playgrounds. Such enhanced apprehension, prevention, and education efforts shall include, but not be limited to:

(6) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs;
(7) Development of a coordinated intervention system that identifies students with chronic drug and alcohol abuse treatment programs.

§ 170.046. R.S.Mo. School-based nonviolent conflict resolution program materials - development, content, availability.

1. The department of health and senior services shall, in consultation with the department of elementary and secondary education, develop program materials for use by school districts in this state, to be known as "School-Based Nonviolent Conflict Resolution", which shall emphasize:

   (1) Nonviolence in conflict resolution; and

   (2) Moral and ethical decision making.

2. The program material developed pursuant to this section may be presented by school districts at least once each school year in grades kindergarten through grade twelve. Such program material shall be made available to all schools including private and parochial schools and the general public. Students shall receive no academic credit for the program developed pursuant to this section.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

1. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality. […]

§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.

4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:

   (7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

   (a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

   (b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

   (c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;
(d) The administration of the school district shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

§ 161.1050. R.S.Mo. Initiative established, department duties-definitions.
1. There is hereby established within the department of elementary and secondary education the "Trauma-Informed Schools Initiative".
2. The department of elementary and secondary education shall consult the department of mental health and the department of social services for assistance in fulfilling the requirements of this section.
3. The department of elementary and secondary education shall:
   (1) Provide information regarding the trauma-informed approach to all school districts;
   (2) Offer training on the trauma-informed approach to all school districts, which shall include information on how schools can become trauma-informed schools; and
   (3) Develop a website about the trauma-informed schools initiative that includes information for schools and parents regarding the trauma-informed approach and a guide for schools on how to become trauma-informed schools.
4. Each school district shall provide the address of the website described under subdivision (3) of subsection 3 of this section to all parents of the students in its district before October first of each school year.
5. For purposes of this section, the following terms mean:
   (1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;
   (2) "Trauma-informed school", a school that:
      (a) Realizes the widespread impact of trauma and understands potential paths for recovery;
      (b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;
      (c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and
      (d) Seeks to actively resist retraumatization.

§ 161.1055. R.S.Mo. Pilot program established, selection of schools-fund created-definitions.
4. The department of elementary and secondary education shall:
   (1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;

1. Beginning in the 2017-18 school year, any licensed educator may annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for state board of education certification.

2. The department of elementary and secondary education shall develop guidelines suitable for training or professional development in youth suicide awareness and prevention. The department shall develop materials that may be used for such training or professional development.

3. For purposes of this section, the term "licensed educator" shall refer to any teacher with a certificate of license to teach issued by the state board of education or any other educator or administrator required to maintain a professional license issued by the state board of education.

4. The department of elementary and secondary education may promulgate rules and regulations to implement this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

REGULATIONS

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in section 556.061 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Rape in the first degree under section 566.030;
(6) Sodomy in the first degree under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Burglary in the second degree under section 569.170;
(9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
(11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(12) Arson in the first degree under section 569.040;
(13) Voluntary manslaughter under section 565.023;
(14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
(15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
(16) Rape in the second degree under section 566.031;
(17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
(18) Property damage in the first degree under section 569.100;
(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;
(21) Sodomy in the second degree pursuant to section 566.061;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse in the first degree pursuant to section 566.100;
(24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or
(25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.
§ 160.775. R.S.Mo. Antibullying policy required-definition-content, requirements.
4. Each district's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:
   (1) A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;
   (2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge. The policy shall require a district employee who witnesses an incident of bullying to report the incident to the district's designated individual at the school within two school days of the employee witnessing the incident;
   (3) A procedure for reporting an act of bullying. The policy shall also include a statement requiring that the district designate an individual at each school in the district to receive reports of incidents of bullying. Such individual shall be a district employee who is teacher level staff or above;
   (4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation including, at a minimum, the following requirements:
      (a) Within two school days of a report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident;
      (b) The school principal may appoint other school staff to assist with the investigation; and
      (c) The investigation shall be completed within ten school days from the date of the written report unless good cause exists to extend the investigation;
   (5) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

§ 167.026. R.S.Mo. Expungement of disciplinary records, exception.
1. The state board of education shall adopt a policy relating to the expungement of disciplinary records of pupils who have graduated or reached the age of twenty-one years.
2. Any school district may adopt a policy consistent with the policy adopted pursuant to subsection 1 of this section.
3. No such policy shall allow the expungement of any act listed in subsection 1 of section 167.115 unless the petition regarding the act was dismissed or the pupil has been acquitted or adjudicated not to have committed the act.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

§ 167.034. R.S.Mo. Absences in St. Louis City reported to division of family services, children's division, when, notification requirements-duties of children's division.
1. In any city not within a county where a child under the age of seventeen required to attend school under section 167.031 accumulates fifteen or more absences during any one school year, the child's school district shall report such absences to the division of family services, children's division, within ten business days of the fifteenth day of absence. Such notification, which shall be in written form and retained in the student's school records, shall include:
   (1) The student's full name and parents' or guardians' full names;
(2) The addresses and phone numbers of the student and parents or guardians;
(3) The student's date of birth and age;
(4) The student's current school and grade level;
(5) The student's current grades for all classes in which the student is enrolled; and
(6) The total number of days missed and specific days missed from school.

2. Upon receipt of a report of the absences of a child under this section, the children's division shall notify the child's parent or guardian that the child has accumulated fifteen or more absences and such report may be subject to the educational neglect provisions under section 210.145. The notification required under this section is required regardless of whether a student's parent or guardian contacted the school and approved of the absences.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

§ 160.261. R.S.Mo. Discipline, written policy established by local boards of education-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Forcible rape under section 566.030;
(6) Forcible sodomy under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Burglary in the second degree under section 569.170;
(9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
(11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(12) Arson in the first degree under section 569.040;
(13) Voluntary manslaughter under section 565.023;
(14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
(15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
(16) Sexual assault under section 566.040;
(17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
(18) Property damage in the first degree under section 569.100;
(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;
(21) Deviate sexual assault pursuant to section 566.070;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse pursuant to section 566.100;
(24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or
(25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.
16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

   (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

   (2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

   (3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

§ 167.061. R.S.Mo. Penalty for violating compulsory attendance law.

Any parent, guardian or other person having charge, control or custody of a child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of section 167.031. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is
immediately placed and kept in regular attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

§ 167.115. R.S.Mo. Juvenile officer or other law enforcement authority to report to superintendent, when, how-superintendent to report certain acts, to whom-notice of suspension or expulsion to court-superintendent to consult.

1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent’s designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
(6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(9) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
(10) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(11) Arson in the first degree under section 569.040;
(12) Voluntary manslaughter under section 565.023;
(13) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
(14) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
(15) Sexual assault under section 566.040** as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;
(16) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
(17) Property damage in the first degree under section 569.100;
(18) The possession of a weapon under chapter 571;
(19) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017;
(20) Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069
(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;
(22) Sexual misconduct involving a child pursuant to section 566.083; or
(23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil’s suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent’s designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil’s academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent’s designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms “school” and “school district” shall include any charter, private or parochial school or school district, and the term “superintendent” shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

§ 167.117. R.S.Mo. Principal, teachers, school employees to report certain acts, to whom, exceptions-limit on liability-penalty.

1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the
appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil’s possessions, or placed elsewhere on the school premises, including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property any controlled substance as defined in section 195.010 or any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

§ 167.122. R.S.Mo. Placed pupils, notification of district, distribution of information.
1. Notwithstanding any provisions of chapter 211 or chapter 610 to the contrary the juvenile officer or an employee of the division of family services shall notify the school district that a child under judicial custody pursuant to subsection 3 of section 211.031 is being enrolled in that district or that a child already enrolled has been taken into judicial custody.

2. The notification shall be given to the superintendent of schools or a designee, either orally or in writing, at the time of enrollment or no later than five days following the court taking custody of the child under subsection 3 of section 211.031. If the report is made orally, written notice shall follow in a timely manner. The notification shall describe any conduct that involved physical force with the intent to do serious bodily harm to another person but shall not include the name of any victim other than the child.

3. The superintendent or a designee is authorized to share this information with teachers and other school district employees with a need to know while acting within the scope of their assigned duties pursuant to subsection 2 of section 160.261. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purposes of assuring that good order and discipline is maintained in the school, or for intervention and counseling purposes for the benefit of the child. The information shall not be part of the child’s permanent record. The information shall not be used as the sole basis for denying educational services to a pupil.

§ 571.030. R.S.Mo. Unlawful use of weapons-exceptions-penalties.
1. A person commits the crime of unlawful use of weapons if he or she knowingly:
   (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
   (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so
long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in
a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does
not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for
the purposes of transporting a student to or from school, or possessed by an adult for the purposes of
facilitation of a school-sanctioned firearm-related event or club event.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned
gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored
firearm-related events, provided the student does not carry a firearm or other weapon readily capable of
lethal use into any school, onto any school bus, or onto the premises of any other function or activity
sponsored or sanctioned by school officials or the district school board.

§ 565.050. Assault, first degree, penalty.
1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly
causes or attempts to cause serious physical injury to another person.
2. The offense of assault in the first degree is a class B felony unless in the course thereof the person
inflicts serious physical injury on the victim, or if the victim of such assault is a special victim, as the term
"special victim" is defined under section 565.002, in which case it is a class A felony.

§ 565.052. Assault, second degree, penalty.
1. A person commits the offense of assault in the second degree if he or she:
   (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person
       under the influence of sudden passion arising out of adequate cause; or
   (2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly
       weapon or dangerous instrument; or
   (3) Recklessly causes serious physical injury to another person; or
   (4) Recklessly causes physical injury to another person by means of discharge of a firearm.
2. The defendant shall have the burden of injecting the issue of influence of sudden passion ar
   rising from adequate cause under subdivision (1) of subsection 1 of this section.
3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a
   special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B
   felony.

§ 565.054. R.S.Mo. Assault in the third degree.
1. A person commits the offense of assault in the third degree if he or she knowingly
causes physical injury to another person.
2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a
special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D
felony.

§ 565.056. R.S.Mo. Assault in the fourth degree.
1. A person commits the offense of assault in the fourth degree if:
   (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to
       another person;
   (2) With criminal negligence the person causes physical injury to another person by means of a firearm;
(3) The person purposely places another person in apprehension of immediate physical injury;
(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;
(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.

3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor unless the victim is a special victim, as the term “special victim” is defined under section 565.002, in which case a violation of such provisions is a class A misdemeanor.

§ 579.150. R.S.Mo. Distribution of prescription medication on school property - exceptions - penalty.
1. A person commits the offense of distribution of prescription medication on school property if he or she is less than twenty-one years of age and knowingly distributes upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.
2. The provisions of this section shall not apply to any person authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.
3. The offense of distribution of prescription medication on school property is a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense.

§ 579.155. R.S.Mo. Possession of prescription medication on school property - exceptions - penalty.
1. A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.
2. The provisions of this section shall not apply to any person authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation.
3. The offense of possession of prescription medication on school property is a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense.

REGULATIONS

(4) For the purpose of determining a persistently dangerous school, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall
be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

(A) Murder 1st Degree under section 565.020, RSMo;
(B) Murder 2nd Degree under section 565.021, RSMo;
(C) Kidnapping under section 565.110, RSMo;
(D) Assault 1st Degree under section 565.050, RSMo;
(E) Forcible Rape under section 566.030, RSMo;
(F) Forcible Sodomy under section 566.060, RSMo;
(G) Burglary 1st Degree under section 569.160, RSMo;
(H) Burglary 2nd Degree under section 569.170, RSMo;
(I) Robbery 1st Degree under section 569.020, RSMo;
(J) Distribution of Drugs under section 195.211, RSMo;
(K) Distribution of Drugs to a Minor under section 195.212, RSMo;
(L) Arson 1st Degree under section 569.040, RSMo;
(M) Voluntary Manslaughter under section 565.023, RSMo;
(N) Involuntary Manslaughter under section 565.024, RSMo;
(O) Assault 2nd Degree under section 565.060, RSMo;
(P) Sexual Assault under section 566.040, RSMo;
(Q) Felonious Restraint under section 565.120, RSMo;
(R) Property Damage 1st Degree under section 569.100, RSMo;
(S) Possession of a Weapon under Chapter 571, RSMo;
(T) Child Molestation 1st Degree under section 566.067, RSMo;
(U) Deviate Sexual Assault under section 566.070, RSMo;
(V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
(W) Sexual Abuse under section 566.100, RSMo.

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible to transfer to a safe school in the district, a violent criminal offense includes:

(A) Kidnapping under section 565.110, RSMo;
(B) Assault 1st Degree under section 565.050, RSMo;
(C) Forcible Rape under section 566.030, RSMo;
(D) Forcible Sodomy under section 566.060, RSMo;
(E) Burglary 1st Degree under section 569.160, RSMo.
(F) Robbery 1st Degree under section 569.020, RSMo;
(G) Arson 1st Degree under section 569.040, RSMo;
(H) Assault 2nd Degree under section 565.060, RSMo;
(I) Sexual Assault under section 566.040, RSMo;
(J) Felonious Restraint under section 565.120, RSMo;
(K) Property Damage 1st Degree under section 569.100, RSMo;
(L) Child Molestation 1st Degree under section 566.067, RSMo;
(M) Deviate Sexual Assault under section 566.070, RSMo;
Disclosure of school records

LAWS

§ 167.022. R.S.Mo. Request for records, placed pupils.
Consistent with the provisions of section 167.020, within forty-eight hours of enrolling a nonresident pupil placed pursuant to sections 210.481 to 210.536, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 7 of section 160.261 from all schools and other facilities previously attended by the pupil and from other state agencies as enumerated in section 210.518 and any entities involved with the placement of the student within the last twenty-four months. Any request for records under this section shall include, if applicable to the student, any records relating to an act of violence as defined under subsection 7 of section 160.262.

REGULATIONS
No relevant regulations found.

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

LAWS

As used in sections 161.500 to 161.508, the following terms mean:
   (1) “Department”, the department of elementary and secondary education;
   (2) “Drugs” includes, but is not limited to:
       (a) All controlled substances defined in chapter 195; and
       (b) Alcoholic beverages.

§ 161.504. R.S.Mo. Drug-free schools program created-department may apply for funding-disbursement of funds-application for funding of prevention and suppression programs-interagency agreements-administrative guidelines-annual report, contents.
6. After a full year of program operation, the department shall prepare and submit an annual evaluation report to the general assembly describing in detail the operation of the program and the results obtained from the drug-free school program receiving funds under sections 161.500 to 161.508. The report also shall list the full costs applicable both to the department for processing the reviewing application, and to the state and local agencies for obtaining grants, from any source, to support the program. The purpose of the program evaluation shall be to identify successful methods of preventing drug and alcohol trafficking and use in schools. Ongoing evaluation findings shall be used to replicate proven successful methods, identify, implement, and refine new methods.
REGULATIONS


(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exist:

(A) In each of three (3) consecutive years:
   1. The school has a federal and/or state gun-free schools violation; or
   2. A violent criminal offense as set forth below is committed on school property which includes but is not limited to school buses or school activities; and

(B) In any two (2) years within the three (3)-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one (1) of the following rates:
   1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;
   2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or
   3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous school as defined above or becomes a victim of a violent criminal offense while on school property which includes but is not limited to school buses or school activities.

(4) For the purpose of determining a persistently dangerous school, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

(A) Murder 1st Degree under section 565.020, RSMo;
(B) Murder 2nd Degree under section 565.021, RSMo;
(C) Kidnapping under section 565.110, RSMo;
(D) Assault 1st Degree under section 565.050, RSMo;
(E) Forcible Rape under section 566.030, RSMo;
(F) Forcible Sodomy under section 566.060, RSMo;
(G) Burglary 1st Degree under section 569.160, RSMo;
(H) Burglary 2nd Degree under section 569.170, RSMo;
(I) Robbery 1st Degree under section 569.020, RSMo;
(J) Distribution of Drugs under section 195.211, RSMo;
(K) Distribution of Drugs to a Minor under section 195.212, RSMo;
(L) Arson 1st Degree under section 569.040, RSMo;
(M) Voluntary Manslaughter under section 565.023, RSMo;
(N) Involuntary Manslaughter under section 565.024, RSMo;
(O) Assault 2nd Degree under section 565.060, RSMo;
(P) Sexual Assault under section 566.040, RSMo;
(Q) Felonious Restraint under section 565.120, RSMo;
(R) Property Damage 1st Degree under section 569.100, RSMo;
(S) Possession of a Weapon under Chapter 571, RSMo;
(T) Child Molestation 1st Degree under section 566.067, RSMo;
(U) Deviate Sexual Assault under section 566.070, RSMo;
(V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
(W) Sexual Abuse under section 566.100, RSMo.

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible
to transfer to a safe school in the district, a violent criminal offense includes:

(A) Kidnapping under section 565.110, RSMo;
(B) Assault 1st Degree under section 565.050, RSMo;
(C) Forcible Rape under section 566.030, RSMo;
(D) Forcible Sodomy under section 566.060, RSMo;
(E) Burglary 1st Degree under section 569.160, RSMo.
(F) Robbery 1st Degree under section 569.020, RSMo;
(G) Arson 1st Degree under section 569.040, RSMo;
(H) Assault 2nd Degree under section 565.060, RSMo;
(I) Sexual Assault under section 566.040, RSMo;
(J) Felonious Restraint under section 565.120, RSMo;
(K) Property Damage 1st Degree under section 569.100, RSMo;
(L) Child Molestation 1st Degree under section 566.067, RSMo;
(M) Deviate Sexual Assault under section 566.070, RSMo;
(N) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
(O) Sexual Abuse under section 566.100, RSMo.

(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff
which includes but may not be limited to a site visit to work with building and district staff to prepare and
implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:
   1. A federal or state gun-free schools violation; or
   2. A violent criminal offense, as set forth above, on school property; or
(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:
   1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;
   2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or
   3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§ 160.665. R.S.Mo. School protection officers, teachers or administrators may be designated as authorized to carry concealed firearms—requirements—public hearing to be held, when.

3. A school protection officer has the same authority to detain or use force against any person on school property as provided to any other person under chapter 563.

4. Upon detention of a person under subsection 3 of this section, the school protection officer shall immediately notify a school administrator and a school resource officer, if such officer is present at the school. If the person detained is a student then the parents or guardians of the student shall also be immediately notified by a school administrator.

5. Any person detained by a school protection officer shall be turned over to a school administrator or law enforcement officer as soon as practically possible and shall not be detained by a school protection officer for more than one hour.

§ 162.215. School officers may be commissioned to enforce certain criminal laws.

1. The school board of a any school district may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses operating within the school district only upon the execution of a memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, provided that the memorandum shall not grant statewide arrest authority. School officers shall be licensed peace officers, as defined in section 590.010, and shall comply with the provisions of chapter 590. The powers and duties of a peace officer shall continue throughout the employee's tenure as a school officer.

2. School officers shall abide by district school board policies, all terms and conditions defined within the executed memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, and shall consult with and coordinate activities through the school superintendent or the superintendent's designee. School officers' authority shall be limited to crimes committed on school premises, at school activities, and on school buses operating within the jurisdiction of the executed memorandum of understanding. All crimes involving any sexual offense or any felony involving the threat or use of force shall remain under the authority of the local jurisdiction where the crime occurred. School officers may conduct any justified stop on school property and enforce any local violation that occurs on school grounds. School officers shall have the authority to stop, detain, and arrest for crimes committed on school property, at school activities, and on school buses.

REGULATIONS

No relevant regulations found.
Certification or training

LAWS

§ 160.665. R.S.Mo. School protection officers, teachers or administrators may be designated as-
authorized to carry concealed firearms-requirements-public hearing to be held, when.

7. No school district may designate a teacher or administrator as a school protection officer unless such
person has successfully completed a school protection officer training program, which has been approved
by the director of the department of public safety. No school district shall allow a school protection officer
to carry a concealed firearm on school property unless the school protection officer has a valid concealed
carry endorsement or permit.

§ 162.215. School officers may be commissioned to enforce certain criminal laws.

1. [...] School officers shall be licensed peace officers, as defined in section 590.010, and shall comply
with the provisions of chapter 590. The powers and duties of a peace officer shall continue throughout the
employee's tenure as a school officer.

§ 168.450. Officer training, Missouri state training center to develop curriculum and certification
requirements.

The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification
requirements for school resource officers. At a minimum, school resource officers must complete forty
hours of basic school resource officer training to include legal operations within an educational
environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job
and functions of a school resource officer.

§ 590.200. School protection officers, POST commission duties-minimum training requirements.

1. The POST commission shall:
   (1) Establish minimum standards for the training of school protection officers;
   (2) Set the minimum number of hours of training required for a school protection officer; and
   (3) Set the curriculum for school protection officer training programs.

2. At a minimum this training shall include:
   (1) Instruction specific to the prevention of incidents of violence in schools;
   (2) The handling of emergency or violent crisis situations in school settings;
   (3) A review of state criminal law;
   (4) Training involving the use of defensive force;
   (5) Training involving the use of deadly force; and
   (6) Instruction in the proper use of self-defense spray devices.

§ 590.205. School protection officer training, POST commission to establish minimum standards-
list of approved instructors, centers, and programs-background checks-certification.

1. The POST commission shall establish minimum standards for school protection officer training
instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors,
training centers, and training programs. The director shall not place any instructor, training center, or
training program on its approved list unless such instructor, training center, or training program meets all
of the POST commission requirements under this section and section 590.200. The director shall make
this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a department of public safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement or permit.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and indicate whether the individual has a valid concealed carry endorsement or permit. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

REGULATIONS

11 CSR 75-17.010. Minimum training standards for school protection officer training centers.

(1) Only those basic training centers licensed pursuant to 11 CSR 75-14.010-14.080, and those Continuing Law Enforcement Education providers licensed pursuant to 11 CSR 75-15.030, shall be approved to deliver the School Protection Officer Training Program.

11 CSR 75-17.020. Minimum training standards for school protection officer training instructors.

(1) Only those instructors licensed as basic training instructors pursuant to 11 CSR 75-14.050(3), 11 CSR 75-14.070, and 11 CSR 75-14.080, shall be approved to deliver the School Protection Officer Training Program.

11 CSR 75-17.030. Minimum training standards for school protection officers.

(1) Applicants seeking to be designated a School Protection Officer, pursuant to section 590.205, RSMo, must.

(A) Successfully complete a one hundred twelve (112) hour School Protection Officer Training Program; or

(B) Successfully graduate from a Missouri basic training center licensed pursuant to 11 CSR 75-14.010, having completed a minimum of six hundred (600) hours of basic law enforcement training certified pursuant to 11 CSR 75-14.040; or

(C) Have been issued a Class A peace officer license under the Veteran Peace Officer Police Scale pursuant to 11 CSR 75-13.060.

(2) Applicants who have had their peace officer license revoked are not eligible to be designated a School Protection Officer.

(3) The one hundred twelve (112) hours of instruction for School Protection Officers is derived, in part, from the mandatory learning objectives for the six hundred (600) hour basic training curriculum outlined in 11 CSR 75-14.030, and shall cover the following subject areas:
(A) 303 - Justification - Use of Force - 8 hours
(B) 809 - Emergency Response/Building Searches - 9 hours
(C) 812 - Survival Mentality - 4 hours
(D) 1502 - Handcuffing and Restraint Devices - 4 hours
(E) 1506 - Weapons Retention and Disarming - 8 hours
(F) 1507 - Ground Fighting Techniques - 8 hours
(G) 1601 - Fundamentals of Marksmanship - 2 hours
(H) 1602 - Shooting Stance/Loading/Dry Fire - 4 hours
(I) 1603 - Skill Development - Handgun - 22 hours
(J) 1604 - Handgun Qualification - 4 hours
(K) 1608 - Stress Combat Courses - 8 hours
(L) 1610 - Shooting Decisions - 6 hours
(M) Basic First Aid/CPR - 8 hours
(N) Combat First Aid - 4 hours
(O) Practical Application Scenarios - 13 hours

(4) To be eligible for graduation from the School Protection Officer Training Program, trainees shall:
(A) Be tested for mastery of each subject area. A written or practical examination may test more than one (1) subject area simultaneously.
   1. A trainee who achieves less than seventy percent (70%) on any written examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, retake the examination one (1) time.
   2. Mastery of firearms shall be tested by practical examination and scored on a numerical scale from zero (0) to one hundred (100). Supplemental written examinations are permitted, but the overall firearms score required for graduation pursuant to paragraph (4)(C)4. of this rule shall be based solely upon the practical examinations. The final grade of the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, be recorded as a pass or fail.
   3. Mastery of any training subject areas requiring a trainee to perform a demonstrative skill, including Practical Application Scenarios, shall be tested by practical examination and may be graded on a numerical scale from zero (0) to one hundred (100) or on a pass/fail basis.
      A. A trainee who achieves a failing score on an objective graded pass/fail basis may, at the discretion of the training center director or Continuing Law Enforcement Education provider, reattempt the objective one (1) time.
      B. A trainee who achieves less than seventy percent (70%) on the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, retake the practical examination one (1) time. The highest score that may be awarded on a retake examination is seventy percent (70%).
      C. The determination to grade an objective pass/fail shall be made before the start of the training course.
(B) Attend at least ninety-five percent (95%) of the total contact hours of the mandatory basic training curriculum and make up any missed hours in a manner that ensures that the trainee develops a thorough understanding of the mandatory learning objectives that were missed.
(C) Achieve.
1. A score of no less than seventy percent (70%) on each written exam;
2. A final, overall score of no less than seventy percent (70%) for all written exams;
3. A passing score on each objective graded pass or fail; and
4. An overall firearms score of no less than seventy percent (70%).

11 CSR 75-17.040. Minimum continuing education training standards for school protection officers.
(1) To maintain their designation, School Protection Officers shall.
   (A) Successfully complete a minimum of twelve (12) hours of annual training. Eight (8) hours of this training shall have a primary focus of responding to active school shootings and shall be delivered by a local, county, or state law enforcement officer qualified to offer a response to active shooter course and who is in possession of a valid peace officer license. The remaining four (4) hours of training shall have a primary focus of weapon retention, firearms skill development, defensive tactics, ground fighting, and handcuffing and restraint devices. The four (4) hours of training shall be delivered by a local, county, or state law enforcement officer qualified to offer this type of training and who is in possession of a valid peace officer license.
   (B) On a quarterly basis, successfully complete a firearm qualification course using the same firearm used in the performance of their duties as a School Protection Officer. This course can be delivered by any local, county, or state law enforcement officer qualified to offer a firearm qualification course and who is in possession of a valid peace officer license.
   (C) Maintain a secondary/third-party First Aid/CPR certification.
(2) Written documentation of the completion of the twelve (12) hours of annual training, successful quarterly firearm qualification, and a current copy of his/her secondary/third-party First Aid/CPR certification must be maintained by the school where the School Protection Officer is employed for a period of three (3) years from the date the training, qualifications, and certifications were successfully completed.

MOUs, authorization, and/or funding

LAWS
§ 160.665. R.S.Mo. School protection officers, teachers or administrators may be designated as-authorized to carry concealed firearms-requirements-public hearing to be held, when.
1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.
2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms or a self-defense spray device in any school in the district. A self-defense spray device shall mean any device that is capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of incapacitating a violent threat. The school protection officer shall not be permitted to allow any firearm or device out of his or her personal control while that firearm or device is on school property. Any school protection officer who violates this subsection may be removed immediately from the classroom and subject to employment termination proceedings.
3. A school protection officer has the same authority to detain or use force against any person on school property as provided to any other person under chapter 563.

4. Upon detention of a person under subsection 3 of this section, the school protection officer shall immediately notify a school administrator and a school resource officer, if such officer is present at the school. If the person detained is a student then the parents or guardians of the student shall also be immediately notified by a school administrator.

5. Any person detained by a school protection officer shall be turned over to a school administrator or law enforcement officer as soon as practically possible and shall not be detained by a school protection officer for more than one hour.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request, any teacher or administrator seeking to carry a concealed firearm on school property shall also submit proof that he or she has a valid concealed carry endorsement or permit, and all teachers and administrators seeking the designation of school protection officer shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has successfully completed a school protection officer training program, which has been approved by the director of the department of public safety. No school district shall allow a school protection officer to carry a concealed firearm on school property unless the school protection officer has a valid concealed carry endorsement or permit.

8. Any school district that designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation, which shall include the following:
   (1) The full name, date of birth, and address of the officer;
   (2) The name of the school district; and
   (3) The date such person was designated as a school protection officer.

Notwithstanding any other provisions of law to the contrary, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a request for public records made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer in writing of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety in writing of the revocation of the designation of such person as a school protection officer. A person who has had the designation of school protection officer revoked has no right to appeal the revocation decision.

10. The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

11. Before a school district may designate a teacher or administrator as a school protection officer, the school board shall hold a public hearing on whether to allow such designation. Notice of the hearing shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation within the city or county in which the school district is located. The board may determine at a closed
meeting, as "closed meeting" is defined under section 610.010, whether to authorize the designated school protection officer to carry a concealed firearm or a self-defense spray device.

§ 162.215. School officers may be commissioned to enforce certain criminal laws.

1. The school board of a any school district may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses operating within the school district only upon the execution of a memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, provided that the memorandum shall not grant statewide arrest authority. School officers shall be licensed peace officers, as defined in section 590.010, and shall comply with the provisions of chapter 590. The powers and duties of a peace officer shall continue throughout the employee's tenure as a school officer.

2. School officers shall abide by district school board policies, all terms and conditions defined within the executed memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, and shall consult with and coordinate activities through the school superintendent or the superintendent's designee. School officers' authority shall be limited to crimes committed on school premises, at school activities, and on school buses operating within the jurisdiction of the executed memorandum of understanding. All crimes involving any sexual offense or any felony involving the threat or use of force shall remain under the authority of the local jurisdiction where the crime occurred. School officers may conduct any justified stop on school property and enforce any local violation that occurs on school grounds. School officers shall have the authority to stop, detain, and arrest for crimes committed on school property, at school activities, and on school buses.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 160.263. R.S.Mo. Confinement of a student prohibited, when-policy on restrictive behavioral interventions required-model policy to be developed.

3. The department of elementary and secondary education shall, in cooperation with appropriate associations, organizations, agencies and individuals with specialized expertise in behavior management, develop a model policy that satisfies the requirements of subsection 2 of this section by July 1, 2010.

REGULATIONS


(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:

1. A federal or state gun-free schools violation; or

2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;

2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

Funding appropriations

LAWS

§ 161.1055. R.S.Mo. Pilot program established, selection of scho-s-fund crea-d-definitions.

1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".

2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

   (1) One public school located in a metropolitan school district;

   (2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

   (3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;
(4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

(5) One public school located in any one of the following counties:

(a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

(b) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(c) A county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants;

(d) A county of the third classification without a township form of government and with more than sixteen thousand but fewer than sixteen thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat;

(e) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat;

(f) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(g) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants as the county seat;

(h) A county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(i) A county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants; or

(j) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

4. The department of elementary and secondary education shall:

   (1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;

   (2) Provide the five schools with funds to implement the trauma-informed approach; and

   (3) Closely monitor the progress of the five schools in becoming trauma-informed schools and provide further assistance if necessary.

5. The department of elementary and secondary education shall terminate the trauma-informed schools pilot program on August 28, 2019. Before December 31, 2019, the department of elementary and
secondary education shall submit a report to the general assembly that contains the results of the pilot program, including any benefits experienced by the five schools chosen for the program.

6.(1) There is hereby created in the state treasury the "Trauma-Informed Schools Pilot Program Fund". The fund shall consist of any appropriations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. For purposes of this section, the following terms mean:

(“) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(“) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist retraumatization.

8. The provisions of this section shall expire December 31, 2019.


As used in sections 161.500 to 161.508, the following terms mean:

(1) "Department", the department of elementary and secondary education;

(2) "Drugs" includes, but is not limited to:

(a) All controlled substances defined in chapter 195; and

(b) Alcoholic beverages.

§ 161.504. R.S.Mo. Drug-free schools program created-department may apply for funding-disbursement of funds-application for funding of prevention and suppression programs-interagency agreements-administrative guidelines-annual report, contents.

1. There is hereby created in the department of elementary and secondary education the "Drug-Free Schools Program". The department of elementary and secondary education may apply for federal grants or other federal assistance as additional funding to appropriated state moneys in order to implement the provisions of sections 161.500 to 161.508 and the activities of the state drug-free school advisory committee. All funds made available to the department for the purposes of sections 161.500 to 161.508 shall be administered and disbursed by the department in consultation with the state drug-free school advisory committee established in section 161.508.

2. The department, in consultation with the drug-free school advisory committee, is authorized to allocate and award funds to local law enforcement agencies and public schools working jointly to develop drug and alcohol use prevention and drug and alcohol trafficking suppression programs in substantial compliance with the policies and criteria set forth in sections 161.500 to 161.508.
3. The allocation and award of funds shall be made upon the joint application by the chief law enforcement agency's legislative body and the superintendent and board of the school district coapplicant. The joint application of the law enforcement agency and the school district shall be submitted for review to the local drug-free school advisory committee established in section 161.506. After review, the application shall be submitted to the department. Funds disbursed under sections 161.500 to 161.508 may enhance, but shall not supplant, local funds that would, in the absence of the drug-free school program, be made available to suppress and prevent drug and alcohol use among school-age children and to curtail drug and alcohol trafficking in and around schools, parks and playgrounds.

4. The coapplicant local law enforcement agency and coapplicant school district shall enter into interagency agreements between themselves which will allow the management and fiscal tasks created pursuant to sections 161.500 to 161.508 and assigned to both the law enforcement agency and the school district to be performed by only one of them.

5. Within one hundred twenty days of August 28, 1990, the department in consultation with the state drug-free school advisory committee shall prepare and issue administrative guidelines and procedures for the drug-free school program consistent with the provisions of sections 161.500 to 161.508. In addition to all other formal requirements that may apply to the enactment of such guidelines and procedures, a complete and final draft shall be submitted within ninety days of the effective date of August 28, 1990, to the chairmen of the judiciary committees of the house of representatives and the senate.

6. After a full year of program operation, the department shall prepare and submit an annual evaluation report to the general assembly describing in detail the operation of the program and the results obtained from the drug-free school program receiving funds under sections 161.500 to 161.508. The report also shall list the full costs applicable both to the department for processing the reviewing application, and to the state and local agencies for obtaining grants, from any source, to support the program. The purpose of the program evaluation shall be to identify successful methods of preventing drug and alcohol trafficking and use in schools. Ongoing evaluation findings shall be used to replicate proven successful methods, identify, implement, and refine new methods.

§ 161.506. R.S.Mo. Concentration of program-elements-enhanced efforts-use of funds-advisory committee.

1. Law enforcement agencies and school districts receiving funds under sections 161.500 to 161.508 shall concentrate enhanced apprehension, prevention and education efforts and resources on drug and alcohol use and drug trafficking in and around schools, parks and playgrounds. Such enhanced apprehension, prevention, and education efforts shall include, but not be limited to:

   (1) Drug and alcohol traffic intervention programs;

   (2) School- and classroom-oriented programs, using tested drug and alcohol education curriculum that provides in-depth and accurate information on drugs and alcohol, which may include the participation of local law enforcement agencies and qualified drug and alcohol use prevention specialists and which are designed to increase teachers' and students' awareness of drugs and alcohol and their effects;

   (3) Family-oriented programs aimed at preventing drug and alcohol use, which may include the participation of community-based organizations experienced in the successful operation of such programs;

   (4) The establishment of a local drug-free school advisory committee. The committee shall be established and appointed by the school board of each school district. The committee may be a newly created committee or an existing local drug and alcohol use committee as designated by the appointing authority. The committee shall be composed of, at a minimum, the following:

      (a) Local and law enforcement executives;

      (b) School district administrators;
(c) School-site staff, which includes administrators, teachers and certified personnel;
(d) Parents;
(e) Students;
(f) School peace officers;
(g) State, county, or local drug and alcohol program administrators designated pursuant to chapter 195; and
(h) Drug and alcohol prevention program executives;

(5) Development and distribution of appropriate written and audiovisual aids for training of school and law enforcement staff for handling drug- and alcohol-related problems and offenses. Appropriate existing aids may be used in lieu of the development of new materials;
(6) Development of prevention and intervention programs for elementary school teachers and students, including utilization of existing prevention and intervention programs;
(7) Development of a coordinated intervention system that identifies students with chronic drug and alcohol abuse treatment programs.

2. Enhanced apprehension, prevention, and education efforts commenced under this section shall be a joint effort between law enforcement agencies and local school districts. These efforts shall include, but are not limited to, the concentration of apprehension efforts in problem areas cooperatively identified by local school and law enforcement authorities.

3. Funds appropriated pursuant to sections 161.500 to 161.508 may be used in part to support state-level development and statewide distribution of appropriate written and audiovisual aids for public awareness and training of school and law enforcement staff for handling drug- and alcohol-related problems and offenses. When existing aids can be identified, these aids may be used in lieu of the development of new aids.

§ 161.508. R.S.Mo. Criteria for rating grant applications to be developed by committee-

1. Criteria for rating the grant applications of cooperating pairs of clusters of law enforcement agencies and school districts to receive drug-free school program funding shall be developed by the state drug-free school advisory committee.

2. The state drug-free school advisory committee shall be composed of one police chief, one sheriff, one district attorney, one attorney primarily engaged in criminal defense, one representative of parent groups, one representative of the state department of public safety, a school peace officer, a representative of community-based prevention of drug and alcohol use programs, one member from the attorney general’s office, four members from the department of elementary and secondary education, one drug and alcohol prevention specialist representing the department of elementary and secondary education, and three school-site personnel, all of whom are appointed by the governor with the advice and consent of the senate. Staff services to the committee shall be provided by the department of elementary and secondary education. Committee members shall receive no compensation but shall be reimbursed for actual expenses involved in the conduct of committee business. The committee shall review applications for grant awards and shall recommend approval for those applications which are deemed appropriate and are consistent with the guidelines and administrative procedures established pursuant to this section and sections 161.500 to 161.508.

3. Each state drug-free school advisory committee member shall be personally present to cast a vote or be counted toward a quorum. An appointed member of the committee unable to attend any meeting may designate a representative to attend such meetings on his behalf. Such a representative shall be
accorded full privilege to address the committee on any matter under consideration but shall not have the right to vote on any motions entertained by the committee.

4. The state drug-free school advisory committee shall develop specific guidelines and administrative procedures for the drug-free school program. The program developed by the state drug-free school advisory committee may be utilized by the local school districts or such districts may develop programs based on the unique needs and resources of such districts.

5. Administration of the overall program and the evaluation or monitoring of all grants made under sections 161.500 to 161.508 shall be performed by the department.

6. The department shall, to the extent possible, coordinate the administration of the drug-free school program with those of other state and federal agencies.

7. Funds disbursed under sections 161.500 to 161.508 shall not be used for the acquisition of equipment.

8. Funds disbursed under sections 161.500 to 161.508 shall not be used to purchase information on drugs or alcohol.

9. In the interest of maximizing the use of funds for program support and implementation, local law enforcement agencies and school districts receiving funds under sections 161.500 to 161.508 are expressly discouraged from using drug-free school program funds for personnel costs. Where it can be demonstrated that personnel costs are essential to the success of the program and that sufficient law enforcement and school personnel are not available to carry out the program, exceptions to this section may be requested through the department.

10. No more than ten percent of the total amount of funds disbursed under this section shall be used for administrative costs.

§ 161.650 R.S.Mo. Department to identify and adopt violence prevention program, district to administer state board to adopt violence prevention program-duties-administered how-funding.

3. Any district adopting and providing a program of instruction pursuant to this section [about violence prevention] shall be entitled to receive state aid pursuant to section 163.031. If such aid is determined by the department to be insufficient to implement any program or programs adopted by a district pursuant to this section:

   (1) The department may fund the program or programs adopted pursuant to this section or pursuant to subsection 2 of section 160.530, or both, after securing any funding available from alternative sources; and

   (2) School districts may fund the program or programs from funds received pursuant to subsection 1 of section 160.530.

§ 167.280 R.S.Mo. Support services for students at high risk-application, elements-priority applications, elements-use of funds-allowable costs.

1. Within the amounts appropriated therefor, the state board of education shall award funds for the purpose of providing support services to pupils enrolled in public and nonpublic schools who are identified as having a high risk of dropping out of school. Such awards shall be made on a competitive basis to public institutions of higher education or consortia of public institutions in cooperation with school districts and not-for-profit community-based organizations. In areas of the state where public institutions of higher education are unable to provide appropriate services to high school pupils, the state board may award funds to not-for-profit community-based organizations in cooperation with school districts.


1. The state board of education shall establish a program to award grants to school districts that apply for assistance in providing alternative educational opportunities for students whose demonstrated disruptive
behavior indicates that they cannot be adequately served in the traditional classroom setting. The board shall solicit applications from school districts and shall make grants from funds appropriated for that purpose in such amounts and on such terms as it determines best encourages the development of alternative education programs throughout the state. The board shall give preference to applications that demonstrate a need for alternative education services and stress:

(1) A comprehensive, kindergarten through grade twelve approach to preventing problems that result in the need for alternative education services;

(2) Rigorous instruction in core academic disciplines;

(3) Activities designed to enable the student to better perform in the regular classroom and to transition students back to the regular classroom when merited by their performance;

(4) A student-centered approach whereby activities are designed to meet the particular needs of individual students; and

(5) Collaboration with existing community-based service providers, such as cooperative education programs, school to work programs, parents-as-teachers programs, programs developed by the department of economic development and programs developed by local service delivery agencies, and other governmental and private agencies to address student needs beyond those traditionally addressed by schools.

REGULATIONS

No relevant regulations found.
**Other or Uncategorized**

### Professional immunity or liability

**LAWS**

§ 160.261. R.S.Mo. **Discipline, written policy established by local boards of education**-contents-reporting requirements-additional restrictions for certain suspensions-weapons offense, mandatory suspension or expulsion-no civil liability for authorized personnel-spanking not child abuse, when-investigation procedure-officials falsifying reports, penalty.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

§ 167.115. R.S.Mo. **Juvenile officer or other law enforcement authority to report to superintendent, when, how**-superintendent to report certain acts, to whom-notice of suspension or expulsion to court-superintendent to consult.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

§ 167.117. R.S.Mo. **Principal, teachers, school employees to report certain acts, to whom, exceptions-limit on liability-penalty.**

4. A school employee, superintendent or such person's designee who in good faith provides information to law enforcement or juvenile authorities pursuant to this section or section 160.261 shall not be civilly liable for providing such information.

**REGULATIONS**

No relevant regulations found.

### Community input or involvement

**LAWS**

§ 161.506. R.S.Mo. **Concentration of program-elements-enhanced efforts-use of funds-advisory committee.**

1. Law enforcement agencies and school districts receiving funds under sections 161.500 to 161.508 shall concentrate enhanced apprehension, prevention and education efforts and resources on drug and alcohol use and drug trafficking in and around schools, parks and playgrounds. Such enhanced apprehension, prevention, and education efforts shall include, but not be limited to:
(4) The establishment of a local drug-free school advisory committee. The committee shall be established and appointed by the school board of each school district. The committee may be a newly created committee or an existing local drug and alcohol use committee as designated by the appointing authority. The committee shall be composed of, at a minimum, the following:

(a) Local and law enforcement executives;
(b) School district administrators;
(c) School-site staff, which includes administrators, teachers and certified personnel;
(d) Parents;
(e) Students;
(f) School peace officers;
(g) State, county, or local drug and alcohol program administrators designated pursuant to chapter 195; and
(h) Drug and alcohol prevention program executives;

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

§ 167.168.1. Radio frequency identification technology, students not required to use identification device to monitor or track student location-definition.  
1. No school district shall require a student to use an identification device that uses radio frequency identification technology, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the location of the student.

2. For purposes of this section, "radio frequency identification technology" shall mean a wireless identification system that uses an electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Missouri provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri Center for Education Safety, Missouri School Board’s Association (MSBA)</td>
<td>Provides an overview of MSBA’s Center for Education Safety and lists available and accessible events and trainings, services, and resources addressing school safety.</td>
<td><a href="https://www.mosba.org/ces/">https://www.mosba.org/ces/</a></td>
</tr>
<tr>
<td>School-Wide Positive Behavior Supports, Missouri School-Wide Positive Behavior Support</td>
<td>Provides an overview of Missouri’s school-wide positive behavior support framework and presents school-wide data on PBS including accessible data collection tools for educators.</td>
<td><a href="https://pbismissouri.org/">https://pbismissouri.org/</a></td>
</tr>
<tr>
<td>Student Discipline, MO DESE</td>
<td>Provides an overview on state discipline policies and procedures including student discipline records, suspension/expulsion, corporal punishment/spanking, and special education discipline issues.</td>
<td><a href="https://dese.mo.gov/financial-admin-services/school-governance/student-discipline">https://dese.mo.gov/financial-admin-services/school-governance/student-discipline</a></td>
</tr>
<tr>
<td>The Trauma-Informed Schools Initiative, MO DESE</td>
<td>Provides information and training to school districts regarding the trauma-informed approach, how schools can become trauma-informed schools, and developed a website about the trauma-informed schools initiative that includes information for schools and parents.</td>
<td><a href="https://dese.mo.gov/traumainformed">https://dese.mo.gov/traumainformed</a></td>
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<tr>
<td>Model Policy on Seclusion and Restraint, MO DESE</td>
<td>State model policy addressing the use of seclusion and restraint and other responses to emergency or crisis situations, in which student and/or educator safety is at risk.</td>
<td>This policy is currently under review.</td>
</tr>
<tr>
<td>The Missouri Model for Trauma-Informed Schools, MO DESE</td>
<td>Guidance document providing resources and information on how to become trauma informed and translates the Missouri Model guidance into language and processes to support schools interested to become trauma informed.</td>
<td><a href="https://dese.mo.gov/sites/default/files/cns1_Missouri_Model%20school_guidance_doc.pdf">https://dese.mo.gov/sites/default/files/cns1_Missouri_Model%20school_guidance_doc.pdf</a></td>
</tr>
<tr>
<td>The Trauma-Informed Schools Initiative Developmental Framework, MO DESE</td>
<td>Provides information and training to school districts regarding the trauma-informed approach, how schools can become trauma-informed schools, and developed a website about the trauma-informed schools initiative that includes information for schools and parents.</td>
<td><a href="https://dese.mo.gov/sites/default/files/dese-the-trauma-informed-schools-initiative_0.pdf">https://dese.mo.gov/sites/default/files/dese-the-trauma-informed-schools-initiative_0.pdf</a></td>
</tr>
</tbody>
</table>

**Other Resources**

| Bullying Website Tool, MO DESE                                      | Website tool offering resources on bullying, depending upon the issue a child is having.                                                                                                                   | https://www.surveymonkey.com/r/BullyingIssues                                                  |
Montana
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense

Part 4. District Superintendent and Principal
20-4-402. Duties of district superintendent or county high school principal
20-4-403. Powers and duties of principal

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20-5-104. Attendance officer
20-5-105. Attendance officer - powers and duties
20-5-106. Truancy
20-5-107. Incapacitated and indigent child attendance

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20-5-201. Duties and sanctions
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Section 1. Transfer of funds - grant program

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10. Education
Chapter 16. Special Education
Subchapter 33. Services
10.16.3346. Aversive treatment procedures

Chapter 55. Standards of Accreditation
Subchapter 7. School Leadership
10.55.701. Board of trustees
10.55.719. Student protection procedures

Subchapter 8. Educational Opportunity
10.55.801. School climate

Subchapter 9. Academic Requirements
10.55.909. Student records
10.55.910. Student discipline records
General Provisions

Authority to develop and establish rules of conduct

LAWS

20-4-402. Duties of district superintendent or county high school principal.
The district superintendent or county high school principal is the executive officer of the trustees and, subject to the direction and control of the trustees, the executive officer shall:

(1) Have general supervision of all schools of the district and the personnel employed by the district;
(2) Implement and administer the policies of the trustees of the district;
(3) Develop and recommend courses of instruction to the trustees for their consideration and approval in accordance with the provisions of 20-7-111;
(4) Select all textbooks and submit the selections to the trustees for their approval in accordance with the provisions of 20-7-602;
(5) Select all reference and library books and submit the selections to the trustees for their approval in accordance with provisions of 20-7-204;
(6) Have general supervision of all pupils of the district, enforce the compulsory attendance provisions of this title, and have the authority to suspend for good cause a pupil of the district;
(7) Report the pupil attendance, absence, and enrollment of the district and other pupil information required by the report form prescribed by the superintendent of public instruction to the county superintendent, or county superintendents when reporting for a joint district; and
(8) Perform other duties in connection with the district as the trustees may prescribe.

20-4-403. Powers and duties of principal.
(1) Whenever the trustees of a district employ and appoint a school principal but do not employ and appoint a district superintendent, such principal shall perform the duties of a district superintendent as prescribed in subsections (4), (5), (6), (7), and (8) of 20-4-402 and shall have general supervision of such school and the personnel assigned to such school.
(2) If granted authority by the board of trustees, a school principal in a district that does employ and appoint a district superintendent may suspend for good cause any pupil of the school where the principal is employed.

(1) […] The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil.
(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. […]
REGULATIONS

10.55.719. Student Protection Procedures.
(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:
   (a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
   (b) Substantially and materially interferes with access to an educational opportunity or benefit; or
   (c) Substantially and materially disrupts the orderly operation of the school. […]

10.55.801 School climate.
(1) The local board of trustees shall:
   (a) Develop policies, procedures, and rules that respect the rights of all learners, and promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel;

Scope

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.
(1) A teacher or principal has the authority to hold a pupil to a strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

20-5-201. Duties and sanctions.
(1) A pupil:
   (a) Shall comply with the policies of the trustees and the rules of the school that the pupil attends;
   (b) Shall pursue the required course of instruction;
   (c) Shall submit to the authority of the teachers, principal, and district superintendent of the district; and
   (d) Is subject to the control and authority of the teachers, principal, and district superintendent while the pupil is in school or on school premises, on the way to and from school, or during intermission or recess.

REGULATIONS

10.55.719. Student protection procedures.
(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:
   (a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
   (b) Substantially and materially interferes with access to an educational opportunity or benefit; or
(c) Substantially and materially disrupts the orderly operation of the school. […]

(4) The behavior prohibited in (1) includes but is not limited to conduct:

(a) In a classroom or other location on school premises;

(b) During any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or

(c) Through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

Communication of policy

LAWS

No relevant laws found.

REGULATIONS

10.55.701 Board of trustees.

(2) Each school district shall make available to the staff and public:

(f) Policies addressing bullying, hazing, intimidation, and harassment of students and meeting the requirements in ARM 10.55.719;
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(2) For the purposes of this section, "corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.

(3) A person who is employed or engaged by a school district may not inflict or cause to be inflicted corporal punishment on a pupil.

(4) (a) A person who is employed or engaged by a school district may use physical restraint, defined as the placing of hands on a pupil in a manner that is reasonable and necessary to:

(I) Quell a disturbance;
(ii) Provide self-protection;
(iii) Protect the pupil or others from physical injury;
(iv) Obtain possession of a weapon or other dangerous object on the person of the pupil or within control of the pupil;
(v) Maintain the orderly conduct of a pupil including but not limited to relocating a pupil in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility; or
(vi) Protect property from serious harm.

(b) Physical pain resulting from the use of physical restraint as defined in subsection (4)(a) does not constitute corporal punishment as long as the restraint is reasonable and necessary.

(7) If a person who is employed or engaged by a school district uses corporal punishment or more physical restraint than is reasonable or necessary, the person is guilty of a misdemeanor and, upon conviction of the misdemeanor by a court of competent jurisdiction, shall be fined not less than $25 or more than $500.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

20-5-201. Duties and sanctions.
(4)(a) A school district may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

(b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection (4)(a) shall:

(i) Upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

(ii) Forward appropriate grades or transcripts to the school to which the pupil has transferred;

(iii) At the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;

(iv) When the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred; and

(v) Adopt a policy regarding a process for a pupil or the pupil's parent or guardian to appeal the school district's decision to request that another school district withhold a pupil's grades, diploma, or transcripts.

(4) Nothing in this section prevents a school district from:
(a) Offering instructional activities related to firearms or allowing a firearm to be brought to school for instructional activities sanctioned by the district; or

(b) Providing educational services in an alternative setting to a student who has been expelled from the student's regular school setting.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(2) A pupil who disobeys the provisions of this section, shows open defiance of the authority vested in school personnel by this section, defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district, harms or threatens to harm another person or the person's property, or otherwise violates district policy regarding pupil conduct is subject to punishment, suspension, or expulsion under the provisions of this title. When a pupil defaces or damages school property, the pupil's parent or guardian is liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent, or any trustee and the proof of any damage.


(1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS


(2)(a) […] A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. The trustees shall annually review its weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to school.

REGULATIONS

No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(5) A teacher in a district employing neither a district superintendent nor a principal at the school where the teacher is assigned has the authority to suspend a pupil for good cause. When either a district superintendent or a school principal is employed, only the superintendent or principal has the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, the teacher shall notify the trustees and the county superintendent immediately of the action.


(1) [...] A pupil may be suspended from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional suspension and if the decision to impose the additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(5) A teacher in a district employing neither a district superintendent nor a principal at the school where the teacher is assigned has the authority to suspend a pupil for good cause. When either a district superintendent or a school principal is employed, only the superintendent or principal has the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, the teacher shall notify the trustees and the county superintendent immediately of the action.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Use of restraint and seclusion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(4)(a) A person who is employed or engaged by a school district may use physical restraint, defined as the placing of hands on a pupil in a manner that is reasonable and necessary to:

(I) quell a disturbance;
(ii) Provide self-protection;
(iii) Protect the pupil or others from physical injury;
(iv) Obtain possession of a weapon or other dangerous object on the person of the pupil or within control of the pupil;
(v) Maintain the orderly conduct of a pupil including but not limited to relocating a pupil in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility; or
(vi) Protect property from serious harm.

(b) Physical pain resulting from the use of physical restraint as defined in subsection (4)(a) does not constitute corporal punishment as long as the restraint is reasonable and necessary.

(7) If a person who is employed or engaged by a school district uses corporal punishment or more physical restraint than is reasonable or necessary, the person is guilty of a misdemeanor and, upon conviction of the misdemeanor by a court of competent jurisdiction, shall be fined not less than $25 or more than $500.

(8) A person named as a defendant in an action brought under this section may assert as an affirmative defense that the use of physical restraint was reasonable or necessary. If that defense is denied by the person bringing the charge, the issue of whether the restraint used was reasonable or necessary must be determined by the trier of fact.

REGULATIONS


(1) Positive behavioral interventions based on the results of a functional behavioral assessment shall serve as the foundation for any program utilizing aversive procedures to address the behavioral needs of students. Aversive treatment procedures may be appropriate for an individual student who exhibits behaviors which pose a risk of physical harm to the student or others, or a risk of significant damage to property, or significantly disruptive or dangerous behaviors which cannot be modified solely through the use of positive behavioral interventions. Aversive treatment procedures must be designed to address the behavioral needs of an individual student, be approved by the IEP team, and may not be used as punishment, for the convenience of staff, or as a substitute for positive behavioral interventions.
(2) Aversive treatment procedures are defined as:

(a) Physical restraint, other than as provided in 20-4-302, MCA, when the IEP team has determined that the frequency, intensity or duration of the restraint warrants an aversive treatment procedure; and

(b) Isolation time-out which results in the removal of a student to an isolation room under the following conditions:

   (i) The student is alone in the isolation room during the period of isolation;
   (ii) The student is prevented from exiting the isolation room during the period of isolation;
   (iii) The door to the isolation room remains closed during the period of isolation; and
   (iv) The student is prohibited from participating in activities occurring outside the isolation room and from interacting with other students during the period of isolation.

(3) Any student in isolation time-out must be under the direct constant visual observation of a designated staff person throughout the entire period of isolation.

(4) The following procedures are prohibited:

(a) Any procedure solely intended to cause physical pain;

(b) Isolation in a locked room or mechanical restraint, except in residential treatment facilities and psychiatric hospitals as defined in 20-7-436, MCA, when prescribed by a physician as part of a treatment plan and when implemented in compliance with relevant federal and state law;

(c) The withholding of a meal for a period of greater than one hour from its scheduled starting time;

(d) Aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation; and

(e) Mechanical restraint that physically restricts a student's movement through the use upon the student of any mechanical or restrictive device which is not intended for medical reasons.

(5) Exclusion time-out is not considered an aversive treatment procedure. Exclusion time-out is defined as any removal of a student from a regularly scheduled activity for disciplinary purposes that does not result in placing the student in an isolation room under all of the conditions described in (2)(b).

(6) IEPs may include the use of aversive treatment procedures only when:

(a) Subsequent to a functional behavioral assessment, a series of no less than two written positive behavioral intervention strategies, which were designed to target the behavior to be changed, were previously implemented;

(b) The IEP team includes a person trained and knowledgeable about best practices in the application of positive behavioral interventions, aversive treatment procedures and nonaversive alternatives for de-escalation of behaviors; and

(c) A written behavioral intervention plan using aversive treatment procedures is developed and incorporated as a part of the IEP.

Alternative placements

LAWS


(4) Nothing in this section prevents a school district from: [...]

Montana Compilation of School Discipline Laws and Regulations
(b) Providing educational services in an alternative setting to a student who has been expelled from the student's regular school setting.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. The trustees shall annually review its weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to school.

(4) Nothing in this section prevents a school district from:
   (a) Offering instructional activities related to firearms or allowing a firearm to be brought to school for instructional activities sanctioned by the district;

45-8-361. Possession or allowing possession of weapon in school building - exceptions - penalties - seizure and forfeiture or return authorized - definitions.

(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3)(a) Subsection (1) does not apply to law enforcement personnel.
   (b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4)(a) A person convicted under this section shall be fined an amount not to exceed $500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

   (b)(i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

   (ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:
(a) "School building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "Weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

45-8-361. Possession or allowing possession of weapon in school building - exceptions - penalties - seizure and forfeiture or return authorized - definitions.

(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3)(a) Subsection (1) does not apply to law enforcement personnel.

(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4)(a) A person convicted under this section shall be fined an amount not to exceed $500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b)(i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:

(a) "School building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "Weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

20-5-105. Attendance officer - powers and duties.
The attendance officer of a district:

(1) Must, subject to district policy, be vested with police powers, the authority to serve warrants, and the authority to enter places of employment of children in order to enforce the compulsory attendance provisions of this title;

(2) May, subject to district policy, take into custody any child subject to compulsory attendance who is not excused under the provisions of this title and conduct the child to the school in which the child is or should be enrolled;

(3) May, subject to district policy, do whatever else is required to investigate and enforce the compulsory attendance provisions of this title and the pupil attendance policies of the trustees;

(4) May, subject to district policy, institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions of this title;

(5) May, subject to district policy, keep a record of transactions for the inspection and information of the trustees and shall make reports in the manner and to whomever the trustees designate; and

(6) May, subject to district policy, perform any other duties prescribed by the trustees to preserve the morals and secure good conduct of the pupils of the district.

20-5-106. Truancy.

(1) For the purposes of this part “truant” or “truancy” means the persistent nonattendance without excuse, as defined by district policy, for all or any part of a school day equivalent to the length of one class period of a child required to attend a school under 20-5-103.

(2) If an attendance officer discovers a child is truant, the attendance officer may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent, guardian, or other person responsible for the care of the child under the provisions of this section. If the child is discovered to be truant after the attendance officer has made a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child, the attendance officer may require that the parent, guardian, or other person responsible for the care of the child and the child meet with an individual designated by the school district to formulate a truancy plan to address and resolve the truancy. If the parent, guardian, or other person responsible for the care of the child fails to meet with the designated individual or fails to uphold the responsibilities under the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child.

(3)(a) If convicted, the person shall be fined not more than $100, ordered to perform up to 20 hours of community service, or required to give bond in the penal sum of $100, with sureties, conditioned on the person's agreement to cooperate with the district in implementing the truancy plan provided for in subsection (2) for the remainder of the current school term.

(b) If a person fails to comply with an order of the court issued under subsection (3)(a), the person may be imprisoned in the county jail for a term of not more than 3 days.
(4)(a) If the child is discovered by the attendance officer to be truant on 9 or more days or 54 or more parts of a day in 1 school year, the child may be referred to youth court as habitually truant under Title 41, chapter 5.

    (b) Following a referral to youth court under subsection (4)(a), an attendance officer shall inform the youth court of any subsequent truancies by the child, and the youth court may find the child to be a youth in need of intervention pursuant to 41-5-103 and make any of the dispositions provided in 41-5-1512."

**20-5-107. Incapacitated and indigent child attendance.**

In lieu of the provisions of 20-5-106 and when an attendance officer is satisfied that a pupil or a child subject to compulsory attendance is not able to attend school because the child does not have the physical capacity or the child is absolutely required to work at home or elsewhere in order to provide support for the child or the child's family, the attendance officer shall report the case to the authorities charged with the relief of the poor. The welfare authorities shall offer relief that will enable the child to attend school. If the parent, guardian, or other person who is responsible for the care of the child denies or neglects the assistance offered to enable the child to attend school, the child must be committed to a state institution, at the discretion of the court.

**REGULATIONS**

No relevant regulations found.

**Substance use**

**LAWS**

**20-1-220. Use of tobacco product in public school building or on public school property prohibited.**

(1) An individual may not use a tobacco product, vapor product, or alternative nicotine product in a public school building or on public school property.

(2)(a) Subsection (1) does not apply to the use of a tobacco product, vapor product, or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, or alternative nicotine product.

(b) Subsection (1) does not apply to the use of a smoking cessation product by an employee.

(3) The principal of an elementary or secondary school, or the principal’s designee, may enforce this section.

(4) A violation of this section is subject to the penalties provided in 50-40-115.

(5) For the purposes of this section, the following definitions apply:

(a) “Alternative nicotine product” means a manufactured noncombustible product that contains nicotine derived from tobacco and that is intended for human consumption by being chewed, absorbed, dissolved, or ingested by any other means.

(b) “Public school building” or “public school property”:

(i) means public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and
(ii) includes school playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

c) “Tobacco product” means a substance intended for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

d) “Vapor product” means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes:

   (i) an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and

   (ii) a vapor cartridge or other container in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product and device, cigars, snuff, smoking tobacco, and smokeless tobacco.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

20-5-207. Short title.
Sections 20-5-207 through 20-5-210 may be cited as the "Bully-Free Montana Act".

20-5-208. Definition.
(1) "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication or threat directed against a student that is persistent, severe, or repeated and that:

   (a) Causes a student physical harm, damages a student's property, or places a student in reasonable fear of harm to the student or the student's property;

   (b) Creates a hostile environment by interfering with or denying a student's access to an educational opportunity or benefit; or

   (c) Substantially and materially disrupts the orderly operation of a school.

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying and includes acts of hazing associated with athletics or school-sponsored organizations or groups.

20-5-209. Bullying of student prohibited.
Bullying of a student enrolled in a public K-12 school by another student or an employee is prohibited.

(1) A person alleging a violation of 20-5-207 through 20-5-210 may seek redress under any available law after exhausting all administrative remedies.

(2) Nothing in this section precludes a person from contacting law enforcement in relation to incidents of bullying at any point in time.
REGULATIONS

10.55.719. Student protection procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
(b) Substantially and materially interferes with access to an educational opportunity or benefit; or
(c) Substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).

(3) “Persistent” as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.

(4) The behavior prohibited in (1) includes but is not limited to conduct:

(a) In a classroom or other location on school premises;
(b) During any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or
(c) Through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

(a) A prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;
(b) A procedure for reporting and documenting reported acts of behavior prohibited under (1);
(c) A procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;
(d) A procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;
(e) A procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;
(f) A procedure to protect any alleged victim of behavior prohibited under (1) (a) from further incidents of such behavior;
(g) A disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and
(h) A procedure for the use of appropriate intervention and remediation for victims and perpetrators.
Other special infractions or conditions

LAWS

20-5-203. Secret organization prohibited.
(1) It shall be unlawful for any pupil to participate in or be a member of any secret fraternity or other secret organization that is in any degree a school organization. It also shall be unlawful for any pupil or other person to solicit any pupil to join any such prohibited secret fraternity or other secret organization.
(2) Any person violating the provisions of this section shall be guilty of a misdemeanor and, if convicted by a court of competent jurisdiction, shall be fined not less than $5 or more than $25 for each violation.

REGULATIONS
No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**
No relevant laws found.

**REGULATIONS**

10.55.719. Student protection procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;

(b) Substantially and materially interferes with access to an educational opportunity or benefit; or

(c) Substantially and materially disrupts the orderly operation of the school. […]

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum: […]

(h) A procedure for the use of appropriate intervention and remediation for victims and perpetrators.

**Professional development**

**LAWS**

HB 601. Section 1. Transfer of funds - grant program.

(1) The superintendent of public instruction is directed to transfer $100,000 out of the state level activities budget (program 06) to the local education activities budget (program 09) of the superintendent's budget for fiscal years 2020 and 2021.

(2)(a) The superintendent of public instruction is directed to use the $100,000 of funds transferred pursuant to subsection (1) to create and administer a school safety professional development grant program.

(b) The superintendent of public instruction shall offer grants to school districts to provide professional development on topics related to school safety. Acceptable uses for the school safety professional
development grants include but are not limited to individual training of school employees, improvement of facilities, and programs that promote the protection of students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.

(3) For purposes of this section, "school safety" means keeping students safe from violence, bullying, harassment, and substance use at schools and school-related activities.

REGULATIONS
No relevant regulations found.
**Monitoring and Accountability**

**Formal incident reporting of conduct violations**

**LAWS**

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(5) [...] Whenever a teacher suspends a pupil, the teacher shall notify the trustees and the county superintendent immediately of the action.

(6) A teacher has the duty to report the truancy or incorrigibility of a pupil to the district superintendent, the principal, the trustees, or the county superintendent, whichever is applicable.

20-5-105. Attendance officer - powers and duties.

The attendance officer of a district:

(5) may, subject to district policy, keep a record of transactions for the inspection and information of the trustees and shall make reports in the manner and to whomever the trustees designate;

**REGULATIONS**

10.55.719. Student Protection Procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;

(b) Substantially and materially interferes with access to an educational opportunity or benefit; or

(c) Substantially and materially disrupts the orderly operation of the school. [...] 

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum: [...] 

(b) A procedure for reporting and documenting reported acts of behavior prohibited under (1);

**Parental notification**

**LAWS**

20-1-213. Transfer of school records.

(8)(a) By November 1 and March 1 of each school fiscal year, a local educational agency shall prepare a report to be provided to the director of the Montana youth challenge program subject to subsections (8)(b) and (8)(c) containing the name, last-known address, and dates of attendance of a student who:

(i) Is at least 16 years of age but less than 19 years of age;

(ii) Was enrolled but is no longer enrolled in a school in the district;

(iii) Has not provided school transfer or graduation information to a school in the district; and
(iv) Has not received a high school diploma or a high school equivalency diploma.

(b) After preparing the report in accordance with subsection (8)(a), a local educational agency shall provide written notice to the parent or guardian of the student or to the student if the student is at least 18 years of age or is under 18 years of age and emancipated that the agency intends to provide the report to the director of the Montana youth challenge program. The parent or guardian or the student must be given the opportunity to object to the planned disclosure of the information. If the parent or guardian or the student fails to respond to the notice within 30 days, the local educational agency shall forward the report to the director of the Montana youth challenge program.

20-5-106. Truancy.

(2) If an attendance officer discovers a child is truant, the attendance officer may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent, guardian, or other person responsible for the care of the child under the provisions of this section. If the child is discovered to be truant after the attendance officer has made a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child, the attendance officer may require that the parent, guardian, or other person responsible for the care of the child and the child meet with an individual designated by the school district to formulate a truancy plan to address and resolve the truancy. If the parent, guardian, or other person responsible for the care of the child fails to meet with the designated individual or fails to uphold the responsibilities under the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child.

20-5-201. Duties and sanctions.

(4)(b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection (4)(a) shall:

   (i) upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

REGULATIONS


(8) When an aversive treatment plan is incorporated in the IEP, the parents must be informed that their consent to the IEP includes consent for the aversive treatment plan. Failure to obtain consent is subject to due process proceedings under ARM 10.16.3507 through 10.16.3523.

(9) Parents must be informed as soon as possible, but no less than 24 hours after the procedure is used, in writing, or orally if in writing is not possible, in their native language each time an aversive procedure is implemented on their child.

10.55.719. Student protection procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

   (a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
(b) Substantially and materially interferes with access to an educational opportunity or benefit; or
(c) Substantially and materially disrupts the orderly operation of the school. […]

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum: […]

(e) A procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;

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

**LAWS**


(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. The trustees shall annually review its weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

**REGULATIONS**

10.55.719. Student protection procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) Causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;

(b) Substantially and materially interferes with access to an educational opportunity or benefit; or

(c) Substantially and materially disrupts the orderly operation of the school. […]

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum: […]

(d) A procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;

**Disclosure of school records**

**LAWS**

20-1-213. Transfer of school records.

With Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its implementing regulations at 34 CFR, part 300, local educational agencies and accredited schools shall adopt a policy that a certified copy of the permanent file, as defined by the board of public education, and the file containing special education records of a student will be forwarded by mail or electronically to a local educational agency or accredited school in which the student seeks or intends to enroll within 5 working days after a receipt of a written or electronic request.

(2) If records cannot be forwarded within 5 days, the local educational agency or accredited school shall notify the requestor in writing or electronically providing the reasons why the local educational agency or accredited school is unable to comply within the 5-day timeframe and the local educational agency or accredited school shall provide the date by which the requested records will be transferred.

(3) A local educational agency or accredited school may not refuse to transfer files because a student owes fines or fees.

(4) The files that are forwarded must include education records in the permanent file, special education records, and any disciplinary actions taken against the student that are educationally related.

(5) A local educational agency or accredited school may release student information to the juvenile justice system to assist the system’s ability to effectively serve, prior to adjudication, the student whose records are released under provisions of 20 U.S.C. 1232g(B)(1)(E) of the Family Educational Rights and Privacy Act of 1974, as amended. The official to whom the records are disclosed shall certify in writing to the sending official that the information will not, except as provided by law, be disclosed to any other party without prior written consent of the parent of the student.

(6) The superintendent of public instruction is encouraged to contact other states or provinces and may enter into reciprocal records transfer agreements with the superintendent of public instruction or a department of education of any state or province. The superintendent of public instruction shall supply a copy of any reciprocal records transfer agreement that is executed to the county superintendent of each county that may be affected by the agreement.

(7) Upon request, the local educational agency or accredited school shall transfer by mail or electronically a copy of the permanent file to a nonpublic school or facility.

(8)(a) By November 1 and March 1 of each school fiscal year, a local educational agency shall prepare a report to be provided to the director of the Montana youth challenge program subject to subsections (8)(b) and (8)(c) containing the name, last-known address, and dates of attendance of a student who:

(i) Is at least 16 years of age but less than 19 years of age;

(ii) Was enrolled but is no longer enrolled in a school in the district;

(iii) Has not provided school transfer or graduation information to a school in the district; and

(iv) Has not received a high school diploma or a high school equivalency diploma.

(b) After preparing the report in accordance with subsection (8)(a), a local educational agency shall provide written notice to the parent or guardian of the student or to the student if the student is at least 18 years of age or is under 18 years of age and emancipated that the agency intends to provide the report to the director of the Montana youth challenge program. The parent or guardian or the student must be given the opportunity to object to the planned disclosure of the information. If the parent or guardian or the student fails to respond to the notice within 30 days, the local educational agency shall forward the report to the director of the Montana youth challenge program.

(c) The report provided by the local educational agency may not include a student who:

(i) Is receiving medical care or treatment that prohibits school attendance;

(ii) Is enrolled in a foreign exchange program;

(iii) Is enrolled in an early admissions college program;
(iv) Is participating in a job corps program, an adult basic education program, or an accredited
apprenticeship program; or
(v) Is excused from school for a reason determined acceptable by the local educational agency.
(d) The official to whom the information in subsection (8)(a) is provided shall certify in writing to the local
educational agency that is providing the information that the information will not be disclosed to any
other party except as necessary to recruit and retain students.
(9) As used in this section, "local educational agency" means a public school district or a state-funded
school.

20-5-201. Duties and sanctions.
(4)(b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and
the pupil's parent or guardian pursuant to subsection (4)(a) shall:
(i) Upon receiving notice that the pupil has transferred to another school district in the state, notify the
pupil's parent or guardian in writing that the school district to which the pupil has transferred will be
requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been
satisfied;
(ii) Forward appropriate grades or transcripts to the school to which the pupil has transferred;
(iii) At the same time, notify the school district of any financial obligation of the pupil and request the
withholding of the pupil's grades, diploma, or transcripts until any obligations are met;
(iv) When the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district
to which the pupil has transferred; and
(v) Adopt a policy regarding a process for a pupil or the pupil's parent or guardian to appeal the
school district's decision to request that another school district withhold a pupil's grades, diploma, or
transcripts.

41-5-215. Youth court and department records - notification of school.
(4) The school district may disclose, without consent, personally identifiable information from an
education record of a pupil to the youth court and law enforcement authorities pertaining to violations of
the Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities
receiving the information shall certify in writing to the school district that the information will not be
disclosed to any other party except as provided under state law without the prior consent of the parent or
guardian of the pupil.

52-2-211. County or regional interdisciplinary child information and school safety team.
(1) The county commissioners of each county shall ensure the formation of a county or regional
interdisciplinary child information and school safety team that includes representatives authorized by any
of the following:
(a) the youth court;
(b) the county attorney;
(c) the department of public health and human services;
(d) the county superintendent of schools;
(e) the sheriff;
(f) the chief of any police force;
(g) any board of trustees of a public school district operating within the boundaries of the county; and
(h) the department of corrections.
(2) Officials under subsection (1) from one county may also cooperate with officials under subsection (1) from any other county to form regional interdisciplinary child information and school safety teams, in which case access to information under 41-5-215(2) is authorized for all members of the regional team for each county participating in a regional team. The formation of regional teams must be formalized by written agreement between participating counties.

(3) The persons and agencies listed in subsection (1) or (2) may by majority vote allow the following persons to join the team:

   (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental health care;
   (b) entities operating private elementary and secondary schools;
   (c) attorneys; and
   (d) a person or entity that has or may have a legitimate interest in one or more children that the team will serve.

(4)(a) The members of the team or their designees may form one or more auxiliary teams for the purpose of providing service to a single child, a group of children, or children with a particular type of problem or for any other purpose.

   (b) A member of an auxiliary team must be a person who has personal knowledge of or experience with the child or children in the member’s respective field.

(5) The purpose of the team is to ensure the timely exchange and sharing of information that one or more team members may be able to use in serving a child in the course of their professions and occupations, including but not limited to abused or neglected children, delinquent youth, and youth in need of intervention, and of information relating to issues of school safety. Information regarding a child that a team member supplies to other team members or that is disseminated to a team member under 41-3-205 or 41-5-215(2) may not be disseminated beyond the organizations or departments that have an authorized member on the team under this section.

(6) A written agreement may be created to provide for the rules under which the team will operate, the method by which information will be shared, distributed, and managed, and any other matters necessary to the purpose and functions of the team. Any agreement created may not limit access of any team member to information under 41-5-215(2).

(7) An interdisciplinary child information and school safety team shall coordinate its efforts with interdisciplinary child protective teams as provided in 41-3-108 and youth placement committees as provided for in 41-5-121.

(8) To the extent that the county or regional interdisciplinary child information and school safety team is involved in a proceeding that is held prior to adjudication of a youth in youth court, the team satisfies the requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. Montana school districts may release education records to the team. The officials and authorities to whom the information is disclosed may not disclose any information to any other party without the prior written consent of the parent or guardian of the student.

(9) The county superintendent of schools shall provide to the office of public instruction a current copy of any written agreement under this section no later than September 1. The office of public instruction shall report to the education interim committee no later than September 15 any county that has not provided a written agreement under this section.
REGULATIONS

10.55.909. Student records.
(1) Each school shall keep, in secure storage, a permanent file of students' records, that shall include:
   (a) The name and address of the student;
   (b) His/her parent or guardian;
   (c) Birth date;
   (d) Academic work completed;
   (e) Level of achievement (grades, standardized achievement tests);
   (f) Immunization records as per 20-5-406, MCA;
   (g) Attendance data; and
   (h) The statewide student identifier assigned by the Office of Public Instruction.
(2) The local board of trustees shall establish policies and procedures for the use and transfer of student
    records that are in compliance with 20-1-213, MCA, and state and federal laws governing individual
    privacy. All educational records collected and maintained by a school shall be kept in a confidential
    manner according to the implementing regulations of the Family Educational Rights and Privacy Act
    (FERPA) at 34 CFR part 99.
(3) The local board of trustees shall develop a process for destruction of records pursuant to 20-1-213,
    MCA, including nonpermanent student records. Nonpermanent student records are records retained in a
    central file maintained by the school containing a student's cumulative educational records, which are not
    retained as a student's permanent record detailed in (1).
(4) All inactive permanent records from a school that closes shall be sent to the county superintendent or
    the appropriate county official.

10.55.910. Student discipline records.
(1) Each school shall maintain a record of any disciplinary action that is educationally related, with
    explanation, taken against the student. When a local board of trustees takes disciplinary action against a
    student, the board must take minutes of the action taken, with detailed explanation, even if the
    disciplinary action is decided during a closed session. For the purpose of this rule, a disciplinary action
    that is educationally related is an action that results in the expulsion or out-of-school suspension of the
    student. This record must be maintained/destroyed consistent with Montana Local Government Records
    Schedule 7, and is subject to transfer to a local educational agency, accredited school, or nonpublic
    school pursuant to 20-1-213, MCA.

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

LAWS

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to
    have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the
    appropriate local law enforcement agency. A student who is determined to have brought a firearm to
    school under this subsection must be expelled from school for a period of not less than 1 year, except
    that the trustees may authorize the school administration to modify the requirement for expulsion of a
    student on a case-by-case basis. The trustees shall annually review its weapons policy and any policy
adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

20-5-104. Attendance officer.
In order to enforce the compulsory attendance provisions of this title, each district shall have at least one person serving as an attendance officer according to the following requirements:

(1) Districts of the first class and districts of the second class with a dropout rate higher than the statewide average dropout rate as calculated by the office of public instruction shall appoint one or more of the district’s staff as attendance officers;

(2) Districts of the second class with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction and districts of the third class may appoint one or more of the district’s staff as attendance officers; or

(3) The county superintendent must be the attendance officer in third-class districts that do not appoint an attendance officer.

20-5-105. Attendance officer - powers and duties.
The attendance officer of a district:

(1) Must, subject to district policy, be vested with police powers, the authority to serve warrants, and the authority to enter places of employment of children in order to enforce the compulsory attendance provisions of this title;

(2) May, subject to district policy, take into custody any child subject to compulsory attendance who is not excused under the provisions of this title and conduct the child to the school in which the child is or should be enrolled;

(3) May, subject to district policy, do whatever else is required to investigate and enforce the compulsory attendance provisions of this title and the pupil attendance policies of the trustees;

(4) May, subject to district policy, institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions of this title;

(5) May, subject to district policy, keep a record of transactions for the inspection and information of the trustees and shall make reports in the manner and to whomever the trustees designate; and

(6) May, subject to district policy, perform any other duties prescribed by the trustees to preserve the morals and secure good conduct of the pupils of the district.

20-5-106. Truancy.
(1) For the purposes of this part "truant" or "truancy" means the persistent nonattendance without excuse, as defined by district policy, for all or any part of a school day equivalent to the length of one class period of a child required to attend a school under 20-5-103.

(2) If an attendance officer discovers a child is truant, the attendance officer may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent, guardian, or other person responsible for the care of the child under the provisions of this section. If the child is discovered to be truant after the
attendance officer has made a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child, the attendance officer may require that the parent, guardian, or other person responsible for the care of the child and the child meet with an individual designated by the school district to formulate a truancy plan to address and resolve the truancy. If the parent, guardian, or other person responsible for the care of the child fails to meet with the designated individual or fails to uphold the responsibilities under the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child.

(3)(a) If convicted, the person shall be fined not more than $100, ordered to perform up to 20 hours of community service, or required to give bond in the penal sum of $100, with sureties, conditioned on the person's agreement to cooperate with the district in implementing the truancy plan provided for in subsection (2) for the remainder of the current school term.

(b) If a person fails to comply with an order of the court issued under subsection (3)(a), the person may be imprisoned in the county jail for a term of not more than 3 days.

(4)(a) If the child is discovered by the attendance officer to be truant on 9 or more days or 54 or more parts of a day in 1 school year, the child may be referred to youth court as habitually truant under Title 41, chapter 5.

(b) Following a referral to youth court under subsection (4)(a), an attendance officer shall inform the youth court of any subsequent truancies by the child, and the youth court may find the child to be a youth in need of intervention pursuant to 41-5-103 and make any of the dispositions provided in 41-5-1512."

20-5-107. Incapacitated and indigent child attendance.
In lieu of the provisions of 20-5-106 and when an attendance officer is satisfied that a pupil or a child subject to compulsory attendance is not able to attend school because the child does not have the physical capacity or the child is absolutely required to work at home or elsewhere in order to provide support for the child or the child's family, the attendance officer shall report the case to the authorities charged with the relief of the poor. The welfare authorities shall offer relief that will enable the child to attend school. If the parent, guardian, or other person who is responsible for the care of the child denies or neglects the assistance offered to enable the child to attend school, the child must be committed to a state institution, at the discretion of the court.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.
REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

HB 601. Section 1. Transfer of funds - grant program.
(1) The superintendent of public instruction is directed to transfer $100,000 out of the state level activities budget (program 06) to the local education activities budget (program 09) of the superintendent's budget for fiscal years 2020 and 2021.

(2)(a) The superintendent of public instruction is directed to use the $100,000 of funds transferred pursuant to subsection (1) to create and administer a school safety professional development grant program.

(b) The superintendent of public instruction shall offer grants to school districts to provide professional development on topics related to school safety. Acceptable uses for the school safety professional development grants include but are not limited to individual training of school employees, improvement of facilities, and programs that promote the protection of students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.

(3) For purposes of this section, "school safety" means keeping students safe from violence, bullying, harassment, and substance use at schools and school-related activities.

REGULATIONS
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

**20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.**

(7) If a person who is employed or engaged by a school district uses corporal punishment or more physical restraint than is reasonable or necessary, the person is guilty of a misdemeanor and, upon conviction of the misdemeanor by a court of competent jurisdiction, shall be fined not less than $25 or more than $500.

(8) A person named as a defendant in an action brought under this section may assert as an affirmative defense that the use of physical restraint was reasonable or necessary. If that defense is denied by the person bringing the charge, the issue of whether the restraint used was reasonable or necessary must be determined by the trier of fact.

**REGULATIONS**

No relevant regulations found.

**Community input or involvement**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Other or Uncategorized**

**LAWS**

**20-5-502. Enrollment by caretaker relative - residency - affidavit.**

(3) If the child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school, the school district in which the caretaker relative seeks to enroll the child may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school district may require the child to comply with a behavior contract as a condition of enrollment.

**REGULATIONS**

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Montana provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td>Alcohol and Drug Prevention, Montana Office of Public Instruction</td>
<td>Provides information and links to resources supporting implementation of school-based alcohol and drug prevention programs.</td>
<td><a href="http://opi.mt.gov/Families-Students/Family-Student-Support/Alcohol-Drug-Prevention">http://opi.mt.gov/Families-Students/Family-Student-Support/Alcohol-Drug-Prevention</a></td>
</tr>
<tr>
<td>Bully Free Montana, Montana Office of Public Instruction</td>
<td>Provides an overview of bullying in Montana schools including model policies and procedures, Montana’s Student Protections and Procedures accreditation rule, and links to state resources.</td>
<td><a href="https://opi.mt.gov/Families-Students/Family-Student-Support/Bullying-Prevention">https://opi.mt.gov/Families-Students/Family-Student-Support/Bullying-Prevention</a></td>
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Documents

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<td>School Safety Professional Development Grant, Montana Office of Public Instruction</td>
<td>State grant program allocating funding to Montana school districts for professional development related to protecting students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.</td>
<td><a href="http://opi.mt.gov/Leadership/Academic-Success/Title-Other-Federal-Programs/Title-IV-Part-A-Student-Support-Academic-Enrichment/School-Safety-Professional-Development-Grant">http://opi.mt.gov/Leadership/Academic-Success/Title-Other-Federal-Programs/Title-IV-Part-A-Student-Support-Academic-Enrichment/School-Safety-Professional-Development-Grant</a></td>
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Nebraska
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

R.R.S. Neb. § 79-257. School board or board of education; emergency disciplinary actions; authorized.
The school board or board of education may authorize the emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment of any pupil from school for conduct prohibited by the board's rules or standards established pursuant to the Student Discipline Act if such emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment complies with the procedures required by the act.

R.R.S. Neb. § 79-258. Administrative and teaching personnel; authorized actions.
Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

R.R.S. Neb. § 79-261. School board or board of education; powers; delegation of authority.
(1) The school board or board of education may by rule amplify, supplement, or extend the procedures provided in the Student Discipline Act if such actions are not inconsistent with the act.
(2) Any action taken by the school board or board of education or by its employees or agents in a material violation of the act shall be considered null, void, and of no effect.
(3) The school board or board of education may authorize the delegation to other school officials of responsibilities directed to the principal or superintendent by the act.

R.R.S. Neb. § 79-262. School board or board of education; rules and standards; establish; distribute and post; review with county attorney.
(1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function, if such rules and standards are clear and definite so as to provide clear notice to the student and his or her parent or guardian as to the conduct prescribed, prohibited, or required under the rules and standards. Notwithstanding any other provisions contained in the Student Discipline Act, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by section 79-258, 79-265, or 79-267. Any such rule shall be binding on all students, school officials, board members, and hearing examiners. Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfere with the educational process. On or before August 1 of each
year, all school boards shall annually review in collaboration with the county attorney of the county in which the principal office of the school district is located the rules and standards concerning student conduct adopted by the school board and the provisions of section 79-267 to define conduct which the principal or designee is required to report to law enforcement under section 79-293.

(2) All rules and standards established by school officials, other than the board, applicable to students shall not conflict with rules and standards adopted by the board. The board may change any rule or standard in accordance with policies which it may from time to time adopt.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.
(1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

(2) Each school district shall provide annually to the State Department of Education:
   (a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and
   (b) A description of the circumstances surrounding any expulsions imposed under the policy required by subsection (1) of this section, including:
      (i) The name of the school concerned;
      (ii) The number of students expelled from the school; and
      (iii) The types of weapons concerned.

R.R.S. Neb. § 79-2,137. School district; development and adoption of bullying prevention and education policy; review.
(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.
(4) The school district shall review the policy annually.

R.R.S. Neb. § 79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.
(1) On or before March 1, 2010, the department shall develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence.
(2) On or before July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school, which shall be made a part of the requirements for accreditation in accordance with section 79-703. Such policy shall include a statement that dating violence will not be tolerated. […]

The State Board of Education, based on the recommendations of the state school security director appointed pursuant to section 79-2,143, may adopt and promulgate rules and regulations establishing minimum school security standards on or before July 1, 2016.

R.R.S. Neb. § 79-2,146. Suicide awareness and prevention training.
(3) The department may adopt and promulgate rules and regulations to carry out this section.
REGULATIONS
No relevant regulations found.

Scope

LAWS

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

[...] Student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event. [...]
each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school during the school year. Changes in rules and standards shall not take effect until reasonable effort has been made to distribute such changes to each student and his or her parent or guardian.

R.R.S. Neb. § 79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.

(3) To ensure notice of a school district's dating violence policy, the policy shall be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

(5) Each school district shall inform the students’ parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians a copy of the school district's dating violence policy and relevant information.

REGULATIONS

No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.
(1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

Corporal punishment shall be prohibited in public schools.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.
(1) Any student may be excluded from school in the following circumstances, subject to the procedural provisions of section 79-265, and, if longer than five school days, subject to the provisions of subsection (3) of this section:
   (a) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
   (b) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.
(1) The principal may deny any student the right to attend school or to take part in any school function for a period of up to five school days on the following grounds:
   (a) Conduct constituting grounds for expulsion as set out in the Student Discipline Act; or
   (b) Any other violation of rules and standards of behavior adopted under the act.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.
The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:
   (1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
   (2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
   (3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
   (4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
   (5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor;

(7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;

(8) Engaging in bullying as defined in section 79-2,137;

(9) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;

(10) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or

(11) A repeated violation of any rules and standards validly established pursuant to section 79-262 if such violations constitute a substantial interference with school purposes.

R.R.S. Neb. § 79-2,102. Public schools; secret organizations; denial of school privileges; expulsion.

Any school board or board of education may deny any or all school privileges to any regularly enrolled student who violates section 79-2,101 or may expel any such student for failure or refusal to comply with such section.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

REGULATIONS

No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

R.R.S. Neb. § 79-259. Student suspension, expulsion, or exclusion; not a violation of compulsory attendance; compliance with other laws required.

If a student is suspended, expelled, or excluded from school or from any educational function pursuant to the Student Discipline Act, such absence from school shall not be deemed a violation on the part of any person under any compulsory school attendance statutes. Any suspension or expulsion under the act shall comply with the requirements of the Special Education Act and the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq.

R.R.S. Neb. § 79-262. School board or board of education; rules and standards; establish; distribute and post; review with county attorney.

(1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function, if such rules and standards are clear and definite so as to provide clear notice to the student and his or her parent or guardian as to the conduct prescribed, prohibited, or required under the rules and standards. Notwithstanding any other provisions contained in the Student Discipline Act, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by section 79-258, 79-265, or 79-267. Any such rule shall be binding on all students, school officials, board members, and hearing examiners. Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfere with the educational process. On or before August 1 of each year, all school boards shall annually review in collaboration with the county attorney of the county in which the principal office of the school district is located the rules and standards concerning student conduct adopted by the school board and the provisions of section 79-267 to define conduct which the principal or designee is required to report to law enforcement under section 79-293.

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.

(2) Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid the dangers described in subsection (1) of this section.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

(2) Such short-term suspension shall be made only after the principal has made an investigation of the alleged conduct or violation and has determined that such suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement.

(3) A school district that has expelled a student may suspend the enforcement of such expulsion unless the expulsion was required by subsection (4) of section 79-283. The suspension may be for a period not to exceed the length of the expulsion. As a condition of such suspended action, the school district may
require participation in a plan pursuant to subsection (2) of this section or assign the student to a school, class, or educational program which the school district deems appropriate.

At the conclusion of such suspension period, the school district shall

(a) Reinstall any student who has satisfactorily participated in a plan pursuant to subsection (2) of this section or the school, class, or educational program to which such student has been assigned and permit the student to return to the school of former attendance or to attend other programs offered by the district or

(b) If the student's conduct has been unsatisfactory, enforce the remainder of the expulsion action.

If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

(1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred

(a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or

(b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section.

Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for

(a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or

(b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year.

Such action may be modified or terminated by the school district at any time during the expulsion period.

REGULATIONS

No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

R.R.S. Neb. § 79-256. Terms, defined.

For purposes of the Student Discipline Act, unless the context otherwise requires:

(1) Long-term suspension means the exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days;
(2) Expulsion means exclusion from attendance in all schools within the system in accordance with section 79-283;

(3) Mandatory reassignment means the involuntary transfer of a student to another school in connection with any disciplinary action; and

(4) Short-term suspension means the exclusion of a student from attendance in all schools within the system for a period not to exceed five school days.

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.

(3) If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of sections 79-266 to 79-287, and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

(3) Before such short-term suspension takes effect, the student shall be given oral or written notice of the charges against him or her, an explanation of the evidence the authorities have, and an opportunity to present his or her version.

(4) Within twenty-four hours or such additional time as is reasonably necessary following such suspension, the principal shall send a written statement to the student and his or her parent or guardian describing the student’s conduct, misconduct, or violation of the rule or standard and the reasons for the action taken. The principal shall make a reasonable effort to hold a conference with the parent or guardian before or at the time the student returns to school.

(5) Any student who is suspended pursuant to this section may be given an opportunity to complete any class work, including, but not limited to, examinations, missed during the period of suspension. Each public school district shall develop and adopt guidelines stating the criteria school officials shall use in determining whether and to what extent such opportunity for completion will be granted to suspended students. The guidelines shall be provided to the student and parent or guardian at the time of suspension.

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.

If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

(1) On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days after the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;

(2) Such written notice shall include the following:

(a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;

(b) The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
(c) A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student has a right to a hearing, upon request, on the specified charges;

(d) A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;

(e) A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail as prescribed in sections 79-271 and 79-272; and

(3) When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if no hearing is requested or, if a hearing is requested, the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be taken to the superintendent, if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of

(a) Interference with an educational function or school purpose or

(b) A personal injury to the student himself or herself, other students, school employees, or school volunteers.

The Student Discipline Act does not preclude the student or the student's parent, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the hearing stage.

R.R.S. Neb. § 79-269. Long-term suspension, expulsion, or mandatory reassignment; hearing; procedure; hearing examiner; how designated; examination of records.

(1) If a hearing is requested within five school days after receipt of the notice as provided in section 79-268, the superintendent shall appoint a hearing examiner who shall, within two school days after being appointed, give written notice to the principal, the student, and the student's parent or guardian of the time and place for the hearing.

(2) The hearing examiner shall be any person designated by the school district's superintendent, school board or board of education, or counsel, if such person (a) has not brought the charges against the student, (b) shall not be a witness at the hearing, and (c) has no involvement in the charge.

(3) The hearing shall be scheduled within a period of five school days after it is requested, but such time may be changed by the hearing examiner for good cause. No hearing shall be held upon less than two school days' actual notice to the principal, the student, and the student's parent or guardian, except with the consent of all the parties.

(4) The principal or legal counsel for the school, the student, and the student's parent, guardian, or representative have the right to examine the records and written statements referred to in the Student Discipline Act as well as the statement of any witness in the possession of the school board or board of education at a reasonable time prior to the hearing.
In addition to the other duties provided in the Student Discipline Act, the hearing examiner shall remain impartial throughout all deliberations. The hearing examiner shall be available prior to any hearing held pursuant to the act to answer any questions the principal, the student, or the student's parent or guardian may have regarding the nature and conduct of the hearing.

R.R.S. Neb. § 79-271. Hearing; not requested within five days; recommended punishment; effect.
If a hearing is not requested under sections 79-268 and 79-269 by the student or the student's parent or guardian within five school days following receipt of the written notice, the punishment recommended in the charge by the principal or his or her designee shall automatically go into effect upon the fifth school day following receipt of the written notice by the student or his or her parent or guardian as required in section 79-268.

R.R.S. Neb. § 79-272. Hearing; requested within thirty days; effect.
If a hearing is requested under sections 79-268 and 79-269 more than five school days but not more than thirty calendar days following the actual receipt of written notice, the hearing shall be held but the imposed punishment shall continue in effect pending final determination.

R.R.S. Neb. § 79-273. Hearing; by whom attended; witnesses; student excluded; when.
Any hearing conducted pursuant to the Student Discipline Act shall be attended by the hearing examiner, the student, the student's parent or guardian, the student's representative, if any, and counsel for the school board or board of education, if the hearing examiner or the superintendent deems it advisable. Witnesses shall be present only when they are giving information at the hearing. The student may be excluded in the discretion of the hearing examiner at times when the student's psychological evaluation or emotional problems are being discussed. The student's representative may be an attorney. The hearing examiner may exclude anyone from the hearing when his or her actions substantially disrupt an orderly hearing.

At a hearing requested under sections 79-268 and 79-269, the student may speak in his or her own defense and may be questioned on his or her testimony, but he or she may choose not to testify and, in such case, shall not be threatened with punishment nor be later punished for refusal to testify.

At a hearing requested under sections 79-268 and 79-269, the principal shall present to the hearing examiner statements, in affidavit form, of any person having information about the student's conduct and the student's records but not unless such statements and records have been made available to the student or the student's parent, guardian, or representative prior to the hearing. The information contained in such records shall be explained and interpreted, prior to or at the hearing, to the student, parent, guardian, or representative, upon request, by appropriate school personnel.

R.R.S. Neb. § 79-277. Hearing; rules of evidence or courtroom procedures; not applicable.
In conducting the hearing requested under sections 79-268 and 79-269, the hearing examiner shall not be bound by the rules of evidence or any other courtroom procedure.

R.R.S. Neb. § 79-278. Hearing; witnesses; testimony; cross-examination.
(1) The student, the student's parent, guardian, or representative, the principal, or the hearing examiner may ask witnesses to testify at the hearing requested under sections 79-268 and 79-269. Such testimony shall be under oath, and the hearing examiner shall be authorized to administer the oath. The hearing...
examiner shall make reasonable effort to assist the student or the student's parent, guardian, or representative in obtaining the attendance of witnesses.

(2) The student, the student's parent, guardian, or representative, the principal, or the hearing examiner has the right to question any witness giving information at the hearing.

R.R.S. Neb. § 79-279. Hearing; witnesses; immunity.
Any person giving evidence by written statement or in person at a hearing requested under sections 79-268 and 79-269 shall be given the same immunity from liability as a person testifying in a court case.

R.R.S. Neb. § 79-280. Hearing; recorded; how paid.
The proceedings of the hearing requested under sections 79-268 and 79-269 shall be recorded at the expense of the school district.

R.R.S. Neb. § 79-281. Hearing; joint hearing; separate hearings; when.
(1) When more than one student is charged with violating the same rule and having acted in concert and when the facts are substantially the same for all such students, a single hearing requested under sections 79-268 and 79-269 may be conducted for such students as a group if the hearing examiner believes that a single hearing is not likely to result in confusion and that no student shall have his or her interests substantially prejudiced by a single hearing.

(2) If during the conduct of the hearing the hearing examiner finds that a student's interests will be substantially prejudiced by a group hearing or that the hearing is resulting in confusion, the hearing examiner may order a separate hearing for any student.

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; final disposition; how determined.
(1) After a hearing requested under sections 79-268 and 79-269, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment, or an alternative educational placement under section 79-266.

(2) A review shall be made of the hearing examiner's report by the superintendent, who may change, revoke, or impose the sanction recommended by the hearing examiner but shall not impose a sanction more severe than that recommended by the hearing examiner.

(3) The findings and recommendations of the hearing examiner, the determination by the superintendent, and any determination on appeal to the governing body, shall be made solely on the basis of the evidence presented at the hearing or, in addition, on any evidence presented on appeal.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.
(1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-282 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second

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semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.


The record in a case under the Student Discipline Act shall consist of the charge, the notice, the evidence presented, the hearing examiner's findings and recommendations, and the action of the superintendent. With respect to any appeal to a court or any subsequent appeal, the record shall consist, in addition, of any additional evidence taken and any additional action taken in the case.

R.R.S. Neb. § 79-285. Hearing; appeal to school board or board of education; procedure.

(1) The student or the student's parent or guardian may, within seven school days following receipt of the written notice of the determination of the superintendent under section 79-282, appeal the superintendent's determination to the school board or board of education by a written request which shall be filed with the secretary of the board or with the superintendent.

(2) A hearing shall be held before the school board or the board of education within a period of ten school days after it is requested, and such time for a hearing may be changed by mutual agreement of the student and superintendent, except that the hearing may be held before a committee of the school board or board of education of not less than three members. Such appeal shall be made on the record, except that new evidence may be admitted to avoid a substantial threat of unfairness and such new evidence shall be recorded as provided in section 79-280.
R.R.S. Neb. § 79-286. Hearing; appeal; school board or board of education; powers and duties.
(1) After examining the record and taking new evidence pursuant to section 79-285, if any, the school board or board of education or the designated committee thereof may withdraw to deliberate privately upon such record and new evidence. Any such deliberation shall be held in the presence only of board members in attendance at the appeal proceeding but may be held in the presence of legal counsel who has not previously acted as the designee of the principal in presenting the school's case before the hearing examiner.
(2) If any questions arise during such deliberations which require additional evidence, the deliberating body may reopen the hearing to receive such evidence, subject to the right of all parties to be present.
(3) The board may alter the superintendent's disposition of the case if it finds the decision to be too severe but may not impose a more severe sanction.

R.R.S. Neb. § 79-287. Hearing; appeal; board; final action.
The final action of the board under section 79-286 shall be evidenced by personally delivering or mailing by certified mail a copy of the board's decision to the student and his or her parent or guardian.

R.R.S. Neb. § 79-288. Final decision; judicial review; appeal to district court; other relief.
Any person aggrieved by a final decision in a contested case under the Student Discipline Act, whether such decision is affirmative or negative in form, shall be entitled to judicial review under sections 79-288 to 79-292. Nothing in the act shall be deemed to prevent resort to other means of review, redress, or relief provided by law.

(1) Proceedings for review under sections 79-288 to 79-292 shall be instituted by filing a petition in the district court of the county where the action is taken within thirty days after the service of the final decision by the school board or board of education under sections 79-286 and 79-287.
(2) All parties of record shall be made parties to the proceedings for review. The court, in its discretion, may permit other interested persons to intervene.
(3) Summons shall be served as in other actions, except that a copy of the petition shall be served upon the board together with the summons. Service of summons upon a duly elected officer of the board or the appointed secretary of the board shall constitute service on the board.
(4) The filing of the petition or the service of summons upon the board shall not stay enforcement of a decision, but the board may stay enforcement, or the court may order a stay after notice to such board of application therefor and upon such terms as it deems proper.
(5) The court may require the party requesting such stay to give bond in such amount and condition as the court may direct but only in cases involving injury or damage to person or property.

R.R.S. Neb. § 79-290. Judicial review; transcript of record and proceedings; responsive pleading not required.
Within fifteen days after service of the petition under section 79-289 or within such further time as the court for good cause shown may allow, the school board or board of education shall prepare and transmit to the court a certified transcript of the record which shall include the rules and regulations of the school board relied upon by the school district in its determination to suspend, reassign, or expel the student and the proceedings conducted before it, including the final decision sought to be reversed, vacated, or modified. The school board need not file any responsive pleading.
R.R.S. Neb. § 79-291. Judicial review; conducted without a jury; grounds for judicial action.
(1) The review under sections 79-288 to 79-292 shall be conducted by the court without a jury on the record.
(2) The court may affirm the decision of the school board or board of education, remand the case for further proceedings, or reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the board's decision is:
   (a) In violation of constitutional provisions;
   (b) In excess of the statutory authority or jurisdiction of the board;
   (c) Made upon unlawful procedure;
   (d) Affected by other error of law;
   (e) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or
   (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the district court under sections 79-288 to 79-291 by appeal as provided in the Administrative Procedure Act.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement.
(3) A school district that has expelled a student may suspend the enforcement of such expulsion unless the expulsion was required by subsection (4) of section 79-283. The suspension may be for a period not to exceed the length of the expulsion. As a condition of such suspended action, the school district may require participation in a plan pursuant to subsection (2) of this section or assign the student to a school, class, or educational program which the school district deems appropriate.
At the conclusion of such suspension period, the school district shall (a) reinstate any student who has satisfactorily participated in a plan pursuant to subsection (2) of this section or the school, class, or educational program to which such student has been assigned and permit the student to return to the school of former attendance or to attend other programs offered by the district or (b) if the student's conduct has been unsatisfactory, enforce the remainder of the expulsion action.
If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

**R.R.S. Neb. § 79-266.01. Expelled student; enrollment in public school; when.**

(1) If a student has been expelled from a public school in any school district in any state or from a private, denominational, or parochial school in any state and the student has not completed the terms of the expulsion, the student shall not be permitted to enroll in a public school in any school district until the school board of the district in which enrollment is sought approves, by a majority vote, the enrollment of the student. As a condition of enrollment, the school board may require attendance in an alternative school, class, or educational program pursuant to section 79-266 until the terms of the expulsion are completed. A student expelled from a private, denominational, or parochial school or from a school in another state may not be prohibited from enrolling in a public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion pursuant to the Student Discipline Act or for any expulsion for an offense for which expulsion is not authorized for a public school student under the act.

**REGULATIONS**

No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**

No relevant laws found.

**REGULATIONS**

**Nebraska Admin. Code Title 92, Ch. 10-011. School Environment.**

Each school system has a seclusion and restraints policy approved by the school board or local governing body.

**Alternative placements**

**LAWS**

**R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement.**

(1) Beginning July 1, 1997, each school district shall have an alternative school, class, or educational program or the procedures of subsection (2) of this section available or in operation for all expelled students.

Any two or more school boards or boards of education may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of
Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs.

(2) If a district does not provide an alternative school, class, or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and (d) require the student to attend monthly reviews in order to assess the student's progress toward meeting the specified goals and objectives.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

(1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 17-001. General Information.

3. The requirements of this rule are only applicable to alternative schools, classes, or programs provided for expelled students or to procedures provided for expelled students in districts not providing alternative schools, courses or programs.

Nebraska Admin. Code Title 92, Ch. 17-002. Definitions.

1. Board means the State Board of Education.
2. Commissioner means the State Commissioner of Education.
3. Department means the State Department of Education, which is comprised of the Board and the Commissioner of Education.
4. Alternative Schools, Classes, or Programs means that special category of schools, classes, or programs required by law to be provided for expelled students.
5. Learning Program means a general program or plan for all expelled students, or an individualized program adapted from a generally offered program, or an individualized program developed by the school and/or designated staff member to assist an expelled student in achieving credit toward graduation.
7. School Board means the school board or board of education of a public school district.

Nebraska Admin. Code Title 92, Ch. 17-003. Establishment and general requirements of alternative schools, classes, or programs.

1. Effective July 1, 1997, the school district shall provide an alternative school, class, or program or shall carry out the procedures of Section 79-266 (2) found in Section 005 of this Rule for students who have been expelled.
A. The alternative school, class, or program for expelled students may be provided by the district, through a cooperative arrangement of two or more districts, or through an arrangement with an educational service unit.

B. Alternative schools, classes, or programs for expelled students may include community-based programs, home-based programs, specialized tutorial experiences, distance-learning, or other programs approved by the local board of education.

C. The school, class, or program for expelled students shall enable the student to continue academic work for credit, and shall also include the standard of student behavior and cooperation required of the student to complete the alternative learning program.

D. If the student fails to meet any of the conditions of the learning program, the district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless waived by the parent or legal guardian.

2. The school district shall have a written policy or plan describing how credit is awarded to students participating in alternative schools, classes, or programs for expelled students.

3. The school district shall make known to expelled students what alternative school(s), class(es), or program(s) is (are) available. If the parent or guardian should refuse to participate, the district has no further obligation with regard to provision of an alternative school, class, or program.

4. Teachers assigned to an alternative school, class, or program for expelled students being provided on-site by a school district or an educational service unit shall hold a valid Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21. Community-based or other off-site programs shall be planned in cooperation with and monitored or supervised by a school district staff member holding a Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21.

5. Alternative schools, classes, or programs for expelled students may be conducted at times other than the regular school day.

Nebraska Admin. Code Title 92, Ch. 17-004. Reporting procedures.

1. Effective with the 1997-98 school year, each school district shall assure, in a manner prescribed by the Department, that the district is in compliance with the requirements of this Chapter.

2. Each school district shall annually report, in a manner prescribed by the Department, a description of the circumstances for any expelled student who knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. The report shall include:
   A. The name of the school concerned.
   B. The number of students expelled from the school.
   C. The types of weapons concerned.
   D. The types of programs to which students have been assigned.

Nebraska Admin. Code Title 92, Ch. 17-005. Procedures for schools not providing schools, classes, or programs

1. Statutory Authority. These procedures are adopted pursuant to Section 79-266 (2) of the Revised Statutes of Nebraska which require that:
   (2) If a district does not provide an alternative school, class or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a
parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall

(a) Specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided,

(b) Identify educational objectives that must be achieved in order to receive credits toward graduation,

(c) Specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and

(d) Require the student to attend monthly reviews in order to assess the student’s progress toward meeting the specified goals and objectives.”
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

R.R.S. Neb. § 28-1204.04. Unlawful possession of a firearm at a school; penalty; exceptions; confiscation of certain firearms; disposition.

(1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to:

(a) The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training,

(b) The possession of firearms by peace officers or other duly authorized law enforcement officers when contracted by a school to provide school security or school event control services,

(c) Firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor,

(d) Firearms which may lawfully be possessed by a member of a college or university firearm team, to include rifle, pistol, and shotgun disciplines, within the scope of such person’s duties as a member of the team,

(e) Firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person’s employment,

(f) Firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and

(i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle,

(g) firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard, or

(h) A handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching
personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either:

(a) The owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or

(b) The owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school.

No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

(2) Each school district shall provide annually to the State Department of Education:

(a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and

(b) A description of the circumstances surrounding any expulsions imposed under the policy required by subsection (1) of this section, including:

(i) The name of the school concerned;

(ii) The number of students expelled from the school; and

(iii) The types of weapons concerned.
R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to:

(a) The issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or

(b) Firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

(5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;[...]

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

No relevant laws found.
REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

R.R.S. Neb. § 79-201. Compulsory education; attendance required; exceptions; reports required.

(1) For purposes of this section, a child is of mandatory attendance age if the child (a) will reach six years of age prior to January 1 of the then-current school year and (b) has not reached eighteen years of age.

(2) Except as provided in subsection (3) of this section, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child who is of mandatory attendance age or is enrolled in a public school shall cause such child to enroll in, if such child is not enrolled, and attend regularly a public, private, denominational, or parochial day school which meets the requirements for legal operation prescribed in Chapter 79, or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements, each day that such school is open and in session, except when excused by school authorities or when illness or severe weather conditions make attendance impossible or impracticable.

(3) Subsection (2) of this section does not apply in the case of any child who:

(a) Has obtained a high school diploma by meeting the graduation requirements established in section 79-729;

(b) Has completed the program of instruction offered by a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements;

(c) Has reached sixteen years of age and has been withdrawn from school pursuant to section 79-202;

(d)(i) Will reach six years of age prior to January 1 of the then-current school year, but will not reach seven years of age prior to January 1 of such school year, (ii) such child's parent or guardian has signed an affidavit stating that the child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides;

(e)(i) Will reach six years of age prior to January 1 of the then-current school year but has not reached seven years of age, (ii) such child's parent or guardian has signed an affidavit stating that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to section 79-1601 not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to subsection (3) of section 79-1601 on or before the child's seventh birthday, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides; or

(f) Will not reach six years of age prior to January 1 of the then-current school year and such child was enrolled in a public school and has discontinued the enrollment according to the policy of the school board adopted pursuant to subsection (4) of this section.

(4) The board shall adopt policies allowing discontinuation of the enrollment of students who will not reach six years of age prior to January 1 of the then-current school year and specifying the procedures therefor.

(5) Each school district that is a member of a learning community shall report to the learning community coordinating council on or before September 1 of each year for the immediately preceding school year the following information:

(a) All reports of violations of this section made to the attendance officer of any school in the district pursuant to section 79-209;
(b) The results of all investigations conducted pursuant to section 79-209, including the attendance record that is the subject of the investigation and a list of services rendered in the case;
(c) The district's policy on excessive absenteeism; and
(d) Records of all notices served and reports filed pursuant to section 79-209 and the district's policy on habitual truancy.

R.R.S. Neb. § 79-202. Compulsory attendance; withdrawal of child from school; exempt from mandatory attendance; exit interview; withdrawal form; validity; child at least sixteen years of age; other enrollment options; later enrollment; effect; Commissioner of Education; duties.

(1) A person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements of section 79-201 if an exit interview is conducted and the withdrawal form is signed as required by subsections (2) through (5) of this section for a child enrolled in a public, private, denominational, or parochial school or if a signed notarized release form is filed with the Commissioner of Education as required by subsection (6) of this section for a child enrolled in a school that elects pursuant to section 79-1601 not to meet accreditation or approval requirements.

(2) Upon the written request of any person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age, the superintendent of a school district or the superintendent's designee shall conduct an exit interview if the child (a) is enrolled in a school operated by the school district or (b) resides in the school district and is enrolled in a private, denominational, or parochial school.

(3) The superintendent or the superintendent's designee shall set the time and place for the exit interview which shall be personally attended by:
   (a) The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable;
   (b) the person who has legal or actual charge or control of the child who requested the exit interview;
   (c) the superintendent or the superintendent's designee;
   (d) the child's principal or the principal's designee if the child at the time of the exit interview is enrolled in a school operated by the school district; and
   (e) any other person requested by any of the required parties who agrees to attend the exit interview and is available at the time designated for the exit interview which may include, but need not be limited to, other school district personnel or the child's principal or such principal's designee if the child is enrolled in a private, denominational, or parochial school.

(4) At the exit interview, the person making the written request pursuant to subsection (2) of this section shall present evidence that
   (a) The person has legal or actual charge or control of the child and
   (b) The child would be withdrawing due to either
      (i) Financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or
      (ii) An illness of the child making attendance impossible or impracticable.

The superintendent or superintendent's designee shall identify all known alternative educational opportunities, including vocational courses of study, that are available to the child in the school district and how withdrawing from school is likely to reduce potential future earnings for the child and increase the likelihood of the child being unemployed in the future. Any other relevant information may be presented and discussed by any of the parties in attendance.
(5)(a) At the conclusion of the exit interview, the person making the written request pursuant to subsection (2) of this section may sign the withdrawal form provided by the school district agreeing to the withdrawal of the child or may rescind the written request for the withdrawal.

(b) Any withdrawal form signed by the person making the written request pursuant to subsection (2) of this section shall be valid only if (i) the child signs the form unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable and (ii) the superintendent or superintendent's designee signs the form acknowledging that the interview was held, the required information was provided and discussed at the interview, and, in the opinion of the superintendent or the superintendent's designee, the person making the written request pursuant to subsection (2) of this section does in fact have legal or actual charge or control of the child and the child is experiencing either (A) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or (B) an illness making attendance impossible or impracticable.

(6) A person who has legal or actual charge or control of the child who is at least sixteen years of age but less than eighteen years of age may withdraw such a child before graduation and be exempt from the mandatory attendance requirements of section 79-201 if such child has been enrolled in a school that elects pursuant to section 79-1601 not to meet the accreditation or approval requirements by filing with the State Department of Education a signed notarized release on a form prescribed by the Commissioner of Education.

(7) A child who has been withdrawn from school pursuant to this section may enroll in a school district at a later date as provided in section 79-215 or may enroll in a private, denominational, or parochial school or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Any such enrollment shall void the withdrawal form previously entered, and the provisions of sections 79-201 to 79-210 shall apply to the child.

(8) The Commissioner of Education shall prescribe the required form for withdrawals pursuant to this section and determine and direct either that

(a) Withdrawal forms of school districts for any child who is withdrawn from school pursuant to this section and subdivision (3)(c) of section 79-201 shall be provided annually to the State Department of Education or

(b) Data regarding such students shall be collected under subsection (2) of section 79-528.

R.R.S. Neb. § 79-203. Compulsory attendance; necessarily employed children; permit.
In case the services or earnings of a child are necessary for his or her own support or the support of those actually dependent upon him or her and the child is fourteen years of age or more and not more than sixteen years of age and has completed the work of the eighth grade, the person having legal or actual charge of such child may apply to the superintendent of the school district in which the child resides or a person designated in writing by the superintendent. The superintendent or designee may, in his or her discretion, issue a permit allowing such child to be employed.

R.R.S. Neb. § 79-204. Compulsory attendance; necessarily employed children; continuation schools; attendance required.
All children who are fourteen years of age or more and not more than sixteen years of age, who reside in a school district in which a part-time continuation school is maintained by authority of the public school district and who are granted permits to be employed under section 79-203, shall attend a public, private, denominational, or parochial part-time continuation school eight hours of each week during the entire school year.
Each teacher in the public, private, denominational, and parochial schools of this state shall keep a record showing

1. The name, age, and address of each child enrolled,
2. The number and county of the school district in which the school is located,
3. The number of days each pupil was present and the number of days absent, and
4. The cause of absence.

On the third day on which the public, private, denominational, and parochial schools are in session at the beginning of each school year, each teacher shall send to the superintendent or administrator of the school a list of the pupils enrolled in his or her school with the age, grade, and address of each.

Each superintendent or administrator of a school district, upon the receipt of the list specified in section 79-205, shall

1. Compare the names of the children enrolled with the last census report on file in his or her office from such district,
2. Prepare a list of all children resident in such district under his or her jurisdiction who are not attending school as provided in section 79-201, and
3. Transmit the list to the officer or officers in such district whose duty it is to enforce the provisions of such section.

Whenever any child enters or withdraws from any school after the third day in which school is in session, the teacher shall transmit at once the name of such child to the superintendent as specified in section 79-206 and the superintendent shall use such information in whatever way he or she deems necessary for the purpose of enforcing section 79-201. At the end of each week each teacher shall report all absences and the cause of absence to the proper superintendent. At the close of each period each teacher shall transmit to the superintendent a report showing

1. The name, age, and address of each child enrolled,
2. The number of half days each child was absent,
3. The number enrolled and the number attending on the last day of the period, and
4. The average daily attendance for the period.

The provisions of this section requiring reports from each teacher shall not apply to individual teachers in schools employing more than one teacher but shall in such case apply to the head teacher, principal, or superintendent who shall obtain the required information from the teachers under his or her supervision or control. All reports and lists required in this section shall be upon blanks prescribed by the State Department of Education.

School boards shall appoint one or more attendance officers who shall be vested with police powers and shall enforce the provisions of section 79-201 in the school districts for which they act. Attendance
officers shall be compensated for their services in such sums as are determined by the school board, to be paid out of the general school fund of the district.

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but not be limited to:

(a) Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and

(b) One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, and the child, when appropriate, to attempt to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:

(i) Illness related to physical or behavioral health of the child;

(ii) Educational counseling;

(iii) Educational evaluation;

(iv) Referral to community agencies for economic services;

(v) Family or individual counseling; and

(vi) Assisting the family in working with other community services;

(vii) Referral to restorative justice practices or services.

(3) The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and the child has been absent more than twenty days per year. The school shall notify the child’s family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.


Any person violating the provisions of sections 79-201 to 79-209 shall be guilty of a Class III misdemeanor.
R.R.S. Neb. § 79-259. Student suspension, expulsion, or exclusion; not a violation of compulsory attendance; compliance with other laws required.

If a student is suspended, expelled, or excluded from school or from any educational function pursuant to the Student Discipline Act, such absence from school shall not be deemed a violation on the part of any person under any compulsory school attendance statutes. Any suspension or expulsion under the act shall comply with the requirements of the Special Education Act and the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

(1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor. [...]
Bullying, harassment, or hazing

LAWS

R.R.S. Neb. § 28-311.06. Hazing, defined; penalty.
(1) For purposes of this section, hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.
(2) It is unlawful to commit the offense of hazing. Any person who commits the offense of hazing is guilty of a Class II misdemeanor.
(3) If the offense of hazing is committed for the purpose of initiation into, admission into, affiliation with, or continued membership with an organization of student members operating under the sanction of a postsecondary educational institution and such offense is committed by members of such organization, such organization shall be punished by a fine of not more than ten thousand dollars. Such organization shall not include the alumni organization or any corporation which owns the house or real estate of such organization.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.
The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:
(8) Engaging in bullying as defined in section 79-2,137;[…]

R.R.S. Neb. § 79-2,137. School district; development and adoption of bullying prevention and education policy; review.
(1) The Legislature finds and declares that:
(a) Bullying disrupts a school’s ability to educate students; and
(b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.
(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.
(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.
(4) The school district shall review the policy annually.
Other special infractions or conditions

LAWS

It shall be unlawful for the pupils of any public school of this state to participate in or be members of any secret fraternity or secret organization that is in any degree a school organization.

R.R.S. Neb. § 79-2,102. Public schools; secret organizations; denial of school privileges; expulsion.
Any school board or board of education may deny any or all school privileges to any regularly enrolled student who violates section 79-2,101 or may expel any such student for failure or refusal to comply with such section.

R.R.S. Neb. § 79-2,103. Public schools; outside organizations; rushing prohibited; violation; penalty.
Any person, whether a pupil of any public school or not, who enters upon the school grounds or any school building for the purpose of rushing or soliciting, while there, any pupil of a public school to join any fraternity, society, or association organized outside of the schools shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two dollars nor more than ten dollars.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

R.R.S. Neb. § 79-2,142. School district; incorporate dating violence education.
Each school district shall incorporate dating violence education that is age-appropriate into the school program. Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

R.R.S. Neb. § 79-258. Administrative and teaching personnel; authorized actions.
Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

R.R.S. Neb. § 79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.
(4) Each school district shall provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units.

R.R.S. Neb. § 79-2,146. Suicide awareness and prevention training.
(1) Beginning in school year 2015-16, all public school nurses, teachers, counselors, school psychologists, administrators, school social workers, and any other appropriate personnel shall receive at
least one hour of suicide awareness and prevention training each year. This training shall be provided within the framework of existing inservice training programs offered by the State Department of Education or as part of required professional development activities.

(2) The department, in consultation with organizations including, but not limited to, the Nebraska State Suicide Prevention Coalition, the Nebraska chapter of the American Foundation for Suicide Prevention, the Behavioral Health Education Center of Nebraska, the National Alliance on Mental Illness Nebraska, and other organizations and professionals with expertise in suicide prevention, shall develop a list of approved training materials to fulfill the requirements of subsection (1) of this section. Such materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services. Such materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(3) The department may adopt and promulgate rules and regulations to carry out this section.

REGULATIONS

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

**R.R.S. Neb. § 79-201. Compulsory education; attendance required; exceptions; reports required.**

(1) For purposes of this section, a child is of mandatory attendance age if the child
   (a) Will reach six years of age prior to January 1 of the then-current school year and
   (b) Has not reached eighteen years of age.
(5) Each school district that is a member of a learning community shall report to the learning community
    coordinating council on or before September 1 of each year for the immediately preceding school year the
    following information:
       (a) All reports of violations of this section made to the attendance officer of any school in the district
           pursuant to section 79-209;
       (b) The results of all investigations conducted pursuant to section 79-209, including the attendance
           record that is the subject of the investigation and a list of services rendered in the case;
       (c) The district's policy on excessive absenteeism; and
       (d) Records of all notices served and reports filed pursuant to section 79-209 and the district's policy on
           habitual truancy.

**R.R.S. Neb. § 79-207. Compulsory attendance; entry or withdrawal of student; teachers’ attendance reports.**

Whenever any child enters or withdraws from any school after the third day in which school is in session,
the teacher shall transmit at once the name of such child to the superintendent as specified in section 79-206
and the superintendent shall use such information in whatever way he or she deems necessary for
the purpose of enforcing section 79-201. At the end of each week each teacher shall report all absences
and the cause of absence to the proper superintendent. At the close of each period each teacher shall
transmit to the superintendent a report showing
   (1) The name, age, and address of each child enrolled,
   (2) The number of half days each child was absent,
   (3) The number enrolled and the number attending on the last day of the period, and
   (4) The average daily attendance for the period.

The provisions of this section requiring reports from each teacher shall not apply to individual teachers in
schools employing more than one teacher but shall in such case apply to the head teacher, principal, or
superintendent who shall obtain the required information from the teachers under his or her supervision or
control. All reports and lists required in this section shall be upon blanks prescribed by the State
Department of Education.

**R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.**

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school
    board who knows of any violation of subsection (2) of section 79-201 shall within three days report such
    violation to the attendance officer of the school, who shall immediately investigate the case. When of his
or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.
If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

(1) On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days after the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;

(2) Such written notice shall include the following:

(a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;

(b) The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;

(c) A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student has a right to a hearing, upon request, on the specified charges;

(d) A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;

(e) A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail as prescribed in sections 79-271 and 79-272; and

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; final disposition; how determined.

(1) After a hearing requested under sections 79-268 and 79-269, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment, or an alternative educational placement under section 79-266. […]

REGULATIONS
No relevant regulations found.
Parental notification

LAWS

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

(4) Within twenty-four hours or such additional time as is reasonably necessary following such suspension, the principal shall send a written statement to the student and his or her parent or guardian describing the student's conduct, misconduct, or violation of the rule or standard and the reasons for the action taken. The principal shall make a reasonable effort to hold a conference with the parent or guardian before or at the time the student returns to school.

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.

If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

(1) On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days after the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;

(2) Such written notice shall include the following:

(a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;

(b) The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;

(c) A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student has a right to a hearing, upon request, on the specified charges;

(d) A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;

(e) A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail as prescribed in sections 79-271 and 79-272; and

The Student Discipline Act does not preclude the student or the student's parent, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the hearing stage.

REGULATIONS

No relevant regulations found.
Reporting and referrals between schools and law enforcement

LAWS

R.R.S. Neb. § 28-1204.04. Unlawful possession of a firearm at a school; penalty; exceptions; confiscation of certain firearms; disposition.

(1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to

(a) The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training,

(b) The possession of firearms by peace officers or other duly authorized law enforcement officers when contracted by a school to provide school security or school event control services,

(c) Firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor,

(d) Firearms which may lawfully be possessed by a member of a college or university firearm team, to include rifle, pistol, and shotgun disciplines, within the scope of such person's duties as a member of the team,

(e) Firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person's employment,

(f) Firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and
   (i) Are encased or
   (ii) Are in a locked firearm rack that is on a motor vehicle,

(g) Firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard, or

(h) A handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the
firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either

(a) The owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or

(b) The owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school.

No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but not be limited to:

(a) Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and

(b) One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, and the child, when appropriate, to attempt to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:

(i) Illness related to physical or behavioral health of the child;

(ii) Educational counseling;
(iii) Educational evaluation;
(iv) Referral to community agencies for economic services;
(v) Family or individual counseling; and
(vi) Assisting the family in working with other community services;
(vii) Referral to restorative justice practices or services.

(3) The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and that the child has been absent more than twenty days per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

R.R.S. Neb. § 79-293. Nebraska Criminal Code violation; principal or principal's designee; notify law enforcement authorities; immunity.

(1) The principal of a school or the principal's designee shall notify as soon as possible the appropriate law enforcement authorities, of the county or city in which the school is located, of any act of the student as provided in subsection (1) of section 79-262 which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

R.R.S. Neb. § 79-2,104. Access to school files or records; limitation; fees; disciplinary material; removed and destroyed; when; sharing of student data, records, and information.

(1) Any student in any public school or his or her parents, guardians, teachers, counselors, or school administrators shall have access to the school's files or records maintained concerning such student, including the right to inspect, review, and obtain copies of such files or records. No other person shall have access to such files or records except (a) when a parent, guardian, or student of majority age provides written consent or (b) as provided in subsection (3) of this section. The contents of such files or records shall not be divulged in any manner to any unauthorized person. All such files or records shall be maintained so as to separate academic and disciplinary matters, and all disciplinary material shall be removed and destroyed after a student's continuous absence from the school for a period of three years.

(2) Each public school may establish a schedule of fees representing a reasonable cost of reproduction for copies of a student's files or records for the parents or guardians of such student, except that the imposition of a fee shall not prevent parents of students from exercising their right to inspect and review the students' files or records and no fee shall be charged to search for or retrieve any student's files or records.
(3)(a) This section does not preclude authorized representatives of (i) auditing officials of the United States, (ii) auditing officials of this state, or (iii) state educational authorities from having access to student or other records which are necessary in connection with the audit and evaluation of federally supported or state-supported education programs or in connection with the enforcement of legal requirements which relate to such programs, except that, when collection of personally identifiable data is specifically authorized by law, any data collected by such officials with respect to individual students shall be protected in a manner which shall not permit the personal identification of students and their parents by other than the officials listed in this subsection. Personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements.

(b) This section does not preclude or prohibit the disclosure of student records to any other person or entity which may be allowed to have access pursuant to the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as such act existed on February 1, 2013, and regulations adopted thereunder.

(4) The Legislature finds and declares that the sharing of student data, records, and information among school districts, educational service units, learning communities, and the State Department of Education, to the fullest extent practicable and permitted by law, is vital to advancing education in this state. Whenever applicable law permits the sharing of such student data, records, and information, each school district, educational service unit, and learning community shall comply unless otherwise prohibited by law. The State Board of Education shall adopt and promulgate rules and regulations providing for and requiring the uniform sharing of student data, records, and information among school districts, educational service units, learning communities, and the department.

R.R.S. Neb. § 79-2,105. School files or records; provided upon student's transfer.

A copy of a public or private school's files or records concerning a student, including academic material and any disciplinary material relating to any suspension or expulsion, shall be provided at no charge, upon request, to any public or private school to which the student transfers.


For purposes of the Student Online Personal Protection Act:

(1) Covered information means personally identifiable information or material or information that is linked to personally identifiable information or material in any medium or format that is not publicly available and is any of the following:

(a) Created or gathered by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for elementary, middle, or high school purposes;

(b) Created by or provided to an operator by an employee or agent of an elementary school, middle school, high school, or school district for elementary, middle, or high school purposes; or

(c) Gathered by an operator through the operation of its site, service, or application for elementary, middle, or high school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information;
(2) Interactive computer service has the definition found in 47 U.S.C. 230, as such section existed on January 1, 2017;

(3) Elementary, middle, or high school purposes means purposes that are directed by or that customarily take place at the direction of an elementary school, a middle school, a high school, a teacher, or a school district or that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, collaboration between students, school personnel, or parents, and other purposes that are pursued for the use and benefit of the school or school district;

(4) Operator means, to the extent it is operating in this capacity, the operator of an Internet web site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for elementary, middle, or high school purposes and was designed and marketed for elementary, middle, or high school purposes. This term does not include Internet web sites, online services, online applications, or mobile applications operated by a postsecondary institution with a physical presence in Nebraska; and

(5) Targeted advertising means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. It does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent advertisements.

R.R.S. § Neb. 79-2,155. Operator; prohibited acts; duties; use or disclosure of covered information; applicability of section.

(1) An operator shall not knowingly:

(a) Engage in targeted advertising on the operator's site, service, or application or targeted advertising on any other site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application for elementary, middle, or high school purposes;

(b) Use covered information, including persistent unique identifiers, created or gathered by the operator's site, service, or application to amass a profile about a student except in furtherance of elementary, middle, or high school purposes. Amassing a profile does not include the collection and retention of account information that remains under the control of the student, the student's parent or guardian, or the elementary school, middle school, or high school;

(c) Sell or rent a student's covered information. This subdivision does not apply to

(i) the purchase, merger, or other type of acquisition of an operator by another entity if the operator or successor entity complies with this section regarding such covered information or

(ii) a national assessment provider if the provider secures the express written consent of the student or parent or guardian of the student given in response to clear and conspicuous notice that access to covered information shall only be provided for purposes of obtaining employment, educational scholarships, financial aid, or postsecondary educational opportunities for such student; or

(d) Except as otherwise provided in subsection (3) of this section, disclose covered information unless the disclosure is made for the following purposes:

(i) In furtherance of the elementary, middle, or high school purpose of the site, service, or application, if the recipient of the covered information disclosed under this subdivision does not further disclose the covered information except to allow or improve operability and functionality of the operator's site, service, or application;
(ii) To ensure legal and regulatory compliance or protect against liability;

(iii) To respond to or participate in the judicial process;

(iv) To protect the safety or integrity of users of the site or other individuals or the security of the site, service, or application;

(v) For a school, educational, or employment purpose requested by the student or the student's parent or guardian if the covered information is not used or further disclosed for any other purpose; or

(vi) To a third party if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain reasonable security procedures and practices.

(2) Nothing in this section shall prohibit the operator from using covered information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

(3) An operator shall:

(a) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information designed to protect that covered information from unauthorized access, destruction, use, modification, or disclosure; and

(b) Delete within a reasonable time period a student's covered information if the elementary school, middle school, high school, or school district requests deletion of covered information under the control of the elementary school, middle school, high school, or school district, unless a student or parent or guardian consents to the maintenance of the covered information.

(4) An operator may use or disclose covered information of a student under the following circumstances:

(a) If other provisions of federal or state law require the operator to disclose the covered information and the operator complies with the requirements of federal and state law in protecting and disclosing such covered information;

(b) As long as no covered information is used for advertising or to amass a profile on the student for purposes other than elementary, middle, or high school purposes, for legitimate research purposes as required by state or federal law and subject to the restrictions under applicable state and federal law or as allowed by state or federal law and in furtherance of elementary, middle, or high school purposes or postsecondary educational purposes; or

(c) To state or local educational agencies, including elementary schools, middle schools, high schools, and school districts, for elementary, middle, or high school purposes, as permitted by state or federal law.

(5) This section does not prohibit an operator from doing any of the following:

(a) Using covered information to improve educational products if such covered information is not associated with an identified student within the operator's site, service, or application or other sites, services, or applications owned by the operator;

(b) Using covered information that is not associated with an identified student to demonstrate or market the effectiveness of the operator's products or services;

(c) Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications;

(d) Using recommendation engines to recommend to a student either of the following:

   (i) Additional content relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party; or
(ii) Additional services relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party; or

(e) Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

(6) This section does not:

(a) Limit the authority of a law enforcement agency to obtain any content or covered information from an operator as authorized by law or under a court order;

(b) Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes;

(c) Apply to general audience Internet web sites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications;

(d) Limit service providers from providing Internet connectivity to schools or a student and his or her family;

(e) Prohibit an operator of an Internet web site, online service, online application, or mobile application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section;

(f) Impose a duty upon a provider of an electronic store, network gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software;

(g) Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers; or

(h) Prohibit a student from downloading, exporting, transferring, saving, or maintaining his or her own student data or documents.

REGULATIONS

No relevant regulations found.

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

LAWS

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.
(2) All school boards shall have a written policy on attendance developed and annually reviewed in
collaboration with the county attorney of the county in which the principal office of the school district is
located. The policy shall include a provision indicating how the school district will handle cases in which
excessive absences are due to illness. The policy shall also state the circumstances and number of
absences or the hourly equivalent upon which the school shall render all services to address barriers to
attendance. Such services shall include, but not be limited to:

(a) Verbal or written communication by school officials with the person or persons who have legal or
actual charge or control of any child; and

(b) One or more meetings between, at a minimum, a school attendance officer, a school social worker,
or a school administrator or his or her designee, the person who has legal or actual charge or control of
the child, and the child, when appropriate, to attempt to address the barriers to attendance. The result
of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to
improve regular attendance. The plan shall consider, but not be limited to:

(i) Illness related to physical or behavioral health of the child;

(ii) Educational counseling;

(iii) Educational evaluation;

(iv) Referral to community agencies for economic services;

(v) Family or individual counseling; and

(vi) Assisting the family in working with other community services;

(vii) Referral to restorative justice practices or services.

(3) The school may report to the county attorney of the county in which the person resides when the
school has documented the efforts it has made as required by subsection (2) of this section that the
collaborative plan to reduce barriers identified to improve regular attendance has not been successful and
that the child has been absent more than twenty days per year. The school shall notify the child’s family in
writing prior to referring the child to the county attorney. Failure by the school to document the efforts
required by subsection (2) of this section is a defense to prosecution under section 79-201 and
adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under
subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not
be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the
process to address excessive absenteeism.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(2) Each school district shall provide annually to the State Department of Education:

(a) An assurance that the school district has in effect the policy required by subsection (1) of this
section; and

(b) A description of the circumstances surrounding any expulsions imposed under the policy required by
subsection (1) of this section, including:

(i) The name of the school concerned;

(ii) The number of students expelled from the school; and

(iii) The types of weapons concerned.
REGULATIONS

Nebraska Admin. Code Title 92, Ch. 17-004. Reporting procedures.
2. Each school district shall annually report, in a manner prescribed by the Department, a description of the circumstances for any expelled student who knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

R.R.S. Neb. § 79-294. Removal of minor from school premises; release to peace officer; principal or other school official; duties; peace officer; duties; juvenile court review; when.

When a principal or other school official releases a minor student to a peace officer as defined in section 49-801 for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the peace officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held or that the disclosure would cause the custody of the minor to be disturbed, the peace officer may refuse to disclose the place where the minor is being held for a period not to exceed twenty-four hours. The peace officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at any subsequent detention hearing.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

R.R.S. Neb. § 79-208. Compulsory attendance; attendance officers; powers and duties; compensation.

School boards shall appoint one or more attendance officers who shall be vested with police powers and shall enforce the provisions of section 79-201 in the school districts for which they act. Attendance officers shall be compensated for their services in such sums as are determined by the school board, to be paid out of the general school fund of the district.
REGULATIONS
No relevant regulations found.
**State Education Agency Support**

State model policies and implementation support

**LAWS**

**R.R.S. Neb. § 79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.**

(1) On or before March 1, 2010, the department shall develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence.

(2) On or before July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school, which shall be made a part of the requirements for accreditation in accordance with section 79-703. Such policy shall include a statement that dating violence will not be tolerated.

(3) To ensure notice of a school district's dating violence policy, the policy shall be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

(4) Each school district shall provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units.

(5) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians a copy of the school district's dating violence policy and relevant information.

(6) This section does not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and does not create or alter any existing tort liability.

**REGULATIONS**

No relevant regulations found.

**Funding appropriations**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

R.R.S. Neb. § 79-293. Nebraska Criminal Code violation; principal or principal's designee; notify law enforcement authorities; immunity.

(2) The principal, the principal's designee, or any other school employee reporting an alleged violation of the Nebraska Criminal Code shall not be civilly or criminally liable as a result of any report authorized by this section unless (a) such report was false and the person making such report knew or should have known it was false or (b) the report was made with negligent disregard for the truth or falsity of the report.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

R.R.S. Neb. § 79-2,143. State school security director; appointment.

The position of state school security director is created within the State Department of Education. The Commissioner of Education shall appoint the director based on experience, knowledge, and skills in the field of school security.

R.R.S. Neb. § 79-2,144. State school security director; duties.

The state school security director appointed pursuant to section 79-2,143 shall be responsible for providing leadership and support for safety and security for the public schools. Duties of the director include, but are not limited to:

(1) Collecting safety and security plans, required pursuant to rules and regulations of the State Department of Education relating to accreditation of schools, and other school security information from each school system in Nebraska. School districts shall provide the state school security director with the safety and security plans of the school district and any other security information requested by the director, but any plans or information submitted by a school district may be withheld by the department pursuant to subdivision (8) of section 84-712.05;

(2) Recommending minimum standards for school security on or before January 1, 2016, to the State Board of Education;
(3) Conducting an assessment of the security of each public school building, which assessment shall be completed by August 31, 2019;

(4) Identifying deficiencies in school security based on the minimum standards adopted by the State Board of Education and making recommendations to school boards for remediying such deficiencies;

(5) Establishing security awareness and preparedness tools and training programs for public school staff;

(6) Establishing research-based model instructional programs for staff, students, and parents to address the underlying causes for violent attacks on schools;

(7) Overseeing suicide awareness and prevention training in public schools pursuant to section 79-2,146;

(8) Establishing tornado preparedness standards which shall include, but not be limited to, ensuring that every school conducts at least two tornado drills per year;

(9) Responding to inquiries and requests for assistance relating to school security from private, denominational, and parochial schools; and

(10) Recommending curricular and extracurricular materials to assist school districts in preventing and responding to cyberbullying and digital citizenship issues.

REGULATIONS

No relevant regulations found.
### State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Nebraska provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th><strong>Description</strong></th>
<th><strong>Website address (if applicable)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullying Prevention, NDE</td>
<td>Describes bullying prevention efforts in Nebraska schools and provides links to resources for schools to address the issue of bullying in schools.</td>
<td><a href="https://www.education.ne.gov/safety/bullying-prevention/">https://www.education.ne.gov/safety/bullying-prevention/</a></td>
</tr>
<tr>
<td>Nebraska Positive Behavioral Interventions and Support, NDE</td>
<td>Provides program information and links to resources for the Positive Behavioral Interventions and Support program in Nebraska schools.</td>
<td><a href="https://www.education.ne.gov/NPBIS/Index.html">https://www.education.ne.gov/NPBIS/Index.html</a></td>
</tr>
<tr>
<td>Nebraska School Safety Center, NDE</td>
<td>Provides an overview on School Safety and links to subtopics including bullying prevention and school safety training.</td>
<td><a href="http://www.education.ne.gov/safety">www.education.ne.gov/safety</a></td>
</tr>
<tr>
<td>NeMTSS Framework</td>
<td>Provides resource and informative presentations on MTSS framework. Provides information and background on the use and implementation of MTSS in Nebraska.</td>
<td><a href="http://nemtss.unl.edu/">http://nemtss.unl.edu/</a></td>
</tr>
</tbody>
</table>

**Documents**

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seclusion in Nebraska Schools (June 2010), NDE</td>
<td>revise policies and procedures related to the use of physical restraint and</td>
<td></td>
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<tr>
<td></td>
<td>seclusion in school settings.</td>
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<tr>
<td>Other Resources</td>
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<tr>
<td>No relevant resources found.</td>
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</tbody>
</table>
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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**Chapter 388. System of Public Instruction**

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#### Provision of Safe and Respectful Learning Environment

##### General Provisions

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General Provisions

Authority to develop and establish rules of conduct

LAWS

NRS 388.133. Policy by Department concerning safe and respectful learning environment.
1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.
2. The policy must include, without limitation:
   (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
   (b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;
   (c) Requirements and methods for restorative disciplinary practices; and
   (d) A policy for use by school districts and schools to train members of the governing body and all personnel employed by the governing body. The policy must include, without limitation:
      (1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
      (2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
      (3) Training concerning the needs of persons with diverse gender identities or expressions;
      (4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
      (5) Methods to promote a positive learning environment;
      (6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
      (7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.
Each governing body shall:
1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The governing body may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.
NRS 392.461. Code of honor relating to cheating; contents; distribution.
1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.
2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.
1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.
2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

NRS 392.464. Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.
1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.
1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
   (a) The provision of training for the prevention of the activities of criminal gangs on school property.
   (b) If the policy includes training:
      (1) A designation of the grade levels of the pupils who must receive the training.
      (2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).
   The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.
   (c) Provisions which prohibit:
      (1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and
      (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
   (d) Provisions which provide for the suspension or expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.
NRS 392.4637. Policy concerning use and possession of pagers, cellular telephones and other electronic devices.
1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.
2. The policy adopted pursuant to subsection 1 must:
   (a)Prescribe appropriate measures for disciplining a pupil who violates the policy.
   (b)Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NRS 392.4638. Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.
1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:
   (a) The types of unlawful activities which a pupil may report; and
   (b) The manner in which a pupil may report the unlawful activities.
2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1.
3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school’s website.
4. If the board of trustees of a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

NRS 392.4644. Plan for restorative discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; written reports by board of trustees concerning compliance with section.
1. The board of trustees of each school district shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:
   (a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, and the parents and guardians of pupils who are enrolled in schools within the school district.
   (b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.
   (c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.
   (d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.
   (e) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.
(f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(g) Be posted on the Internet website maintained by the school district.

REGULATIONS
No relevant regulations found.

Scope

LAWS

NRS 388.135. Bullying and cyber-bullying prohibited.
A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

NRS 388.1454. Legislative findings and declarations concerning SafeVoice Program.
The Legislature hereby finds and declares that a SafeVoice Program is necessary because:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature and sections 2 to 5, inclusive, of this act, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school or by a pupil enrolled at a public school.

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant
to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

NRS 453.3345 Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.322:

(a) On the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths or a video arcade;
(b) On a campus of the Nevada System of Higher Education;
(c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center or arcade; or
(d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

(a) “Playground” means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.
(b) “Recreational center for youths” means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.
(c) “School bus” has the meaning ascribed to it in NRS 483.160.
(d) “Video arcade” means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

REGULATIONS
No relevant regulations found.
Communication of policy

LAWS

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district or school.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district or school. Upon the request of a parent or legal guardian, the school district or school shall provide the parent or legal guardian with a written copy of the policies.

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.139. Text of certain provisions required to be included in rules of behavior.

Each school district shall include the text of the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading “Bullying and Cyber-Bullying Is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.
NRS 392.461. Code of honor relating to cheating; contents; distribution.
4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.
5. Each classroom teacher shall:
   (a) Distribute the code of honor to each pupil enrolled in the teacher's class and to the parent or legal guardian of each pupil enrolled in his or her class at the beginning of each school year or upon a pupil's enrollment in the teacher's class, as applicable;
   (b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and
   (c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.
3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

NRS 392.4644. Plan for restorative discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; written reports by board of trustees concerning compliance with section.
2. On or before September 15 of each year, the principal of each public school shall:
   (a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;
   (b) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;
   (c) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and
   (d) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

NRS 392.4644. Plan for restorative discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; written reports by board of trustees concerning compliance with section.

1. The board of trustees of each school district shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:
   (a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, and the parents and guardians of pupils who are enrolled in schools within the school district.
   (b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.
   (c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.
   (d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.
   (e) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.
   (f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.
   (g) Be posted on the Internet website maintained by the school district.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

   (a) The pupil;
   (b) A parent or legal guardian of the pupil;
   (c) The principal of the school; and
   (d) The teacher or other staff member who removed the pupil. The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil must be allowed to return to the classroom or other premises unless:

   (a) The parent or legal guardian of the pupil refuses to attend the conference;
   (b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or
   (c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and the pupil’s parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and the pupil’s parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil’s behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

NRS 392.4647. Establishment of committee to review temporary alternative placement of pupils.

1. On or before September 15 of each school year, the principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal, two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school and one staff member who is selected for membership by a majority of the staff members who are employed at the school. One additional teacher and one additional staff member must be selected in the same manner to serve as an
alternate member. A teacher or staff member who has served on the committee for 2 consecutive years or more is not eligible to be selected for membership.

2. If a pupil is removed from the classroom or other premises of a public school pursuant to NRS 392.4645 by a teacher or staff member who is a member of a committee established pursuant to this section, the teacher or staff member shall not participate in the review of the placement of the pupil and the appropriate alternate member shall serve on the committee for that review.

NRS 392.4648. Powers and duties of committee to review temporary alternative placement of pupils; principal to report to school district when committee convened; submission of compiled reports.  
1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of NRS 392.4646, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil’s removal from the classroom or other premises of the public school and the pupil’s behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:
   (a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;
   (b) Assign the pupil to another appropriate classroom or other premises;
   (c) Assign the pupil to an alternative program of education, if available;
   (d) Recommend the suspension or expulsion of the pupil in accordance with NRS 392.467; or
   (e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 is convened and, upon the conclusion of the committee’s review of a placement, shall supplement the report with the result of the assessment of the committee.

3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

NRS 392.472. Requirement to provide plan of action before expelling pupil; example plans of action; approval of plans of action; guidance document; regulations.
1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:
(a) Positive behavioral interventions and support;
(b) A plan for behavioral intervention;
(c) A referral to a team of student support;
(d) A referral to an individualized education program team;
(e) A referral to appropriate community-based services; and
(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:
   (a) A description of the requirements of this section and NRS 392.462;
   (b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;
   (c) One or more models of restorative justice and best practices relating to restorative justice;
   (d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and
   (e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:
   (a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).
   (b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

NRS 388.478. “Corporal punishment” defined.
“Corporal punishment” means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.

NRS 392.4633. Corporal punishment prohibited.
1. Corporal punishment must not be administered upon a pupil in any public school.
2. Subsection 1 does not prohibit any person from defending himself or herself if attacked by a pupil.
3. As used in this section, “corporal punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:
(a) To quell a disturbance that threatens physical injury to any person or the destruction of property;
(b) To obtain possession of a weapon or other dangerous object within a pupil’s control;
(c) For the purpose of self-defense or the defense of another person; or
(d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitations.

1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district may authorize the suspension or expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in NRS 392.466, a pupil who is not more than 10 years of age must not be permanently expelled from school.

2. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil’s suspension or expulsion.

3. The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

   (a) Conducts an independent investigation of the conduct of the pupil; and
   (b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

5. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.
6. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence.

(b) Permanently expelled from school pursuant to this section.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

REGULATIONS
No relevant regulations found.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

NRS 392.4634. Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance or regulation.

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:
   (a) Simulating a firearm or dangerous weapon while playing; or
   (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:
   (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
   (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
   (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
   (d) Using a finger or hand to simulate a firearm or dangerous weapon;
   (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
   (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:
   (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
   (b) Causes bodily harm to another person; or
   (c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:
   (a) “Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection 11 of NRS 392.466.
   (b) “Firearm” has the meaning ascribed to it in paragraph (c) of subsection 11 of NRS 392.466.
NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:
   (a) The employee feels any actions taken pursuant to such plan are inappropriate; and
   (b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:
(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Permanently expelled from school pursuant to this section.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitations.

1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district may authorize the suspension or expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in NRS 392.466, a pupil who is not more than 10 years of age must not be permanently expelled from school.

2. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil’s suspension or expulsion.
3. The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:
   (a) Conducts an independent investigation of the conduct of the pupil; and
   (b) Gives notice of the charges brought against the pupil by the school to the pupil.
4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.
5. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.
6. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:
   (a) Suspended from school pursuant to this section for not more than 5 days for each occurrence.
   (b) Permanently expelled from school pursuant to this section.

REGULATIONS

NAC 388.265. Suspension, expulsion or exclusion of pupil with disability.
1. A pupil with a disability may not be suspended, expelled or excluded from attendance by a public agency except upon compliance with the provisions of this section, 34 C.F.R. §§ 300.530 to 300.536, inclusive, and 20 U.S.C. § 1415(k). School personnel may consider any unique circumstances, including, without limitation, the disciplinary history of the pupil, the ability of the pupil to understand consequences, whether the pupil expresses remorse and whether support was provided before the misconduct, on a case-by-case basis when determining whether to make a change of placement for a pupil with a disability who violates a code of conduct for pupils.
2. Before initiating any suspension, expulsion or exclusion that will result in a change of placement for the pupil during a school year, the public agency shall convene a meeting of relevant members of the committee, as determined by the parent and the public agency, that developed the pupil’s individualized educational program pursuant to NAC 388.281. The public agency may appoint other qualified personnel to meet with those relevant members of the committee.
3. The public agency, the parent, the relevant members of the committee and any other qualified personnel appointed by the public agency to meet with the relevant members of the committee shall:
   (a) Consider all information relevant to the behavior subject to disciplinary action, including, without limitation:
      (1) Evaluations and diagnostic results, including, without limitation, relevant information supplied by the parents of the pupil;
      (2) Observations of the pupil; and
      (3) The pupil’s individualized educational program and placement.
   (b) Determine whether the behavior of the pupil was a manifestation of the disability of the pupil. In carrying out the requirements of this paragraph, it must be determined whether the conduct in question was:
      (1) Caused by or directly and substantially related to the disability of the pupil; or
(2) The direct result of the public agency’s failure to implement the pupil’s individualized educational program.

If the public agency, the parent and the relevant members of the committee determine that either subparagraph (1) or (2) is applicable to the pupil, the conduct must be determined to be a manifestation of the disability of the pupil.

(c) Prepare a report containing their findings and conclusions.

4. The public agency shall provide to a pupil with a disability who is suspended, expelled or excluded a free appropriate public education in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on the 11th school day that the pupil is removed and during any subsequent school day in the same school year in which the pupil is removed from school.

5. As used in this section:

(a) “Change of placement” occurs under the circumstances described in 34 C.F.R. § 300.536.

(b) “School day” means any day, including a partial day, that pupils are in attendance at school for instructional purposes.

## Administrative procedures related to suspension and expulsion

### LAWS

**NRS 388.13535. Deferral of required investigation of bullying or cyber-bullying; actions by administrator or designee if investigation is deferred; exemption from certain requirements if violation committed by certain pupils.**

1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:

   (a) Immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

   (b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive.

3. Any plan developed pursuant to subsection 1 must be carried out in a manner that causes the least possible disruption for the reported victim or victims of bullying or cyber-bullying. When necessary, the administrator or his or her designee shall give priority to protecting the reported victim or victims over any interest of the reported perpetrator or perpetrators when determining how to carry out the plan.

4. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:

   (a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil’s individualized education program; and

   (b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

5. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:
(a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.
(b) An employee of a school or school district against another employee of a school or school district.
(c) An adult who is not a pupil or employee of a school or school district against another such adult.

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.
1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:
   (a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; and
   (b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.
2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil’s record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.
3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:
   (a) A description of the act committed by the pupil and the date on which the act was committed;
   (b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;
   (c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;
   (d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil’s behavior is not a manifestation of the pupil’s disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and
   (e) A summary of the provisions of subsection 5.
4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.
5. If a pupil is suspended the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or
legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be
designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without
limitation,

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to
schedule.
(b) Information regarding schools with a mission to serve pupils who have been:
   (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
   (2) Deemed to be a habitual disciplinary problem pursuant to this section.
(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
(d) A voluntary agreement by the pupil and the pupil’s parent or legal guardian to attend counseling,
programs or services available in the school district or community.
(e) A voluntary agreement by the pupil and the pupil’s parent or legal guardian that the pupil will attend
summer school, intersession school or school on Saturday, if any of those alternatives are offered by
the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she
enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not
successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant
to this section may appeal to the board of trustees of the school district a determination made by the
school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan
of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the
determination in accordance with the procedure established by the board of trustees for such matters.

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession
of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a
habitual disciplinary problem; appeal by employee who is victim of battery; suspension or
expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with
disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the
bodily injury of an employee of the school or who sells or distributes any controlled substance while on
the premises of any public school, at an activity sponsored by a public school or on any school bus and
who is at least 11 years of age shall meet with the school and his or her parent or
legal guardian. The
school shall provide a plan of action based on restorative justice to the parent or legal guardian of the
pupil. The pupil may be expelled from the school, in which case the pupil shall:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have
been suspended or expelled from public school or a program of distance education provided pursuant
to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment
in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school
may appeal to the school the plan of action provided pursuant to subsection 1 if:
   (a) The employee feels any actions taken pursuant to such plan are inappropriate; and
   (b) For a pupil who committed the battery and is participating in a program of special education
pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances
and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

   (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

   (b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:

   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to
this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Permanently expelled from school pursuant to this section.

11. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoile, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitations.

2. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil’s suspension or expulsion.

REGULATIONS

NAC 388.915. Complaint concerning outcome of appeal or violation of provisions of law; preliminary report concerning whether to conduct further investigation; final report when further investigation is conducted; Department authorized to request school district to prepare plan of corrective action; employee subject to disciplinary action prohibited from administrative appeal of such action.

1. Not later than 30 days after receiving notification of the final resolution of an appeal made pursuant to the policy adopted pursuant to NAC 388.910, the parent or guardian of a pupil directly involved in the
reported violation of NRS 388.135 may submit a complaint to the Department concerning the outcome of
the appeal or a violation of any provision of NRS 388.121 to 388.1395, inclusive, or NAC 388.870 to
388.920, inclusive, or criminal conduct by a teacher, administrator, principal, coach, other staff member or
member of the board of trustees of a school district. Each complaint must be in writing and must include,
without limitation:

(a) Contact information for the parent or guardian;
(b) A copy of the written report of the findings and conclusions of the investigation conducted pursuant
to NRS 388.1351 and NAC 388.900;
(c) Any written record of the appeal prepared by or at the direction of the school district or school
regarding the violation or, if there is not a written record, a narrative summation provided
by the parent or guardian, including any contact information that will assist the Department in verifying
the accuracy of the narrative summation;
(d) If the complaint concerns the outcome of an appeal, the outcome that the parent or guardian would
have preferred;
(e) If the complaint alleges that a teacher, administrator, principal, coach, other staff member or
member of the board of trustees of a school district has violated any provision of NRS 388.121 to
388.1395, inclusive, or NAC 388.870 to 388.920, inclusive, the specific provision that was allegedly
violated and a description of the alleged violation;
(f) If the complaint alleges that a teacher, administrator, principal, coach, other staff member or member
of the board of trustees of a school district has engaged in criminal conduct, a description of the alleged
crime; and
(g) Any other information that the parent or guardian determines would be useful to the Department
when resolving the complaint.

2. The Department shall not provide legal advice, including, without limitation, advice concerning whether
a statute or regulation has been violated or whether a crime has been committed.

3. After a complaint is submitted pursuant to this section, the Department may request any additional
information necessary to conduct an investigation. The Department shall make any such request for
additional information within 5 working days after receipt of the initial complaint. The Department shall
notify a parent or guardian who submits a complaint when the Department determines that the complaint
is complete and requires no additional information for the purposes of making a preliminary determination
pursuant to subsection 4.

4. After receiving a complaint that is complete, the Department shall determine whether it will conduct
further investigation into the complaint and issue to the parent or guardian of each pupil directly involved
in the incident described in the complaint, any other person involved in that incident and the
superintendent of the school district a preliminary report containing that determination. The Department
shall issue the preliminary report not later than 10 working days after receipt of the completed complaint
pursuant to subsection 3.

5. If the Department conducts further investigation after issuing a preliminary report pursuant to
subsection 4, the Department shall issue to the parent or guardian of each pupil directly involved in the
incident, any other person involved in that incident and the superintendent of the school district a final
report concerning the findings and conclusions of the investigation. The Department shall issue the final
report not later than 45 working days after the preliminary report is issued unless the Department notifies
the parent or guardian of each pupil directly involved in the incident, any other person involved in the
incident and the superintendent of the school district that the Department needs more time to conduct the
investigation.
6. As a result of a complaint submitted pursuant to this section, the Department may request that a school district prepare a plan of corrective action, including any recommendations made by the Department.

7. An employee who is subject to disciplinary action pursuant to NRS 388.1354 may not appeal that disciplinary action to the Department pursuant to this section.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Return to school following removal**

**LAWS**

**NRS 392.4657. Conditions under which pupil deemed suspended.**

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and
2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

**REGULATIONS**

No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**

**NRS 388.471. Definitions.**

As used in NRS 388.471 to 388.515, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.473 to 388.495, inclusive, have the meanings ascribed to them in those sections.

**NRS 388.473. “Aversive intervention” defined.**

“Aversive intervention” means any of the following actions if the action is used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability:

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. The administration of chemical restraint to a person;
8. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room;

9. Requiring a person to perform exercise under forced conditions if the:
   (a) Person is required to perform the exercise because he or she exhibited a behavior that is related to his or her disability;
   (b) Exercise is harmful to the health of the person because of his or her disability; or
   (c) Nature of the person’s disability prevents him or her from engaging in the exercise; or

10. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:
   (a) Food or liquid at a time when it is customarily served; or
   (b) Medication.

NRS 388.476. “Chemical restraint” defined.
“Chemical restraint” means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.

NRS 388.478. “Corporal punishment” defined.
“Corporal punishment” means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.

NRS 388.485. “Electric shock” defined.
“Electric shock” means the application of electric current to a person’s skin or body. The term does not include electroconvulsive therapy.

“Emergency” means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.

NRS 388.491. “Mechanical restraint” defined.
“Mechanical restraint” means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person’s movement or hold a person immobile.

NRS 388.494. “Physical restraint” defined.
“Physical restraint” means the use of physical contact to limit a person’s movement or hold a person immobile.

NRS 388.495. “Verbal and mental abuse” defined.
“Verbal and mental abuse” means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.
NRS 388.497. **Aversive intervention prohibited.**

A person employed by the board of trustees of a school district or any other person shall not use any aversive intervention on a pupil with a disability.

NRS 388.499. **Physical restraint and mechanical restraint prohibited; exceptions.**

A person employed by the board of trustees of a school district or any other person shall not:

1. Except as otherwise provided in NRS 388.501, use physical restraint on a pupil with a disability.

2. Except as otherwise provided in NRS 388.503, use mechanical restraint on a pupil with a disability.

NRS 388.501. **Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.**

1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

   (a) An emergency exists that necessitates the use of physical restraint;

   (b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to the pupil or to others or causing severe property damage; and

   (c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

   (a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if the pupil's resistance is minimal in intensity and duration;

   (b) Escort or carry the pupil to safety if the pupil is in danger in his or her present location; or

   (c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil’s cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil’s individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil’s rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report to the school district on its findings.

5. If a pupil with a disability has five reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil’s individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil’s individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil’s individualized education program additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.
NRS 388.503. Conditions under which mechanical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:
   
   (a) An emergency exists that necessitates the use of mechanical restraint;
   
   (b) A medical order authorizing the use of mechanical restraint from the pupil’s treating physician or advanced practice registered nurse is included in the pupil’s individualized education program before the application of the mechanical restraint;
   
   (c) The physician or advanced practice registered nurse who signed the order required pursuant to paragraph (b) or the attending physician or attending advanced practice registered nurse examines the pupil as soon as practicable after the application of the mechanical restraint;
   
   (d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;
   
   (e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician or advanced practice registered nurse who signed the order;
   
   (f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;
   
   (g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;
   
   (h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and
   
   (i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or herself.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:
   
   (a) Treat the medical needs of the pupil;
   
   (b) Protect a pupil who is known to be at risk of injury to himself or herself because he or she lacks coordination or suffers from frequent loss of consciousness;
   
   (c) Provide proper body alignment to a pupil; or
   
   (d) Position a pupil who has physical disabilities in a manner prescribed in the pupil’s individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil’s cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil’s individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil’s rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report of its findings to the school district.
5. If a pupil with a disability has five reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil’s individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil’s individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil’s individualized education program additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.

NRS 388.505. Mandatory education and training for staff.
1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:
   (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
   (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
   (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;
   (d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and
   (e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.
2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.

NRS 388.506. Disciplinary action against person for intentional violation.
In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates NRS 388.499 is subject to disciplinary action pursuant to NRS 391.330 or 391.750, or both.

NRS 388.508. Report of violation; corrective plan required; appointment of administrator to oversee school under certain circumstances.
1. A school where a violation of NRS 388.471 to 388.515, inclusive, occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.
2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.
3. The superintendent of schools of the school district shall submit the plan to the Department. The Department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The Department may require appropriate revision of the plan to ensure compliance.
4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the Department, the Department may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the Superintendent of Public Instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the Department for any expenses incurred by the Department pursuant to this subsection.

**NRS 388.511. Retaliation for reporting violation prohibited.**

An officer, administrator or employee of a public school shall not retaliate against any person for having:

1. Reported a violation of NRS 388.471 to 388.515, inclusive; or

2. Provided information regarding a violation of NRS 388.471 to 388.515, inclusive, by a public school or a member of the staff of the public school.

**NRS 388.513. Reporting of denial of rights; investigation and resolution of disputes by Department.**

1. A denial of rights of a pupil with a disability pursuant to NRS 388.471 to 388.515, inclusive, must be entered in the pupil’s cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district or its designee.

2. If the board of trustees of a school district or its designee receives notice of a denial of rights pursuant to subsection 1, the board of trustees or its designee shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.

3. The Department:
   (a) Shall receive reports made pursuant to subsection 2;
   (b) May investigate apparent violations of the rights of pupils with disabilities; and
   (c) May act to resolve disputes relating to apparent violations.

**NRS 388.515. Annual report by school districts on use of restraint and violations; compilation of reports by Department; submission of compilation to Legislature.**

1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:
   (a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;
   (b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and
   (c) The number of violations of NRS 388.471 to 388.515, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.
2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:
   (a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.
   (b) In odd-numbered years, to the Legislative Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

NRS 392.017. Regulations concerning school choice for pupils enrolled in persistently dangerous school and for pupils who are victims of violent offense while at school.
The State Board shall adopt regulations to carry out the provisions of 20 U.S.C. § 7912 concerning the choice that must be offered to a pupil to attend another public school, including, without limitation, a charter school, if the pupil is enrolled in a persistently dangerous school or is the victim of a violent offense while at school or on the grounds of the school in which the pupil is enrolled. The regulations must include the criteria for identifying a school as persistently dangerous.

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.
1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:
(a) The employee feels any actions taken pursuant to such plan are inappropriate; and
(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.
8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:
   (a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.
   (b) Permanently expelled from school pursuant to this section.

11. As used in this section:
   (a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.
   (b) “Dangerous weapon” includes, without limitation, a blackjack, slugshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.
   (c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.
   (d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to
respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;
(b) Studies or remains under the supervision of appropriate personnel of the school district; and
(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or
(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section. If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

NRS 392.4675. Certain suspended or expelled pupils ineligible to attend public school; authority for school district or charter school to enroll ineligible pupil in alternative programs, independent study, distance education or charter school designated for pupils with disciplinary problems or challenge school.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;
(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school;
(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive; or
(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or
(e) A challenge school,
if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.

REGULATIONS

NAC 388.500. “Alternative program” defined.
As used in NAC 388.510 and 388.520, unless the context otherwise requires, “alternative program” means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of school.
NAC 388.510. General requirements; effective period.
1. A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department of Education and must address the considerations set forth in NRS 388.537.
2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval. The board of trustees of a school district shall update its plan for an alternative program at least once annually if a substantive change is made to the plan.

NAC 388.520. Plan to provide for independent study.
1. An alternative program may include a plan to provide for independent study pursuant to NAC 389.710 to 389.750, inclusive.
2. A plan to provide for independent study must include:
   (a) A description of the pupils targeted for enrollment in courses of independent study.
   (b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.
   (c) The names of the courses of independent study to be taught.
   (d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in NAC 389.720.
   (e) A statement of the maximum period allowed to complete the courses of independent study.
   (f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

NRS 202.265. Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.
1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:
   (a) An explosive or incendiary device;
   (b) A dirk, dagger or switchblade knife;
   (c) A nunchaku or trefoil;
   (d) A blackjack or billy club or metal knuckles;
   (e) A pistol, revolver or other firearm; or
   (f) Any device used to mark any part of a person with paint or any other substance.
2. Any person who violates subsection 1 is guilty of a gross misdemeanor.
3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:
   (a) A private or public school or child care facility by a:
      1) Peace officer;
      2) School security guard; or
      3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
   (b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.
4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.
5. For the purposes of this section:
   (a) “Child care facility” means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.
   (b) “Firearm” includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.
   (c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.
   (d) “Switchblade knife” has the meaning ascribed to it in NRS 202.350.
   (e) “Trefoil” has the meaning ascribed to it in NRS 202.350.
   (f) “Vehicle” has the meaning ascribed to “school bus” in NRS 484A.230.
NRS 392.4634. Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance or regulation.

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:
   (a) Simulating a firearm or dangerous weapon while playing; or
   (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:
   (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
   (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
   (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
   (d) Using a finger or hand to simulate a firearm or dangerous weapon;
   (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
   (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:
   (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
   (b) Causes bodily harm to another person; or
   (c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:
   (a) “Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection 11 of NRS 392.466.
   (b) “Firearm” has the meaning ascribed to it in paragraph (c) of subsection 11 of NRS 392.466.

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The
school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and
(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

   (a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

   (b) Permanently expelled from school pursuant to this section.

11. As used in this section:

   (a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

   (b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

   (c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

   (d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

REGULATIONS

No relevant regulations found.
Other weapons

LAWS

NRS 202.265. Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:
   (a) An explosive or incendiary device;
   (b) A dirk, dagger or switchblade knife;
   (c) A nunchaku or trefoil;
   (d) A blackjack or billy club or metal knuckles;
   (e) A pistol, revolver or other firearm; or
   (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:
   (a) A private or public school or child care facility by a:
      (1) Peace officer;
      (2) School security guard; or
      (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
   (b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:
   (a) “Child care facility” means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.
   (b) “Firearm” includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.
   (c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.
   (d) “Switchblade knife” has the meaning ascribed to it in NRS 202.350.
   (e) “Trefoil” has the meaning ascribed to it in NRS 202.350.
   (f) “Vehicle” has the meaning ascribed to “school bus” in NRS 484A.230.
NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:
   (a) The employee feels any actions taken pursuant to such plan are inappropriate; and
   (b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:
(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:

   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

   (a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.
   (b) Permanently expelled from school pursuant to this section.

11. As used in this section:

   (a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.
   (b) “Dangerous weapon” includes, without limitation, a blackjack, slugshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.
   (c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.
   (d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.
12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:
   (a) The employee feels any actions taken pursuant to such plan are inappropriate; and
   (b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant
to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:
   (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
   (b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil’s suspension is for one school semester, the pupil must:
   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:
    (a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.
(b) Permanently expelled from school pursuant to this section.

11. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

   (a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; and

   (b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil’s record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

   (a) A description of the act committed by the pupil and the date on which the act was committed;

   (b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

   (c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school
semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school; (d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil’s behavior is not a manifestation of the pupil’s disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and (e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation,

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
(b) Information regarding schools with a mission to serve pupils who have been:
   (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
   (2) Deemed to be a habitual disciplinary problem pursuant to this section.
(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
(d) A voluntary agreement by the pupil and the pupil’s parent or legal guardian to attend counseling, programs or services available in the school district or community.
(e) A voluntary agreement by the pupil and the pupil’s parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

REGULATIONS

No relevant regulations found.
Attendance and truancy

LAWS

NRS 392.040. Attendance required for child between 7 and 18 years of age; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement; effect of military transfer of parent of child.

1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and the child’s enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:
   (a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or
   (b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,
   and the child’s enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child’s sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child’s first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:
   (a) If the child has completed kindergarten and the first grade, be admitted to the second grade.
(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child’s attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived the child’s attendance from kindergarten pursuant to subsection 4,
to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 392C.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child’s age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child’s age.

10. As used in this section, “kindergarten” includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child’s home pursuant to NRS 388.060.

NRS 392.140. Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child's teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

may again be declared a habitual truant.
3. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.144. Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions.

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:
   (a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;
   (b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or
   (c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:
   (a) Report a pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2;
   (b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or
   (c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:
   (a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or
   (b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

NRS 392.146. Contents of written referral to advisory board; notice to parents or guardian.

A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written explanation of the reason for the referral;
3. A summary of the provisions of NRS 392.147; and

4. The address and telephone number of the advisory board to review school attendance.

NRS 392.147. Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency or referral for administrative sanctions under certain circumstances; appeal by parent; confidentiality of information.

1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:
(a) The pupil and the pupil’s parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;
(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;
(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or
(d) The pupil or the pupil’s parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil’s family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

**NRS 392.148. Administrative sanctions against habitual truant after investigation and hearing; suspension or delay in issuance of driver’s license; appeal by parent or guardian.**

1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver’s license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver’s license, the order must provide that the pupil is prohibited from applying for a driver’s license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver’s license; or
(2) After the date the pupil becomes eligible to apply for a driver’s license if the pupil is not eligible to apply for a driver’s license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver’s license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver’s license, the order must provide that the pupil is prohibited from applying for a driver’s license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver’s license; or
(2) The date the pupil becomes eligible to apply for a driver’s license if the pupil is not eligible to apply for a driver’s license.

2. If a pupil applies for a driver’s license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver’s license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver’s license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver’s license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver’s license of a pupil:

(a) The pupil shall surrender his or her driver’s license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver’s license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver’s license of the pupil to an insurance company or its agent inquiring about the pupil’s driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver’s license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

NRS 392.149. Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to NRS 392.144; or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom
the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:
   (a) The local law enforcement agency;
   (b) A school police officer employed by the board of trustees of the school district; or
   (c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:
   (a) Fix the compensation of the attendance officer;
   (b) Prescribe the duties of the attendance officer; and
   (c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:
   (a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;
   (b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and
   (c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

NRS 392.160. Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:
   (a) Any child between the ages of 7 and 18 years; and
   (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

   who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:
   (a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.
(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, “counseling agency” means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitations.

5. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

NRS 392.900. Interference with pupil attending school; penalty.

1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.

2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

NRS 392.464. Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.
NRS 392.466. Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:

   (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
   (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

NRS 453.3345. Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.322:

   (a) On the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths or a video arcade;
   (b) On a campus of the Nevada System of Higher Education;
   (c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center or arcade; or
   (d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

   (a) “Playground” means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.
   (b) “Recreational center for youths” means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.
   (c) “School bus” has the meaning ascribed to it in NRS 483.160.
   (d) “Video arcade” means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.
REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

NRS 200.605. Penalties; definition.
1. A person who engages in hazing is guilty of:
   (a) A misdemeanor, if no substantial bodily harm results.
   (b) A gross misdemeanor, if substantial bodily harm results.
2. Consent of a victim of hazing is not a valid defense to a prosecution conducted pursuant to this section.
3. For the purposes of this section, an activity shall be deemed to be “forced” if initiation into or affiliation with a student organization, academic association or athletic team is directly or indirectly conditioned upon participation in the activity.
4. As used in this section, “hazing” means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school, college or university in this state. The term:
   (a) Includes, without limitation, any physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances.
   (b) Does not include any athletic, curricular, extracurricular or quasi-military practice, conditioning or competition that is sponsored or approved by the high school, college or university.

NRS 388.077. Right of pupils to constitutional expression; limitation; resolution of complaint by pupil of violation of right.
1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.
2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to engage in bullying or cyber-bullying or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.
3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:
   (a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;
   (b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;
   (c) Prohibits, without limitation, the following:
      (1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;
(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, unless such conduct substantially disrupts the ability of the public school to perform its educational mission and the disruption was intentional; and

(d) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 or 3 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

5. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

NRS 388.121. Definitions.
As used in NRS 388.121 to 388.1395, inclusive, and section 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

NRS 388.122. “Bullying" defined.
1. “Bullying” means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:
(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

NRS 388.123. “Cyber-bullying” defined.

“Cyber-bullying” means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor. As used in this section, “sexual image” has the meaning ascribed to it in NRS 200.737.

NRS 388.124. “Electronic communication” defined.

“Electronic communication” means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.

NRS 388.132. Legislative declaration concerning safe and respectful learning environment.

The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;

2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State’s high academic standards;

3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education in this State;

4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

6. It will ensure that:

   (a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;
(b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;

(d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, regarding a response to bullying or cyber-bullying against a pupil will be held accountable; and

7. By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

NRS 388.1321. Legislative declaration concerning duty of governing body, administrators and teachers to create and provide safe and respectful learning environment; authority of parent or guardian of pupil to petition court to compel performance of duty; remedy not exclusive.

1. The Legislature hereby declares that the members of a governing body and all administrators and teachers have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying.

2. A parent or guardian of a pupil may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive.

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil from seeking any remedy available at law or in equity.

NRS 388.1323. Office for a Safe and Respectful Learning Environment: Creation; appointment and duties of Director.

1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

   (a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about anti-bullying efforts and organizations; and

   (b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

      (1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;

      (2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;
(3) Training regarding methods for reporting violations of NRS 388.135; and
(4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.

4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

   (a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;

   (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or

   (c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1327. Regulations.

The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the Department for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive.

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

   (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;
(c) Requirements and methods for restorative disciplinary practices; and
(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:
   1. Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
   2. Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
   3. Training concerning the needs of persons with diverse gender identities or expressions;
   4. Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
   5. Methods to promote a positive learning environment;
   6. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
   7. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:
1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The governing body may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.
2. Provide for the appropriate training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the governing body who have not previously served on the governing body or for employees of the school district or school who have not previously been employed by the district or school, the training required by this subsection must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.
3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district or school.
4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district or school. Upon the request of a parent or legal guardian, the school district or school shall provide the parent or legal guardian with a written copy of the policies.
5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the governing body updates the policies, the governing body must submit a copy of the updated policies to the Department within 30 days after the update.
NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

   (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
   
   (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
   
   (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.135. Bullying and cyber-bullying prohibited.

A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.
3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school’s administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school’s administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or
guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:
   (a) Reports received pursuant to subsection 1;
   (b) Times in which a violation of NRS 388.135 is found to have occurred; and
   (c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:
   (a) Total number of reports received pursuant to subsection 1;
   (b) Number of times in which a violation of NRS 388.135 is found to have occurred; and
   (c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

15. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

**NRS 388.1352. Establishment of policy by school districts for employees to report violations to law enforcement.**

A governing body, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district or school, shall establish a policy for the procedures which must be followed by an employee of the school district or school when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

**NRS 388.13535. Deferral of required investigation of bullying or cyber-bullying; actions by administrator or designee if investigation is deferred; exemption from certain requirements if violation committed by certain pupils.**

1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:
   (a) Immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and
   (b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive.
3. Any plan developed pursuant to subsection 1 must be carried out in a manner that causes the least possible disruption for the reported victim or victims of bullying or cyber-bullying. When necessary, the administrator or his or her designee shall give priority to protecting the reported victim or victims over any interest of the reported perpetrator or perpetrators when determining how to carry out the plan.

4. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:
   (a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil’s individualized education program; and
   (b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

5. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:
   (a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.
   (b) An employee of a school or school district against another employee of a school or school district.
   (c) An adult who is not a pupil or employee of a school or school district against another such adult.

NRS 388.136. School officials prohibited from interfering with disclosure of violations.

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, “school official” means:
   (a) A member of a governing body; or
   (b) A licensed or unlicensed employee of a school district or school.

NRS 388.137. Immunity for reporting of violations: exceptions: recommendation for disciplinary action if person who made report acted with malice, intentional misconduct, gross negligence or violation of law.

1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If an administrator determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the administrator may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the governing body.

NRS 388.139. Text of certain provisions required to be included in rules of behavior.

Each school district shall include the text of the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading “Bullying and Cyber-Bullying Is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NRS 388.1395. Requirements for delivery of information during annual “Week of Respect.”

The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the “Week of Respect” proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the “Week of Respect” must focus on:
1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

NRS 389.520. Council to Establish Academic Standards: Establishment of standards; periodic review of standards; adoption of standards by State Board; establishment of policy for ethical, safe and secure use of computers.
2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:
   (a) The ethical use of computers and other electronic devices, including, without limitation:
      (1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and
      (2) Methods to ensure the prevention of:
         (I) Cyber-bullying;
         (II) Plagiarism; and
         (III) The theft of information or data in an electronic form;
   (b) The safe use of computers and other electronic devices, including, without limitation, methods to:
      (1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;
      (2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and
      (3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;
   (c) The secure use of computers and other electronic devices, including, without limitation:
      (1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;
      (2) The necessity for secure passwords or other unique identifiers;
      (3) The effects of a computer contaminant;
      (4) Methods to identify unsolicited commercial material; and
      (5) The dangers associated with social networking Internet sites; and
   (d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.
7. As used in this section:
   (a) “Computer contaminant” has the meaning ascribed to it in NRS 205.4737.
   (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
   (c) “Electronic communication” has the meaning ascribed to it in NRS 388.124.

NRS 392.915. Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication; penalties.
1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:
(a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school; 
(b) Cause panic or civil unrest; or 
(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances. 
(b) A gross misdemeanor, if the threat causes:
   (1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed; 
   (2) Panic or civil unrest; or 
   (3) Interference with the operation of a public school, including, without limitation, a charter school.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

NRS 392.900. Interference with pupil attending school; penalty.
1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.
2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

NRS 392.910. Disturbance of school; assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.
1. It is unlawful for any person to assault any pupil or school employee:
   (a) Within the building or grounds of the school; 
   (b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or 
   (c) At a location where the pupil or school employee is involved in an activity sponsored by a public school. Except under circumstances described in paragraph (c) or (d) of subsection 2 of NRS 200.471 with respect to school employees or in NRS 200.571, any person who violates this subsection is guilty of a misdemeanor.
2. It is unlawful for any person maliciously in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates this subsection is guilty of a misdemeanor.
3. For the purposes of this section
   (a) “Assault” has the meaning ascribed to it in NRS 200.471. 
   (b) “Maliciously” has the meaning ascribed to it in NRS 193.0175. 
   (c) “School employee” means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.
NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.
1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
   (a) The provision of training for the prevention of the activities of criminal gangs on school property.
   (b) If the policy includes training:
      (1) A designation of the grade levels of the pupils who must receive the training.
      (2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).
   (c) Provisions which prohibit:
      (1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and
      (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
   (d) Provisions which provide for the suspension or expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.
3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:
   (a) Local law enforcement agencies;
   (b) School police officers, if any;
   (c) Persons who have experience regarding the actions and activities of criminal gangs;
   (d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and
   (e) Any other person deemed necessary by the board of trustees.
4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

NRS 392.4637. Policy concerning use and possession of pagers, cellular telephones and other electronic devices.
1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.
2. The policy adopted pursuant to subsection 1 must:
   (a) Prescribe appropriate measures for disciplining a pupil who violates the policy.
   (b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

**NRS 236.073. Week of respect.**

1. The Governor shall annually proclaim the first week in October to be "Week of Respect."
2. The proclamation may call upon:
   (a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying and cyber-bullying, including, without limitation:
      (1) Statistical information regarding the number of pupils who are bullied or cyber-bullied each year;
      (2) The methods to identify and assist pupils who are at risk of bullying or cyber-bullying; and
      (3) The methods to prevent bullying and cyber-bullying; and
   (b) Governing bodies to provide instruction on the ways in which pupils can prevent bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.
3. As used in this section:
   (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
   (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
   (c) “Governing body” has the meaning ascribed to it in NRS 388.126.

**NRS 388.133. Policy by Department concerning safe and respectful learning environment.**

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.
2. The policy must include, without limitation:
   (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
   (b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;
   (c) Requirements and methods for restorative disciplinary practices; and
   (d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:
      (1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
      (2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
      (3) Training concerning the needs of persons with diverse gender identities or expressions;
(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
(5) Methods to promote a positive learning environment;
(6) Methods to improve the school environment in a manner that will facilitate positive human
relations among pupils; and
(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with
positive behavior.

NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of
interest and income; authorized uses by school district that receives grant.
1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by
the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4
of this act. The Director of the Office may accept gifts and grants from any source for deposit into the
Account. The interest and income earned on the money in the Account must be credited to the Account.
2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school
district that applies for and receives a grant of money from the Bullying Prevention Account shall use the
money for one or more of the following purposes:
   (a) The establishment of programs to create a school environment that is free from bullying and cyber-
   bullying;
   (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and
the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or
   (c) The development and implementation of procedures by which the public schools of the school
district and the pupils enrolled in those schools can discuss
     the policies adopted pursuant to NRS
     388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1341. Development of informational pamphlet by Department; annual review and update;
posting on Internet website; development of tutorial.
1. The Department, in consultation with persons who possess knowledge and expertise in bullying and
cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils
and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of
bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
   (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions
of NRS 388.121 to 388.1395, inclusive;
   (b) A description of practices which have proven effective in preventing and resolving violations of NRS
388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are
at risk for bullying and cyber-bullying; and
   (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of
NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the
violation, in accordance with the policy governing disciplinary action adopted by a governing body.
2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the
pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are
necessary to ensure the pamphlet contains current information.
3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of
the pamphlet on the Internet website maintained by the Department.
4. To the extent the money is available, the Department shall develop a tutorial which must be made
available on the Internet website maintained by the Department that includes, without limitation, the
information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

**NRS 388.1342. Establishment of programs of training by Department; completion of program by members of State Board of Education and governing bodies; completion of certain programs by school district and school; annual review and update of programs of training.**

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall establish a program of training:
   
   (a) On methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.
   
   (b) On methods to prevent, identify and report incidents of bullying and cyber-bullying for the members of a governing body.
   
   (c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive.
   
   (d) For administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.
   
   (e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.
   
   (f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.

4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:
   
   (a) Within 90 days after becoming an administrator;
   
   (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
   
   (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

**NRS 388.1343. Establishment by principal of each school; duties of principal.**

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

**NRS 388.1344. Membership; chair; duties.**

1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:
   (a) A school counselor;
   (b) At least one teacher who teaches at the school;
   (c) At least one parent or legal guardian of a pupil enrolled in the school; and
   (d) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:
   (a) Meet at least two times each year;
   (b) Identify and address patterns of bullying or cyber-bullying;
   (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
   (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
   (e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

**NRS 388.1395. Requirements for delivery of information during annual “Week of Respect.”**

The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the “Week of Respect” proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the “Week of Respect” must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

**NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.**

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:
   (a) The provision of training for the prevention of the activities of criminal gangs on school property.

**REGULATIONS**

No relevant regulations found.
Behavioral interventions and student support services

LAWS

NRS 388.14522. "Handle with Care Program" defined.
“Handle with Care Program” means the Program established pursuant to NRS 388.14538.

NRS 388.14538. Handle with Care Program: Establishment; notification of exposure of child to traumatic event or certain other events; training; regulations.
1. The Director shall establish the Handle with Care Program within the Office for a Safe and Respectful Learning Environment. The Handle with Care Program must enable a law enforcement officer or agency to notify the Program when a child who may attend a public school is exposed to a traumatic event or other event that may affect his or her ability to succeed at school as described in NRS 289.840.
2. The Handle with Care Program must use the support center established for the SafeVoice Program and teams appointed pursuant to NRS 388.14553 or a similar program designated by a school district. The support center shall establish a separate hotline and any other appropriate method to allow a law enforcement officer or agency to provide the notification described in subsection 1.
3. Notification submitted by a law enforcement officer or employee of a law enforcement agency must include only identifying information about the child. Such information must include, to the extent that it is available, the name of the child, the grade and school where the child is enrolled and the date of birth of the child.
4. The notification may include basic information about the traumatic event if the law enforcement officer or employee reasonably believes that disclosing such information is in the best interest of the child or necessary for reasons related to school safety.
5. Upon receiving notification from a law enforcement officer or employee of a law enforcement agency, the support center shall determine whether the child attends a public school in this State. If so, the team appointed pursuant to NRS 388.14553 must be notified that the child has been exposed to a traumatic event.
6. The Director shall provide training regarding:
   (a) The Handle with Care Program to law enforcement agencies and employees of law enforcement agencies that may respond to a traumatic event involving a child, the board of trustees of a school district, the governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program;
   (b) The procedure for notifying the support center when a child who may attend a public school is exposed to a traumatic event or other event that may affect his or her ability to succeed at school and the information to include in the notification;
   (c) Properly responding to notification received from the support center, including, without limitation, the manner in which to respond to notification through the Handle with Care Program, to each member of a team appointed pursuant to NRS 388.14553; and
   (d) Collaboration with teachers and other members of the staff of a school, pupils, family members of pupils and other persons, as appropriate, to reduce the negative impact of the traumatic event on the affected pupil and appropriate interventions that may be available to assist the pupil.
7. The State Board shall adopt regulations necessary to carry out the provisions of this section.
NRS 388.532 Development of programs.
1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:
   (a) Programs designed to reduce the number of pupils who drop out of school; and
   (b) Programs for the prevention of the abuse of alcohol and controlled substances.
2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

NRS 388.537. Alternative programs for pupils at risk of dropping out of school.
1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.
2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.
3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.
4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.
5. An alternative program may include:
   (a) A shorter school day or an opportunity for pupils to attend a longer school day than that regularly provided in the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.
   (b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.
   (c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.
   (d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.
   (e) An opportunity for pupils to satisfy either:
      (1) The requirements for a regular high school diploma; or
      (2) The requirements for an adult standard diploma.
   (f) The provision of child care for the children of pupils.
   (g) The transportation of pupils to and from classes of instruction.
   (h) The placement of pupils for independent study pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.
6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.
NRS 388.885. Establishment of statewide framework for integrated student supports; requirements for framework; board of trustees and governing body of charter school required to take certain actions; requirements for requests for proposals for integrated student supports.

1. The Department shall, to the extent money is available, establish a statewide framework for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. The statewide framework must:

(a) Establish minimum standards for the provision of integrated student supports by school districts and charter schools. Such standards must be designed to allow a school district or charter school the flexibility to address the unique needs of the pupils enrolled in the school district or charter school.

(b) Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to:

(1) Support a school-based approach to promoting the success of all pupils by establishing a means to identify barriers to academic achievement and educational attainment of all pupils and methods for intervening and providing integrated student supports which are coordinated to reduce those barriers, including, without limitation, methods for:

   (i) Engaging the parents and guardians of pupils;
   (ii) Assessing the social, emotional and academic development of pupils;
   (iii) Attaining appropriate behavior from pupils; and
   (iv) Screening, intervening and monitoring the social, emotional and academic progress of pupils;

(2) Encourage the provision of education in a manner that is centered around pupils and their families and is culturally and linguistically appropriate;

(3) Encourage providers of integrated student supports to collaborate to improve academic achievement and educational attainment, including, without limitation, by:

   (i) Engaging in shared decision-making;
   (ii) Establishing a referral process reduces duplication of services and increases efficiencies in the manner in that which barriers to academic achievement and educational attainment are addressed by such providers; and
   (iii) Establishing productive working relationships between such providers;

(4) Encourage collaboration between the Department and local educational agencies to develop training regarding:

   (i) Best practices for providing integrated student supports;
   (ii) Establishing effective integrated student support teams comprised of persons or governmental entities providing integrated student supports;
   (iii) Effective communication between providers of integrated student supports; and
   (iv) Compliance with applicable state and federal law; and

(5) Support statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development and advocacy to improve access to integrated student supports and expand upon existing integrated student supports that address the physical, emotional and educational needs of pupils.

(c) Include integration and coordination across school- and community-based providers of integrated student support services through the establishment of partnerships and systems that support this framework.

(d) Establish accountability standards for each administrator of a school to ensure the provision and coordination of integrated student supports.
2. The board of trustees of each school district and the governing body of each charter school shall:
   (a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and nonacademic supports needed within the district or charter school. The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.
   (b) Ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom integrated student supports have been provided is tracked.
   (c) Ensure integration and coordination between providers of integrated student supports.
   (d) To the extent money is available, ensure that pupils have access to social workers, mental health workers, counselors, psychologists, nurses, speech-language pathologists, audiologists and other school-based specialized instructional support personnel or community-based medical or behavioral providers of health care.

3. Any request for proposals issued by a local educational agency for integrated student supports must include provisions requiring a provider of integrated student supports to comply with the protocol established by the Department pursuant to subsection 1.

4. As used in this section, integrated student support means any measure designed to assist a pupil in:
   (a) Improving his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life; and
   (b) His or her social, emotional and academic development.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.
2. The board of trustees of each school district shall: [...]
Professional development

LAWS

NRS 388.1323. Office for a Safe and Respectful Learning Environment: Creation; appointment and duties of Director.

1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.
2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.
3. The Director of the Office shall ensure that the Office:
   (a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about anti-bullying efforts and organizations; and
   (b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:
      (1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;
      (2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;
      (3) Training regarding methods for reporting violations of NRS 388.135; and
      (4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.
4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.
5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.
2. The policy must include, without limitation:
   (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
   (b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;
   (c) Requirements and methods for restorative disciplinary practices; and
(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

1. Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
2. Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
3. Training concerning the needs of persons with diverse gender identities or expressions;
4. Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
5. Methods to promote a positive learning environment;
6. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
7. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

2. Provide for the appropriate training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the governing body who have not previously served on the governing body or for employees of the school district or school who have not previously been employed by the district or school, the training required by this subsection must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.

NRS 388.1342. Establishment of programs of training by Department; completion of program by members of State Board of Education and governing bodies; completion of certain programs by school district and school; annual review and update of programs of training.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall establish a program of training:

(a) On methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.
(b) On methods to prevent, identify and report incidents of bullying and cyber-bullying for the members of a governing body.
(c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive.
(d) For administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.
(e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.
(f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.
2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.

4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:
   (a) Within 90 days after becoming an administrator;
   (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
   (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

**NRS 388.505. Mandatory education and training for staff.**

1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:
   (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
   (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
   (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;
   (d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and
   (e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.
(Added to NRS by 1999, 3239) - (Substituted in revision for NRS 388.5285)

**NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.**

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
   (a) The provision of training for the prevention of the activities of criminal gangs on school property.
   (b) If the policy includes training:
       (1) A designation of the grade levels of the pupils who must receive the training.
       (2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).
   The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.
   (c) Provisions which prohibit:
       (1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and
       (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
   (d) Provisions which provide for the suspension or expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

1. Except as otherwise provided in NRS 388.1353, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:
   
   (a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

      (1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school’s administrative office closes on the day on which the bullying or cyber-bullying is reported; or

      (2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school’s administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

   (b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred,
the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;
(b) Times in which a violation of NRS 388.135 is found to have occurred; and
(c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;
(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and
(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

15. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.
NRS 388.1354. Disciplinary action against administrator or designee who fails to comply with certain provisions.

If an administrator or his or her designee knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district or governing body, as applicable, or the designee of either:

1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and

2. If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the governing body that the governing body submit a recommendation to the State Board for the suspension or revocation of the license.

NRS 388.14553. Appointment of team to receive notification of certain activity; certain information regarding Program to appear on identification cards of pupils and be posted conspicuously; member of team to take appropriate action upon receipt of notification.

1. The board of trustees of a school district or the governing body of a charter school shall:

   (a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives:

       (1) A report through the SafeVoice Program of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity sponsored by the school, on a school bus of the school or by a pupil enrolled at the school; or

       (2) Notification through the Handle with Care Program of a pupil who was exposed to a traumatic event.

   (b) Ensure that information concerning the SafeVoice Program, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455:

       (1) Appears on the back of any identification card issued to pupils and staff at the school; and

       (2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center through the SafeVoice Program or the Handle with Care Program, a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall take appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 or section 3 of this act to respond to the activity, threat or traumatic event, as applicable.

3. The team appointed pursuant to paragraph (a) of subsection 1 may:

   (a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

   (b) Allow another person to temporarily serve on the team if a member of the team is unavailable.
REGULATIONS

NAC 388.890. Reporting of information regarding bullying or cyber-bullying by pupils; actions of principal or designee when ensuring safety and well-being of reported victim.

1. A pupil who is a victim of bullying or cyber-bullying in violation of NRS 388.135, witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred may report the violation:
   (a) To any employee or volunteer in the public school or school district in which the pupil is enrolled, including, without limitation, a teacher, counselor, coach or administrator;
   (b) Through the 24-hour, toll-free statewide hotline or Internet website maintained by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323; or
   (c) Through a hotline or Internet website maintained by the school district in which the pupil is enrolled, if the school district maintains such a hotline or website.

2. When ensuring the safety and well-being of a reported victim of bullying or cyber-bullying as required by NRS 388.1351, the principal or his or her designee:
   (a) Shall not take any action that may cause harm to the reported victim, including, without limitation, requiring the reported victim to change classrooms or isolating the reported victim from his or her peers.
   (b) Shall, to the extent practicable, talk privately and discreetly about the violation with the reported victim, without bringing undue attention to the reported victim.

NAC 388.900. Requirements of investigation of report; documentation of interviews conducted as part of investigation.

1. Each investigation of a report of bullying or cyber-bullying conducted pursuant to NRS 388.1351 must be conducted thoroughly and impartially in a manner that does not retraumatize or further traumatize the reported victim and must include, without limitation, an interview with:
   (a) Each person involved in the reported bullying or cyber-bullying, including, without limitation, the reported aggressor, the reported victim and any relevant witnesses.
   (b) The parent or guardian of the reported aggressor and the reported victim.
   To the extent practicable, the identities of the persons interviewed and the content of the interviews must remain confidential.

2. Each principal or his or her designee who conducts an investigation pursuant to this section and NRS 388.1351 shall document the date, time, subject and content of each interview conducted and maintain such documentation in a manner that is consistent with the policy governing maintenance of disciplinary records for the school district in which the school is located.

3. Each principal or his or her designee who conducts an investigation must complete the investigation within the time prescribed by NRS 388.1351.

NAC 388.905. Requirements of written report if violation found to have occurred; principal or designee to develop and carry out plan to support well-being of victim and aggressor; follow-up with victim and aggressor.

1. If a principal or his or her designee determines that a violation of NRS 388.135 has occurred, the written report of the findings and conclusions of the investigation completed pursuant to NRS 388.1351 and NAC 388.900 must include recommendations for the imposition of restorative disciplinary actions or other measures to be imposed as a result of the violation that the principal or designee determines will assist the reported aggressor to see the harm that his or her actions have caused, to repair that harm and to not engage in bullying or cyber-bullying in the future. Such other measures may include, without
limitation, the development of a plan to support the physical and emotional well-being of the reported aggressor that is aligned with the training provided by the Office for a Safe and Respectful Learning Environment.

2. The principal or his or designee shall develop and carry out a plan to support the physical and emotional well-being of the reported victim and the reported aggressor which is designed to ensure that the reported victim and the reported aggressor are not further harmed by the bullying or cyber-bullying, including, without limitation, by allowing the reported victim to make up any test or homework assignment that he or she missed or failed to submit as a result of the bullying or cyber-bullying.

3. The principal or his or her designee shall meet with each reported victim of bullying or cyber-bullying as required by subsection 7 of NRS 388.1351 and with each reported aggressor, regardless of the outcome of the investigation, to ensure that the bullying or cyber-bullying is not continuing. Each meeting must be conducted in a private and discreet manner that does not draw unnecessary attention to the reported victim.

**NAC 388.910. Required actions by principal upon completion of written report of investigation; adoption of policy by school district that prescribes procedures to appeal outcome of investigation.**

1. Subject to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a principal or his or her designee who completes a written report of the findings and conclusions of an investigation of reported bullying or cyber-bullying pursuant to NRS 388.1351 and NAC 388.900 shall, within 24 hours after completing the report:

   (a) Provide to the parent or guardian of the reported aggressor a copy of the written report that does not contain the personally identifiable information of any other pupil;

   (b) Notify the parent or guardian of any other pupil directly involved in the incident of the outcome of the investigation and make available upon request to any such parent or guardian a copy of the report that does not contain the personally identifiable information of any pupil other than the pupil to whose parent or guardian the report is provided; and

   (c) Notify the parent or guardian of each pupil directly involved in the incident that the parent or guardian may:

      (1) Submit to the principal or designee a complaint or concern regarding the conduct or outcome of the investigation;

      (2) Request a meeting with the principal or designee to discuss the outcome of the investigation;

      (3) Appeal the outcome of the investigation in the manner prescribed pursuant to subsection 2; and

      (4) Appeal a disciplinary decision of the principal or designee made against the pupil as a result of the incident.

2. The board of trustees of each school district shall adopt a policy that prescribes procedures by which the parent or guardian of any pupil directly involved in a reported violation of NRS 388.135 may appeal the outcome of the investigation conducted pursuant to NRS 388.1351 and NAC 388.900, and any disciplinary decision made against the pupil.
Parental notification

LAWS

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal of disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school’s administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school’s administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.
4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

NRS 388.13535. Deferral of required investigation of bullying or cyber-bullying; actions by administrator or designee if investigation is deferred; exemption from certain requirements if violation committed by certain pupils.

1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:

   (a) Immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

   (b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive.

3. Any plan developed pursuant to subsection 1 must be carried out in a manner that causes the least possible disruption for the reported victim or victims of bullying or cyber-bullying. When necessary, the
administrator or his or her designee shall give priority to protecting the reported victim or victims over any interest of the reported perpetrator or perpetrators when determining how to carry out the plan.

4. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:
   (a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil’s individualized education program; and
   (b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

5. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:
   (a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.
   (b) An employee of a school or school district against another employee of a school or school district.
   (c) An adult who is not a pupil or employee of a school or school district against another such adult.

NRS 388.501. Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil’s cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil’s individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil’s rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

NRS 392.140. Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:
   (a) Approval of the child’s teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or
   (b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130.

NRS 392.144. Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions.

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and
392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

NRS 392.146. Contents of written referral to advisory board; notice to parents or guardian.

A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written explanation of the reason for the referral;
3. A summary of the provisions of NRS 392.147; and
4. The address and telephone number of the advisory board to review school attendance.

NRS 392.149. Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.
2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section. If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year: [...] 

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil’s behavior is not a manifestation of the pupil’s disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be
designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation,

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil’s parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil’s parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

NRS 392.4657. Conditions under which pupil deemed suspended.

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

REGULATIONS

NAC 388.895. Notification to parent or guardian of pupils; maintenance of record regarding notification.

1. The initial notification provided pursuant to NRS 388.1351 to the parents and guardians of pupils directly involved in a reported violation of NRS 388.135:

(a) Must include, without limitation, a statement that the principal or his or her designee will be conducting an investigation of the reported violation and that the parent or guardian may discuss with the principal or designee any counseling or intervention services that are available to the pupil.

(b) Must not include any personally identifiable information of a pupil other than the pupil to whose parent or guardian the notification is provided.

2. A principal or his or her designee shall maintain a record of each notification made pursuant to subsection 1, including all good faith efforts to notify a parent or guardian if the contact information for the parent or guardian is not correct.
Reporting and referrals between schools and law enforcement

LAWS

NRS 62E.030. Court to provide certain information to school district concerning certain offenses.

1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:
   (a) The name of the child;
   (b) A description of any injury sustained by the other person;
   (c) A description of any weapon used by the child; and
   (d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:
   (a) The name of the child;
   (b) The name of the person who was the subject of the bullying or cyber-bullying; and
   (c) A description of any bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:
   (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
   (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

NRS 388.1352. Establishment of policy by school districts for employees to report violations to law enforcement.

A governing body, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district or school, shall establish a policy for the procedures which must be followed by an employee of the school district or school when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

NRS 388.880. Immunity from civil liability for reporting threat of violence against school official, school employee or pupil; exceptions.

1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

NRS 391.281. Fingerprinting and investigation into the background of applicant for employment or appointment as school police officer and certain nonlicensed employees; use of certain information; disqualification of certain applicants, employees and volunteers; acceptance of gifts.
grants and donations; immunity from liability; employment of school police officers; contract for police services; training in prevention of suicide.

1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:
   (a) A full set of the applicant’s or employee’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.
   (b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
   (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and
   (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:
   (a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.
   (b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

NRS 391.282. Jurisdiction of school police officers; law enforcement agency to respond to request for assistance by school district which does not have school police according to agency protocols.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:
   (a) Protecting school district personnel, pupils, or real or personal property; or
   (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:
   (a) Beyond the school property, buildings and facilities:
      (1) When in hot pursuit of a person believed to have committed a crime; or
(2) While investigating matters that originated within the jurisdiction of the school police officer relating to personnel, pupils or real or personal property of the school district;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) On the streets that are adjacent to the school property, buildings and facilities within the school district to enforce violations of traffic laws and ordinances.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

NRS 391.283. Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.

1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.

2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source. […]

NRS 392.4633. Corporal punishment prohibited.

1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any person from defending himself or herself if attacked by a pupil.

3. As used in this section, “corporal punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

(a) To quell a disturbance that threatens physical injury to any person or the destruction of property;

(b) To obtain possession of a weapon or other dangerous object within a pupil’s control;

(c) For the purpose of self-defense or the defense of another person; or

(d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

NRS 392.4638. Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.

1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is
being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1. […]

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

NRS 388.14522. “Handle with Care Program” defined.

“Handle with Care Program” means the Program established pursuant to NRS 388.14538.

NRS 388.14538. Handle with Care Program: Establishment; notification of exposure of child to traumatic event or certain other events; training; regulations.

1. The Director shall establish the Handle with Care Program within the Office for a Safe and Respectful Learning Environment. The Handle with Care Program must enable a law enforcement officer or agency to notify the Program when a child who may attend a public school is exposed to a traumatic event or other event that may affect his or her ability to succeed at school as described in NRS 289.840.

2. The Handle with Care Program must use the support center established for the SafeVoice Program and teams appointed pursuant to NRS 388.14553 or a similar program designated by a school district. The support center shall establish a separate hotline and any other appropriate method to allow a law enforcement officer or agency to provide the notification described in subsection 1.

3. Notification submitted by a law enforcement officer or employee of a law enforcement agency must include only identifying information about the child. Such information must include, to the extent that it is available, the name of the child, the grade and school where the child is enrolled and the date of birth of the child.

4. The notification may include basic information about the traumatic event if the law enforcement officer or employee reasonably believes that disclosing such information is in the best interest of the child or necessary for reasons related to school safety.

5. Upon receiving notification from a law enforcement officer or employee of a law enforcement agency, the support center shall determine whether the child attends a public school in this State. If so, the team appointed pursuant to NRS 388.14553 must be notified that the child has been exposed to a traumatic event.

6. The Director shall provide training regarding:

(a) The Handle with Care Program to law enforcement agencies and employees of law enforcement agencies that may respond to a traumatic event involving a child, the board of trustees of a school district, the governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program;
(b) The procedure for notifying the support center when a child who may attend a public school is exposed to a traumatic event or other event that may affect his or her ability to succeed at school and the information to include in the notification;

(c) Properly responding to notification received from the support center, including, without limitation, the manner in which to respond to notification through the Handle with Care Program, to each member of a team appointed pursuant to NRS 388.14553; and

(d) Collaboration with teachers and other members of the staff of a school, pupils, family members of pupils and other persons, as appropriate, to reduce the negative impact of the traumatic event on the affected pupil and appropriate interventions that may be available to assist the pupil.

7. The State Board shall adopt regulations necessary to carry out the provisions of this section.

**NRS 388.267. Department to establish, review and update policies and procedures to ensure privacy of data concerning pupils.**

1. The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

**NRS 388.268. Department to establish, publish and make available on its Internet website index of data elements for automated system of accountability information for Nevada; biennial update.**

1. The Department shall establish, publish and make publicly available on its Internet website:

   (a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 385A.800, including, without limitation:

   (1) Data concerning individual pupils; and

   (2) Aggregated data concerning pupils within a defined group.

   (b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

   (1) A description of each data element concerning each individual pupil;

   (2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and

   (3) The third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 385A.800.

2. At least once each biennium, the Department shall update the information described in subsection 1.

**NRS 388.269. Board of trustees and governing body required to establish, publish and make publicly available certain information concerning data transferred to automated system of accountability for Nevada.**

The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:
1. An index of categories of data, including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group transferred to the automated system of accountability information for Nevada established pursuant to NRS 385A.800; and

2. A list of the third-party service providers, organizations and agencies that have access to data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 385A.800.

**NRS 388.271. Board of trustees and governing body to adopt policies and procedures governing use of certain software and manner in which data concerning pupils may be provided in certain circumstances.**

The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and

2. The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.

**NRS 388.272. Required provisions for contracts that provide for disclosure of data that includes personally identifiable information of pupil.**

1. Any contract entered into by the Department, a school district, a sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or any public school that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:

   (a) Provisions specifically to protect the privacy and security of the personally identifiable information; and

   (b) A penalty for intentional or grossly negligent noncompliance with the terms of the contract, including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.

2. As used in this section, "personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

**NRS 388.273. Department to adopt data security plan; compliance with plan; school district, sponsor of charter school and university school for profoundly gifted pupils to submit annual report concerning changes to manner in which each collects, maintains or transfers data concerning pupils.**

1. The Department, in consultation with each school district, the sponsor of each charter school and the governing body of a university school for profoundly gifted pupils shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects,
maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

**NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.**

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. Except as otherwise provided in NRS 239.0115, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

**REGULATIONS**

No relevant regulations found.

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

**LAWS**

**NRS 385.175. Designation as education leader for system of K-12 public education; general duties.**

The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to section 3 of this act.

8. Perform such other duties as are prescribed by law.
NRS 385.230. Annual report of the state of public education; contents of report; presentation and submission of report.

1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(p) An analysis of data on the discipline of pupils collected pursuant to section 3 of this act, including, without limitation:

(1) Trends in the data measuring changes in the discipline of pupils; and

(2) Areas identified by the Department where the Department will provide support to a public school to address trends in the data on the discipline of pupils.

NRS 385A.090. Notice of availability of annual report of accountability on Internet; public dissemination of report; availability of copies of report.

1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee;
(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.
NRS 385A.240. Attendance, truancy and transiency of pupils.

1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

1. The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

2. For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

1. Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

2. Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

3. Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;
(b) Pupils from major racial and ethnic groups;
(c) Pupils with disabilities;
(d) Pupils who are English learners;
(e) Pupils who are migratory children;
(f) Gender;
(g) Pupils who are homeless;
(h) Pupils in foster care; and
(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.
(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

NRS 385A.250. Discipline of pupils.

1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;
(d) Pupils who are English learners;
(e) Pupils who are migratory children;
(f) Gender;
(g) Pupils who are homeless;
(h) Pupils in foster care; and
(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:
   (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
   (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

**NRS 385A.320. District communication; parental involvement.**

The annual report of accountability prepared pursuant to NRS 385A.070 must include information on district communication efforts and parental involvement, including, without limitation, efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

1. Communication with the parents of pupils enrolled in the district;
2. The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and
3. The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

**NRS 385A.400. Requirements for report; public dissemination of report.**

1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation, the information prescribed by NRS 385A.400 to 385A.520, inclusive.
2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.
3. The annual report of accountability must:
   (a) Be prepared in a concise manner; and
   (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.
4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.
5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.
NRS 385A.450. Attendance, truancy and transiency of pupils.
The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:
   (a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;
   (b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and
   (c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

NRS 385A.460. Discipline of pupils.
1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:
   (a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
   (b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
   (c) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
   (d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
   (e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:
      (1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;
      (2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;
(3) The number of incidents resulting in suspension or expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

NRS 385A.620. Regulations governing inclusion of pupils enrolled in certain alternative programs within statewide system.

1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution, will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the college and career readiness assessment administered pursuant to NRS 390.610 will be reported.

1. The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to NRS 385A.740. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:
   (a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to NRS 385A.740 will be accounted for within the statewide system of accountability; and
   (b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the college and career readiness assessment administered pursuant to NRS 390.610.

NRS 385A.740. Application for approval to be rated using alternative performance framework; eligibility.

1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A public school is eligible to be rated using the alternative performance framework if:
   (a) The school specifies that the mission of the school is to serve pupils who:
       (1) Have been expelled or suspended from a public school, including, without limitation, a charter school;
       (2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;
       (3) Are academically disadvantaged;
       (4) Have been adjudicated delinquent;
       (5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or
       (6) Have an individualized education program; and
   (b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).

4. In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:
   (a) Specifies in its written charter or charter contract that:
       (1) The mission of the charter school is to serve primarily pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and
       (2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school;
   (b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and
(c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to NRS 388A.274.

5. As used in this section, “academically disadvantaged” includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

**NRS 385A.800. Establishment and maintenance of system; access to data within system.**

1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

   (a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

      (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385A.070 and 385A.400; and

      (2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

   (b) Include a system of unique identification for each pupil:

      (1) To ensure that individual pupils may be tracked over time throughout this State;

      (2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

      (3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

   (c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

   (d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

   (e) Have the capacity to identify which teachers are assigned to individual pupils;

   (f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

   (g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

   (h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction.

2. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the
performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

3. On or before December 31 of each year, the Department shall share with the Interagency Council on Veterans Affairs aggregate data collected pursuant to subsection 1 concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

4. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

**NRS 385A.810. Adoption of uniform program for school districts to collect, maintain and transfer data to system.**

The board of trustees of each school district shall:

1. Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to NRS 385A.820 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

2. Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to NRS 385A.820; and

3. Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 385A.830.

**NRS 385A.820. Duties of Superintendent of Public Instruction regarding uniform program for collection, maintenance and transfer of data to system.**

The Superintendent of Public Instruction shall:

1. Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

2. Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to NRS 385A.810 and by each university school for profoundly gifted pupils;

3. Prescribe the format for the data;

4. Prescribe the date by which each school district shall report the data to the Department;

5. Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

6. Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

7. Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

   (a) Individual pupils;

   (b) Individual teachers;

   (c) Individual schools and school districts; and

   (d) Programs and financial information;

8. Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly
gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

9. Provide for the analysis and reporting of the data in the automated system of information.

**NRS 385A.830. Operation of system in compliance with federal laws governing release and confidentiality of records.**

1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 385A.800, comply with the provisions of:

   (a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

   (b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district and each sponsor of a charter school shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the sponsor of the charter school such information as is necessary for the sponsor to carry out the provisions of this subsection.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which the pupil attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

**NRS 385A.840. Collection and reporting of data on discipline of pupils.**

1. Each public school in this State shall collect data on the discipline of pupils. Such data must:

   (a) Be reported annually to the Department through the automated system of accountability information established pursuant to NRS 385A.800;

   (b) Be disaggregated into subgroups of pupils; and

   (c) Include occurrences of suspension and expulsion as separate offenses.

2. The Department shall:

   (a) Develop and provide guidance to each school district in this State on methods and procedures for the collection of data on the discipline of pupils pursuant to subsection 1;

   (b) Establish standard definitions of an offense for which a pupil may be disciplined and any related sanctions; and

   (c) Provide training and professional development to educational personnel relating to the reporting and analysis of data on the discipline of pupils. Such training must, without limitation, provide educational personnel with the ability to create a report of any data on the discipline of pupils, interpret the results of such a report and develop a responsive plan of action based on the results of such a report.
NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the governing body updates the policies, the governing body must submit a copy of the updated policies to the Department within 30 days after the update.

NRS 388.14557. Requirements of support center.

The support center must:

1. Be capable of receiving reports made through the SafeVoice Program and notification provided through the Handle with Care Program;
2. Be available to receive reports and notifications and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;
3. Establish a process for handling a report or notification if personnel at the support center are unable to determine the location of the school or the person about whom the report or notification is made, or if the report or notification concerns a private school or an entity other than a school;
4. Train personnel at the support center who are involved in responding to reports and notifications to follow up on each report or notification by gathering information necessary to determine the validity of the report or notification and the severity of any threat;
5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports and notifications;
6. Develop and implement a standardized procedure for tracking the outcome of reports and notifications;
7. Compile statistics to determine:
   (a) The most frequent days of the week on which reports and notifications are made;
   (b) The most frequent times of the day for making reports and providing notifications;
   (c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;
   (d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and text messaging application, respectively; and
   (e) The outcome of reports and notifications;
8. Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the Programs or that is requested by the Director; and
9. Provide each report received through the SafeVoice Program to the appropriate law enforcement agency.

NRS 388.508. Report of violation; corrective plan required; appointment of administrator to oversee school under certain circumstances.

1. A school where a violation of NRS 388.471 to 388.515, inclusive, occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.
2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.

3. The superintendent of schools of the school district shall submit the plan to the Department. The Department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The Department may require appropriate revision of the plan to ensure compliance.

4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the Department, the Department may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the Superintendent of Public Instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the Department for any expenses incurred by the Department pursuant to this subsection.

NRS 388.513. Reporting of denial of rights; investigation and resolution of disputes by Department.

1. A denial of rights of a pupil with a disability pursuant to NRS 388.471 to 388.515, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district or its designee.

2. If the board of trustees of a school district or its designee receives notice of a denial of rights pursuant to subsection 1, the board of trustees or its designee shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.

3. The Department:
   (a) Shall receive reports made pursuant to subsection 2;
   (b) May investigate apparent violations of the rights of pupils with disabilities; and
   (c) May act to resolve disputes relating to apparent violations.

NRS 388.515. Annual report by school districts on use of restraint and violations; compilation of reports by Department; submission of compilation to Legislature.

1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:
   (a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;
   (b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and
   (c) The number of violations of NRS 388.471 to 388.515, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.
2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:
   (a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.
   (b) In odd-numbered years, to the Legislative Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

NRS 392.461. Code of honor relating to cheating; contents; distribution.

3. On or before July 1 of each year, the Department shall:
   (a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.
   (b) Review and amend the code of honor as necessary.

NRS 392.462. Collection by public school of data on discipline of pupils.

Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into subgroups of pupils and the types of offense. The principal of each public school shall:
1. Review the data and take appropriate action; and
2. Report the data to the board of trustees of the school district each quarter.

NRS 392.4644. Plan for restorative discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; written reports by board of trustees concerning compliance with section.

1. The board of trustees of each school district shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:
   (a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, and the parents and guardians of pupils who are enrolled in schools within the school district.
   (b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.
   (c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.
   (d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.
   (e) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.
   (f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.
(g) Be posted on the Internet website maintained by the school district.

2. On or before September 15 of each year, the principal of each public school shall:
   (a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;
   (b) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;
   (c) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and
   (d) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.

3. On or before November 15 of each year, the board of trustees of each school district shall:
   (a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section; and
   (b) Post a copy of the report on the Internet website maintained by the school district.

REGULATIONS

NAC 388.920. Annual report of accountability to exclude personally identifiable information of pupil involved in reported violation; certain persons not to interfere with reporting of statistics concerning violations.

1. The annual report of accountability prepared pursuant to NRS 385A.070 must not include the personally identifiable information of any pupil involved in a reported violation of NRS 388.135 or any other incident of bullying or cyber-bullying.

2. A teacher, administrator, principal, coach, other staff member or member of the board of trustees of a school district shall not interfere with the reporting of statistics concerning violations of NRS 388.135.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

NRS 388.2358. “School resource officer” defined.
“School resource officer” means a school police officer, deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.

NRS 391.283. Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.
1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.
2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

NRS 392.160. Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.
1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:
   (a) Any child between the ages of 7 and 18 years; and
   (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,
who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.
2. Except as otherwise provided in subsection 3:
   (a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.
   (b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

REGULATIONS
No relevant regulations found.
Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

NRS 280.287. Contract for provision and supervision of police services in public schools; qualifications and training for officers assigned to school police unit.
1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section 1.2 of this act, and on property owned by the school district and, if applicable, on property owned or operated by a charter school. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.
2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

NRS 391.281. Fingerprinting and investigation into the background of applicant for employment or appointment as school police officer and certain nonlicensed employees; use of certain information; disqualification of certain applicants, employees and volunteers; acceptance of gifts, grants and donations; immunity from liability; employment of school police officers; contract for police services; training in prevention of suicide.
1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:
   (a) A full set of the applicant’s or employee’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.
   (b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.
2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.
3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained
from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the jurisdiction of the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in the prevention of suicide before beginning his or her service as a school police officer.

NRS 391.282. Jurisdiction of school police officers; law enforcement agency to respond to request for assistance by school district which does not have school police according to agency protocols.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a
charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or
(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities:
   (1) When in hot pursuit of a person believed to have committed a crime; or
   (2) While investigating matters that originated within the jurisdiction of the school police officer relating to personnel, pupils or real or personal property of the school district;
(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and
(c) On the streets that are adjacent to the school property, buildings and facilities within the school district to enforce violations of traffic laws and ordinances.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;
(b) Prescribe the duties of the attendance officer; and
(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
   (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
   (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
   (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.505. Mandatory education and training for staff.

1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:
   (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
   (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
   (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;
   (d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and
(e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.

(Added to NRS by 1999, 3239) - (Substituted in revision for NRS 388.5285)

**NRS 388.532. Development of programs.**

1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:
   (a) Programs designed to reduce the number of pupils who drop out of school; and
   (b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

**NRS 388.537. Alternative programs for pupils at risk of dropping out of school.**

1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.

2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.

3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.

**REGULATIONS**

No relevant regulations found.

**Funding appropriations**

**LAWS**

**NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.**

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.
2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1327. Regulations.
The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the Department for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

NRS 388.137. Immunity for reporting of violations; exceptions; recommendation for disciplinary action if person who made report acted with malice, intentional misconduct, gross negligence or violation of law.
1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.
2. If an administrator determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the administrator may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the governing body.

NRS 388.14555. Immunity from liability for team and team members.
The team appointed pursuant to NRS 388.14553 and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.14538, 388.1455 and 388.14553.

NRS 388.880. Immunity from civil liability for reporting threat of violence against school official, school employee or pupil; exceptions.
1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.
2. The provisions of this section do not apply to a person who:
   (a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 392.303 or 432B.220.
   (b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.
3. As used in this section:
   (a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.
   (b) “School employee” means a licensed or unlicensed person who is employed by:
      (1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;
      (2) The governing body of a charter school; or
(3) The Achievement School District.

(c) “School official” means:

(1) A member of the board of trustees of a school district.
(2) A member of the governing body of a charter school.
(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.
(4) The Executive Director of the Achievement School District.

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.
(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

NRS 391.330. Grounds for suspension or revocation of license or letter of reprimand; process for issuance of letter of reprimand; reinstatement of suspended license.

1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

(a) Unprofessional conduct.
(b) Immorality, as defined in NRS 391.650.
(c) Evident unfitness for service.
(d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
(e) Conviction of a felony or crime involving moral turpitude.
(f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
(g) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
(h) Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
(i) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.
(j) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.
(k) An intentional violation of NRS 388.497 or 388.499.
(l) Knowingly and willfully failing to comply with the provisions of NRS 388.1351.
(m) A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without
limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:
   (a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and
   (b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:
       (1) Submit a new application for licensure to the Department; and
       (2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

NRS 391.340. Revocation or forfeiture for falsely reporting pupils' attendance.
Any teacher, principal or superintendent who knowingly reports, causes to be reported, or permits the report of the presence of any pupil at school when the pupil is absent, or when school is not in session, forfeits his or her license or subjects it to revocation. The license may not be restored or a new one granted within 1 year after the forfeiture or revocation.

NRS 391.750. Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.
1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:
   (a) Inefficiency;
   (b) Immorality;
   (c) Unprofessional conduct;
   (d) Insubordination;
   (e) Neglect of duty;
   (f) Physical or mental incapacity;
   (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
   (h) Conviction of a felony or of a crime involving moral turpitude;
   (i) Inadequate performance;
   (j) Evident unfitness for service;
   (k) Failure to comply with such reasonable requirements as a board may prescribe;
   (l) Failure to show normal improvement and evidence of professional training and growth;
   (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
   (n) Any cause which constitutes grounds for the revocation of a teacher's license;
   (o) Willful neglect or failure to observe and carry out the requirements of this title;
   (p) Dishonesty;
   (q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;
(r) An intentional violation of NRS 388.497 or 388.499;
(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;
(t) Knowingly and willfully violating any provision of NRS 391.850 to 391.930, inclusive;
(u) Gross misconduct; or
(v) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:
   (a) Suspend, dismiss or fail to reemploy the teacher; or
   (b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, “gross misconduct” includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. Except as otherwise provided in NRS 239.0115, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

NRS 388.133. Policy by Department concerning safe and respectful learning environment.
1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State,
prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

**NRS 388.1343. Establishment by principal of each school; duties of principal.**
1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;
2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

**NRS 388.1344. Membership; chair; duties.**
1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:
   (a) A school counselor;
   (b) At least one teacher who teaches at the school;
   (c) At least one parent or legal guardian of a pupil enrolled in the school; and
   (d) Any other persons appointed by the administrator.
2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.
3. The school safety team shall:
   (a) Meet at least two times each year;
   (b) Identify and address patterns of bullying or cyber-bullying;
   (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
   (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
   (e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

**NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.**
2. The board of trustees of each school district shall:
   (b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

**NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.**
1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:
   (a) Local law enforcement agencies;
   (b) School police officers, if any;
   (c) Persons who have experience regarding the actions and activities of criminal gangs;
   (d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and
   (e) Any other person deemed necessary by the board of trustees.
NRS 388.532. Development of programs.
1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:
   (a) Programs designed to reduce the number of pupils who drop out of school; and
   (b) Programs for the prevention of the abuse of alcohol and controlled substances.
2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

NRS 200.725. Preparing, advertising or distributing materials depicting pornography involving minor unlawful; penalty.
A person who knowingly prepares, advertises or distributes any item or material that depicts a minor engaging in, or simulating, or assisting others to engage in or simulate, sexual conduct is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, or by a fine of not more than $15,000, or by both fine and imprisonment.

NRS 200.737. Use of electronic communication device by minor to possess, transmit or distribute sexual images of minor; penalties.
1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute a sexual image of himself or herself to another person.
2. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute a sexual image of another minor who is older than, the same age as or not more than 4 years younger than the minor transmitting the sexual image.
3. A minor shall not knowingly and willfully possess a sexual image that was transmitted or distributed as described in subsection 1 or 2 if the minor who is the subject of the sexual image is older than, the same age as or not more than 4 years younger than the minor who possesses the sexual image. It is an affirmative defense to a violation charged pursuant to this subsection if the minor who possesses a sexual image:
   (a) Did not knowingly purchase, procure, solicit or request the sexual image or take any other action to cause the sexual image to come into his or her possession; and
   (b) Promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency or a school official, to access any sexual image:
      (1) Took reasonable steps to destroy each image; or
      (2) Reported the matter to a law enforcement agency or a school official and gave the law enforcement agency or school official access to each image.
4. A minor who violates subsection 1:
   (a) For the first violation:
(1) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and
(2) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(b) For the second or a subsequent violation:

(1) Commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult; and
(2) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

5. A minor who violates subsection 2:

(a) Commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult; and
(b) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

6. A minor who violates subsection 3:

(a) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and
(b) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

7. As used in this section:

(a) “Electronic communication device” means any electronic device that is capable of transmitting or distributing a sexual image, including, without limitation, a cellular phone, personal digital assistant, computer, computer network and computer system.
(b) “Minor” means a person who is under 18 years of age.
(c) “School official” means a principal, vice principal, school counselor or school police officer.
(d) “Sexual conduct” has the meaning ascribed to it in NRS 200.700.
(e) “Sexual image” means any visual depiction, including, without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.
(f) “Sexual portrayal” has the meaning ascribed to it in NRS 200.700.

NRS 388.1451. Definitions.
As used in NRS 388.1451 to 388.1459, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.1452 to 388.14535, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

NRS 388.1452. “Director” defined.
“Director” means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323.
NRS 388.1453. “Safe-to-Tell Program” and “Program” defined.

“SafeVoice Program” or “Program” means the SafeVoice Program established within the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1455.

NRS 388.1454. Legislative findings and declarations concerning SafeVoice Program.

The Legislature hereby finds and declares that a SafeVoice Program is necessary because:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature and sections 2 to 5, inclusive, of this act, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school, or by a pupil enrolled at a public school.

NRS 388.1455. Establishment of SafeVoice Program; requirements of Program; support center for initial reports; training regarding Program; duties of Director; reporting, policies and regulations.

1. The Director shall establish the SafeVoice Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (b) of subsection 8 and NRS 388.1458, must not be disclosed to any person.

2. The SafeVoice Program must include, without limitation, methods and procedures to ensure that:

   (a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and

   (b) The identity of a person who reports information to the Program:

      (1) Is not known by any person designated by the Director to operate the Program;

      (2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

      (3) Is not disclosed to any person.

3. On behalf of the SafeVoice Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

5. The Director shall:
(a) Post information concerning the SafeVoice Program on an Internet website maintained by the Director; and

(b) Provide to each public school educational materials regarding the SafeVoice Program, including, without limitation, the telephone number and any other methods by which a report may be made.

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the SafeVoice Program.

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

NRS 388.1457. SafeVoice Program Account: Creation; use of money in Account; administration; acceptance of gifts, grants, donations and other sources of money; Director to post list of sources of money on Internet and transmit list to Legislature.

1. The SafeVoice Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the SafeVoice Program.

3. The Account must be administered by the Director, who may:

   (a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

   (b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

6. The Director shall:

   (a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

   (b) Update the list annually; and

   (c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

      (1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

      (2) In even-numbered years, to the Legislative Committee on Education.

NRS 388.1458. Confidentiality of information provided to SafeVoice Program; motion to compel production or disclosure of record or information; records and information made available to appellate court.

1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of NRS 388.1455, a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall
serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

**NRS 388.1459. Willful disclosure of record or information of SafeVoice Program or willful neglect or refusal to obey court order punishable as criminal contempt.**

Except as otherwise provided in **NRS 388.1458** or as otherwise authorized pursuant to subsection 2 of **NRS 388.1455**, the willful disclosure of a record or information of the SafeVoice Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to **NRS 388.1458**, is punishable as criminal contempt. NRS 392.264. Offender prohibited from attending school victim attends without court approval; duty of superintendent of school district to negotiate agreement for attendance in another school district; termination of agreement.

1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of **NRS 62F.100 to 62F.150**, inclusive, to attend a public school that a victim is attending unless:
   (a) An alternative plan of supervision is approved by the court pursuant to **NRS 62F.130**; or
   (b) An alternative plan of attendance is approved by the court pursuant to **NRS 62F.140**.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to attend, the superintendent of the school district shall negotiate an agreement with:
   (a) The superintendent of an adjoining school district within this state for the offender to attend a public school in that adjoining school district; or
   (b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:
   (a) Must not contain the name of a victim;
   (b) Must comply with the provisions of subsections 2 and 3 of **NRS 392.010**; and
   (c) Must be approved by the Superintendent of Public Instruction.
5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to attend a public school in the school district in which the offender resides without violating subsection 1.

For definitions pertaining to this statute see §392.521, §392.254, §392.258, §392.2583, §392.2587, and §392.261.

**REGULATIONS**

No relevant regulations found.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Nevada provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
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<tr>
<td>Bully Free Zone, Nevada Department of Education</td>
<td>Provides an overview of the Bully Free Zone web site and its design to assist students, parents and school staff with bully prevention methods, including lesson plans, training, and tips.</td>
<td><a href="http://bullyfreezone.nv.gov">http://bullyfreezone.nv.gov</a></td>
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<tr>
<td>Bully Information by District, Nevada Department of Education</td>
<td>Provides external links to bullying information by school district.</td>
<td><a href="http://bullyfreezone.nv.gov/About/School_Districts/">http://bullyfreezone.nv.gov/About/School_Districts/</a></td>
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<tr>
<td>Legal Information, Nevada Department of Education</td>
<td>Provides links to state and federal laws regarding bullying policies, training, school safety team and Safe-to-Tell program.</td>
<td><a href="http://bullyfreezone.nv.gov/About/Legal/">http://bullyfreezone.nv.gov/About/Legal/</a></td>
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<tr>
<td>Annual Reports of Accountability, Nevada Department of Education</td>
<td>Reports on student attendance, discipline, bullying and cyberbullying incidents, disaggregated by school year, school, district, or state, and incident type.</td>
<td><a href="http://www.nevadareportcard.com/di/">http://www.nevadareportcard.com/di/</a></td>
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<tr>
<td>Nevada School Climate/Social Emotional Learning (NV-SCSEL) Survey School Reports, Nevada Department of Education</td>
<td>Reports of annual administrations of the Nevada School Climate/Social Emotional Learning Survey, disaggregated by subgroups about school climate and social emotional skills, which could be used to inform decisions about how to adjust support services for students and can be used to evaluate the services and supports provided to students in Nevada schools.</td>
<td><a href="http://reports.nevadaschoolclimate.org/">http://reports.nevadaschoolclimate.org/</a></td>
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<tr>
<td>Nevada’s Anti-Bullying Laws, Nevada Department of Education</td>
<td>PowerPoint presentation presents information on bullying and includes bullying data from 2014 to 2017, summary incident reporting process, definition of bullying, reporting procedures for staff, actions upon receiving a report, and contact information to the Office for a Safe and Respectful Learning Environment.</td>
<td><a href="http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2017/December/Item11NevadasAnti-BullyingLaws2017.pdf">http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2017/December/Item11NevadasAnti-BullyingLaws2017.pdf</a></td>
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<td>SafeVoice Nevada, Nevada Department of Education</td>
<td>Anonymous reporting system used by students, parents and faculty to report threats to the safety or well-being of students.</td>
<td><a href="http://safevoicenv.org/">http://safevoicenv.org/</a></td>
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New Hampshire
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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Authority to develop and establish rules of conduct

**LAWS**

**193-D:2. State board rulemaking authority: Public school district policies.**
I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:
   (a) Disciplinary proceedings, including procedures assuring due process.
   (b)(1) Standards and procedures for suspension and expulsion of pupils, including procedures assuring due process.
    (2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.
   (c) Procedures pertaining to discipline of pupils with special needs, including procedures assuring due process.
   (d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.
II. Nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures.

**193-F:4. Pupil safety and violence prevention.**
I. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. The policy shall contain, at a minimum, the following components:
   (a) A statement prohibiting bullying or cyberbullying of a pupil.
   (b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.
   (c) A requirement that all pupils are protected regardless of their status under the law.
   (d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.
   (e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.
   (f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.
   (g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.
   (h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator.
of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

III. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy.

IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

REGULATIONS

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

1. Absenteeism and attendance;
2. Promoting school safety;
3. Discipline;
4. Records retention, including electronic files;
5. Character and citizenship;
(6) Meeting the instructional needs of each individual student;
(7) Student hazing;
(8) Student harassment, including bullying, as required by RSA 193-F;
(9) Sexual harassment, as detailed in Ed 303.01(j) and (k);
(10) Reporting of suspected abuse or neglect;
(11) Promotion of a school environment that is conducive to learning and supports strong family and community partnerships;
(12) Distance education, if the district chooses to offer distance education as provided in Ed 306.22;
(13) Providing alternative means of earning credit toward a high school diploma or equivalent such as extended learning opportunities, and distance education to meet the requirements of RSA 193:1, (h) until July 1, 2015;
(14) Providing alternative means of demonstrating achievement of identified graduation competencies toward the awarding of a credit for a high school diploma or equivalent such as extended learning opportunities, career and technical education courses, and distance education no later than July 1, 2015 to meet the requirements of RSA 193:1, (h);
(15) How a credit can be earned, as provided in Ed 306.27(e) until July 1, 2015;
(16) How a credit used to track achievement of graduation competencies can be earned no later than July 1, 2015, as provided in Ed 306.27(e);
(17) Recommending developmentally appropriate daily physical activity and exercise;
(18) Behavior management and intervention for students;
(19) Homeless students;
(20) Wellness as required by Section 204 of the federal Child Nutrition and WIC 42 USC 1751;
(21) Providing immediate and adequate emergency care for students and school personnel who sustain injury or illness during school hours or during scheduled school activities;
(22) Meeting the special physical health needs of students;
(23) Supporting the availability and distribution of healthy foods and beverages that create a healthy environment in all schools throughout all school buildings during the school day;
(24) Air quality in school buildings as required by RSA 200:48;
(25) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation in content areas as follows:
   a. Arts education;
   b. Digital literacy;
   c. English;
   d. Mathematics that encompasses algebra, mathematical modeling, statistics and probability, complex applications of measurement, applied geometry, graphical presentation and interpretation, statistics and data analysis;
   e. Physical sciences;
   f. Biological sciences;
   g. US and NH History;
   h. US and NH government/civics;
   i. Economics, including personal finance;
   j. World history, global studies, or geography;
k. Health education; and
l. Physical education; and

(26) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation no later than July 1, 2015, that encompass multiple content areas outlining the knowledge, skills and work-study practices necessary for success in colleges and careers.

(b) The policies and procedures required by (a) above shall apply to each school except that (13)-(16), (25) and (26) shall not apply to elementary or middle schools.

c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.

(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:

1. On school buses and on the school grounds, including playgrounds;
2. During authorized school activities, such as field trips;
3. Within the school building, including classrooms and laboratories;
4. Off school grounds during school-sanctioned activities, including, but not limited to, work-based learning and internships;
5. In the use of online resources; and
6. In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.

e) Educators shall be required to know and implement the appropriate safety practices and procedures applicable to their assigned areas of responsibility and to include safety instruction in all applicable programs offered by the school.

(f) The policy relative to student discipline shall:

1. Include provisions regarding:
   a. Student rights and responsibilities;
   b. Rules of conduct; and
   c. Penalties for misbehavior;
2. Be written in age-appropriate language;
3. Be disseminated to parents and guardians; and
4. Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical.

(g) The local school board shall review with the superintendent or chief administering officer the conditions and methods for suspension and expulsion of students developed and implemented by the superintendent or chief administering officer and the local school board in accordance with RSA 193:13. The superintendent, chief administering officer, or designee shall keep students, parents, educators, and all other school personnel informed about school rules. Such information shall be readily available.

(h) The policy relative to records retention, including electronic files, disposition, and access shall require that complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. A schedule for the retention and disposition of original records and information shall be established in accordance with RSA 189:29-a. Access to all student records and information shall be controlled by written procedures designed to protect individual rights and

(i) The policy relative to character and citizenship development shall:

(1) Include those elements of character and citizenship to be incorporated in courses of study or instilled, by example, in a caring educational environment, including but not limited to:
   a. Self-discipline, self-respect, and self-control;
   b. Pursuant to Part 2, Article 83 of the New Hampshire Constitution, humanity, benevolence, and truth and honesty with self and others;
   c. Fairness, integrity, and justice;
   d. Respect, courtesy, and human worth;
   e. Responsibility to oneself and others;
   f. Community service; and
   g. Pursuant to RSA 186:13, the rights and responsibilities of citizenship; and

(2) Be developed in consultation with school staff, administration, parents, and other representatives of the community.

(j) The policy relative to meeting the instructional needs of each student shall require administrators and educators to consider students' differing talents, interests, and development when planning the educational programs specified in Ed 306.

(k) The policy relative to partnerships among schools, families, and communities shall comply with the following standards:

(1) Schools shall strive to involve parents and family members of students of all ages and learning levels;

(2) Schools shall provide parent educational activities throughout the school year to help parents support their children's learning;

(3) Schools shall frequently communicate school performance, student progress, personalized learning strategies as adopted by the local school board and in accordance with district and graduation competencies, and academic opportunities, using both print and online formats;

(4) Schools shall work with agencies and businesses to support community-based developmental activities that prepare young children for school and promote ongoing achievement;

(5) Schools shall promote collaboration among parents, schools, and community on school improvement and student achievement projects;

(6) Schools shall strive to harness all available community resources, including but not limited to organizations, businesses, talented individuals, natural resources, and technology, to engage each student in achieving necessary skills and knowledge; and

(7) Schools shall encourage business partnerships to assist students in the successful transition to employment or further education.

(l) The policy relative to developmentally appropriate daily physical activity pursuant to Ed 310 shall recommend that all pupils participate in developmentally appropriate daily physical activity, exercise, or physical education as a way to minimize the health risks created by chronic inactivity, childhood obesity, and other related health problems. The developmentally appropriate daily physical activity policy shall be in addition to and shall not replace the physical education program requirement in Ed 306.41.
Scope

LAWS

I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:
   (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
   (b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

REGULATIONS

(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:
   (1) On school buses and on the school grounds, including playgrounds;
   (2) During authorized school activities, such as field trips;
   (3) Within the school building, including classrooms and laboratories;
   (4) Off school grounds during school-sanctioned activities, including, but not limited to, work-based learning and internships;
   (5) In the use of online resources; and
   (6) In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.

Communication of policy

LAWS
No relevant laws found.

REGULATIONS

(f) The policy relative to student discipline shall:
   (1) Include provisions regarding:
      a. Student rights and responsibilities;
      b. Rules of conduct; and
      c. Penalties for misbehavior;
   (2) Be written in age-appropriate language;
   (3) Be disseminated to parents and guardians; and
   (4) Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical.
Ed 317.03. Standard for expulsion by local school board.
(b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.

Ed 317.04. Disciplinary procedures.
(d) Prior to the imposition of any suspension or expulsion each school board shall adopt a policy under RSA 189:15 which prescribes the manner in which the student body shall be informed concerning the content of RSA 193:13 through announced, posted, or printed school rules.

Ed 1202.021. Written policies required.
(f) The policies shall be provided annually to the parent, guardian, or legal representative of each child enrolled in or receiving services from the school or provider pursuant to RSA 126-U:2.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

627:6. Physical force by persons with special responsibilities.
II. (a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.

(b) In a child care program licensed or exempt from licensure under RSA 170-E, necessary force shall be limited to the minimum physical contact necessary to protect the child, other children present, the staff, or the general public from harm.

REGULATIONS
No relevant regulations found.
Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

I. (a) The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension.
II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. […]

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

REGULATIONS

Ed 317.02 Definitions.
(a) "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.
(b) "Firearm" means "firearm" as defined in section 921 of Title 18 of the US Code;
(c) "Dangerous weapons " means dangerous weapons listed but not limited to those in RSA 159:16.
(d) "Gross misconduct" includes, but is not limited to an act which:
   (1) Results in injury to another's person or damage to property;
   (2) Poses a direct threat to the safety of others in a safe school zone; or
   (3) Is identified in RSA 193-D:1, I.
(e) "Neglect", in the context of RSA 193:13, I and II, means the failure of a pupil to pay attention to an announced, posted, or printed school rule.
(f) "Pupil" means a student in attendance at a school during the school day or during any school sponsored function.

(g) "Refusal", in the context of RSA 193:13, I and II means the failure of a pupil to comply with an announced, posted, or printed school rule.

(h) Safe school zone" means "safe school zone" as defined in RSA 193-D:1, II.

(i) "School day" means:

1. For a pupil who takes the school bus, the time period beginning when a pupil boards the bus in the morning to the time when a pupil disembarks from the bus in the afternoon; and
2. For a pupil who walks to school or arrives by private car, the time period beginning when the pupil arrives on the school grounds to the time when the pupil leaves the school grounds.

(j) "Superintendent" means the school superintendent or chief administering officer, or a representative designated in writing as authorized under RSA 193:13, I.

(k) "Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.

**Ed 317.03. Standard for expulsion by local school board.**

(d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent, the following shall apply:

1. The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
2. The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

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

**LAWS**

**189:9-a. Pupils prohibited for disciplinary reasons.**

Notwithstanding the provisions of RSA 189:6-8, the superintendent, or a representative as designated in writing, is authorized to suspend the right of pupils from riding in a school bus when said pupils fail to conform to the reasonable rules and regulations as may be promulgated by the school board. Any suspension to continue beyond 20 school days must be approved by the school board. Said suspension shall not begin until the next school day following the day notification of suspension is sent to the pupil's parent or legal guardian.

I. If a pupil has been denied the right to ride a school bus for disciplinary reasons, the parent or guardian of that pupil has a right of appeal within 10 days of suspension to the authority that suspended this pupil's right.

II. Until the appeal is heard, or if the suspension of pupil's right to ride the school bus is upheld, it shall be the parents’ or guardians’ responsibility to provide transportation to and from school for that pupil for the period of the suspension.

**193:13. Suspension and expulsion of pupils.**

IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.
REGULATIONS

**Ed 317.06. Child with a disability.**

Any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**193:13. Suspension and expulsion of pupils.**

I.(b) The school board or a representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

**REGULATIONS**

**Ed 317.03. Standard for expulsion by local school board.**

(a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.

(b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.

**Ed 317.04. Disciplinary procedures.**

(a) There shall be the following levels of discipline available to school officials enforcing RSA 193:13 relative to the suspension and expulsion of pupils:

1. A short-term suspension pursuant to RSA 193:13, I(a) is for a period not to exceed 10 school days;
2. A long-term suspension pursuant to RSA 193:13, I(b)-(c) is for more than 10 days;
3. An expulsion by the local school board is for a period determined in writing by the board under RSA 193:13, II; and
4. An expulsion by the local school board is for a period of not less than 12 months under RSA 193:13, III.

(b) The superintendent or the superintendent's designee shall be authorized to impose a short term suspension.
(c) The school board or its designee shall be authorized to impose a long term suspension, after the imposition of a short-term suspension provided that the designee shall not be the same person who suspended the pupil in (a)(1).

(d) Prior to the imposition of any suspension or expulsion, each school board shall adopt a policy under RSA 189:15 which prescribes the manner in which the student body shall be informed concerning the content of RSA 193:13 through announced, posted, or printed school rules.

(e) If the school and school board have met the requirements of paragraph (d) a pupil appealing a local decision to the state board shall not be allowed to claim lack of knowledge of the state law requiring expulsion for bringing or possessing a firearm or other dangerous weapon as defined in these rules.

(f) Due process in disciplinary proceedings shall include, at a minimum, the following:

(1) In a short-term suspension:
   a. The superintendent or designee shall inform the pupil at the outset of the meeting of the meeting's purpose including the possibility of a short-term suspension;
   b. Oral or written notice of the charges and an explanation of the evidence against the pupil, which may be provided at or before this meeting;
   c. An opportunity for the pupil to present his/her side of the story;
   d. A written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student;

(2) In a long-term suspension of a pupil:
   a. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, prior to the hearing, of the charges and an explanation of the evidence against the pupil;
   b. A hearing in accordance with (f)(3)g.;
   c. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended;
   d. If the hearing was conducted by the school board's designee, the decision may be appealed to the local school board under RSA 193:13, I; and
   e. If the hearing was conducted by the school board, the decision may be appealed to the state board;

(3) In an expulsion by the local school board, due process shall include the following minimal requirements:
   a. A formal hearing shall be held before any expulsion;
   b. Such hearing may be held either before or after the short-term suspension has expired and pending the expulsion hearing;
   c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing, unless the student is still serving a long-term suspension;
   d. The school board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the local board;
   e. The written notice required by d. above shall include:
      1. A written statement of the charges and the nature of the evidence against the pupil; and
      2. A superintendent's written recommendation for school board action and a description of the process used by the superintendent to reach his/her recommendation;
f. This notice shall be delivered to the pupil and at least one of the pupil’s parents or guardian at least 5 days prior to the hearing;

g. The following hearing procedures shall apply:

1. The pupil, together with a parent or guardian may waive the right to a hearing and admit to the charges made by the superintendent;

2. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;

3. Formal rules of evidence shall not be applicable, however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;

4. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; and

5. During the hearing, the pupil, parent, guardian or counsel representing the pupil, shall have the right to examine any and all witnesses;

h. The decision of the school board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which expulsion is imposed and that such acts are, in fact, a proper reason for expulsion;

i. The decision shall state whether the student is expelled and the length of the expulsion;

j. If the decision is to expel the pupil the decision shall include the legal and factual basis for the decision including the specific statutory reference prohibiting that act as listed in RSA 193:13, II;

k. If the student is expelled, the decision shall state that the expulsion runs until the local school board later reviews it and restores the student’s permission to attend school;

l. The decision shall also state any action the student may take to be restored by the board; and

m. The decision shall include a statement that the pupil has the right to appeal the decision to the state board of education.

(g) Notwithstanding any other deadline in Ed 200 all appeals to the state board from school board decisions under (f), (2) and (f)(3) shall be filed within 20 calendar days of receipt of the written decision of the local school board and shall be in accordance with RSA 541-A and Ed 200.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Return to school following removal**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
Use of restraint and seclusion

LAWS

126-U:1. Definitions.
In this chapter:

I. "Child" means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. "Child" also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.

II. "Director" refers to the program director, school principal, or other official highest in rank and with authority over the activities of a school or facility.

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

(a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

(b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

(c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

(d) Restraint shall not include:

(1) Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.

(2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

V. "School" means:
(a) A school operated by a school district.
(b) A chartered public school governed by RSA 194-B.
(c) A public academy as defined in RSA 194:23, II.
(d) A nonpublic school subject to the approval authority of the state board of education under RSA 186:11, XXIX.
(e) A private or public provider of any component of a child's individualized education program under RSA 186-C.

V-a. "Seclusion" means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

VI. "Serious injury" means any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second- or third-degree burns, or any severe, permanent, or protracted loss or impairment to the health or function of any part of the body.

126-U:2. Written policies required.
Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances seclusion or restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

No school or facility shall use or threaten to use any of the following restraint and behavior control techniques:

I. Any physical restraint or containment technique that:
   (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
   (b) Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
   (c) Obstructs the circulation of blood;
   (d) Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
   (e) Endangers a child's life or significantly exacerbates a child's medical condition.

II. The intentional infliction of pain, including the use of pain inducement to obtain compliance.

III. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.

IV. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.
126-U:5. Limitation of the use of restraint to emergencies only.
I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others. Restraint shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.
II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

126-U:5-a. Limitation on the use of seclusion.
I. Seclusion may not be used as a form of punishment or discipline. It may only be used when a child’s behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until that danger has dissipated.
II. Seclusion shall only be used by trained personnel after other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.
III. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

I. When permitted by this chapter, seclusion may only be imposed in rooms which:
   (a) Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
   (b) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.
   (c) Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
   (d) Are free of any object that poses a danger to the children being placed in the rooms.
   (e) Have doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an “emergency” includes, but is not limited to:
      (1) The need to provide direct and immediate medical attention to a child;
      (2) Fire;
      (3) The need to remove a child to a safe location during a building lockdown; or
      (4) Other critical situations that may require immediate removal of a child from seclusion to a safe location.
   (f) Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.
II. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

126-U:5-c. Room confinement at the youth development center.
Notwithstanding any other provision of this chapter, the youth development center may confine children in their rooms when such confinement is part of a routine practice applicable to substantial portions of the
population at the center and not imposed as a consequence in response to the behavior of one or more children. Such confinement is not subject to the notice and reporting requirements of RSA 126-U:7.

126-U:6. Schools limited to physical restraint.
Use of restraint in schools shall be limited to physical restraint as permitted by this chapter. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of children pursuant to RSA 126-U:12.

126-U:7. Notice and record-keeping requirements.
I. Unless prohibited by court order, the facility or school shall, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

II. A facility employee or school employee who uses seclusion or restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

(a) The date, time, and duration of the use of seclusion or restraint.
(b) A description of the actions of the child before, during, and after the occurrence.
(c) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint.
(d) The names of the persons involved in the occurrence.
(e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
(f) A description of any interventions used prior to the use of the seclusion or restraint.
(g) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary.
(h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint.
(i) A description of any property damage associated with the occurrence.
(j) A description of actions taken to address the emotional needs of the child during and following the incident.
(k) A description of future actions to be taken to control the child's problem behaviors.
(l) The name and position of the employee completing the notification.
(m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or
facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:

(a) The date and time of the incident.
(b) A brief description of the actions of the child before, during, and after the occurrence.
(c) The names of the persons involved in the occurrence.
(d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
(e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:

(a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.
(b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
(c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.
(d) When an incident is subject to the requirements of paragraphs I-III.

126-U:8. Review of restraint records by Department of Education.
I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Periodic, regular review by the department of education of records maintained by schools relative to the use of seclusion and restraint.
(b) A process for the department of education's receipt of complaints and its conduct of investigations of improper use of seclusion and restraint in schools. The process shall provide for:

(1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.
(2) Investigation by persons not affiliated with the school district which is the subject of the complaint.
(3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.
(4) Protection of children before and after completion of the investigation.
(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairpersons of the education committees of the senate and house of representatives regarding the use of seclusion and restraint in schools. The annual report shall be
prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:10. Injury or death during incidents of restraint or seclusion.
I. In cases involving serious injury or death to a child subject to restraint or seclusion in a facility, the facility shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of health and human services, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-U:7, II. The department of health and human services shall annually notify facilities of their responsibilities under this section and provide contact information for the persons to be notified.

II. In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.

In a school or facility:

I. Restraint shall not be imposed for longer than is necessary to protect the child or others from the substantial and imminent risk of serious bodily harm.

II. Children in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.

III. No period of restraint of a child may exceed 15 minutes without the approval of the director or a supervisory employee designated by the director to provide such approval.

IV. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the child is conducted by the facility or school director or by a supervisory employee designated by the director who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this chapter. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the written notification required in RSA 126-U:7, II.

126-U:12. Restriction of the use of mechanical restraint during the transport of children.
I. A school or facility shall not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

II. Whenever a child is transported to a location outside a school or facility, the director shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the child in a manner which:

(a) Prevents physical and psychological trauma;

(b) Respects the privacy of the child; and

(c) Represents the least restrictive means necessary for the safety of the child.

III. Whenever a child is transported using mechanical restraints, the director shall document in writing the reasons for the use of mechanical restraints. Such documentation shall be treated as a notification of restraint under RSA 126-U:7.
126-U:14. School review following the use of restraint or seclusion.

Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

627:6. Physical force by persons with special responsibilities.

I. A parent, guardian or other person responsible for the general care and welfare of a minor is justified in using force against such minor when and to the extent that he reasonably believes it necessary to prevent or punish such minor's misconduct.

II. (a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.

(b) In a child care program licensed or exempt from licensure under RSA 170-E, necessary force shall be limited to the minimum physical contact necessary to protect the child, other children present, the staff, or the general public from harm.

IV. The justification extended in paragraphs I, II, and III does not apply to the malicious or reckless use of force that creates a risk of death, serious bodily injury, or substantial pain.

REGULATIONS

Ed 1113.04 Behavioral Interventions.

(a) Positive behavioral interventions based on the results of a behavioral assessment shall serve as the foundation of any program used to address the behavioral needs of students.

(b) An LEA, other public agency, private provider of special education or other non-LEA program shall not employ any of the following aversive behavioral interventions:

   (1) Any procedure intended to cause physical pain;

   (2) Aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation;

   (3) Any non-medical mechanical restraint that physically restricts a student's movement;

   (4) Contingent food or drink programs;

   (5) Electrical stimulation;

   (6) Placement of a child in an unsupervised or unobserved room from which the child cannot exit without assistance; and

   (7) Physical restraint, unless in response to a threat of imminent, serious, physical harm pursuant to RSA 126-U.

Ed 1201.01. Definitions.

(a) "Child" means child as defined in RSA 126-U: 1, I.

(b) "Improper restraint" and "improper seclusion" means any restraint or seclusion not allowed under RSA 126-U.

(c) "Restraint" means restraint as defined in RSA 126-U:1, IV.
(d) “Review of record” means a review of the record at the school, made pursuant to RSA 126-U:7.

(e) “School” means school as defined by RSA 126-U:1, V.

(f) “Seclusion” means seclusion as defined in RSA 126-U:1,V-a.

(g) “Serious injury” means serious injury as defined in RSA 126-U:1,VI.

**Ed 1202.021. Written policies required.**

(a) Each school shall have written policies for managing the behavior of children pursuant to RSA 126-U:2 consistent with Ed 306.04(a)(18).

(b) In addition to the requirements in (a) above, each nonpublic school shall have written policies for managing the behavior of children pursuant to RSA 126-U:2 consistent with Ed 403.

(c) In addition to the requirements of (a) above, a private provider of a special education program shall have written policies for managing the behavior of children pursuant to RSA 126-U:2 consistent with Ed 1114.

(d) The written policies shall include a statement that, pursuant to RSA 126-U:14, the school shall review the individualized education program (IEP) or section 504 plan of a child with a disability following the first use of restraint or seclusion on the child, or upon request of the child’s parent or guardian, and make adjustments to the IEP or 504 plan as indicated to reduce the future use of restraint or seclusion.

(e) The written policies shall include a statement that a school employee has a duty to report a violation of RSA 126-U when that person has reason to believe that the action of another constituted a violation of RSA 126-U and misconduct or suspected misconduct, pursuant to Ed 510.

(f) The policies shall be provided annually to the parent, guardian, or legal representative of each child enrolled in or receiving services from the school or provider pursuant to RSA 126-U:2.

**Ed 1202.02. Duty to report.**

(a) Unless prohibited by court order, the superintendent, acting superintendent, superintendent’s designee, acting superintendent’s designee, or school administrator shall, as soon as possible, verbally notify the parent or guardian whenever seclusion or restraint has been used on a child.

(b) Within 5 business days of the use of seclusion or restraint, the school employee that used seclusion or restraint shall submit a written notification to the school principal containing the following, pursuant to RSA 126:7, II:

1. The date, time, and duration of the use of seclusion or restraint;

2. A description of the actions of the child before, during, and after the occurrence;

3. A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;

4. The names of the persons involved in the occurrence;

5. A description of the actions of the facility or school employees involved before, during, and after the occurrence;

6. A description of any interventions used prior to the use of the seclusion or restraint;

7. A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;

8. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;

9. A description of any property damage associated with the occurrence;
(10) A description of actions taken to address the emotional needs of the child during and following the incident;

(11) A description of future actions to be taken to control the child's problem behaviors;

(12) The name and position of the employee completing the notification; and

(13) The anticipated date of the final report.

(c) The superintendent, acting superintendent, superintendent’s designee, acting superintendent’s designee, or school administrator shall, as soon as possible, make an oral report of all incidents of restraint and seclusion within the school involving serious injury or death to a child subject to restraint or seclusion to the commissioner, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities, pursuant to RSA 126-U:10, II. Within 5 business days, a written report shall be provided to the commissioner, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities pursuant to RSA 126-U:7.

(d) No school nor any employee, contractor, consultant nor volunteer thereof, shall subject any individual to harassment or retaliation for filing, in good faith, a report under RSA 126-U or these rules.

(e) Schools shall document complaints that they determine do not meet the criteria for a violation of RSA 126-U. This documentation shall include the evidence relied upon. Such documentation shall be maintained and provided to the department of education when it does its review pursuant to RSA 126-U:8.

**Ed 1203.01. Filing a complaint.**

(a) Any individual may file a complaint with the commissioner alleging a violation of RSA 126-U.

(b) When filing a complaint the complainant shall provide the following information to the Commissioner:

(1) The date or approximate date of the alleged incident;

(2) The location of the alleged incident;

(3) The name of the child or children subject to the alleged restraint or seclusion, if known;

(4) The name of the school personnel alleged to have restrained or secluded the child, if known;

(5) A description of the alleged restraint or seclusion;

(6) The date of complaint; and

(7) The name of complainant if the complainant is willing to disclose name.

(c) Complaints may be submitted orally or in written form.

(d) A complainant may request to keep his or her identity confidential throughout the complaint process. However, if the confidentiality of the complainant interferes with the investigation or the resolution of the complaint, the investigator shall notify the complainant that his or her request for confidentiality interferes with the investigation or resolution of the complaint and will not be maintained. The investigation shall then proceed.

**Ed 1203.02. Review of complaint filed.**

(a) The commissioner or the commissioner’s designee shall provide the information obtained in Ed 1203.01 to the investigator designated by the department of education. The investigator shall not be affiliated with the school or any person involved with the complaint.

(b) If the complaint is filed by an individual other than a parent or guardian, the investigator shall notify the parent or guardian that a complaint has been filed on behalf of his or her child.

(c) The commissioner or the commissioner’s designee shall review the complaint and shall dismiss the complaint if:
(1) The alleged facts, if true, would not constitute a violation of RSA 126-U; or
(2) The alleged improper restraint or seclusion did not occur within 12 months of the date of filing of the complaint. However, such a complaint shall not be dismissed if the complainant could not have reasonably discovered the violation within 12 months of the filing of the complaint.
(d) The department shall conduct investigations to determine if there were or were not violations of RSA 126-U.
(e) The commissioner or the commissioner’s designee will notify the complainant that the complaint has been dismissed and the basis for the dismissal.

**Ed 1203.03. Investigative process.**

(a) If a complaint is not dismissed, the investigator shall:

   (1) For cases involving serious injury, determine whether the allegations must be referred to law enforcement for investigation as mandated by RSA 161-F:51, II or 169-C:29;
   (2) Pursuant to (1) above, make reports at any point during the investigation when he or she obtains information that he or she is required to report under RSA 161-F:51 or 169-C:29;
   (3) Contact such persons and examine such records and other documents as are reasonably necessary to determine whether or not the allegations are true and whether any violation of 126-U occurred;
   (4) Review findings of facts from other investigative agencies; and
   (5) Review any and all protective measures for the child that the school has put in place before or after the complaint, and if no protective measures have been put in place, the investigator shall instruct the school to develop a procedure to protect the child.

(b) Investigations shall not constitute a disciplinary hearing and shall not constitute an allegation of misconduct against an employee by the department of education;

(c) Once the investigator completes the investigation, the following procedures shall apply:

   (1) The investigator shall file a written report with the commissioner or the commissioner’s designee including findings of fact specifying any of the following specific grounds listed in RSA 126-U upon which the findings are based:
      a. Failure to implement written policy and procedures as required in RSA 126-U;
      b. Failure to properly notify a parent, guardian, or guardian ad litem in a timely manner, in violation of RSA 126-U:7, IV;
      c. Retaliation against any individual involved in a complaint or proceeding under this chapter, pursuant to RSA 126-U:8;
      d. Repeated improper use of restraint, pursuant to RSA 126-U:8;
      e. Improper use of seclusion as punishment, pursuant to RSA 126-U:5-a, I;
      f. Restraint by personnel not trained to restrain a child, pursuant to RSA 126-U:5;
      g. Use of any restraint technique prohibited by RSA 126-U:4;
      h. Improper use of restraint when other interventions were appropriate, pursuant to RSA 126-U:5;
      i. Improper use of seclusion or restraint that unnecessarily subjects a child to a risk of ridicule, humiliation, or emotional or physical harm pursuant to RSA 126-U:4, IV and RSA 126-U:5-a;
      j. Improper seclusion under conditions that do not meet RSA 126-U:5-b;
      k. Failure to comply with the requirements for authorization and monitoring of extended restraint, pursuant to RSA 126-U:11;
l. Failure to comply with the restriction on the use of mechanical restraint during the transport of children, pursuant to RSA 126-U:12; and
m. Any other conduct in which a school or school personnel violate RSA 126-U, or this chapter;
n. Written statements by any employees who are the subject of the complaint, if the employees choose to provide such statements; and
o. A recommendation for further action, if necessary.

(d) The investigator shall file a report with the commissioner within 30 days of the filing of the complaint. The investigator may request a time extension from the commissioner for good cause shown, including, the coordination of investigations with other agencies or unavailability of a witness. If good cause is shown, the commissioner shall permit a time extension.

(e) The commissioner shall review the investigator’s report and recommendation based on a review of the case in relation to the grounds listed in RSA 126-U to:

(1) Provide a written decision and recommendations which shall include, if necessary, based on the conclusions of the investigator’s report:
   a. Appropriate remedial measures to address physical and other injuries;
   b. Appropriate remedial measures to address protection against retaliation; and
   c. Appropriate remedial measures to reduce the incidence of violations of RSA 126-U.

(2) Identify remedial measures necessary to remedy the problem. Such remedial measure may include but are not limited to:
   a. Training of an individual or a group of school employees;
   b. Revision of policies and procedures;
   c. Revision of notice and record keeping practices;
   d. Compliance with conditions of seclusion per 126-U:5-b; and
   e. Any other action designed to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of RSA 126-U; and

(3) The commissioner’s decision and recommendations shall be provided to the superintendent, the school administrator, and any employee found to have performed or accused of performing a restraint or using seclusion. The commissioner’s decision shall be provided to the child’s parent or guardian. Copies of the decision which are provided to the parents, guardians or employees under this subsection shall be redacted as necessary, to comply with federal and state law.

(f) If the commissioner determines that disciplinary proceedings concerning credentialing are warranted, the commissioner shall notify the director of the division of program support.

(g) Disclosure of investigatory reports shall be made in compliance with state and federal law.

(h) In addition to any disclosure required by (e), above, the investigator’s report and commissioner’s decision shall be disclosed as follows:

(1) The investigator’s report and commissioner’s decision shall be made available, upon request, to the parties in any adjudicatory proceeding arising out of the same facts as the complaint alleging violations of RSA 126-U;

(2) If disciplinary proceedings are to be conducted as a result of the investigation, the commissioner or the commissioner’s designee shall provide information gathered during an investigation to:
   a. A law enforcement agency when the agency is conducting a criminal investigation related to the subject matter of the investigation;
   b. A certifying agency of another jurisdiction for:
1. Purposes of certification of the credential holder in another jurisdiction; or
2. An investigation in another jurisdiction, when:
   (i) The person was the subject of a formal investigation under Ed 1200; or
   (ii) Disciplinary action was taken against the person by the state board of education under Ed 510;
   c. Board investigators or prosecutors; and
   d. Expert witnesses or assistants retained by board prosecutor or investigators in the same or related disciplinary matters; and
(4) Whether or not further disciplinary proceedings are to be conducted as a result of the investigation, the board shall provide information gathered in disciplinary investigations to persons to whom the person facing disciplinary proceedings has given a release.
(i) Prior to commencement of an adjudicatory proceeding, the person being investigated shall be notified promptly of the nature of any allegations that result in an adjudicatory proceeding under these rules unless notification is prohibited by law or will interfere with a criminal investigation.
(j) If further disciplinary proceedings are to be conducted as a result of an investigation, the person shall be given the opportunity to respond, in writing, to the investigator prior to the initiation of disciplinary proceedings.

**Alternative placements**

**LAWS**

**193:13. Suspension and expulsion of pupils.**
V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.

**REGULATIONS**
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.
IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.
V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.
VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

REGULATIONS

Ed 317.03. Standard for expulsion by local school board.
(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
(1) Whether a firearm is legally licensed under RSA 159; or
(2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
(d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent, the following shall apply:
(1) The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
(2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

Other weapons

LAWS

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested.
prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

186:11. Duties of State Board of Education.
The state board of education shall, in addition to the duties assigned by RSA 21-N:11:
  XV. Truant Officers. Report frequently to the chairman of the several school boards the relative efficiency of the several truant officers in the state.
  XVIII. School Attendance. Enforce the laws relative to school attendance and the employment of minors; and for this purpose the board and its deputies are vested with the power given by law to truant officers.
  XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

189:34. Truant officer appointment.
I. School boards shall appoint truant officers for their districts.
II. School board policies on truancy shall include but not be limited to:
  (a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused.
  (b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The process shall consider whether school record keeping practices and notification provided to parents or guardians of the child’s absences have an effect on the child’s attendance. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.
189:36. Truant officer duties.
I. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h); and the laws relating to the attendance at school of children between the ages of 6 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.
II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, II until all steps in the school district's intervention process under RSA 189:34, II have been followed.

193:15. Penalty for unauthorized attendance, etc.
Any pupil who, after notice, attends or visits a school which the pupil has no right to attend, or interrupts or disturbs such school, shall for the first offense be guilty of a violation, and shall for any subsequent offense be guilty of a misdemeanor.

193:16. Bylaws as to nonattendance.
Districts may make bylaws, not repugnant to law, concerning habitual truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h), and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense.

REGULATIONS

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:
   (1) Absenteeism and attendance;
(c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.

Substance use

LAWS

Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:
I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:
   (a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.
   (b) Hospitals and other acute care facilities.
(c) Grocery stores by customers.
(d) Elevators, tramways, gondolas, and other such public conveyances.
(e) Public conveyances.
(f) Restaurants.
(g) Cocktail lounges.
(h) Enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

II. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

I. "Controlled drug or its analog'' means those drugs or substances included within the definitions provided in RSA 318-B:1, VI and VI-a.
II. "Drug-free school zone'' means an area inclusive of any property used for school purposes by any school, whether or not owned by such school, within 1,000 feet of any such property, and within or immediately adjacent to school buses.
III. "School'' means any public or private elementary, secondary, or secondary vocational-technical school or Head Start facility in New Hampshire.
IV. "School property'' means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

Except as otherwise provided by law, it shall be unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, within a drug-free school zone at any time of the year.

193-B:3. Maps of drug-free zones; Exemption.
I. Each school administrative unit within the state shall, in consultation with the local police authority having jurisdiction over drug enforcement where each drug-free zone is located, publish a map clearly indicating the boundaries of each permanent drug-free school zone in accordance with the provisions of RSA 193-B:1, II. Such map shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and in all schools existing in the drug-free school zone.
II. The mapping requirements under paragraph I shall not apply to Head Start facilities.

193-B:4. Rulemaking; Notice; Posting.
The state board of education, in consultation with the New Hampshire Police Chiefs' Association, shall adopt rules pursuant to RSA 541-A relative to
I. Developing a procedure by which to mark drug-free zones, including the use of signs or other markings as appropriate. Such signs or other markings shall:
   (a) Be posted in a prominent place:
      (1) On or near each school;
      (2) In each school bus; and
(3) On or near non-school-owned property serving as a temporary drug-free zone by virtue of its use for the school's instructional program, for the duration of such use;
(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and
(c) Warn that violation of this chapter shall subject the offender to severe penalties under the law.
II. Assisting each school administrative unit in providing for the posting required in this section.

193-B:5. Toll-Free hotline; Rulemaking; Local hotlines; Notice.
I. There is hereby established a toll-free statewide hotline for the purpose of reporting anonymous information on drug activity to local law enforcement agencies. The department of safety shall coordinate and adopt rules pursuant to RSA 541-A for the establishment and operation of the hotline.
II. The toll-free statewide telephone number established under paragraph I shall be displayed in the drug-free zone signs developed and posted pursuant to RSA 193-B:4, I. If a local police hotline telephone exists in a community, such telephone number shall be posted on relevant signs in lieu of the toll-free statewide telephone number.

I. It shall be a violation for any person to cover, remove, deface, alter or destroy any sign or other marking identifying a drug-free zone as provided in RSA 193-B:4, I.
II. Lack of knowledge that the prohibited act as defined in RSA 193-B:2 occurred on or within 1,000 feet of school property shall not be a defense.
III. A violation of RSA 193-B:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every court shall levy a penalty assessment of $100 for an offense in violation of RSA 193-B:2. The clerk of each court shall collect all penalty assessments and, notwithstanding RSA 6:11, shall transmit the amount collected to the general fund.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

193-F:1. Title.
This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."193-F:2. Purpose and intent.
I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.
II. Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression,
obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying of any kind in our public schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

193-F:3. Definitions.

In this chapter:

I. (a) "Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

1. Physically harms a pupil or damages the pupil's property;
2. Causes emotional distress to a pupil;
3. Interferes with a pupil's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the school.

(b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

II. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying.

V. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated.


I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

II. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. The policy shall contain, at a minimum, the following components:

(a) A statement prohibiting bullying or cyberbullying of a pupil.
(b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.

(c) A requirement that all pupils are protected regardless of their status under the law.

(d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.

(e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.

(h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

III. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy.
IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

193-F:5. Training and assessment.
I. Each school district and chartered public school shall provide:
   (a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying; and
   (b) Educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.

III. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook, or other material designed to prevent bullying or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

A school administrative unit employee, school employee, chartered public school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this chapter. The department of education shall be immune from civil liability for its good faith conduct in making recommendations under this chapter.
193-F:8. School district discrimination or harassment policies.
A school district or chartered public school may establish separate discrimination or harassment policies that include categories of pupils, and nothing in this chapter shall prevent a school district or chartered public school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law.

193-F:9 Private right of action not permitted.
Nothing in this chapter shall supersede or replace existing rights or remedies under any other general or special law, including criminal law, nor shall this chapter create a private right of action for enforcement of this chapter against any school district or chartered public school, or the state.

193-F:10 Public academies.
The provisions of this chapter shall apply to public academies as defined in RSA 194:23.

631:7. Student hazing.
II.(a) A natural person is guilty of a class B misdemeanor if such person:
   (1) Knowingly participates as actor in any student hazing; or
   (2) Being a student, knowingly submits to hazing and fails to report such hazing to law enforcement or educational institution authorities; or
   (3) Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

   (b) An educational institution or an organization operating at or in conjunction with an educational institution is guilty of a misdemeanor if it:
   (1) Knowingly permits or condones student hazing; or
   (2) Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
   (3) Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge. […]

For definitions related to hazing see, RSA 631:7 (2013), (I).

REGULATIONS

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:
   (7) Student hazing;

Other special infractions or conditions

LAWS

193-D:1. Definitions
In this chapter:
I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:
   (a) Any of the offenses enumerated in RSA 189:13-a, V.
(b)(1) Any first or second degree assault under RSA 631.
    (2) Any simple assault under RSA 631:2-a.
(c) Criminal mischief under RSA 634:2.
(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.
(e) Arson under RSA 634:1.
(f) Burglary under RSA 635.
(g) Robbery under RSA 636.
(h) Theft under RSA 637.
(i) Illegal sale or possession of a controlled drug under RSA 318-B.

193-D:3. Criminal penalties.
Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

186:11. Duties of State Board of Education.
The state board of education shall, in addition to the duties assigned by RSA 21-N:11:
IX. Instruction as to Child Abuse Prevention, Youth Suicide Prevention, Intoxicants, Drugs, HIV/AIDS, and Sexually Transmitted Diseases.
(a) Direct the department to develop academic standards to serve as a guide and reference in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.
(b) Provide information about HIV/AIDS to all public and private schools to facilitate the delivery of appropriate courses and programs.
(c) Review HIV/AIDS curriculum materials to assure relevancy in assisting students to become health-literate citizens and lead longer, healthier lives.
(d) Provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs.
(e) Submit a report no later than December 1, 2010, and biennially thereafter, prepared in conjunction with the commissioner of the department of education, to the chairpersons of the house and senate education committees, the house health, human services and elderly affairs committee, and the senate health and human services committee, detailing the state’s efforts in fulfilling the policies relating to health education in kindergarten through grade 12 as set forth in subparagraphs (a)-(d).

189:11-d. Drug and alcohol education.
I. Each public school in the state, as part of the school board-approved kindergarten through grade 12 health education program, shall provide age and developmentally appropriate drug and alcohol education to pupils based upon the needs of the pupils and the community. The school board may authorize the use of an evidence-based prevention program.
II. School boards shall develop policies authorizing school district personnel to provide pupils, parents, and legal guardians with information and resources relative to existing drug and alcohol counseling and treatment for pupils. Nothing in this section shall require a school district to add additional programs or services, but only to provide information about available programs and services.

REGULATIONS
No relevant regulations found.
Behavioral interventions and student support services

LAWS

189:11-d. Drug and alcohol education.
I. Each public school in the state, as part of the school board-approved kindergarten through grade 12 health education program, shall provide age and developmentally appropriate drug and alcohol education to pupils based upon the needs of the pupils and the community. The school board may authorize the use of an evidence-based prevention program.

II. School boards shall develop policies authorizing school district personnel to provide pupils, parents, and legal guardians with information and resources relative to existing drug and alcohol counseling and treatment for pupils. Nothing in this section shall require a school district to add additional programs or services, but only to provide information about available programs and services.

REGULATIONS

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(18) Behavior management and intervention for students;

(a) If a district employs a school psychologist as an optional service pursuant to RSA 189:49, IV, the standards in (b)-(e) below shall apply. Nothing in this section shall prevent a school district from contracting services with a qualified school psychologist.

(c) The school psychologist shall provide comprehensive psychological services throughout various learning environments to help children and youth develop academic, social, behavioral, and emotional competence through:

(5) School-wide practices to promote learning, developing and implementing evidence-based practices and strategies to create and maintain effective and supportive learning environments for children and others, including multi-tiered systems, to support students’ academic, social, emotional, and behavioral goals;

(6) Preventative and responsive services employing theories and research related to resilience, risk factors, and multi-tiered prevention, to support evidence based strategies for effective counseling, crisis response, and behavioral intervention;

Professional development

LAWS

193-F:5. Training and assessment.
I. Each school district and chartered public school shall provide:

(a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying; and
(b) Educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.

III. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook, or other material designed to prevent bullying or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

REGULATIONS

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

126-U:7. Notice and record-keeping requirements.
I. Unless prohibited by court order, the facility or school shall, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

II. A facility employee or school employee who uses seclusion or restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

(a) The date, time, and duration of the use of seclusion or restraint.
(b) A description of the actions of the child before, during, and after the occurrence.
(c) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint.
(d) The names of the persons involved in the occurrence.
(e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
(f) A description of any interventions used prior to the use of the seclusion or restraint.
(g) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary.
(h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint.
(i) A description of any property damage associated with the occurrence.
(j) A description of actions taken to address the emotional needs of the child during and following the incident.
(k) A description of future actions to be taken to control the child's problem behaviors.
(l) The name and position of the employee completing the notification.
(m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or
facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:

(a) The date and time of the incident.
(b) A brief description of the actions of the child before, during, and after the occurrence.
(c) The names of the persons involved in the occurrence.
(d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
(e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:

(a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.
(b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
(c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.
(d) When an incident is subject to the requirements of paragraphs I-III.

193-D:4. Written report required.

I. (a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

(b) The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 12 if the local school board has adopted a discipline policy which sets forth circumstances under which parents shall be notified of simple assaults.

(c) Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I(a)-(c).

II. The report required under paragraph I shall include:

(a) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.
(b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
(c) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.

**193-F:6. Reporting.**
I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

**REGULATIONS**

**Ed 317.03. Standard for expulsion by local school board.**
(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:

1. Whether a firearm is legally licensed under RSA 159; or
2. Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.

**Ed 1202.02. Duty to report.**
(b) Within 5 business days of the use of seclusion or restraint, the school employee that used seclusion or restraint shall submit a written notification to the school principal containing the following, pursuant to RSA 126:7, II:

1. The date, time, and duration of the use of seclusion or restraint;
2. A description of the actions of the child before, during, and after the occurrence;
3. A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;
4. The names of the persons involved in the occurrence;
5. A description of the actions of the facility or school employees involved before, during, and after the occurrence;
6. A description of any interventions used prior to the use of the seclusion or restraint;
7. A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;
8. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;
9. A description of any property damage associated with the occurrence;
10. A description of actions taken to address the emotional needs of the child during and following the incident;
(11) A description of future actions to be taken to control the child's problem behaviors;
(12) The name and position of the employee completing the notification; and
(13) The anticipated date of the final report.

Parental notification

LAWS

126-U:7. Notice and record-keeping requirements.
I. Unless prohibited by court order, the facility or school shall, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

193-D:4. Written report required.
I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

(b) The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 12 if the local school board has adopted a discipline policy which sets forth circumstances under which parents shall be notified of simple assaults.

REGULATIONS

Ed 317.04. Disciplinary procedures.
(f) Due process in disciplinary proceedings shall include, at a minimum, the following:

(1) In a short-term suspension:[...]
   [...]d. A written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student;
(2) In a long-term suspension of a pupil:[...]
   a. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the charges and an explanation of the evidence against the pupil;[...]
(3) In an expulsion by the local school board, due process shall include the following minimal requirements:[...]
   [...]d. The school board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the local board;
   e. The written notice required by d. above shall include:
1. A written statement of the charges and the nature of the evidence against the pupil; and
2. A superintendent's written recommendation for school board action and a description of the process used by the superintendent to reach his/her recommendation;

f. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardian at least 5 days prior to the hearing;

g. The following hearing procedures shall apply:

1. The pupil, together with a parent or guardian may waive the right to a hearing and admit to the charges made by the superintendent;
2. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;
3. Formal rules of evidence shall not be applicable, however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;
4. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; and
5. During the hearing, the pupil, parent, guardian or counsel representing the pupil, shall have the right to examine any and all witnesses.[...]

Ed 1202.02. Duty to report.

(a) Unless prohibited by court order, the superintendent, acting superintendent, superintendent’s designee, acting superintendent’s designee, or school administrator shall, as soon as possible, verbally notify the parent or guardian whenever seclusion or restraint has been used on a child.

Reporting and referrals between schools and law enforcement

LAWS

169-B:2. Definitions.

In this chapter:

I. "Adult lock-up or jail" means a locked facility, used primarily to house adults charged with or convicted of violating criminal law. This includes police lock-ups, county correctional facilities, and any facility used by county sheriffs, state police, or local police to securely detain adult offenders and accused offenders.

II. "Alternative to secure detention" means any local program, approved by the court, police, probation, or the department of health and human services, which offers a less restrictive alternative to secure detention for minors. Such programs include, but are not limited to, youth attenders, crisis home placement, group homes which have entered into agreements with the department of health and human services to provide such care, truant and runaway programs, and alcohol and drug detoxification programs.

III. "Court" means the district court, unless otherwise indicated.

III-a. "Custody" means a legal status created by court order wherein the department of health and human services has placement and care responsibility for the minor.

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult,
or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regard to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at prefiling as an alternative to the filing of a petition, or at arraignment.

IV-b. "Court approved diversion program" means a program that has been approved by the administrative judge of the judicial branch family division and has been approved to accept court referrals. An approved diversion program is a community based alternative to the formal court process that integrates restorative justice practices, promotes positive youth development, and reduces juvenile crime and recidivism.

IV-c. "Intervention" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regard to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of intervention is to prevent further involvement of the juvenile in the formal legal system. Intervention for a juvenile may take place either at the adjudicatory or dispositional level.

V. "Detention" means the care of a minor in physically restricted facilities and shall not include placement at residential treatment or evaluation facilities, staff-secure shelter facilities, or foster care homes.

V-a. "Home detention" means court-ordered confinement of a minor with the parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

VI. "Minor" means a person under the age of 18.

VII. "Non-secure detention" means the care of a minor in a facility where physical restriction of movement or activity is provided solely through facility staff.

VIII. "Conditional release" means a legal status created by court order following an adjudication that a minor is delinquent and shall be permitted to remain in the community, including the minor's home, subject to:

(a) The conditions and limitations of the minor's conduct prescribed by the court;
(b) Such counselling and treatment as deemed necessary, pursuant to methods and conditions prescribed by the court, for the minor and family;
(c) The supervision of a juvenile probation and parole officer, as authorized by RSA 170-G:16; and
(d) Return to the court for violation of conditions of the release and change of disposition at any time during the term of conditional release.

IX. "Restitution" means moneys, compensation, work, or service which is reimbursed by the offender to the victim who suffered personal injury or economic loss.

X. "Concurrent plan" means an alternate permanency plan in the event that a child cannot be safely reunified with his or her parents.
XI. "Out-of-home placement" means when a minor, as the result of a delinquent petition, is removed from a biological parent, adoptive parent, or legal guardian of the minor and placed in substitute care with someone other than a biological parent, adoptive parent, or legal guardian. Such substitute care may include placement with a custodian, guardian, relative, friend, group home, crisis home, shelter care, or a foster home.

XII. "Permanency hearing" means a court hearing for a minor in an out-of-home placement to review, modify, and/or implement the permanency plan or adopt the concurrent plan.

XIII. "Permanency plan" means a plan for a minor in an out-of-home placement that is adopted by the court and that provides for timely reunification, termination of parental rights or parental surrender when an adoption is contemplated, guardianship with a fit and willing relative or another appropriate party, or another planned permanent living arrangement.

XIV. "Serious threats to school safety" means acts involving weapons; acts involving the possession, sale, or distribution of controlled substances; acts that cause serious bodily injury to other students or school employees; threats to cause bodily injury to students or school employees, where there is a reasonable probability that such threats will be carried out; acts that constitute felonious sexual assault or aggravated felonious sexual assault under RSA 632-A; arson under RSA 634:1; robbery under RSA 636:1; and criminal mischief under RSA 634:2, II and RSA 634:2, II-a.

XV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care of children no less than 11 nor more than 17 years of age. Shelter care facilities may be utilized for children prior to or following adjudication or disposition. A shelter care facility may not be operated in the same building as a facility for architecturally secure confinement of children or adults.

I. Any person may file a petition, alleging the delinquency of a minor, with a judge or clerk of the court in the judicial district in which the minor is found or resides or where the offense is alleged to have occurred. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

II. To be legally sufficient, the petition must set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged and shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of __________, a minor."

III. Absent serious threats to school safety, when a delinquency petition is filed by a school official, including a school resource officer assigned to a school district pursuant to a contract agreement with the local police department, or when a petition is filed by a local police department as a result of a report made by a school official or school resource officer, based upon acts committed on school grounds during the school day, information shall be included in the petition which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches, including the school discipline process, if appropriate, that the school has sought to engage the parents or guardian in solving the problem but they have been unwilling or unable to do so, that the minor has not responded to such approaches and continues to engage in delinquent behavior, and that court intervention is needed.

IV. When a school official, including a school resource officer assigned to a school district pursuant to a contract agreement with the local police department, or a local police department as a result of a report made by a school official or school resource officer, files a petition involving a minor with a disability pursuant to RSA 186-C, upon submission of a juvenile petition, but prior to the child's initial appearance, the legally liable school district shall provide assurance that prior to its filing:
(a) It was determined whether or not the child is a child with a disability according to RSA 186-C:2, I.
(b) If the school district has determined that the child is a child with a disability, a manifestation review pursuant to 20 U.S.C. section 1415(k)(1)(E) occurred.
(c) If the child's conduct was determined to be a manifestation of the child's disability, the school district followed the process set forth in 20 U.S.C. section 1415(k)(1)(F).
(d) It has reviewed for appropriateness the minor's current individualized education program (IEP), behavior intervention plan, and placement, and has made modifications where appropriate.

193-D:4. Written report required.
I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

193-D:8. Transfer records; Notice.
All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

REGULATIONS

Ed 317.03. Standard for expulsion by local school board.
(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
   (1) Whether a firearm is legally licensed under RSA 159; or
   (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.

Ed 317.05. Reporting procedures.
(a) In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized form #Ed 317.
(b) The report by a supervisor to a principal on Form #Ed 317 shall contain all the statutory information required by RSA 193-D:4.
(c) Form #Ed 317 shall be completed and filed with the local law enforcement authority within 48 hours of such incident.

(e) A school district reporting a crime committed by a child with a disability shall ensure that copies of the relevant portions of the special education and disciplinary records of the child are made available in a manner that protects the privacy of student records for consideration by the appropriate authorities to whom it reports the crime.

(f) A school district shall complete and file Form Ed 317-Fed, Report on Students Disciplined Under the Gun Free School Act of 1994, with the commissioner on or before June 30 of each year.

**Disclosure of school records**

**LAWS**

**189:49-a. Fingerprinting program.**

IV. A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall provide access to the relevant records of a student to a law enforcement officer who indicates that an investigation is being conducted by such officer and that the student is or may be a missing child. Copies of information in the relevant records of a student shall be provided, upon request, to the law enforcement officer, if prior approval is given by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case. The information may be used by law enforcement agency personnel in any manner that is appropriate to solving the case, including, but not limited to, providing the information to other law enforcement officers and agencies and to the office of the attorney general, division of public protection, bureau of criminal justice, for purposes of computer integration pursuant to RSA 7:10-a.

**189:65. Definitions.**

In this subdivision:

I. "Biometric" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

II. "Board" means the state board of education.

III. "Department" means the department of education.

IV. "District", "school", or "school district" means a school district, including the school administrative unit to which it may belong, and the high school educational program at the state prison or county jail in which an inmate under the age of 21 is participating.

V. "Disclosure" means permitting access to, revealing, releasing, transferring, or otherwise communicating, personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic.

VI. "Statewide longitudinal data system" (SLDS) means the department's statewide longitudinal data system containing student information collected pursuant to RSA 193-E:5 and the state longitudinal database created to house data pursuant to RSA 193-E:5.

VII. "Student personally-identifiable data" means:

(a) The student's name.

(b) The name of the student's parents or other family members.

(c) The address of the student or student's family.
(d) Indirect identifiers, including the student’s date of birth, place of birth, social security number, email, social media address, or other electronic address, telephone number, credit card account number, insurance account number, and financial services account number.

(e) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

VII-a. “Teacher personally-identifiable data” or “teacher data,” which shall apply to teachers, paraprofessionals, principals, school employees, contractors, and other administrators, means:

(a) Social security number.

(b) Date of birth.

(c) Personal street address.

(d) Personal email address.

(e) Personal telephone number.

(f) Performance evaluations.

(g) Other information that, alone or in combination, is linked or linkable to a specific teacher, paraprofessional, principal, or administrator that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify any with reasonable certainty.

(h) Information requested by a person who the department reasonably believes or knows the identity of the teacher, paraprofessional, principal, or administrator to whom the education record relates.

VIII. “Testing entity” means a third party, within or outside of New Hampshire, contracted to administer the state assessment as defined in RSA 193-C:6.

IX. "Workforce information" means information related to unemployment insurance, wage records, unemployment benefit claims, or employment and earnings data from workforce data sources, such as state wage records, wage record interchange system (WRIS) data or the federal employment data exchange system (FEDES).

189:66. Data inventory and policies publication.

I. The department shall create, maintain, and make publicly available an annually updated index of data elements containing definitions of individual student personally identifiable data fields or fields identified in RSA 189:68 currently in the SLDS or any other database maintained by the department, or added or proposed to be added thereto, including:

(a) Any individual student personally identifiable data required to be reported by state or federal law.

(b) Any individual student personally identifiable data which has been proposed for inclusion in the SLDS with a statement explaining the purpose or reason for the proposed collection.

(c) Any individual student personally identifiable data that the department collects or maintains.

(d) Any data identified in RSA 189:68.

II. The department shall develop a detailed data security plan to present to the state board, the legislative oversight committee established in RSA 193-C:7, and the commissioner of the department of information technology. The plan shall include:

(a) Privacy compliance standards.

(b) Privacy and security audits.

(c) Breach planning, notification, and procedures.

(d) Data retention and disposition policies.
III. The security plan shall:

(a) Require notification as soon as practicable to:

(1) Any teacher or student whose personally identifiable information could reasonably be assumed to have been part of any data security breach, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the integrity of the data system; and

(2) The governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, legislative oversight committee established in RSA 193-C:7, and commissioner of the department of information technology.

(b) Require the department to issue an annual data security breach report to the governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, legislative oversight committee established in RSA 193-C:7, and commissioner of the department of information technology. The breach report shall also be posted to the department’s public Internet website and shall not include any information that itself would pose a security threat to a database or data system. The report shall include:

(1) The name of the organization reporting the breach.

(2) Any types of personal information that were or are reasonably believed to have been the subject of a breach.

(3) The date, estimated date, or date range of the breach.

(4) A general description of the breach incident.

(5) The estimated number of students and teachers affected by the breach, if any.

(6) Information about what the reporting organization has done to protect individuals whose information has been breached.

IV. The department and each local education agency shall make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, et seq., and applicable state law including:

(a) The right to inspect and review the student's education records within 14 days after the day the school receives a request for access.

(b) The right to request amendment of a student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

(c) The right to provide written consent before the school discloses student personally identifiable data from the student's education records, provided in applicable state and federal law.

(d) The right to file a complaint with the Family Policy Compliance Office in the United States Department of Education concerning alleged failures to comply with the requirements of FERPA.

189:67. Limits on disclosure of information

I. A school shall, on request, disclose student personally-identifiable data about a student to the parent, foster parent, or legal guardian of the student under the age of 18 or to the eligible student.

II. A school or the department may disclose to a testing entity the student’s name, unique pupil identifier, and birth date for the sole purpose of identifying the test taker. Except when collected in conjunction with the SAT or ACT:
(a) When such tests are used for the purpose of the state assessment as defined in RSA 193-C:6, the data shall be maintained by the testing entity in accordance with RSA 193-C:12.

(b) The data shall not be disclosed by the testing entity to any other person, organization, entity, or government or any component thereof, other than the parent or guardian, the department, school or school district, and shall not be used by the testing entity for any other purpose except as provided in RSA 193-C:12.II-a. Students taking the SAT or ACT, when such tests are used for the purpose of the state assessment as defined in RSA 193-C:6, may opt to have all personal information destroyed by the testing entity, following the completion and verification of the test.

III. Except when collected in conjunction with the SAT or ACT, when such tests are used for the purpose of the state assessment as defined in RSA 193-C:6, neither a school nor the department shall disclose or permit the disclosure of student or teacher personally-identifiable data, the unique pupil identifier, or any other data listed in RSA 189:68, I to any testing entity performing test-data analysis. The testing entity may perform the test analysis but shall not connect such data to other student data.

IV. Except as provided in RSA 193-E:5, or pursuant to a court order signed by a judge, the department shall not disclose student personally-identifiable data in the SLDS or teacher personally-identifiable data in other department data systems to any individual, person, organization, entity, government or component thereof, but may disclose such data to the school district in which the student resides or the teacher is employed.

V. Student personally-identifiable data shall be considered confidential and privileged and shall not be disclosed, directly or indirectly, as a result of administrative or judicial proceedings.

VI. The department shall report quarterly on its website the number of times it disclosed student personally-identifiable data to any person, organization entity or government or a component thereof, other than the student, his or her parents, foster parents or legal guardian and the school district, early childhood program or post-secondary institution in which the student was enrolled at the time of disclosure; the name of the recipient or entity of the disclosure; and the legal basis for the disclosure.

189:68. Student privacy.
I. Except as provided in RSA 193-C:12, the department shall not collect or maintain the following data in the SLDS:

(a) Name of the student's parents or other family members.
(b) Address of the student or student's family.
(c) Student email or other electronic address.
(d) Student or family telephone number.
(e) Student or parent credit card account number, insurance account number, or financial services account number.
(f) Juvenile delinquency records.
(g) Criminal records.
(h) Medical and dental insurance information.
(i) Student birth information, other than birth date and town of birth.
(j) Student social security number.
(k) Student biometric information.
(l) Student postsecondary workforce information including the employer's name, and the name of a college attended outside of New Hampshire.
(m) Height and weight.
(n) Body mass index (BMI).
(o) Political affiliations or beliefs of student or parents.
(p) Family income, excluding free and reduced lunch program eligibility as determined by Food Nutrition Services of the United States Department of Agriculture.
(q) Mother's maiden name.
(r) Parent's social security number.
(s) Mental and psychological problems of the student or the student's family.
(t) Sex behavior or attitudes.
(u) Indication of a student pregnancy.
(v) Religious or ethical practices, affiliations, or beliefs of the student or the student's parents.

II. No school shall require a student to use an identification device that uses radio frequency identification, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the student without approval of the school board, after a public hearing, and without the written consent of a parent of legal guardian of an affected student which may be withheld without consequence.

III. No school shall install remote surveillance software on a school supplied computing device provided to a student without the approval of the school board, after a public hearing and without the written consent of a parent, foster parent, or legal guardian of the affected student which may be withheld without consequence. In this paragraph, “surveillance” means observing, capturing images, listening, or recording and shall not include locating equipment when there is reason to believe the equipment is about to be or has been stolen or damaged.

IV. No school shall record in any way a school classroom for the purpose of teacher evaluations without school board approval after a public hearing, and without written consent of the teacher and the parent or legal guardian of each affected student.

V.(a) Nothing in this section shall preclude the use of audio or video recordings for use with or by a child with a disability, or by such child's teacher or service provider when the child's individualized education program or accommodation plan includes audio or video recording as part of the child's special education, related services, assistive technology service, or methodology, so long as such audio or video recordings are made, used, and maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and applicable state law.
(b) Nothing in this section shall preclude the use of audio or video recordings for student instructional purposes.
(c) Nothing in this section shall preclude the use of audio or video recordings for use in the instruction of teacher interns or student teachers after written notification to the parent or legal guardian of each affected student as to the purpose of, and privacy policy for, the recordings.

189:68-a. Student online personal information.
I. For the purposes of this section:
(a) "Operator" means the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K-12 school purposes and was designed and marketed for K-12 school purposes.
(b) "Covered information" means personally identifiable information or materials, in any media or format that meets any of the following:
(1) Is created or provided by a student, or the student's parent or legal guardian, to an operator in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K-12 school purposes.
(2) Is created or provided by an employee or agent of the K-12 school, school district, local education agency, or county office of education, to an operator.

(3) Is gathered by an operator through the operation of a site, service, or application described in subparagraph (a) and is descriptive of a student or otherwise identifies a student, including, but not limited to, information in the student's educational record or email, first and last name, home address, date of birth, telephone number, unique pupil identifier, social security number, financial or insurance account numbers, email address, other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, other student identifiers, search activity, photos, voice recordings, or geo-location information.

(c) "K-12 school purposes" means purposes that customarily take place at the direction of the K-12 school, teacher, or school district or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the school.

(d) "Online service" includes cloud computing services, which shall comply with this section if they otherwise meet the definition of an operator.

II.(a) No operator shall knowingly engage in any of the following activities with respect to their site, service, or application:

(1) Targeted advertising on the operator's site, service, or application, or targeted advertising on any other site, service, or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application.

(2) Use of information, including persistent unique identifiers, created or gathered by the operator's site, service, or application, to amass a profile about a K-12 student.

(3) Sale, lease, rent, trade, or otherwise make available a student's information, including covered information. This prohibition does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, provided that the operator or successor entity continues to be subject to the provisions of this section with respect to previously acquired student information.

(4) Disclosing protected information unless the disclosure is made to respond to or participate in judicial process.

(b) An operator shall:

(1) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information, and protect that information from unauthorized access, destruction, use, modification, or disclosure.

(2) Delete a student's covered information if the school or district requests deletion of data under the control of the school or district.

(c) Nothing in this section shall prohibit an operator from using de-identified student covered information as follows:

(1) Within the operator's site, service, or application other sites, services, or applications owned by the operator to improve educational products.

(2) To demonstrate the effectiveness of the operator's products or services, including in its marketing.

(d) Nothing in this section shall prohibit an operator from sharing aggregated de-identified student covered information for the development and improvement of educational sites, services, or applications.
III. This section shall not apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator’s site, service, or application may be used to access those general audience sites, services, or applications.

IV. This section shall not limit Internet service providers from providing Internet connectivity to schools or students and their families.

V. This section shall not be construed to prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents so long as the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.

VI. This section shall not be construed to impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

VII. This section shall not be construed to impose a duty upon a provider of an interactive computer service, as defined in 47 U.S.C. section 230, to review or enforce compliance with this section by third-party content providers.

VIII. This section shall not impede the ability of students to download, export, or otherwise save or maintain their own student created data or documents.

IX. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(a) Name of the student’s parents or other family members.
(b) Address of the student or student’s family.
(c) Student email or other electronic address.
(d) Student or family telephone number.
(e) Student or parent credit card account number, insurance account number, or financial services account number.
(f) Juvenile delinquency records.
(g) Criminal records.
(h) Medical and dental insurance information.
(i) Student birth information, other than birth date and town of birth.
(j) Student social security number.
(k) Student biometric information.
(l) Student postsecondary workforce information including the employer’s name, and the name of a college attended outside of New Hampshire.
(m) Height and weight.
(n) Body mass index (BMI).
(o) Political affiliations or beliefs of student or parents.
(p) Family income, excluding free and reduced lunch program eligibility as determined by Food Nutrition Services of the United States Department of Agriculture.
(q) Mother’s maiden name.
(r) Parent’s social security number.
(s) Mental and psychological problems of the student or the student’s family.
(t) Sex behavior or attitudes.
(u) Indication of a student pregnancy.
(v) Religious or ethical practices, affiliations, or beliefs of the student or the student's parents.

II. No school shall require a student to use an identification device that uses radio frequency identification, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the student without approval of the school board, after a public hearing, and without the written consent of a parent of legal guardian of an affected student which may be withheld without consequence.

III. No school shall install remote surveillance software on a school supplied computing device provided to a student without the approval of the school board, after a public hearing and without the written consent of a parent, foster parent, or legal guardian of the affected student which may be withheld without consequence. In this paragraph, "surveillance" means observing, capturing images, listening, or recording and shall not include locating equipment when there is reason to believe the equipment is about to be or has been stolen or damaged.

IV. No school shall record in any way a school classroom for the purpose of teacher evaluations without school board approval after a public hearing, and without written consent of the teacher and the parent or legal guardian of each affected student.

V. (a) Nothing in this section shall preclude the use of audio or video recordings for use with or by a child with a disability, or by such child's teacher or service provider when the child's individualized education program or accommodation plan includes audio or video recording as part of the child's special education, related services, assistive technology service, or methodology, so long as such audio or video recordings are made, used, and maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and applicable state law.

(b) Nothing in this section shall preclude the use of audio or video recordings for student instructional purposes.

(c) Nothing in this section shall preclude the use of audio or video recordings for use in the instruction of teacher interns or student teachers after written notification to the parent or legal guardian of each affected student as to the purpose of, and privacy policy for, the recordings.

189:70. Educational institution policies on social media.

I. An educational institution shall not:
(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.
(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.
(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.
(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or co-curricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).
(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:
(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution's policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account. In the case of a minor, the educational institution may request the student's parent or guardian to provide specific data from the student's social media account.

(b) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(c) Monitoring the usage of the educational institution's computer network.

(d) Requesting a student voluntarily share a printed copy of a specific communication from the student's social media account that is relevant to an ongoing investigation.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:

(a) "Educational institution'' means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. "Educational institution'' shall not include a military school.

(b) "Social media account'' means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

REGULATIONS

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(4) Records retention, including electronic files;

(h) The policy relative to records retention, including electronic files, disposition, and access shall require that complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. A schedule for the retention and disposition of original records and information shall be established in accordance with RSA 189:29-a. Access to all student records and information shall be controlled by written procedures designed to protect individual rights and to preserve the confidential nature of the various types of records in compliance with the federal "Family Educational Rights and Privacy Act," 20 U.S.C.§1232g, and RSA 91-A, Access to Public Records.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

126-U:8. Review of restraint records by Department of Education.
I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:
   (a) Periodic, regular review by the department of education of records maintained by schools relative to
       the use of seclusion and restraint.
   (b) A process for the department of education’s receipt of complaints and its conduct of investigations of
       improper use of seclusion and restraint in schools. The process shall provide for:
       (1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury
           results.
       (2) Investigation by persons not affiliated with the school district which is the subject of the complaint.
       (3) Resolution of complaints and completion of investigations within 30 days, with provision for limited
           extensions for good cause.
       (4) Protection of children before and after completion of the investigation.
       (5) Appropriate remedial measures to address physical and other injuries, protect against retaliation,
           and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall
    provide an annual report to the chairpersons of the education committees of the senate and house of
    representatives regarding the use of seclusion and restraint in schools. The annual report shall be
    prepared from the periodic, regular review of such records, and shall include the number and location of
    reported incidents and the status of any outstanding investigations.

126-U:14. Written school review following the use of restraint or seclusion.
Upon information that restraint or seclusion has been used for the first time upon a child with a disability
as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation
Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the
individual educational program and/or Section 504 plan and make such adjustments as are indicated to
eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability
may request such a review at any time following an instance of restraint or seclusion and such request
shall be granted if there have been multiple instances of restraint or seclusion since the last review.

REGULATIONS

Ed 1202.02. Duty to report.
(a) Unless prohibited by court order, the superintendent, acting superintendent, superintendent’s
    designee, acting superintendent’s designee, or school administrator shall, as soon as possible, verbally
    notify the parent or guardian whenever seclusion or restraint has been used on a child.
(b) Within 5 business days of the use of seclusion or restraint, the school employee that used seclusion or
    restraint shall submit a written notification to the school principal containing the following, pursuant to
    RSA 126:7, II:
       (1) The date, time, and duration of the use of seclusion or restraint;
       (2) A description of the actions of the child before, during, and after the occurrence;

(3) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;
(4) The names of the persons involved in the occurrence;
(5) A description of the actions of the facility or school employees involved before, during, and after the occurrence;
(6) A description of any interventions used prior to the use of the seclusion or restraint;
(7) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;
(8) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;
(9) A description of any property damage associated with the occurrence;
(10) A description of actions taken to address the emotional needs of the child during and following the incident;
(11) A description of future actions to be taken to control the child’s problem behaviors;
(12) The name and position of the employee completing the notification; and
(13) The anticipated date of the final report.

(c) The superintendent, acting superintendent, superintendent’s designee, acting superintendent’s designee, or school administrator shall, as soon as possible, make an oral report of all incidents of restraint and seclusion within the school involving serious injury or death to a child subject to restraint or seclusion to the commissioner, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities, pursuant to RSA 126-U:10, II. Within 5 business days, a written report shall be provided to the commissioner, the attorney general, and the state’s federally-designated protection and advocacy agency for individuals with disabilities pursuant to RSA 126-U:7.

(d) No school nor any employee, contractor, consultant nor volunteer thereof, shall subject any individual to harassment or retaliation for filing, in good faith, a report under RSA 126-U or these rules.

(e) Schools shall document complaints that they determine do not meet the criteria for a violation of RSA 126-U. This documentation shall include the evidence relied upon. Such documentation shall be maintained and provided to the department of education when it does its review pursuant to RSA 126-U:8.

**Ed 1203.01. Filing a complaint.**

(a) Any individual may file a complaint with the commissioner alleging a violation of RSA 126-U.

(b) When filing a complaint the complainant shall provide the following information to the Commissioner:

1. The date or approximate date of the alleged incident;
2. The location of the alleged incident;
3. The name of the child or children subject to the alleged restraint or seclusion, if known;
4. The name of the school personnel alleged to have restrained or secluded the child, if known;
5. A description of the alleged restraint or seclusion;
6. The date of complaint; and
7. The name of complainant if the complainant is willing to disclose name.

(c) Complaints may be submitted orally or in written form.

(d) A complainant may request to keep his or her identity confidential throughout the complaint process. However, if the confidentiality of the complainant interferes with the investigation or the resolution of the
complaint, the investigator shall notify the complainant that his or her request for confidentiality interferes with the investigation or resolution of the complaint and will not be maintained. The investigation shall then proceed.

**Ed 1203.02. Review of complaint filed.**

(a) The commissioner or the commissioner’s designee shall provide the information obtained in Ed 1203.01 to the investigator designated by the department of education. The investigator shall not be affiliated with the school or any person involved with the complaint.

(b) If the complaint is filed by an individual other than a parent or guardian, the investigator shall notify the parent or guardian that a complaint has been filed on behalf of his or her child.

(c) The commissioner or the commissioner’s designee shall review the complaint and shall dismiss the complaint if:

1. The alleged facts, if true, would not constitute a violation of RSA 126:U; or
2. The alleged improper restraint or seclusion did not occur within 12 months of the date of filing of the complaint. However, such a complaint shall not be dismissed if the complainant could not have reasonably discovered the violation within 12 months of the filing of the complaint.

(d) The department shall conduct investigations to determine if there were or were not violations of RSA 126-U.

(e) The commissioner or the commissioner’s designee will notify the complainant that the complaint has been dismissed and the basis for the dismissal.

**Ed 1203.03. Investigative process.**

(a) If a complaint is not dismissed, the investigator shall:

1. For cases involving serious injury, determine whether the allegations must be referred to law enforcement for investigation as mandated by RSA 161-F:51, II or 169-C:29;
2. Pursuant to (1) above, make reports at any point during the investigation when he or she obtains information that he or she is required to report under RSA 161-F:51 or 169-C:29;
3. Contact such persons and examine such records and other documents as are reasonably necessary to determine whether or not the allegations are true and whether any violation of 126-U occurred;
4. Review findings of facts from other investigative agencies; and
5. Review any and all protective measures for the child that the school has put in place before or after the complaint, and if no protective measures have been put in place, the investigator shall instruct the school to develop a procedure to protect the child.

(b) Investigations shall not constitute a disciplinary hearing and shall not constitute an allegation of misconduct against an employee by the department of education;

(c) Once the investigator completes the investigation, the following procedures shall apply:

1. The investigator shall file a written report with the commissioner or the commissioner’s designee including findings of fact specifying any of the following specific grounds listed in RSA 126-U upon which the findings are based:
   a. Failure to implement written policy and procedures as required in RSA 126-U;
   b. Failure to properly notify a parent, guardian, or guardian ad litem in a timely manner, in violation of RSA 126-U:7, IV;
   c. Retaliation against any individual involved in a complaint or proceeding under this chapter, pursuant to RSA 126-U:8;
   d. Repeated improper use of restraint, pursuant to RSA 126-U:8;
e. Improper use of seclusion as punishment, pursuant to RSA 126-U:5-a, I;

f. Restraint by personnel not trained to restrain a child, pursuant to RSA 126-U:5;

g. Use of any restraint technique prohibited by RSA 126-U:4;

h. Improper use of restraint when other interventions were appropriate, pursuant to RSA 126-U:5;

i. Improper use of seclusion or restraint that unnecessarily subjects a child to a risk of ridicule, humiliation, or emotional or physical harm pursuant to RSA 126-U:4, IV and RSA 126-U:5-a;

j. Improper seclusion under conditions that do not meet RSA 126-U:5-b;

k. Failure to comply with the requirements for authorization and monitoring of extended restraint, pursuant to RSA 126-U:11;

l. Failure to comply with the restriction on the use of mechanical restraint during the transport of children, pursuant to RSA 126-U:12; and

m. Any other conduct in which a school or school personnel violate RSA 126-U, or this chapter;

n. Written statements by any employees who are the subject of the complaint, if the employees choose to provide such statements; and

o. A recommendation for further action, if necessary.

(d) The investigator shall file a report with the commissioner within 30 days of the filing of the complaint. The investigator may request a time extension from the commissioner for good cause shown, including, the coordination of investigations with other agencies or unavailability of a witness. If good cause is shown, the commissioner shall permit a time extension.

(e) The commissioner shall review the investigator's report and recommendation based on a review of the case in relation to the grounds listed in RSA 126-U to:

(1) Provide a written decision and recommendations which shall include, if necessary, based on the conclusions of the investigator's report:

   a. Appropriate remedial measures to address physical and other injuries;

   b. Appropriate remedial measures to address protection against retaliation; and

   c. Appropriate remedial measures to reduce the incidence of violations of RSA 126-U.

(2) Identify remedial measures necessary to remedy the problem. Such remedial measure may include but are not limited to:

   a. Training of an individual or a group of school employees;

   b. Revision of policies and procedures;

   c. Revision of notice and record keeping practices;

   d. Compliance with conditions of seclusion per 126-U:5-b; and

   e. Any other action designed to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of RSA 126-U; and

(3) The commissioner’s decision and recommendations shall be provided to the superintendent, the school administrator, and any employee found to have performed or accused of performing a restraint or using seclusion. The commissioner’s decision shall be provided to the child’s parent or guardian. Copies of the decision which are provided to the parents, guardians or employees under this subsection shall be redacted as necessary, to comply with federal and state law.

(f) If the commissioner determines that disciplinary proceedings concerning credentialing are warranted, the commissioner shall notify the director of the division of program support.

(g) Disclosure of investigatory reports shall be made in compliance with state and federal law.
(h) In addition to any disclosure required by (e), above, the investigator’s report and commissioner’s decision shall be disclosed as follows:

1. The investigator’s report and commissioner’s decision shall be made available, upon request, to the parties in any adjudicatory proceeding arising out of the same facts as the complaint alleging violations of RSA 126-U;

2. If disciplinary proceedings are to be conducted as a result of the investigation, the commissioner or the commissioner’s designee shall provide information gathered during an investigation to:
   a. A law enforcement agency when the agency is conducting a criminal investigation related to the subject matter of the investigation;
   b. A certifying agency of another jurisdiction for:
      1. Purposes of certification of the credential holder in another jurisdiction; or
      2. An investigation in another jurisdiction, when:
         i. The person was the subject of a formal investigation under Ed 1200; or
         ii. Disciplinary action was taken against the person by the state board of education under Ed 510;
   c. Board investigators or prosecutors; and
   d. Expert witnesses or assistants retained by board prosecutor or investigators in the same or related disciplinary matters; and

3. Whether or not further disciplinary proceedings are to be conducted as a result of the investigation, the board shall provide information gathered in disciplinary investigations to persons to whom the person facing disciplinary proceedings has given a release.

(i) Prior to commencement of an adjudicatory proceeding, the person being investigated shall be notified promptly of the nature of any allegations that result in an adjudicatory proceeding under these rules unless notification is prohibited by law or will interfere with a criminal investigation.

(j) If further disciplinary proceedings are to be conducted as a result of an investigation, the person shall be given the opportunity to respond, in writing, to the investigator prior to the initiation of disciplinary proceedings.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

186:11. Duties of State Board of Education.
The state board of education shall, in addition to the duties assigned by RSA 21-N:11:
      XV. Truant Officers. Report frequently to the chairman of the several school boards the relative efficiency of the several truant officers in the state.
      XVIII. School Attendance. Enforce the laws relative to school attendance and the employment of minors; and for this purpose the board and its deputies are vested with the power given by law to truant officers.
      XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

189:34. Truant officer appointment.
I. School boards shall appoint truant officers for their districts.
II. School board policies on truancy shall include but not be limited to:
      (a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused.
      (b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The process shall consider whether school record keeping practices and notification provided to parents or guardians of the child’s absences have an effect on the child’s attendance. The board shall provide for the participation of
parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

189:35. Term; Removal.
Truant officers shall hold office for one year and until their successors are appointed, but they may be removed by the school board at any time for cause.

189:36. Truant officer duties.
I. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h); and the laws relating to the attendance at school of children between the ages of 6 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.

II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, II until all steps in the school district's intervention process under RSA 189:34, II have been followed.

189:37. Additional officers.
The state board may require school boards to appoint additional truant officers if in its judgment such additional officers are necessary; and may require the school board of any school district to remove any truant officer found by it to be incompetent, and to appoint a competent successor; and upon the failure or neglect of the school board to do so, it may appoint such truant officer and fix compensation, which shall be paid by the district.

193-D:4. Written report required.
I.(c) Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I (a)-(c).

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

186:11. Duties of State Board of Education.
The state board of education shall, in addition to the duties assigned by RSA 21-N:11:
IX. Instruction as to Child Abuse Prevention, Youth Suicide Prevention, Intoxicants, Drugs, HIV/AIDS, and Sexually Transmitted Diseases.
   (a) Direct the department to develop academic standards to serve as a guide and reference in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.
   (b) Provide information about HIV/AIDS to all public and private schools to facilitate the delivery of appropriate courses and programs.
   (c) Review HIV/AIDS curriculum materials to assure relevancy in assisting students to become health-literate citizens and lead longer, healthier lives.
   (d) Provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs.
   (e) Submit a report no later than December 1, 2010, and biennially thereafter, prepared in conjunction with the commissioner of the department of education, to the chairpersons of the house and senate education committees, the house health, human services and elderly affairs committee, and the senate health and human services committee, detailing the state's efforts in fulfilling the policies relating to health education in kindergarten through grade 12 as set forth in subparagraphs (a)-(d).

XXXVI. Pupil Safety and Violence Prevention. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

II. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. The policy shall contain, at a minimum, the following components:
   (a) A statement prohibiting bullying or cyberbullying of a pupil.
   (b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.
   (c) A requirement that all pupils are protected regardless of their status under the law.
   (d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.
   (e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school,
school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.

(h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

III. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy.

IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

REGULATIONS
No relevant regulations found.
Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**Laws**

**193-D:9. Liability for reporting.**
Any public or private school employee or employee of a company under contract to a school or school district who in good faith has made a report under RSA 193-D shall not be subject to liability for making the report.

**193-F:7. Immunity.**
A school administrative unit employee, school employee, chartered public school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this chapter. The department of education shall be immune from civil liability for its good faith conduct in making recommendations under this chapter.

**Regulations**
No relevant regulations found.

**Community input or involvement**

**Laws**

**193-F:4. Pupil safety and violence prevention.**
IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

**Regulations**
No relevant regulations found.

**Other or Uncategorized**

**Laws**

**189:70. Educational institution policies on social media.**
I. An educational institution shall not:
(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.

(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.

(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.

(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or co-curricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).

(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:

(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution's policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account. In the case of a minor, the educational institution may request the student's parent or guardian to provide specific data from the student's social media account.

(b) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(c) Monitoring the usage of the educational institution's computer network.

(d) Requesting a student voluntarily share a printed copy of a specific communication from the student's social media account that is relevant to an ongoing investigation.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:

(a) "Educational institution" means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. "Educational institution" shall not include a military school.

(b) "Social media account" means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.

REGULATIONS

No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New Hampshire provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying and Cyber Bullying Resources, New Hampshire Department of Education (NHDOE)</td>
<td>Provides links to Bullying and Cyberbullying resources, including bullying reports, analysis of state bullying laws and other related resources.</td>
<td><a href="https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/bullying">https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/bullying</a></td>
</tr>
<tr>
<td>School Safety, NHDOE</td>
<td>Provides information on New Hampshire School Safety Preparedness Task Force and related topics such as bullying. Contact information to report a bullying incident, abuse or misconduct is provided as well.</td>
<td><a href="https://www.education.nh.gov/parents-and-students/school-safety">https://www.education.nh.gov/parents-and-students/school-safety</a></td>
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**Documents**

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**Other Resources**

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<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>School and District Profiles, NHDOE</td>
<td>New Hampshire school and district profiles with links to state reports on dropouts and enrollments.</td>
<td><a href="http://my.doe.nh.gov/profiles/">http://my.doe.nh.gov/profiles/</a></td>
</tr>
</tbody>
</table>
New Jersey
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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New Jersey Regulations

The State of New Jersey contracts with LexisNexis to provide free public access to the New Jersey Regulations (http://www.lexisnexis.com/hottopics/njcode). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

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Authority to develop and establish rules of conduct

LAWS

Pupils in the public schools shall comply with the rules established in pursuance of law for the government of such schools, pursue the prescribed course of study and submit to the authority of the teachers and others in authority over them.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

   (1) A statement prohibiting harassment, intimidation or bullying of a student;
   (2) A definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);
   (3) A description of the type of behavior expected from each student;
   (4) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
   (5) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

18A:40A-10. Local boards to establish comprehensive substance abuse intervention, prevention and treatment referral programs.
Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils’ involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district’s program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and
discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

18A:40A-11. Local boards to establish policies and procedures for evaluation, referral, and treatment of students abusing substances on school property.

Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 [18A:40A-9] of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.

18A:42-6. Organizations forbidden in high schools; rules; exceptions.

No such fraternity, sorority, society or organization shall be formed or maintained in any public high school, and the board of education of every school district shall adopt rules providing for the necessary disciplinary measures to enforce this section.

REGULATIONS

6A:16-5.7 Assaults on district board of education members or employees.

(a) Each district board of education shall adopt and implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school board employee, or district board of education member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to a public education institution, pursuant to N.J.S.A. 18A:37-2.1.


(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

1. The code of student conduct may be based on parent, student, and community involvement that represents, where possible, the composition of the school district's schools and community.

2. The district board of education shall establish a process for the annual review and update of the code of student conduct.

3. The code of student conduct shall be disseminated annually to all school staff, students and parents.

4. The district board of education shall provide to all district board of education employees annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct.

   i. Information on the code of student conduct shall be incorporated into the orientation for new employees.

5. The district board of education shall provide for the code of student conduct's equitable application.

6. For students with disabilities subject to individualized education programs (IEPs) in accordance with 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act and accommodation plans
under 29 U.S.C. §§ 794 and 705(20), the code of student conduct shall be implemented in accordance with the applicable plans.

(b) The code of student conduct shall be established to achieve the following purposes:

1. Foster the health, safety, and social and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

Scope

LAWS


a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-
sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S.2C:12-1. For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S.2C:39-1, except a firearm as defined by N.J.S.2C:39-1f and 18 U.S.C. §921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. § 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.


Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S.2C:39-1f and 18 U.S.C. s.921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(1) A statement prohibiting harassment, intimidation or bullying of a student;

(2) A definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);

(3) A description of the type of behavior expected from each student;

(4) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

(5) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all
students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling
and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in
writing to the school principal within two school days of when the school employee or contracted service
provider witnessed or received reliable information that a student had been subject to harassment,
imintimidation, or bullying;

(6) A procedure for prompt investigation of reports of violations and complaints, which procedure shall
at a minimum provide that:

(a) The investigation shall be initiated by the principal or the principal’s designee within one school
day of the report of the incident and shall be conducted by a school anti-bullying specialist. The
principal may appoint additional personnel who are not school anti-bullying specialists to assist in the
investigation. The investigation shall be completed as soon as possible, but not later than 10 school
days from the date of the written report of the incident of harassment, intimidation, or bullying. In the
event that there is information relative to the investigation that is anticipated but not yet received by
the end of the 10-day period, the school anti-bullying specialist may amend the original report of the
results of the investigation to reflect the information;

(b) The results of the investigation shall be reported to the superintendent of schools within two
school days of the completion of the investigation, and in accordance with regulations promulgated by
the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410
(C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish
training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose
discipline, order counseling as a result of the findings of the investigation, or take or recommend other
appropriate action;

(c) The results of each investigation shall be reported to the board of education no later than the date
of the board of education meeting next following the completion of the investigation, along with
information on any services provided, training established, discipline imposed, or other action taken or
recommended by the superintendent;

(d) Parents or guardians of the students who are parties to the investigation shall be entitled to
receive information about the investigation, in accordance with federal and State law and regulation,
including the nature of the investigation, whether the district found evidence of harassment,
imintimidation, or bullying, or whether discipline was imposed or services provided to address the
incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5
school days after the results of the investigation are reported to the board. A parent or guardian may
request a hearing before the board after receiving the information, and the hearing shall be held
within 10 days of the request. The board shall meet in executive session for the hearing to protect the
confidentiality of the students. At the hearing the board may hear from the school anti-bullying
specialist about the incident, recommendations for discipline or services, and any programs instituted
to reduce such incidents;

(e) At the next board of education meeting following its receipt of the report, the board shall issue a
decision, in writing, to affirm, reject, or modify the superintendent’s decision. The board’s decision
may be appealed to the Commissioner of Education, in accordance with the procedures set forth in
law and regulation, no later than 90 days after the issuance of the board’s decision; and

(f) A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights
within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on
membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169
(C.10:5-1 et seq.);

(7) The range of ways in which a school will respond once an incident of harassment, intimidation or
bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying
specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;

(8) A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(9) Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

(10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions;

(11) A requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district; and

(12) A requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website and that on the home page of each school's website the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department's website.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011.

d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

f. Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section.
REGULATIONS

6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

"School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

"School-sponsored function" means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

6A:16-7.5. Conduct away from school grounds.
(a) School authorities have the right to impose a consequence on a student for conduct away from school grounds that is consistent with the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

1. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.

2. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

3. The consequence pursuant to (a) above shall be handled in accordance with the district board of education's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3, or 7.4.

(b) School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Communication of policy

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.
b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at minimum provide that:

(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent.

(11) a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district;

The Department of Education shall recommend educational resources on dating violence and shall post these materials on its website.

18A:40A-10. Local boards to establish comprehensive substance abuse intervention, prevention and treatment referral programs.
Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education. Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

REGULATIONS

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.
(b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.
(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:
1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
   i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
   ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;

6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.

6A:16-5.7. Assaults on district board of education members or employees.

(g) Each district board of education shall annually disseminate to all school staff, students and parents the adopted policies and procedures for implementing this section.


(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

3. The code of student conduct shall be disseminated annually to all school staff, students and parents.


(a) Each district board of education shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, pursuant to N.J.S.A. 18A:37-15.

2. Each district board of education shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:

   xv. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the school district’s and each school’s website;
   xvi. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents;

(e) The district board of education shall:

2. Develop a process for annually discussing with students the school district’s harassment, intimidation, and bullying policy;

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

3. Each approved PSSD shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:

   xv. A statement of how the harassment, intimidation, and bullying policy is to be publicized, including notice that the policy applies to participation in approved PSSD-sponsored functions and on school buses operated by the approved PSSD.
   (1) Notice of the approved PSSD’s policy shall appear in any publication of the approved PSSD that sets forth the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1;
xvi. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the approved PSSD’s website;
xvii. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents; and
xviii. A requirement that the name of the school’s anti-bullying specialist and his or her school phone number, school address, and school e-mail address be listed on the home page of the approved PSSD’s website.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

(b) The code of student conduct shall be established to achieve the following purposes:

6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

(c) The code of student conduct shall include, at a minimum:

5. A description of school responses to violations of behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall:
   i. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
   ii. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5 through 5.7;
   iii. Provide for the equitable application of the code of student conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil-union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq.; and
   iv. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils;

6. Expectations and consequences consistent with the district board of education's policies and procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6, and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7; and

7. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

(d) A district board of education may deny participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).
(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

3. Each approved PSSD shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:
vi. Consequences for a student who commits an act of harassment, intimidation, or bullying that are:
   (1) Varied and graded according to the nature of the behavior, the nature of the student's disability to the extent relevant, the developmental age of the student, and the student's history of problem behaviors and performance; and
   (2) Consistent with the provisions of this subchapter, as appropriate, and N.J.A.C. 6A:14-7.6(f);

**Teacher authority to remove students from classrooms**

**LAWS**

18A:37-1. **Submission of pupils to authority.**
Pupils in the public schools shall comply with the rules established in pursuance of law for the government of such schools, pursue the prescribed course of study and submit to the authority of the teachers and others in authority over them.

18A:37-2. **Causes for suspension, expulsion of pupils.**
Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

a. Continued and willful disobedience;

b. Open defiance of the authority of any teacher or person, having authority over him;

c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;

d. Physical assault upon another pupil;

e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;

f. Willfully causing, or attempting to cause, substantial damage to school property;

g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;

h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;

i. Incitement which is intended to and does result in truancy by other pupils;

j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and

k. Harassment, intimidation, or bullying.

18A:37-4. **Suspension of pupils by teacher or principal.**
The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so
doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

9:10-2. Incorrigible, insubordinate and disorderly children and habitual truants.
Children under the age of sixteen who shall be habitual truants from school or habitually insubordinate or incorrigible and disorderly during attendance at school and who have been complained against in accordance with subtitle 5 of this title (9:18-1 et seq.) shall be received by the school of detention.

All children under sixteen years of age arrested for any cause, except murder or manslaughter, and school children habitually truant or incorrigible may by order of the juvenile and domestic relations court be held in the detention school until final judgment.

a. Beginning with the first full school year following the effective date of this act, a public school district shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through 5. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district’s code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

A school district shall not be required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.
The recess period shall not be used to meet the course requirements set forth in N.J.S.18A:35-5.
b. Nothing in this section shall be construed to prohibit school staff from denying recess for a student on the advice of a medical professional, school nurse, or based on the provisions of a student’s 504 plan.
c. For purposes of this section, “restorative justice activities” means activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture.

As used in this act:

“Restorative justice” means a system of dispute resolution tools that allow all parties of a dispute to be involved in defining the harm and devising remedies while giving the necessary attention to community safety, victims’ needs, and the need for offender accountability. Restorative justice practices shall include, but need not be limited to, student or community court, restorative circles, mediation, and conferencing.


Within six months of the effective date of this act, the Commissioner of Education shall establish a three-year “Restorative Justice in Education Pilot Program” to implement restorative justice practices in the public schools. The program shall address school discipline issues through the implementation of restorative justice practices that include a trauma-informed approach. The goals of the pilot program shall be to:

a. reduce racial disparities in school discipline which result in an inequitable loss of classroom time among certain student groups, thereby boosting the academic outcomes of these students;
b. improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions, thereby establishing a more supportive and inclusive school culture; and
c. reduce recidivism rates among students who violate the school district code of conduct through the use of more effective and targeted restorative justice interventions.


A school district that wants to participate in the pilot program shall submit an application to the commissioner. The application shall identify one school within the school district to implement the restorative justice model under the pilot program. The application shall include:

a. a description of the school including the number of enrolled students; the in-school and out-of-school student suspension rates, and any other relevant data collected on student disciplinary actions; absenteeism rates; academic performance indicators, including the percentage of students not meeting expectations on State assessments; and the percentage of enrolled students who qualify for a free or reduced price lunch under the federal School Lunch Program;
b. a description of which restorative justice practices will be implemented at the school and the trauma-informed approach to be utilized;
c. a description of how school administrators plan to develop faculty and student support for the restorative justice model of school discipline to be implemented;
d. a preliminary schedule and description of faculty trainings on the use of restorative justice practices including a trauma-informed approach, and a statement indicating the school district’s commitment to collecting ongoing feedback from both students and faculty on the program’s impact;
e. the identification of a faculty member who shall serve as a school-based coordinator of the pilot program and who shall collect, analyze, and report on the program’s implementation and outcomes to school district stakeholders and the commissioner; and
f. any other information the commissioner deems appropriate.
a. After reviewing the applications submitted pursuant to section 3 [C.18A:37-40] of this act, the commissioner shall select five districts in each of the southern, central, and northern regions of the State to participate in the program.
b. The commissioner shall provide such guidance, support, and training to participating schools as may be necessary to effectuate the purposes of this act [C.18A:37-38 et seq.].
c. The commissioner shall award grants, within the limit of available State appropriations, to participating school districts to be used to support the development and implementation of restorative justice practices in the selected schools, including for any necessary trainings and materials. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

18A:37-42. Limitation of number, duration of student expulsions, suspensions.
The principal of a school selected to participate in the pilot program shall be required to limit the number and duration of student expulsions and suspensions to the greatest extent practicable. The principal shall demonstrate a commitment to exhausting other forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions, unless otherwise required by law or unless a student’s continuing presence in school poses a threat to school safety or a disruption to other students’ learning opportunities.

A school district selected to participate in the pilot program may seek and apply for any grant or aid from the federal government, or any appropriate nonprofit organization, foundation or trust, or any other public or private source that might be or may become available for programs in furtherance of the purposes of this act [C.18A:37-38 et seq.].

There is established within the Department of Education a fund to be known as the “Restorative Justice Education Fund.” The fund shall be used to provide grants to participating schools pursuant to subsection c. of section 4 [C.18A:37-41] of this act. The fund shall be annually credited with the moneys appropriated by the Legislature.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

(1) to quell a disturbance, threatening physical injury to others;
(2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
(3) for the purpose of self-defense; and
(4) for the protection of persons or property;
and such acts, or any of them, shall not be construed to constitute corporal punishment within the
meaning and intendment of this section. Every resolution, bylaw, rule, ordinance, or other act or authority
permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or
educational institution shall be void.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

The principal or other official designated by the local board of education may inspect lockers or other
storage facilities provided for use by students so long as students are informed in writing at the beginning
of each school year that inspections may occur.

Any teaching staff member, principal or other educational personnel shall be prohibited from conducting
any strip search or body cavity search of pupil under any circumstances.

18A:40A-22. Findings, declarations relative to substance abuse testing policies in public school
districts.
The Legislature finds and declares that there are many school districts within the State with a growing
problem of drug abuse among their students. The Legislature further finds that federal and State courts
have held that it may be appropriate for school districts to combat this problem through the random drug
testing of students participating in extracurricular activities, including interscholastic athletics, and
students who possess school parking permits. The Legislature also finds that a random drug testing
program may have a positive effect on attaining the important objectives of deterring drug use and
providing a means for the early detection of students with drug problems so that counseling and
rehabilitative treatment may be offered.

18A:40A-23. Adoption of policy for random testing of certain students.
A board of education may adopt a policy, pursuant to rules and regulations adopted by the State Board of
Education in consultation with the Department of Human Services, which are consistent with the New
Jersey Constitution and the federal Constitution, for the random testing of the district's students in grades
9-12 who participate in extracurricular activities, including interscholastic athletics, or who possess school
parking permits, for the use of controlled dangerous substances as defined in N.J.S.2C:35-2 and anabolic
steroids. The testing shall be conducted by the school physician, school nurse or a physician, laboratory
or health care facility designated by the board of education and the cost shall be paid by the board. Any
disciplinary action taken against a student who tests positive for drug use or who refuses to consent to
testing shall be limited to the student's suspension from or prohibition against participation in
extracurricular activities, or revocation of the student's parking permits.
Each board of education shall hold a public hearing prior to the adoption of its drug testing policy. The policy shall be in written form and shall be distributed to students and their parents or guardians at the beginning of each school year. The policy shall include, but need not be limited to, the following:

a. notice that the consent of the student and his parent or guardian for random student drug testing is required for the student to participate in extracurricular activities and to possess a school parking permit;

b. the procedures for collecting and testing specimens;

c. the manner in which students shall be randomly selected for drug testing;

d. the procedures for a student or his parent or guardian to challenge a positive test result;

e. the standards for ensuring the confidentiality of test results;

f. the specific disciplinary action to be imposed upon a student who tests positive for drug use or refuses to consent to testing;

g. the guidelines for the referral of a student who tests positive for drug use to drug counseling or rehabilitative treatment; and

h. the scope of authorized disclosure of test results.

REGULATIONS

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.
(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
   i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
   ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;

2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;

3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;

4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;

5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and

6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or
other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.

(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:

1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)10 below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;

2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
   i. The manner in which students shall be randomly selected for alcohol or other drug testing;
   ii. An explanation of the sampling statistical principles supporting the random selection process; and
   iii. An explanation of how implementation of the random selection process shall be documented and verified;

3. A description of the procedures for the acquisition and management of student's alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:
   i. Student monitoring;
   ii. Student transportation;
   iii. The acquisition and handling of students' specimens;
   iv. The chain of custody of students' specimens;
   v. The testing and analysis of students' specimens; and
   vi. The storage of students' specimens;

4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:
   i. The identities of students who have been selected to be tested or who have been tested;
   ii. The results of alcohol or other drug tests;
   iii. The billing and management reports associated with alcohol or other drug tests; and
   iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;

5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)4 above;

6. The parent providing consent to alcohol or other drug testing, pursuant to (a)6 above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.
   i. The school district shall establish procedures ensuring confidentiality of the notification;

7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.
   i. Law enforcement authorities shall not be notified of test results;

8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.
   i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
(1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or

(2) Disapproval or revocation of student parking permits.

ii. Prior to actions being taken pursuant to (b)8i(1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;

9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;

10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-l.3 and 4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and

11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.

i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:

(1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or

(2) Disapproval or revocation of student parking permits.

(c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:

1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;

2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;

3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;

4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or

5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.

(d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:

1. A school physician;

2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;

3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or

4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.

6A:16-6.2. Development and implementation of policies and procedures.

(b) School district policies and procedures shall include the following components:
1. Designation by the chief school administrator of liaisons to law enforcement agencies and the
description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement
authorities onto school grounds, for the purpose of conducting law enforcement investigations,
searches, seizures, or arrests;
3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement
interviews involving their children consistent with the following:
   i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or
      neglect;
   ii. School officials shall notify the student's parent(s) when the student is the target of the law
      enforcement investigation; and
   iii. In all other instances, school authorities shall permit law enforcement authorities to determine
      whether or when a student's parent should be contacted;
4. Specific procedures for and responsibilities of staff in cooperating with arrests made by law
enforcement authorities on school grounds;
5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures
of students, their property, and their personal effects.
   i. All searches and seizures conducted by school staff shall comply with the standards prescribed by
   ii. Questions concerning searches conducted by school officials shall be directed to the appropriate
      county prosecutor.
   iii. School officials may request that law enforcement authorities assume responsibility for conducting
      a search or seizure.
   iv. No school staff member shall impede a law enforcement officer engaged in a lawful search,
      seizure, or arrest whether pursuant to a warrant or otherwise.
   v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility
      for conducting a search or seizure.
   vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving
      the use of law enforcement drug-detection canines may be undertaken with only the express
      permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her
      designee in the New Jersey Department of Law and Public Safety.
   vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest
      conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor
      or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee
      in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general;

Other in-school disciplinary approaches

LAWS

a. The Commissioner of Education shall develop and establish an initiative to support and encourage the
use of a Response to Intervention framework by school districts to promote the achievement of all
students. The initiative shall include dissemination of information and guidance to school districts
regarding the development and effective implementation of a Response to Intervention framework as a
methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:
   (1) high quality research-based instruction in the general education setting;
   (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
   (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student's responsiveness; and
   (4) continuous monitoring of student progress.

c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.

REGULATIONS

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.

(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:

8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.

i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
   (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
   (2) Disapproval or revocation of student parking permits.

i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:
   (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics: or
   (2) Disapproval or revocation of student parking permits.


(d) A district board of education may deny participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.
Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS


Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

a. Continued and willful disobedience;
b. Open defiance of the authority of any teacher or person, having authority over him;
c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
d. Physical assault upon another pupil;
e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;
f. Willfully causing, or attempting to cause, substantial damage to school property;
g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;
i. Incitement which is intended to and does result in truancy by other pupils;
j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
k. Harassment, intimidation, or bullying.


a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.
c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a 
student who is enrolled in preschool in a school district or charter school shall not be suspended, and 
shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," 

The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil 
from school for good cause but such suspension shall be reported forthwith by the teacher or principal so 
doing to the superintendent of schools of the district if there be one. The superintendent to whom a 
suspension is reported or if there be no superintendent in the district, the teacher or principal suspending 
the pupil shall report the suspension to the board of education of the district at its next regular meeting. 
Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of 
the board of education of the district held after such suspension unless the board shall reinstate the pupil 
at such first regular meeting.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a 
student who is enrolled in grades kindergarten through two in a school district or charter school shall not 
be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, 
c.127 (C.18A:37-7 et seq.).
b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a 
student who is enrolled in grades kindergarten through two in a school district or charter school shall not 
receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent 
or sexual nature that endangers others.
c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a 
student who is enrolled in preschool in a school district or charter school shall not be suspended, and 
shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," 

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, 
administrator, board member or other employee of a board of education, acting in the performance of his 
duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship 
to an institution of public education of this State, not involving the use of a weapon or firearm, shall be 
immediately suspended from school consistent with procedural due process pending suspension or 
expulsion proceedings before the local board of education. Said proceedings shall take place no later 
than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall 
be made within five days after the close of the hearing. Any appeal of the board's decision shall be made 
to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be 
construed in a manner consistent with 20 U.S.C. s.1400 et seq.
b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension or expulsion

LAWS


a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.

c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

18A:37-42. Limitation of number, duration of student expulsions, suspensions.
The principal of a school selected to participate in the pilot program shall be required to limit the number and duration of student expulsions and suspensions to the greatest extent practicable. The principal shall demonstrate a commitment to exhausting other forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions, unless otherwise required by law or unless a student's continuing
presence in school poses a threat to school safety or a disruption to other students’ learning opportunities.

**REGULATIONS**

No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**18A:36A-9. Withdrawal, expulsion from charter school.**

A student may withdraw from a charter school at any time. Except as otherwise provided in section 1 of P.L.2016, c.45 (C.18A:37-2a), a student may be expelled from a charter school based on criteria determined by the board of trustees, which are consistent with the provisions of N.J.S.18A:37-2, and approved by the commissioner as part of the school's charter. Any expulsion shall be made upon the recommendation of the charter school principal, in consultation with the student's teachers.

**18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.**

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

**18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.**

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S.2C:12-1.
For purposes of this section “weapon” includes but is not limited to those items enumerated in subsection r. of N.J.S.2C:39-1, except a firearm as defined by N.J.S.2C:39-1f and 18 U.S.C. s.921. Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

a. Any pupil removed pursuant to section 1 of P.L.1995, c.128 (C.18A:37-2.2) shall be entitled to a hearing before the local board of education to determine if the pupil is guilty of committing an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function. If it is found that the pupil is not guilty of the offense the pupil shall be immediately returned to the regular education program.
b. The hearing shall take place no longer than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board’s decision shall be made to the Commissioner of Education within 90 days of the board’s decision.

18A:37-2.5. Determination of pupil’s preparedness to return.
The chief school administrator shall determine when the pupil is prepared to return to the regular education program in accordance with procedures to be established by the Commissioner of Education.

The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

No suspension of a pupil by a teacher or a principal shall be continued longer than the second regular meeting of the board of education of the district after such suspension unless the same is continued by action of the board, and the power to reinstate, continue any suspension reported to it or expel a pupil shall be vested in each board.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district’s chief school administrator. The district’s chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.

b. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.


The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

   (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

   (6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

      (a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

      (b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

      (c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;
(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision; and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the Bullying Prevention Fund established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services.

REGULATIONS

6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

"Expulsion" means the discontinuance of educational services or the discontinuance of payment of educational services for a student.

"Long-term suspension" means removal of a student for more than 10 consecutive school days from the general education program, or the special education program when the appropriate procedures set forth in N.J.A.C. 6A:14-2.8 have been followed, but not the cessation of the student's educational services.

"Short-term suspension" means removal of a student for one but not more than 10 consecutive school days from the general education program or the special education program, in accordance with N.J.A.C. 6A:14-2.8, but not the cessation of the student's educational services.

6A:16-7.2. Short-term suspensions.
(a) In each instance of a short-term suspension, a district board of education shall assure the rights of a student suspended for one, but not more than 10 consecutive school days by providing for the following:

1. As soon as practical, oral or written notice of charges to the student.
i. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;

2. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5:
   i. The informal hearing shall be conducted by a school administrator or his or her designee;
   ii. To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
   iii. The informal hearing shall take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
   iv. The informal hearing and the notice given may take place at the same time;

3. Oral or written notification to the student's parents of the student's removal from his or her educational program prior to the end of the school day on which the school administrator decides to suspend the student. The notification shall include an explanation of:
   i. The specific charges;
   ii. The facts on which the charges are based;
   iii. The provision(s) of the code of student conduct the student is accused of violating;
   iv. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and this section; and
   v. The terms and conditions of the suspension.

4. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and

5. Academic instruction either in school or out of school that addresses the Core Curriculum Content Standards.
   i. The student's academic instruction shall be provided within five school days of the suspension.
   ii. At the completion of a short-term suspension, the district board of education shall return a general education student to the general education program from which he or she was suspended.
   iii. The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

(b) The suspending principal shall immediately report the suspension to the chief school administrator, who shall report it to the district board of education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

(c) An appeal of the district board of education's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

(d) For a student with a disability, the provisions of this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

6A:16-7.3. Long-term suspensions.
(a) In each instance of a long-term suspension, the district board of education shall assure the rights of a student suspended for more than 10 consecutive school days by providing the following:

   1. Notification to the student of the charges prior to his or her removal from school;
2. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
3. Immediate notification to the student's parents of the student's removal from school;
4. Appropriate supervision of the student while waiting for the student's parents to remove the student from school during the school day;
5. Written notification to the parents by the chief school administrator or his or her designee within two school days of the initiation of the suspension, stating:
   i. The specific charges;
   ii. The facts on which the charges are based;
   iii. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and this section; and
   iv. Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the district board of education, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.

   (1) The district board of education shall request from the parent(s) and student written acknowledgement of the notification provided pursuant to (a)5iv above subsequent to the removal of the student from his or her educational program, pursuant to this section;
6. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to (a)10 below;
7. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal rules incorporated by reference therein;
8. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
9. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.
   i. The student's educational services shall be provided within five school days of the suspension.
   ii. The district board of education shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the Core Curriculum Content Standards and the following considerations:
      (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate;
      (2) The results of relevant testing, assessments, or evaluations of the student;
      (3) The student's academic, health and behavioral records;
      (4) The recommendation of the chief school administrator, principal or other relevant school or community resource;
      (5) Considerations of parental input; or
      (6) Consultation with the intervention and referral services team, in accordance with N.J.A.C. 6A:16-8.
   iii. Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
10. A formal hearing before the district board of education that shall, at a minimum:
i. Be conducted by the district board of education or delegated by the board to a board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.

(1) Before taking final action, the district board of education as a whole shall receive and consider either a transcript or detailed report on the hearing;

ii. Include the opportunity for the student to:

(1) Confront and cross-examine witnesses if there is a question of fact; and

(2) Present his or her own defense, and produce oral testimony or written supporting affidavits;

iii. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and

iv. Result in the district board of education's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence;

11. A written statement to the student's parents regarding the district board of education's decision within five school days after the close of the hearing. The statement shall include, at a minimum:

i. The charges considered;

ii. A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the district board of education at the hearing;

iii. Factual findings relative to each charge and the district board of education's determination of each charge;

iv. Identification of the educational services to be provided to the student, pursuant to (a)9 above;

v. The terms and conditions of the suspension; and

vi. The right to appeal to the Commissioner the district board of education's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17;

12. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and

13. At the completion of a long-term suspension, the district board of education shall return a general education student to the general education program.

(b) An appeal of the district board of education's decision regarding the general education student's program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

(c) Suspension of a general education student shall not be continued beyond the district board of education's second regularly scheduled meeting following the suspension, unless the district board of education so determines, pursuant to N.J.S.A. 18A:37-5.

1. The district board of education shall determine whether to continue the suspension, pursuant to (a) above, based on the following criteria:

i. The nature and severity of the offense;

ii. Its removal decision;

iii. The results of relevant testing, assessments, or evaluations of the student; and

iv. The recommendation of the chief school administrator, after considering input from the principal or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
2. The district board of education shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular board meeting pursuant to N.J.S.A. 18A:37-4 and 5.

(d) When the district board of education votes to continue a general education student's suspension, it shall review the case, in consultation with the chief school administrator, at each subsequent district board of education meeting for the purpose of determining:

1. The status of the student's suspension;
2. The appropriateness of the suspended student's current educational program; and
3. Whether the suspended student's current placement, pursuant to (a)9 above, should continue or whether the student should return to the general education program.

(e) When the district board of education votes to continue a general education student's suspension, it shall make, in consultation with the chief school administrator, the final determination on:

1. When the student is prepared to return to the general education program;
2. Whether the student will remain in an alternative education program or receive home or other in- or out-of-school instruction, based on the criteria set forth in (c)1i through iv above; or

(f) The district board of education shall provide a general education student suspended under this section with an appropriate educational program or services, based on the criteria set forth under (a)9ii above, until the student graduates from high school or reaches the age of 20, whichever comes first.

1. The educational program shall be consistent with N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
2. The educational services provided, either in- or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

(g) For a student with a disability who receives a long-term suspension, the district board of education shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.

1. All procedural protections set forth in N.J.A.C. 6A:14 and this section shall be afforded to a student with a disability who is subjected to a long-term suspension.
2. All decisions concerning the student's educational program or placement shall be made by the student's individualized education program team.
3. The provisions of (b) through (f) above shall not apply to students with disabilities.

6A:16-7.4. Expulsions.

(a) A district board of education may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the district board of education has provided the following:

1. The procedural due process rights set forth at N.J.A.C. 6A:16-7.1(c)3 and 7.3, subsequent to a long-term suspension, pursuant to N.J.A.C. 6A:16-7.3; and
2. An appropriate educational program or service, based on the criteria set forth at N.J.A.C. 6A:16-7.3(f).
   i. The educational program or service shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever are applicable; or
   ii. The educational services provided, either in or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.
(b) An appeal of the district board of education's decision regarding the cessation of the student's general education program shall be made to the Commissioner in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17.

1. A district board of education shall continue to provide an appropriate educational program or service in accordance with (a)2 above until a final determination has been made on the appeal of the district board of education's action to expel a student.

(c) A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14.

**In school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Return to school following removal**

**LAWS**

**18A:37-2.5. Determination of pupil's preparedness to return.**

The chief school administrator shall determine when the pupil is prepared to return to the regular education program in accordance with procedures to be established by the Commissioner of Education.

**18A:37-4. Suspension of pupils by teacher or principal.**

The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

**18A:37-5. Continuation of suspension; reinstatement or expulsion.**

No suspension of a pupil by a teacher or a principal shall be continued longer than the second regular meeting of the board of education of the district after such suspension unless the same is continued by action of the board, and the power to reinstate, continue any suspension reported to it or expel a pupil shall be vested in each board.

**18A:37-10. Hearing.**

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.
b. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the “Open Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board’s decision shall be made to the Commissioner of Education within 90 days of the board’s decision.


The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act. In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall
immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil’s involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

**REGULATIONS**

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

i. The student shall be returned as soon as possible to the care of a parent;

ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;

(1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and
Use of restraint and seclusion

LAWS

18A:46-13.4. Definitions relative to use of physical restraint, seclusion techniques on students with disabilities.

As used in this act:

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

18A:46-13.5. Use of physical restraint on students with disabilities.

a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes physical restraint on students with disabilities shall ensure that:

(1) physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

(2) a student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;

(3) staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the board of education to be qualified to provide such training, and that the training is updated at least annually;

(4) the parent or guardian of a student is immediately notified when physical restraint is used on that student, which notification may be by telephone or electronic communication. A full written report of the incident of physical restraint shall be provided to the parent or guardian within 48 hours of the occurrence of the incident;

(5) each incident in which a physical restraint is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(6) each incident in which physical restraint is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

18A:46-13.6. Use of seclusion techniques on students with disabilities.

a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes seclusion techniques on students with disabilities shall ensure that:

(1) a seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

(2) each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy
developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(3) each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.


The department shall establish guidelines for school districts, educational services commissions, and approved private schools for students with disabilities to ensure that a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's individualized education plan team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or approved private school for students with disabilities may determine to revise a staff member's professional development plan.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

1. Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

   For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S.2C:12-1.

   For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S.2C:39-1, except a firearm as defined by N.J.S.2C:39-1f and 18 U.S.C. s.921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.


Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education
program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section “firearm” means those items enumerated in N.J.S.2C:39-1f and 18 U.S.C. s.921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

This act shall not apply to any pupil who has obtained the written authorization of the chief school administrator to lawfully possess a firearm while participating in a school-sponsored function. The chief school administrator shall not provide such authorization to any pupil who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.

REGULATIONS
6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in the general education program or who have been mandated for removal from general education, pursuant to N.J.A.C. 6A:16-5.5, 5.6 and, as appropriate, 5.7. The alternative education program shall provide a variety of approaches to meet the State-adopted standards, such as, through non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students in N.J.A.C. 6A:8.

(a) Each district board of education choosing to operate an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall approve the alternative education program.

(b) Any alternative education program, pursuant to N.J.A.C. 6A:16-1.3, within a State agency, public college operated program or department-approved school shall be approved by the Commissioner of Education.

1. The agency, pursuant to (b) above, shall submit an initial or renewal application, as appropriate, to the designated county office of education, in accordance with the format prescribed by the Commissioner of Education.

2. Each alternative education program established by an agency, pursuant to (b) above, shall be separate and distinct from the already existing programs operated by these agencies.
3. Annually, each agency, pursuant to (b) above, operating an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall obtain certificates of fire inspection and, if applicable, health, sewerage plant and health, ventilation, and air conditioning (HVAC) inspections.

   i. These certificates shall be maintained and available upon request for review by the Department of Education.

6A:16-9.2. Program criteria.

(a) Each alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall fulfill the following program criteria for both high school and middle school programs, unless otherwise noted:

1. A maximum student-teacher ratio of 12:1 for high school programs shall be maintained;
2. A maximum student-teacher ratio of 10:1 for middle school programs shall be maintained;
3. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program.

   i. The IPP shall be developed by the school district in which the student is enrolled, in consultation with the student's parent and the receiving school district, pursuant to N.J.A.C. 6A:16-9.1(a), or other agency, pursuant to N.J.A.C. 6A:16-9.1(b), as appropriate.

   ii. The IPP shall be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs.

   iii. The IPP shall identify the appropriate instructional and support services for addressing the student's identified needs.

   iv. The IPP shall be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program.

   (1) The IPP may, but need not, be developed prior to the student's placement.

   v. A multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first.

   (1) The multidisciplinary team shall review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

   (2) The multidisciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

   (3) The student's parent shall be advised of revisions to the IPP.

4. For a student with a disability, the alternative education program shall be consistent with the student's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education.

5. Individualized instruction to students shall address the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1;

6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;

7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;

8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school students;

9. Comprehensive support services and programs shall address each student's health, social and emotional development and behavior;
10. Case management services including, but not limited to, monitoring and evaluating student progress and coordinating instructional and support services, pursuant to (a)5, 8, and 9 above, shall be provided; and

11. Services to facilitate the transition of students returning to the general or special education program shall be provided; and

12. A minimum student enrollment period of not less than two complete marking periods shall be required.

i. If the student is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).

ii. If the student is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the chief school administrator may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.

iii. For the student with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. §§ 1400 et seq.


(a) Student placement in an alternative education program, pursuant to N.J.A.C. 6A:16-1.3 and 9.1(a) and (b), shall be made as follows:

1. For the general education student, the district board of education shall make a determination of the student’s risk for school failure and a decision regarding the student’s placement in an alternative education program, at a minimum, based on the following:

   i. The review of the student’s academic, health and behavioral records, including the student’s IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the student;

   ii. Consultation with and notice to the student’s parent; and

   iii. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multidisciplinary team, as appropriate.

2. Decisions regarding the placement of the student with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.

3. The district board of education shall provide mandatory placement for a student in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.

   i. If placement in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) or (b), is not available in the instance of a mandatory student placement, the student shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.

   ii. For the student with a disability, placement in an alternative education program for a firearm offense or an assault with a weapon offense shall occur only upon a determination by appropriate school personnel to place the student in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. §§ 1400 et seq.

(b) If a district board of education places a student in an alternative education program approved by another district board of education, pursuant to N.J.A.C. 6A:16-9.1(a)1, or another approved agency,
pursuant to N.J.A.C. 6A:16-9.1(b), the district board of education of the sending school district shall be responsible for ensuring compliance with the requirements of this subchapter.

(c) Decisions regarding continued placement in an alternative education program or a change to a student’s placement shall be made as follows:

1. For the general education student returning to the general education program, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, and (a)1 above.

2. For a student with disabilities, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, (a)2 above, and N.J.A.C. 6A:14, Special Education.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

2C:39-1. Definitions.
The following definitions apply to this chapter and to chapter 58:

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.).

c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and
shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

This act shall be known as the "Zero Tolerance for Guns Act."

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.
b. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

This act shall not apply to any pupil who has obtained the written authorization of the chief school administrator to lawfully possess a firearm while participating in a school-sponsored function. The chief school administrator shall not provide such authorization to any pupil who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.
REGULATIONS

6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.


6A:16-5.5. Removal of students for firearms offenses.
(a) Each district board of education shall adopt and implement policies and procedures regarding student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.
   i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;
4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
5. Notify the student's parent of the following information:
   i. The removal action;
   ii. The law enforcement notification;
   iii. The change of custody, if it occurs; and
   iv. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.
(e) A student, other than a student with a disability, removed from the general education program pursuant to this section shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.

1. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.

(f) A student with a disability removed pursuant to (a) and (c) above shall receive a placement in accordance with N.J.A.C. 6A:14.

(g) A student removed pursuant to (b) above shall be entitled to a hearing before the district board of education in accordance with N.J.A.C. 6A:16-7.3 through 7.5.

(h) If it is found that the removed student did not commit the offenses in (a) and (c) above, the student shall be immediately returned to the program from which he or she was removed.

(i) The chief school administrator shall make the final determination on whether the general education student is prepared to return to the general education program, or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, based on the following criteria:

1. The nature and severity of the offense;
2. The district board of education's removal decision;
3. The results of relevant testing, assessment, or evaluation of the student; and
4. The recommendation of the principal or director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

(j) This section shall not apply to a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the district board of education, as long as the district board of education adopts appropriate safeguards to ensure student safety.

1. All students shall obtain written authorization from the chief school administrator to possess a firearm stored inside a locked vehicle on school grounds or used for participation in a school-sponsored function.

   i. The chief school administrator shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.

(k) Each chief school administrator biannually shall submit to the Commissioner a report on each incident under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(d)1.

(l) Each district board of education shall annually disseminate to all school staff, students, and parents the adopted policies and procedures for implementing this section.

Other weapons

LAWS

2C:39-1. Definitions.
The following definitions apply to this chapter and to chapter 58:

f. “Firearm” means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It
shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

**2C:39-5. Unlawful possession of weapons.**

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, or while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

**18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.**

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with
the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

REGULATIONS

6A:16-1.3. Definitions.

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.


6A:16-5.6. Removal of students for assaults with weapons offenses.

(a) Each district board of education shall adopt and implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school board employee, district board of education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

(b) A student as set forth in (a) above, other than a student with a disability, shall be immediately removed from the school's general education program for a period not exceeding one calendar year.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;

2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

3. Immediately report to the chief school administrator the removal of the student;

4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and

5. Notify the student's parent of the following information:

   i. The removal action;

   ii. The law enforcement notification;

   iii. The change of custody, if it occurs; and
iv. A general education student’s due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability’s due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

(e) A student, other than a student with a disability, removed from the general education program pursuant to (b) above shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.

1. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.

(f) A student with a disability removed pursuant to (a) and (c) above shall receive a placement in accordance with N.J.A.C. 6A:14.

(g) A student removed pursuant to (b) above shall be entitled to an informal hearing, pursuant to N.J.A.C. 6A:16-7.2 and 7.3, and a hearing before the district board of education pursuant to N.J.A.C. 6A:16-7.3.

(h) If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she was removed.

(i) The chief school administrator shall make the final determination on whether the general education student is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the following criteria:

1. The nature and severity of the offense;
2. The district board of education’s removal decision;
3. The results of relevant testing, assessment or evaluation of the student; and
4. The recommendation of the principal or director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

(j) This section does not apply to a student who has obtained the chief school administrator’s written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.

1. The chief school administrator shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

(k) Each chief school administrator biannually shall submit to the Commissioner a report on each incident and the circumstances surrounding the removal of students pursuant to (b) above utilizing the Electronic Violence and Vandalism Reporting System pursuant to N.J.A.C. 6A:16-5.3(e)1.

(l) Each district board of education annually shall disseminate to all school staff, students, and parents its adopted policies and procedures for implementing this section.

Students with chronic disciplinary issues

LAWS

18A:37-2c. Meeting relative to suspension, expulsion of student.

a. In the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from public school, the principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school’s intervention and referral services team. The principal may convene such a meeting, if after the student has been suspended for the first time, the principal upon
evaluation deems such a meeting appropriate. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.

b. The Department of Education, in consultation with the Department of Health, shall make available to school districts a list of current resources that may be of assistance as referral services for students under subsection a. of this section. The resources may include, but need not be limited to, the New Jersey MentalHealthCares information and referral service, and county or local programs that provide youth services for mental health or substance abuse.

c. The requirements of subsection a. of this section shall not apply when a student’s immediate removal or suspension from the school’s regular education program is required pursuant to the provisions of the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.); section 2 of P.L.1979, c.189 (C.18A:37-2.1); or section 1 of P.L.1995, c.128 (C.18A:37-2.2); or in any other instance in which the safety and security of other students or school staff requires the student’s immediate removal from school. In these instances, the meeting required pursuant to subsection a. of this section shall take place as soon as practicable following the student’s removal from the school’s regular education program.

d. The provisions of this section shall be construed in a manner consistent with the “Individuals with Disabilities Education Act,” 20 U.S.C. § 1400 et seq.

e. The State Board of Education may promulgate regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provision of this act.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

3. General definitions. As used in this act:

  g. "Juvenile-family crisis" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes, or (5) an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.

18A:36-25.2. Investigation, reporting of certain pupil absences, transfers.

a. If any child enrolled in a school district has an unexcused absence from school for five consecutive school days, the attendance officer of the district shall investigate the absence and notify the district superintendent of the absence. In the event the investigation leads the district superintendent to have reasonable cause to believe the child has been abused or neglected as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district superintendent shall then notify the Division of Child Protection and
Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted.

b. When a child's parent, guardian, or other person having charge and control of the child notifies a school district that the child will be withdrawing from the district and transferring to another school district, the principal of the school from which the child is withdrawing shall request that the parent, guardian, or other person having charge and control of the child provide the principal with the name and location of the school district in which the child will subsequently be enrolled and the expected date of enrollment. The principal shall provide the information supplied by the parent, guardian, or other person having charge and control of the child to the district superintendent. Five school days following the expected date of enrollment, the superintendent of the district of last attendance shall contact the school district in which the child is to be subsequently enrolled to determine if the child has enrolled in the district. If the child has not been so enrolled, the attendance officer of the transfer district shall investigate the failure to enroll and notify the superintendent of the transfer district of the failure to enroll. In the event the investigation leads the superintendent of the transfer district to have reasonable cause to believe the child has been abused or neglected as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21), the superintendent of the transfer district shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted. If the child has been so enrolled, the district of last attendance and the transfer district shall arrange for the transfer of the child's records in accordance with the provisions of section 1 of P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of P.L.1995, c.395 (C.18A:36-25.1).

c. School district policies for the early detection of missing and abused children required pursuant to section 2 of P.L.1984, c.228 (C.18A:36-25) shall include provisions to implement the requirements of this section.

Every parent, guardian or other person having custody and control of a child between the ages of six and 16 years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school.

Such regular attendance shall be during all the days and hours that the public schools are in session in the district, unless it is shown to the satisfaction of the board of education of the district that the mental condition of the child is such that he cannot benefit from instruction in the school or that the bodily condition of the child is such as to prevent his attendance at school, but nothing herein shall be construed as permitting the temporary or permanent exclusion from school by the board of education of any district of any child between the ages of five and 20, except as explicitly otherwise provided by law.

Any child between the ages of six and 16 years who shall repeatedly be absent from school, and any child of such age found away from school during school hours whose parent, guardian or other person having charge and control of the child is unable to cause him to attend school and any pupil who is incorrigible, actually vagrant, vicious, or immoral in conduct, shall be deemed to be a juvenile delinquent and shall be proceeded against as such.
18A:38-28. Truants; return to parents or school.
Any attendance officer who shall find any child between six and 16 years of age who is a truant from school, shall take the child and deliver him to the parent, guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend.

The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

REGULATIONS

6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

"Truancy" means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.6(a)3 and the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3.

6A:16-7.6. Attendance.
(a) Each district board of education shall develop, adopt, and implement policies and procedures regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 and 13.1, at the public schools of the school district or at day schools in which students are provided with equivalent instruction, pursuant to N.J.S.A. 18A:38-25. The policies and procedures shall include, at a minimum:

1. The expectations and consequences regarding students' timely arrival of students to school and classes;
2. The expectations and consequences regarding attendance at school and classes;
3. A definition of unexcused absence that counts toward truancy, for the purpose of this section, that, at a minimum, shall be consistent with the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3;
4. School staff responses for unexcused absences:
   i. For up to four cumulative unexcused absences, the school district shall:
      (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
      (2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
      (3) Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
      (4) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11 if a potential missing or abused child situation is detected; and
      (5) Cooperate with law enforcement and other authorities and agencies, as appropriate;
   ii. For between five and nine cumulative unexcused absences, the school district shall:
(1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;

(2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

(3) Evaluate the appropriateness of action taken pursuant to (a)4i(3) above;

(4) Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

(A) Refer or consult with the building's intervention and referral services team, pursuant to N.J.A.C. 6A:16-8;

(B) Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;

(C) Consider an alternate educational placement;

(D) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

(E) Refer to a court or court program pursuant to (a)4iv below;

(F) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10 if a potential missing or abused child situation is detected; and

(G) Engage the student's family.

(5) Cooperate with law enforcement and other authorities and agencies, as appropriate.

iii. For cumulative unexcused absences of 10 or more, a student between the ages of six and 16 is truant, pursuant to N.J.S.A. 18A:38-25, and the school district shall:

(1) Make a determination regarding the need for a court referral for the truancy, per (a)4iv below;

(2) Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

(3) Cooperate with law enforcement and other authorities and agencies, as appropriate; and

(4) Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; and

iv. A court referral may be made as follows:

(1) When unexcused absences are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the district board of education's policies, in accordance with (a) above, the parent may be referred to municipal court;

(A) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the municipal court; or

(2) When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part;

(A) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the juvenile-family crisis intervention unit.

(b) For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's individualized education program, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§ 794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b)3xii.
(c) All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with (a)4i above for each student with up to four cumulative unexcused absences.

1. For each student attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending school district.

   i. The sending school district shall proceed in accordance with the district board of education policies and procedures pursuant to (a) above and the provisions of (a)4ii through iv and (b) above, as appropriate.

### Substance use

**LAWS**

**18A:37-2. Causes for suspension, expulsion of pupils.**

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

   j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises

**18A:40A-1. Instructional programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances; curriculum guidelines.**

Instructional programs on the nature of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, as defined in section 2 of P.L.1970, c.226 (C.24:21-2), and their physiological, psychological, sociological and legal effects on the individual, the family and society shall be taught in each public school and in each grade from kindergarten through 12 in a manner adapted to the age and understanding of the pupils. The programs shall be based upon the curriculum guidelines established by the Commissioner of Education pursuant to section 2 [18A:40A-2] of this act, and shall be included in the curriculum for each grade in such a manner as to provide a thorough and comprehensive treatment of the subject.

**18A:40A-2. Curriculum guidelines; annual review and updating; minimum requirements.**

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop curriculum guidelines for education programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. These guidelines shall be reviewed annually, and shall be updated as necessary to insure that the curriculum reflects the most current information available on the nature and treatment of drug, alcohol, anabolic steroids, tobacco and controlled dangerous substance abuse and treatment. The guidelines shall provide for a sequential course of study for each grade, K-12, and shall, at a minimum, include:

   a. Detailed, factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse;
   b. Detailed information concerning the availability of help and assistance for pupils and their families with chemical dependency problems;
   c. Decision making and coping skills; and,
d. The development of activities and attitudes which are consistent with a healthy lifestyle.

The guidelines shall include model instructional units, shall define specific behavioral and learning objectives and shall recommend instructional materials suitable for each grade level.

18A:40A-3. Initial inservice training programs; curriculum; availability.

a. Upon completion of the curriculum guidelines required pursuant to section 2 of this act, the Commissioner of Education, in consultation with the Commissioner of Health, shall establish inservice workshops and training programs to train selected public school teachers to teach an education program on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The inservice training programs may utilize existing county or regional offices, or such other institutions, agencies or persons as the Commissioner of Education deems appropriate. The programs and workshops shall provide instructional preparation for the teaching of the drug, alcohol, anabolic steroids, tobacco and controlled dangerous substances curriculum, and shall, in addition to the curriculum material, include information on the history, pharmacology, physiology and psychosocial aspects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, and the legal aspects of substance abuse. Each local board of education shall provide time for the inservice training during the usual school schedule in order to insure that appropriate teaching staff members are prepared to teach the education program in each grade in each school district.

b. Upon completion of the initial inservice training program, the Commissioner of Education shall insure that programs and workshops that reflect the most current information on substance abuse are prepared and are made available to teaching staff members at regular intervals.

c. In addition to providing inservice training programs for teaching staff members who will provide instruction on substance abuse in the public schools, the Commissioner of Education shall make these training programs available to such other instructional and supervisory personnel as he deems necessary and appropriate.


In addition to the provisions for inservice training established pursuant to this act, the commissioner shall insure that the preservice training of individuals intending to enter the teaching profession provides for an adequate treatment of the subject of substance abuse.

No certificate to teach in the public schools shall be issued to any teaching staff member who has not passed a satisfactory examination in (1) physiology and hygiene; and (2) substance abuse issues which includes material on the physiological, psychological, sociological and legal aspects of drug and alcohol abuse, methods of educating students on the negative effects of substance abuse, and intervention strategies for dealing with students engaged in substance abuse.


The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to all pupils attending nonpublic schools located within the district all educational materials developed by the Commissioner of Education pursuant to this act for the instruction of public school pupils on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.


The Commissioner of Education, in consultation with the Commissioner of Health, shall establish and administer a system for the evaluation of the effectiveness of instructional programs established pursuant
to this act. Programs which are shown to be effective shall be made available to other school districts throughout the State.

**18A:40A-7.1. Confidentiality of certain information provided by pupil; exceptions.**

a. Except as provided by section 3 of P.L.1971, c.437 (C.9:6-8.10), if a public or private elementary or secondary school pupil who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent or guardian or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsection b. of this section.

b. The information provided by a pupil pursuant to subsection a. of this section may be disclosed:

   (1) subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary school pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary school pupil;

   (2) pursuant to a court order;

   (3) to a person engaged in a bona fide research purpose, except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

   (4) to the Division of Child Protection and Permanency or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary school pupil or another child may be an abused or neglected child as the terms are used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

c. Any disclosure made pursuant to paragraph (1) or (2) of subsection b. of this section shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure shall be accompanied by a written statement advising the recipient that the information is being disclosed from records the confidentiality of which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated. Nothing in P.L.1997, c.362 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the Division of Child Protection and Permanency or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in P.L.1997, c.362 shall be construed as authorizing the violation of any federal law.

d. The prohibition on the disclosure of information provided by a pupil pursuant to subsection a. of this section shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

**18A:40A-7.2. Penalty for improper disclosure.**

Except as provided by section 6 of P.L.1971, c.437 (C.9:6-8.13), a person who discloses or willfully permits the disclosure of information provided by a pupil in violation of the provisions of section 1 of this act is subject to a fine of not more than $500 for a first offense and not more than $5,000 for a second and each subsequent offense. The penalty shall be collected and enforced in summary proceedings under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).
18A:40A-8. Legislative findings and declaration.
The Legislature finds and declares that:

a. A significant number of young people are unfortunately already involved in the abuse of alcohol and other drugs;

b. Research indicates that particular groups of youngsters, such as the children of alcoholic parents, may in fact face an increased risk of developing alcohol and other substance abuse problems and that early intervention services can be critical in their prevention, detection and treatment; and,

c. School-based initiatives have proven particularly effective in identifying and assisting students at a high risk of developing alcohol and other drug disturbances and in reducing absenteeism, decreasing the consumption of alcohol and other drugs, and in lessening the problems associated with such addictions.

For the purposes of this act:

"Substance" shall mean alcoholic beverages, controlled dangerous substances as defined in section 2 of P.L.1970, c.266 (C.24:21-2), anabolic steroids or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in section 1 of P.L.1965, c.41 (C.2A:170-25.9).

"Substance abuse" shall mean the consumption or use of any substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

18A:40A-10. Local boards to establish comprehensive substance abuse intervention, prevention and treatment referral programs.
Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

18A:40A-11. Local boards to establish policies and procedures for evaluation, referral, and treatment of students abusing substances on school property.
Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 [18A:40A-9] of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.
18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the
pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.


a. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop an inservice training program for public school teachers to enable the teachers to recognize and respond to substance abuse by public school pupils. The program shall, at a minimum, include:

(1) Instruction to assist the teacher in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse;

(2) Appropriate intervention strategies; and,

(3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

The inservice training program required pursuant to this section shall be updated at regular intervals in order to insure that teaching staff members have the most current information available on this subject.

b. Each local board of education shall insure that all teaching staff members in the district who are involved in the instruction of pupils are provided with the inservice training program developed pursuant to this section. The inservice training program of the local board of education shall also include information concerning the policy of the board regarding the referral for treatment of pupils involved in substance abuse, as required pursuant to section 5 of this act.


a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:

(1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;

(2) Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse; and

(3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school pupils, and shall maintain and continuously update a roster of individuals or groups available to assist boards of education in implementing this program and a list of State and local agencies and organizations which are approved by the Department of Health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show symptoms of substance abuse.

18A:40A-17. Outreach program.

a. Under the guidelines established by the Commissioner of Education, each local board of education shall establish an outreach program to provide substance abuse education for the parents or legal guardians of the pupils of the district. In establishing the program, the local board of education shall consult with such local organizations and agencies as are recommended by the commissioner. The board of education shall insure that the program is offered at times and places convenient to the parents of the district on school premises, or in other suitable facilities.
b. In addition to the substance abuse education program required pursuant to this section, each local board of education shall establish policies and procedures to provide assistance to parents or legal guardians who believe that their child may be involved in substance abuse. These policies and procedures shall be consistent with the policies and procedures for intervention by school personnel developed pursuant to this act.

c. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to the parents or legal guardians of all pupils attending nonpublic schools located within the district all educational materials developed by the Commissioner of Education for the instruction of the parents or legal guardians of public school pupils on the nature and effects of substances and substance abuse. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop and administer a program which provides for the employment of student assistance coordinators in certain school districts.

a. Within 90 days of the effective date of this act, the Commissioner of Education shall forward to each local school board a request for a proposal for the employment of a student assistance coordinator. A board which wants to participate in the program shall submit a proposal to the commissioner which outlines the district's plan to provide substance abuse prevention, intervention, and treatment referral services to students through the employment of a student assistance coordinator. Nothing shall preclude a district which employs a student assistance coordinator at the time of the effective date of this act from participating in this program. The commissioner shall select school districts to participate in the program through a competitive grant process. The participating districts shall include urban, suburban, and rural districts from the north, central, and southern geographic regions of the State with at least one school district per county. In addition to all other State aid to which the local district is entitled under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and other pertinent statutes, each board of education participating in the program shall receive from the State, for a three-year period, the amount necessary to pay the salary of its student assistance coordinator.

b. The position of student assistance coordinator shall be separate and distinct from any other employment position in the district, including, but not limited to district guidance counselors, school social workers, and school psychologists. The State Board of Education shall approve the education and experience criteria necessary for employment as a student assistance coordinator. The criteria shall include a requirement for certification by the State Board of Examiners. In addition to the criteria established by the State board, the Department of Education and the Department of Health shall jointly conduct orientation and training programs for student assistance coordinators, and shall also provide for continuing education programs for coordinators.

c. It shall be the responsibility of student assistance coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the in service training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

d. The Commissioner of Education, in consultation with the Commissioner of Health, shall implement a plan to collect data on the effectiveness of the program in treating problems associated with substance abuse and in reducing the incidence of substance abuse in local school districts. Six months prior to the
expiration of the program authorized pursuant to this section, the Commissioner of Education shall submit to the Governor and the Legislature an evaluation of the program and a recommendation on the advisability of its continuation or expansion to all school districts in the State.


The Commissioner of Education is authorized to make grants to local school districts in such amounts as he shall determine, to assist the districts in the implementation of innovative pilot programs designed to educate pupils of elementary and secondary schools and members of the general public on the subject of substance abuse, and to prevent the abuse of those substances. Application for grants shall be made on forms furnished by the Commissioner of Education and shall set forth the program proposed and appropriate administrative procedures for the proper and efficient implementation of the program. These pilot programs shall, at a minimum, include:

a. An early intervention competitive grant pilot program to be established by the Commissioner of Education, in consultation with the Commissioner of Health and the Commissioner of Human Services, to enable local school districts to identify and assist elementary school pupils who are affected by family substance abuse problems or who are at risk of developing such problems themselves. The purpose of the program shall be to encourage the creation of effective model programs for the early identification of children at risk for substance abuse related problems and to provide for effective intervention when these children are identified.

Grants shall be awarded to boards of education through a competitive grant process based upon written applications submitted by local boards of education. The Commissioner of Education shall select not more than eight of the proposals submitted by boards of education for participation in the pilot program. The commissioner, in addition to considering the overall quality of each proposal and the likelihood that the proposal can be replicated in other districts, shall seek to achieve the broadest geographic distribution of recipients consistent with the purposes of this act.

b. The pilot program established in Ocean County by the Department of Education in conjunction with the Juvenile Services Unit in the Family Division of the Administrative Office of the Courts, to coordinate the efforts of school and juvenile justice personnel in the county to combat alcohol and substance abuse by students.

The commissioner shall evaluate the effectiveness of the model program developed and tested pursuant to this section and disseminate information about successful model programs to school districts that do not participate in the pilot program.


The Commissioner of Education, in consultation with the Commissioner of Health and the Commissioner of Human Services, shall develop procedures for the evaluation of the impact of the programs established pursuant to this act and shall report annually to the Governor and the Legislature on the effects of these programs. That report shall include data concerning the incidence of substance abuse in the public schools; the nature and scope of intervention, prevention and treatment referral programs; an assessment of the impact of those programs on the problem of substance abuse; and, any recommendations for modifications in the programs established pursuant to this act.

18A:40A-22. Findings, declarations relative to substance abuse testing policies in public school districts.

The Legislature finds and declares that there are many school districts within the State with a growing problem of drug abuse among their students. The Legislature further finds that federal and State courts have held that it may be appropriate for school districts to combat this problem through the random drug
testing of students participating in extracurricular activities, including interscholastic athletics, and students who possess school parking permits. The Legislature also finds that a random drug testing program may have a positive effect on attaining the important objectives of deterring drug use and providing a means for the early detection of students with drug problems so that counseling and rehabilitative treatment may be offered.

18A:40A-23. Adoption of policy for random testing of certain students.
A board of education may adopt a policy, pursuant to rules and regulations adopted by the State Board of Education in consultation with the Department of Human Services, which are consistent with the New Jersey Constitution and the federal Constitution, for the random testing of the district's students in grades 9-12 who participate in extracurricular activities, including interscholastic athletics, or who possess school parking permits, for the use of controlled dangerous substances as defined in N.J.S.2C:35-2 and anabolic steroids. The testing shall be conducted by the school physician, school nurse or a physician, laboratory or health care facility designated by the board of education and the cost shall be paid by the board. Any disciplinary action taken against a student who tests positive for drug use or who refuses to consent to testing shall be limited to the student's suspension from or prohibition against participation in extracurricular activities, or revocation of the student's parking permits.

23:2-13. Hooked on Fishing-Not on Drugs Program.
1.a. There is established in the Department of Environmental Protection, Division of Fish and Wildlife, a Hooked on Fishing-Not on Drugs Program, which shall be based on a national program developed by the Future Fisherman Foundation that encourages school-aged children to avoid drug usage by providing alternative activities that involve learning to fish, appreciating aquatic and environmental resources, and developing positive life skills. The division shall assign staff to develop strategies for assisting school districts or other interested public service organizations in implementing this program throughout the State. Statewide program implementation shall be modeled after the pilot program implemented in Ocean County in calendar year 2000, which may include, but not be limited to, the distribution of materials to promote and operate the program throughout the State. To the maximum extent possible, the division shall implement and operate the program in every county in the State.

b. The division may work with educational, public safety and environmental groups in order to promote volunteerism among these groups for the purpose of acting as program instructors, mentors or advisors. The division may also work with public service organizations, sportsman groups and local merchants to encourage the donation of technical, material and financial assistance to the program.

23:2-14. Collection, maintenance of data; annual report.
2. The division shall collect and maintain data on the Hooked on Fishing-Not on Drugs Program and provide an annual report to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), including information on the number of school districts or municipalities that have implemented the program and the number of pupils that are participating in the program. The report shall also include information on the effectiveness of the program in terms of drug usage avoidance or incidents among participating students.

3. The Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to effectuate the provisions of this act.
REGULATIONS

6A:16-3.1. Establishment of comprehensive alcohol, tobacco and other drug abuse programs.
(a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for student alcohol, tobacco, and other drug abuse in the school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.

1. The purpose of the prevention component of the program shall be to:
   i. Keep students from using alcohol, tobacco or other drugs;
   ii. Reduce or eliminate the incidence and prevalence of student alcohol, tobacco and other drug abuse;
   iii. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
   iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
   v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
   vi. Actively involve staff, students, parents, and other community members in the development and implementation of prevention program plans.

2. The purpose of the intervention, referral for evaluation, and referral for treatment components of the program shall be to:
   i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;
   ii. Help students or their parents who have requested assistance for alcohol, tobacco or other drug abuse problems;
   iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment that extends beyond the general school program by virtue of the use of alcohol, tobacco, or other drugs by the student or the student's parents;
   iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco, or other drug treatment;
   v. Help a student or a student's parents follow through on the recommendations resulting from an evaluation that has positively determined the harmful use of alcohol, tobacco, or other drugs by the student or the student's parents; and
   vi. Assist a student or a student's parents with a referral for treatment.

3. The purpose of the continuity of care component of the program shall be to:
   i. Assist with the provision of educational programs and services for students in treatment; and
   ii. Plan and provide supportive services for students who are returning from treatment.

4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco, and other drug abuse prevention and intervention, in accordance with N.J.S.A. 18A:40A-3 and 15.
   i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district's comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.

6. When a student assistance coordinator is not employed or contracted by a district board of education, the board shall assign school staff with appropriate educational services certificates to perform the student assistance coordinator functions, pursuant to N.J.S.A. 18A:40A-18.c and (a)5 above, and to assist in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 17.i. The district board of education shall maintain documentation of school staff with appropriate educational services certificates who will perform the student assistance coordinator functions.

7. Each district board of education shall establish educational programs on alcohol, tobacco, and other drug abuse for parents, pursuant to N.J.S.A. 18A:40A-16 and 17(a), and offered at times and places convenient to the parents of enrolled students.

8. Each district board of education shall make and enforce rules to prohibit any person from smoking or carrying lighted tobacco at any time on school grounds or on school buses or other vehicles owned or contracted by the board of education, pursuant to P.L. 2009, c. 182, P.L. 2005, c. 383, N.J.A.C. 13:28-6.14, and N.J.A.C. 8:6.

6A:16-3.2. Confidentiality of student alcohol and other drug information.
(a) Each district board of education shall assure compliance with the following confidentiality requirements consistent with the implementation of 20 U.S.C. § 1232g, the Family Education Rights and Privacy Act, and 34 CFR Part 99:

1. Confidentiality of alcohol and drug abuse patient records, pursuant to 42 CFR Part 2; and
2. Confidentiality of information provided by an elementary or secondary school student while participating in a school-based drug and alcohol counseling program that indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2.

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.
(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
   i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
   i. Immediately notify the parent and the chief school administrator or his or her designee; and
   ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.
3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.
   i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
   i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.
   ii. The examination shall be at the expense of the parent and not the district board of education.

5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
   i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.
   ii. The student's parent, if available, also shall accompany the student.
   iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.

6. Each district board of education shall have a plan in place for the appropriate supervision of the student:
   i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and
   ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.

7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.
   i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.
   ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.
   i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.
   ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of
alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
   
i. The student shall be returned as soon as possible to the care of a parent;
   
ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;
   
   (1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and
   
   iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:
   
i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
   
   (1) The findings of the assessment alone shall not be used to prevent a student from attending school; and
   
   ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.

13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
   
i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.

14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.
15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

(b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-12(b):

1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.

2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
   i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.
   ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.
   i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.

5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student’s involvement with and use of anabolic steroids and the possible need for referral for treatment.
   i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.
(c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.

(d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

(e) Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)(2).

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.

(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
   i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
   ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;

2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;

3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;

4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;

5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and

6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.

(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:

1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)10 below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;

2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
i. The manner in which students shall be randomly selected for alcohol or other drug testing;

ii. An explanation of the sampling statistical principles supporting the random selection process; and

iii. An explanation of how implementation of the random selection process shall be documented and verified;

3. A description of the procedures for the acquisition and management of student’s alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:

   i. Student monitoring;

   ii. Student transportation;

   iii. The acquisition and handling of students’ specimens;

   iv. The chain of custody of students’ specimens;

   v. The testing and analysis of students’ specimens; and

   vi. The storage of students’ specimens;

4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:

   i. The identities of students who have been selected to be tested or who have been tested;

   ii. The results of alcohol or other drug tests;

   iii. The billing and management reports associated with alcohol or other drug tests; and

   iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;

5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)4 above;

6. The parent providing consent to alcohol or other drug testing, pursuant to (a)6 above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.

   i. The school district shall establish procedures ensuring confidentiality of the notification;

7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.

   i. Law enforcement authorities shall not be notified of test results;

8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.

   i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:

      (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or

      (2) Disapproval or revocation of student parking permits.

   ii. Prior to actions being taken pursuant to (b)8(1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;

9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;

10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-I.3 and 4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and
11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.

   i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:

   (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or

   (2) Disapproval or revocation of student parking permits.

(c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:

1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;

2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;

3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;

4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or

5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.

(d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:

1. A school physician;

2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;

3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or

4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.

6A:16-6.2. Development and implementation of policies and procedures.

(a) School district policies and procedures developed pursuant to this subchapter shall be:

4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and

5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

(b) School district policies and procedures shall include the following components:

6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;

13. A memorandum of agreement with appropriate law enforcement authorities.

   ii. The memorandum of agreement shall define the reciprocal rights and obligations of students, parents, school staff, and law enforcement officials with respect to the possession, distribution, and disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and
firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrests and undercover school operations; and with respect to the participation of law enforcement officials in alcohol or other drug abuse prevention programs.

8:6-7.2 Smoking prohibited in school buildings and on school grounds.
(a) Pursuant to N.J.S.A. 26:3D-58b, smoking is prohibited in school buildings and on school grounds.
(b) As used in (a) above, "school buildings" and "school grounds," means and includes, with respect to public and nonpublic elementary and secondary schools:
   1. Land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by a school or a community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops;
   2. Athletic stadiums, swimming pools, any associated structures or related equipment tied to such facilities including, but not limited to, grandstands and night field lights, greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building or facility used solely for school administration;
   3. Playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land; and
   4. Certain faculty or administrator residences on school grounds as provided in N.J.A.C. 8:6-8.1(b).

Bullying, harassment, or hazing

LAWS

2C:40-3. Hazing; aggravated hazing.
   a. A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.
   b. A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.

   a. Beginning with the first full school year following the effective date of this act, a public school district shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through 5. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district’s code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

A school district shall not be required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.

The recess period shall not be used to meet the course requirements set forth in N.J.S.18A:35-5.
b. Nothing in this section shall be construed to prohibit school staff from denying recess for a student on the advice of a medical professional, school nurse, or based on the provisions of a student’s 504 plan.

c. For purposes of this section, “restorative justice activities” means activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture.


Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

   k. Harassment, intimidation, or bullying.


The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.


The Legislature finds and declares that:

   a. A 2009 study by the United States Departments of Justice and Education, "Indicators of School Crime and Safety," reported that 32% of students aged 12 through 18 were bullied in the previous school year. The study reported that 25% of the responding public schools indicated that bullying was a daily or weekly problem;
   
   b. A 2009 study by the United States Centers for Disease Control and Prevention, "Youth Risk Behavior Surveillance," reported that the percentage of students bullied in New Jersey is 1 percentage point higher than the national median;
   
   c. In 2010, the chronic persistence of school bullying has led to student suicides across the country, including in New Jersey;
   
   d. Significant research has emerged since New Jersey enacted its public school anti-bullying statute in 2002, and since the State amended that law in 2007 to include cyber-bullying and in 2008 to require each school district to post its anti-bullying policy on its website and distribute it annually to parents or guardians of students enrolled in the district;
   
   e. School districts and their students, parents, teachers, principals, other school staff, and board of education members would benefit by the establishment of clearer standards on what constitutes harassment, intimidation, and bullying, and clearer standards on how to prevent, report, investigate, and respond to incidents of harassment, intimidation, and bullying;
   
   f. It is the intent of the Legislature in enacting this legislation to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises;
g. Fiscal responsibility requires New Jersey to take a smarter, clearer approach to fight school bullying by ensuring that existing resources are better managed and used to make our schools safer for students;

h. In keeping with the aforementioned goal of fiscal responsibility and in an effort to minimize any burden placed on schools and school districts, existing personnel and resources shall be utilized in every possible instance to accomplish the goals of increased prevention, reporting, and responsiveness to incidents of harassment, intimidation, or bullying, including in the appointment of school anti-bullying specialists and district anti-bullying coordinators;

i. By strengthening standards for preventing, reporting, investigating, and responding to incidents of bullying this act will help to reduce the risk of suicide among students and avert not only the needless loss of a young life, but also the tragedy that such loss represents to the student’s family and the community at large; and

j. Harassment, intimidation, and bullying is also a problem which occurs on the campuses of institutions of higher education in this State, and by requiring the public institutions to include in their student codes of conduct a specific prohibition against bullying, this act will be a significant step in reducing incidents of such activity.

Sections 1, 2, and 16 through 30 of this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known and may be cited as the “Anti-Bullying Bill of Rights Act.”

As used in this act:

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;

b. has the effect of insulting or demeaning any student or group of students; or

c. creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.
a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.
b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(1) a statement prohibiting harassment, intimidation or bullying of a student;
(2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);
(3) a description of the type of behavior expected from each student;
(4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
(5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying;

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;
(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;
(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;
(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may
request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision; and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;

(8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions;

(11) a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district; and

(12) a requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website and that on the home page of each school's website the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department's website.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011.
d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

f. Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section.


2. a. A school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15), shall be amended, if necessary, to reflect the provisions of P.L.2007, c.129 (C.18A:37-15.1 et al.). The district shall transmit a copy of the amended policy to the appropriate county superintendent of schools. Notice of the amended policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

   b. In the event that a school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) does not accord with the provisions of subsection a. of this section by the 90th day following the effective date of this act, the district's existing policy prohibiting harassment, intimidation or bullying shall be deemed to include an "electronic communication" as defined in section 2 of P.L.2002, c.83 (C.18A:37-14) as amended by section 1 of P.L.2007, c.129.


Within 60 days of the effective date of this section each school district shall amend its bullying policy in accordance with section 3 of P.L.2002, c.83 (C.18A:37-15) as amended by section 7 of P.L.2007, c.303, make the policy available on the district's website, and notify students and parents that the policy is available on the district's website.

18A:37-15.3. Policy to include certain incidents occurring off school ground.

The policy adopted by each school district pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include provisions for appropriate responses to harassment, intimidation, or bullying, as defined in section 2 of P.L.2002, c.83 (C.18A:37-14), that occurs off school grounds, in cases in which a school employee is made aware of such actions. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on harassment, intimidation, or bullying.


a. A member of a board of education, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

b. A member of a board of education, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school
district's policy, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

c. A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

d. A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

18A:37-16.1. Immunity for reporting harassment, intimidation, or bullying at certain private schools.

In the event that the State Board of Education requires approved private schools for students with disabilities to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, a member of a board of directors or an employee of an approved private school for students with disabilities who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school's policy or to any school administrator, and who makes this report in compliance with the procedures in the school's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.


a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.

A school district may apply to the Department of Education for a grant to be used for programs, approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.

b. A school district shall: (1) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students; (2) ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and (3) develop a process for discussing the district's harassment, intimidation or bullying policy with students.

A school district may satisfy the training required pursuant to this subsection by utilizing training that may be provided at no cost by the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement a training program which imposes a cost on the district.
c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

This act shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal. This act does not create or alter any tort liability.

A school district that incurs additional costs due to the implementation of the provisions of this act shall apply to the Commissioner of Education for reimbursement.

a. The principal in each school in a school district shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting this criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:
   (1) chair the school safety team as provided in section 18 of P.L.2010, c.122 (C.18A:37-21);
   (2) lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
   (3) act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.
b. The superintendent of schools shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:
   (1) be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
   (2) collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent of schools to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
   (3) provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students; and
   (4) execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent of schools.
c. The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

a. A school district shall form a school safety team in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least two times per school year.
b. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

  c. The school safety team shall:

     (1) receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
     (2) receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
     (3) identify and address patterns of harassment, intimidation, or bullying of students in the school;
     (4) review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
     (5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
     (6) participate in the training required pursuant to the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
     (7) collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
     (8) execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

d. The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

e. Notwithstanding any provision of this section to the contrary, a parent who is a member of the school safety team shall not participate in the activities of the team set forth in paragraph (1), (2), or (3) of subsection c. of this section or any other activities of the team which may compromise the confidentiality of a student.


  a. Beginning with the 2012-2013 school year, all candidates for teaching certification who have completed a teacher preparation program at a regionally-accredited institution of higher education shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.

  b. Beginning with the 2011-2012 school year, any person seeking certification through the alternate route shall, within one year of being employed, satisfactorily complete a program on harassment, intimidation, and bullying prevention.

  c. The State Board of Education shall establish the appropriate requirements of the program on harassment, intimidation, and bullying prevention.

  d. The State board shall, as part of the professional development requirement established by the State board for public school teachers, require each public school teacher to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period.


Beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.

a. The Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety shall develop a guidance document for use by parents or guardians, students, and school districts to assist in resolving complaints concerning student harassment, intimidation, or bullying behaviors and the implementation of P.L.2002, c.83 (C.18A:37-13 et seq.) by school districts. The document shall include:

1. a school district's obligations under P.L.2002, c.83 (C.18A:37-13 et seq.);
2. best practices for the prevention, intervention, and remediation of harassment, intimidation, or bullying in schools, including methods to identify and assist student populations at high risk for harassment, intimidation, or bullying;
3. a clear explanation of the procedures for petitioning the Commissioner of Education to hear and decide disputes concerning P.L.2002, c.83 (C.18A:37-13 et seq.);
4. a clear explanation of the Division on Civil Rights' jurisdiction and services in regard to specific types of harassment, intimidation, or bullying; and
5. a clear explanation of the process for appealing final agency determinations to the Appellate Division of the Superior Court.

b. The guidance document shall be available on the Department of Education's and the Division on Civil Rights' Internet sites and on every school district's Internet site at an easily accessible location.


a. The Commissioner of Education shall establish a formal protocol pursuant to which the office of the executive county superintendent of schools shall investigate a complaint that documents an allegation of a violation of P.L.2002, c.83 (C.18A:37-13 et seq.) by a school district located within the county, when the complaint has not been adequately addressed on the local level. The office of the executive county superintendent shall report its findings, and if appropriate, issue an order for the school district to develop and implement corrective actions that are specific to the facts of the case.

b. The commissioner shall ensure that the personnel of the office of the executive county superintendent of schools who are responsible for conducting the investigations receive training and technical support on the use of the complaint investigation protocol.


a. The Commissioner of Education, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies, shall establish inservice workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists in accordance with the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.). The commissioner shall seek to make the workshops and training programs available and administered online through the department's website or other existing online resources. The commissioner shall evaluate the effectiveness of the consulting group on an annual basis. The inservice training programs may utilize the offices of the executive county superintendent of schools, or such other institutions, agencies, or persons as the commissioner deems appropriate. Each board of education shall provide time for the inservice training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.

b. Upon completion of the initial inservice training program, the commissioner shall ensure that programs and workshops that reflect the most current information on harassment, intimidation, and bullying in schools are prepared and made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals.
The Commissioner of Education shall develop, in consultation with the Division on Civil Rights, and make available on the Department of Education's Internet site, an online tutorial on harassment, intimidation, and bullying. The online tutorial shall, at a minimum, include best practices in the prevention of harassment, intimidation, and bullying, applicable laws, and such other information that the commissioner determines to be appropriate. The online tutorial shall be accompanied by a test to assess a person's understanding of the information provided in the tutorial.

There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates, and to help fund related personnel expenses.

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined in section 2 of P.L.2002, c.83 (C.18A:37-14). Throughout the school year the school district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

Nothing contained in P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on that act's effective date.


b. In the case of a faith-based nonpublic school, no provision of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010, c.122 (C.18A:37-13.1 et al.), shall be interpreted to prohibit or abridge the legitimate statement, expression or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school's faculty, staff, or student body.

REGULATIONS

6A:16-1.3. Definitions.
The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

"Harassment, intimidation, or bullying" means, as set forth in N.J.S.A. 18A:37-14, any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-14 and 15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property or placing a student in reasonable fear of physical or emotional harm to his or her person or damage to his or her property; has the effect of insulting or demeaning any student or group of students; or creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

6A:16-7.5. Conduct away from school grounds.
(b) School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

(a) Each district board of education shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, pursuant to N.J.S.A. 18A:37-15.

1. Each district board of education shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school volunteers, students, and school administrators.

2. Each district board of education shall have control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
   i. A statement prohibiting harassment, intimidation or bullying of a student;
   ii. A definition of harassment, intimidation or bullying no less inclusive than that set forth in the definition at N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3;
   iii. A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance;
   iv. A description of the type of behavior expected from each student;
   v. Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action also may include the following:
      (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
      (2) Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;
   vi. Consequences for a student who commits an act of harassment, intimidation, or bullying that are:
(1) Varied and graded according to the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance; and

(2) Consistent with the provisions of N.J.A.C. 6A:16-7, as appropriate;

vii. Appropriate consequences and remedial action for a staff member who commits an act of harassment, intimidation, or bullying;

viii. A procedure that allows for reporting, verbally and in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student. The procedure also shall include a provision that permits a person to report anonymously consistent with N.J.S.A. 18A:37-15.b(5).

(1) The district board of education shall not take formal disciplinary action based solely on the anonymous report.

(2) The school district official shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense;


(1) The procedure set forth in the district board of education policy may include a process prior to initiating an investigation by which the principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, is a report outside the scope of N.J.S.A. 18A:37-14.

(A) If a preliminary determination finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14, the determination may be appealed to the district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.

(2) The procedure also shall include a process by which the district board of education will investigate a complaint or report of harassment, intimidation, or bullying, pursuant to (a)2ix above, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved PSSD.

(A) The investigation conducted by the district board of education's anti-bullying specialist shall be in consultation with the approved PSSD.

(3) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents and when following the provisions of N.J.S.A. 18A:37-15.

(4) Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation;

x. A requirement for the principal, in conjunction with the school anti-bullying specialist, to define the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified, consistent with the range of responses adopted by the board of education, pursuant to N.J.S.A. 18A:37-15.b(7);

(1) The school district official shall take into account the circumstances of the incident when responding and, at a minimum, include support for victims of harassment, intimidation, or bullying and corrective actions for documented systemic problems related to harassment, intimidation, or bullying;
xi. A requirement that within five school days after the results of the harassment, intimidation, or bullying investigation are reported to the district board of education, information about the investigation shall be provided in writing to the parents or guardians of students who are party to a harassment, intimidation, or bullying investigation.

(1) Any request by the parents or guardians for a hearing before the district board of education concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15.b(6)(d), shall be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians.

(2) The hearing shall be held within 10 business days of receipt of the request.

xii. A statement that prohibits a district board of education member, school employee, student, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or has reliable information about an act of harassment, intimidation, or bullying.

(1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;

xiii. Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or harassment, intimidation, or bullying;

xiv. A statement of how the harassment, intimidation, and bullying policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.

(1) Notice of the district board of education's policy shall appear in any publication of the school district that sets forth the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, for schools within the school district;

xv. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the school district's and each school's website;

xvi. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents;

xvii. A requirement that the name of the school district's anti-bullying coordinator and his or her school phone number, school address, and school e-mail address be listed on the home page of the school district's website;

xviii. A requirement that the name of the school's anti-bullying specialist and his or her school phone number, school address, and school e-mail address be listed on the home page of the school's website; and

xix. Provisions for appropriate responses to harassment, intimidation, or bullying, as defined in N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3, that occurs off school grounds in cases in which a school employee is made aware of the actions or a school administrator should have known of an incident of harassment, intimidation, or bullying.

(1) Responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with N.J.A.C. 6A:16-7.1 and 7.5 and this section.

(b) A district board of education shall not be prohibited from adopting a harassment, intimidation, and bullying policy that includes components more stringent than components set forth in N.J.S.A. 18A:37-15 and (a) above.

(c) A district board of education member, school employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official designated by the district board of education’s policy, pursuant to N.J.S.A. 18A:37-15 and (a)2viii above, or to any school administrator or safe schools resource officer,
who shall immediately initiate the school district's procedures concerning harassment, intimidation, and bullying.

1. A district board of education member or school employee who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the district board of education's policy, or to any school administrator or safe schools resource officer, and who makes the report in compliance with the district board of education's policy, is immune from a cause of action for damages arising from a failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

(d) A school administrator who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14, pursuant to (a)2ix(1) above, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

(e) The district board of education shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students, consistent with N.J.S.A. 18A:37-17.b.
   
   i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.
   
   ii. Information regarding the district board of education's policy against harassment, intimidation, and bullying shall be incorporated into the school district's employee training program.
   
   (1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students and persons contracted by the school district to provide services to students;

2. Develop a process for annually discussing with students the school district's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The district board of education also shall make any necessary revision(s) to its policy, consistent with N.J.S.A. 18A:37-15.c.
   
   i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators;

4. Annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in schools of the school district.
   
   i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators; and

5. Submit to the executive county superintendent a copy of its approved harassment, intimidation, and bullying policy within 30 days of its adoption or revision.

(f) The principal of each school in the school district shall appoint a school anti-bullying specialist to perform the functions established in N.J.S.A. 18A:37-20.a and c.
(g) The chief school administrator of the school district shall appoint a district anti-bullying coordinator to perform the functions established in N.J.S.A. 18A:37-20.b and c.

(h) The district board of education shall form a school safety/school climate team in each school in the school district to achieve the purposes and perform the functions established in N.J.S.A. 18A:37-21.

1. Pursuant to N.J.S.A. 18A:37-21.b, the school safety/school climate team shall consist of the principal or his or her designee and the following members appointed by the principal: a teacher in the school, the school anti-bullying specialist, a parent of a student in the school, and other members determined by the principal. The team shall be chaired by the school anti-bullying specialist.

i. A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality, pursuant to N.J.S.A. 18A:37-21.e.

ii. Other members of the school safety/school climate team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

(i). The requirements of this section are promulgated pursuant to N.J.S.A. 18A:37-13 through 32 and shall not be interpreted to prevent a victim of harassment, intimidation, or bullying from seeking redress under any other available civil or criminal law.

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

1. Each approved PSSD shall develop the policy to include approved PSSD school grounds, pursuant to N.J.A.C. 6A:16-1.3;

i. The policy shall include a provision for notifying the appropriate sending district board(s) of education personnel of the students involved when the approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying occurring on a sending district board of education school bus, at a sending district board of education school-sponsored function and off school grounds;

2. Each approved PSSD shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school administrators, and, as appropriate, school volunteers and students;

3. Each approved PSSD shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:

i. A statement prohibiting harassment, intimidation, or bullying of a student;

ii. A definition of harassment, intimidation, or bullying as set forth in the definition at N.J.A.C. 6A:16-1.3, except for incidents occurring on a sending district board of education bus, at a sending district board of education school-sponsored function, and off school grounds;

iii. A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance;

iv. A description of the type of behavior expected from all students;

v. Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior, the nature of the student's disability, the developmental age of the student, and the student's history of problem behaviors and performance, and that may include the following:
(1) A behavioral assessment or evaluation, including, but not limited to, a referral to the individualized education program team of the sending district board of education, as appropriate; and

(2) Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;

vi. Consequences for a student who commits an act of harassment, intimidation, or bullying that are:

(1) Varied and graded according to the nature of the behavior, the nature of the student's disability to the extent relevant, the developmental age of the student, and the student's history of problem behaviors and performance; and

(2) Consistent with the provisions of this subchapter, as appropriate, and N.J.A.C. 6A:14-7.6(f);

vii. Appropriate consequences and remedial action for a staff member who commits an act of harassment, intimidation, or bullying;

viii. A procedure that allows for reporting, verbally and in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student. The procedure shall also include a provision that permits a person to report anonymously.

(1) The approved PSSD shall not take formal disciplinary action based solely on the anonymous report;

(2) The full-time non-teaching principal shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense; and

(3) Disciplinary action shall be consistent with the provisions of N.J.A.C. 6A:14-7.6(f);

ix. A procedure for prompt investigation of violation and complaint reports.

(1) The full-time non-teaching principal, pursuant to N.J.A.C. 6A:14-7.6(d), or his or her designee, shall initiate the investigation within one school day of the initial report of the incident. The school anti-bullying specialist shall conduct the investigation and the full-time non-teaching principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. If information relevant to the investigation is anticipated but not yet received by the end of the 10-school-day period, the school anti-bullying specialist may amend the initial report of the investigation results to reflect the information.

(2) The anti-bullying specialist shall report the investigation results to the full-time non-teaching principal within two school days of the investigation's completion.

(3) The full-time non-teaching principal may provide intervention services; establish training programs to reduce harassment, intimidation, or bullying and to enhance school climate; and, in consultation and conjunction with the sending district board of education pursuant to N.J.A.C. 6A:14-7.6(f), impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.

(4) The full-time non-teaching principal shall report to the appropriate sending district board(s) of education personnel of the students who are parties to the harassment, intimidation, or bullying investigation the results of each investigation no later than five school days following the investigation's completion, along with information on any service(s) provided; training established; and, pursuant to N.J.A.C. 6A:14-7.6(f), discipline imposed or other action taken or recommended by the full-time non-teaching principal.
(5) In accordance with Federal and State law and regulation, the full-time non-teaching principal shall provide parents or guardians of students who are parties to the harassment, intimidation, or bullying investigation with information about the investigation, including the nature of the investigation, the findings, and whether discipline was imposed or services were provided, as appropriate, to address the incident of harassment, intimidation, or bullying. The full-time non-teaching principal shall provide the information in writing within five school days following the investigation's completion.

(6) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents.

(7) A full-time non-teaching principal who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, or bullying, pursuant to (a)3ix(8) below, and fails to initiate or conduct an investigation, or who has reason to believe an incident of harassment, intimidation, or bullying occurred and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

(8) The procedure set forth in the approved PSSD policy may include a process prior to initiating an investigation by which the full-time non-teaching principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, or bullying, pursuant to (a)3ii above.

(A) If a preliminary determination finds the incident or complaint is a report outside the scope of the harassment, intimidation, or bullying definition set forth at (a)3ii above, the determination may be appealed to the sending district board of education pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.

(9) The procedure shall also include a process by which the approved PSSD reports to the appropriate district board of education personnel any complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a)2ix, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved PSSD.

(A) When a complaint or report of harassment, intimidation, or bullying involves students from more than one school district, the sending district board(s) of education of the victim(s) involved shall initiate the investigation.

x. A requirement for the full-time non-teaching principal and school anti-bullying specialist to define the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified, including an appropriate combination of counseling, support services, intervention services, and other programs.

(1) The school district official shall ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for a victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying;

(2) Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate sending district board of education personnel, pursuant to N.J.A.C. 6A:14-7.6(f), as necessary;
xi. A requirement that allows the parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation to request a hearing before the sending district board of education concerning the information received about a investigation, pursuant to (a)3ix(5) above.

(1) Any request for a hearing before the sending district board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation, pursuant to (a)3ix(4) and (5) above, is received by the sending district board of education and the parents or guardians.

(2) The hearing before the sending district board of education shall be scheduled in collaboration with the PSSD and held by the sending district board of education within 10 business days of the request. The approved PSSD and the sending district board of education shall coordinate the policies and procedures for conducting such hearings;

xii. A statement that prohibits an approved PSSD's employee, student, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or has reliable information about an act of harassment, intimidation, or bullying.

(1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;

xiii. Consequences and appropriate remedial action identified in consultation and conjunction with the sending district board of education and pursuant to N.J.A.C. 6A:14-7.6(f) for a student found to have falsely accused another as a means of retaliation or harassment, intimidation, or bullying;

xiv. A statement that a parent, student, guardian, or organization may file a complaint with the New Jersey Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the Law Against Discrimination, P.L. 1945, c. 169 (N.J.S.A. 10:5-1 et seq.);

xv. A statement of how the harassment, intimidation, and bullying policy is to be publicized, including notice that the policy applies to participation in approved PSSD-sponsored functions and on school buses operated by the approved PSSD.

(1) Notice of the approved PSSD's policy shall appear in any publication of the approved PSSD that sets forth the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1;

xvi. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the approved PSSD's website;

 xvii. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents; and

 xviii. A requirement that the name of the school's anti-bullying specialist and his or her school phone number, school address, and school e-mail address be listed on the home page of the approved PSSD's website.

(b) An approved PSSD employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying, shall report the incident to the full-time non-teaching principal, pursuant to (a)3viii above, or to any school administrator or safe schools resource officer, who shall immediately initiate the approved PSSD's procedures concerning harassment, intimidation, and bullying.

(c) The approved PSSD shall:

 1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying
policies, procedures, programs, and initiatives and implement training programs for school employees and volunteers who have significant contact with students.

i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.

ii. Information regarding the approved PSSD's policy against harassment, intimidation, or bullying shall be incorporated into its training program.

(1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students, and persons contracted by the approved PSSD to provide services to students;

2. Develop a process for annually discussing with students the approved PSSD's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The approved PSSD also shall make any necessary revision(s) to its policy, consistent with N.J.A.C. 6A:14-7.3(a), to strengthen the policy to prevent, identify, and address harassment, intimidation, and bullying of students.

i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students;

4. Annually establish, implement, document, and assess bullying-prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in the approved PSSD.

   i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students; and

5. Submit to the executive county superintendent a copy of its harassment, intimidation, and bullying policy in the 2018-2019 school year or within 30 days of revision.

(d) The full-time non-teaching principal shall appoint a school anti-bullying specialist from currently employed school staff to act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school and the functions identified pursuant to (a)3ix, ix(1), and x above.

(e) The approved PSSD shall form a school safety/school climate team to develop, foster, and maintain a positive school climate by focusing on the on-going systemic processes and practices in the school and to address school climate issues, such as harassment, intimidation, or bullying and perform the following functions:

1. Meet two times per school year;

2. Receive any complaint(s) of harassment, intimidation, or bullying of students that has been reported to the full-time non-teaching principal;

3. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

4. Identify and address patterns of harassment, intimidation, or bullying of students in the school;

5. Review and strengthen school climate and school policies to prevent and address harassment, intimidation, or bullying of students;

6. Educate the school community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; and
7. Execute other duties related to harassment, intimidation, and bullying as requested by the full-time non-teaching principal;

(f) The school safety/school climate team shall consist of the full-time non-teaching principal, or his or her designee, and the following members appointed by the full-time non-teaching principal: a teacher in the school, the school anti-bullying specialist, a parent of a student in the school, and other members determined by the principal. The team shall be chaired by the school anti-bullying specialist.

1. A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

2. Other members of the school safety/school climate team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

3. The approved PSSD shall provide school safety/school climate team members with development opportunities that address effective practices of successful school climate programs or approaches.

(g) The section's requirements shall not be interpreted to prevent a victim of harassment, intimidation, or bullying from seeking redress under any applicable civil or criminal law.

6A:16-7.9 Student records and confidentiality.

(a) When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district in accordance with N.J.S.A. 18A:36-19a and N.J.A.C. 6A:32-7.5.

1. The record shall be provided within two weeks of the date the student enrolls in the receiving school district.

2. Written consent of the parent or adult student shall not be required as a condition of the record transfer.
   i. Written notice of the transfer shall be provided to the parent or the adult student.

(b) When a student transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school district, pursuant to 20 U.S.C. § 6301, Title IV(A) IV § 4155 of the Elementary and Secondary Education Act.

(c) A district board of education shall not use a student's past offenses on record to discriminate against the student.

Student records; as well as other existing Federal and State laws and rules pertaining to student records and confidentiality.

Other special infractions or conditions

LAWS


a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S.2C:12-1.

For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S.2C:39-1, except a firearm as defined by N.J.S.2C:39-1f and 18 U.S.C. s.921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.
18A:37-3. Liability of parents or guardian of minor for damage to property.
The parents or guardian of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of injury to be collected by the board of education of the district or the owner of the premises in any court of competent jurisdiction, together with costs of suit.

Every fraternity, sorority, secret society or organization composed in whole or in part of public school pupils, which seeks to organize and perpetuate itself by taking in members from among the pupils enrolled in such school in which they are students, upon the basis of decision of the membership of such organization, rather than from the free choice of any pupils in such school who are otherwise qualified to fill the special aims of such organization, is hereby declared to be an organization inimical to the good of the school system and to the democratic principles and ideals of public education and to the public good.

18A:42-6. Organizations forbidden in high schools; rules; exceptions.
No such fraternity, sorority, society or organization shall be formed or maintained in any public high school, and the board of education of every school district shall adopt rules providing for the necessary disciplinary measures to enforce this section.
This section shall not apply to any state college.

REGULATIONS

(a) Each district board of education choosing to operate an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall approve the alternative education program.
(b) Any alternative education program, pursuant to N.J.A.C. 6A:16-1.3, within a State agency, public college operated program or department-approved school shall be approved by the Commissioner of Education.

1. The agency, pursuant to (b) above, shall submit an initial or renewal application, as appropriate, to the designated county office of education, in accordance with the format prescribed by the Commissioner of Education.
2. Each alternative education program established by an agency, pursuant to (b) above, shall be separate and distinct from the already existing programs operated by these agencies.
3. Annually, each agency, pursuant to (b) above, operating an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall obtain certificates of fire inspection and, if applicable, health, sewerage plant and health, ventilation, and air conditioning (HVAC) inspections.
   i. These certificates shall be maintained and available upon request for review by the Department of Education.

6A:16-9.2. Program criteria.
(a) Each alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall fulfill the following program criteria for both high school and middle school programs, unless otherwise noted:
   1. A maximum student-teacher ratio of 12:1 for high school programs shall be maintained;
   2. A maximum student-teacher ratio of 10:1 for middle school programs shall be maintained;
   3. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program.
i. The IPP shall be developed by the school district in which the student is enrolled, in consultation with the student's parent and the receiving school district, pursuant to N.J.A.C. 6A:16-9.1(a), or other agency, pursuant to N.J.A.C. 6A:16-9.1(b), as appropriate.

ii. The IPP shall be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs.

iii. The IPP shall identify the appropriate instructional and support services for addressing the student's identified needs.

iv. The IPP shall be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program.

(1) The IPP may, but need not, be developed prior to the student's placement.

v. A multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first.

(1) The multidisciplinary team shall review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

(2) The multidisciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

(3) The student's parent shall be advised of revisions to the IPP.

4. For a student with a disability, the alternative education program shall be consistent with the student's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education.

5. Individualized instruction to students shall address the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1;

6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;

7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;

8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school students;

9. Comprehensive support services and programs shall address each student's health, social and emotional development and behavior;

10. Case management services including, but not limited to, monitoring and evaluating student progress and coordinating instructional and support services, pursuant to (a)5, 8, and 9 above, shall be provided;

11. Services to facilitate the transition of students returning to the general or special education program shall be provided; and

12. A minimum student enrollment period of not less than two complete marking periods shall be required.

i. If the student is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).

ii. If the student is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the chief school administrator may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.
iii. For the student with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. § § 1400 et seq.


(a) Student placement in an alternative education program, pursuant to N.J.A.C. 6A:16-1.3 and 9.1(a) and (b), shall be made as follows:

1. For the general education student, the district board of education shall make a determination of the student’s risk for school failure and a decision regarding the student’s placement in an alternative education program, at a minimum, based on the following:
   i. The review of the student’s academic, health and behavioral records, including the student’s IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the student;
   ii. Consultation with and notice to the student’s parent; and
   iii. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multidisciplinary team, as appropriate.

2. Decisions regarding the placement of the student with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.

3. The district board of education shall provide mandatory placement for a student in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.
   i. If placement in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) or (b), is not available in the instance of a mandatory student placement, the student shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.
   ii. For the student with a disability, placement in an alternative education program for a firearm offense or an assault with a weapon offense shall occur only upon a determination by appropriate school personnel to place the student in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. § § 1400 et seq.

(b) If a district board of education places a student in an alternative education program approved by another district board of education, pursuant to N.J.A.C. 6A:16-9.1(a)1, or another approved agency, pursuant to N.J.A.C. 6A:16-9.1(b), the district board of education of the sending school district shall be responsible for ensuring compliance with the requirements of this subchapter.

(c) Decisions regarding continued placement in an alternative education program or a change to a student’s placement shall be made as follows:

1. For the general education student returning to the general education program, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, and (a)1 above.

2. For a student with disabilities, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, (a)2 above, and N.J.A.C. 6A:14, Special Education.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

Within 180 days of the effective date of this act, the State Board of Education shall revise the Core Curriculum Content Standards in Comprehensive Health and Physical Education to provide for instruction in suicide prevention in an appropriate place in the curriculum of elementary school, middle school, and high school pupils.

**18A:17-43.2. New Jersey school safety specialist academy, certification programs.**
a. There is established in the Department of Education the New Jersey School Safety Specialist Academy. It shall be the purpose of the academy to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy shall: provide, free of charge, ongoing professional development on national and State best practices, as well as the most current resources on school safety and security; assume a lead role in setting the vision for school safety and security in the State; and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State.
b. The academy shall develop and implement a School Safety Specialist Certification Program. A school safety specialist appointed pursuant to section 2 of this act shall be required to acquire the certification. The certification program shall provide training, free of charge, to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed necessary by the academy. The academy shall also offer annual training sessions for certified school safety specialists. The academy shall develop training modules in both traditional and online formats.

**18A:17-43.3. Designation of school safety specialist.**
The superintendent in each school district shall designate a school administrator as a school safety specialist for the district. The school safety specialist shall: be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district; ensure that these policies and procedures are in compliance with State law and regulations; and provide the necessary training and resources to school district staff in matters relating to school safety and security. The school safety specialist shall also serve as the school district liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

**18A:35-4.26. Instruction in gang violence prevention; required for elementary school students.**
Each board of education that operates an educational program for elementary school students shall offer instruction in gang violence prevention and in ways to avoid membership in gangs. The instruction shall take place as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education, and the comprehensive health and physical education curriculum framework shall provide school districts with sample materials that may be used to support implementation of the instructional requirement.
18A:35-4.27. Instruction on responsible use of social media.
1. a. Beginning with the 2014-2015 school year, each school district shall incorporate instruction on the responsible use of social media into the technology education curriculum for students in grades 6 through 8 as part of the district's implementation of the Core Curriculum Content Standards in Technology.
   b. The instruction shall provide students with information on:
      (1) the purpose and acceptable use of various social media platforms;
      (2) social media behavior that ensures cyber safety, cyber security, and cyber ethics; and
      (3) potential negative consequences, including cyber bullying, of failing to use various social media platforms responsibly.
   c. The Commissioner of Education shall provide school districts with sample learning activities and resources designed to promote the responsible use of social media.

The week beginning with the third Monday in October of each year is designated as "School Violence Awareness Week" in the State of New Jersey. School districts shall observe this week by organizing activities to prevent school violence including, but not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity, and tolerance. Law enforcement personnel shall be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school board employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence. The Department of Education shall provide guidelines and information to boards of education for use in planning the activities in observance of the week and such funds as are necessary to pay the costs of the required activities and programs.

The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.
b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
   (7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;
   (9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.

A school district may apply to the Department of Education for a grant to be used for programs, approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.

b. A school district shall: (1) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students; (2) ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and (3) develop a process for discussing the district's harassment, intimidation or bullying policy with students.

A school district may satisfy the training required pursuant to this subsection by utilizing training that may be provided at no cost by the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement a training program which imposes a cost on the district.

c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.


There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates, and to help fund related personnel expenses.


The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; a student who is a victim of dating violence suffers academically, and the student's safety at school is jeopardized; and since all students have a right to learn and study in a safe, supportive environment that is free from violence, each school district should have a policy to prevent, and for responding to, incidents of dating violence, and should provide dating violence education to students in order to prevent dating violence and address incidents involving dating violence.
18A:37-34. Definitions relative to dating violence policy and education.

As used in this act:

"At school" means in a classroom or anywhere on school property, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.

"Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

"Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.


a. The Department of Education shall establish a task force to develop a policy to address incidents of dating violence involving students at school. The task force shall include members who have expertise in issues relating to dating violence. The policy shall contain, at a minimum, the following components:

   (1) a statement that dating violence will not be tolerated;
   (2) dating violence reporting procedures;
   (3) guidelines for responding to at-school incidents of dating violence;
   (4) discipline procedures specific to at-school incidents of dating violence;
   (5) warning signs of dating violence; and
   (6) information on safe, appropriate school, family, peer, and community resources available to address dating violence.

b. Each school district shall implement either the policy developed by the department or a dating violence policy developed by the district. In the event that a district determines to develop its policy, the policy shall contain, at a minimum, the components required pursuant to paragraphs (1) through (6) of subsection a. of this section.

c. Notice of the policy implemented by the school district shall appear in any publication of the district that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the district, and in any student handbook.


The provisions of P.L.2011, c.64 (C.18A:37-33 et al.) shall not be interpreted to prevent a victim from seeking redress under any other available law, either civil or criminal, and does not create or alter any tort liability.

18A:40A-1. Instructional programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances; curriculum guidelines.

Instructional programs on the nature of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, as defined in section 2 of P.L.1970, c.226 (C.24:21-2), and their physiological, psychological, sociological and legal effects on the individual, the family and society shall be taught in each public school and in each grade from kindergarten through 12 in a manner adapted to the age and understanding of the pupils. The programs shall be based upon the curriculum guidelines established by the Commissioner of Education pursuant to section 2 of this act, and shall be included in the curriculum for each grade in such a manner as to provide a thorough and comprehensive treatment of the subject.
The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to all pupils attending nonpublic schools located within the district all educational materials developed by the Commissioner of Education pursuant to this act for the instruction of public school pupils on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.

18A:40A-10. Local boards to establish comprehensive substance abuse intervention, prevention and treatment referral programs.
Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

18A:40A-11. Local boards to establish policies and procedures for evaluation, referral, and treatment of students abusing substances on school property.
Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.

a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:
   (1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;
   (2) Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse; and
   (3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school
pupils, and shall maintain and continuously update a roster of individuals or groups available to assist
boards of education in implementing this program and a list of State and local agencies and organizations
which are approved by the Department of Health to provide services for the prevention, early intervention,
treatment or rehabilitation of individuals who show symptoms of substance abuse.

18A:40A-17. Outreach program.
a. Under the guidelines established by the Commissioner of Education, each local board of education
shall establish an outreach program to provide substance abuse education for the parents or legal
guardians of the pupils of the district. In establishing the program, the local board of education shall
consult with such local organizations and agencies as are recommended by the commissioner. The board
of education shall insure that the program is offered at times and places convenient to the parents of the
district on school premises, or in other suitable facilities.
b. In addition to the substance abuse education program required pursuant to this section, each local
board of education shall establish policies and procedures to provide assistance to parents or legal
guardians who believe that their child may be involved in substance abuse. These policies and
procedures shall be consistent with the policies and procedures for intervention by school personnel
developed pursuant to this act.
c. The board of education in each school district in the State in which a nonpublic school is located shall
have the power and duty to loan to the parents or legal guardians of all pupils attending nonpublic schools
located within the district all educational materials developed by the Commissioner of Education for the
instruction of the parents or legal guardians of public school pupils on the nature and effects of
substances and substance abuse. The Commissioner of Education shall make these materials available
so that the local board of education shall not be required to expend funds for the loan of these materials.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop and
administer a program which provides for the employment of student assistance coordinators in certain
school districts.

a. Within 90 days of the effective date of this act, the Commissioner of Education shall forward to each
local school board a request for a proposal for the employment of a student assistance coordinator. A
board which wants to participate in the program shall submit a proposal to the commissioner which
outlines the district's plan to provide substance abuse prevention, intervention, and treatment referral
services to students through the employment of a student assistance coordinator. Nothing shall
preclude a district which employs a student assistance coordinator at the time of the effective date of
this act from participating in this program. The commissioner shall select school districts to participate in
the program through a competitive grant process. The participating districts shall include urban,
suburban, and rural districts from the north, central, and southern geographic regions of the State with
at least one school district per county. In addition to all other State aid to which the local district is
entitled under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and other pertinent statutes, each
board of education participating in the program shall receive from the State, for a three-year period, the
amount necessary to pay the salary of its student assistance coordinator.
b. The position of student assistance coordinator shall be separate and distinct from any other
employment position in the district, including, but not limited to district guidance counselors, school
social workers, and school psychologists. The State Board of Education shall approve the education
and experience criteria necessary for employment as a student assistance coordinator. The criteria
shall include a requirement for certification by the State Board of Examiners. In addition to the criteria
established by the State board, the Department of Education and the Department of Health shall jointly
conduct orientation and training programs for student assistance coordinators, and shall also provide for continuing education programs for coordinators.

c. It shall be the responsibility of student assistance coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the in service training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

d. The Commissioner of Education, in consultation with the Commissioner of Health, shall implement a plan to collect data on the effectiveness of the program in treating problems associated with substance abuse and in reducing the incidence of substance abuse in local school districts. Six months prior to the expiration of the program authorized pursuant to this section, the Commissioner of Education shall submit to the Governor and the Legislature an evaluation of the program and a recommendation on the advisability of its continuation or expansion to all school districts in the State.

REGULATIONS

6A:16-3.1. Establishment of comprehensive alcohol, tobacco and other drug abuse programs.

(a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for student alcohol, tobacco, and other drug abuse in the school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.

1. The purpose of the prevention component of the program shall be to:
   i. Keep students from using alcohol, tobacco or other drugs;
   ii. Reduce or eliminate the incidence and prevalence of student alcohol, tobacco and other drug abuse;
   iii. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
   iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
   v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
   vi. Actively involve staff, students, parents, and other community members in the development and implementation of prevention program plans.

2. The purpose of the intervention, referral for evaluation, and referral for treatment components of the program shall be to:
   i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;
   ii. Help students or their parents who have requested assistance for alcohol, tobacco or other drug abuse problems;
   iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment that extends beyond the general school program by virtue of the use of alcohol, tobacco, or other drugs by the student or the student's parents;
iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco, or other drug treatment;

v. Help a student or a student's parents follow through on the recommendations resulting from an evaluation that has positively determined the harmful use of alcohol, tobacco, or other drugs by the student or the student's parents; and

vi. Assist a student or a student's parents with a referral for treatment.

3. The purpose of the continuity of care component of the program shall be to:

i. Assist with the provision of educational programs and services for students in treatment; and

ii. Plan and provide supportive services for students who are returning from treatment.

4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco, and other drug abuse prevention and intervention, in accordance with N.J.S.A. 18A:40A-3 and 15.

i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district’s comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.


6. When a student assistance coordinator is not employed or contracted by a district board of education, the board shall assign school staff with appropriate educational services certificates to perform the student assistance coordinator functions, pursuant to N.J.S.A. 18A:40A-18.c and (a)5 above, and to assist in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 17.

i. The district board of education shall maintain documentation of school staff with appropriate educational services certificates who will perform the student assistance coordinator functions.

7. Each district board of education shall establish educational programs on alcohol, tobacco, and other drug abuse for parents, pursuant to N.J.S.A. 18A:40A-16 and 17(a), and offered at times and places convenient to the parents of enrolled students.

8. Each district board of education shall make and enforce rules to prohibit any person from smoking or carrying lighted tobacco at any time on school grounds or on school buses or other vehicles owned or contracted by the board of education, pursuant to P.L. 2009, c. 182, P.L. 2005, c. 383, N.J.A.C. 13:28-6.14, and N.J.A.C. 8:6.

Behavioral interventions and student support services

LAWs


a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The parents or guardian of the juvenile shall bear the cost of participation in the program, except that the court shall take into consideration the ability of the juvenile's parents or guardian to pay and the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.
b. A remedial education or counseling program satisfies the requirements of this act if the program is designed to increase the juvenile’s awareness of:

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;
(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and
(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in this act, “eligible offense” means an offense in which:

(1) the facts of the case involve the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer; and
(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.


a. The Commissioner of Education shall develop and establish an initiative to support and encourage the use of a Response to Intervention framework by school districts to promote the achievement of all students. The initiative shall include dissemination of information and guidance to school districts regarding the development and effective implementation of a Response to Intervention framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the “Individuals with Disabilities Education Act,” 20 U.S.C. s.1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:

(1) high quality research-based instruction in the general education setting;
(2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
(3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and
(4) continuous monitoring of student progress.

c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.


a. There is established in the Department of Education the New Jersey School Safety Specialist Academy. It shall be the purpose of the academy to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy shall provide, free of charge, ongoing professional development on national and State best practices, as well
as the most current resources on school safety and security; assume a lead role in setting the vision for school safety and security in the State; and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State.

b. The academy shall develop and implement a School Safety Specialist Certification Program. A school safety specialist appointed pursuant to section 2 of this act shall be required to acquire the certification. The certification program shall provide training, free of charge, to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed necessary by the academy. The academy shall also offer annual training sessions for certified school safety specialists. The academy shall develop training modules in both traditional and online formats.

The superintendent in each school district shall designate a school administrator as a school safety specialist for the district. The school safety specialist shall: be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district; ensure that these policies and procedures are in compliance with State law and regulations; and provide the necessary training and resources to school district staff in matters relating to school safety and security. The school safety specialist shall also serve as the school district liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

A school district or charter school shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students, which may include, but need not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection and prevention program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

18A:37-2c. Meeting relative to suspension, expulsion of student.
a. In the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from public school, the principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school’s intervention and referral services team. The principal may convene such a meeting, if after the student has been suspended for the first time, the principal upon evaluation deems such a meeting appropriate. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.

b. The Department of Education, in consultation with the Department of Health, shall make available to school districts a list of current resources that may be of assistance as referral services for students under subsection a. of this section. The resources may include, but need not be limited to, the New Jersey MentalHealthCare information and referral service, and county or local programs that provide youth services for mental health or substance abuse.

c. The requirements of subsection a. of this section shall not apply when a student’s immediate removal or suspension from the school’s regular education program is required pursuant to the provisions of the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.); section 2 of P.L.1979, c.189 (C.18A:37-2.1); or section 1 of P.L.1995, c.128 (C.18A:37-2.2); or in any other instance in which the
safety and security of other students or school staff requires the student’s immediate removal from school. In these instances, the meeting required pursuant to subsection a. of this section shall take place as soon as practicable following the student’s removal from the school's regular education program.

d. The provisions of this section shall be construed in a manner consistent with the “Individuals with Disabilities Education Act,” 20 U.S.C. § 1400 et seq.

e. The State Board of Education may promulgate regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provision of this act.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

18A:40A-11. Local boards to establish policies and procedures for evaluation, referral, and treatment of students abusing substances on school property.

Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.

23:2-13. Hooked on Fishing-Not on Drugs Program.

1.a. There is established in the Department of Environmental Protection, Division of Fish and Wildlife, a Hooked on Fishing-Not on Drugs Program, which shall be based on a national program developed by the Future Fisherman Foundation that encourages school-aged children to avoid drug usage by providing alternative activities that involve learning to fish, appreciating aquatic and environmental resources, and developing positive life skills. The division shall assign staff to develop strategies for assisting school districts or other interested public service organizations in implementing this program throughout the State. Statewide program implementation shall be modeled after the pilot program implemented in Ocean County in calendar year 2000, which may include, but not be limited to, the distribution of materials to promote and operate the program throughout the State. To the maximum extent possible, the division shall implement and operate the program in every county in the State.

b. The division may work with educational, public safety and environmental groups in order to promote volunteerism among these groups for the purpose of acting as program instructors, mentors or advisors. The division may also work with public service organizations, sportsman groups and local merchants to encourage the donation of technical, material and financial assistance to the program.
23:2-14. Collection, maintenance of data; annual report.
2. The division shall collect and maintain data on the Hooked on Fishing-Not on Drugs Program and provide an annual report to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), including information on the number of school districts or municipalities that have implemented the program and the number of pupils that are participating in the program. The report shall also include information on the effectiveness of the program in terms of drug usage avoidance or incidents among participating students.

3. The Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to effectuate the provisions of this act.

REGULATIONS

6A:16-4.1. Adoption of policies and procedures for the intervention of student alcohol and other drug abuse.
(a) Each district board of education shall adopt and implement policies and procedures for the assessment, intervention, referral for evaluation, referral for treatment, and enforcement of the code of student conduct, pursuant to N.J.A.C. 6A:16-7, for students whose use of alcohol or other drugs has affected their school performance, or for students who consume or who are suspected of being under the influence of or who possess or distribute the following substances on school grounds pursuant to N.J.S.A. 18A:40A-9, 10, and 11:
   1. Alcoholic beverages;
   2. Any controlled dangerous substance, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and 2C:35-2;
   3. Any chemical or chemical compound that releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A. 2C:35-10.4; and
   4. Over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
(b) In adopting and implementing policies and procedures for assessment, intervention, referral for evaluation, and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with a local organization licensed by the New Jersey Department of Human Services, and may consult with out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate drug and alcohol licensing board, as appropriate, pursuant to N.J.S.A. 18A:40A-11.
(c) Each district board of education's policies for students using, possessing, or distributing alcohol and other drugs, as defined in (a) above, shall include the following components:
   1. The role of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving students on school grounds;
   2. Specific procedures, sanctions and due process provisions, consistent with N.J.A.C. 6A:16-4.4 and 7, as appropriate, for violations of the alcohol and other drug policy requiring action by the district board of education to apply the code of student conduct pursuant to N.J.A.C. 6A:16-7, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors;
3. Appropriate steps for ameliorating student problems related to alcohol and other drug use;

4. Appropriate steps for providing support for student transitions to and from health and social service agencies;

5. Specific procedures to govern instances where emergency room services are required in treating alcohol- or other drug-affected students;

6. Assessment or evaluation services for students who are affected by alcohol or other drug use. The services shall include one or more of the following:

   i. Assessments by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse;

   ii. Examinations by a physician for the purpose of determining whether alcohol or other drug use interferes with students' physical and mental abilities to perform in school or students are under the influence of alcohol or other drugs;

   iii. Referrals for evaluation to community agencies, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate alcohol or other drug licensing board; or

   iv. Evaluations by the child study team to determine students' eligibility for special education and related services, pursuant to N.J.A.C. 6A:14-3.5 and 3.6;

7. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

   i. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

   ii. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

      (1) Provisions for a program of instruction, counseling, and related services provided by the district board of education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;

      (2) Referral to a community agency, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

      (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

      (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems;

8. Provisions for assisting parents who believe their child might be involved with alcohol or other drug use, in accordance with N.J.S.A. 18A:40A-17(b);

9. Provisions, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i and 6.3(a)4, for when to contact law enforcement officials to disclose the identities of students reasonably believed to be in possession of a
controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids.

i. Pursuant to N.J.A.C. 6A:16-4.3(a)3 and (b)3 and 6.3(a)4, the chief school administrator or designee may disclose to law enforcement authorities the identities of students suspected of being under the influence of alcohol or other drugs; and

10. Provisions for reporting to and cooperating with law enforcement authorities, pursuant to N.J.A.C. 6A:16-6, for the unlawful possession, distribution, and disposition of substances, as set forth in this section and N.J.A.C. 6A:16-6.1(a)1.

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.

(a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.

(b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.

   i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:

   i. Immediately notify the parent and the chief school administrator or his or her designee; and
   ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.

   i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia...
or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
   i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.
   ii. The examination shall be at the expense of the parent and not the district board of education.

5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
   i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.
   ii. The student's parent, if available, also shall accompany the student.
   iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.

6. Each district board of education shall have a plan in place for the appropriate supervision of the student:
   i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and
   ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.

7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.
   i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.
   ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.
   i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.
   ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.
10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
   
i. The student shall be returned as soon as possible to the care of a parent;
   
ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;
      (1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and
   
iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:
   
i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
      (1) The findings of the assessment alone shall not be used to prevent a student from attending school; and
   
ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.

13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
   
i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.

14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.
(b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-12(b):

1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.

2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
   i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.
   ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.
   i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.

5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
   i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

(c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.
(d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

(e) Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.

(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
   i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
   ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;

2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;

3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;

4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;

5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and

6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.

(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:

1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)10 below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;

2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
   i. The manner in which students shall be randomly selected for alcohol or other drug testing;
   ii. An explanation of the sampling statistical principles supporting the random selection process; and
An explanation of how implementation of the random selection process shall be documented and verified;

3. A description of the procedures for the acquisition and management of student’s alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:
   i. Student monitoring;
   ii. Student transportation;
   iii. The acquisition and handling of students’ specimens;
   iv. The chain of custody of students’ specimens;
   v. The testing and analysis of students’ specimens; and
   vi. The storage of students’ specimens;

4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:
   i. The identities of students who have been selected to be tested or who have been tested;
   ii. The results of alcohol or other drug tests;
   iii. The billing and management reports associated with alcohol or other drug tests; and
   iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;

5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)4 above;

6. The parent providing consent to alcohol or other drug testing, pursuant to (a)6 above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.
   i. The school district shall establish procedures ensuring confidentiality of the notification;

7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.
   i. Law enforcement authorities shall not be notified of test results;

8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.
   i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
      (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
      (2) Disapproval or revocation of student parking permits.
   ii. Prior to actions being taken pursuant to (b)8i(1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;

9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;

10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and

11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.
i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:

(1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or

(2) Disapproval or revocation of student parking permits.

c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:

1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;

2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;

3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;

4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or

5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.

d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:

1. A school physician;

2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;

3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or

4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.


(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

4. The district board of education shall provide to all district board of education employees annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct.

i. Information on the code of student conduct shall be incorporated into the orientation for new employees.

(b) The code of student conduct shall be established to achieve the following purposes:

1. Foster the health, safety, and social and emotional well-being of students;

2. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;

3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

(c) The code of student conduct shall include, at a minimum:

1. A description of students' responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1;
2. A description of behaviors that result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2;
3. A description of students' rights to:
   i. Advance notice of behaviors that result in suspensions and expulsions that have been identified pursuant to N.J.S.A. 18A:37-2;
   ii. Education that supports students' development into productive citizens;
   iii. Attendance in safe and secure school environments;
   iv. Attendance at school irrespective of students' marriage, pregnancy or parenthood;
   v. Due process appeal procedures and policies, pursuant to N.J.A.C. 6A:3-1.3 through 1.17; N.J.A.C. 6A:4; and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
   vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, this section, and N.J.A.C. 6A:16-7.2 through 7.8; and
4. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the district board of education. The description of comprehensive behavioral supports may include:
   i. Positive reinforcement for good conduct and academic success;
   ii. Supportive interventions and referral services;
   iii. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance; and
   iv. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14;
6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

3. Each approved PSSD shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:

   v. Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior, the nature of the student's disability, the developmental age of the student, and the student's history of problem behaviors and performance, and that may include the following:

   (1) A behavioral assessment or evaluation, including, but not limited to, a referral to the individualized education program team of the sending district board of education, as appropriate; and

   (2) Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;


(a) District boards of education shall establish and implement in each school building in which general education students are served a coordinated system for planning and delivering intervention and referral services designed to assist students who are experiencing learning, behavior, or health difficulties, and to assist staff who have difficulties in addressing students' learning, behavior, or health needs. District boards of education shall choose the appropriate multidisciplinary team approach for planning and delivering the services required under this subchapter.

1. The intervention and referral services shall be provided to aid students in the general education program; and

2. The intervention and referral services may be provided for students who have been determined to need special education programs and services.

   i. The intervention and referral services provided for students determined to need special education programs and services shall be coordinated with the student's individualized education program team, as appropriate.

3. Child study team members and, to the extent appropriate, specialists in the area of disability may participate on intervention and referral services teams, pursuant to N.J.A.C. 6A:14-3.1(d)6.

6A:16-8.2. Functions of intervention and referral services.

(a) The functions of the system of intervention and referral services in each school building shall be to:

1. Identify learning, behavior and health difficulties of students;

2. Collect information on the identified learning, behavior, and health difficulties;

3. Develop and implement action plans that provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior, and health difficulties;

4. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties;

5. Provide support, guidance and professional development to school staff who participate in each building's system for planning and providing intervention and referral services;

6. Actively involve parents or guardians in the development and implementation of intervention and referral services action plans;
7. Coordinate the access to and delivery of school resources and services for achieving outcomes identified in intervention and referral services action plans;

8. Coordinate the services of community-based social and health provider agencies and other community resources for achieving outcomes identified in intervention and referral services action plans;


10. Review and assess the effectiveness of each intervention and referral services action plan in achieving the identified outcomes, and modify each action plan to achieve the outcomes, as appropriate; and

11. At a minimum, annually review intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services, and make recommendations to the principal for improving school programs and services, as appropriate.

Professional development

LAWS

The State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of the professional development requirement established by the State board for public school teaching staff members, require each public school teaching staff member to complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

18A:12-33. Training program; requirements.
a. Each newly elected or appointed board member shall complete during the first year of the member’s first term a training program to be prepared and offered by the New Jersey School Boards Association, in consultation with the New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, regarding the skills and knowledge necessary to serve as a local school board member. The training program shall include information regarding the school district monitoring system established pursuant to P.L.2005, c.235, the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which school
districts are evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.

The board member shall complete a training program on school district governance in each of the subsequent two years of the board member's first term.

b. Within one year after each re-election or re-appointment to the board of education, the board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the board member to serve more effectively.

c. The New Jersey School Boards Association shall examine options for providing training programs to school board members through alternative methods such as on-line or other distance learning media or through regional-based training.

d. Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A board member shall be required to complete the program only once.

e. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

18A:26-8.2. “School leader” defined; training as part of professional development.

a. As used in this section, “school leader” means a school district staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement.

b. A school leader shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required pursuant to State Board of Education regulations. Information on the prevention of harassment, intimidation, and bullying shall also be included in the training. The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory Committee on Professional Development for School Leaders.


a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.

A school district may apply to the Department of Education for a grant to be used for programs, approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the “Bullying Prevention Fund” established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.
b. A school district shall: (1) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students; (2) ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and (3) develop a process for discussing the district's harassment, intimidation or bullying policy with students.

A school district may satisfy the training required pursuant to this subsection by utilizing training that may be provided at no cost by the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement a training program which imposes a cost on the district.

c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.


d. The State board shall, as part of the professional development requirement established by the State board for public school teachers, require each public school teacher to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period.


Beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.


a. The Commissioner of Education, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies, shall establish inservice workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists in accordance with the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.). The commissioner shall seek to make the workshops and training programs available and administered online through the department's website or other existing online resources. The commissioner shall evaluate the effectiveness of the consulting group on an annual basis. The inservice training programs may utilize the offices of the executive county superintendent of schools, or such other institutions, agencies, or persons as the commissioner deems appropriate. Each board of education shall provide time for the inservice training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.

b. Upon completion of the initial inservice training program, the commissioner shall ensure that programs and workshops that reflect the most current information on harassment, intimidation, and bullying in schools are prepared and made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals.


The Commissioner of Education shall develop, in consultation with the Division on Civil Rights, and make available on the Department of Education's Internet site, an online tutorial on harassment, intimidation, and bullying. The online tutorial shall, at a minimum, include best practices in the prevention of harassment, intimidation, and bullying, applicable laws, and such other information that the commissioner
determines to be appropriate. The online tutorial shall be accompanied by a test to assess a person's understanding of the information provided in the tutorial.

A school district selected to participate in the pilot program shall provide ongoing professional development to teachers and other staff employed in the school in which the restorative justice model is being implemented on: how to understand, recognize, and respond to students and their families who are impacted by the effects of trauma and adverse childhood experiences; the adverse consequences of the exclusion of students from school and their involvement in the juvenile justice system; effective classroom management strategies; culturally responsive discipline; and developmentally appropriate disciplinary methods that promote a positive and healthy school climate.

18A:40A-3. Initial inservice training programs; curriculum; availability.
a. Upon completion of the curriculum guidelines required pursuant to section 2 of this act, the Commissioner of Education, in consultation with the Commissioner of Health, shall establish inservice workshops and training programs to train selected public school teachers to teach an education program on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The inservice training programs may utilize existing county or regional offices, or such other institutions, agencies or persons as the Commissioner of Education deems appropriate. The programs and workshops shall provide instructional preparation for the teaching of the drug, alcohol, anabolic steroids, tobacco and controlled dangerous substances curriculum, and shall, in addition to the curriculum material, include information on the history, pharmacology, physiology and psychosocial aspects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, and the legal aspects of substance abuse. Each local board of education shall provide time for the inservice training during the usual school schedule in order to insure that appropriate teaching staff members are prepared to teach the education program in each grade in each school district.
b. Upon completion of the initial inservice training program, the Commissioner of Education shall insure that programs and workshops that reflect the most current information on substance abuse are prepared and are made available to teaching staff members at regular intervals.
c. In addition to providing inservice training programs for teaching staff members who will provide instruction on substance abuse in the public schools, the Commissioner of Education shall make these training programs available to such other instructional and supervisory personnel as he deems necessary and appropriate.

In addition to the provisions for inservice training established pursuant to this act, the commissioner shall insure that the preservice training of individuals intending to enter the teaching profession provides for an adequate treatment of the subject of substance abuse.

No certificate to teach in the public schools shall be issued to any teaching staff member who has not passed a satisfactory examination in (1) physiology and hygiene; and (2) substance abuse issues which includes material on the physiological, psychological, sociological and legal aspects of drug and alcohol abuse, methods of educating students on the negative effects of substance abuse, and intervention strategies for dealing with students engaged in substance abuse.

The Commissioner of Education, in consultation with the Commissioner of Health, shall establish and administer a system for the evaluation of the effectiveness of instructional programs established pursuant
to this act. Programs which are shown to be effective shall be made available to other school districts throughout the State.


a. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop an inservice training program for public school teachers to enable the teachers to recognize and respond to substance abuse by public school pupils. The program shall, at a minimum, include:

(1) Instruction to assist the teacher in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse;

(2) Appropriate intervention strategies; and,

(3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

The inservice training program required pursuant to this section shall be updated at regular intervals in order to insure that teaching staff members have the most current information available on this subject.

b. Each local board of education shall insure that all teaching staff members in the district who are involved in the instruction of pupils are provided with the inservice training program developed pursuant to this section. The inservice training program of the local board of education shall also include information concerning the policy of the board regarding the referral for treatment of pupils involved in substance abuse, as required pursuant to section 5 [18A:40A-12] of this act.


a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:

(1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;

(2) Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse; and

(3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school pupils, and shall maintain and continuously update a roster of individuals or groups available to assist boards of education in implementing this program and a list of State and local agencies and organizations which are approved by the Department of Health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show symptoms of substance abuse.

REGULATIONS

6A:16-3.1. Establishment of comprehensive alcohol, tobacco and other drug abuse programs.

(a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for student alcohol, tobacco, and other drug abuse in the school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.
4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco, and other drug abuse prevention and intervention, in accordance with N.J.S.A. 18A:40A-3 and 15.
   i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district’s comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.


6A:16-6.2. Development and implementation of policies and procedures.

(b) School district policies and procedures shall include the following components:

12. Provisions for in-service training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the school district and law enforcement agencies;


(e) The district board of education shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students, consistent with N.J.S.A. 18A:37-17.b.
   i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.
   ii. Information regarding the district board of education’s policy against harassment, intimidation, and bullying shall be incorporated into the school district’s employee training program.

   (1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students and persons contracted by the school district to provide services to students;

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(c) The approved PSSD shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives and implement training programs for school employees and volunteers who have significant contact with students.
   i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.
   ii. Information regarding the approved PSSD’s policy against harassment, intimidation, or bullying shall be incorporated into its training program.

   (1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students, and persons contracted by the approved PSSD to provide services to students;

2. Develop a process for annually discussing with students the approved PSSD’s harassment, intimidation, and bullying policy;
3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The approved PSSD also shall make any necessary revision(s) to its policy, consistent with N.J.A.C. 6A:14-7.3(a), to strengthen the policy to prevent, identify, and address harassment, intimidation, and bullying of students.

   i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students;

4. Annually establish, implement, document, and assess bullying-prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in the approved PSSD.

   i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students; and

5. Submit to the executive county superintendent a copy of its harassment, intimidation, and bullying policy in the 2018-2019 school year or within 30 days of revision.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent.

The principal shall notify the district superintendent of schools of the action taken regarding the incident. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section.

The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school district, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district’s superintendent of schools. The superintendent to whom the alleged assault is reported or, if
there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to
the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

**REGULATIONS**

**6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.**

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
   
i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
   
i. Immediately notify the parent and the chief school administrator or his or her designee; and
   
ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.
   
i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
   
i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.
   
ii. The examination shall be at the expense of the parent and not the district board of education.

5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.

ii. The student's parent, if available, also shall accompany the student.

iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.

6. Each district board of education shall have a plan in place for the appropriate supervision of the student:

i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and

ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.

7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.

i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.

ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.

i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.

ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

i. The student shall be returned as soon as possible to the care of a parent;

ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;
(1) The report shall verify that the student’s alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and

iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:

i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(1) The findings of the assessment alone shall not be used to prevent a student from attending school; and

ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.

13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.

14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student’s health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment shall initiate a referral for alcohol or other drug abuse treatment.

15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

(b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-10(b):

1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.

2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.

ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.

i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.

5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

(c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.

(d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

(e) Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

6A:16-5.3. Incident reporting of violence, vandalism, and alcohol and other drug abuse.

(a) For purposes of reporting information to the Department, pursuant to N.J.S.A. 18A:17-46, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs
on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12, shall file with the principal a report describing the incident.

1. The report shall be on a form adopted for such purposes by the district board of education.
   i. The form shall include all information necessary for complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) and verification of the incident detail, including an incident description, and offender and victim information.

(b) The district board of education shall not discharge or subject to any manner of discrimination a school employee who files a report pursuant to this section.

(c) The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism pursuant to N.J.S.A. 18A:17-46.

   1. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe the safety of a school staff member is at risk.

(d) The chief school administrator shall:

   1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.
      i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.
      ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.
      iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district’s website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

   2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

(e) Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46.

(f) Each district board of education shall adopt and implement procedures regarding a school employee who knowingly falsifies reported information on acts of violence or vandalism or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, including the establishment of grievance procedures of section 8 of N.J.S.A. 34:13A-5.3 and 34:13A-29.

(g) Private schools for the disabled and public-college-operated programs for the disabled shall take action regarding a school employee who knowingly falsifies the reporting of violence, including harassment, intimidation, and bullying, vandalism, and alcohol or other drug abuse required under N.J.S.A. 18A:17-46, which may be in accordance with the provisions set forth in (f) above.

(h) Each district board of education shall submit and implement a corrective action plan for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner.
6A:16-5.7 Assaults on district board of education members or employees.
(a) Each district board of education shall adopt and implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school board employee, or district board of education member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to a public education institution, pursuant to N.J.S.A. 18A:37-2.1.

(b) A student, other than a student with a disability, who commits an assault pursuant to (a) above, shall be immediately removed from school consistent with due process procedures, pending a hearing, pursuant to N.J.A.C. 6A:16-7.2 through 7.5.
   1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

(c) A student with a disability who commits an assault pursuant to (a) above shall be removed in accordance with N.J.A.C. 6A:14.

(d) The principal or his or her designee shall:
   1. Remove a student as set forth in (a) above;
   2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
   3. Immediately report to the chief school administrator the removal of the student;
   4. Notify the student's parent of the removal action and the student's due process rights; and
   5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

(e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

(f) Each chief school administrator biannually shall submit to the Commissioner a report on each incident and the circumstances surrounding the removal of students, pursuant to (b) above, utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.

(g) Each district board of education shall annually disseminate to all school staff, students and parents the adopted policies and procedures for implementing this section.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.
(a) Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation.
   1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.
   2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.
   3. The chief school administrator or designee, however, shall not disclose the identity of a student or staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student or staff member is not reasonably believed to be involved or implicated in drug-distribution activities.
i. For the purpose of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

4. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the student is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, or to be involved or implicated in drug distribution activities.

5. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i, and (a)4 above, was obtained as a result of the district board of education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

(b) Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

(c) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a student has threatened, is planning or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

(d) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a crime involving sexual penetration or criminal sexual conduct has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities.

(e) School employees shall immediately notify the principal and chief school administrator when in the course of their employment they develop reason to believe a bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a
student enrolled in the school has been or is about to become the victim of a bias-related act on or off school grounds, or during operating school hours.

1. The designated school official, as defined in (b)1 above, shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office in the instances described in (e) above.

2. The designated school official, as defined in (b)1 above, shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

(f) All incidents shall be reported under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1, where appropriate.

6A:16-6.4. Handling of alcohol or other drugs, firearms, and other items.

(a) A school employee who seizes or discovers alcohol, other drug, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn over to the principal or designee the alcohol, other drug, or item.

1. The principal or designee shall immediately notify the chief school administrator or his or her designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The school employee, principal or designee shall safeguard the alcohol, other drug or paraphernalia against further use or destruction and shall secure the alcohol, other drug or paraphernalia until it can be turned over to the county prosecutor or designee.

3. The principal or designee shall provide to the county prosecutor or his or her designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

   i. The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

   ii. The identity of the student or staff member believed to have been in possession of the substance or paraphernalia.

4. The principal or designee shall not disclose the identity of a student or staff member who voluntarily and on his or her own initiative turned over the alcohol, other drug or paraphernalia to a school employee, provided there is reason to believe the student or staff member was involved with the alcohol, other drug or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student or staff member agrees to participate in an appropriate treatment or counseling program.

   i. For the purposes of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

(b) Whenever a school employee seizes or comes upon a firearm or dangerous weapon, school officials shall:

1. In the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm pending the response by law enforcement to retrieve and take custody of the firearm; and
2. In the case of a dangerous weapon other than a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the dangerous weapon pending the response by law enforcement to retrieve and take custody of the dangerous weapon.

(c) School employees in custody of a firearm or dangerous weapon shall take reasonable precautions, according to district board of education procedures, to prevent the theft, destruction, or unlawful use of the firearm or dangerous weapon by any person.

**Parental notification**

**LAWS**

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(11) a requirement that a link to the policy be prominently posted on the home page of the school district’s website and distributed annually to parents and guardians who have children enrolled in a school in the school district.


The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.
18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the
pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

REGULATIONS

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.
(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
   i. Immediately notify the parent and the chief school administrator or his or her designee; and
7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.
   i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.
   ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

6A:16-5.5. Removal of students for firearms offenses.
(d) The principal or his or her designee shall:

5. Notify the student's parent of the following information:
   i. The removal action;
   ii. The law enforcement notification;
   iii. The change of custody, if it occurs; and
   iv. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

6A:16-5.6. Removal of students for assaults with weapons offenses.
(d) The principal or his or her designee shall:

5. Notify the student's parent of the following information:
   i. The removal action;
   ii. The law enforcement notification;
   iii. The change of custody, if it occurs; and
   iv. A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

6A:16-5.7 Assaults on district board of education members or employees.
(a) Each district board of education shall adopt and implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a
weapon or firearm, upon a teacher, administrator, other school board employee, or district board of 
education member acting in the performance of his or her duties and in a situation where his or her 
authority to act is apparent, or as a result of the victim's relationship to a public education institution, 

(d) The principal or his or her designee shall:

4. Notify the student's parent of the removal action and the student's due process rights;

6A:16-6.2. Development and implementation of policies and procedures.
(b) School district policies and procedures shall include the following components:

3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement 
interviews involving their children consistent with the following:
   i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or 
neglect;
   ii. School officials shall notify the student's parent(s) when the student is the target of the law 
enforcement investigation; and
   iii. In all other instances, school authorities shall permit law enforcement authorities to determine 
whether or when a student's parent should be contacted;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a 
law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including 
anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

(c) The code of student conduct shall include, at a minimum:

3. A description of students' rights to:
   vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 
6A:16-6.2(b)3, this section, and N.J.A.C. 6A:16-7.2 through 7.8; and

6A:16-7.6. Attendance.
(a) Each district board of education shall develop, adopt, and implement policies and procedures 
regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 
and 13.1, at the public schools of the school district or at day schools in which students are provided with 
equivalent instruction, pursuant to N.J.S.A. 18A:38-25. The policies and procedures shall include, at a 
minimum:

4. School staff responses for unexcused absences:
   i. For up to four cumulative unexcused absences, the school district shall:
      (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to 
the start of the following school day;
      (2) Make a reasonable attempt to determine the cause of the unexcused absence, including through 
contact with the student's parents;
      (3) Identify in consultation with the student's parents needed action designed to address patterns of 
unexcused absences, if any, and to have the child return to school and maintain regular attendance;
   ii. For between five and nine cumulative unexcused absences, the school district shall:
      (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to 
the start of the following school day;
(2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

(4) Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

(G) Engage the student's family.

iii. For cumulative unexcused absences of 10 or more, a student between the ages of six and 16 is truant, pursuant to N.J.S.A. 18A:38-25, and the school district shall:

(2) Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

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

**LAWS**

**2A:4A-71.1. Diversionary programs for certain juveniles.**

a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The parents or guardian of the juvenile shall bear the cost of participation in the program, except that the court shall take into consideration the ability of the juvenile's parents or guardian to pay and the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.

b. A remedial education or counseling program satisfies the requirements of this act if the program is designed to increase the juvenile's awareness of:

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;

(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in this act, "eligible offense" means an offense in which:

(1) the facts of the case involve the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer; and

(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

**2C:39-5. Unlawful possession of weapons.**

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written
authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, or while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

18A:17-42. Preamble; purpose of article.

The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state; that, in several isolated instances throughout this state, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public schools; that such attacks might have been prevented, and similar attacks will be prevented, if public school law enforcement officers are stationed in said schools; and that state aid to local boards is necessary to help such boards bear the cost of employing and stationing public school law enforcement officers.


(a) The commissioner may, in accordance with rules and regulations promulgated pursuant to this article and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this state during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No such public school law enforcement officer shall be employed, except upon the application of a board of education and with the approval of the county superintendent.


2. The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 1 of P.L.1995, c.128 (C.18A:37-2.2). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.


The State Board of Education, in consultation and cooperation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations regarding law enforcement activities on school grounds and the reporting of suspected offenses and acts of delinquency to law enforcement.
The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

c. It shall be the responsibility of student assistance coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the in service training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

a. If at least one school building of a school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the board of education shall enter into a memorandum of understanding with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The memorandum of understanding shall include, but need not be limited to, the following:

1) the designation of individuals who shall be authorized to view live streaming video;
2) the circumstances under which the designated individuals would view live streaming video; and
3) a detailed plan for preventing and detecting unauthorized access to live streaming video.
b. In the case of a school building that is located in a municipality in which there is no municipal police department, the board shall enter into a memorandum of understanding with an entity designated by the Superintendent of the State Police.
c. In the event that the parties to the memorandum of understanding are unable to reach an agreement regarding any provision required to be included pursuant to subsection a. of this section, the county prosecutor shall make the final determination regarding that provision.
d. A board shall enter into the memorandum of understanding no later than 180 days following the effective date of this act.
e. Nothing in this section shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site.

This act shall be known and may be cited as the "Secure Schools for All Children Act."

As used in this act:
"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub.L.88-352, (42 U.S.C. s.2000d et seq.).
"Support limit" means the maximum amount which may be appropriated each year for the purposes of this act for each student enrolled full-time in nonpublic schools of the State.

A board of education of a school district in which a nonpublic school is located shall within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the students who are enrolled full-time in the nonpublic school with security services, equipment, or technology to help ensure a safe and secure school environment.

a. The superintendent of schools of each school district in which a nonpublic school is located shall confer annually with the chief school administrator of each of the nonpublic schools to:
   (1) advise the nonpublic school of the limit of funds available pursuant to this act;
   (2) agree upon the security services, equipment, or technology to be provided to the students of the nonpublic school, within the limit of the funds that are available; and
   (3) agree on the date when the board of education will meet to approve how the security services, equipment, or technology will be provided to the students of the nonpublic school.
b. In the event that the superintendent of schools and the chief school administrator of the nonpublic school are unable to agree regarding the security services, equipment, or technology to be provided for a safe and secure school environment, the executive county superintendent shall be consulted to determine the security services, equipment, or technology to be provided. The decision of the executive county superintendent shall be final.

a. The support limit for the 2016-2017 school year shall be $75. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in the consumer price index for the New York and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor.
b. On or before November 5 of each year, each board of education shall forward to the Commissioner of Education an estimate of the cost of providing, during the next school year, the security services, equipment, or technology required pursuant to this act and the number of students attending nonpublic schools located within the district as of the last school day of October of the current school year. The commissioner shall provide State aid to each school district in an amount equal to the number of nonpublic school students within the district identified by the district on or before November 5 multiplied by the State support limit. In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year, but not later than December 1 of the following school year.
c. If in any year, the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.
A school district and a nonpublic school and their employees shall be immune from civil liability in the provision of security services, equipment, or technology pursuant to the provisions of this act, except for actions that constitute gross negligence or willful misconduct.

The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a manner that comports with the provisions of the State and federal Constitutions, including a list of allowable expenditures for security services, equipment, or technology to ensure a safe and secure school environment for nonpublic school students.

40A:14-146.8. Short title.
This act shall be known and may be cited as the "Special Law Enforcement Officers' Act."

40A:14-146.9. Definitions.
As used in this act:

a. "Commission" means the Police Training Commission established in the Department of Law and Public Safety pursuant to section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

b. "Emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor's designee or, in the case of a county, the county executive or freeholder director or designee, as appropriate, to whom the authority of designating an "emergency" has been prescribed by local ordinance or resolution, as appropriate. Vacations, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an "emergency" for the purposes of this act; but an "emergency" may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60-day periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;

c. "Local unit" means any municipality or county having established a regular police force pursuant to law;

d. "Population" means the population of the resort municipality shown in the last federal decennial census;

e. "Public entity" means the State and any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State;

f. "Resort municipality" means a municipality which, because of its recreational or entertainment characteristics or facilities or its close proximity to such characteristics or facilities, experiences a substantial increase during the seasonal period in the number of persons visiting or temporarily residing there;

g. "Seasonal period" means any one period of four consecutive months during the calendar year, except with regard to a resort municipality bordering on the Atlantic ocean, in which case, "seasonal period" means one period of six consecutive months during the calendar year;

h. "Special law enforcement officer" means any person appointed pursuant to this act to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local
unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities; and

i. “County college” means an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs; the term shall include a county vocational school.

40A:14-146.10. Special law enforcement officers.

a. Any local unit may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances authorized by N.J.S.40A:14-118 or ordinance or resolution, as appropriate, authorized by N.J.S.40A:14-106 and within the conditions and limitations as may be established pursuant to this act.

b. A person shall not be appointed as a special law enforcement officer unless the person:

(1) Is a resident of this State during the term of appointment;
(2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
(3) Is sound in body and of good health;
(4) Is of good moral character;
(5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
(6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

c. Every applicant for the position of special law enforcement officer appointed pursuant to this act shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

d. No person shall be appointed to serve as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.

e. Before any special law enforcement officer is appointed pursuant to this act, the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this section.

g. In addition to the qualifications established in subsection b. of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:
(1) is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer’s return to employment violates any federal or State law or regulation which would deem the officer’s retirement as not being bona fide;

(2) had served as a duly qualified, fully-trained, full-time officer in any law enforcement position eligible for participation in the Police and Firemen’s Retirement System or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing;

(3) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

(4) possesses a New Jersey Police Training Commission Basic Police Officer Certification, New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission;

(5) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8); and

(6) is hired in a part-time capacity.

For the purposes of this subsection, "good standing" shall exclude a retirement resulting from injury or incapacity.

40A:14-146.11. Training; classifications.

a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they
occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

b. The commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

c. The commission shall certify officers who have satisfactorily completed training programs and issue appropriate certificates to those officers. The certificate shall clearly state the category of certification for which the officer has been certified by the commission.

d. All special law enforcement officers appointed and in service on the effective date of this act may continue in service if within 24 months of the effective date of this act they will have completed all training and certification requirements of this act.

40A:14-146.12. Uniforms.

Every special law enforcement officer prior to the commencement of his duties shall be furnished with a uniform which shall identify the officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the local unit in which the officer is employed. The uniform shall also include an insignia issued by the commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to section 4 of this act. Within six months following the effective date of this act the commission shall issue the insignia. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia. Nothing in this section shall preclude the designation on an insignia to read either "special police" or "special law enforcement officer."

40A:14-146.13. Fees.

a. Except as specified in subsection b. of this section, a local unit may charge a reasonable fee as may be fixed by the governing body for equipment and uniforms supplied pursuant to this act, but may not charge a fee for the costs of training or issuing a certificate of appointment. The local unit shall not be required to compensate a special law enforcement officer for time spent in training;

b. In addition to charging a reasonable fee as fixed by the governing body for equipment and uniforms supplied pursuant to this act, a local unit with a population in excess of 300,000, according to the 1980 federal decennial census, may charge a fee for the costs of training and for the administrative costs of issuing a certificate of appointment for a special law enforcement officer whose duties consist solely of performing public safety functions for a private employer.


a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which they were appointed.
b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or similar weapon is carried off duty. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90
days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

40A:14-146.15. Powers.

The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

40A:14-146.16. Limitation on hours.

a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

(1) In resort municipalities not to exceed 48 hours per week during any seasonal period.
(2) In all municipalities or counties without limitation as to hours during periods of emergency.
(3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.
(4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.
(5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit or a school or county college. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276
A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.

c. Each municipality or county may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable.

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

40A:14-146.17. Limitations on number, categories.
The local governing body shall by ordinance or resolution, as appropriate, establish limitations upon the number and categories of special law enforcement officers which may be employed by the local unit in accordance with the certification and other requirements provided for in this act. In communities other than resort municipalities, the number of Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers, except that no municipality shall be required to reduce the number of Class Two special law enforcement officers or the equivalent thereof in the employ of the municipality as of March 1, 1985. Notwithstanding the provisions of this section, each local unit may appoint two Class Two special law enforcement officers.

52:17B-71.8. Training course for safe schools resource officers, liaisons to law enforcement.
a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

(1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and

(2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

b. The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concepts.

c. The commission shall award a certificate to each individual who successfully completes the course.

d. The Police Training Commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.
REGULATIONS

6A:16-4.1. Adoption of policies and procedures for the intervention of student alcohol and other drug abuse.
(c) Each district board of education's policies for students using, possessing, or distributing alcohol and other drugs, as defined in (a) above, shall include the following components:

9. Provisions, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i and 6.3(a)4, for when to contact law enforcement officials to disclose the identities of students reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids.

i. Pursuant to N.J.A.C. 6A:16-4.3(a)3 and (b)3 and 6.3(a)4, the chief school administrator or designee may disclose to law enforcement authorities the identities of students suspected of being under the influence of alcohol or other drugs; and

10. Provisions for reporting to and cooperating with law enforcement authorities, pursuant to N.J.A.C. 6A:16-6, for the unlawful possession, distribution, and disposition of substances, as set forth in this section and N.J.A.C. 6A:16-6.1(a)1.

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.
(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.

i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.
(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:

7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.

i. Law enforcement authorities shall not be notified of test results;

6A:16-5.5. Removal of students for firearms offenses.
(d) The principal or his or her designee shall:

4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice;

6A:16-5.6. Removal of students for assaults with weapons offenses.
(d) The principal or his or her designee shall:

4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice;
6A:16-5.7 Assaults on district board of education members or employees.

(a) Each district board of education shall adopt and implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school board employee, or district board of education member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim’s relationship to a public education institution, pursuant to N.J.S.A. 18A:37-2.1.

(d) The principal or his or her designee shall:

5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

6A:16-6.1. Adoption of policies and procedures.

(a) District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to:

1. The unlawful possession, distribution, and disposition of the following:
   i. Controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2;
   ii. Drug paraphernalia as defined in N.J.S.A. 2C:36-1;
   iii. Alcoholic beverages;
   iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and
   v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1.r; and

2. The planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures and undercover school operations.

6A:16-6.2. Development and implementation of policies and procedures.

(a) School district policies and procedures developed pursuant to this subchapter shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
2. Reviewed and approved by the executive county superintendent;
3. Made available annually to all school staff, students and parents;
4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

(b) School district policies and procedures shall include the following components:

1. Designation by the chief school administrator of liaisons to law enforcement agencies and the description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests;
3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children consistent with the following:
   i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
ii. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and

iii. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;

4. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school grounds;

5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and their personal effects.

i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in New Jersey v. T.L.O., 469 U.S. 325 (1985).

ii. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

iii. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.

iv. No school staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.

vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her designee in the New Jersey Department of Law and Public Safety.

vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general;

6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;

7. Procedures for planning, approving, and conducting undercover school operations.

i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve undercover operations without prior notification to the district board of education.

ii. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal.

iii. The chief school administrator and principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.

iv. The chief school administrator, principal, or any other school staff or district board of education member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if he or she subsequently learns of information that suggests the undercover officer's true identity has been revealed, the undercover
officer’s identity or status as a bona fide member of the school community has been questioned, or
the integrity of the undercover school operation has been in any other way compromised;

8. The procedures for and responsibilities of staff concerning the safe and proper handling of a seized
controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other
deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities in
accordance with this subchapter;

9. The procedures for and responsibilities of staff in notifying authorities of a suspected violation of laws
prohibiting the possession, sale or other distribution of a controlled dangerous substance, including
anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

10. Provisions for requesting uniformed police attendance at extracurricular school events;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a
law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including
anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

12. Provisions for in-service training of school staff concerning policies and procedures established in
this subchapter, and the exchange of information regarding the practices of the school district and law
enforcement agencies;

13. A memorandum of agreement with appropriate law enforcement authorities.

i. The memorandum of agreement shall be consistent with the policies and procedures established in
this subchapter and shall be consistent with the format and content established by the State Attorney
General and the Commissioner.

ii. The memorandum of agreement shall define the reciprocal rights and obligations of students,
parents, school staff, and law enforcement officials with respect to the possession, distribution, and
disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and
firearms and other deadly weapons; with respect to the planning and conduct of law enforcement
activities and operations occurring on school grounds, including arrests and undercover school
operations; and with respect to the participation of law enforcement officials in alcohol or other drug
abuse prevention programs.

iii. Copies of all memoranda of agreements entered into with law enforcement authorities shall be
submitted to and approved by the county prosecutor, executive county superintendent of schools,
president of the district board of education, chief school administrator, and chief of the police
department or station commander.

14. An annual process for the chief school administrator and appropriate law enforcement officials to
discuss the implementation and need for revising the memorandum of agreement, and to review the
effectiveness of policies and procedures implemented pursuant to this subchapter.

i. The annual review shall include input from the executive county superintendent, community
members, and meeting(s) with the county prosecutor and other law enforcement officials designated
by the county prosecutor.

ii. The memorandum of agreement may be revised only to include provisions that are in addition to
and do not conflict with the policies and procedures established in this subchapter and that are in
addition to and do not conflict with the format and content established by the State Attorney General
and the Commissioner;

15. Provisions for contacting the chief executive officer of the involved law enforcement agency, county
prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law
enforcement activities occurring on school grounds; and
16. Provisions for directing inquiries or complaints received by school staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency.

(c) Nothing in the policies and procedures required under this section shall be construed to prohibit school staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary to protect the immediate health or safety of a student or other persons.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.

(a) Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

3. The chief school administrator or designee, however, shall not disclose the identity of a student or staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student or staff member is not reasonably believed to be involved or implicated in drug-distribution activities.

   i. For the purpose of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

4. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the student is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, or to be involved or implicated in drug distribution activities.

5. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i, and (a)4 above, was obtained as a result of the district board of education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

(b) Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon
as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

(c) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a student has threatened, is planning or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

(d) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a crime involving sexual penetration or criminal sexual conduct has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities.

(e) School employees shall immediately notify the principal and chief school administrator when in the course of their employment they develop reason to believe a bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias-related act on or off school grounds, or during operating school hours.

1. The designated school official, as defined in (b)1 above, shall promptly notify the local police department and the bias investigation officer for the county prosecutor’s office in the instances described in (e) above.

2. The designated school official, as defined in (b)1 above, shall immediately notify the local police department and the bias investigation officer for the county prosecutor’s office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

(f) All incidents shall be reported under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1, where appropriate.

6A:16-6.4. Handling of alcohol or other drugs, firearms, and other items.

(a) A school employee who seizes or discovers alcohol, other drug, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn over to the principal or designee the alcohol, other drug, or item.

1. The principal or designee shall immediately notify the chief school administrator or his or her designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The school employee, principal or designee shall safeguard the alcohol, other drug or paraphernalia against further use or destruction and shall secure the alcohol, other drug or paraphernalia until it can be turned over to the county prosecutor or designee.
3. The principal or designee shall provide to the county prosecutor or his or her designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
   i. The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
   ii. The identity of the student or staff member believed to have been in possession of the substance or paraphernalia.

4. The principal or designee shall not disclose the identity of a student or staff member who voluntarily and on his or her own initiative turned over the alcohol, other drug or paraphernalia to a school employee, provided there is reason to believe the student or staff member was involved with the alcohol, other drug or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student or staff member agrees to participate in an appropriate treatment or counseling program.
   i. For the purposes of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

(b) Whenever a school employee seizes or comes upon a firearm or dangerous weapon, school officials shall:
   1. In the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm pending the response by law enforcement to retrieve and take custody of the firearm; and
   2. In the case of a dangerous weapon other than a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the dangerous weapon pending the response by law enforcement to retrieve and take custody of the dangerous weapon.

(c) School employees in custody of a firearm or dangerous weapon shall take reasonable precautions, according to district board of education procedures, to prevent the theft, destruction, or unlawful use of the firearm or dangerous weapon by any person.

6A:16-6.5. Confidentiality of student or staff member involvement in alcohol or other drug abuse intervention and treatment programs.

(a) All information concerning a staff member's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential, and all information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.

(b) Nothing in this subchapter shall be construed in any way to authorize or require the transmittal of information or records in the possession of an alcohol or other drug abuse counseling or treatment program.

(c) The principal or designee shall not disclose to law enforcement officials or to any person other than a member of the school district's comprehensive alcohol, tobacco, and other drug abuse program that a student or staff member has received or is receiving services through the program. The principal or designee also shall not disclose information, including the student's or staff member's identity or information about illegal activity, when the information was learned in the course of or as a result of
services provided through the school district's comprehensive alcohol, tobacco and other drug abuse program.

(d) Nothing in this section shall be construed to preclude the disclosure and reporting of information about illegal activity that was learned by a school employee outside of the school district's comprehensive alcohol, tobacco, and other drug abuse program.

**Disclosure of school records**

**LAWS**

**18A:36-19. Pupil records; creation, maintenance and retention, security and access; regulations; nonliability.**

The State Board of Education shall provide by regulation for the creation, maintenance and retention of pupil records and for the security thereof and access thereto, to provide general protection for the right of the pupil to be supplied with necessary information about herself or himself, the right of the parent or guardian and the adult pupil to be supplied with full information about the pupil, except as may be inconsistent with reasonable protection of the persons involved, the right of both pupil and parent or guardian to reasonable privacy as against other persons and the opportunity for the public schools to have the data necessary to provide a thorough and efficient educational system for all pupils.

No liability shall attach to any member, officer or employee of any board of education for the furnishing of any pupil records consistent with this act and the regulations adopted hereunder.

**18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.**

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

**18A:40A-7.1. Confidentiality of certain information provided by pupil; exceptions.**

a. Except as provided by section 3 of P.L.1971, c.437 (C.9:6-8.10), if a public or private elementary or secondary school pupil who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent or guardian or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsection b. of this section.
b. The information provided by a pupil pursuant to subsection a. of this section may be disclosed:

   (1) subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary school pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary school pupil;

   (2) pursuant to a court order;

   (3) to a person engaged in a bona fide research purpose, except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

   (4) to the Division of Child Protection and Permanency or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary school pupil or another child may be an abused or neglected child as the terms are used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

c. Any disclosure made pursuant to paragraph (1) or (2) of subsection b. of this section shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure shall be accompanied by a written statement advising the recipient that the information is being disclosed from records the confidentiality of which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated. Nothing in P.L.1997, c.362 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the Division of Child Protection and Permanency or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in P.L.1997, c.362 shall be construed as authorizing the violation of any federal law.

d. The prohibition on the disclosure of information provided by a pupil pursuant to subsection a. of this section shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.


This act shall be known and cited as "Destruction of Public Records Law (1953)."

47:3-16. Terms defined.

As used in this act, except where the context indicates otherwise, the words "public records" mean any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

As used in this act the word "bureau" means the Bureau of Archives and History in the Department of Education.
47:3-17. Consent of bureau to disposition or destruction of public records or documents.
No person shall destroy, sell or otherwise dispose of any public record, archives or printed public documents which are under his control or in his care or custody, whether or not they are in current use, without first having advised the Bureau of Archives and History in the Department of Education of their nature, and obtained the written consent of that bureau; which consent may be given by said bureau only if the same is in conformance with regulations governing the granting thereof which shall be made and promulgated by the State Records Committee established by section six of this act.

The bureau, in co-operation with the several State departments, commissions and agencies, shall make a study of the kind and character of public records in their control or custody and shall prepare proposed schedules for submission to the State Records Committee established by section six hereof for its approval and advise the said several departments, commissions and agencies of all applicable operative schedules.

REGULATIONS

6A:16-3.2. Confidentiality of student alcohol and other drug information.
(a) Each district board of education shall assure compliance with the following confidentiality requirements consistent with the implementation of 20 U.S.C. § 1232g, the Family Education Rights and Privacy Act, and 34 CFR Part 99:
   1. Confidentiality of alcohol and drug abuse patient records, pursuant to 42 CFR Part 2; and
   2. Confidentiality of information provided by an elementary or secondary school student while participating in a school-based drug and alcohol counseling program that indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2.

6A:16-5.4. Access to juvenile justice information.
Each district board of education shall adopt and implement policies and procedures protecting access to information related to juvenile justice proceedings, pursuant to N.J.S.A. 2A:4A-60.

6A:16-6.5. Confidentiality of student or staff member involvement in alcohol or other drug abuse intervention and treatment programs.
(a) All information concerning a staff member's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential, and all information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.
(b) Nothing in this subchapter shall be construed in any way to authorize or require the transmittal of information or records in the possession of an alcohol or other drug abuse counseling or treatment program.
(c) The principal or designee shall not disclose to law enforcement officials or to any person other than a member of the school district's comprehensive alcohol, tobacco, and other drug abuse program that a student or staff member has received or is receiving services through the program. The principal or designee also shall not disclose information, including the student's or staff member's identity or information about illegal activity, when the information was learned in the course of or as a result of services provided through the school district's comprehensive alcohol, tobacco and other drug abuse program.
(d) Nothing in this section shall be construed to preclude the disclosure and reporting of information about illegal activity that was learned by a school employee outside of the school district's comprehensive alcohol, tobacco, and other drug abuse program.


(c) The code of student conduct shall include, at a minimum:

3. A description of students' rights to:
maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as other existing Federal and State laws and rules pertaining to student records and confidentiality.

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

LAWS

Report cards issued pursuant to section 2 [C.18A:7E-2] of this act shall include, but not be limited to, the following information for:

a. the school district and for each school within the district, as appropriate:
   (1) results of the elementary assessment programs;
   (2) results of the Early Warning Test;
   (3) results of the High School Proficiency Test;
   (4) daily attendance records for students and professional staff;
   (5) student graduation and dropout rates;
   (6) annual student scores on the Scholastic Aptitude Test;
   (7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;
   (8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner;
   (9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;
   (10) data identifying the number and nature of all reports of harassment, intimidation, or bullying;
   (11) indicators of student career readiness;
   (12) the number and percentage of students who were chronically absent, as defined in rules and regulations promulgated by the Commissioner of Education within 90 days of the effective date of P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and percentage of students who were chronically absent disaggregated by multiple student subgroups to be determined by the commissioner; and
   (13) the number and percentage of students who received a disciplinary suspension; and

b. the school district, as appropriate:
   (1) per pupil expenditures and State aid ratio;
   (2) percent of budget allocated for salaries and benefits of administrative personnel;
   (3) percent of budget allocated for salaries and benefits of teachers;
   (4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;
   (5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel;
(6) a profile of the most recent graduating class concerning their educational or employment plans following graduation; and

(7) any other information which the commissioner deems appropriate.

For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis.


The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence, vandalism, and harassment, intimidation, or bullying in the public schools and making recommendations to alleviate the problem. The report shall be made available annually to the public no later than October 1, and shall be posted on the department’s website.


Each school district shall prepare and submit to the commissioner a report on its experience with and the effects of the pilot program. The report shall include, to the greatest extent feasible, quantifiable measures of the program impact including, but not limited to, the number of faculty trainings on restorative justice practices and the use of a trauma-informed approach, discipline rates, absenteeism rates, and academic performance indicators.


At the conclusion of the pilot program, the commissioner shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall contain information on the implementation of the pilot program and shall include the commissioner’s recommendation on the feasibility of expanding the program to other school districts in the State. The report shall also include copies of the reports submitted to the commissioner by the pilot school districts pursuant to section 8 [C.18A:37-45] of this act.


The department shall establish guidelines for school districts, educational services commissions, and approved private schools for students with disabilities to ensure that a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student’s individualized education plan team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or approved private school for students with disabilities may determine to revise a staff member’s professional development plan.

REGULATIONS

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.

(a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.
6A:16-5.3. Incident reporting of violence, vandalism, and alcohol and other drug abuse.

(d) The chief school administrator shall:

1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.
   i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.
   ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.
   iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

6A:16-6.2. Development and implementation of policies and procedures.

(b) School district policies and procedures shall include the following components:

14. An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter.
   i. The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.
   ii. The memorandum of agreement may be revised only to include provisions that are in addition to and do not conflict with the policies and procedures established in this subchapter and that are in addition to and do not conflict with the format and content established by the State Attorney General and the Commissioner;


(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

2. The district board of education shall establish a process for the annual review and update of the code of student conduct.


(e) The district board of education shall:

2. Develop a process for annually discussing with students the school district's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The district board of education also shall make any necessary revision(s) to its policy, consistent with N.J.S.A. 18A:37-15.c.
i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators;

4. Annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in schools of the school district.

   i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators; and

5. Submit to the executive county superintendent a copy of its approved harassment, intimidation, and bullying policy within 30 days of its adoption or revision.
**Student Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers**

**Authority and power to implement school arrest**

**LAWS**

Every person so appointed and commissioned shall possess all the powers of policemen and constables in criminal cases and offenses against the law anywhere in the State of New Jersey, pursuant to any limitations as may be imposed by the governing body of the institution which appointed and commissioned the person.

18A:38-28. Truants; return to parents or school.
Any attendance officer who shall find any child between six and 16 years of age who is a truant from school, shall take the child and deliver him to the parent, guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend.

The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

40A:14-146.15. Powers.
The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

**REGULATIONS**
No relevant regulations found.

**Certification or training**

**LAWS**

Every person so appointed and commissioned shall, within 1 year of the date of his commission, successfully complete a police training course at a school approved and authorized by the Police Training
Commission; provided, however, that the Police Training Commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of that at a school approved by the commission.

18A:17-43.1. Training course required for service as safe schools resource officer, liaison to law enforcement.

a. Following the development of the training course pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8) or 180 days following the effective date of this act, whichever occurs first, a board of education shall not assign a safe schools resource officer to a public school unless that individual first completes the safe schools resource officer training course.

b. Following the development of the training course pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8) or 180 days following the effective date of this act, whichever occurs first, a board of education shall not assign an employee to serve as a school liaison to law enforcement unless that individual first completes the safe schools resource officer training course.

c. A person who is assigned to a public school as a safe schools resource officer prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.) or assigned to serve as a school liaison to law enforcement prior to that date shall not be required to complete the safe schools resource officer training course developed by the Police Training Commission pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8), but may in accordance with that section.

40A:14-146.11. Training; classifications.

a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of
employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

b. The commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

c. The commission shall certify officers who have satisfactorily completed training programs and issue appropriate certificates to those officers. The certificate shall clearly state the category of certification for which the officer has been certified by the commission.

d. All special law enforcement officers appointed and in service on the effective date of this act may continue in service if within 24 months of the effective date of this act they will have completed all training and certification requirements of this act.

52:17B-71.8. Training course for safe schools resource officers, liaisons to law enforcement.

a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

(1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and

(2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

b. The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concepts.

c. The commission shall award a certificate to each individual who successfully completes the course.

d. The Police Training Commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

REGULATIONS

No relevant regulations found.
MOUs, authorization, and/or funding

LAWS

Upon application to, and approval by, the Superintendent of State Police security officers of public and
nonprofit educational institutions of this State may be admitted to training courses conducted by the
Division of State Police for State, county and municipal law enforcement officers, provided that the costs
of such training as determined by the superintendent shall be paid to the State Treasurer by the private
nonprofit institutions sending security officers to such training courses.

18A:6-4.2. Policemen; appointment by governing body of institution of learning.
The governing body of any institution of higher education, academy, school or other institution of learning
may appoint such persons as the governing body may designate to act as policemen for the institution.

18A:6-4.3. Application by policeman; approval; issuance of commission.
All applications shall, in the first instance, be made to the chief of police of the municipality in which the
institution is located, except that where the municipality does not have an organized full time police
department or where the institution is located within more than one municipality, application shall be
made to the Superintendent of State Police. The chief of police or the superintendent, as the case may
be, shall investigate and determine the character, competency, integrity and fitness of the person or
persons designated in the application. If the application is approved by the chief of police or the
superintendent, the approved application shall be returned to the institution which shall issue a
commission to the person appointed, a copy of which shall be filed in the office of the superintendent and
with the chief of police of the municipality or municipalities in which such institution is located.

Every person so appointed and commissioned shall possess all the powers of policemen and constables
in criminal cases and offenses against the law anywhere in the State of New Jersey, pursuant to any
limitations as may be imposed by the governing body of the institution which appointed and
commissioned the person.

Nothing in this act shall be construed to limit or impair the rights of any State, county or municipal law
enforcement officer in the performance of his duties.

If any provision of this act shall be adjudged by any court of competent jurisdiction to be ineffective, such
determination shall not affect or impair the remaining provisions thereof but shall be confined in its
operation to the provisions directly involved in a controversy in which said determination shall have been
rendered.

a. If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970,
c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another
educational institution or for a county or municipal law enforcement agency, a State law enforcement
agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-
15.1) within 120 days of resignation, and if that person held a probationary appointment at the time of
resignation or held a permanent appointment for 30 days or less prior to resignation, the educational institution, county or municipal law enforcement agency, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for the total certified costs incurred by that former educational institution in the examination, hiring, and training of the person.

b. If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the educational institution, county or municipal law enforcement agency or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for one-half of the total certified costs incurred by that former institution in the examination, hiring, and training of the person.

c. Upon the appointment of a former police officer of an educational institution, the appointing educational institution, county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Corporation shall notify the former educational institution immediately upon the appointment of a police officer formerly with that institution and shall reimburse the institution within 120 days of the receipt of the certified costs.

d. As used in this section:

“County or municipal law enforcement agency” means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff’s office;

“Examination costs” means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

“State law enforcement agency” means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

“Training costs” means the police training course fees and the base salary received while attending the police training course as required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

18A:17-42. Preamble; purpose of article.

The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state; that, in several isolated instances throughout this state, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public schools; that such attacks might have been prevented, and similar attacks will be prevented, if public school law enforcement officers are stationed in said schools; and that state aid to local boards is necessary to help such boards bear the cost of employing and stationing public school law enforcement officers.


(a) The commissioner may, in accordance with rules and regulations promulgated pursuant to this article and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this state during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No such public school law enforcement officer shall be employed, except upon the application of a board of education and with the approval of the county superintendent.
The attendance officer shall examine into all violations of this article, shall warn any child violating any of
the provisions of this article and the parent, guardian or other person having charge and control of the
child of the consequences of the violation if persisted in, and shall notify such person in writing to cause
the child to attend school within five days from the date on which notice is served, and regularly
thereafter. The attendance officer shall have full police power to enforce the provisions of this article and
may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or
who is vicious or immoral in conduct or illegally absent from school.

18A:38-30. Assistance of sheriffs, police officers, etc.
The sheriff and his officers and all police officers and constables shall assist attendance officers in the
performance of their duties.

18A:38-31. Failure to comply with provisions of article; fine.
A parent, guardian or other person having charge and control of a child between the ages of 6 and 16
years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be
deemed to be a disorderly person and shall be subject to a fine of not more than $25.00 for a first offense
and not more than $100.00 for each subsequent offense, in the discretion of the court.
In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be
directed to the alleged disorderly person and the child.

For the purpose of enforcing the provisions of this article, the board of education of each school district
and the board of education of each county vocational school shall appoint a suitable number of qualified
persons to be designated as attendance officers, and shall fix their compensation; except that if a county
attendance officer or officers are appointed for any county, any district board of education of such county
may be exempt from the appointment of a local attendance officer if such exemption is approved by the
county superintendent. Each board shall make rules not inconsistent with the provisions of this article and
subject to the approval of the commissioner, for the government of the attendance officers.

The services of all attendance officers of the public schools of a city district shall, after employment in
such district for one year, be under tenure during good behavior and efficiency and they shall not be
dismissed or reduced in compensation except for inefficiency, conduct unbecoming an officer, or other
just cause, and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

18A:38-34. Attendance officers in counties other than counties of first class; duties; terms;
salaries.
Whenever a majority of the boards of education of any county other than counties of the first class has by
resolution requested the appointment of a county attendance officer or officers and, upon investigation,
the commissioner and the state board shall deem the appointment of a county attendance officer or
officers to be for the best interest of the schools of that county, the commissioner shall appoint, subject to
the approval of the state board, a suitable person or persons to be known as the county attendance
officer or officers for the county who shall perform in all districts of the county exclusive of city school
districts such duties as may be prescribed by rules of the state board. Each county attendance officer
shall have the same power to enforce the compulsory school law and rules connected therewith as is
conferred upon attendance officers appointed by local boards of education. If any such person so
appointed a county attendance officer is in possession of a proper visiting teacher's certificate, in full force
and effect, such county attendance officer shall be designated "home and school counsellor," and such "home and school counsellor," in addition to the powers of a county attendance officer, shall have all the powers of a visiting teacher. The term of office of such county attendance officer shall be for one year and the commissioner shall fix the salary of such county attendance officer or officers with the approval of the state board.


The salary of each county attendance officer shall be paid as other state salaries are paid. The director of the division of budget and accounting shall on order of the commissioner draw his warrant for such salary on the state treasurer. All claims for the expenses of a county attendance officer shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer. The expenses for each such officer shall not exceed in any one year the sum of $700.00.

40A:14-146.10. Special law enforcement officers.

a. Any local unit may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances authorized by N.J.S.40A:14-118 or ordinance or resolution, as appropriate, authorized by N.J.S.40A:14-106 and within the conditions and limitations as may be established pursuant to this act.

b. A person shall not be appointed as a special law enforcement officer unless the person:

   (1) Is a resident of this State during the term of appointment;
   (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
   (3) Is sound in body and of good health;
   (4) Is of good moral character;
   (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
   (6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

c. Every applicant for the position of special law enforcement officer appointed pursuant to this act shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

d. No person shall be appointed to serve as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.

e. Before any special law enforcement officer is appointed pursuant to this act, the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of P.L.1985, c.439
(C.40A:14-146.11) may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this section.

g. In addition to the qualifications established in subsection b. of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

1. is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer’s return to employment violates any federal or State law or regulation which would deem the officer’s retirement as not being bona fide;

2. had served as a duly qualified, fully-trained, full-time officer in any law enforcement position eligible for participation in the Police and Firemen’s Retirement System or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing;

3. is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

4. possesses a New Jersey Police Training Commission Basic Police Officer Certification, New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission;

5. has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8); and

6. is hired in a part-time capacity.

For the purposes of this subsection, “good standing” shall exclude a retirement resulting from injury or incapacity.

**40A:14-146.13. Fees.**

a. Except as specified in subsection b. of this section, a local unit may charge a reasonable fee as may be fixed by the governing body for equipment and uniforms supplied pursuant to this act, but may not charge a fee for the costs of training or issuing a certificate of appointment. The local unit shall not be required to compensate a special law enforcement officer for time spent in training;

b. In addition to charging a reasonable fee as fixed by the governing body for equipment and uniforms supplied pursuant to this act, a local unit with a population in excess of 300,000, according to the 1980 federal decennial census, may charge a fee for the costs of training and for the administrative costs of issuing a certificate of appointment for a special law enforcement officer whose duties consist solely of performing public safety functions for a private employer.

**40A:14-146.14. Special law enforcement officers, appointment, terms, regulations.**

a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which they were appointed.

b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for
regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer’s workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty. A permit shall not be issued until the special law enforcement officer has successfully completed all training courses required under this section. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is
appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

40A:14-146.15. Powers.
The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

40A:14-146.16. Limitation on hours.
a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

   (1) In resort municipalities not to exceed 48 hours per week during any seasonal period.
   (2) In all municipalities or counties without limitation as to hours during periods of emergency.
   (3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.
   (4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.
   (5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit or a school or county college. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.
c. Each municipality or county may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable.

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

40A:14-146.17. Limitations on number, categories.
The local governing body shall by ordinance or resolution, as appropriate, establish limitations upon the number and categories of special law enforcement officers which may be employed by the local unit in accordance with the certification and other requirements provided for in this act. In communities other than resort municipalities, the number of Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers, except that no municipality shall be required to reduce the number of Class Two special law enforcement officers or the equivalent thereof in the employ of the municipality as of March 1, 1985. Notwithstanding the provisions of this section, each local unit may appoint two Class Two special law enforcement officers.

REGULATIONS

6A:16-6.2. Development and implementation of policies and procedures.
(b) School district policies and procedures shall include the following components:

13. A memorandum of agreement with appropriate law enforcement authorities.
   i. The memorandum of agreement shall be consistent with the policies and procedures established in this subchapter and shall be consistent with the format and content established by the State Attorney General and the Commissioner.
   
i. The memorandum of agreement shall define the reciprocal rights and obligations of students, parents, school staff, and law enforcement officials with respect to the possession, distribution, and disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrests and undercover school operations; and with respect to the participation of law enforcement officials in alcohol or other drug abuse prevention programs.
   
i. Copies of all memoranda of agreements entered into with law enforcement authorities shall be submitted to and approved by the county prosecutor, executive county superintendent of schools, president of the district board of education, chief school administrator, and chief of the police department or station commander.

14. An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter.
   i. The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.
   
i. The memorandum of agreement may be revised only to include provisions that are in addition to and do not conflict with the policies and procedures established in this subchapter and that are in addition to and do not conflict with the format and content established by the State Attorney General and the Commissioner;
State Education Agency Support

State model policies and implementation support

LAWS


a. The Commissioner of Education shall develop and establish an initiative to support and encourage the use of a Response to Intervention framework by school districts to promote the achievement of all students. The initiative shall include dissemination of information and guidance to school districts regarding the development and effective implementation of a Response to Intervention framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:

1. high quality research-based instruction in the general education setting;
2. universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
3. multiple levels of evidence-based interventions that are progressively more intense, based on the student's responsiveness; and
4. continuous monitoring of student progress.

c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

(12)d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.


a. The Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety shall develop a guidance document for use by parents or guardians, students, and school districts to assist in resolving complaints concerning student harassment, intimidation, or bullying behaviors and the implementation of P.L.2002, c.83 (C.18A:37-13 et seq.) by school districts. The document shall include:

1. a school district's obligations under P.L.2002, c.83 (C.18A:37-13 et seq.);
(2) best practices for the prevention, intervention, and remediation of harassment, intimidation, or bullying in schools, including methods to identify and assist student populations at high risk for harassment, intimidation, or bullying;

(3) a clear explanation of the procedures for petitioning the Commissioner of Education to hear and decide disputes concerning P.L.2002, c.83 (C.18A:37-13 et seq.);

(4) a clear explanation of the Division on Civil Rights' jurisdiction and services in regard to specific types of harassment, intimidation, or bullying; and

(5) a clear explanation of the process for appealing final agency determinations to the Appellate Division of the Superior Court.

b. The guidance document shall be available on the Department of Education's and the Division on Civil Rights' Internet sites and on every school district's Internet site at an easily accessible location.


a. After reviewing the applications submitted pursuant to section 3 [C.18A:37-40] of this act, the commissioner shall select five districts in each of the southern, central, and northern regions of the State to participate in the program.

b. The commissioner shall provide such guidance, support, and training to participating schools as may be necessary to effectuate the purposes of this act [C.18A:37-38 et seq.].

c. The commissioner shall award grants, within the limit of available State appropriations, to participating school districts to be used to support the development and implementation of restorative justice practices in the selected schools, including for any necessary trainings and materials. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;


There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies
appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates, and to help fund related personnel expenses.

a. After reviewing the applications submitted pursuant to section 3 [C.18A:37-40] of this act, the commissioner shall select five districts in each of the southern, central, and northern regions of the State to participate in the program.
b. The commissioner shall provide such guidance, support, and training to participating schools as may be necessary to effectuate the purposes of this act [C.18A:37-38 et seq.].
c. The commissioner shall award grants, within the limit of available State appropriations, to participating school districts to be used to support the development and implementation of restorative justice practices in the selected schools, including for any necessary trainings and materials. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

A school district selected to participate in the pilot program may seek and apply for any grant or aid from the federal government, or any appropriate nonprofit organization, foundation or trust, or any other public or private source that might be or may become available for programs in furtherance of the purposes of this act [C.18A:37-38 et seq.].

There is established within the Department of Education a fund to be known as the “Restorative Justice Education Fund.” The fund shall be used to provide grants to participating schools pursuant to subsection c. of section 4 [C.18A:37-41] of this act. The fund shall be annually credited with the moneys appropriated by the Legislature.

REGULATIONS
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

**18A:17-47. Employee filing report not to be discriminated against.**
It shall be unlawful for any board of education to discharge or in any manner discriminate against a school employee as to his employment because the employee had filed a report pursuant to section 1 [18A:17-46] of this act. Any employee discriminated against shall be restored to his employment and shall be compensated by the board of education for any loss of wages arising out of the discrimination; provided, however, if the employee shall cease to be qualified to perform the duties of his employment he shall not be entitled to restoration and compensation.

**18A:37-16. Reprisal, retaliation, false accusation prohibited.**
c. A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

**18A:37-16.1. Immunity for reporting harassment, intimidation, or bullying at certain private schools.**
In the event that the State Board of Education requires approved private schools for students with disabilities to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, a member of a board of directors or an employee of an approved private school for students with disabilities who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school's policy or to any school administrator, and who makes this report in compliance with the procedures in the school's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

**18A:40A-13. Immunity for personnel.**
No action of any kind in any court of competent jurisdiction shall lie against any teaching staff member, including a student assistance coordinator, any school nurse or other educational personnel, medical inspector, examining physician or any other officer, agent or any employee of the board of education or personnel of the emergency room of a hospital because of any action taken by virtue of the provisions of this act, provided the skill and care given is that ordinarily required and exercised by other such teaching staff members, nurses, educational personnel, medical inspectors, physicians or other officers, agents, or any employees of the board of education or emergency room personnel.

**18A:40A-14. Civil Immunity for reporting.**
Any teacher, guidance counselor, school psychologist, school nurse, student assistance coordinator or other educational or noneducational personnel, employed by or in any of the public or private schools of this State, who in good faith reports a pupil to the principal or his designee or to the medical inspector or school physician or school nurse in an attempt to help such pupil cure his abuse of substances as defined in section 2 of this act, shall not be liable in civil damages as a result of making any such report.
Nothing in this section is intended to preclude the protections provided in section 2 of P.L.1971, c.414 (C.2A:62A-4) or otherwise provided by law.

A school district and a nonpublic school and their employees shall be immune from civil liability in the provision of security services, equipment, or technology pursuant to the provisions of this act, except for actions that constitute gross negligence or willful misconduct.

REGULATIONS

6A:16-7.7. Intimidation, harassment and bullying
(c) A district board of education member, school employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official designated by the district board of education's policy, pursuant to N.J.S.A. 18A:37-15 and (a)2viii above, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning harassment, intimidation, and bullying.

1. A district board of education member or school employee who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the district board of education's policy, or to any school administrator or safe schools resource officer, and who makes the report in compliance with the district board of education's policy, is immune from a cause of action for damages arising from a failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

Community input or involvement

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.
a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.

A school district may apply to the Department of Education for a grant to be used for programs, approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only
after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.

18A:40A-11. Local boards to establish policies and procedures for evaluation, referral, and treatment of students abusing substances on school property.

Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 [18A:40A-9] of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.


a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:

   (1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;

   (2) Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse; and

   (3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school pupils, and shall maintain and continuously update a roster of individuals or groups available to assist boards of education in implementing this program and a list of State and local agencies and organizations which are approved by the Department of Health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show symptoms of substance abuse.

18A:40A-17. Outreach program.

a. Under the guidelines established by the Commissioner of Education, each local board of education shall establish an outreach program to provide substance abuse education for the parents or legal guardians of the pupils of the district. In establishing the program, the local board of education shall consult with such local organizations and agencies as are recommended by the commissioner. The board of education shall insure that the program is offered at times and places convenient to the parents of the district on school premises, or in other suitable facilities.

b. In addition to the substance abuse education program required pursuant to this section, each local board of education shall establish policies and procedures to provide assistance to parents or legal guardians who believe that their child may be involved in substance abuse. These policies and procedures shall be consistent with the policies and procedures for intervention by school personnel developed pursuant to this act.

c. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to the parents or legal guardians of all pupils attending nonpublic schools
located within the district all educational materials developed by the Commissioner of Education for the instruction of the parents or legal guardians of public school pupils on the nature and effects of substances and substance abuse. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.

Each board of education shall hold a public hearing prior to the adoption of its drug testing policy. The policy shall be in written form and shall be distributed to students and their parents or guardians at the beginning of each school year. The policy shall include, but need not be limited to, the following:

a. notice that the consent of the student and his parent or guardian for random student drug testing is required for the student to participate in extracurricular activities and to possess a school parking permit;
b. the procedures for collecting and testing specimens;
c. the manner in which students shall be randomly selected for drug testing;
d. the procedures for a student or his parent or guardian to challenge a positive test result;
e. the standards for ensuring the confidentiality of test results;
f. the specific disciplinary action to be imposed upon a student who tests positive for drug use or refuses to consent to testing;
g. the guidelines for the referral of a student who tests positive for drug use to drug counseling or rehabilitative treatment; and
h. the scope of authorized disclosure of test results.

REGULATIONS

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

1. The code of student conduct may be based on parent, student, and community involvement that represents, where possible, the composition of the school district's schools and community.

(a) Each district board of education shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, pursuant to N.J.S.A. 18A:37-15.

1. Each district board of education shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school volunteers, students, and school administrators.

(e) The district board of education shall:

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The district board of education also shall make any necessary revision(s) to its policy, consistent with N.J.S.A. 18A:37-15.c.

i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators;
4. Annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in schools of the school district.

   i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators; and

5. Submit to the executive county superintendent a copy of its approved harassment, intimidation, and bullying policy within 30 days of its adoption or revision.

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

1. Each approved PSSD shall develop the policy to include approved PSSD school grounds, pursuant to N.J.A.C. 6A:16-1.3;

   i. The policy shall include a provision for notifying the appropriate sending district board(s) of education personnel of the students involved when the approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying occurring on a sending district board of education school bus, at a sending district board of education school-sponsored function and off school grounds;

2. Each approved PSSD shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school administrators, and, as appropriate, school volunteers and students;

(e) The approved PSSD shall form a school safety/school climate team to develop, foster, and maintain a positive school climate by focusing on the on-going systemic processes and practices in the school and to address school climate issues, such as harassment, intimidation, or bullying and perform the following functions:

1. Meet two times per school year;

2. Receive any complaint(s) of harassment, intimidation, or bullying of students that has been reported to the full-time non-teaching principal;

3. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

4. Identify and address patterns of harassment, intimidation, or bullying of students in the school;

5. Review and strengthen school climate and school policies to prevent and address harassment, intimidation, or bullying of students;

6. Educate the school community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; and

7. Execute other duties related to harassment, intimidation, and bullying as requested by the full-time non-teaching principal;

(f) The school safety/school climate team shall consist of the full-time non-teaching principal, or his or her designee, and the following members appointed by the full-time non-teaching principal: a teacher in the school, the school anti-bullying specialist, a parent of a student in the school, and other members determined by the principal. The team shall be chaired by the school anti-bullying specialist.

   1. A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.
2. Other members of the school safety/school climate team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

3. The approved PSSD shall provide school safety/school climate team members with development opportunities that address effective practices of successful school climate programs or approaches.

**Other or Uncategorized**

**LAWS**

**18A:36-41. Development, distribution of guidelines concerning transgender students.**

a. The Commissioner of Education shall develop and distribute to school districts guidelines concerning transgender students. The purposes of the guidelines shall be to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

b. The guidelines developed by the commissioner shall include, but not be limited to, information and guidance regarding the following:

1. definitions of terms relevant to an understanding of transgender issues, including gender identity, gender expression, and transgender person;

2. maintaining a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition;

3. confidentiality and privacy concerns, including ensuring that school personnel do not disclose information that may reveal a student's transgender status except as allowed by law, and advising schools to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status;

4. procedures for school records, including maintaining a separate official record for each student that contains the student's legal name and biological gender and changing a student's official record upon receipt of documentation of a legal change in name or gender;

5. ensuring that a transgender student is addressed at school by the name and pronoun preferred by the student that corresponds to the student's gender identity, regardless of whether a legal name change or change in official school records has occurred;

6. issuing school documentation such as student identification cards in the name preferred by the student that corresponds to the student's gender identity, and permitting a transgender student to dress in accordance with the student's gender identity;

7. providing a transgender student with the same opportunities to participate in physical education as other students, and permitting the student to participate in physical education in accordance with the student's gender identity;

8. permitting a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;

9. use of restrooms and locker rooms, including not requiring a transgender student to use a restroom or locker room that conflicts with the student's gender identity, and providing reasonable alternative arrangements if needed to ensure a student's safety and comfort;

10. ensuring that school counselors are knowledgeable regarding issues and concerns relevant to transgender students; and
(11) permitting and supporting the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth.

c. The guidelines shall include information on organizations or other resources available to students and parents that provide support to transgender individuals.

d. The commissioner shall periodically review the guidelines developed pursuant to this section, and shall update or modify the guidelines, as appropriate, in accordance with current State or federal laws and regulations concerning the rights of transgender students.

18A:36-42. Guidance, resources provided.

The Commissioner of Education shall provide school districts with guidance and resources regarding the following:

a. providing professional development opportunities to teachers, administrators, guidance counselors, bus drivers, coaches, and other school staff regarding issues and concerns relevant to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students; and

b. making developmentally appropriate information about LGBTQ issues available in school facilities, which may include providing pamphlets or books in school libraries, counseling offices, and nurse's offices.

REGULATIONS

6A:16-1.3. Definitions.

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.


"Advanced practice nurse" means a person who holds a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in the general education program or who have been mandated for removal from general education, pursuant to N.J.A.C. 6A:16-5.5, 5.6 and, as appropriate, 5.7. The alternative education program shall provide a variety of approaches to meet the State-adopted standards, such as, through non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students in N.J.A.C. 6A:8.

"Assessment" means procedures used by school staff to make a preliminary determination of a student's need for educational programs, supportive services, or referral for outside services that extend beyond the general school program by virtue of learning, behavioral, or health difficulties of the student or the student's family.

"Asthma treatment plan" means a form approved by the Commissioner and completed by the medical home that is specifically designed to indicate differentiated symptoms and appropriate action to be taken by school staff to manage the care of a student who suffers from asthma-related illnesses pursuant to N.J.S.A. 18A:40-12.8(b). The asthma treatment plan shall serve as an accompaniment to the student's Individualized Healthcare Plan.

"Automated external defibrillator (AED)" means a medical device heart monitor and defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be
performed and upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart, pursuant to N.J.S.A. 18A:40-41a.

"Case management" means advocacy for and coordination of student services, including, but not limited to, counseling, health services, referrals to community-based agencies, and monitoring of academic progress.

"Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an educational services certificate, school nurse or school nurse/non-instructional endorsement from the Department of Education pursuant to N.J.A.C. 6A:9B-12.3 and 12.4.

"Code of student conduct" means standards, policies, and procedures established by district boards of education for positive student development and student behavioral expectations on school grounds, including on school buses or at school-sponsored functions, and, as appropriate, conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.1.

"Do Not Resuscitate order" or "DNR order" means a written directive signed by the parent or guardian of a student who, after consultation with the pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and AED to the student.

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device.

"Electronic Violence and Vandalism Reporting System" means the electronic system, or other similar system developed by the Department, used to collect information from school districts to fulfill the requirements of N.J.S.A. 18A:17-46 and 48, as amended by P.L. 2010, c. 122.

"Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services that extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.

"Expulsion" means the discontinuance of educational services or the discontinuance of payment of educational services for a student.


"General education" means the educational programs and services provided to students other than students determined to be eligible for special education and related services pursuant to N.J.A.C. 6A:14-3.5 and 3.6.

"Guided-learning experiences" mean structured learning tasks that are assigned to the student to perform without the teacher being present, aligned to the school district curriculum and New Jersey Student Learning, and designed to help the student to learn new or reinforce prior knowledge, practice skills, integrate knowledge and skills, or demonstrate mastery.

"Harassment, intimidation, or bullying" means, as set forth in N.J.S.A. 18A:37-14, any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-14 and 15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property or placing a student in reasonable fear of physical or emotional harm to his or her person or damage to his or her property; has the effect of insulting or demeaning any student.
or group of students; or creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Home instruction" means the provision of one-to-one, small-group, or online instruction in the student's place of residence or other appropriate setting due to a health condition, need for treatment, court order, or exclusion from general education for conduct or safety reasons.

"Individualized emergency healthcare plan" means a plan written by the certified school nurse that specifies the delivery of healthcare accommodations and services needed by a student in the event of an emergency.

"Individualized Program Plan" (IPP) means a written plan developed for a general education student who has been assigned by the district board of education to home instruction, an alternative education program or who is being provided other educational services either in or out of school that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25. The IPP sets forth the student's present level of performance, measurable goals and short-term objectives or benchmarks that encompass behavioral and social competency as well as curriculum, and individually designed instructional activities to achieve the goals and objectives.

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct, pursuant to N.J.A.C. 6A:16-7.2, Short-term suspensions, in which the student is informed of his or her alleged violation of the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, Code of student conduct, and the basis for the accusation. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

"Long-term suspension" means removal of a student for more than 10 consecutive school days from the general education program, or the special education program when the appropriate procedures set forth in N.J.A.C. 6A:14-2.8 have been followed, but not the cessation of the student's educational services.

"Medical home" means a health care provider, including NJ FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider's practice site chosen by the student's parent or guardian for the provision of health care.

"Medical staff" means employees of the district board of education serving as school physician, certified school nurse, noncertified nurse, advanced practice nurse, registered nurse, or licensed practical nurse.

"Medication" means a drug approved by the Federal Food and Drug Administration for preventing, caring for, and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy, or from an advanced practice nurse. Medication does not include herbal remedies.

"NJ FamilyCare" means the Federal- and State-funded health insurance program created to help qualified New Jersey residents of any age access affordable health insurance.

"Noncertified nurse" means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a district board of education or nonpublic school, and who is not certified as a school nurse by the Department of Education.

"Nursing services plan" means a plan that describes in detail the nursing services to be provided throughout the school district based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide the services.

"Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.
“Parent surrogate(s)” means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6A:32 to act on behalf of a student whose parent(s) is not available to assure the student's education rights.

“Physical examination” means the examination of the body by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse, or physician assistant. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

“Physician assistant” means a health care professional licensed to practice medicine with physician supervision.

“Referral for evaluation” means programs and services suggested to a student or his or her family to make a positive determination regarding a student's need for services that extend beyond the general school program.

“Referral for treatment” means programs and services suggested to a student or to his or her family:
1. To help implement the recommendations resulting from an evaluation pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6;
2. In response to a positive alcohol or other drug test result pursuant to N.J.A.C. 6A:16-4.4; or
3. In response to the family's request for assistance with a learning, behavior, or health difficulty pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

“School safety/school climate team” means the designated individuals collectively responsible in each school to develop, foster, and maintain a positive school environment by focusing on the ongoing systemic process and practices in the school and to address school climate issues.

“School-sponsored function” means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

“Short-term suspension” means removal of a student for one but not more than 10 consecutive school days from the general education program or the special education program, in accordance with N.J.A.C. 6A:14-2.8, but not the cessation of the student's educational services.

“Standing orders” means directives and protocols written by the school physician to carry out medical procedures for all students and staff.

“Student health record” means documented information relevant to the health of the student to manage the routine and emergency care of the student while school is in session.

“Substitute school nurse” means a person who holds a current license from the State Board of Nursing as a registered professional nurse and who has been issued a certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9B-6.5(i).

“Truancy” means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.6(a)3 and the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3.

“Universal precautions” means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens.

"Written order" means a directive and protocol written by the student’s medical home to address a healthcare need or provide a medical service for a specific student.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New Jersey provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tbody>
<tr>
<td>Attendance, Truancy &amp; Chronic Absenteeism, New Jersey Department of Education (NJDOE)</td>
<td>Addresses attendance, truancy and chronic absenteeism and provides guidance for reporting student attendance for chronic absenteeism, information and resources for prevention and remediation of attendance problems, and other related resources.</td>
<td><a href="https://www.nj.gov/education/students/safety/behavior/attendance/">https://www.nj.gov/education/students/safety/behavior/attendance/</a></td>
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<tr>
<td>Codes of Student Conduct (CSC), NJDOE</td>
<td>Provides information and links to resources on the CSC requirements and their adoption, development and implementation.</td>
<td><a href="http://www.state.nj.us/education/students/safety/behavior/codes/">http://www.state.nj.us/education/students/safety/behavior/codes/</a></td>
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<tr>
<td>Harassment, Intimidation, and Bullying (HIB), NJDOE</td>
<td>Provides information and links to resources on the implementation of the Anti-Bullying Bill of Rights Act. Provides links, resources and information to aid schools in the establishment of HIB policies, the adoption of HIB program strategies, and the implementation of proactive responses to HIB and the adoption of HIB reporting procedures.</td>
<td><a href="http://www.state.nj.us/education/students/safety/behavior/hib/">http://www.state.nj.us/education/students/safety/behavior/hib/</a></td>
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<td>Keeping Our Kids Safe, Healthy and In School, NJDOE</td>
<td>Provides information on government agencies, statutes, reports, resources, data collection, regulations, case laws, state initiatives and professional associations regarding student behavior issues, safe and positive learning environments and other areas affecting the safety and health of students.</td>
<td><a href="http://www.state.nj.us/education/students/safety">http://www.state.nj.us/education/students/safety</a></td>
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<td>Social and Emotional Learning, NJDOE</td>
<td>Provides schools and districts with resources to support social and emotional learning to enhance the building of positive school climates and the healthy development of young people.</td>
<td><a href="http://www.state.nj.us/education/students/safety/sandp/sel/">http://www.state.nj.us/education/students/safety/sandp/sel/</a></td>
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<tr>
<td>Student Suspensions, Expulsions and Due Process, NJDOE</td>
<td>Establishes standards and parameters for addressing student conduct issues and concerns that result in suspensions or expulsions.</td>
<td><a href="https://www.nj.gov/education/Students/safety/behavior/sedp/">https://www.nj.gov/education/Students/safety/behavior/sedp/</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2019), NJDOE</td>
<td>Memorandum designed to ensure cooperation between law enforcement and education officials and ultimately to protect the educational environment. All public-school districts, charter and Renaissance schools, jointure commissions, educational services commissions and approved private schools for students with disabilities are required to adopt and implement this memorandum.</td>
<td><a href="https://www.state.nj.us/education/students/safety/behavior/law/moa/EdLawMOAJanuary2019.pdf">https://www.state.nj.us/education/students/safety/behavior/law/moa/EdLawMOAJanuary2019.pdf</a></td>
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<tr>
<td>Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act (December 2011), NJDOE</td>
<td>Guidance document for schools to implement the Anti-Bullying Bill of Rights Act signed into law to strengthen procedures for preventing, reporting, investigating and responding to incidents of HIB.</td>
<td><a href="https://www.nj.gov/education/students/safety/behavior/hib/guidance.pdf">https://www.nj.gov/education/students/safety/behavior/hib/guidance.pdf</a></td>
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<td>SCTP School Climate Strategy Resource Guide (December 2018), NJDOE</td>
<td>Resource guide supports schools in exploring the most common research-based strategies used to improve school climate. The guide supports schools in assessing the quality and comprehensiveness of strategies currently in place as well as designing new interventions to address needs indicated through data collection (i.e. survey administration, focus groups, observation data). This includes strategies related to how members of the community interact, feelings of safety and school connectedness, and conditions for teaching and learning.</td>
<td><a href="https://www.state.nj.us/education/students/safety/sandp/climate/SCTP%20Strategy%20Resource.pdf">https://www.state.nj.us/education/students/safety/sandp/climate/SCTP%20Strategy%20Resource.pdf</a></td>
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<td>Title</td>
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<td>New Jersey School Climate Survey, NJDOE</td>
<td>The New Jersey School Climate Survey is a free survey tool that includes four validated questionnaires (elementary students, middle/high school students, staff and parents). School districts may use this instrument to assist in reinforcing positive conditions and addressing vulnerabilities for learning as an integral part of their continuous efforts to improve student’s education and prevent at-risk behavior.</td>
<td><a href="http://www.state.nj.us/education/students/safety/behavior/njscs/">http://www.state.nj.us/education/students/safety/behavior/njscs/</a></td>
</tr>
<tr>
<td>Student Safety and Discipline in New Jersey Schools: The Commissioner’s Annual Report to the State Legislature, NJDOE</td>
<td>Commissioner’s annual reports to the State Legislature of student safety and discipline in New Jersey schools.</td>
<td><a href="https://www.nj.gov/education/schools/vandv/">https://www.nj.gov/education/schools/vandv/</a></td>
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**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

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

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General Provisions

Authority to develop and establish rules of conduct

LAWS

22-2-1. Secretary and department; general powers.
A. The secretary is the governing authority and shall have control, management and direction of all public schools, except as otherwise provided by law.
B. The department may:
   (1) adopt, promulgate and enforce rules to exercise its authority and the authority of the secretary;
   (2) enter into contracts to carry out its duties;
   (3) apply to the district court for an injunction, writ of mandamus or other appropriate relief to enforce the provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978] or rules promulgated pursuant to the Public School Code; and
   (4) waive provisions of the Public School Code as authorized by law.

22-2-2. Department; general duties.
The department shall:
A. properly and uniformly enforce the provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978];
B. determine policy for the operation of all public schools and vocational education programs in the state, including vocational programs that are part of a juvenile construction industries initiative for juveniles who are committed to the custody of the children, youth and families department;
C. supervise all schools and school officials coming under its jurisdiction, including taking over the control and management of a public school or school district that has failed to meet requirements of law or department rules or standards, and, until such time as requirements of law, standards or rules have been met and compliance is ensured, the powers and duties of the local school board and local superintendent shall be suspended;
D. prescribe courses of instruction to be taught in all public schools in the state, requirements for graduation and standards for all public schools, for private schools seeking state accreditation and for the educational programs conducted in state institutions other than the New Mexico military institute;
E. provide technical assistance to local school boards and school districts;
F. assess and evaluate public schools for accreditation purposes to determine the adequacy of student gain in standards-required subject matter, adequacy of student activities, functional feasibility of public school and school district organization, adequacy of staff preparation and other matters bearing upon the education of the students;
G. assess and evaluate all state institutions and those private schools that desire state accreditation;
H. enforce requirements for home schools. Upon finding that a home school is not in compliance with law, the department may order that a student attend a public school or a private school;
I. require periodic reports on forms prescribed by it from all public schools and attendance reports from private schools;
J. determine the qualifications for and issue licenses to teachers, instructional support providers and school administrators according to law and according to a system of classification adopted and promulgated by rules of the department;
K. deny, suspend or revoke a license according to law for incompetency, moral turpitude or any other good and just cause;
L. approve or disapprove all rules promulgated by an association or organization attempting to regulate a public school activity and invalidate any rule in conflict with any rule promulgated by the department. The department shall require an association or organization attempting to regulate a public school activity to comply with the provisions of the Open Meetings Act [Chapter 10, Article 15 NMSA 1978] and be subject to the inspection provisions of the Public Records Act [Chapter 14, Article 3 NMSA 1978]. The department may require performance and financial audits of an association or organization attempting to regulate a public school activity. The department shall have no power or control over the rules or the bylaws governing the administration of the internal organization of the association or organization;
M. review decisions made by the governing board or officials of an organization or association regulating a public school activity, and any decision of the department shall be final in respect thereto;
N. require a public school under its jurisdiction that sponsors athletic programs involving sports to mandate that the participating student obtain catastrophic health and accident insurance coverage, such coverage to be offered through the school and issued by an insurance company duly licensed pursuant to the laws of New Mexico;
O. establish and maintain regional centers, at its discretion, for conducting cooperative services between public schools and school districts within and among those regions and for facilitating regulation and evaluation of school programs;
P. approve education curricula and programs offered in all two-year public post-secondary educational institutions, except those in Chapter 21, Article 12 NMSA 1978, that lead to alternative licenses for degreed persons pursuant to Section 22-10A-8 NMSA 1978 or licensure for educational assistants;
Q. withhold program approval from a college of education or teacher preparation program that fails to offer a course on teaching reading that:
   (1) is based upon current scientifically based reading research;
   (2) aligns with department-adopted reading standards;
   (3) includes strategies and assessment measures to ensure that beginning teachers are proficient in teaching reading; and
   (4) was designed after seeking input from experts in the education field;
R. annually, prior to December 1, prepare and publish a report on public and private education in the state and distribute the report to the governor and the legislature;
S. solicit input from local school boards and school districts in the formulation and implementation of department rules; and
T. report to the legislature or any of its committees as requested and report findings of any educational research study made with public money to the legislature through its appropriate interim or standing committees.

22-5-4.3. School discipline policies; students may self-administer certain medications.
A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school.
attendance areas within each school district or on a district-wide basis for those school districts that have no high school.

B. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

C. An individual school within a school district may establish a school discipline policy, provided that parents, school personnel and students are involved in its development and a public hearing is held in the school prior to its adoption. If an individual school adopts a discipline policy in addition to the local school board's school district discipline policy, it shall submit its policy to the local school board for approval.

D. No school employee who in good faith reports any known or suspected violation of the school discipline policy or in good faith attempts to enforce the policy shall be held liable for any civil damages as a result of such report or of the employee's efforts to enforce any part of the policy.

E. All public school and school district discipline policies shall allow students to carry and self-administer asthma medication and emergency anaphylaxis medication that has been legally prescribed to the student by a licensed health care provider under the following conditions:

1. the health care provider has instructed the student in the correct and responsible use of the medication;
2. the student has demonstrated to the health care provider and the school nurse or other school official the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;
3. the health care provider formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours or school-sponsored activities, including transit to or from school or school-sponsored activities; and
4. the student's parent has completed and submitted to the school any written documentation required by the school or the school district, including the treatment plan required in Paragraph (3) of this subsection and other documents related to liability.

F. The parent of a student who is allowed to carry and self-administer asthma medication and emergency anaphylaxis medication may provide the school with backup medication that shall be kept in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

G. Authorized school personnel who in good faith provide a person with backup medication as provided in this section shall not be held liable for civil damages as a result of providing the medication.

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:
1. establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
2. provides for early identification of chronically absent and excessively absent students;
3. employs an attendance improvement plan that focuses on:
   a. keeping students in an educational setting;
   b. prohibiting out-of-school suspension or expulsion as the punishment for absences;
   c. assisting a student’s family to remove barriers to the student’s regular school attendance or attendance in another educational setting; and
   d. providing additional educational opportunities to students who are struggling with attendance;
(4) limits the ability of a student to withdraw to only after all intervention efforts by the public school or the children, youth and families department to keep the student in an educational setting have been exhausted;

(5) requires that accurate class attendance be taken for every instructional class and school day in a public school or school program;

(6) provides that a public school shall differentiate between different types of absences;

(7) requires a public school to document the following for each chronically or excessively absent student:

(a) attempts by the public school to notify a parent that the student was absent from class or the school day;

(b) attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to improve the student’s attendance behavior and discuss necessary interventions for the student or the student’s family; and

(c) intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student;

(8) requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy or parenting to communicate the student’s status to the appropriate school personnel and to provide required documentation; and

(9) encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school’s attendance improvement plan.

B. Local school boards shall review and approve their public school attendance policies.

C. School districts shall report absences, chronic absences and excessive absences data to the department at each reporting date and the end of the school year and shall document intervention efforts made to keep students in an educational setting. The department shall compile school district reports as provided in Section 13 of the Attendance for Success Act and require school districts to certify that the information is being reported consistently and correctly. The department shall share information from state-chartered charter schools with the commission.

D. A public school shall provide a copy of the public school’s attendance policy to all parents of students in that school and publish the policy on the public school’s website. The attendance policy shall include:

(1) the rights and obligations of parents and students pursuant to the Attendance for Success Act;

(2) the prevention strategies that will be implemented to ensure that students attend classes; and

(3) details about consequences of failing to adhere to the attendance policy.

E. A public school shall provide a parent, within five days of the parent’s written request, with access to the attendance data of that parent’s child, including information about any intervention strategies that have been employed to help the student improve the student’s attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools.

22-35-3. Bullying prevention policies; adoption and enforcement.

A. By January 1, 2020, each local school board shall adopt and enforce policies to:

(1) prevent bullying:

(a) on its property, including electronic communication on or with the use of its property;
(b) at sponsored functions; and
(c) on its to-and-from-school transportation or any school-sponsored transportation; and
(2) prohibit electronic communication directed at a student, that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities or privileges provided by the public school.

REGULATIONS

6.11.2.8 General provisions.
A. Jurisdiction over students. All officials, employees and authorized agents of the public schools whose responsibilities include supervision of students shall have comprehensive authority within constitutional bounds to maintain order and discipline in school. In exercising this authority, such officials, employees and authorized agents of the public schools may exercise such powers of control, supervision, and correction over students as may be reasonably necessary to enable them to properly perform their duties and accomplish the purposes of education. This authority applies whenever students are lawfully subject to the schools' control, regardless of place. During such periods, public school authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the schools' authority. The foregoing is intended to reflect the common law regarding the rights, duties and liabilities of public school authorities in supervising, controlling and disciplining students. Nothing herein shall be construed as enlarging the liability of public school authorities beyond that imposed by statute, common law or public education department rule.

B. School authority over non-students. In furtherance of the state's compelling interest in the orderly operation of the public schools and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.

(1) On school property: Local school boards may prohibit entry to and provide for the removal from any public school building or grounds of any person who refuses to identify him/herself and state a lawful purpose for entering. Any person who refuses may be removed by school authorities, who may use reasonable physical force to accomplish the removal. Alternately, a person who refuses and who then refuses a lawful request to leave school premises may be subject to arrest by law officers for criminal offenses including but not limited to criminal trespass, interference with the educational process or disorderly conduct. A person who does identify him/herself and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in activities prohibited by this rule. The person may also be subject to arrest by law officers if (s)he is committing any crime.

(2) Off school property: Public school authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near schools or school-sponsored activities may constitute a criminal offense, including the crimes of interference with the educational process, disorderly conduct or criminal trespass (after refusing a lawful request to leave), school authorities may request law enforcement agencies to arrest the offenders.

C. Statement of policy. A primary responsibility of the New Mexico public schools and their professional staffs shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual or group and the legal processes whereby necessary changes are effected.

(1) The school is a community and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each carries with it a corresponding obligation.
(2) The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes.

(3) Teachers, administrators and other school employees also have rights and duties. Teachers are required by law to maintain a suitable environment for teaching in their classes and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and facilitating the educational program by ensuring an orderly, safe environment in the public schools. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed.

(4) Nothing in this rule shall be held to affect the due process rights of school employees or their use of any local school district grievance procedure. This rule does not address employment disputes.

D. Local school board authority: Local school boards have both the authority and the responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established within their school districts. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, and subject to the minimums prescribed in this rule, local boards have discretion to develop such rules, regulations, policies and procedures as they deem appropriate to local conditions, including policies which afford students more protection than the minimums established here. Local school boards and administrative authorities which deem it appropriate may provide for student, community or appropriate state and local agency participation in the formulation and enforcement of school rules.

E. Severability: Any part of this rule found by adjudication before a competent tribunal to be contrary to law shall be stricken without effect to the remainder.

Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

B. Each school district and state-chartered charter school shall detail the prohibited acts and activities under the policy, and shall establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.

C. The policy shall provide that no school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.

D. Each school district and state-chartered charter school shall develop and implement a procedure for effectively communicating the policy to students, their parents and families, school personnel, visitors on school premises, and to local residents, groups, businesses and organizations served by the school.

E. Each school district and state-chartered charter school shall post conspicuous notices on all school premises prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs, in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

A. By January 1, 2020, each local school board or governing body shall adopt and enforce policies to:

(1) prevent bullying and cyberbullying:

(a) on its property, including electronic communication on or with the use of its property;
(b) at school or district-sponsored events; and
(c) on any school-sponsored transportation; and
(2) prohibit electronic communication directed at a student that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the public school.

B. Each local school board and governing body shall control the content of its policy, provided that the policy includes:

(1) the definitions as set forth in this rule;
(2) a statement prohibiting bullying;
(3) a statement prohibiting retaliation against persons who report or witness incidents of bullying;
(4) a list of consequences, exclusive of suspension and expulsion, that can result from an incident of bullying, and with consequences that are designed to:
   (a) appropriately correct the bullying behavior;
   (b) prevent another occurrence of bullying or retaliation;
   (c) protect the target of the bullying;
   (d) be flexible so that, in application, the consequences can vary in method and severity based on:
      (i) the nature of the incident;
      (ii) the developmental age and/or cognitive level of the student who is bullying; and
      (iii) historical problem behavior from the student who is bullying; and
   (e) limit the restrictive nature of consequences for cyberbullying incidents, such that while correcting cyberbullying behavior and preventing further incidents of cyberbullying, a student with cyberbullying behavior is able to participate in or benefit from the services, activities, or privileges provided by the school to the greatest extent possible;
(5) a procedure for reporting bullying and for reporting retaliation for reporting an act of bullying, including:
   (a) an allowance for reporting orally and in the preferred language of the person reporting;
   (b) a method for anonymous reporting; provided that no formal disciplinary measures shall be taken solely on the basis of an anonymous report of an actual bullying incident; and
   (c) a method for parents to file written reports of suspected bullying; and
(6) a procedure for prompt investigation of reports of violations of the bullying prevention policy and of complaints of bullying or retaliation, including:
   (a) designation of a school or district administrator who has the responsibility to:
      (i) investigate or supervise the investigation of all reports of bullying and
      (ii) to ensure that investigations are completed promptly after the receipt of any report made under this rule;
   (b) a procedure for notification of the parents of the student alleged to have committed an act of bullying and the parents of the student targeted by the alleged act; provided that if, in the administrator's professional opinion, notifying the parents would endanger the health or well-being of a student, the administrator may delay such notification as appropriate;
   (c) a requirement that school employees who witness bullying or who receive reports of bullying notify the designated administrator within two calendar days of the employee witnessing or receiving a report of bullying;
(d) an appeal process for a student who is accused of bullying or who is the target of bullying and who is unsatisfied with the outcome of the initial investigation; and

(e) development of a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying.

C. Each local school board and governing body shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages in any school district in which a substantial portion of the student population speaks a language other than English at home.

D. Each public school shall document reports and investigations of bullying and shall maintain those records for no less than four years.

E. Each local school board or governing body shall establish procedures for public schools to report the number of bullying incidents and the number of harassment incidents, as defined by federal or state law, along with responses to these incidents, and shall report this information annually to the department at such time as determined by the department and through the department's student teacher accountability reporting or through other means as determined by the department.

6.11.2.9. Rules of conduct for New Mexico public schools.

The acts specified in Subsection A. of 6.11.2.9 NMAC below are prohibited in all the public schools of New Mexico. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, local school boards have discretion to develop rules of conduct governing all others area of student and school activity.

A. Prohibited activities: The commission of or participation in the activities designated below is prohibited in all New Mexico public schools and is prohibited for students whenever they are subject to school control. Acts prohibited by this rule:

(1) criminal or delinquent acts;
(2) gang related activity;
(3) sexual harassment;
(4) disruptive conduct;
(5) refusal to identify self; and
(6) refusal to cooperate with school personnel.

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to:

(1) school attendance;
(2) use of and access to the public schools, including:
   (a) restrictions on vehicular traffic on school property,
   (b) prohibition of or conditions on the presence of non-school persons on school grounds or in school buildings while school is in session; and
   (c) reasonable standards of conduct for all persons attending school- sponsored activities or other activities on school property;
(3) students' dress and personal appearance;
(4) use of controlled substances, alcohol and tobacco in the public schools;
(5) speech and assembly within the public schools;
(6) publications distributed in the public schools;
(7) the existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
(8) by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;
(9) the discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

Scope

LAWS

As used in the School Alcohol-Free Zone Act:

A. "alcoholic beverage" means a beverage with no less than one-half percent alcohol and includes wine, beer, fermented, distilled, rectified and fortified beverages; and

B. "school grounds" means public elementary and secondary schools, including charter schools and facilities owned or leased by the school district in or on which public school-related and sanctioned activities are performed, but does not include other commercial properties owned by a school district but not related to the functions of a public school. "School grounds" includes the buildings, playing fields, parking lots and other facilities located on a school's premises.

REGULATIONS

6.11.2.7. Definitions.
Q. "Public school" means the campus of and any building, facility, vehicle or other item of property owned, operated, controlled by or in the possession of a local school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.

6.11.2.8 General provisions.
A. Jurisdiction over students. All officials, employees and authorized agents of the public schools whose responsibilities include supervision of students shall have comprehensive authority within constitutional bounds to maintain order and discipline in school. In exercising this authority, such officials, employees and authorized agents of the public schools may exercise such powers of control, supervision, and correction over students as may be reasonably necessary to enable them to properly perform their duties and accomplish the purposes of education. This authority applies whenever students are lawfully subject to the schools' control, regardless of place. During such periods, public school authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the schools' authority. The foregoing is intended to reflect the common law regarding the rights, duties and liabilities of public school authorities in supervising, controlling and disciplining students. Nothing herein shall be construed as enlarging the liability of public school authorities beyond that imposed by statute, common law or public education department rule.
B. School authority over non-students. In furtherance of the state’s compelling interest in the orderly operation of the public schools and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.

(1) On school property: Local school boards may prohibit entry to and provide for the removal from any public school building or grounds of any person who refuses to identify him/herself and state a lawful purpose for entering. Any person who refuses may be removed by school authorities, who may use reasonable physical force to accomplish the removal. Alternately, a person who refuses and who then refuses a lawful request to leave school premises may be subject to arrest by law officers for criminal offenses including but not limited to criminal trespass, interference with the educational process or disorderly conduct. A person who does identify him/herself and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in activities prohibited by this rule. The person may also be subject to arrest by law officers if (s)he is committing any crime.

(2) Off school property: Public school authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near schools or school-sponsored activities may constitute a criminal offense, including the crimes of interference with the educational process, disorderly conduct or criminal trespass (after refusing a lawful request to leave), school authorities may request law enforcement agencies to arrest the offenders.

6.11.2.9. Rules of conduct for New Mexico public schools.

The acts specified in Subsection A. of 6.11.2.9 NMAC below are prohibited in all the public schools of New Mexico. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, local school boards have discretion to develop rules of conduct governing all others area of student and school activity.

A. Prohibited activities: The commission of or participation in the activities designated below is prohibited in all New Mexico public schools and is prohibited for students whenever they are subject to school control. Acts prohibited by this rule:

(1) criminal or delinquent acts;
(2) gang related activity;
(3) sexual harassment;
(4) disruptive conduct;
(5) refusal to identify self; and
(6) refusal to cooperate with school personnel.

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to:

(1) school attendance;
(2) use of and access to the public schools, including:
(a) restrictions on vehicular traffic on school property,
(b) prohibition of or conditions on the presence of non-school persons on school grounds or in school buildings while school is in session; and
(c) reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;
(3) students' dress and personal appearance;
(4) use of controlled substances, alcohol and tobacco in the public schools;
(5) speech and assembly within the public schools;
(6) publications distributed in the public schools;
(7) the existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
(8) by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;
(9) the discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.
B. Each school district and state-chartered charter school shall detail the prohibited acts and activities under the policy, and shall establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.
C. The policy shall provide that no school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.
D. Each school district and state-chartered charter school shall develop and implement a procedure for effectively communicating the policy to students, their parents and families, school personnel, visitors on school premises, and to local residents, groups, businesses and organizations served by the school.
E. Each school district and state-chartered charter school shall post conspicuous notices on all school premises prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs, in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

Communication of policy

LAWS

A school shall conspicuously post notices on school grounds stating that possession and consumption of alcoholic beverages is prohibited on school grounds.

22-12A-6. Public school attendance policies; reporting.
D. A public school shall provide a copy of the public school’s attendance policy to all parents of students in that school and publish the policy on the public school’s website. The attendance policy shall include:
   (1) the rights and obligations of parents and students pursuant to the Attendance for Success Act;
   (2) the prevention strategies that will be implemented to ensure that students attend classes; and
(3) details about consequences of failing to adhere to the attendance policy.

22-35-3. Bullying prevention policies; adoption and enforcement.

C. Each local school board shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages for any school district in which a substantial portion of the student population speaks a language other than English at home.

22-35-4. Bullying prevention programs establishment.

B. Each school district and public school shall develop a plan for the way in which the policy is to be publicized, including:

(1) making each school district's anti-bullying policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on public websites;

(2) identifying a point of contact for bullying-related concerns; and

(3) informing parents and students about the policy at least annually through student handbooks and other resources.

REGULATIONS


Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

B. Each school district and state-chartered charter school shall detail the prohibited acts and activities under the policy, and shall establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.

C. The policy shall provide that no school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.

D. Each school district and state-chartered charter school shall develop and implement a procedure for effectively communicating the policy to students, their parents and families, school personnel, visitors on school premises, and to local residents, groups, businesses and organizations served by the school.

E. Each school district and state-chartered charter school shall post conspicuous notices on all school premises prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs, in school buildings, on school premises and by students at school-sponsored activities away from school grounds.


A. By January 1, 2020, each local school board or governing body shall adopt and enforce policies to:

(1) prevent bullying and cyberbullying:

(a) on its property, including electronic communication on or with the use of its property;

(b) at school or district-sponsored events; and

(c) on any school-sponsored transportation; and
(2) prohibit electronic communication directed at a student that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the public school.

B. Each local school board and governing body shall control the content of its policy, provided that the policy includes:

(1) the definitions as set forth in this rule;
(2) a statement prohibiting bullying;
(3) a statement prohibiting retaliation against persons who report or witness incidents of bullying;
(4) a list of consequences, exclusive of suspension and expulsion, that can result from an incident of bullying, and with consequences that are designed to:
   (a) appropriately correct the bullying behavior;
   (b) prevent another occurrence of bullying or retaliation;
   (c) protect the target of the bullying;
   (d) be flexible so that, in application, the consequences can vary in method and severity based on:
      (i) the nature of the incident;
      (ii) the developmental age and/or cognitive level of the student who is bullying; and
      (iii) historical problem behavior from the student who is bullying; and
   (e) limit the restrictive nature of consequences for cyberbullying incidents, such that while correcting cyberbullying behavior and preventing further incidents of cyberbullying, a student with cyberbullying behavior is able to participate in or benefit from the services, activities, or privileges provided by the school to the greatest extent possible;
(5) a procedure for reporting bullying and for reporting retaliation for reporting an act of bullying, including:
   (a) an allowance for reporting orally and in the preferred language of the person reporting;
   (b) a method for anonymous reporting; provided that no formal disciplinary measures shall be taken solely on the basis of an anonymous report of an actual bullying incident; and
   (c) a method for parents to file written reports of suspected bullying; and
(6) a procedure for prompt investigation of reports of violations of the bullying prevention policy and of complaints of bullying or retaliation, including:
   (a) designation of a school or district administrator who has the responsibility to:
      (i) investigate or supervise the investigation of all reports of bullying and
      (ii) to ensure that investigations are completed promptly after the receipt of any report made under this rule;
   (b) a procedure for notification of the parents of the student alleged to have committed an act of bullying and the parents of the student targeted by the alleged act; provided that if, in the administrator's professional opinion, notifying the parents would endanger the health or well-being of a student, the administrator may delay such notification as appropriate;
   (c) a requirement that school employees who witness bullying or who receive reports of bullying notify the designated administrator within two calendar days of the employee witnessing or receiving a report of bullying;
   (d) an appeal process for a student who is accused of bullying or who is the target of bullying and who is unsatisfied with the outcome of the initial investigation; and
(e) development of a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying.

C. Each local school board and governing body shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages in any school district in which a substantial portion of the student population speaks a language other than English at home.

D. Each public school shall document reports and investigations of bullying and shall maintain those records for no less than four years.

E. Each local school board or governing body shall establish procedures for public schools to report the number of bullying incidents and the number of harassment incidents, as defined by federal or state law, along with responses to these incidents, and shall report this information annually to the department at such time as determined by the department and through the department's student teacher accountability reporting or through other means as determined by the department.


A. Following adoption of a bullying prevention policy, each public school shall:

(1) establish an annual bullying prevention program for students aligned with New Mexico's health education content standards with benchmarks and performance standards;

(2) provide annual training beginning with the 2020-2021 school year and each school year thereafter on bullying prevention to all school personnel and regular volunteers who have significant contact with students; and

(3) incorporate information on the bullying prevention policy into new employee training.

B. Each school district and public school shall develop a plan for the way in which the policy is to be publicized, including:

(1) making each school district's bullying prevention policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on district and/or school public websites;

(2) identifying a point of contact for bullying-related concerns; and

(3) informing parents and students about the policy at least annually through student handbooks and other resources.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS

6.11.2.7. Definitions.
A. "Administrative authority" means the local school district superintendent, a principal or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may include school security officers, but only to the extent of their authority as established under written local school board policies.
E. "Disciplinarian" means a person or group authorized to impose punishment after the facts have been determined by a hearing authority.
F. "Disruptive conduct" means willful conduct which:
   (1) materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
   (2) leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.
J. "Immediate removal" means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing.
R. "Refusal to cooperate with school personnel" means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.
X. "School personnel" means all members of the staff, faculty and administration employed by the local school board. The term includes school security officers, school bus drivers and their aides, and also authorized agents of the schools, such as volunteers or chaperons, whose responsibilities include supervision of students.
Y. "Student" means a person who is enrolled in one or more classes at a public school or a person who was a student during the previous school year and is participating in a school sponsored activity connected with his or her prior status as a student.
AA. "Temporary suspension" means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

The authority of the state and of local school boards to prescribe and enforce standards of conduct for public school students must be exercised consistently with constitutional safeguards of individual student rights. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violations of school rules. But it is a property right which may only be denied where school authorities have adhered to the minimum procedural safeguards required to afford the student due process of law. This section prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools. Local school boards may adopt procedures which afford students more protection than this rule requires. The procedures in this section apply only to disciplinary detentions, suspensions and expulsions. […]

A. Post-suspension placement of students. Any student suspended from school shall be delivered directly by a school official to the student's parent(s), legal guardian or an adult designated by the parent(s) or the legal guardian, or kept on school grounds until the usual end of the school day.

B. Students with disabilities. This section does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504. The procedures for long-term suspension or expulsion of disabled students are set forth in Section 6.11.2.11 NMAC above. School personnel under this section may remove a student with a disability who violates a rule of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Subsection G of 6.11.2.11 NMAC.)

C. Immediate removal: Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school, subject to the following rules.

   (1) A rudimentary hearing, as required for temporary suspensions, shall follow as soon as possible.

   (2) Students shall be reinstated after no more than one school day unless within that time a temporary suspension is also imposed after the required rudimentary hearing. In such circumstances, a single hearing will support both the immediate removal and a temporary suspension imposed in connection with the same incident(s).

   (3) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent's address of record.

D. Temporary suspension.

   (1) A local school board may limit temporary suspensions to periods shorter than ten (10) school days.

   (2) A student facing temporary suspension shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply.

      (a) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.

      (b) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.

      (c) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then
be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)He is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.

(d) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.

(e) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's address of record.

E. In-school suspension.

(1) In-school suspension may be imposed with or without further restriction of student privileges. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. Student privileges, however, may be restricted for longer than ten (10) school days.

(2) In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as set forth above. A local school board may limit the length of in-school suspensions which may be accomplished under temporary suspension procedures. No in-school suspension student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.

F. Detention.

(1) Detention may be imposed in connection with in-school suspension, but is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.

(2) The authority of the schools to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours as a disciplinary measure. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension.

G. Long-term suspension and expulsion.

(1) Each local school board shall authorize appropriate administrative authorities to initiate procedures leading to long-term suspension or expulsion. Where prompt action to suspend a student long-term is deemed appropriate, a temporary suspension may be imposed while the procedures for long-term suspension or expulsion are activated. However, where a decision following the required formal hearing is delayed beyond the end of the temporary suspension, the student must be returned to school pending the final outcome unless the provisions of Subsection G, Paragraph (4), Subparagraphs (j) and (k) of Section 6.11.2.12 NMAC below apply.

(2) A student who has been validly expelled or suspended is not entitled to receive any educational services from the local district during the period of the exclusion from school. A local school board may provide alternative arrangements, including correspondence courses at the student's or parent's expense pursuant to public education department requirements, if the board deems such arrangements appropriate.

(3) Each local school board shall establish, or shall authorize appropriate administrative authorities to establish, appropriate processes for handling long-term suspensions and expulsions. Unless the terms expressly indicate otherwise, nothing in the procedures below shall be construed as directing that any
required decision be made by any particular person or body or at any particular level of administrative organization.

(4) The following rules shall govern the imposition of long-term suspensions or expulsions:

(a) Hearing authority; disciplinarian. The same person or group may, but need not, perform the functions of both hearing authority and disciplinarian. Where the functions are divided, the hearing authority's determination of the facts is conclusive on the disciplinarian, but the disciplinarian may reject any punishment recommended by the hearing authority.

(b) Review authority. Unless the local school board provides otherwise, a review authority shall have discretion to modify or overrule the disciplinarian's decision, but may not impose a harsher punishment. A review authority shall be bound by a hearing authority's factual determinations except as provided in Subsection G, Paragraph (4), Subparagraph (o) of Section 6.11.2.12 NMAC below.

(c) Disqualification. No person shall act as hearing authority, disciplinarian or review authority in a case where (s)he was directly involved in or witnessed the incident(s) in question, or if (s)he has prejudged disputed facts or is biased for or against any person who will actively participate in the proceedings.

(d) Local board participation. A local board may act as hearing authority, disciplinarian or review authority for any cases involving proposed long-term suspensions or expulsions. Whenever a quorum of the local board acts in any such capacity, however, the Open Meetings Act, Section 10-15-1 et seq., NMSA 1978, requires a public meeting.

(e) Initiation of procedures. An authorized administrative authority shall initiate procedures for long-term suspension or expulsion of a student by designating a hearing authority and disciplinarian in accordance with local board policies, scheduling a formal hearing in consultation with the hearing authority and preparing and serving a written notice meeting the requirements of Subsection G, Paragraph (4), Subparagraph (h) of Section 6.11.2.12 NMAC below.

(f) Service of notice. The written notice shall be addressed to the student, through his or her parent(s), and shall be served upon the parent(s) personally or by mail.

(g) Timing of hearing. The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parent(s). The hearing authority may grant or deny a request to delay the hearing in accordance with the provisions of Subsection G, Paragraph (4), Subparagraph (i) of Section 6.11.2.12 NMAC below.

(h) Contents of notice. The written notice must contain all of the following information, parts of which may be covered by appropriate reference to copies of any policies or regulations furnished with the notice:

(i) the school rule(s) alleged to have been violated, a concise statement of the alleged act(s) of the student on which the charge(s) are based and a statement of the possible penalty;

(ii) the date, time and place of the hearing, and a statement that both the student and parent are entitled and urged to be present;

(iii) a clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty, and a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default;

(iv) a statement that the student has the right to be represented at the hearing by legal counsel, a parent or some other representative designated in a written notice filed at least seventy-two (72) hours before the hearing with the contact person named pursuant to Subsection G, Paragraph (4), Subparagraph (h), Sub-subparagraph (vi) of Section 6.11.2.12 NMAC below;
(v) a description of the procedures governing the hearing;
(vi) the name, business address and telephone number of a contact person through whom the
student, parent or designated representative may request a delay or seek further information,
including access to any documentary evidence or exhibits which the school proposes to introduce at
the hearing; and
(vii) any other information, materials or instructions deemed appropriate by the administrative
authority who prepares the notice.

(i) Delay of hearing. The hearing authority shall have discretion to grant or deny a request by the
student or the appropriate administrative authority to postpone the hearing. Such discretion may be
limited or guided by local school board policies not otherwise inconsistent with this rule.

(j) Students status pending hearing. Where a student has been suspended temporarily and a formal
hearing on long-term suspension or expulsion will not occur until after the temporary suspension has
expired, the student shall be returned to school at the end of the temporary suspension unless:

   (i) the provisions of Subsection G, Paragraph (4), Subparagraph (k) of Section 6.11.2.12 NMAC
       below apply, or
   (ii) the student and parent(s) have knowingly and voluntarily waived the students right to return to
        school pending the outcome of the formal proceedings, or
   (iii) the appropriate administrative authority has conducted an interim hearing pursuant to a written
        local school board policy made available to the student which affords further due process protection
        sufficient to support the student's continued exclusion pending the outcome of the formal
        procedures.

(k) Waiver of hearing; voluntary compliance or negotiated penalty. A student and his or her parent(s)
may elect to waive the formal hearing and review procedures and comply voluntarily with the
proposed penalty, or may waive the hearing and review and negotiate a mutually acceptable penalty
with the designated disciplinarian. Such a waiver and compliance agreement shall be made
voluntarily, with knowledge of the rights being relinquished, and shall be evidenced by a written
document signed by the student, the parent(s), and the appropriate school official.

(l) Procedure for hearing and decision. The formal hearing is not a trial. It is an adminis-
trative hearing
designed to ensure a calm, orderly determination by an impartial hearing authority of the facts of a
case of alleged serious misconduct. Technical rules of evidence and procedure do not apply. The
following-rules govern the conduct of the hearing and the ultimate decision.

   (i) The school shall have the burden of proof of misconduct.
   (ii) The student and his or her parent shall have the following rights: The right to be represented by
        legal counsel or other designated representative, however, the school is not required to provide
        representation; the right to present evidence, subject to reasonable requirements of substantiation
        at the discretion of the hearing authority and subject to exclusion of evidence deemed irrelevant or
        redundant; the right to confront and cross-examine adverse witnesses, subject to reasonable
        limitation by the hearing authority; the right to have a decision based solely on the evidence
        presented at the hearing and the applicable legal rules, including the governing rules of student
        conduct.
   (iii) The hearing authority shall determine whether the alleged act(s) of misconduct have been
        proved by a preponderance of the evidence presented at a hearing at which the student or a
        designated representative has appeared.
   (iv) If no one has appeared on the student’s behalf within a reasonable time after the announced
time for the hearing, the hearing authority shall determine whether the student, through the parent,
received notice of the hearing. If so, the hearing authority shall review the schools’ evidence to
determine whether it is sufficient to support the charges(s) of misconduct.

(v) A hearing authority who is also a disciplinarian shall impose an appropriate sanction if (s)he
finds that the allegations of misconduct have been proved under the standards of either Subsection
G, Paragraph (4), Subparagraph (l), Sub-subparagraph (iii) or Sub-subparagraph (iv) of Section
6.11.2.12 NMAC above. A hearing authority who is not a disciplinarian shall report its findings,
together with any recommended sanction, to the disciplinarian promptly after the hearing.

(vi) Arrangements to make a tape recording or keep minutes of the proceedings shall be made by
the administrative authority who scheduled the hearing and prepared the written notice. A verbatim
written transcript is not required, but any minutes or other written record shall fairly reflect the
substance of the evidence presented.

(vii) The hearing authority may announce a decision on the question of whether the allegation(s) of
misconduct have been proved at the close of the hearing. A hearing authority who is also a
disciplinarian may also impose a penalty at the close of the hearing.

(viii) In any event, the hearing authority shall prepare and mail or deliver to the student, through the
parent, a written decision within five (5) working days after the hearing. The decision shall include a
concise summary of the evidence upon which the hearing authority based its factual determinations.
A hearing authority who is also a disciplinarian shall include in the report a statement of the penalty,
if any, to be imposed, and shall state reasons for the chosen penalty. A hearing authority who is not
a disciplinarian shall forward a copy of his or her written decision to the disciplinarian forthwith. The
disciplinarian shall prepare a written decision, including reasons for choosing any penalty imposed,
and mail or deliver it to the student, through the parent, within five (5) working days of receipt of the
hearing authority's report.

(ix) A disciplinarian who is not a hearing authority may observe but not participate in the
proceedings at a formal hearing. If the disciplinarian has done so and if the hearing authority
announces a decision at the close of the hearing, the disciplinarian may also announce his or her
decision at that time.

(x) The disciplinarian’s decision shall take effect immediately upon initial notification to the parent,
either at the close of the hearing or upon receipt of the written decision. If initial notification is by
mail, the parent shall be presumed to have received the notice on the fifth calendar day after the
date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.

(m) Effect of decision. If the hearing authority decides that no allegation(s) of misconduct have been
proved, or if the disciplinarian declines to impose a penalty despite a finding that an act or acts of
misconduct have been proved, the matter shall be closed. If the disciplinarian imposes any sanction
on the student, the decision shall take effect immediately upon notification to the parent and shall
continue in force during any subsequent review.

(n) Right of review. Unless the local school board was the disciplinarian, a student aggrieved by a
disciplinarian’s decision after a formal hearing shall have the right to have the decision reviewed if the
penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school
suspension exceeding one school semester or a denial or restriction of student privileges for one
semester or longer. A local school board may grant a right of review for less severe penalties. Local
school boards shall establish appropriate mechanisms for review except where the local board was
the disciplinarian, in which case its decision is final and not reviewable administratively. A student
request for review must be submitted to the review authority within ten (10) school days after the
student is informed of the disciplinarian's decision.

(o) Conduct of review. Unless the local board provides otherwise, a review authority shall have
discretion to modify the disciplinarian’s decision, including imposing any lesser sanction deemed
appropriate. A review authority shall be bound by the hearing authority's factual determinations unless the student persuades the review authority that a finding of fact was arbitrary, capricious or unsupported by substantial evidence or that new evidence which has come to light since the hearing and which could not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the review authority shall have discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a de novo hearing. In the absence of any such finding, the review shall be limited to an inquiry into the appropriateness of the penalty imposed.

(p) Form of review. Unless the local board provides otherwise, a review authority shall have discretion to conduct a review on the written record of the hearing and decision in the case, to limit new submissions by the aggrieved student and school authorities to written materials or to grant a conference or hearing at which the student and his or her representative, and school authorities may present their respective views in person. Where a conference or hearing is granted, the record-keeping requirements of Subsection G., Paragraph (4), Sub-paragraph (l), Sub-paragraph (vi) of Section 6.11.2.12 NMAC above apply.

(q) Timing of review. Except in extraordinary circumstances, a review shall be concluded no later than fifteen (15) working days after a student's written request for review is received by the appropriate administrative authority.

(r) Decision. A review authority may announce a decision at the close of any conference or hearing held on review. In any event, the review authority shall prepare a written decision, including concise reasons, and mail or deliver it to the disciplinarian, the hearing authority and the student, through the parent, within ten (10) working days after the review is concluded.

(s) Effect of decision. Unless the local school board provides otherwise, a review authority's decision shall be the final administrative action to which a student is entitled.

Alternatives to suspension

LAWS


G. “progressive discipline” means disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior, and may include:

(1) meeting with the student and the student's parents;
(2) reflective activities, such as requiring the student to write an essay about the student's misbehavior;
(3) counseling;
(4) anger management;
(5) health counseling or intervention;
(6) mental health counseling;
(7) participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
(8) community service; and
(9) in-school detention or suspension, which may take place during lunchtime, after school or during weekends; and
22-35-3. Bullying prevention policies; adoption and enforcement.

B. Each local school board shall control the content of its policy; provided that the policy includes:

(4) a list of consequences, including progressive discipline approaches that can result from an identified incident of bullying that are designed to:

(a) appropriately correct the bullying behavior;
(b) prevent another occurrence of bullying or retaliation;
(c) protect the target of the bullying;
(d) be flexible so that, in application, the consequences can be unique to the individual incident and varied in method and severity based on: 1) the nature of the incident; 2) the developmental age of the student who is bullying; and 3) any history of problem behavior from the student who is bullying; and
(e) for cyberbullying incidents, use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the school;

REGULATIONS

6.11.2.7. Definitions.

D. “Detention” means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.

K. “In-school suspension” means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.


The authority of the state and of local school boards to prescribe and enforce standards of conduct for public school students must be exercised consistently with constitutional safeguards of individual student rights

E. In-school suspension.

(1) In-school suspension may be imposed with or without further restriction of student privileges. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. Student privileges, however, may be restricted for longer than ten (10) school days.

(2) In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as set forth above. A local school board may limit the length of in-school suspensions which may be accomplished under temporary suspension procedures. No in-school suspension student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.

F. Detention.

(1) Detention may be imposed in connection with in-school suspension, but is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.

(2) The authority of the schools to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours as a disciplinary measure. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension.
Use of corporal punishment

LAWS

22-5-4.3. School discipline policies; students may self-administer certain medications.
B. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

REGULATIONS

6.11.2.10 Enforcing rules of conduct.
F. Corporal punishment: Corporal punishment shall be prohibited by each local school board and each governing body of a charter school pursuant to Subsection B of Section 22-5-4.3 NMSA 1978. Restraint or seclusion techniques used in compliance with Subsection E of 6.11.2.10 NMAC shall not be deemed to be corporal punishment.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

6.11.2.10. Enforcing rules of conduct.
B. Search and seizure: School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

(1) Notice of search policy. Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

(2) Who may search. Certified school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person(s), who upon consent become(s) an authorized person for the purpose of that search only.

(3) When search permissible. Unless local school board policy provides otherwise, an authorized person may conduct a search when the authorized person has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when the administrative authority has reasonable cause to believe that a search is necessary to help maintain school discipline.

(4) Conduct of searches; witnesses. The following requirements govern the conduct of permissible searches by authorized persons.

(a) School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one
or circumstances otherwise render such action necessary in the judgment of the administrative authority.

(b) Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.

(c) Physical searches of a student's person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex, and the nature of the infraction.

(5) Seizure of items: Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

(6) Notification of law enforcement authorities: Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS

6.11.2.7. Definitions.
D. "Detention" means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.

K. "In-school suspension" means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.

6.11.2.12 Procedure for detentions, suspensions, and expulsions.
This section prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools. Local school boards may adopt procedures which afford students more protection than this rule requires. The procedures in this section apply only to disciplinary detentions, suspensions and expulsions. They do not apply to disenrollment of students who fail to meet immunization, age, residence or other requirements for valid enrollment, nor to the removal from school membership reports of students who have been absent from school for ten (10) consecutive school days in accordance with Subsection B of Section 22-8-2 NMSA 1978. Nothing in this section should be construed as prohibiting school boards or administrative authorities from involving other school staff, students and members of the community in the enforcement of rules of student conduct to the extent they believe is appropriate. […]

B. Students with disabilities. This section does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504. The procedures for long-term suspension or expulsion of disabled students are set forth in Section 6.11.2.11 NMAC above. School personnel under this section may remove a student with a disability who violates a rule of student conduct from his or her
current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Subsection G of 6.11.2.11 NMAC above). […]

E. In-school suspension.

(1) In-school suspension may be imposed with or without further restriction of student privileges. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. Student privileges, however, may be restricted for longer than ten (10) school days.

(2) In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as set forth above. A local school board may limit the length of in-school suspensions which may be accomplished under temporary suspension procedures. No in-school suspension student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.

F. Detention.

(1) Detention may be imposed in connection with in-school suspension, but is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.

(2) The authority of the schools to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours as a disciplinary measure. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension. […]
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

22-5-4.3. School discipline policies; students may self-administer certain medications.
A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within each school district or on a district-wide basis for those school districts that have no high school.
B. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:
   (1) establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
   (2) provides for early identification of chronically absent and excessively absent students;
   (3) employs an attendance improvement plan that focuses on:
      (a) keeping students in an educational setting;
      (b) prohibiting out-of-school suspension or expulsion as the punishment for absences;

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

22-5-4.7. Additional student discipline policies; weapon-free schools.
A. In addition to other student discipline policies, each school district shall adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. The local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis.
B. Student discipline policies shall also provide for placement in an alternative educational setting, for not more than forty-five days, of any student with a disability who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. If a parent or guardian of the student requests a due process hearing, then the student shall remain in the alternative educational setting during the pendency of any proceeding, unless the parent or guardian and the school district agree otherwise.
**22-12A-6. Public school attendance policies; reporting.**

A. A public school shall maintain an attendance policy that:

1. establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
2. provides for early identification of chronically absent and excessively absent students;
3. employs an attendance improvement plan that focuses on:
   a. keeping students in an educational setting;
   b. prohibiting out-of-school suspension or expulsion as the punishment for absences;

**REGULATIONS**

**6.11.2.7. Definitions.**

L. "Legal limits" include the requirements of the federal and state constitutions and governing statutes, standards and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression which must be balanced against the schools need to foster an educational atmosphere free from undue disruptions to appropriate discipline.

BB. "Weapon" as set forth in Section 22-5-4.7 NMSA 1978 means:

1. any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
2. any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device.

**6.11.2.9. Rules of conduct for New Mexico public schools.**

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to: […]

8. by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;

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

**LAWS**

**22-5-4.7. Additional student discipline policies; weapon-free schools.**

A. In addition to other student discipline policies, each school district shall adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have
knowingly brought a weapon to a school under the jurisdiction of the local board. The local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis.

**22-12A-6. Public school attendance policies; reporting.**

A. A public school shall maintain an attendance policy that:

1. employs an attendance improvement plan that focuses on:
   1. keeping students in an educational setting;
   2. prohibiting out-of-school suspension or expulsion as the punishment for absences;

**22-33-5. Medical cannabis; possession; storage; administration; restriction; exemptions.**

D. A public school, charter school or school district shall not:

1. discipline a student who is a qualified student on the basis that the student requires medical cannabis as a reasonable accommodation necessary for the student to attend school;

**REGULATIONS**

**6.11.2.7. Definitions.**

A. "Administrative authority" means the local school district superintendent, a principal or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may include school security officers, but only to the extent of their authority as established under written local school board policies.

B. "Criminal acts" are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.

C. "Delinquent acts" are acts so defined in Subsection A of Section 32A-2-3 NMSA 1978 of the Delinquency Act.

D. "Detention" means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.

E. "Disciplinarian" means a person or group authorized to impose punishment after the facts have been determined by a hearing authority.

F. "Disruptive conduct" means willful conduct which:

1. materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
2. leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.

G. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding 10 school days or a locally established lesser period.

H. "Gang related activity" is disruptive conduct.

I. "Hearing authority" means a person or group designated to hear evidence and determine the facts of a case at the required formal hearing.

J. "Immediate removal" means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing.

K. "In-school suspension" means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.
L. "Legal limits" include the requirements of the federal and state constitutions and governing statutes, standards and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression which must be balanced against the schools need to foster an educational atmosphere free from undue disruptions to appropriate discipline.

M. "Long-term suspension" means the removal of a student from school for a specified time exceeding either 10 school days or any lesser period a local school board may set as a limit on temporary suspension.

N. "Mechanical restraint" means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but "mechanical restraint" does not include mechanical supports or protective devices.

O. "Parent" means the natural parent, a guardian or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, Section 22-12-1 et seq. NMSA 1978, or the student if the student is not subject to compulsory attendance.

P. "Physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort.

Q. "Public school" means the campus of and any building, facility, vehicle or other item of property owned, operated, controlled by or in the possession of a local school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.

R. "Refusal to cooperate with school personnel" means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.

S. "Refusal to identify self" means a person's willful refusal, upon request from school personnel known or identified as such to the person, to identify himself or herself accurately.

T. "Restraint" when not otherwise modified means mechanical or physical restraint.

U. "Review authority" is a person or group authorized by the local board to review a disciplinarian's final decision to impose a long-term suspension or expulsion.

V. "Seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.

W. "Sexual harassment", regarding students, means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical) when:

   (1) submission to such conduct is made either explicitly or implicitly a term or condition of the advancement of a student in school programs or activities;

   (2) submission to or rejection of such conduct by a student is used as the basis for decisions/opportunities affecting the student;

   (3) such conduct substantially interferes with a student's learning or creates an intimidating, hostile or offensive learning environment.

X. "School personnel" means all members of the staff, faculty and administration employed by the local school board. The term includes school security officers, school bus drivers and their aides, and also...
authorized agents of the schools, such as volunteers or chaperons, whose responsibilities include supervision of students.

Y. "Student" means a person who is enrolled in one or more classes at a public school or a person who was a student during the previous school year and is participating in a school sponsored activity connected with his or her prior status as a student.

Z. "Student experiencing homelessness" means children and youth as defined by Section 725(2) of the federal McKinney-Vento Act.

AA. "Temporary suspension" means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

BB. "Weapon" as set forth in Section 22-5-4.7 NMSA 1978 means:

(1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and

(2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device.

6.11.2.10. Enforcing rules of conduct.

I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.

(1) Long-term suspensions or expulsions of students with disabilities shall be governed by the procedures set forth in 6.11.2.11 NMAC below.

(2) Temporary suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Subsection D of 6.11.2.12 NMAC below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Paragraph (3) of Subsection I of 6.11.2.10 NMAC below.

(3) Program prescriptions. A student with a disability's individualized education program (IEP), under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), need not affirmatively authorize disciplinary actions which are not otherwise in conflict with this rule. However, the IEP team may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student's IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability’s IEP, except that an IEP team may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this rule.

(4) Immediate removal. Immediate removal of students with disabilities may be done in accordance with the procedures of Subsection C of 6.11.2.12 NMAC below.

(5) A student who has not been determined to be eligible for special education and related services under 6.31.2 NMAC and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in this subsection if the conditions set forth in 34 CFR Sec. 300.534 have been met.

(6) Referral to and action by law enforcement and judicial authorities.
(a) Nothing in these rules of conduct prohibits an administrative authority from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

(b) Transmittal of records.

(i) An administrative authority reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted, for consideration by the appropriate authorities, to whom the administrative authority reports the crime.

(ii) An administrative authority reporting a crime under this section may transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

6.11.2.11. Disciplinary removals of students with disabilities.

A. General. The following rules shall apply when a student with a disability under IDEA violates a rule of conduct as set forth in this rule which may result in:

(1) long-term suspension or expulsion; or

(2) any other disciplinary change of the student’s current educational placement as specified in the federal regulations implementing IDEA at 34 CFR Secs. 300.530 through 300.536 and these or other public education department rules and standards.

B. When behavior is not a manifestation of disability. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to Subsection C of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in Subsection I of this section.

C. Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a rule of student conduct, the administrative authority, the parent and relevant members of the child’s IEP team (as determined by the parent and the administrative authority) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations and any relevant information provided by the parents to determine:

(a) if the conduct in question was caused by, or had a direct and substantial relationship to the child’s disability; or

(b) if the conduct in question was the direct result of the administrative authority’s failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child’s disability if the administrative authority, the parent and relevant members of the child’s IEP team determine that a condition in either Subparagraph (a) or (b) of Paragraph (1) of Subsection C of 6.11.2.11 NMAC was met.

(3) If the administrative authority, the parent and relevant members of the child’s IEP team determine the condition described in Subparagraph (b) of Paragraph (1) of Subsection C of 6.11.2.11 NMAC was met, the administrative authority must take immediate steps to remedy those deficiencies.

D. Determination that behavior is manifestation of disability. If the administrative authority, the parent and relevant members of the IEP team make the determination that the conduct was a manifestation of the child’s disability, the IEP team must comply within 34 CFR Sec. 300.530(f).
E. Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child’s behavior involves one of the special circumstances listed in 34 CFR Sec. 300.530(g). For purposes of this subsection, the definitions provided in 34 CFR Sec. 300.530(i) shall apply.

F. Determination of setting. The student’s IEP team determines the interim alternative educational setting for services under Subsections B and E of this section.

G. Change of placement because of disciplinary removals. For purposes of removals of a student with a disability from the child’s current educational placement under 6.11.2.11 and 6.11.2.12 NMAC, a change of placement occurs if the conditions provided in 34 CFR Sec. 300.536 are met.

H. Parental notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the administrative authority must notify the parents of that decision, and provide the parents the procedural safeguards notice described in 34 CFR Sec. 300.504.

I. Services. A student with a disability who is removed from the student’s current placement pursuant to this section must continue to receive special education and related services as provided in 34 CFR Sec. 300.530(d).

J. Appeal.

1. The parent of a student with a disability who disagrees with any decision regarding the placement or the manifestation determination under this section, or an administrative authority that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to Subsection I of 6.31.2.13 NMAC.

2. A hearing officer who hears a matter under Paragraph (1) of Subsection J of 6.11.2.11 NMAC, has the authority provided in 34 CFR Sec. 300.532(b).

3. When an appeal under this subsection has been made by either the parent or the administrative authority, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in Subsections B or E of this section, which ever occurs first, unless the parent and the administrative authority agree otherwise.

6.12.10.11. Students.

B. No school shall discipline a student who is a qualified student on the basis that the student requires medical cannabis as necessary for the student to attend school.

**Administrative procedures related to suspension and expulsion**

**LAWS**

22-12A-12. Excessive absenteeism; enforcement.

A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Attendance for Success Act for excessively absent students.

B. If unexcused absences continue after written notice of excessive absenteeism as provided in Section 11 of the Attendance for Success Act, the local school board or governing body of a charter school or private school, after consultation with the local superintendent or head administrator of a charter school or private school, shall report the excessively absent student to the probation services office of the judicial district in which the student resides for an investigation as to whether the student should be considered to
be a neglected child or a child in a family in need of family services because of excessive absenteeism and, thus, subject to the provisions of the Children’s Code. The record of the public school’s interventions and the student’s and parent’s responses to the interventions shall be provided to the juvenile probation services office. The local superintendent or head administrator of a charter school or private school shall provide the documentation to the juvenile probation services office within ten business days of the student being identified as excessively absent.

C. If the juvenile probation services office determines that the student is a child in a family in need of family services, a caseworker from the child or family in need of family services program shall meet with the family at the public school in which the student is enrolled to determine if there are other intervention services that may be provided. The meeting shall involve the school principal or other school personnel and, unless the parent objects in writing, appropriate community partners that provide services to children and families. The children, youth and families department shall determine if additional interventions, including monitoring, will positively affect the student’s behavior.

REGULATIONS

6.11.2.7. Definitions.

A. "Administrative authority" means the local school district superintendent, a principal or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may include school security officers, but only to the extent of their authority as established under written local school board policies.

B. "Criminal acts" are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.

C. "Delinquent acts" are acts so defined in Subsection A of Section 32A-2-3 NMSA 1978 of the Delinquency Act.

D. "Detention" means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.

E. "Disciplinarian" means a person or group authorized to impose punishment after the facts have been determined by a hearing authority.

F. "Disruptive conduct" means willful conduct which:
   
   (1) materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
   
   (2) leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.

G. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding 10 school days or a locally established lesser period.

H. "Gang related activity" is disruptive conduct.

I. "Hearing authority" means a person or group designated to hear evidence and determine the facts of a case at the required formal hearing.

J. "Immediate removal" means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing.

K. "In-school suspension" means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.

L. "Legal limits" include the requirements of the federal and state constitutions and governing statutes, standards and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational
and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression which must be balanced against the schools need to foster an educational atmosphere free from undue disruptions to appropriate discipline.

M. "Long-term suspension" means the removal of a student from school for a specified time exceeding either 10 school days or any lesser period a local school board may set as a limit on temporary suspension.

N. "Mechanical restraint" means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but "mechanical restraint" does not include mechanical supports or protective devices.

O. "Parent" means the natural parent, a guardian or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, Section 22-12-1 et seq. NMSA 1978, or the student if the student is not subject to compulsory attendance.

P. "Physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort.

Q. "Public school" means the campus of and any building, facility, vehicle or other item of property owned, operated, controlled by or in the possession of a local school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.

R. "Refusal to cooperate with school personnel" means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.

S. "Refusal to identify self" means a person's willful refusal, upon request from school personnel known or identified as such to the person, to identify himself or herself accurately.

T. "Restraint" when not otherwise modified means mechanical or physical restraint.

U. "Review authority" is a person or group authorized by the local board to review a disciplinarian's final decision to impose a long-term suspension or expulsion.

V. "Seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.

W. "Sexual harassment", regarding students, means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical) when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of the advancement of a student in school programs or activities;

2. submission to or rejection of such conduct by a student is used as the basis for decisions/opportunities affecting the student;

3. such conduct substantially interferes with a student's learning or creates an intimidating, hostile or offensive learning environment.

X. "School personnel" means all members of the staff, faculty and administration employed by the local school board. The term includes school security officers, school bus drivers and their aides, and also authorized agents of the schools, such as volunteers or chaperons, whose responsibilities include supervision of students.
Y. “Student” means a person who is enrolled in one or more classes at a public school or a person who was a student during the previous school year and is participating in a school sponsored activity connected with his or her prior status as a student.

Z. “Student experiencing homelessness” means children and youth as defined by Section 725(2) of the federal McKinney-Vento Act.

AA. “Temporary suspension” means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

BB. "Weapon" as set forth in Section 22-5-4.7 NMSA 1978 means:

   (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
   (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device.


This section prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools. Local school boards may adopt procedures which afford students more protection than this rule requires. The procedures in this section apply only to disciplinary detentions, suspensions and expulsions. They do not apply to disenrollment of students who fail to meet immunization, age, residence or other requirements for valid enrollment, nor to the removal from school membership reports of students who have been absent from school for ten (10) consecutive school days in accordance with Subsection B of Section 22-8-2 NMSA 1978. Nothing in this section should be construed as prohibiting school boards or administrative authorities from involving other school staff, students and members of the community in the enforcement of rules of student conduct to the extent they believe is appropriate. […]

A. Post-suspension placement of students. Any student suspended from school shall be delivered directly by a school official to the student's parent(s), legal guardian or an adult designated by the parent(s) or the legal guardian, or kept on school grounds until the usual end of the school day.

B. Students with disabilities. This section does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504. The procedures for long-term suspension or expulsion of disabled students are set forth in Section 6.11.2.11 NMAC above. School personnel under this section may remove a student with a disability who violates a rule of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Subsection G of 6.11.2.11 NMAC above).

C. Immediate removal: Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school, subject to the following rules.

   (1) A rudimentary hearing, as required for temporary suspensions, shall follow as soon as possible.
   (2) Students shall be reinstated after no more than one school day unless within that time a temporary suspension is also imposed after the required rudimentary hearing. In such circumstances, a single hearing will support both the immediate removal and a temporary suspension imposed in connection with the same incident(s).
(3) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent's address of record.

D. Temporary suspension.

(1) A local school board may limit temporary suspensions to periods shorter than ten (10) school days.

(2) A student facing temporary suspension shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply.

(a) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.

(b) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.

(c) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)he is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.

(d) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.

(e) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's address of record. […]

G. Long-term suspension and expulsion.

(1) Each local school board shall authorize appropriate administrative authorities to initiate procedures leading to long-term suspension or expulsion. Where prompt action to suspend a student long-term is deemed appropriate, a temporary suspension may be imposed while the procedures for long-term suspension or expulsion are activated. However, where a decision following the required formal hearing is delayed beyond the end of the temporary suspension, the student must be returned to school pending the final outcome unless the provisions of Subsection G, Paragraph (4), Subparagraphs (j) and (k) of Section 6.11.2.12 NMAC below apply.

(2) A student who has been validly expelled or suspended is not entitled to receive any educational services from the local district during the period of the exclusion from school. A local school board may provide alternative arrangements, including correspondence courses at the student's or parent's expense pursuant to public education department requirements, if the board deems such arrangements appropriate.

(3) Each local school board shall establish, or shall authorize appropriate administrative authorities to establish, appropriate processes for handling long-term suspensions and expulsions. Unless the terms expressly indicate otherwise, nothing in the procedures below shall be construed as directing
that any required decision be made by any particular person or body or at any particular level of administrative organization.

(4) The following rules shall govern the imposition of long-term suspensions or expulsions:

(a) Hearing authority; disciplinarian. The same person or group may, but need not, perform the functions of both hearing authority and disciplinarian. Where the functions are divided, the hearing authority’s determination of the facts is conclusive on the disciplinarian, but the disciplinarian may reject any punishment recommended by the hearing authority.

(b) Review authority. Unless the local school board provides otherwise, a review authority shall have discretion to modify or overrule the disciplinarian’s decision, but may not impose a harsher punishment. A review authority shall be bound by a hearing authority’s factual determinations except as provided in Subsection G, Paragraph (4), Subparagraph (o) of Section 6.11.2.12 NMAC below.

(c) Disqualification. No person shall act as hearing authority, disciplinarian or review authority in a case where (s)he was directly involved in or witnessed the incident(s) in question, or if (s)he has prejudged disputed facts or is biased for or against any person who will actively participate in the proceedings.

(d) Local board participation. A local board may act as hearing authority, disciplinarian or review authority for any cases involving proposed long-term suspensions or expulsions. Whenever a quorum of the local board acts in any such capacity, however, the Open Meetings Act, Section 10-15-1 et seq., NMSA 1978 requires a public meeting.

(e) Initiation of procedures. An authorized administrative authority shall initiate procedures for long-term suspension or expulsion of a student by designating a hearing authority and disciplinarian in accordance with local board policies, scheduling a formal hearing in consultation with the hearing authority and preparing and serving a written notice meeting the requirements of Subsection G, Paragraph (4), Subparagraph (h) of Section 6.11.2.12 NMAC below.

(f) Service of notice. The written notice shall be addressed to the student, through his or her parent(s), and shall be served upon the parent(s) personally or by mail.

(g) Timing of hearing. The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parent(s). The hearing authority may grant or deny a request to delay the hearing in accordance with the provisions of Subsection G, Paragraph (4), Subparagraph (i) of Section 6.11.2.12 NMAC below.

(h) Contents of notice. The written notice must contain all of the following information, parts of which may be covered by appropriate reference to copies of any policies or regulations furnished with the notice:

(i) the school rule(s) alleged to have been violated, a concise statement of the alleged act(s) of the student on which the charge(s) are based and a statement of the possible penalty;

(ii) the date, time and place of the hearing, and a statement that both the student and parent are entitled and urged to be present;

(iii) a clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty, and a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default;

(iv) a statement that the student has the right to be represented at the hearing by legal counsel, a parent or some other representative designated in a written notice filed at least seventy-two (72)
hours before the hearing with the contact person named pursuant to Subsection G, Paragraph (4), Subparagraph (h), Sub-subparagraph (vi) of Section 6.11.2.12 NMAC below;

(v) a description of the procedures governing the hearing;

(vi) the name, business address and telephone number of a contact person through whom the student, parent or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing; and

(vii) any other information, materials or instructions deemed appropriate by the administrative authority who prepares the notice.

(i) Delay of hearing. The hearing authority shall have discretion to grant or deny a request by the student or the appropriate administrative authority to postpone the hearing. Such discretion may be limited or guided by local school board policies not otherwise inconsistent with this rule.

(j) Students status pending hearing. Where a student has been suspended temporarily and a formal hearing on long-term suspension or expulsion will not occur until after the temporary suspension has expired, the student shall be returned to school at the end of the temporary suspension unless:

   (i) the provisions of Subsection G, Paragraph (4), Subparagraph (k) of Section 6.11.2.12 NMAC below apply, or
   
   (ii) the student and parent(s) have knowingly and voluntarily waived the students right to return to school pending the outcome of the formal proceedings, or
   
   (iii) the appropriate administrative authority has conducted an interim hearing pursuant to a written local school board policy made available to the student which affords further due process protection sufficient to support the student's continued exclusion pending the outcome of the formal procedures.

(k) Waiver of hearing; voluntary compliance or negotiated penalty. A student and his or her parent(s) may elect to waive the formal hearing and review procedures and comply voluntarily with the proposed penalty, or may waive the hearing and review and negotiate a mutually acceptable penalty with the designated disciplinarian. Such a waiver and compliance agreement shall be made voluntarily, with knowledge of the rights being relinquished, and shall be evidenced by a written document signed by the student, the parent(s), and the appropriate school official.

(l) Procedure for hearing and decision. The formal hearing is not a trial. It is an administrative hearing designed to ensure a calm, orderly determination by an impartial hearing authority of the facts of a case of alleged serious misconduct. Technical rules of evidence and procedure do not apply. The following-rules govern the conduct of the hearing and the ultimate decision.

   (i) The school shall have the burden of proof of misconduct.
   
   (ii) The student and his or her parent shall have the following rights: The right to be represented by legal counsel or other designated representative, however, the school is not required to provide representation; the right to present evidence, subject to reasonable requirements of substantiation at the discretion of the hearing authority and subject to exclusion of evidence deemed irrelevant or redundant; the right to confront and cross-examine adverse witnesses, subject to reasonable limitation by the hearing authority; the right to have a decision based solely on the evidence presented at the hearing and the applicable legal rules, including the governing rules of student conduct.
   
   (iii) The hearing authority shall determine whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at a hearing at which the student or a designated representative have appeared.
(iv) If no one has appeared on the students behalf within a reasonable time after the announced
time for the hearing, the hearing authority shall determine whether the student, through the
parent, received notice of the hearing. If so, the hearing authority shall review the schools’
evidence to determine whether it is sufficient to support the charges(s) of misconduct.
(v) A hearing authority who is also a disciplinarian shall impose an appropriate sanction if (s)he
finds that the allegations of misconduct have been proved under the standards of either
Subsection G, Paragraph (4), Subparagraph (I), Sub-subparagraph (iii) or Sub-subparagraph (iv)
of Section 6.11.2.12 NMAC above. A hearing authority who is not a disciplinarian shall report its
findings, together with any recommended sanction, to the disciplinarian promptly after the
hearing.
(vi) Arrangements to make a tape recording or keep minutes of the proceed
ings shall be made by the administrative authority who scheduled the hearing and prepared the written notice. A
verbatim written transcript is not required, but any minutes or other written record shall fairly
reflect the substance of the evidence presented.
(vii) The hearing authority may announce a decision on the question of whether the allegation(s)
of misconduct have been proved at the close of the hearing. A hearing authority who is also a
disciplinarian may also impose a penalty at the close of the hearing.
(viii) In any event, the hearing authority shall prepare and mail or deliver to the student, through
the parent, a written decision within five (5) working days after the hearing. The decision shall
include a concise summary of the evidence upon which the hearing authority based its factual
determinations. A hearing authority who is also a disciplinarian shall include in the report a
statement of the penalty, if any, to be imposed, and shall state reasons for the chosen penalty. A
hearing authority who is not a disciplinarian shall forward a copy of his or her written decision to
the disciplinarian forthwith. The disciplinarian shall prepare a written decision, including reasons
for choosing any penalty imposed, and mail or deliver it to the student, through the parent, within
five (5) working days of receipt of the hearing authority's report.
(ix) A disciplinarian who is not a hearing authority may observe but not participate in the
proceedings at a formal hearing. If the disciplinarian has done so and if the hearing authority
announces a decision at the close of the hearing, the disciplinarian may also announce his or her
decision at that time.
(x) The disciplinarian's decision shall take effect immediately upon initial notification to the parent,
either at the close of the hearing or upon receipt of the written decision. If initial notification is by
mail, the parent shall be presumed to have received the notice on the fifth calendar day after the
date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.
(m) Effect of decision. If the hearing authority decides that no allegation(s) of misconduct have been
proved, or if the disciplinarian declines to impose a penalty despite a finding that an act or acts of
misconduct have been proved, the matter shall be closed. If the disciplinarian imposes any sanction
on the student, the decision shall take effect immediately upon notification to the parent and shall
continue in force during any subsequent review.
(n) Right of review. Unless the local school board was the disciplinarian, a student aggrieved by a
disciplinarian's decision after a formal hearing shall have the right to have the decision reviewed if
the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school
suspension exceeding one school semester or a denial or restriction of student privileges for one
semester or longer. A local school board may grant a right of review for less severe penalties. Local
school boards shall establish appropriate mechanisms for review except where the local board was
the disciplinarian, in which case its decision is final and not reviewable administratively. A student
request for review must be submitted to the review authority within ten (10) school days after the student is informed of the disciplinarian's decision.

(o) Conduct of review. Unless the local board provides otherwise, a review authority shall have discretion to modify the disciplinarian's decision, including imposing any lesser sanction deemed appropriate. A review authority shall be bound by the hearing authority's factual determinations unless the student persuades the review authority that a finding of fact was arbitrary, capricious or unsupported by substantial evidence or that new evidence which has come to light since the hearing and which could not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the review authority shall have discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a de novo hearing. In the absence of any such finding, the review shall be limited to an inquiry into the appropriateness of the penalty imposed.

(p) Form of review. Unless the local board provides otherwise, a review authority shall have discretion to conduct a review on the written record of the hearing and decision in the case, to limit new submissions by the aggrieved student and school authorities to written materials or to grant a conference or hearing at which the student and his or her representative, and school authorities may present their respective views in person. Where a conference or hearing is granted, the record-keeping requirements of Subsection G., Paragraph (4), Sub-paragraph (I), Sub-sub-paragraph (vi) of Section 6.11.2.12 NMAC above apply.

(q) Timing of review. Except in extraordinary circumstances, a review shall be concluded no later than fifteen (15) working days after a student's written request for review is received by the appropriate administrative authority.

(r) Decision. A review authority may announce a decision at the close of any conference or hearing held on review. In any event, the review authority shall prepare a written decision, including concise reasons, and mail or deliver it to the disciplinarian, the hearing authority and the student, through the parent, within ten (10) working days after the review is concluded.

(s) Effect of decision. Unless the local school board provides otherwise, a review authority’s decision shall be the final administrative action to which a student is entitled.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

6.11.2.7 Definitions.

D. "Detention" means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.

K. "In-school suspension" means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.

6.11.2.12 Procedure for detention, suspension and expulsions.

The authority of the state and of local school boards to prescribe and enforce standards of conduct for public school students must be exercised consistently with constitutional safeguards of individual student rights. [...] 

E. In-school suspension.
(1) In-school suspension may be imposed with or without further restriction of student privileges. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. Student privileges, however, may be restricted for longer than ten (10) school days.

(2) In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as set forth above. A local school board may limit the length of in-school suspensions which may be accomplished under temporary suspension procedures. No in-school suspension student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

6.11.2.7. Definitions.
AA. “Temporary suspension” means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

6.11.2.10. Enforcing rules of conduct.
I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.

(2) Temporary suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Subsection D of 6.11.2.12 NMAC below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Paragraph (3) of Subsection I of 6.11.2.10 NMAC below.

Use of restraint and seclusion

LAWS

22-5-4.12. Use of restraint and seclusion; techniques; requirements.
A. A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:
   (1) the student's behavior presents an imminent danger of serious physical harm to the student or others; and
   (2) less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.
B. If a restraint or seclusion technique is used on a student:
(1) school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use;
(2) the restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others;
(3) the restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees;
(4) the restraint technique employed shall not impede the student's ability to breathe or speak; and
(5) the restraint technique shall not be out of proportion to the student's age or physical condition.
C. Schools shall establish policies and procedures for the use of restraint or seclusion techniques in a school safety plan; provided that:
(1) the school safety plan shall not be specific to any individual student; and
(2) any school safety plan shall be drafted by a planning team that includes at least one special education expert.
D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a student. The procedures shall include the following provisions:
(1) a school employee shall provide the student's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident;
(2) within a reasonable time following the incident, a school employee shall provide the student's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use; and
(3) schools shall review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review shall include:
(a) a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment; and
(b) a meeting of the student's individualized education program team, behavioral intervention plan team or student assistance team within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion.
E. If a school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation and review procedures established pursuant to Subsection D of this section.
F. Policies regarding restraint and seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.
G. The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders.
H. The provisions of this section do not apply to any school located within a county juvenile detention center or a state-operated juvenile facility.
I. For the purposes of this section:
(1) “first responder” means a person based outside of a school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid;

(2) “mechanical restraint” means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but “mechanical restraint” does not include mechanical supports or protective devices;

(3) “physical restraint” means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but “physical restraint” does not include physical escort;

(4) “restraint” when not otherwise modified means mechanical or physical restraint; and

(5) “seclusion” means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.

REGULATIONS

6.11.2.10. Enforcing Rules of Conduct.

E. Restraint and seclusion: In accordance with Section 22-5-4.12 NMSA 1978, each school shall follow requirements for the use of restraint and seclusion techniques.

(1) Schools shall establish and review annually policies and procedures, as approved by the local school board or governing body, for the use of restraint and seclusion techniques. Such policies and procedures shall require and describe appropriate training for school personnel and shall include requirements in relation to the use of restraint and seclusion techniques.

(a) A school may permit the use of restraint and seclusion techniques on any student pursuant to the requirements in Section 22-5-4.12 NMSA 1978.

(b) Less restrictive interventions, including positive behavioral intervention supports or other comparable behavior management techniques, shall be implemented prior to the use of restraint and seclusion techniques.

(c) If a restraint or seclusion technique is used on a student, trained and authorized school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use, pursuant to the requirements in Section 22-5-4.12 NMSA 1978.

(2) Districts or charter schools shall develop and implement an annual training for designated school personnel regarding positive behavioral intervention supports or comparable behavior management techniques and the use of restraint and seclusion techniques. In the event that new designated school personnel are employed within the school after the provision of the annual training, the principal of the school, or a person authorized to act officially in a matter involving school discipline or the maintenance of order within the school, shall ensure that a training is provided to new designated school personnel within 60 days of employment.

(3) Schools shall update school safety plans.

(a) A school safety plan pursuant to requirements of Paragraph (7) of Subsection D of 6.12.6.8 NMAC shall include additional minimum requirements.

(i) The school safety plan shall not be specific to any individual student.
(ii) The school safety planning team shall include at least one of each of the following: administrator, educator, and special education expert and may include a counselor or social worker, nurse, and school resource officer or security staff.

(b) A school safety plan pursuant to requirements of Paragraph 7 of Subsection D of 6.12.6.8 NMAC shall be submitted to the department on a triennial basis, on a schedule as determined by the department. Notice of school safety plan submittal will be provided by the department to local education agencies 90 days prior to the due date.

(4) Schools shall establish reporting and documentation procedures pursuant to the requirements listed in Section 22-5-4.12 NMSA 1978. In addition, schools shall provide written or oral assurance of secure storage and access to written documentation in accordance with 20 U.S.C. § 1232g; 34 CFR Part 99, Family Educational Rights and Privacy Act, as well as any other applicable federal or state laws or rules governing the privacy of such documents.

(5) Exemptions to the requirements prescribed in Subsection E of 6.11.2.10 NMAC shall be pursuant to Subsections G and H of Section 22-5-4.12 NMSA 1978.

Alternative placements

LAWS

22-5-4.7. Additional student discipline policies; weapon-free schools.

B. Student discipline policies shall also provide for placement in an alternative educational setting, for not more than forty-five days, of any student with a disability who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. If a parent or guardian of the student requests a due process hearing, then the student shall remain in the alternative educational setting during the pendency of any proceeding, unless the parent or guardian and the school district agree otherwise.

22-12A-3. Right to education.

A school-age person in the state shall have a right to a free public education as follows:

A. except for a school-age person who is detained in a state or local detention center or enrolled or residing in a state institution, other than a school-age person provided for in Subsection C of this section, a school-age person has a right to attend public school within the school district in which the school-age person resides;

B. except as provided in Subsection C of this section, a state or local detention center or state institution in which a school-age person is detained, enrolled or residing shall be responsible for providing educational services for the school-age person; and

C. a school-age person who is a client as defined in Section 43-1-3 NMSA 1978 in a state institution under the authority of the secretary of human services shall have a right to attend public school in the school district in which the institution in which the school-age person is a client is located if the school-age person has been recommended for placement in a public school:

(1) by the educational appraisal and review committee of the school district in which the institution is located; or

(2) as a result of the appeal process as provided in the special education rules of the department.
REGULATIONS

6.11.2.7. Definitions.
M. "Long-term suspension" means the removal of a student from school for a specified time exceeding either 10 school days or any lesser period a local school board may set as a limit on temporary suspension.

G. Long-term suspension and expulsion.
   (2) A student who has been validly expelled or suspended is not entitled to receive any educational services from the local district during the period of the exclusion from school. A local school board may provide alternative arrangements, including correspondence courses at the student's or parent's expense pursuant to public education department requirements, if the board deems such arrangements appropriate.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

22-5-4.7. Additional student discipline policies; weapon-free schools.
A. In addition to other student discipline policies, each school district shall adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. The local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis.
C. For the purposes of this section, "weapon" means:
   (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
   (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.

30-7-2.1. Unlawful carrying of a deadly weapon on school premises.
A. Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises except by:
   (1) a peace officer;
   (2) school security personnel;
   (3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
   (4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or
   (5) a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.
B. As used in this section, "school premises" means:
   (1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board; or
   (2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed.
C. Whoever commits unlawful carrying of a deadly weapon on school premises is guilty of a fourth degree felony.

32A-2-33. Child in possession of a firearm on school premises; detention; hearing.
A. If a public school administrator or employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of Section 30-7-2.1
NMSA 1978, the administrator or employee shall immediately report the child's actions to a law enforcement agency and the children, youth and families department.

B. Upon receipt of a report pursuant to Subsection A of this section, the law enforcement agency may conduct an investigation to determine if there is probable cause to believe that the child possessed a firearm on school premises.

C. If the law enforcement agency determines there is probable cause to believe that the child possessed a firearm on school premises, the law enforcement agency may take the child into custody and deliver the child to a detention facility licensed by the department. After the child is delivered to a detention facility, the department shall comply with the notification provisions set forth in Subsection C of Section 32A-2-10 NMSA 1978. The child shall be detained in the detention facility, pending a detention hearing pursuant to the provisions of Section 32A-2-13 NMSA 1978.

D. As used in this section, "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. "Firearm" includes any handgun, rifle or shotgun.

REGULATIONS

6.11.2.7. Definitions.

G. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding 10 school days or a locally established lesser period.

BB. "Weapon" as set forth in Section 22-5-4.7 NMSA 1978 means:

   (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and

   (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device.

6.11.2.9 Rules of conduct for New Mexico public schools

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to:

   (8) by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;

Other weapons

LAWS

22-5-4.7. Additional student discipline policies; weapon-free schools.

A. In addition to other student discipline policies, each school district shall adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have
knowingly brought a weapon to a school under the jurisdiction of the local board. The local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis.

C. For the purposes of this section, "weapon" means:
   (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
   (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.

REGULATIONS

6.11.2.7. Definitions.

G. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding 10 school days or a locally established lesser period.

BB. "Weapon" as set forth in Section 22-5-4.7 NMSA 1978 means:
   (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
   (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.

6.11.2.10. Enforcing rules of conduct.

B. Search and seizure: School property assigned to a student and a student’s person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

   (5) Seizure of items: Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student’s parent or returned to the student when and if the administrative authority deems appropriate.

Students with chronic disciplinary issues

LAWS

22-12A-6. Public school attendance policies; reporting.

A. A public school shall maintain an attendance policy that:
   (1) establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
   (2) provides for early identification of chronically absent and excessively absent students;
   (3) employs an attendance improvement plan that focuses on:
      (a) keeping students in an educational setting;
      (b) prohibiting out-of-school suspension or expulsion as the punishment for absences;
      (c) assisting a student’s family to remove barriers to the student’s regular school attendance or attendance in another educational setting; and
(d) providing additional educational opportunities to students who are struggling with attendance;

(4) limits the ability of a student to withdraw to only after all intervention efforts by the public school or the children, youth and families department to keep the student in an educational setting have been exhausted;

(5) requires that accurate class attendance be taken for every instructional class and school day in a public school or school program;

(6) provides that a public school shall differentiate between different types of absences;

(7) requires a public school to document the following for each chronically or excessively absent student:

(a) attempts by the public school to notify a parent that the student was absent from class or the school day;

(b) attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to improve the student’s attendance behavior and discuss necessary interventions for the student or the student’s family; and

(c) intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student;

(8) requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy or parenting to communicate the student's status to the appropriate school personnel and to provide required documentation; and

(9) encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school’s attendance improvement plan.

B. Local school boards shall review and approve their public school attendance policies.

C. School districts shall report absences, chronic absences and excessive absences data to the department at each reporting date and the end of the school year and shall document intervention efforts made to keep students in an educational setting. The department shall compile school district reports as provided in Section 13 of the Attendance for Success Act and require school districts to certify that the information is being reported consistently and correctly. The department shall share information from state-chartered charter schools with the commission.

D. A public school shall provide a copy of the public school’s attendance policy to all parents of students in that school and publish the policy on the public school’s website. The attendance policy shall include:

(1) the rights and obligations of parents and students pursuant to the Attendance for Success Act;

(2) the prevention strategies that will be implemented to ensure that students attend classes; and

(3) details about consequences of failing to adhere to the attendance policy.

E. A public school shall provide a parent, within five days of the parent’s written request, with access to the attendance data of that parent’s child, including information about any intervention strategies that have been employed to help the student improve the student’s attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools.

22-12A-12. Excessive absenteeism; enforcement.

A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Attendance for Success Act for excessively absent students.
B. If unexcused absences continue after written notice of excessive absenteeism as provided in Section 11 of the Attendance for Success Act, the local school board or governing body of a charter school or private school, after consultation with the local superintendent or head administrator of a charter school or private school, shall report the excessively absent student to the probation services office of the judicial district in which the student resides for an investigation as to whether the student should be considered to be a neglected child or a child in a family in need of family services because of excessive absenteeism and, thus, subject to the provisions of the Children’s Code. The record of the public school’s interventions and the student’s and parent’s responses to the interventions shall be provided to the juvenile probation services office. The local superintendent or head administrator of a charter school or private school shall provide the documentation to the juvenile probation services office within ten business days of the student being identified as excessively absent.

C. If the juvenile probation services office determines that the student is a child in a family in need of family services, a caseworker from the child or family in need of family services program shall meet with the family at the public school in which the student is enrolled to determine if there are other intervention services that may be provided. The meeting shall involve the school principal or other school personnel and, unless the parent objects in writing, appropriate community partners that provide services to children and families. The children, youth and families department shall determine if additional interventions, including monitoring, will positively affect the student’s behavior.

**REGULATIONS**

No relevant regulations found.

**Attendance and truancy**

**LAWS**

**22-12A-1. Short title.**
Sections 1 through 14 [22-12A-1 through 22-12A-14 NMSA 1978] of this act may be cited as the “Attendance for Success Act”.

**22-12A-2. Definitions.**
As used in the Attendance for Success Act [22-12A-1 NMSA 1978]:

A. “absent” means not in attendance for a class or school day for any reason, whether excused or not; provided that “absent” does not apply to participation in interscholastic extracurricular activities;

B. “attendance improvement plan” means a tiered data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions. Each of the tiers is defined as follows:

1. “whole school prevention” means universal, whole-school prevention strategies for all students, including students who have missed less than five percent of classes or school days for any reason;
2. “individualized prevention” means targeted prevention strategies for individual students who are missing five percent or more but less than ten percent of classes or school days for any reason;
3. “early intervention” means interventions for students who are missing ten percent or more but less than twenty percent of classes or school days for any reason; and
4. “intensive support” means interventions for students who are missing twenty percent or more of classes or school days for any reason;
C. “attendance team” means a group of school-based administrators, teachers, staff, other school personnel and community members who collaborate to implement an attendance improvement plan;
D. “chronic absence rate” means the percentage of students, in the aggregate and disaggregated by the subgroups required for reporting pursuant to the federal Every Student Succeeds Act, in a public school and a school district who have been enrolled for at least ten days and who have missed ten percent or more of school days since the beginning of the school year;
E. “chronically absent” or “chronic absenteeism” means that a student has been absent for ten percent or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten days;
F. “excessively absent” or “excessive absenteeism” means a student who is identified as needing intensive support and has not responded to intervention efforts implemented by the public school;
G. "excused absence" means absence from a class or school day for a death in the family, medical absence, religious instruction or tribal obligations or any other allowable excuse pursuant to the policies of the local school board;
H. “interscholastic extracurricular activities” means those activities sponsored by a public school or an organization whose principal purpose is the regulation, direction, administration and supervision of interscholastic extracurricular activities in public schools;
I. “local school board” includes the governing body of a charter school;
J. “medical absence” or “medically absent” means that a student is not in attendance for a class or a school day for a parent- or doctor-authorized medical reason or the student is a pregnant or parenting student;
K. “school day” means a portion of the school day that is at least one-half of a student’s approved program;
L. “school district” includes a charter school;
M. “school principal” includes the head administrator of a charter school; and
N. “unexcused absence” means an absence from a class or school day for which the student does not have an allowable excuse pursuant to the Attendance for Success Act or policies of the local school board.

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:
(1) establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
(2) provides for early identification of chronically absent and excessively absent students;
(3) employs an attendance improvement plan that focuses on:
   (a) keeping students in an educational setting;
   (b) prohibiting out-of-school suspension or expulsion as the punishment for absences;
   (c) assisting a student’s family to remove barriers to the student’s regular school attendance or attendance in another educational setting; and
   (d) providing additional educational opportunities to students who are struggling with attendance;
(4) limits the ability of a student to withdraw to only after all intervention efforts by the public school or the children, youth and families department to keep the student in an educational setting have been exhausted;
(5) requires that accurate class attendance be taken for every instructional class and school day in a public school or school program;

(6) provides that a public school shall differentiate between different types of absences;

(7) requires a public school to document the following for each chronically or excessively absent student:

(a) attempts by the public school to notify a parent that the student was absent from class or the school day;

(b) attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to improve the student’s attendance behavior and discuss necessary interventions for the student or the student’s family; and

(c) intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student;

(8) requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy or parenting to communicate the student’s status to the appropriate school personnel and to provide required documentation; and

(9) encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school’s attendance improvement plan.

B. Local school boards shall review and approve their public school attendance policies.

C. School districts shall report absences, chronic absences and excessive absences data to the department at each reporting date and the end of the school year and shall document intervention efforts made to keep students in an educational setting. The department shall compile school district reports as provided in Section 13 of the Attendance for Success Act and require school districts to certify that the information is being reported consistently and correctly. The department shall share information from state-chartered charter schools with the commission.

D. A public school shall provide a copy of the public school’s attendance policy to all parents of students in that school and publish the policy on the public school’s website. The attendance policy shall include:

(1) the rights and obligations of parents and students pursuant to the Attendance for Success Act;

(2) the prevention strategies that will be implemented to ensure that students attend classes; and

(3) details about consequences of failing to adhere to the attendance policy.

E. A public school shall provide a parent, within five days of the parent’s written request, with access to the attendance data of that parent’s child, including information about any intervention strategies that have been employed to help the student improve the student’s attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools.

REGULATIONS

6.10.8.6. Objective.
To set forth the requirements for the implementation of the compulsory school attendance law. Specifically, this rule establishes requirements for the identification, reduction and reporting of truancy in all public schools including charter schools. In addressing truancy, the goal is to keep children in school until age eighteen and not to suspend, expel or outright punish them for being truant.
6.10.8.7. Definitions.

A. "Attendance" means students who are in class or in a school-approved activity. If a student is in attendance up to one half the total instructional time during a school day, the student will be counted as having attended one-half of a school day. If the student attends school for more than one-half of the total instructional time, the student will be counted as having attended for the full day.

B. "Early identification" means the process by which school districts including charter schools promptly determine and identify students who have excessive absences and tardiness from an instructional day. Early identification includes the school district’s, individual school’s or charter school’s defined system for recording, reporting, and summarizing daily attendance of its students and then providing that data to the district’s or charter school’s central administration.

C. "Habitual truant" means a student who has accumulated the equivalent of ten or more unexcused absences within a school year.

D. "Home school" means the operation by the parent of a school-age person of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science.

E. "Home school truant" means a school age child whose parent(s)/guardian(s) have filed a home school notification about that child with the department but the child has failed or refused to participate in, or is no longer being offered, any home-study program of instruction.

F. "Intervention" means the partnering that schools engage in with other agencies to implement administrative remedies, provide services and provide support programs that aggressively reduce if not eliminate truancy in a school district or charter school.

G. "Prevention" means school-based innovative or proven successful programs, including alternative programs whether school-based or non-school based, that encourage regular and on-time attendance for students.

H. "School-age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section 22-8-21 NMSA 1978 or as a resident of a state institution.

I. "Student in need of early intervention" means a student who has accumulated five unexcused absences within a school year.

J. "Tribe" means an Indian nation, tribe or pueblo located within New Mexico.

K. "Unexcused absence" means an absence from school or a class for which the student does not have an allowable excuse pursuant to the compulsory school attendance law or rules of the local school board, governing authority of a private school, or governing board of a charter school.

6.10.8.8. Requirements.

A. It is the policy of this state that school age persons receive an education and do not dropout or otherwise withdraw prematurely prior to completing an educational program. To that end, a school-age person shall attend public school, private school, home school or a state institution until the school-age person is at least eighteen years of age unless that person has graduated from high school or received a general educational development certificate. A parent may give written, signed permission for the school-age person to leave school in case of a documented hardship approved by the local superintendent.

B. Each local school board and charter school shall develop a written attendance policy that:

   (1) in accordance with the definition of "attendance" stated in this rule, requires that class attendance be taken and maintained by class period for every instructional day for each student in each school or school program in the school district;
(2) provides excused absences for pregnant and parenting students as follows:

(a) provides at least ten days of excused absences for a student who provides documentation of the birth of the student's child and allows the student a time period to make up the work that the student missed that equals the number of days the student was absent for the birth of a child;

(b) provides excused absences for any additional days missed by a pregnant or parenting student for which a longer period of absence is deemed medically necessary by the student's physician and allows the student a time period to make up the work that the student missed that equals the number of days the student was absent;

(c) provides four days per semester of excused absences, in addition to the number of allowed absences for all students, for a student who provides appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care and allows the student a time period to make up the work that the student missed that equals the number of days the student was absent;

(d) clearly states that the pregnant or parenting student is responsible for communicating the student's pregnancy and parenting status to the appropriate school personnel if the student chooses to disclose the information; and

(e) provides that the school district or charter school shall provide a copy of the pregnant and parenting student absence policies to all students in middle, junior high and high schools; and

(3) requires each school to report unexcused absences of two or more classes up to fifty percent of an instructional day as one-half day absence, and the unexcused absence of more than fifty percent of an instructional day to be counted as one full-day absence;

(4) prohibits out-of-school suspension and expulsion as a punishment for unexcused absences and habitual truancy;

(5) uses withdrawal as provided in Section 22-8-2 NMSA 1978 only after exhausting intervention efforts to keep students in educational settings;

(6) provides for early identification of students with unexcused absences, students in need of early intervention, and habitual truants; provides for intervention strategies that focus on keeping students in need of early intervention in an educational setting; and further provides that:

(a) if a student is in need of early intervention, the school district or charter school shall contact the student’s parent(s)/guardian(s) to inform them that the student has unexcused absences from school and to discuss possible interventions unless the parent(s)/guardian(s) has contacted the school to explain the absence and the excuse compiles with the school district attendance policy;

(b) a representative of the school district or charter school shall meet with the student in need of early intervention and his or her parent(s)/guardian(s) to identify the causes for the student’s unexcused absences, identify what actions can be taken that might prevent the student’s unexcused absences, identify possible school district, charter school and community resources to address the causes for the student’s unexcused absences, and establish a corrective action plan to address the student’s unexcused absences;

(c) the notification to the student’s parent(s)/guardian(s) and the meeting with the parent(s)/guardian(s) must be respectful and in a language and in manner that is understandable to the student and the parent(s)/guardian(s);

(d) the corrective action plan must contain follow-up procedures to ensure that the causes for the student’s unexcused absences are being addressed;

(e) if the student is a habitual truant, the local school board, charter school or their authorized representatives shall, in addition, give written notice of the habitual truancy by mail to or by personal
service on the student’s parent(s)/guardian(s); the notice shall include a date, time and place for the parent to meet with the local school district or charter to develop intervention strategies that focus on keeping the student in an educational setting;

(f) if there is another unexcused absence after delivery of a written notice of habitual truancy, the student shall within seven (7) days of this unexcused absence be reported to the probation services office of the judicial district where the student resides;

(g) if the student is a habitual truant the school shall document the following for each student identified as a habitual truant:

(i) attempts of the school to notify the parent that the student had unexcused absences;
(ii) attempts of the school to meet with the parent to discuss intervention strategies; and
(iii) intervention strategies implemented to support keeping the student in school.

C. If the habitual truant is not referred to the children’s court by the juvenile probation office for appropriate disposition, including consideration of initial or renewed suspension of his or her driving privileges, the school district may contact the children’s court attorney directly to determine what action will be taken.

D. If a determination and finding has been made by the juvenile probation office that the habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, the school district may contact the district attorney’s office to determine what action will be taken.

E. A copy of the local school board or charter school’s attendance policy shall be provided to the public education department’s health education coordinator or designated staff for approval within ten (10) days of its adoption by the local school board or governing body of a charter school.

F. The public education department’s truancy prevention coordinator shall be permitted access to any records and information related to students in need of early intervention or habitual truancy in any school district, any particular school within a district, or any charter school.

6.10.8.9. Intergovernmental agreements.

In carrying out its duties under this rule and the compulsory school attendance law, school districts and charter schools shall take into consideration the sovereignty of a Native American tribe. While all children attending public schools will still be subject to being reported to the public education department if they are habitually truant, a school district or charter school shall respect tribal laws and traditions in carrying out its duties of early identification, intervention, and parental notification. To do so, school districts and charter schools shall adopt policies that:

A. emphasize a better understanding of tribal customs, religious practices and laws,
B. consider entering into a memorandum of agreement, a memorandum of understanding, or some other form of intergovernmental agreement with Native American tribes,
C. consider respectful and effective ways to notify a parent(s)/guardian(s) of student in need of intervention and habitually truant Native American students,
D. consider follow-up or reinforcement procedures after Native American children have undergone intervention through Native American or other agreed upon resources.

6.10.8.10. Reporting requirement.

A. Each school district and each individual charter school shall maintain class attendance records by class period for every instructional day for each student in each school or school program in the school district or charter school in a manner verifiable by the public education department.
B. The local superintendent of each school district or governing body or administrative head of a charter school will report absences with excused and unexcused identifiers through the student teacher accountability reporting system and certify that the information is being reported consistently at intervals and in a manner as specified by the public education department.

6.10.8.11. Home schools.

Upon receipt of verified information that a school age child whose parent(s)/guardian(s) have previously filed a home school notification about that child with the department but that child has failed or refused to participate in, or is no longer being offered, any home-study program of instruction, the department may obtain a reasonable assurance from the parent(s) or guardian that the child is actually engaged in a home-study program of instruction. In addition to any other remedies permitted by the compulsory school attendance law or the children’s code, upon a determination that a home school student is repeatedly not (or no longer) engaged in a home-study program of instruction, the department may order that the home school habitual truant attend a public school, or at the election of his parent/guardian, a private school. Prior to pursuing these other remedies, the public education department shall make a reasonable effort to accommodate the parents'/guardians’ preference for maintaining their child in a home school.

6.10.8.12. Failure to comply with this rule.

Failure to comply with this rule may be good and just grounds for the suspension or revocation of a department-issued license or certificate, may result in notification by the department to the local school board, superintendent, school principal or governing body of a charter school that they have failed to meet requirements as prescribed by law or rules promulgated by the department, and may be grounds for seeking a court order to ensure compliance with the requirements of this rule.

6.11.2.7. Definitions.

A. "Administrative authority" means the local school district superintendent, a principal or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may include school security officers, but only to the extent of their authority as established under written local school board policies.

6.11.2.10. Enforcing rules of conduct.

A. Enforcing attendance requirements. Formal enforcement action under the Compulsory School Attendance Law, supra, and the Family Services Act, Section 32A-3A-1 et seq. NMSA 1978 shall be initiated whenever a student's absences indicate that the law is being violated. An administrative authority who has reason to believe a student is violating local school board attendance policies may take whatever further disciplinary action is deemed appropriate under local policies.

Substance use

LAWS

22-5-4.4. School employees; reporting drug and alcohol use; release from liability.

A. A school employee who knows or in good faith suspects any student of using or abusing alcohol or drugs shall report such use or abuse pursuant to procedures established by the local school board.

B. No school employee who in good faith reports any known or suspected instances of alcohol or drug use or abuse shall be held liable for any civil damages as a result of such report or his efforts to enforce any school policies or regulations regarding drug or alcohol use or abuse.
This act [22-5A-1 to 22-5A-5 NMSA 1978] may be cited as the "School Alcohol-Free Zone Act".

As used in the School Alcohol-Free Zone Act:
A. "alcoholic beverage" means a beverage with no less than one-half percent alcohol and includes wine, beer, fermented, distilled, rectified and fortified beverages; and
B. "school grounds" means public elementary and secondary schools, including charter schools and facilities owned or leased by the school district in or on which public school-related and sanctioned activities are performed, but does not include other commercial properties owned by a school district but not related to the functions of a public school. "School grounds" includes the buildings, playing fields, parking lots and other facilities located on a school's premises.

22-5A-3. Alcoholic beverages prohibited on public school grounds.
It is unlawful to possess or consume alcoholic beverages on public school grounds.

A. A person convicted of consumption or possession of an alcoholic beverage on school property for the first offense is guilty of a petty misdemeanor and subject to a fine of not less than twenty-five dollars ($25.00) or more than one hundred dollars ($100) and may be ordered to perform community service.
B. A person convicted of consumption or possession of an alcoholic beverage on school property for the second or a subsequent offense is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars ($500) or imprisonment for a definite term not to exceed six months, or both.

22-10A-32. Licensed school employees; required training program.
A. All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement shall be completed within the licensed school employee's first year of employment by a school district.
B. Pursuant to the policy and rules adopted by the state board, the department shall develop a training program, including training materials and necessary training staff, to meet the requirement of Subsection A of this section to make the training available in every school district. The department shall coordinate the development of the program with appropriate staff at the human services department and the department of health.
C. The training program developed pursuant to this section shall be made available by the department to the deans of every college of education in New Mexico for use in providing such training to students seeking elementary and secondary education licensure.

REGULATIONS

6.11.2.9. Rules of conduct for New Mexico public schools.
The acts specified in Subsection A. of 6.11.2.9 NMAC below are prohibited in all the public schools of New Mexico. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, local school boards have discretion to develop rules of conduct governing all other area of student and school activity.
A. Prohibited activities: The commission of or participation in the activities designated below is prohibited in all New Mexico public schools and is prohibited for students whenever they are subject to school control. Acts prohibited by this rule:
   (1) criminal or delinquent acts;
(2) gang related activity;
(3) sexual harassment;
(4) disruptive conduct;
(5) refusal to identify self; and
(6) refusal to cooperate with school personnel.

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non-students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to:

(1) school attendance;
(2) use of and access to the public schools, including:
   (a) restrictions on vehicular traffic on school property,
   (b) prohibition of or conditions on the presence of non-school persons on school grounds or in school buildings while school is in session; and
   (c) reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;
(3) students’ dress and personal appearance;
(4) use of controlled substances, alcohol and tobacco in the public schools;
(5) speech and assembly within the public schools;
(6) publications distributed in the public schools;
(7) the existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
(8) by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;
(9) the discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

6.12.4.6 Objective.
The objective of this rule is to prohibit the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

6.12.4.7 Definitions.
A. “Alcoholic beverage” means any beverage containing more than one-half percent alcohol by volume, and includes all distilled or rectified spirits, potable alcohol or any similar alcoholic beverages, including all fermented or blended beverages and dilutions or mixtures of one or more of these alcoholic beverages.
B. “E-cigarette”: 
(1) means any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and

(2) includes any such device, or any part of it, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cig, e-pipe or any other product, name or descriptor; but

(3) does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.

C. “Illicit drugs” means prescription and over-the-counter medications used for non-medical purposes, or not used as medically prescribed by lawfully authorized practitioners or as directed by the manufacturer’s literature, and include all supplemental dietary or nutrition ergogenic aids, stimulants, nootropics, adaptogens, painkillers, sedatives and anxiolytics, blood boosters and other performance-enhancing drugs.

D. “Mood-altering substances” means substances that change, or are capable of changing, a person’s emotional state, and include all stimulants, opioids, intoxicative inhalants and hallucinogens.

E. “Nicotine liquid container” means a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.

F. “School personnel” includes all administrators, principals, teachers, counselors, social workers, speech therapists, psychologists, nurses, librarians and other support staff who is employed by a school, or who perform services for the school on a contractual basis.

G. “Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product. This includes, among other products, cigarettes, cigars, pipe tobacco, roll-your-own tobacco, dissolvable tobacco, and smokeless tobacco. Smokeless tobacco means any snuff or chewing tobacco.


Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

B. Each school district and state-chartered charter school shall detail the prohibited acts and activities under the policy, and shall establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.

C. The policy shall provide that no school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.

D. Each school district and state-chartered charter school shall develop and implement a procedure for effectively communicating the policy to students, their parents and families, school personnel, visitors on school premises, and to local residents, groups, businesses and organizations served by the school.

E. Each school district and state-chartered charter school shall post conspicuous notices on all school premises prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs, in school buildings, on school premises and by students at school-sponsored activities away from school grounds.
Sections 6 and 8 of this rule shall not include the lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration.

Bullying, harassment, or hazing

LAWS

22-35-1. Short title.
This act [22-35-1 through 22-35-5 NMSA 1978] may be cited as the "Safe Schools for All Students Act".

As used in the Safe Schools for All Students Act:
A. "bullying" means any severe, pervasive or persistent act or conduct that targets a student, whether physically, electronically or verbally, and that:
   (1) may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic; or on an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and
   (2) can be reasonably predicted to:
      (a) place a student in reasonable fear of physical harm to the student's person or property;
      (b) cause a substantial detrimental effect on a student's physical or mental health;
      (c) substantially interfere with a student's academic performance or attendance; or
      (d) substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by an agency, educational institution or grantee;
B. "cyberbullying" means any bullying that takes place through electronic communication;
C. "electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, electronic tablet, pager or video or audio recording;
D. "gender identity" means a student's self-perception, or perception of that student by another, of the student's identity as a male or female based upon the student's appearance, behavior or physical characteristics that are in accord with or opposed to the student's physical anatomy, chromosomal sex or sex at birth;
E. "local school board" includes the governing body of a charter school;
F. "physical or cognitive disability" means a physical or cognitive impairment that substantially limits one or more of a student's major life activities;
G. "progressive discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior, and may include:
   (1) meeting with the student and the student's parents;
   (2) reflective activities, such as requiring the student to write an essay about the student's misbehavior;
   (3) counseling;
   (4) anger management;
   (5) health counseling or intervention;
(6) mental health counseling;
(7) participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
(8) community service; and
(9) in-school detention or suspension, which may take place during lunchtime, after school or during weekends; and

H. "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

22-35-3. Bullying prevention policies; adoption and enforcement.
A. By January 1, 2020, each local school board shall adopt and enforce policies to:

   (1) prevent bullying:

      (a) on its property, including electronic communication on or with the use of its property;
      (b) at sponsored functions; and
      (c) on its to-and-from-school transportation or any school-sponsored transportation; and

   (2) prohibit electronic communication directed at a student, that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities or privileges provided by the public school.

B. Each local school board shall control the content of its policy; provided that the policy includes:

   (1) the definitions as set forth in the Safe Schools for All Students Act;
   (2) a statement prohibiting bullying;
   (3) a statement prohibiting retaliation against persons who report or witness incidents of bullying;
   (4) a list of consequences, including progressive discipline approaches that can result from an identified incident of bullying that are designed to:

      (a) appropriately correct the bullying behavior;
      (b) prevent another occurrence of bullying or retaliation;
      (c) protect the target of the bullying;
      (d) be flexible so that, in application, the consequences can be unique to the individual incident and varied in method and severity based on: 1) the nature of the incident; 2) the developmental age of the student who is bullying; and 3) any history of problem behavior from the student who is bullying; and
      (e) for cyberbullying incidents, use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the school;
   (5) a procedure for reporting bullying or retaliation for reporting an act of bullying, including:

      (a) a flexible reporting system that allows for reporting orally and in the student's preferred language;
      (b) a method for reporting bullying anonymously; provided that no formal disciplinary measures shall be taken solely on the basis of an anonymous report; and
      (c) a method for parents to file written reports of suspected bullying; and
   (6) a procedure for prompt investigation of reports of violations of the policy and of complaints of bullying or retaliation, including:

      (a) designation of a school administrator to investigate or supervise the investigation of all reports of bullying and to ensure that such investigation is completed promptly after the receipt of any report made under the Safe Schools for All Students Act;
(b) a procedure for notification of the parents of the student alleged to have committed an act of bullying and the parents of the students targeted by the alleged act; provided that if the administrator believes, in the administrator's professional capacity, that notifying the parents would endanger the health or well-being of a student, the administrator may delay such notification as appropriate;

(c) a benchmark that school employees who witness acts of bullying or receive reports of bullying notify the designated administrator not later than two days after the school employee witnesses or receives a report of bullying;

(d) an appeal process for a student accused of bullying or a student who is the target of bullying who is not satisfied with the outcome of the initial investigation; and

(e) development of a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying.

C. Each local school board shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages for any school district in which a substantial portion of the student population speaks a language other than English at home.

D. Each public school shall document reports and investigations of bullying and shall maintain those records for no less than four years.

E. Each local school board shall establish procedures for public schools to report aggregate incidents of bullying and incidents of harassment under any applicable federal or state law, along with responses to these incidents, and report this information annually to the department.

22-35-4. Bullying prevention programs establishment.

A. Following adoption of a bullying prevention policy, each public school shall:

1. establish an annual bullying prevention program for students included in New Mexico's health education content standards with benchmarks and performance standards;

2. provide annual training on bullying prevention to all employees and volunteers who have significant contact with students; and

3. incorporate information on the bullying prevention policy into new employee training.

B. Each school district and public school shall develop a plan for the way in which the policy is to be publicized, including:

1. making each school district's anti-bullying policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on public websites;

2. identifying a point of contact for bullying-related concerns; and

3. informing parents and students about the policy at least annually through student handbooks and other resources.

22-35-5. Department duties; school district and charter school report cards.

A. The department shall:

1. issue guidance for bullying prevention programs and policies in accordance with the Safe Schools for All Students Act; and

2. within one hundred twenty days of the effective date of the Safe Schools for All Students Act:

a. promulgate rules for a model policy for local school boards on bullying prevention in accordance with that act, as well as any developmentally, culturally or linguistically appropriate variants of the policy;
(b) provide guidance to local school boards relating to effective forms of progressive discipline to reduce bullying and school violence; and
(c) provide guidance to local school boards on effective bullying prevention programs to reduce bullying and school violence.

B. At the same time as or as part of the annual accountability report, each school district and charter school shall report on the status of its implementation of the provisions of the Safe Schools for All Students Act, including the aggregate number of incidents of bullying in the state, the aggregate number of incidents of harassment under any applicable federal or state laws, the aggregate number of responsive actions taken by public schools by type of action, a tabulation of the number of incidents associated with each distinguishing characteristic defined in the Safe Schools for All Students Act, the department's evaluation of the sufficiency of funding for bullying prevention programs and any recommendations for policy or programmatic change to improve the addressing of bullying issues in the state.

This act may be cited as the "Carlos Vigil Memorial Act" in honor of Carlos Vigil.

The purposes of the Carlos Vigil Memorial Act are to:
A. cultivate a statewide culture where bullying is not accepted;
B. educate New Mexicans about recognizing bullying behaviors and understanding the potential consequences of bullying; and
C. provide grants for providers of services and programs for the prevention, resolution and eradication of bullying statewide.

32A-25-3. Carlos Vigil memorial board; created.
A. The "Carlos Vigil memorial board" is created to review grant applications and to award grants from the eradicate bullying fund.
B. The board consists of five voting members who together provide diverse experience and expertise in:
(1) administering or delivering services in an organization focused on preventing bullying or suicide;
(2) administering or delivering services in an organization focused on providing counseling and support services to victims and perpetrators of bullying;
(3) professional development workshops on the topic of bullying or suicide prevention;
(4) coalescing and leading communities; or
(5) administering or delivering public health services.
C. Board appointments shall be as follows:
(1) one member shall be appointed by the president pro tempore of the senate;
(2) one member shall be appointed by the minority floor leader of the senate;
(3) one member shall be appointed by the speaker of the house of representatives;
(4) one member shall be appointed by the minority floor leader of the house of representatives; and
(5) one member shall be appointed by the governor from department of health staff.
D. The chair of the board shall be elected by a quorum of the board members. The board shall meet at the call of the chair or whenever two members submit a request in writing to the chair, but not less often than once each calendar year. A majority of members constitutes a quorum for the transaction of
business. The affirmative vote of a majority of a quorum present shall be necessary for an action to be taken by the board.

E. Members of the board shall be appointed to two-year terms. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. Any member of the board shall be eligible for reappointment.

F. Public members of the board may be paid per diem and mileage as provided for nonsalaried officers in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978] but shall receive no other compensation, perquisite or allowance.

The Carlos Vigil memorial board shall:
A. adopt and promulgate rules governing the acceptance, evaluation and prioritization of applications for grants, including applicant qualifications and the format, procedure and deadlines for grant applications;
B. review grant applications from public agencies and institutions and nonprofit private entities that indicate the qualifications and expertise to provide services for the prevention, resolution and eradication of bullying;
C. process, evaluate and prioritize applications based on the criteria delineated in the board's rules; and
D. award grants to the most qualified grant applicants and reach a broad spectrum of New Mexicans.

32A-25-5. Eradicate bullying fund created; grant application review.
A. The "eradicate bullying fund" is created in the state treasury. The fund shall be administered by the board of regents of the university of New Mexico. Money in the fund is appropriated to the board of regents of the university of New Mexico for disbursement to grant recipients selected by the Carlos Vigil memorial board.
B. The fund shall consist of:
   (1) money appropriated by the legislature to carry out the purposes of the Carlos Vigil Memorial Act;
   (2) grants, gifts, donations and bequests to the fund; and
   (3) earnings from investment of the money in the fund.
C. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the president of the board of regents of the university of New Mexico or the president's designee.
D. Unexpended and unencumbered balances in the fund shall not revert to the general fund at the end of a fiscal year.
E. An applicant may apply for a grant from the fund in accordance with rules promulgated by the Carlos Vigil memorial board. Allocations from the fund shall be based on a competitive process with applications reviewed by the board.

REGULATIONS

6.11.2.7. Definitions.
W. "Sexual harassment", regarding students, means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical) when:
   (1) submission to such conduct is made either explicitly or implicitly a term or condition of the advancement of a student in school programs or activities;
(2) submission to or rejection of such conduct by a student is used as the basis for decisions/opportunities affecting the student;
(3) such conduct substantially interferes with a student's learning or creates an intimidating, hostile or offensive learning environment.

6.12.7.6. Objective.
To establish requirements for local school boards and public schools, including charter schools and governing bodies, to develop and implement bullying prevention policies and programs and to report on the implementation of the Safe Schools for All Students Act per the parameters established within the provisions of this rule.

A. "Bullying" means any severe, pervasive, or persistent act or conduct that targets a student, whether physically, electronically, or verbally, and that:
   (1) may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identify, spousal affiliation, physical or cognitive disability, or any other distinguishing characteristic; or an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and
   (2) can be reasonably predicted to:
      (a) place a student in reasonable fear of physical harm to the student's person or property;
      (b) cause a substantial detrimental effect on a student's physical or mental health;
      (c) substantially interfere with a student's academic performance, attendance, or participation in extracurricular activities; or
      (d) substantially interfere with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school or school-affiliated entity.
B. "Cyberbullying" means any bullying that takes place through electronic communication.
C. "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, electronic tablet, pager or video or audio recording device.
D. "Gender identity" means a student's self-perception, or perception by another, of the student's identity as a male or female based upon the student's appearance, behavior, or physical characteristics that are in accord with, or opposed to, the student's physical anatomy, chromosomal sex, or sex at birth.
E. "Harassment" means a pattern of conduct that is intended to annoy, seriously alarm, or terrorize another person or group of people.
F. "Physical or cognitive disability" means a physical or cognitive impairment that substantially limits one or more of a student's major life activities.
G. "Progressive discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior, and may include:
   (1) meeting with the student and the student's parents;
   (2) reflective activities, such as requiring the student to write an essay about the student's misbehavior;
   (3) counseling;
   (4) anger management;
   (5) health counseling or intervention;
(6) mental health counseling or intervention;
(7) participation in skill-building and conflict resolution activities;
(8) community service; and
(9) in-school detention or in-school suspension that is for a constructive purpose and may take place during lunchtime, recess, after school, or during weekends.

H. “Regular volunteers” means those persons, including relatives of students, who commit to serve on a regular basis at a school district, charter school, or other educational entity without compensation.
I. “Sexual orientation” means heterosexuality, homosexuality, or bisexuality, whether actual or perceived.


A. By January 1, 2020, each local school board or governing body shall adopt and enforce policies to:
   (1) prevent bullying and cyberbullying:
      (a) on its property, including electronic communication on or with the use of its property;
      (b) at school or district-sponsored events; and
      (c) on any school-sponsored transportation; and
   (2) prohibit electronic communication directed at a student that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the public school.

B. Each local school board and governing body shall control the content of its policy, provided that the policy includes:
   (1) the definitions as set forth in this rule;
   (2) a statement prohibiting bullying;
   (3) a statement prohibiting retaliation against persons who report or witness incidents of bullying;
   (4) a list of consequences, exclusive of suspension and expulsion, that can result from an incident of bullying, and with consequences that are designed to:
      (a) appropriately correct the bullying behavior;
      (b) prevent another occurrence of bullying or retaliation;
      (c) protect the target of the bullying;
      (d) be flexible so that, in application, the consequences can vary in method and severity based on:
         (i) the nature of the incident;
         (ii) the developmental age and/or cognitive level of the student who is bullying; and
         (iii) historical problem behavior from the student who is bullying; and
      (e) limit the restrictive nature of consequences for cyberbullying incidents, such that while correcting cyberbullying behavior and preventing further incidents of cyberbullying, a student with cyberbullying behavior is able to participate in or benefit from the services, activities, or privileges provided by the school to the greatest extent possible;
   (5) a procedure for reporting bullying and for reporting retaliation for reporting an act of bullying, including:
      (a) an allowance for reporting orally and in the preferred language of the person reporting;
      (b) a method for anonymous reporting; provided that no formal disciplinary measures shall be taken solely on the basis of an anonymous report of an actual bullying incident; and
      (c) a method for parents to file written reports of suspected bullying; and
(6) a procedure for prompt investigation of reports of violations of the bullying prevention policy and of complaints of bullying or retaliation, including:

(a) designation of a school or district administrator who has the responsibility to:

(i) investigate or supervise the investigation of all reports of bullying and
(ii) to ensure that investigations are completed promptly after the receipt of any report made under this rule;

(b) a procedure for notification of the parents of the student alleged to have committed an act of bullying and the parents of the student targeted by the alleged act; provided that if, in the administrator's professional opinion, notifying the parents would endanger the health or well-being of a student, the administrator may delay such notification as appropriate;

(c) a requirement that school employees who witness bullying or who receive reports of bullying notify the designated administrator within two calendar days of the employee witnessing or receiving a report of bullying;

(d) an appeal process for a student who is accused of bullying or who is the target of bullying and who is unsatisfied with the outcome of the initial investigation; and

(e) development of a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying.

C. Each local school board and governing body shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages in any school district in which a substantial portion of the student population speaks a language other than English at home.

D. Each public school shall document reports and investigations of bullying and shall maintain those records for no less than four years.

E. Each local school board or governing body shall establish procedures for public schools to report the number of bullying incidents and the number of harassment incidents, as defined by federal or state law, along with responses to these incidents, and shall report this information annually to the department at such time as determined by the department and through the department's student teacher accountability reporting or through other means as determined by the department.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

6.11.2.7. Definitions.

B. "Criminal acts" are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.

C. "Delinquent acts" are acts so defined in Subsection A of Section 32A-2-3 NMSA 1978 of the Delinquency Act.

F. "Disruptive conduct" means willful conduct which:

(1) materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
(2) leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.

H. "Gang related activity" is disruptive conduct.

L. "Legal limits" include the requirements of the federal and state constitutions and governing statutes, standards and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression which must be balanced against the schools need to foster an educational atmosphere free from undue disruptions to appropriate discipline.

R. "Refusal to cooperate with school personnel" means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.

S. "Refusal to identify self" means a person's willful refusal, upon request from school personnel known or identified as such to the person, to identify himself or herself accurately.

W. "Sexual harassment", regarding students, means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical) when:

  (1) submission to such conduct is made either explicitly or implicitly a term or condition of the advancement of a student in school programs or activities;
  (2) submission to or rejection of such conduct by a student is used as the basis for decisions/opportunities affecting the student;
  (3) such conduct substantially interferes with a student's learning or creates an intimidating, hostile or offensive learning environment.

**6.11.2.9. Rules of conduct for New Mexico public schools.**

The acts specified in Subsection A. of 6.11.2.9 NMAC below are prohibited in all the public schools of New Mexico. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, local school boards have discretion to develop rules of conduct governing all others area of student and school activity.

A. Prohibited activities: The commission of or participation in the activities designated below is prohibited in all New Mexico public schools and is prohibited for students whenever they are subject to school control. Acts prohibited by this rule:

  (1) criminal or delinquent acts;
  (2) gang related activity;
  (3) sexual harassment;
  (4) disruptive conduct;
  (5) refusal to identify self; and
  (6) refusal to cooperate with school personnel.

B. Regulated activities: Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non students which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Subsection B. of 6.11.2.8 NMAC above. Activities subject to local board regulation within legal limits include, but are not limited to:

  (1) school attendance;
  (2) use of and access to the public schools, including:
    (a) restrictions on vehicular traffic on school property,
(b) prohibition of or conditions on the presence of non-school persons on school grounds or in school buildings while school is in session; and

c) reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;

(3) students’ dress and personal appearance;

(4) use of controlled substances, alcohol and tobacco in the public schools;

(5) speech and assembly within the public schools;

(6) publications distributed in the public schools;

(7) the existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;

(8) by statute, Section 22-5-4.7 NMSA 1978, each school district is required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board; the local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities;

(9) the discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

22-12A-8. Enforcement of attendance for success act; attendance improvement plan; procedures.

A. A public school shall initiate the enforcement of the provisions of the Attendance for Success Act for its enrolled students. The enforcement policies of a public school shall focus on prevention and intervention.

B. Beginning in the 2020-2021 school year, a public school with five percent or greater of students with a chronic absence rate during the prior school year, or with five percent or greater of one or more subgroups of students with a chronic absence rate during the prior school year, shall develop an attendance improvement plan to be submitted to the department as part of the public school's educational plan for student success.

C. A public school, regardless of its chronic absence rate, shall develop and implement a whole-school absence prevention strategy to be reported to the department as part of the public school's educational plan for student success.

D. An attendance improvement plan shall include:
   (1) attendance data for each of the preceding two school years and the current school year, including:
       (a) the public school’s overall absence rate;
       (b) chronic absence rates disaggregated by student subpopulation;
       (c) chronic absence rates disaggregated by grade level; and
       (d) student attendance for every day of the school year;
   (2) school-wide identification of potential root causes of chronic and excessive absenteeism through one or more of the following:
       (a) national or local research;
       (b) analysis of supportive factors and barriers;
       (c) student surveys or focus groups;
       (d) youth participatory research; or
       (e) other appropriate school-based research methods;
   (3) identification of strategies for each tier of the attendance improvement plan;
   (4) identification of performance measures for each strategy; and
   (5) a data-collection plan for performance measures.

E. A public school shall provide interventions to students who are absent or chronically absent, which may include:
   (1) assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
   (2) making referrals to health care and social service providers;
   (3) collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
   (4) recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student’s family;
(5) establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;

(6) identifying and coordinating age-appropriate resources for students in need of:
   (a) counseling, training and placement for employment;
   (b) drug and alcohol abuse counseling;
   (c) family crisis counseling; and
   (d) mental health counseling;

(7) promoting family support and parent education programs; and

(8) seeking out other services or goods that a student or the student’s family needs to assist the student to stay in school and succeed.

F. Beginning on the first day of school, a classroom teacher or that teacher’s adult designee shall be responsible for taking accurate attendance for every class and reporting absences to the attendance team.

REGULATIONS

A. Following adoption of a bullying prevention policy, each public school shall:
   (1) establish an annual bullying prevention program for students aligned with New Mexico’s health education content standards with benchmarks and performance standards;
   (2) provide annual training beginning with the 2020-2021 school year and each school year thereafter on bullying prevention to all school personnel and regular volunteers who have significant contact with students; and
   (3) incorporate information on the bullying prevention policy into new employee training.

B. Each school district and public school shall develop a plan for the way in which the policy is to be publicized, including:
   (1) making each school district’s bullying prevention policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on district and/or school public websites;
   (2) identifying a point of contact for bullying-related concerns; and
   (3) informing parents and students about the policy at least annually through student handbooks and other resources.

Behavioral interventions and student support services

LAWS

22-2D-1. Short title.
Sections 64 through 68 [22-2D-1 to 22-2D-5 NMSA 1978] of this act may be cited as the "Family and Youth Resource Act".

22-2D-2. Advisory committee; members; meetings; duties.
A. The "family and youth resource advisory committee" is created. Members of the committee are:
   (1) the state superintendent [secretary] or his designee;
   (2) the secretary of health or his designee;
(3) the secretary of human services or his designee;

(4) the secretary of children, youth and families or his designee; and

(5) the following members appointed by the state board [department]:

(a) one representative each from four different local community-based organizations, including faith-based providers, involved with the provision of health or social services to families; and

(b) one local superintendent or his designee from a school district in which there are more than two schools eligible to participate in the family and youth resources program.

B. The members of the committee shall appoint the chairman and such other officers as they deem necessary.

C. The committee shall meet as frequently as it deems appropriate or necessary, but at least once a year. The chairman may call special meetings as he deems necessary and shall convene special meetings at the request of a majority of the members.

D. A majority of the committee constitutes a quorum.

E. Members who are not state officers may be reimbursed for per diem and mileage expenses as provided in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978].

F. The department shall staff the committee.

G. The committee shall:

(1) recommend to the department guidelines for the creation, implementation and operation of programs;

(2) recommend to the department standards and criteria for awarding grants and the form and content of grant applications; and

(3) review applications for grants and make recommendations to the department within ninety days of receipt of the grant applications.

22-2D-3. Programs; purpose; functions.

A. A "family and youth resources program" may be created in any public school in the state. Except as provided in Subsection D of this section, the department shall accept applications for grants from public schools in which eighty percent of the students are eligible for the free or reduced-fee lunch program to fund their program.

B. The purpose of the program is to provide an intermediary for students and their families at public schools to access social and health care services. The goal of the program is to forge mutual long-term relationships with public and private agencies and community-based, civic and corporate organizations to help students attain high academic achievement by meeting certain nonacademic needs of students and their families.

C. A program shall include the employment of a resource liaison, who shall:

(1) assess student and family needs and match those needs with appropriate public or private providers, including civic and corporate sponsors;

(2) make referrals to health care and social service providers;

(3) collaborate and coordinate with health and social service agencies and organizations through school-based and off-site delivery systems;

(4) recruit service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
(5) establish partnerships between the school and community organizations such as civic, business and professional groups and organizations; and recreational, social and after-school programs such as boys’ and girls’ clubs and boy and girl scouts;

(6) identify and coordinate age-appropriate resources for students in need of:
   (a) counseling, training and placement for employment;
   (b) drug and alcohol abuse counseling;
   (c) family crisis counseling; and
   (d) mental health counseling;

(7) promote family support and parent education programs; and

(8) seek out other services or goods a student or the student’s family needs to assist the student to stay in school and succeed.

D. A public school or group of public schools that has received a grant to establish a family and youth resources program may continue to be eligible for funding if its percentage of students eligible for the free or reduced-fee price lunch program drops below eighty percent, so long as it maintains an average of eighty percent or more for any three-year period.

22-2D-4. Family and youth resource programs; grants; department duties.

A. Subject to the availability of funding, grants are available to a public school or group of public schools that meets department eligibility requirements.

B. Applications for grants shall be in the form prescribed by the department and shall include the following information:
   (1) a statement of need, including demographic and socioeconomic information about the area to be served by the program;
   (2) goals and expected outcomes of the program;
   (3) services and activities to be provided by the program;
   (4) written agreements for the provision of services by public and private agencies, community groups and other parties;
   (5) a work plan and budget for the program, including staffing requirements and the expected availability of staff;
   (6) hours of operation;
   (7) strategies for dissemination of information about the program to potential users;
   (8) training and professional development plans;
   (9) plans to ensure that program participants are not stigmatized for their use of the program;
   (10) a physical description of the place in the school or adjacent to the school in which the program will be located;
   (11) letters of endorsement and commitment from community agencies and organizations and local governments; and
   (12) any other information the department requires.

C. Grants shall not be awarded for applications submitted that supplant funding and other resources that have been used for purposes similar to the program.

22-2D-5. Family and youth resource fund.

The “family and youth resource fund” is created in the state treasury. The fund shall consist of appropriations, gifts, grants, donations and earnings from investment of the fund. The fund shall not be
transferred to any other fund at the end of a fiscal year. The fund shall be administered by the
department, and money in the fund is appropriated to the department to carry out the purposes of the
Family and Youth Resource Act. Money in the fund shall be disbursed on warrants issued by the
secretary of finance and administration pursuant to vouchers signed by the state superintendent
[secretary] or his authorized representative.

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:
   (1) establishes an early warning system that includes evidence-based metrics to identify students at risk
       of chronic absenteeism or excessive absenteeism;
   (2) provides for early identification of chronically absent and excessively absent students;
   (3) employs an attendance improvement plan that focuses on:
       (a) keeping students in an educational setting;
       (b) prohibiting out-of-school suspension or expulsion as the punishment for absences;
       (c) assisting a student’s family to remove barriers to the student’s regular school attendance or
           attendance in another educational setting; and
       (d) providing additional educational opportunities to students who are struggling with attendance;
   (4) limits the ability of a student to withdraw to only after all intervention efforts by the public school or
       the children, youth and families department to keep the student in an educational setting have been
       exhausted;
   (5) requires that accurate class attendance be taken for every instructional class and school day in a
       public school or school program;
   (6) provides that a public school shall differentiate between different types of absences;
   (7) requires a public school to document the following for each chronically or excessively absent
       student:
       (a) attempts by the public school to notify a parent that the student was absent from class or the
           school day;
       (b) attempts to improve attendance by talking to a student or parent to identify barriers to school
           attendance, identify solutions to improve the student’s attendance behavior and discuss necessary
           interventions for the student or the student’s family; and
       (c) intervention strategies implemented to support keeping the student in an educational setting,
           including additional educational opportunities offered to the student;
   (8) requires a student or the parent of a student who intends to claim excused absence because of
       medical condition, pregnancy or parenting to communicate the student’s status to the appropriate
       school personnel and to provide required documentation; and
   (9) encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights
       and Privacy Act of 1974, between a public school and community-based organizations that provide
       services to students for the purpose of providing more personalized interventions and specialized
       supports as part of the public school’s attendance improvement plan.
B. Local school boards shall review and approve their public school attendance policies.
C. School districts shall report absences, chronic absences and excessive absences data to the
   department at each reporting date and the end of the school year and shall document intervention efforts
   made to keep students in an educational setting. The department shall compile school district reports as
   provided in Section 13 of the Attendance for Success Act and require school districts to certify that the
information is being reported consistently and correctly. The department shall share information from state-chartered charter schools with the commission.

D. A public school shall provide a copy of the public school’s attendance policy to all parents of students in that school and publish the policy on the public school’s website. The attendance policy shall include:
   (1) the rights and obligations of parents and students pursuant to the Attendance for Success Act;
   (2) the prevention strategies that will be implemented to ensure that students attend classes; and
   (3) details about consequences of failing to adhere to the attendance policy.

E. A public school shall provide a parent, within five days of the parent’s written request, with access to the attendance data of that parent’s child, including information about any intervention strategies that have been employed to help the student improve the student’s attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools.

22-12A-8. Enforcement of attendance for success act; attendance improvement plan; procedures.

A. A public school shall initiate the enforcement of the provisions of the Attendance for Success Act for its enrolled students. The enforcement policies of a public school shall focus on prevention and intervention.

B. Beginning in the 2020-2021 school year, a public school with five percent or greater of students with a chronic absence rate during the prior school year, or with five percent or greater of one or more subgroups of students with a chronic absence rate during the prior school year, shall develop an attendance improvement plan to be submitted to the department as part of the public school’s educational plan for student success.

C. A public school, regardless of its chronic absence rate, shall develop and implement a whole-school absence prevention strategy to be reported to the department as part of the public school’s educational plan for student success.

D. An attendance improvement plan shall include:
   (1) attendance data for each of the preceding two school years and the current school year, including:
      (a) the public school’s overall absence rate;
      (b) chronic absence rates disaggregated by student subpopulation;
      (c) chronic absence rates disaggregated by grade level; and
      (d) student attendance for every day of the school year;
   (2) school-wide identification of potential root causes of chronic and excessive absenteeism through one or more of the following:
      (a) national or local research;
      (b) analysis of supportive factors and barriers;
      (c) student surveys or focus groups;
      (d) youth participatory research; or
      (e) other appropriate school-based research methods;
   (3) identification of strategies for each tier of the attendance improvement plan;
   (4) identification of performance measures for each strategy; and
   (5) a data-collection plan for performance measures.

E. A public school shall provide interventions to students who are absent or chronically absent, which may include:
(1) assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;

(2) making referrals to health care and social service providers;

(3) collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;

(4) recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student’s family;

(5) establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;

(6) identifying and coordinating age-appropriate resources for students in need of:
   (a) counseling, training and placement for employment;
   (b) drug and alcohol abuse counseling;
   (c) family crisis counseling; and
   (d) mental health counseling;

(7) promoting family support and parent education programs; and

(8) seeking out other services or goods that a student or the student’s family needs to assist the student to stay in school and succeed.

F. Beginning on the first day of school, a classroom teacher or that teacher’s adult designee shall be responsible for taking accurate attendance for every class and reporting absences to the attendance team.


A. A public school shall provide interventions for students who are missing school, depending on the number of absences. The process for notification and interventions is:

(1) for a student who has been identified as in need of individualized prevention, the attendance team shall:
   (a) for an elementary student, talk to the parent and inform the parent of the student’s attendance history, the impact of student absences on student academic outcomes, the interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism; and
   (b) for a middle or high school student, talk to the parent and the student about the student’s attendance history and the impact of student absences on student academic outcomes, interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism;

(2) for a student who has been identified as in need of early intervention, the attendance team shall notify the parent in writing by mail or personal service on the parent of the student’s absenteeism. The notice shall include a date, time and place for the parent to meet with the public school to develop intervention strategies that focus on keeping the student in an educational setting. The attendance team shall be convened to establish a specific intervention plan for the student that includes establishing weekly progress monitoring and a contract for attendance; and

(3) for a student who has been identified as in need of intensive support, the attendance team shall:
   (a) give written notice to the parent, including a date, time and place for the parent to meet with the school principal and the attendance team;
(b) establish nonpunitive consequences at the school level;
(c) identify appropriate specialized supports that may be needed to help the student address the underlying causes of excessive absenteeism; and
(d) apprise the student and the parent of the consequences of further absences.

B. The school principal shall consult with a student’s teacher and initiate meetings with the teacher, the student and the parent if the alleged cause of absence from class is teacher-student incompatibility.

22-32-1. Short title.
Chapter 22, Article 32 NMSA 1978 may be cited as the “Community Schools Act”.

22-32-2. Purpose.
The Community Schools Act is enacted to provide a strategy to organize the resources of a community to ensure student success while addressing the needs of the whole student; to partner federal, state and local entities with private community-based organizations to improve the coordination, delivery, effectiveness and efficiency of services provided to children and families; and to coordinate resources, in order to align and leverage community resources and integrate funding streams.

22-32-3. Community schools initiatives; school improvement functions; requirements.
A. A community schools initiative may be created in any public school in the state.
B. A community schools initiative shall include the following core set of strategies and opportunities to strengthen behavior for all students:
   (1) extended learning programs, including after-school programs and summer programs;
   (2) school-based or school-linked health care;
   (3) opportunities for families to acquire skills to promote early learning and childhood development;
   (4) school and community-resource partnerships with an integrated focus on academics and other social, health and familial support;
   (5) social, health, nutrition and mental health services and support for children, family members and community members; and
   (6) case management for students in need of comprehensive support in academics, attendance and behavior.
C. A community schools initiative shall include the following:
   (1) a lead partner agency, including a public or private agency or community-based organization, to help coordinate programs and services;
   (2) an assessment of community resources informed by students, families and community and school leaders that relates to the effective delivery of core services on site; and
   (3) the implementation of an independently evaluated, evidence-based or results-based model of integrated student services and comprehensive supports that is proven to increase student achievement.

22-32-4. Community schools’ initiatives; indirect costs; grants; school district, group of public schools or public school duties; requirements.
A. A school district shall bear any administrative costs associated with the establishment and implementation of a community school within the school district.
B. Subject to the availability of funding, grants for community schools initiatives are available to a school district, a group of public schools or a public school that has demonstrated partnerships with any lead
agency and local, private and public agencies for the purpose of establishing, operating and sustaining community schools and that meets department eligibility requirements.

C. Applications for grants for community schools’ initiatives shall be in the form prescribed by the department and shall include the following information:

(1) a statement of need, including demographic and socioeconomic information about the area to be served by the community schools initiative;
(2) goals and expected outcomes of the initiative;
(3) services and activities to be provided by the initiative;
(4) written agreements for the provision of services by public and private agencies, community groups and other parties;
(5) a work plan and budget for the initiative, including staffing requirements and the expected availability of staff;
(6) days and hours of operation;
(7) strategies for dissemination of information about the initiative to potential users;
(8) training and professional development plans;
(9) letters of endorsement and commitment from community agencies and organizations and local governments; and
(10) any other information the department requires.

D. A school district, a group of public schools or a public school that uses funds under this section to transform a school into a research- and evidence-based community schools initiative shall:

(1) use rigorous, transparent, equitable and evidence-based evaluation systems to assess the effectiveness of the implementation of the community school’s initiative;
(2) provide ongoing, high-quality professional development to staff that:
   (a) aligns with the school’s instructional program;
   (b) facilitates effective teaching and learning; and
   (c) supports the implementation of school reform strategies; and
(3) give the school sufficient operational flexibility in programming, staffing, budgeting and scheduling so that the school can fully implement a comprehensive strategy designed to focus on improving school climate, student achievement and growth in reading and mathematics, attendance, behavior, parental engagement and, for high schools, graduation rates and readiness for college or a career.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

22-10A-32. Licensed school employees; required training program.
A. All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement shall be completed within the licensed school employee's first year of employment by a school district.
B. Pursuant to the policy and rules adopted by the state board, the department shall develop a training program, including training materials and necessary training staff, to meet the requirement of Subsection
A of this section to make the training available in every school district. The department shall coordinate the development of the program with appropriate staff at the human services department and the department of health.

C. The training program developed pursuant to this section shall be made available by the department to the deans of every college of education in New Mexico for use in providing such training to students seeking elementary and secondary education licensure.

22-35-4. Bullying prevention programs establishment.
A. Following adoption of a bullying prevention policy, each public school shall:
   (1) establish an annual bullying prevention program for students included in New Mexico's health education content standards with benchmarks and performance standards;
   (2) provide annual training on bullying prevention to all employees and volunteers who have significant contact with students; and
   (3) incorporate information on the bullying prevention policy into new employee training.

REGULATIONS

A. Following adoption of a bullying prevention policy, each public school shall:
   (1) establish an annual bullying prevention program for students aligned with New Mexico's health education content standards with benchmarks and performance standards;
   (2) provide annual training beginning with the 2020-2021 school year and each school year thereafter on bullying prevention to all school personnel and regular volunteers who have significant contact with students; and
   (3) incorporate information on the bullying prevention policy into new employee training.
B. Each school district and public school shall develop a plan for the way in which the policy is to be publicized, including:
   (1) making each school district's bullying prevention policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on district and/or school public websites;
   (2) identifying a point of contact for bullying-related concerns; and
   (3) informing parents and students about the policy at least annually through student handbooks and other resources.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

22-10A-33. Violence; vandalism; reporting.
A. A school administrator, teacher or other school employee who observes or has direct knowledge from a participant or victim of an act of violence upon a school administrator, teacher or other school employee in the lawful discharge of his duties or vandalism to public school property shall file an incident report describing the incident pursuant to procedures established by the department.
B. A person who files an incident report pursuant to this section shall not be discriminated against in any manner or discharged by a local superintendent because he has filed that report.
C. The department shall establish uniform reporting procedures for incidents of violence or vandalism described in Subsection A of this section. The procedures shall include requirements for:
   (1) incidents to be reported, incident description and report on action taken in response to the reported incident;
   (2) annual incident reports by local superintendents of all reported incidents to local school boards;
   (3) annual incident reports by local school boards of all reported incidents to the state superintendent [secretary]; and
   (4) annual incident reports by the state superintendent of all reported incidents to the state board [department]. The annual incident report filed with that board shall be summarized and submitted to an appropriate interim committee of the legislature with recommendations to decrease the incidence of violence and vandalism in the public schools.

REGULATIONS

A. By January 1, 2020, each local school board or governing body shall adopt and enforce policies to:
   (1) prevent bullying and cyberbullying:
      (a) on its property, including electronic communication on or with the use of its property;
      (b) at school or district-sponsored events; and
      (c) on any school-sponsored transportation; and
   (2) prohibit electronic communication directed at a student that is published with the intent that it be seen by or disclosed to that student and that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the public school.
B. Each local school board and governing body shall control the content of its policy, provided that the policy includes:
   (1) the definitions as set forth in this rule;
   (2) a statement prohibiting bullying;
   (3) a statement prohibiting retaliation against persons who report or witness incidents of bullying;
   (4) a list of consequences, exclusive of suspension and expulsion, that can result from an incident of bullying, and with consequences that are designed to:
(a) appropriately correct the bullying behavior;
(b) prevent another occurrence of bullying or retaliation;
(c) protect the target of the bullying;
(d) be flexible so that, in application, the consequences can vary in method and severity based on:
   (i) the nature of the incident;
   (ii) the developmental age and/or cognitive level of the student who is bullying; and
   (iii) historical problem behavior from the student who is bullying; and
(e) limit the restrictive nature of consequences for cyberbullying incidents, such that while correcting cyberbullying behavior and preventing further incidents of cyberbullying, a student with cyberbullying behavior is able to participate in or benefit from the services, activities, or privileges provided by the school to the greatest extent possible;

(5) a procedure for reporting bullying and for reporting retaliation for reporting an act of bullying, including:
   (a) an allowance for reporting orally and in the preferred language of the person reporting;
   (b) a method for anonymous reporting; provided that no formal disciplinary measures shall be taken solely on the basis of an anonymous report of an actual bullying incident; and
   (c) a method for parents to file written reports of suspected bullying; and
(6) a procedure for prompt investigation of reports of violations of the bullying prevention policy and of complaints of bullying or retaliation, including:
   (a) designation of a school or district administrator who has the responsibility to:
      (i) investigate or supervise the investigation of all reports of bullying and
      (ii) to ensure that investigations are completed promptly after the receipt of any report made under this rule;
   (b) a procedure for notification of the parents of the student alleged to have committed an act of bullying and the parents of the student targeted by the alleged act; provided that if, in the administrator’s professional opinion, notifying the parents would endanger the health or well-being of a student, the administrator may delay such notification as appropriate;
   (c) a requirement that school employees who witness bullying or who receive reports of bullying notify the designated administrator within two calendar days of the employee witnessing or receiving a report of bullying;
   (d) an appeal process for a student who is accused of bullying or who is the target of bullying and who is unsatisfied with the outcome of the initial investigation; and
   (e) development of a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying.

C. Each local school board and governing body shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language. Policies shall be produced and disseminated in appropriate languages in any school district in which a substantial portion of the student population speaks a language other than English at home.

D. Each public school shall document reports and investigations of bullying and shall maintain those records for no less than four years.

E. Each local school board or governing body shall establish procedures for public schools to report the number of bullying incidents and the number of harassment incidents, as defined by federal or state law, along with responses to these incidents, and shall report this information annually to the department at
such time as determined by the department and through the department’s student teacher accountability reporting or through other means as determined by the department.

Parental notification

LAWS

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:

(7) requires a public school to document the following for each chronically or excessively absent student:

(a) attempts by the public school to notify a parent that the student was absent from class or the school day;

(b) attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to improve the student’s attendance behavior and discuss necessary interventions for the student or the student’s family; and

(c) intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student;

(8) requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy or parenting to communicate the student’s status to the appropriate school personnel and to provide required documentation; and

A. A public school shall provide interventions for students who are missing school, depending on the number of absences. The process for notification and interventions is:

(1) for a student who has been identified as in need of individualized prevention, the attendance team shall:

(a) for an elementary student, talk to the parent and inform the parent of the student’s attendance history, the impact of student absences on student academic outcomes, the interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism; and

(b) for a middle or high school student, talk to the parent and the student about the student’s attendance history and the impact of student absences on student academic outcomes, interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism;

(2) for a student who has been identified as in need of early intervention, the attendance team shall notify the parent in writing by mail or personal service on the parent of the student’s absenteeism. The notice shall include a date, time and place for the parent to meet with the public school to develop intervention strategies that focus on keeping the student in an educational setting. The attendance team shall be convened to establish a specific intervention plan for the student that includes establishing weekly progress monitoring and a contract for attendance; and

(3) for a student who has been identified as in need of intensive support, the attendance team shall:

(a) give written notice to the parent, including a date, time and place for the parent to meet with the school principal and the attendance team;

(b) establish nonpunitive consequences at the school level;
(c) identify appropriate specialized supports that may be needed to help the student address the underlying causes of excessive absenteeism; and
(d) apprise the student and the parent of the consequences of further absences.

B. The school principal shall consult with a student’s teacher and initiate meetings with the teacher, the student and the parent if the alleged cause of absence from class is teacher-student incompatibility.

REGULATIONS

D. Temporary suspension.
(1) A local school board may limit temporary suspensions to periods shorter than ten (10) school days.
(2) A student facing temporary suspension shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply.
(e) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's address of record.

G. Long-term suspension and expulsion.
(4) The following rules shall govern the imposition of long-term suspensions or expulsions:
(f) Service of notice. The written notice shall be addressed to the student, through his or her parent(s), and shall be served upon the parent(s) personally or by mail.

Reporting and referrals between schools and law enforcement

LAWS

22-12A-12. Excessive absenteeism; enforcement.
A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Attendance for Success Act for excessively absent students.
B. If unexcused absences continue after written notice of excessive absenteeism as provided in Section 11 of the Attendance for Success Act, the local school board or governing body of a charter school or private school, after consultation with the local superintendent or head administrator of a charter school or private school, shall report the excessively absent student to the probation services office of the judicial district in which the student resides for an investigation as to whether the student should be considered to be a neglected child or a child in a family in need of family services because of excessive absenteeism and, thus, subject to the provisions of the Children’s Code. The record of the public school’s interventions and the student’s and parent’s responses to the interventions shall be provided to the juvenile probation services office. The local superintendent or head administrator of a charter school or private school shall provide the documentation to the juvenile probation services office within ten business days of the student being identified as excessively absent.
C. If the juvenile probation services office determines that the student is a child in a family in need of family services, a caseworker from the child or family in need of family services program shall meet with the family at the public school in which the student is enrolled to determine if there are other intervention services that may be provided. The meeting shall involve the school principal or other school personnel
and, unless the parent objects in writing, appropriate community partners that provide services to children and families. The children, youth and families department shall determine if additional interventions, including monitoring, will positively affect the student’s behavior.

### 22-13-33. Appointing a point of contact person for certain students.

**A. As used in this section:**

(1) "foster care" means twenty-four-hour substitute care for a student placed away from the student's parents or guardians and for whom the children, youth and families department has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, treatment foster homes, residential facilities, child care institutions and pre-adoptive homes. For the purposes of this section, a student is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the student, whether adoption subsidy payments are being made prior to the finalization of an adoption or whether there is federal matching of any payments that are made; and

(2) "involved in the juvenile justice system" means a student who has been referred to the children, youth and families department due to allegations that the student has committed a delinquent offense and voluntary or involuntary conditions have been imposed on the student, including a student who is participating in a diversion program, is under a consent decree or time waiver, is currently supervised by the children, youth and families department, has recently entered or left a juvenile or criminal justice placement or is on supervised release or parole.

**B. Each school district and charter school authorized by the department shall designate an individual to serve as a point of contact for students in foster care and students involved in the juvenile justice system.** Charter schools authorized by school districts shall use the district's point of contact. Multiple school districts or charter schools authorized by the department may share a single designated point of contact with approval from the department and from the children, youth and family’s department.

**C. For students transferring into the school district or charter school authorized by the department, the point of contact person shall be responsible for:**

(1) ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;

(2) ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student's enrollment;

(3) ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and

(4) collaborating with the education program staff in a juvenile or criminal justice placement and the educational decision maker appointed by the children's court to create and implement a plan for assisting the transition of a student to the school district or charter school authorized by the department to minimize disruption to the student's education.

**D. For students transferring out of the school district or charter school authorized by the department, the point of contact person shall be responsible for providing all records to the new school within two business days of receiving a request from the receiving school.**

**E. For students in foster care, the point of contact person shall be responsible for:**

(1) complying with state policies and developing school district or charter school policies in collaboration with the children, youth and family’s department for:

(a) best interest determinations about whether the student will remain in the school of origin;
(b) transportation policies to ensure that students receive transportation to their school of origin if it is in their best interest to remain in the school of origin; and

c) dispute resolution;

(2) convening or participating in best interest determination meetings in collaboration with the children, youth and family’s department pursuant to state policies and the school district's or charter school authorized by the department's policies; and

(3) ensuring that transportation occurs to the student's school of origin pursuant to the school district's or charter school authorized by the department's policies and in compliance with state policies.

F. For students in foster care and students involved in the juvenile justice system, the point of contact person shall be responsible for:

1) ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

2) ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student’s college and career readiness;

3) ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;

4) identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;

5) supporting communication among the school; the children, youth and family’s department; the student; the student's educational decision maker appointed by the children's court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and

6) ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

G. The children, youth and family’s department shall notify a school when a student in the school enters foster care or a student in foster care enrolls in a school.

H. The student or the student's educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and services from the point of contact.

32A-4-35. Appointment or change of educational decision maker.

A. In all matters involving children alleged by the state to be abused or neglected, including proceedings to terminate parental rights, the children’s court shall appoint an educational decision maker in every case.

B. The children’s court shall appoint an educational decision maker at the custody hearing; provided that the children's court:

1) may change the appointment of an educational decision maker upon motion of a party at any stage of the proceedings; and

2) shall review at each subsequent stage of the proceedings whether to continue or change the appointment of an educational decision maker for the child.

C. The children’s court shall appoint a respondent as the child's educational decision maker, unless the children's court determines that doing so would be contrary to the best interests of the child. If the children's court determines that no respondent should be appointed as the child's educational decision maker, the children's court shall appoint another qualified individual, taking into account the following:
(1) whether the individual knows the child and is willing to accept responsibility for making educational decisions;
(2) whether the individual has any personal or professional interests that conflict with the interests of the child; and
(3) whether the individual is permitted to make all necessary educational decisions for the child, including decisions related to whether the child is a child with a disability under the federal Individuals with Disabilities Education Act.

REGULATIONS

6.11.2.10. Enforcing rules of conduct.
A. Enforcing attendance requirements. Formal enforcement action under the Compulsory School Attendance Law, supra, and the Family Services Act, Section 32A-3A-1 et seq. NMSA 1978 shall be initiated whenever a student's absences indicate that the law is being violated. An administrative authority who has reason to believe a student is violating local school board attendance policies may take whatever further disciplinary action is deemed appropriate under local policies.
B. Search and seizure: School property assigned to a student and a student’s person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

(1) Notice of search policy. Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

(2) Who may search. Certified school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person(s), who upon consent become(s) an authorized person for the purpose of that search only.

(3) When search permissible. Unless local school board policy provides otherwise, an authorized person may conduct a search when the authorized person has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when the administrative authority has reasonable cause to believe that a search is necessary to help maintain school discipline.

(4) Conduct of searches; witnesses. The following requirements govern the conduct of permissible searches by authorized persons.

(a) School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.

(b) Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.

(c) Physical searches of a student’s person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be
reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex, and the nature of the infraction.

(5) Seizure of items: Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

(6) Notification of law enforcement authorities: Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

C. Basis for disciplinary action: A student may appropriately be disciplined by administrative authorities in the following circumstances:

(1) for committing any act which endangers the health or safety of students, school personnel or others for whose safety the public school is responsible, or for conduct which reasonably appears to threaten such dangers if not restrained, regardless of whether an established rule of conduct has been violated;

(2) for violating valid rules of student conduct established by the local school board or by an administrative authority to whom the board has delegated rulemaking authority, when the student knew or should have known of the rule in question or that the conduct was prohibited; or

(3) for committing acts prohibited by this rule, when the student knew or should have known that the conduct was prohibited.

D. Selection of disciplinary sanctions: Within legal limits as defined in Subsection L of 6.11.2.7 NMAC above, local school boards have discretion to determine the appropriate sanction(s) to be imposed for violations of rules of student conduct, or to authorize appropriate administrative authorities to make such determinations.

(1) School discipline and criminal charges: Appropriate disciplinary actions may be taken against students regardless of whether criminal charges are also filed in connection with an incident.

(2) Nondiscriminatory enforcement: Local school boards and administrative authorities shall not enforce school rules or impose disciplinary punishments in a manner which discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex, or disability, except to the extent otherwise permitted or required by law or regulation. This statement shall not be construed as requiring identical treatment of students for violation of the same rule; it shall be read as prohibiting differential treatment, which is based on race, religion, color, national origin, ancestry, sex, or disability rather than on other differences in individual cases or students.

E. Restraint and seclusion: In accordance with Section 22-5-4.12 NMSA 1978, each school shall follow requirements for the use of restraint and seclusion techniques.

(1) Schools shall establish and review annually policies and procedures, as approved by the local school board or governing body, for the use of restraint and seclusion techniques. Such policies and procedures shall require and describe appropriate training for school personnel and shall include requirements in relation to the use of restraint and seclusion techniques.

(a) A school may permit the use of restraint and seclusion techniques on any student pursuant to the requirements in Section 22-5-4.12 NMSA 1978.

(b) Less restrictive interventions, including positive behavioral intervention supports or other comparable behavior management techniques, shall be implemented prior to the use of restraint and seclusion techniques.
(c) If a restraint or seclusion technique is used on a student, trained and authorized school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use, pursuant to the requirements in Section 22-5-4.12 NMSA 1978.

(2) Districts or charter schools shall develop and implement an annual training for designated school personnel regarding positive behavioral intervention supports or comparable behavior management techniques and the use of restraint and seclusion techniques. In the event that new designated school personnel are employed within the school after the provision of the annual training, the principal of the school, or a person authorized to act officially in a matter involving school discipline or the maintenance of order within the school, shall ensure that a training is provided to new designated school personnel within 60 days of employment.

(3) Schools shall update school safety plans.

(a) A school safety plan pursuant to requirements of Paragraph (7) of Subsection D of 6.12.6.8 NMAC shall include additional minimum requirements.

(i) The school safety plan shall not be specific to any individual student.

(ii) The school safety planning team shall include at least one of each of the following: administrator, educator, and special education expert and may include a counselor or social worker, nurse, and school resource officer or security staff.

(b) A school safety plan pursuant to requirements of Paragraph 7 of Subsection D of 6.12.6.8 NMAC shall be submitted to the department on a triennial basis, on a schedule as determined by the department. Notice of school safety plan submittal will be provided by the department to local education agencies 90 days prior to the due date.

(4) Schools shall establish reporting and documentation procedures pursuant to the requirements listed in Section 22-5-4.12 NMSA 1978. In addition, schools shall provide written or oral assurance of secure storage and access to written documentation in accordance with 20 U.S.C. § 1232g; 34 CFR Part 99, Family Educational Rights and Privacy Act, as well as any other applicable federal or state laws or rules governing the privacy of such documents.

(5) Exemptions to the requirements prescribed in Subsection E of 6.11.2.10 NMAC shall be pursuant to Subsections G and H of Section 22-5-4.12 NMSA 1978.

F. Corporal punishment: Corporal punishment shall be prohibited by each local school board and each governing body of a charter school pursuant to Subsection B of Section 22-5-4.3 NMSA 1978. Restraint or seclusion techniques used in compliance with Subsection E of 6.11.2.10 NMAC shall not be deemed to be corporal punishment.

G. Detention, suspension and expulsion: Where detention, suspension or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed in 6.11.2.12 NMAC, below. Suspensions or expulsions of students with disabilities shall be subject to the further requirements of Subsection I of 6.11.2.10 NMAC and 6.11.2.11 NMAC below.

H. Discipline of students experiencing homelessness: Removing students experiencing homelessness from school shall be used only as a last resort, pursuant to the requirements in 42 U.S.C. 11431 et seq., the McKinney-Vento Homelessness Assistance Act.

(1) Public schools shall develop discipline policies and procedures that are reviewed at least annually and align with local school board or governing body policies. Policies and procedures shall:

(a) through professional development activities, create an awareness among educators and administrators of the types of behaviors that students experiencing homelessness may exhibit due to homelessness and provide strategies and supports to address the behaviors through the student assistance team process in accordance with Subsection D of 6.29.1.9 NMAC;
(b) take into account the issues related to a student’s homelessness by talking with the student and applicable staff and families prior to taking disciplinary action;
(c) consult with school behavior response teams or other applicable personnel to assign appropriate discipline related to the behavior;
(d) implement discipline alternatives to out of school suspensions or expulsions or classroom removals, if possible; and
(e) connect students with mental health services as needed.

(2) Public schools shall review school discipline records and data of students experiencing homelessness in order to identify any patterns in disciplinary actions that indicate an unfair bias against the students. The collection and review of such records shall be in compliance with the Family Educational Rights and Privacy Act, as well as any other applicable federal or state laws or rules governing the privacy of such documents.

I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.

(1) Long-term suspensions or expulsions of students with disabilities shall be governed by the procedures set forth in 6.11.2.11 NMAC below.

(2) Temporary suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Subsection D of 6.11.2.12 NMAC below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Paragraph (3) of Subsection I of 6.11.2.10 NMAC below.

(3) Program prescriptions. A student with a disability’s individualized education program (IEP), under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), need not affirmatively authorize disciplinary actions which are not otherwise in conflict with this rule. However, the IEP team may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student’s IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability’s IEP, except that an IEP team may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this rule.

(4) Immediate removal. Immediate removal of students with disabilities may be done in accordance with the procedures of Subsection C of 6.11.2.12 NMAC below.

(5) A student who has not been determined to be eligible for special education and related services under 6.31.2 NMAC and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in this subsection if the conditions set forth in 34 CFR Sec. 300.534 have been met.

(6) Referral to and action by law enforcement and judicial authorities.

(a) Nothing in these rules of conduct prohibits an administrative authority from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

(b) Transmittal of records.
(i) An administrative authority reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted, for consideration by the appropriate authorities, to whom the administrative authority reports the crime.

(ii) An administrative authority reporting a crime under this section may transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Disclosure of school records

LAWS

22-2C-11.1. Student identification number unique to that student.

The student identification number required pursuant to Section 22-2C-11 NMSA 1978 shall be unique to each student and shall not be used or assigned to another student. That number shall be on all forms, student records, transcripts and databases in which a student is identified by name. A student shall be assigned only one identification number. It shall be the responsibility of every school district and charter school in the state to determine if the student has ever enrolled previously in a public school in New Mexico, and school districts and charter schools shall use the original student identification number.

REGULATIONS

6.11.2.10. Enforcing rules of conduct.

I. Discipline of students with disabilities: Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the public schools are required by state law and regulations to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.

(b) Transmittal of records.

(i) An administrative authority reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted, for consideration by the appropriate authorities, to whom the administrative authority reports the crime.

(ii) An administrative authority reporting a crime under this section may transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

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

LAWS

22-2F-1. Short title.

This act [22-2F-1 through 22-2F-3 NMSA 1978] may be cited as the “School Support and Accountability Act”.

New Mexico Compilation of School Discipline Laws and Regulations

As used in the School Support and Accountability Act [22-2F-1 NMSA 1978]:

A. “adjusted cohort graduation rate” means the graduation rate of first-time ninth grade students with a diploma of excellence in a particular school year adjusted by adding any students who transfer into the cohort after the ninth grade and subtracting any students who transfer out, emigrate to another country or die;

B. “chronic absenteeism” means the percentage of students missing ten percent or more of the school year for any reason, including excused absences, unexcused absences and out-of-school suspensions;

C. “college, career and civic readiness” includes the completion of a college-ready course of study; the completion of a high-quality career technical education program; the completion of advanced courses such as advanced placement, international baccalaureate or dual credit; a seal of bilingualism-biliteracy on the student’s diploma of excellence; demonstrating competency for college readiness or career certification; or the completion of a work-based learning experience; and for all students, includes the completion of a service-based learning experience, participation in a civic engagement experience or participation in a college or career exploration experience;

D. “comprehensive support” means support for a school that performs at or below the support identification threshold, or has an adjusted cohort graduation rate of less than sixty-six and two-thirds percent, or fails to exit targeted support status after a number of years determined by the department;

E. “educational climate” means the percentage of school stakeholders who report that the school provides an appropriate climate for learning in the domains of student and staff engagement, social-emotional and physical safety and a school environment conducive to teaching and learning;

F. “English language proficiency” means the ability of students to use academic English to make and communicate meaning in spoken and written contexts in an assessment determined by the department;

G. “local school board” includes the governing body of a charter school;

H. “more rigorous intervention” means an intervention plan for a school that fails to exit comprehensive support status after a number of years determined by the department;

I. “on track to graduate” means data on each individual student that show the student’s graduation status and potential predictors of dropout, such as student attendance, behavior, grades and test scores;

J. “opportunity to learn standards” means a comprehensive view of the context in which learning takes place, including curriculum and instruction, educational resources and school staff competency;

K. “school stakeholders” means students, parents, other family members, teachers, school staff and community partners who are part of a school’s immediate environment;

L. “student growth” means a measure, either norm-referenced to students with similar prior test scores or criterion-referenced to a specific standard, of students’ academic progress within a specified time period;

M. “student proficiency” means a measure demonstrating students’ grade level mastery of the knowledge and skills determined by the New Mexico standards-based assessments;

N. “support identification threshold” means a threshold set by the department using the metrics in the school support and accountability system to identify the lowest performing five percent of schools in the state receiving Title 1 funds;

O. “system” means the school support and accountability system;

P. “targeted support” means support for a school in which at least one subgroup of students, but not the entire school, performs at or below the support identification threshold; and
Q. "traditional support" means a school that is not designated for targeted support or comprehensive support or has exited more rigorous intervention status by surpassing the support identification threshold.

22-2F-3. School support and accountability system; created; establishing a school dashboard; prioritizing resources for schools receiving additional support.

A. The "school support and accountability system" is created in the department. The department, in consultation with school districts, charter schools, school personnel, tribal nations and the legislative education study committee, shall promulgate rules to carry out the provisions of the School Support and Accountability Act [22-2F-1 NMSA 1978] through the system.

B. The system shall:

(1) differentiate Title 1 support to public schools in the state using the metrics identified in Paragraphs (2) and (3) of this subsection to assign, for each public school, a designation of targeted support, comprehensive support or more rigorous intervention to comply with the federal Elementary and Secondary Education Act of 1965;

(2) include indicators of academic achievement that shall be afforded substantial weight and, in the aggregate, much greater weight than the indicators described in Paragraph (3) of this subsection, including:

(a) student proficiency on the New Mexico standards-based assessments pursuant to Subsection B of Section 22-2C-4 NMSA 1978;

(b) student growth, which will comprise a substantial part of the weighting of academic achievement indicators both for all students at the public school and disaggregated by quartile on the New Mexico standards-based assessments;

(c) progress of English language learners toward English language proficiency as measured by an assessment determined by the department; and

(d) for high schools, the four-year, five-year and six-year adjusted cohort graduation rates; and

(3) include indicators of school quality and student success that are valid, reliable, comparable and statewide, including:

(a) chronic absenteeism;

(b) college, career and civic readiness; and

(c) the educational climate of the school.

C. The department shall include in the system student data disaggregated by each major racial and ethnic group, economically disadvantaged students, English learner status, children with disabilities, gender and migrant status; provided that ethnicity and race shall be reported using the following categories:

(1) Caucasian, non-Hispanic;

(2) Hispanic;

(3) African American;

(4) American Indian or Alaska Native;

(5) Native Hawaiian or other Pacific Islander;

(6) Asian;

(7) two or more races; and

(8) other; provided that if the sample of students in any category enumerated in Paragraphs (1) through (7) of this subsection is so small that a student in the sample may be personally identifiable in violation
of the federal Family Educational Rights and Privacy Act of 1974, the report may combine that sample into the “other” category.

D. The department shall provide the technological platform for a dashboard for each public school. The dashboard shall provide school and student information to school stakeholders and policymakers in a transparent manner, including the following indicators:

1. the results of each indicator included in Paragraphs (2) and (3) of Subsection B and in Subsection C of this section;
2. designations of school quality and student success for any school meeting a specific standard set by the department for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;
3. designations of excellence for any school scoring in the ninetieth percentile for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;
4. designations of school quality and student success for any school meeting a specific standard set by the department for American Indian or Hispanic students for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;
5. designations of excellence for any school scoring in the ninetieth percentile for American Indian or Hispanic students for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;
6. the designation of support for schools that meet the criteria for traditional support, targeted support, comprehensive support or more rigorous intervention;
7. the demographics of the students and staff of the school; and
8. indicators of opportunity to learn standards, including:
   a. a survey of relevant and engaging curriculum and instruction;
   b. educational resources, including total school-level expenditures and total instructional expenditures per student; and
   c. qualified and competent school staff, including the percentage of teachers with three or more years of experience, the percentage of teachers who are fully licensed and endorsed in the field they teach, the types of degrees held by staff, information from the highly objective, uniform state standards of evaluation for teachers and the percentage of national board-certified teachers.

E. The dashboard shall include each school’s mission, vision and goals and provide for optional comments from the local school board about the strengths, opportunities for improvement and programmatic offerings corresponding to any of the reported indicators in the dashboard. For local school boards that do not provide this information, the department shall populate this section of the dashboard with information from the public school’s educational plan for student success.

F. The department shall ensure that a local school board prioritizes the resources of a public school that has received a designation of targeted support, comprehensive support or more rigorous intervention toward improving student performance using evidence-based programs and a continuous improvement plan based on the indicators in Paragraphs (2) and (3) of Subsection B of this section identified through a school-level needs assessment until the public school no longer holds that designation.

22-5-4.3. School discipline policies; students may self-administer certain medications.
A. Local school boards shall establish student discipline policies and shall file them with the department.

22-12A-6. Public school attendance policies; reporting.
A. A public school shall maintain an attendance policy that:
   9. encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide
services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school's attendance improvement plan.

B. Local school boards shall review and approve their public school attendance policies.

C. School districts shall report absences, chronic absences and excessive absences data to the department at each reporting date and the end of the school year and shall document intervention efforts made to keep students in an educational setting. The department shall compile school district reports as provided in Section 13 of the Attendance for Success Act and require school districts to certify that the information is being reported consistently and correctly. The department shall share information from state-chartered charter schools with the commission.

E. A public school shall provide a parent, within five days of the parent’s written request, with access to the attendance data of that parent’s child, including information about any intervention strategies that have been employed to help the student improve the student’s attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools.

22-12A-7. Enforcement of attendance for success act; district responsibilities; differentiation; district plan; additional support.

A. School districts shall differentiate public schools based on their chronic absence rates into no fewer than four categories.

B. School districts shall differentiate student subgroups based on their chronic absence rates into no fewer than four categories.

C. Using the differentiation scheme pursuant to Subsections A and B of this section, a school district shall develop attendance improvement plans that include the following elements:

(1) specific school district supports and resources available to public schools at each level to further the implementation of their attendance improvement plans;

(2) attendance improvement targets for public schools or subpopulations with chronic absence rates of ten percent or greater, developed in collaboration with each public school; and

(3) an attendance improvement target for school districts with chronic absence rates of ten percent or greater.

D. Each school district shall report its attendance improvement plan to the department no later than forty-five days after the beginning of the school year. The department may allow a school district to report its attendance improvement plan as part of the educational plan for student success.

E. At the end of each school year, each school district shall report to the local school board and to the public on the school district's website, the progress made on its attendance improvement plan, to include:

(1) a description of the supports and resources provided to public schools at each tier of the attendance improvement plan;

(2) the extent to which public schools with chronic absence rates greater than ten percent achieved their attendance improvement targets;

(3) the extent to which the school district achieved its attendance improvement targets;

(4) barriers and challenges to reducing chronic absence rates, as reported by the public school and school district personnel;

(5) effective school-based practices, as evidenced by decreased chronic absence rates; and

(6) recommendations for improvement during the next school year at both the public school and school district level.
F. Attendance teams may be formed in whole or in part from preexisting groups or teams within a public school or may be formed for the explicit purpose of improving school attendance. School districts shall reserve time for school personnel to collaborate as an attendance team.

G. School districts shall provide support and guidance to attendance teams on transportation and school scheduling options when these are identified as barriers to school attendance.

**22-12A-8. Enforcement of attendance for success act; attendance improvement plan; procedures.**

A. A public school shall initiate the enforcement of the provisions of the Attendance for Success Act for its enrolled students. The enforcement policies of a public school shall focus on prevention and intervention.

B. Beginning in the 2020-2021 school year, a public school with five percent or greater of students with a chronic absence rate during the prior school year, or with five percent or greater of one or more subgroups of students with a chronic absence rate during the prior school year, shall develop an attendance improvement plan to be submitted to the department as part of the public school’s educational plan for student success.

C. A public school, regardless of its chronic absence rate, shall develop and implement a whole-school absence prevention strategy to be reported to the department as part of the public school’s educational plan for student success.

D. An attendance improvement plan shall include:

1. attendance data for each of the preceding two school years and the current school year, including:
   a. the public school’s overall absence rate;
   b. chronic absence rates disaggregated by student subpopulation;
   c. chronic absence rates disaggregated by grade level; and
   d. student attendance for every day of the school year;
2. school-wide identification of potential root causes of chronic and excessive absenteeism through one or more of the following:
   a. national or local research;
   b. analysis of supportive factors and barriers;
   c. student surveys or focus groups;
   d. youth participatory research; or
   e. other appropriate school-based research methods;
3. identification of strategies for each tier of the attendance improvement plan;
4. identification of performance measures for each strategy; and
5. a data-collection plan for performance measures.

E. A public school shall provide interventions to students who are absent or chronically absent, which may include:

1. assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
2. making referrals to health care and social service providers;
3. collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
4. recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student’s family;
(5) establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
(6) identifying and coordinating age-appropriate resources for students in need of:
   (a) counseling, training and placement for employment;
   (b) drug and alcohol abuse counseling;
   (c) family crisis counseling; and
   (d) mental health counseling;
(7) promoting family support and parent education programs; and
(8) seeking out other services or goods that a student or the student’s family needs to assist the student to stay in school and succeed.

F. Beginning on the first day of school, a classroom teacher or that teacher’s adult designee shall be responsible for taking accurate attendance for every class and reporting absences to the attendance team.

22-12A-13. Reporting requirements.
A. For each reporting date and at the end of the year, each school district shall report:
   (1) the total number of days missed for excused and unexcused absences for each student in each public school, the total number of days each student was enrolled and in which tier each student with absences fell during the reporting period, along with the student’s demographics; and
   (2) the number of students at each public school who were referred to the children, youth and families department because of excessive absences, in the aggregate and disaggregated by subgroups.
B. The department shall compile a report by public school and school district that includes:
   (1) the total number and percent of students who were in each tier of chronic absenteeism or were excessively absent at each public school and school district in the aggregate for each public school and school district and disaggregated by subgroups;
   (2) the average number of excused and unexcused absences per student for all students and subgroups, not including interscholastic extracurricular activities; and
   (3) a calculated chronic absenteeism rate for the school district for all students and for each subgroup.

22-35-3. Bullying prevention policies; adoption and enforcement.
E. Each local school board shall establish procedures for public schools to report aggregate incidents of bullying and incidents of harassment under any applicable federal or state law, along with responses to these incidents, and report this information annually to the department.

22-35-5. Department duties; school district and charter school report cards.
A. The department shall:
   (1) issue guidance for bullying prevention programs and policies in accordance with the Safe Schools for All Students Act; and
   (2) within one hundred twenty days of the effective date of the Safe Schools for All Students Act:
      (a) promulgate rules for a model policy for local school boards on bullying prevention in accordance with that act, as well as any developmentally, culturally or linguistically appropriate variants of the policy;
      (b) provide guidance to local school boards relating to effective forms of progressive discipline to reduce bullying and school violence; and
(c) provide guidance to local school boards on effective bullying prevention programs to reduce bullying and school violence.

B. At the same time as or as part of the annual accountability report, each school district and charter school shall report on the status of its implementation of the provisions of the Safe Schools for All Students Act, including the aggregate number of incidents of bullying in the state, the aggregate number of incidents of harassment under any applicable federal or state laws, the aggregate number of responsive actions taken by public schools by type of action, a tabulation of the number of incidents associated with each distinguishing characteristic defined in the Safe Schools for All Students Act, the department's evaluation of the sufficiency of funding for bullying prevention programs and any recommendations for policy or programmatic change to improve the addressing of bullying issues in the state.

REGULATIONS

6.12.7.10. Reporting requirements.
A. Beginning with the 2020-2021 school year, each school district and state-chartered charter school shall annually submit the following to the department in a method prescribed by the department and in a timeframe determined by the department:

(1) a status report on the implementation of the provisions of this rule;
(2) data elements on the implementation of this rule including:
   (a) the aggregate number of bullying incidents of students within the district or state-chartered charter school;
   (b) the aggregate number of harassment incidents of students within the district or state-chartered charter school; and
   (c) the corresponding responsive action or disposition taken by the district or state-chartered charter school, by type of action, for each bullying incident of a student and for each harassment incident of a student.

B. Each school district and state-chartered charter school shall include, in its reporting, when known, a tabulation of the number of bullying incidents of students and the number of harassment incidents of students associated with each of the following actual or perceived distinguishing characteristic:

(1) race;
(2) color;
(3) national origin;
(4) ancestry;
(5) sex;
(6) sexual orientation;
(7) gender identity;
(8) spousal affiliation;
(9) physical or cognitive disability; or
(10) an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

22-10A-40. School security personnel; definitions; required training.
A. As used in this section:
(1) “firearm” means a handgun recommended by the department of public safety and authorized by the public school insurance authority;
(2) “local school board” includes governing bodies of charter schools;
(3) “school district” includes charter schools;
(4) “school premises” means:
   (a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related activities are being conducted under the supervision of the local school board; or
   (b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and
(5) “school security personnel” means retired or former certified and commissioned law enforcement officers who are employed by a school district and authorized by department rules and local school board policy to carry a firearm on school premises.
B. The department shall promulgate rules to carry out the purposes of this section.
C. The department shall promulgate rules pertaining to persons who are prohibited from employment as school security personnel, including:
   (1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;
   (2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school security personnel; formal discipline for the use of excessive force; or misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; and
   (3) negligent or illegal use of a firearm.
D. Prior to an offer of employment, the school district shall require for each potential school security personnel:
   (1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;
   (2) successful completion of school security personnel training;
   (3) proof of up-to-date firearms training;
   (4) a background check that indicates the person has not been convicted of a crime or engaged in behavior that violates the School Personnel Act; and
(5) any other conditions required by law, department rule or school district policy.

E. School security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.

F. Prior to school security personnel being allowed to carry firearms authorized by department rules and local school board policy, the school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department in consultation with the public school insurance authority to determine suitability to carry a firearm. The school district shall pay the cost of the physical and psychological evaluations for current and potential school security personnel.

G. The department and the public school insurance authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

22-10A-40. School security personnel; definitions; required training.
A. As used in this section:
   (1) “firearm” means a handgun recommended by the department of public safety and authorized by the public school insurance authority;
   (2) “local school board” includes governing bodies of charter schools;
   (3) “school district” includes charter schools;
   (4) “school premises” means:
      (a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related activities are being conducted under the supervision of the local school board; or
      (b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and
   (5) “school security personnel” means retired or former certified and commissioned law enforcement officers who are employed by a school district and authorized by department rules and local school board policy to carry a firearm on school premises.
B. The department shall promulgate rules to carry out the purposes of this section.
C. The department shall promulgate rules pertaining to persons who are prohibited from employment as school security personnel, including:
   (1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;
   (2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school security personnel; formal discipline for the use of excessive force; or misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination,
behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; and
(3) negligent or illegal use of a firearm.

D. Prior to an offer of employment, the school district shall require for each potential school security personnel:
  (1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;
  (2) successful completion of school security personnel training;
  (3) proof of up-to-date firearms training;
  (4) a background check that indicates the person has not been convicted of a crime or engaged in behavior that violates the School Personnel Act; and
  (5) any other conditions required by law, department rule or school district policy.

E. School security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.

F. Prior to school security personnel being allowed to carry firearms authorized by department rules and local school board policy, the school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department in consultation with the public school insurance authority to determine suitability to carry a firearm. The school district shall pay the cost of the physical and psychological evaluations for current and potential school security personnel.

G. The department and the public school insurance authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

22-2D-3. Programs; purpose; functions.
A. A "family and youth resources program" may be created in any public school in the state. Except as provided in Subsection D of this section, the department shall accept applications for grants from public schools in which eighty percent of the students are eligible for the free or reduced-fee lunch program to fund their program.
B. The purpose of the program is to provide an intermediary for students and their families at public schools to access social and health care services. The goal of the program is to forge mutual long-term relationships with public and private agencies and community-based, civic and corporate organizations to help students attain high academic achievement by meeting certain nonacademic needs of students and their families.
C. A program shall include the employment of a resource liaison, who shall:
   (1) assess student and family needs and match those needs with appropriate public or private providers, including civic and corporate sponsors;
   (2) make referrals to health care and social service providers;
   (3) collaborate and coordinate with health and social service agencies and organizations through school-based and off-site delivery systems;
   (4) recruit service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
   (5) establish partnerships between the school and community organizations such as civic, business and professional groups and organizations; and recreational, social and after-school programs such as boys' and girls' clubs and boy and girl scouts;
   (6) identify and coordinate age-appropriate resources for students in need of:
      (a) counseling, training and placement for employment;
      (b) drug and alcohol abuse counseling;
      (c) family crisis counseling; and
      (d) mental health counseling;
   (7) promote family support and parent education programs; and
   (8) seek out other services or goods a student or the student's family needs to assist the student to stay in school and succeed.
D. A public school or group of public schools that has received a grant to establish a family and youth resources program may continue to be eligible for funding if its percentage of students eligible for the free or reduced-fee price lunch program drops below eighty percent, so long as it maintains an average of eighty percent or more for any three-year period.

22-2D-4. Family and youth resource programs; grants; department duties.
A. Subject to the availability of funding, grants are available to a public school or group of public schools that meets department eligibility requirements.
B. Applications for grants shall be in the form prescribed by the department and shall include the following information:
   (1) a statement of need, including demographic and socioeconomic information about the area to be served by the program;
   (2) goals and expected outcomes of the program;
   (3) services and activities to be provided by the program;
   (4) written agreements for the provision of services by public and private agencies, community groups and other parties;
   (5) a work plan and budget for the program, including staffing requirements and the expected availability of staff;
   (6) hours of operation;
   (7) strategies for dissemination of information about the program to potential users;
   (8) training and professional development plans;
   (9) plans to ensure that program participants are not stigmatized for their use of the program;
   (10) a physical description of the place in the school or adjacent to the school in which the program will be located;
   (11) letters of endorsement and commitment from community agencies and organizations and local governments; and
   (12) any other information the department requires.
C. Grants shall not be awarded for applications submitted that supplant funding and other resources that have been used for purposes similar to the program.

22-2D-5. Family and youth resource fund.
The "family and youth resource fund" is created in the state treasury. The fund shall consist of appropriations, gifts, grants, donations and earnings from investment of the fund. The fund shall not be transferred to any other fund at the end of a fiscal year. The fund shall be administered by the department, and money in the fund is appropriated to the department to carry out the purposes of the Family and Youth Resource Act. Money in the fund shall be disbursed on warrants issued by the secretary of finance and administration pursuant to vouchers signed by the state superintendent or his authorized representative.

22-32-4. Community schools’ initiatives; indirect costs; grants; school district, group of public schools or public school duties; requirements.
A. A school district shall bear any administrative costs associated with the establishment and implementation of a community school within the school district.
B. Subject to the availability of funding, grants for community schools initiatives are available to a school district, a group of public schools or a public school that has demonstrated partnerships with any lead
agency and local, private and public agencies for the purpose of establishing, operating and sustaining community schools and that meets department eligibility requirements.

C. Applications for grants for community schools’ initiatives shall be in the form prescribed by the department and shall include the following information:

(1) a statement of need, including demographic and socioeconomic information about the area to be served by the community schools initiative;
(2) goals and expected outcomes of the initiative;
(3) services and activities to be provided by the initiative;
(4) written agreements for the provision of services by public and private agencies, community groups and other parties;
(5) a work plan and budget for the initiative, including staffing requirements and the expected availability of staff;
(6) days and hours of operation;
(7) strategies for dissemination of information about the initiative to potential users;
(8) training and professional development plans;
(9) letters of endorsement and commitment from community agencies and organizations and local governments; and
(10) any other information the department requires.

D. A school district, a group of public schools or a public school that uses funds under this section to transform a school into a research- and evidence-based community schools initiative shall:

(1) use rigorous, transparent, equitable and evidence-based evaluation systems to assess the effectiveness of the implementation of the community school’s initiative;
(2) provide ongoing, high-quality professional development to staff that:
  (a) aligns with the school’s instructional program;
  (b) facilitates effective teaching and learning; and
  (c) supports the implementation of school reform strategies; and
(3) give the school sufficient operational flexibility in programming, staffing, budgeting and scheduling so that the school can fully implement a comprehensive strategy designed to focus on improving school climate, student achievement and growth in reading and mathematics, attendance, behavior, parental engagement and, for high schools, graduation rates and readiness for college or a career.

This act may be cited as the "Carlos Vigil Memorial Act" in honor of Carlos Vigil.

The purposes of the Carlos Vigil Memorial Act are to:

A. cultivate a statewide culture where bullying is not accepted;
B. educate New Mexicans about recognizing bullying behaviors and understanding the potential consequences of bullying; and
C. provide grants for providers of services and programs for the prevention, resolution and eradication of bullying statewide.
32A-25-3. Carlos Vigil memorial board; created.
A. The "Carlos Vigil memorial board" is created to review grant applications and to award grants from the eradicate bullying fund.

B. The board consists of five voting members who together provide diverse experience and expertise in:
   1. administering or delivering services in an organization focused on preventing bullying or suicide;
   2. administering or delivering services in an organization focused on providing counseling and support services to victims and perpetrators of bullying;
   3. professional development workshops on the topic of bullying or suicide prevention;
   4. coalescing and leading communities; or
   5. administering or delivering public health services.

C. Board appointments shall be as follows:
   1. one member shall be appointed by the president pro tempore of the senate;
   2. one member shall be appointed by the minority floor leader of the senate;
   3. one member shall be appointed by the speaker of the house of representatives;
   4. one member shall be appointed by the minority floor leader of the house of representatives; and
   5. one member shall be appointed by the governor from department of health staff.

D. The chair of the board shall be elected by a quorum of the board members. The board shall meet at the call of the chair or whenever two members submit a request in writing to the chair, but not less often than once each calendar year. A majority of members constitutes a quorum for the transaction of business. The affirmative vote of a majority of a quorum present shall be necessary for an action to be taken by the board.

E. Members of the board shall be appointed to two-year terms. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. Any member of the board shall be eligible for reappointment.

F. Public members of the board may be paid per diem and mileage as provided for nonsalaried officers in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978] but shall receive no other compensation, perquisite or allowance.

The Carlos Vigil memorial board shall:
A. adopt and promulgate rules governing the acceptance, evaluation and prioritization of applications for grants, including applicant qualifications and the format, procedure and deadlines for grant applications;
B. review grant applications from public agencies and institutions and nonprofit private entities that indicate the qualifications and expertise to provide services for the prevention, resolution and eradication of bullying;
C. process, evaluate and prioritize applications based on the criteria delineated in the board's rules; and
D. award grants to the most qualified grant applicants and reach a broad spectrum of New Mexicans.

32A-25-5. Eradicate bullying fund created; grant application review.
A. The "eradicate bullying fund" is created in the state treasury. The fund shall be administered by the board of regents of the university of New Mexico. Money in the fund is appropriated to the board of regents of the university of New Mexico for disbursement to grant recipients selected by the Carlos Vigil memorial board.
B. The fund shall consist of:
   (1) money appropriated by the legislature to carry out the purposes of the Carlos Vigil Memorial Act;
   (2) grants, gifts, donations and bequests to the fund; and
   (3) earnings from investment of the money in the fund.
C. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the president of the board of regents of the university of New Mexico or the president's designee.
D. Unexpended and unencumbered balances in the fund shall not revert to the general fund at the end of a fiscal year.
E. An applicant may apply for a grant from the fund in accordance with rules promulgated by the Carlos Vigil memorial board. Allocations from the fund shall be based on a competitive process with applications reviewed by the board.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

22-5-4.3. School discipline policies; students may self-administer certain medications.

D. No school employee who in good faith reports any known or suspected violation of the school discipline policy or in good faith attempts to enforce the policy shall be held liable for any civil damages as a result of such report or of the employee’s efforts to enforce any part of the policy.

22-5-4.4. School employees; reporting drug and alcohol use; release from liability.

A. A school employee who knows or in good faith suspects any student of using or abusing alcohol or drugs shall report such use or abuse pursuant to procedures established by the local school board.

B. No school employee who in good faith reports any known or suspected instances of alcohol or drug use or abuse shall be held liable for any civil damages as a result of such report or his efforts to enforce any school policies or regulations regarding drug or alcohol use or abuse.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

22-5-4.3. School discipline policies; students may self-administer certain medications.

A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within each school district or on a district-wide basis for those school districts that have no high school.

B. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

32A-25-3. Carlos Vigil memorial board; created.

A. The "Carlos Vigil memorial board" is created to review grant applications and to award grants from the eradicate bullying fund.

B. The board consists of five voting members who together provide diverse experience and expertise in:

1. administering or delivering services in an organization focused on preventing bullying or suicide;
2. administering or delivering services in an organization focused on providing counseling and support services to victims and perpetrators of bullying;
3. professional development workshops on the topic of bullying or suicide prevention;
4. coalescing and leading communities; or
(5) administering or delivering public health services.

C. Board appointments shall be as follows:

1. one member shall be appointed by the president pro tempore of the senate;
2. one member shall be appointed by the minority floor leader of the senate;
3. one member shall be appointed by the speaker of the house of representatives;
4. one member shall be appointed by the minority floor leader of the house of representatives; and
5. one member shall be appointed by the governor from department of health staff.

D. The chair of the board shall be elected by a quorum of the board members. The board shall meet at
the call of the chair or whenever two members submit a request in writing to the chair, but not less often
than once each calendar year. A majority of members constitutes a quorum for the transaction of
business. The affirmative vote of a majority of a quorum present shall be necessary for an action to be
taken by the board.

E. Members of the board shall be appointed to two-year terms. Vacancies shall be filled by appointment
by the governor for the remainder of the unexpired term. Any member of the board shall be eligible for
reappointment.

F. Public members of the board may be paid per diem and mileage as provided for nonsalaried officers in
the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978] but shall receive no other
compensation, perquisite or allowance.

The Carlos Vigil memorial board shall:

A. adopt and promulgate rules governing the acceptance, evaluation and prioritization of applications
for grants, including applicant qualifications and the format, procedure and deadlines for grant
applications;
B. review grant applications from public agencies and institutions and nonprofit private entities that
indicate the qualifications and expertise to provide services for the prevention, resolution and
eradication of bullying;
C. process, evaluate and prioritize applications based on the criteria delineated in the board's rules; and
D. award grants to the most qualified grant applicants and reach a broad spectrum of New
Mexicans.

REGULATIONS

6.11.2.8. General provisions.

D. Local school board authority: Local school boards have both the authority and the responsibility to
ensure that suitable rules of student conduct and appropriate disciplinary processes are established
within their school districts. Within legal limits as defined in Subsection L. of 6.11.2.7 NMAC above, and
subject to the minimums prescribed in this rule, local boards have discretion to develop such rules,
regulations, policies and procedures as they deem appropriate to local conditions, including policies
which afford students more protection than the minimums established here. Local school boards and
administrative authorities which deem it appropriate may provide for student, community or appropriate
state and local agency participation in the formulation and enforcement of school rules.
Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New Mexico provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullying Prevention: Providing Safe Schools for All Students, New Mexico Public Education Department</td>
<td>Provides information on bullying, including cyberbullying. Website has information/resources on bullying prevention programs and strategies and effective means to respond to bullying. By January 1, 2020, each school district was to establish a bullying prevention program for students reflective of the parameters of the Safe Schools for All Students Act and reflective of New Mexico’s Health Education Content Standards with Benchmarks and Performance Standards. PED has established a Policy Framework for 6.12.7 NMSAC, Safe Schools for All Students.</td>
<td><a href="http://ped.state.nm.us/ped/PEDAnti-Bullying.html">http://ped.state.nm.us/ped/PEDAnti-Bullying.html</a></td>
</tr>
<tr>
<td>Multi-layered System of Supports (MLSS), New Mexico Public Education Department</td>
<td>Provides links to resources and overview of New Mexico’s Multi-layered System of Supports. In school year 19-20, the agency will be piloting a Multi-Layered Systems of Support model to select districts across the state. Universal rollout will occur in the 2020-2021 school year. MLSS is a holistic intervention framework that guides educators, those closest to the student, to intervene quickly when students need additional supports. The MLSS framework reflects the supports that the classroom teacher, schools, family, health and wellness staff offer toward readying students to experience academic and behavioral success in school resulting in students being ready for success.</td>
<td><a href="https://webnew.ped.state.nm.us/bureaus/title-i/multi-layered-system-of-supports-mlss/">https://webnew.ped.state.nm.us/bureaus/title-i/multi-layered-system-of-supports-mlss/</a></td>
</tr>
<tr>
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<tr>
<td>Response to Intervention (RTI), New Mexico Public Education Department</td>
<td>Provides an overview on Response to Intervention (RTI) and links to resources such as state guidance manual, sample forms, fidelity of implementation tools, and model of student intervention. Response to Intervention (RtI): organizational framework by which schools assess student needs, strategically allocate resources, and design and deliver instruction to all students within the school.</td>
<td><a href="https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/response-to-intervention-rti/">https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/response-to-intervention-rti/</a></td>
</tr>
<tr>
<td>Safe Schools, New Mexico Public Education Department</td>
<td>Provides information and resources for safe schools’ plans, training/webinars, best practices, school threat, and hazard assessment worksheets.</td>
<td><a href="http://webnew.ped.state.nm.us/officesandprograms/safe-healthy-schools/safe-schools/">http://webnew.ped.state.nm.us/officesandprograms/safe-healthy-schools/safe-schools/</a></td>
</tr>
</tbody>
</table>
| Wellness Policies, New Mexico Public Education Department             | Supports school districts to create a wellness policy that includes the components of a Coordinated School Health Model and Whole School, Whole Community, Whole Child approach to student health and well-being per the New Mexico Administrative Code (NMAC) 6.12.6. | [https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/wellness-policy/](https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/wellness-policy/)  
[http://164.64.110.134/part.Title06/06.012.0006.html](http://164.64.110.134/part.Title06/06.012.0006.html) |
| **Documents**                                                        |                                                                                                                                                                                                             |                                                                                                 |
| New Mexico Response to Intervention Framework (December 2014), New Mexico Public Education Department | Manual details the instructional framework and guidance on the Response to Intervention (RTI) process in New Mexico that includes a section on each of the three instructional tiers, a glossary of key terms, sample forms to assist with the Student Assistance Team (SAT) process, and key resources for teachers. | [https://webnew.ped.state.nm.us/wp-content/uploads/2018/03/RtI-Manual-most-updated-2.15.pdf](https://webnew.ped.state.nm.us/wp-content/uploads/2018/03/RtI-Manual-most-updated-2.15.pdf) |
| **Other Resources**                                                  |                                                                                                                                                                                                             |                                                                                                 |
New York
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies, procedures and guidelines [...]

2503-a. Powers of boards of education to ban fraternities, sororities and other secret societies.
1. In its discretion, the board of education of each school district, may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority or other secret society in any secondary school under its jurisdiction.

2554-a. Powers of boards of education to ban fraternities, sororities and other secret societies.
1. In its discretion, the board of education of each school district, may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority or other secret society in any secondary school under its jurisdiction.

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof. Such policy may be adopted by the school board or trustees only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties.

2802. Uniform violent incident reporting system.
1. The commissioner, in conjunction with the division of criminal justice services, shall promulgate regulations defining “violent or disruptive incidents” for the purposes of this section.
2. The commissioner, in conjunction with the division of criminal justice services, shall establish a statewide uniform violent incident reporting system which public school districts, boards of cooperative educational services and county vocational education and extension boards shall follow.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline designed to promote responsible behavior, which policy, and any amendments thereto, shall remain in effect until the adoption of a code of conduct pursuant to paragraph (2) of this subdivision, at which time it shall be deemed to be superseded by such code of conduct. The City School District of the City of New York shall adopt and implement a separate written policy for each community school district and for central board-administered programs...
8 CRR-NY 100.2 (l)(2) Code of conduct.

i. On or before July 1, 2001, each board of education and board of cooperative educational services shall adopt and provide for the enforcement of a written code of conduct for the maintenance of order on school property and at school functions, as defined in Education Law, sections 11(1) and (2) and 2801(1), which shall govern the conduct of students, teachers, other school personnel, and visitors. Such a code shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel and shall be approved by the board of education, or other governing body, or by the chancellor of the city school district in the case of the City School District of the City of New York. The City School District of the City of New York shall adopt a district-wide code of conduct and each community school district may, upon approval of the chancellor, adopt and implement additional policies, which are consistent with the city school district's district-wide code of conduct, to reflect the individual needs of each community school district. A school district or board of cooperative educational services shall adopt its code of conduct only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties.

Scope

LAWS

11. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

1. "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.

2. "School function" shall mean a school-sponsored extra-curricular event or activity.

12. Discrimination and harassment prohibited.

1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into or exclusion from, a course of instruction based on a person's gender; that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.


The commissioner shall:

4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function.

2801. Codes of conduct on school property.

1. For purposes of this section, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of
the vehicle and traffic law; and a school function shall mean a school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Such code of conduct shall include, at a minimum:

a. provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including a school function, and conduct, dress and language deemed unacceptable and inappropriate on school property, including a school function, and provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property, including a school function, including the appropriate range of disciplinary measures which may be imposed for violation of such code, and the roles of teachers, administrators, other school personnel, the board of education and parents;

REGULATIONS

8 CRR-NY 100.2 (I)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

a. provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property and provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions, including the appropriate range of disciplinary measures which may be imposed for violation of such code, and the roles of teachers, administrators, other school personnel, the board of education and parents;

Communication of policy

LAWS

12. Discrimination and harassment prohibited.

2. An age-appropriate version of the policy outlined in subdivision one of this section, written in plain-language, shall be included in the code of conduct adopted by boards of education and the trustees or sole trustee pursuant to section twenty-eight hundred one of this chapter and a summary of such policy shall be included in any summaries required by such section twenty-eight hundred one”.


The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:

k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents;

l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists;
2801. Codes of conduct on school property.

4. The board of education, chancellor or other governing body shall provide copies of a summary of the code of conduct to all students at a general assembly held at the beginning of the school year and shall make copies of the code available to persons in parental relation to students at the beginning of each school year, and shall mail a plain language summary of such code to all persons in parental relation to students before the beginning of each school year, and make it available thereafter upon request. The board of education, chancellor or other governing body shall take reasonable steps to ensure community awareness of the code provisions.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.

1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      a. a bill of rights and responsibilities of students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis;
      b. a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents;
   ii. The board of education shall adopt such a policy and review it on an annual basis and amend it when appropriate. Each school district's policy on school conduct and discipline shall be filed in each school building and shall be available for review by any individual.

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:
   q. a bill of rights and responsibilities of students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
   iii. Additional responsibilities.
   b. Each board of education and board of cooperative educational services shall ensure community awareness of its code of conduct by:
   1. posting the complete code of conduct, respectively, on the Internet web site, if any, of the school or school district, or of the board of cooperative educational services, including any annual updates to the code made pursuant to clause (a) of this subparagraph and any other amendments to the code;
   2. providing copies of a summary of the code of conduct to all students, in an age-appropriate version, written in plain-language, at a school assembly to be held at the beginning of each school year;
   3. providing a plain language summary of the code of conduct to all persons in parental relation to students before the beginning of each school year and making such summary available thereafter upon request;
   4. providing each existing teacher with a copy of the complete code of conduct and a copy of any amendments to the code as soon as practicable following initial adoption or amendment of the code, and providing new teachers with a complete copy of the current code upon their employment; and
5. making complete copies available for review by students, parents or other persons in parental relation to students, other school staff and other community members.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      b. a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents;

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
   a. provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property and provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions, including the appropriate range of disciplinary measures which may be imposed for violation of such code, and the roles of teachers, administrators, other school personnel, the board of education and parents;
Teacher authority to remove students from classrooms

LAWS

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:

  c. provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the code;
  e. provisions for detention, suspension and removal from the classroom of students, consistent with section thirty-two hundred fourteen of this chapter and other applicable federal, state and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school;

3214. Student placement, suspensions and transfers.
3-a. Teacher removal of a disruptive pupil. In addition, any teacher shall have the power and authority to remove a disruptive pupil, as defined in subdivision two-a of this section, from such teacher's classroom consistent with discipline measures contained in the code of conduct adopted by the board pursuant to section twenty-eight hundred one of this chapter. The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom pursuant to this subdivision and provided further that nothing in this subdivision shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination pursuant to paragraph c of this subdivision, or the period of removal expires, whichever is less.

  a. Such teacher shall inform the pupil and the school principal of the reasons for the removal. If the teacher finds that the pupil's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the pupil to informally present the pupil's version of relevant events. In all other cases, the teacher shall provide the pupil with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four hours of the pupil's removal.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      f. disciplinary measures for violation of the school policies developed in accordance with subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and where applicable to the previous disciplinary record of the student. Any suspension
from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law;

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

d. provisions for the removal from the classroom and from school property and school functions of students and other persons who violate the code;

e. provisions prescribing the period for which a disruptive pupil may be removed from the classroom for each incident, provided that no such pupil shall return to the classroom until the principal makes a final determination pursuant to Education Law section 3214(3-a)(c), or the period of removal expires, whichever is less;

h. provisions for detention, suspension and removal from the classroom of students, consistent with Education Law section 3214 and other applicable Federal, State and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

Alternatives to suspension

LAWS

3214. Student placement, suspensions and transfers.

3. Suspension of a pupil.

e. Procedure after suspension. Where a pupil has been suspended pursuant to this subdivision and said pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere or for supervision or detention of said pupil pursuant to the provisions of article seven of the family court act. Where a pupil has been suspended or cause, the suspension may be revoked by the board of education whenever it appears to be for the best interest of the school and the pupil to do so. The board of education may also condition a student's early return to school and suspension revocation on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

No relevant laws found.

REGULATIONS

8 CRR-NY 19.5. Prohibition of corporal punishment and aversive interventions.

(a) Prohibition of corporal punishment.

(1) No teacher, administrator, officer, employee or agent of a school district in this State, a board of cooperative educational services (BOCES), a charter school, State-operated or State-supported school,
an approved preschool program, an approved private school, an approved out-of-state day or residential school, or a registered nonpublic nursery, kindergarten, elementary or secondary school in this State, shall use corporal punishment against a pupil.

(2) As used in this section, corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil, except as otherwise provided in paragraph (3) of this subdivision.

(3) In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

   (i) to protect oneself from physical injury;
   (ii) to protect another pupil or teacher or any person from physical injury;
   (iii) to protect the property of the school, school district or others; or
   (iv) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) Prohibition of the use of aversive interventions.

   (1) No public school, BOCES, charter school, approved preschool program, approved private school, State-operated or State-supported school in this State, approved out-of-state day or residential school, or registered nonpublic nursery, kindergarten, elementary or secondary school in this State shall employ the use of aversive behavioral interventions to reduce or eliminate maladaptive behaviors, except as provided pursuant to section 200.22(e) and (f) of this Title.

   (2) As used in this section, aversive intervention means: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as:

      (i) contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli;
      (ii) any form of noxious, painful or intrusive spray, inhalant or tastes;
      (iii) contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
      (iv) movement limitation used as a punishment, including but not limited to helmets and mechanical restraint devices; or
      (v) other stimuli or actions similar to the interventions described in subparagraphs (i) through (iv) of this paragraph.

The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

8 CRR-NY 100.2 (i)(3). Corporal punishment.

i. The term corporal punishment, as used in this section, shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Such term, as used in this section, shall not mean the use of reasonable physical force for any of the following purposes:

   a. to protect oneself from physical injury;
   b. to protect another pupil or teacher or any other person from physical injury;
   c. to protect the property of the school or of others; or
d. to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in clauses (a) through (d) of this subparagraph.

ii. In every school district and supervisory district, the trustee, trustees, board of education or board of cooperative educational services, shall submit a written semiannual report to the Commissioner of Education, by January 15th and July 15th of each year, commencing July 1, 1985, setting forth the substance of each complaint about the use of corporal punishment received by the local school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

**Use of student and locker searches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Other in-school disciplinary approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

h. provisions for detention, suspension and removal from the classroom of students, consistent with Education Law section 3214 and other applicable Federal, State and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

3214. Student placement, suspensions and transfers.

3. Suspension of a pupil.
   a. The board of education, board of trustees or sole trustee, the superintendent of schools, district superintendent of schools or principal of a school may suspend the following pupils from required attendance upon instruction: A pupil who is insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

5. Involuntary transfers of pupils who have not been determined to be a student with a disability or a student presumed to have a disability for discipline purposes.
   a. The board of education, board of trustees or sole trustee, the superintendent of schools, or district superintendent of schools may transfer a pupil who has not been determined to be a student with a disability as defined in section forty-four hundred one of this chapter, or a student presumed to have a disability for discipline purposes as defined in paragraph g of subdivision three of this section from regular classroom instruction to an appropriate educational setting in another school upon the written recommendation of the school principal and following independent review thereof. For purposes of this section of the law, "involuntary transfer" does not include a transfer made by a school district as part of a plan to reduce racial imbalance within the schools or as a change in school attendance zones or geographical boundaries.
   b. A school principal may initiate a non-requested transfer where it is believed that such a pupil would benefit from the transfer, or when the pupil would receive an adequate and appropriate education in another school program or facility.

   No recommendation for pupil transfer shall be initiated by the principal until such pupil and a person in parental relation has been sent written notification of the consideration of transfer recommendation. Such notice shall set a time and place of an informal conference with the principal and shall inform such person in parental relation and such pupil of their right to be accompanied by counsel or an individual of their choice.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

3214. Student placement, suspensions and transfers.

3. Suspension of a pupil.
   d. Consistent with the federal gun-free schools act of nineteen hundred ninety-four, any public school pupil who is determined under this subdivision to have brought a weapon to school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program
operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a weapon to a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

3214. Student placement, suspensions and transfers.
3. Suspension of a pupil.
   b. (1) The board of education, board of trustees, or sole trustee, superintendent of schools, district superintendent of schools and the principal of the school where the pupil attends shall have the power to suspend a pupil for a period not to exceed five school days. In the case of such a suspension, the suspending authority shall provide the pupil with notice of the charged misconduct. If the pupil denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension. The pupil and the person in parental relation to the pupil shall, on request, be given an opportunity for an informal conference with the principal at which the pupil and/or person in parental relation shall be authorized to present the pupil's version of the event and to ask questions of the complaining witnesses. The aforesaid notice and opportunity for an informal conference shall take place prior to suspension of the pupil unless the pupil's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the pupil's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

   (2) A teacher shall immediately report and refer a violent pupil to the principal or superintendent for a violation of the code of conduct and a minimum suspension period pursuant to section twenty-eight hundred one of this chapter.
c. (1) No pupil may be suspended for a period in excess of five school days unless such pupil and the person in parental relation to such pupil shall have had an opportunity for a fair hearing, upon reasonable notice, at which such pupil shall have the right of representation by counsel, with the right to question witnesses against such pupil and to present witnesses and other evidence on his behalf. Where a pupil has been suspended in accordance with this subdivision by a superintendent of schools, district superintendent of schools, or community superintendent, the superintendent shall personally hear and determine the proceeding or may, in his discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him. A record of the hearing shall be maintained, but no stenographic transcript shall be required, and a tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof. An appeal will lie from the decision of the superintendent to the board of education who shall make its decision solely upon the record before it. The board may adopt in whole or in part the decision of the superintendent of schools. Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in subdivision one of section 265.01 of the penal law, the hearing officer or superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

(2) Where a pupil has been suspended in accordance with this section by a board of education, the board may in its discretion hear and determine the proceeding or appoint a hearing officer who shall have the same powers and duties with respect to the board that a hearing officer has with respect to a superintendent where the suspension was ordered by him. The findings and recommendations of the hearing officer conducting the proceeding shall be advisory and subject to final action by the board of education, each member of which shall before voting review the testimony and acquaint himself with the evidence in the case. The board may reject, confirm or modify the conclusions of the hearing officer.

g. Discipline of students with disabilities and students presumed to have a disability for discipline purposes.

(1) Notwithstanding any other provision of this subdivision to the contrary, a student with a disability as such term is defined in section forty-four hundred one of this chapter and a student presumed to have a disability for discipline purposes, may be suspended or removed from his or her current educational placement for violation of school rules only in accordance with the procedures established in this section, the regulations of the commissioner implementing this paragraph, and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute, as such federal law and regulations are from time to time amended. Nothing in this paragraph shall be construed to confer greater rights on such students than are conferred under applicable federal law and regulations, or to limit the ability of a school district to change the educational placement of a student with a disability in accordance with the procedures in article eighty-nine of this chapter.

(2) As used in this paragraph, a "student presumed to have a disability for discipline purposes" shall mean a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in subsection (k)(8) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute.
(3) In applying the federal law consistent with this section:

(i) in the event of a conflict between the procedures established in this section and those established in subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute, such federal statute and regulations shall govern.

(ii) the trustees or board of education of any school district, a district superintendent of schools or a building principal shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five consecutive school days where such student is suspended pursuant to this subdivision and, except as otherwise provided in clause (vi) of this subparagraph, the suspension does not result in a change in placement under federal law.

(iii) the superintendent of schools of a school district, either directly or upon recommendation of a hearing officer designated pursuant to paragraph c of this subdivision, may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student is placed in an appropriate interim alternative educational placement, another setting or suspension pursuant to clause (ii) of this subparagraph for the behavior, where the superintendent determines in accordance with the procedures set forth in this subdivision that the student has engaged in behavior that warrants a suspension, and, except as otherwise provided in clause (vi) of this subparagraph, the suspension does not result in a change in placement under federal law.

(iv) the superintendent of schools of a school district, either directly or upon recommendation of a hearing officer designated pursuant to paragraph c of this subdivision, may order the change in placement of a student with a disability to an interim alternative educational setting for up to forty-five days, but not to exceed the period of suspension ordered by a superintendent in accordance with this subdivision, under the circumstances specified in subsection (k)(1) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute.

(v) the terms "day," "business day," and "school day" shall be as defined in section 300.9 of title thirty-four of the code of federal regulations.

(vi) notwithstanding any other provision of this subdivision to the contrary, upon a determination by the committee on special education that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined pursuant to this section in the same manner as a nondisabled student, except that such student shall continue to receive services to the extent required under federal law and regulations.

(vii) an impartial hearing officer appointed pursuant to subdivision one of section forty-four hundred four of this chapter may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for not more than forty-five days under the circumstances specified in subsections (k)(2) and (k)(7) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statutes, provided that such procedure may be repeated, as necessary.

(viii) nothing in this section shall be construed to authorize the suspension or removal of a student with a disability from his or her current educational placement for violation of school rules following a determination by the committee on special education that the behavior is a manifestation of the student's disability, except as authorized under federal law and regulations.

(ix) the commissioner shall implement this paragraph by adopting regulations which coordinate the procedures required for discipline of students with disabilities, and students presumed to have a disability for discipline purposes, pursuant to subsection (k) of section fourteen hundred fifteen of
title twenty of the United States code and the federal regulations implementing such statute, with the general procedures for student discipline under this section.

**4402. Duties of school districts.**

1.b. (3) The committee or when applicable the subcommittee shall:

(i) Provide, to the extent appropriate to the individual needs of the student with a disability that such student is educated in a setting with students who are nondisabled.

* (i) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to develop a functional behavioral assessment plan, to review, or revise, as appropriate, a behavioral intervention plan, to develop appropriate behavioral interventions and to review and revise, as appropriate, the implementation of a behavioral intervention plan, to address the behavior of a student with a disability who is alleged to have engaged in misconduct, to the extent required by federal law and regulations.

* NB Effective June 30, 2021

* (j) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to develop a functional behavioral assessment plan, to review, or revise, as appropriate, a behavioral intervention plan, to develop appropriate behavioral interventions and to review and revise, as appropriate, the implementation of a behavioral intervention plan, to address the behavior of a student with a disability who is alleged to have engaged in misconduct, to the extent required by federal law and regulations.

* NB Effective until June 30, 2021

* (j) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to conduct a functional behavioral assessment, to review, or revise, as appropriate or necessary, and implement a behavioral intervention plan, to develop appropriate behavioral interventions and to review and revise, as appropriate or necessary, the implementation of a behavioral intervention plan, to address the behavior of a student with a disability who is alleged to have engaged in misconduct, to the extent required by federal law and regulations.

* NB Effective June 30, 2021

* (j) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to conduct a review to determine whether behavior of a student with a disability which violates the applicable school rules or code of conduct and results in a change in placement under federal law, including but not limited to placement in an interim alternative educational setting pursuant to clause (iv) or (vii) of subparagraph three of paragraph g of subdivision three of section thirty-two hundred fourteen of this chapter, was a manifestation of the student's disability, provided that other qualified school district personnel may participate in such review.

* NB Effective June 30, 2021

* (k) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to determine the setting and services to be provided in the interim alternative educational setting for a student with a disability who carries or possesses a weapon to or at school, on school premises, or to or at a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or who has inflicted serious bodily injury upon another person as defined in federal law and the setting and services to be provided to a student with a disability in an interim alternative educational setting or other setting who is removed because of behavior that has been determined not to be a manifestation of the student's disability.

* NB Effective until June 30, 2021

* (k) In accordance with the regulations of the commissioner and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, to determine the setting and services to be provided in the interim alternative educational setting for a student with a disability who carries or possesses a weapon to or at school, on school premises, or to or at
school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function and the services to be provided to a student with a disability who is removed because of behavior that has been determined not to be a manifestation of the student's disability.

* NB Effective June 30, 2021

(I) In accordance with the regulations of the commissioner and the provisions of subsection (k) of section fourteen hundred fifteen of title twenty of the United States code, and the implementing federal regulations, to conduct expedited evaluations under the circumstances specified in such federal law and regulations and to conduct such reviews and make such determinations regarding students presumed to have a disability for discipline purposes as defined in subdivision three of section thirty-two hundred fourteen of this chapter as are required under the federal individuals with disabilities education act and implementing regulations.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      d. procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having a disability, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee of special education for review and modification if appropriate of the student's individualized education program;

8 CRR-NY 100.2 (l)(2) Code of conduct.
   ii. The code of conduct shall include, but is not limited to:
      j. provisions ensuring such code and the enforcement thereof are in compliance with State and Federal laws relating to students with disabilities;

8 CRR-NY 201.1. Purpose.
The purpose of this Part is to implement the procedural protections of paragraph g of subdivision 3 of section 3214 and subdivision 1 of section 4404 of the Education Law relating to student discipline by coordinating the general procedures for suspension of students under Education Law section 3214 with the requirements of section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. section 1415[k]) and the Federal regulations implementing such statute.

8 CRR-NY 201.2. Definitions.
As used in this Part, the following terms shall have the following meanings:
   (a) Behavioral intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.
   (b) Committee on special education or CSE means a committee on special education, subcommittee on special education, or other multidisciplinary team established in accordance with Education Law section 4402 or, in the case of a preschool student with a disability, the committee on preschool special education.

(d) Day shall mean a calendar day, except where a school day or business day is specified.

   (1) School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school, including students with and without disabilities.
   
   (2) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

(e) Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

   (1) for more than 10 consecutive school days; or
   
   (2) for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

(f) Expedited due process hearing means an impartial hearing conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.11 of this Part.

(g) Expedited evaluation means an individual evaluation conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.6 of this Part.

(h) Functional behavioral assessment means a functional behavioral assessment as defined in section 200.1(r) of this Title.

(i) Illegal drug means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.

(j) Impartial hearing officer means an impartial hearing officer as defined in section 200.1(x) of this Title who is appointed to conduct an impartial hearing or expedited due process hearing pursuant to Education Law section 4404(1). Such term shall not include a hearing officer designated by a superintendent of schools to conduct a superintendent’s hearing pursuant to Education Law section 3214(3)(c).

(k) Interim alternative educational setting or IAES means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall:

   (1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP; and
   
   (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
(l) Removal means:

(1) a removal of a student with a disability for disciplinary reasons from that student’s current educational placement, other than a suspension as defined in subdivision (r) of this section; and

(2) the change in placement of a student with a disability to an IAES by an impartial hearing officer pursuant to section 201.8 of this Part. Such term shall also include the change of placement of a student with a disability to an IAES pursuant to section 201.7(e) of this Part made in conjunction with a suspension.

(m) Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(n) Student presumed to have a disability for discipline purposes means a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in section 201.5(b) of this Part.

(o) Student with a disability means a student with a disability as defined in section 200.1(zz) of this Part or a preschool student with a disability as defined in section 200.1(mm) of this Title.

(p) Superintendent or superintendent of schools means a superintendent of schools of a school district, including a community superintendent, or the chief school officer of an approved private school. Such term does not include a district superintendent of schools.

(q) Superintendent’s hearing means a disciplinary hearing conducted pursuant to Education Law section 3214(3)(c) and (g) by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

(r) Suspension means suspension pursuant to Education Law section 3214(3)(a) through (d).

(s) Weapon means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

8 CRR-NY 201.3. CSE responsibilities for functional behavioral assessments and behavioral intervention plans.

If the manifestation team pursuant to section 201.4 of this Part, makes the determination that the conduct subject to the disciplinary action was a manifestation of the student’s disability, the CSE must either:

(a) conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or

(b) if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.

8 CRR-NY 201.4. Manifestation determinations.

(a) General requirement for manifestation review. A review of the relationship between the student’s disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after:

(1) a decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting pursuant to section 201.7(e) of this Part; or

(2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting pursuant to section 201.8 of this Part; or
(3) a decision is made by a board of education, district superintendent of schools, building principal or superintendent pursuant to section 201.7(a) or (b) of this Part to impose a suspension that constitutes a disciplinary change in placement.

(b) Individuals to carry out review. A review described in subdivision (a) of this section shall be conducted by a manifestation team in a meeting, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent’s request.

c) Conduct of review. The manifestation team shall review all relevant information in the student’s file including the student’s IEP, any teacher observations, and any relevant information provided by the parents to determine if:

(1) the conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or

(2) the conduct in question was the direct result of the school district’s failure to implement the IEP.

d) Determination.

(1) The conduct must be determined to be a manifestation of the student’s disability if the manifestation team determines that a condition in either paragraph (c)(1) or (2) of this section was met.

(2) If the manifestation team determines that the conduct was a manifestation of the student’s disability, the CSE shall:

(i) conduct a functional behavioral assessment and implement a behavioral intervention plan for such student in accordance with section 201.3 of this Part; and

(ii) except as provided in section 201.7(e) of this Part, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

e) Deficiencies in IEP. If the manifestation team determines the conduct in question was the direct result of the school district’s failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies.

8 CRR-NY 201.5. Students presumed to have a disability for discipline purposes.

(a) General provision. The parent of a student who has violated any rule or code of conduct of the school district and was not identified as a student with a disability at the time of such behavior may assert any of the protections set forth in this Part, if the school district is deemed to have had knowledge as determined in accordance with subdivision (b) of this section, that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Where the school district is deemed to have had knowledge that the student was a student with a disability before such behavior occurred, such student is a “student presumed to have a disability for discipline purposes.”

(b) Basis of knowledge. Except as otherwise provided in subdivision (c) of this section, a school district shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:

(1) the parent of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
(2) the parent of the student has requested an evaluation of the student pursuant to section 200.4 or 200.16 of this Title; or

(3) a teacher of the student, or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the school district or to other supervisory personnel of the school district.

(c) Exception. A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified in subdivision (b) of this section:

(1) the parent of the student has not allowed an evaluation of the student pursuant to section 200.4 of this Title; or

(2) the parent of the student has refused services under this Part; or

(3) it was determined that the student is not a student with a disability pursuant to section 200.4 or 200.16 of this Title.

(d) Responsibility for determining whether a student is a student presumed to have a disability. If it is claimed by the parent of the student or by school district personnel that the school district had a basis for knowledge, in accordance with paragraph (b) of this section, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the superintendent of schools, building principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

(e) Conditions that apply if there is no basis for knowledge. If the superintendent of schools, building principal or other school official imposing the disciplinary removal determines that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with 201.6 of this Part.

8 CRR-NY 201.6. CSE responsibilities for expedited evaluations.

(a) If a request for an individual evaluation is made during the period that a nondisabled student, who is not a student presumed to have a disability for discipline purposes, is suspended pursuant to Education Law section 3214 or is subjected to a removal as defined in section 201.2(l) of this Part if imposed on a student with a disability, the evaluation must be conducted in an expedited manner in accordance with this section.

(b) An expedited evaluation shall be completed no later than 15 school days after receipt of parent consent for evaluation, and shall be conducted in accordance with the procedural requirements of sections 200.4 and 200.5 of this Title. The CSE shall make a determination of eligibility of such student in a meeting held no later than five school days after completion of the expedited evaluation.

(c) Until the expedited evaluation is completed, the nondisabled student shall remain in the educational placement determined by the school district, which can include suspension.

(d) If, as a result of an expedited evaluation, the student is determined to be a student with a disability, the school district shall provide special education to the student pursuant to Part 200 of this Title and the provisions of this Part relating to students with disabilities shall apply.

8 CRR-NY 201.7. General procedures for suspensions and removals of students with disabilities.

(a) Parental notice of disciplinary removal. No later than the date on which a decision is made to change the placement of a student with a disability to an IAES pursuant to subdivision (e) of this section or pursuant to section 201.8 of this Part, or a decision is to impose a suspension or removal pursuant to this
Part that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural safeguards notice in accordance with section 200.5(f) of this Title.

(b) Five school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, the trustees or board of education of any school district, a district superintendent of schools or a building principal with authority to suspend students pursuant to Education Law section 3214(3)(b) and (g), shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.

(c) Ten school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, a superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing pursuant to Education Law, section 3214(3)(c) and (g), may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed pursuant to subdivision (b) of this section for the same behavior, where the superintendent determines in accordance with the procedures set forth in Education Law section 3214(3)(c) that the student has engaged in behavior that warrants a suspension, provided that the duration of any such suspension or removal shall not exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior. Except as otherwise provided in subdivision (d) of this section, a superintendent of schools may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

(d) Exception for pattern of suspensions or removals. A student with a disability may not be removed pursuant to subdivision (b) or (c) of this section if imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(e)(2) of this Part, except where the manifestation team pursuant to section 201.4 of this Part has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES as authorized under subdivision (e) of this section.

(e) Change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.

1. A superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing pursuant to Education Law, section 3214(3)(c), may order the change in placement of a student with a disability to an appropriate IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the period of suspension ordered by the superintendent in accordance with Education Law, section 3214(3), where the student:

   (i) has inflicted serious bodily injury, as defined in section 201.2(m) of this Part, upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;

   (ii) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency; or

   (iii) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency.

2. The period of suspension or removal ordered by the superintendent may not exceed the amount of time that a nondisabled student would be suspended for the same behavior.
(f) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the other requirements of this Part is appropriate for a student with a disability who violates a school district’s code of student conduct.

8 CRR-NY 201.8. Authority of impartial hearing officer to order a change in placement to an IAES in a dangerous situation.

(a) An impartial hearing officer appointed pursuant to Education Law section 4404(1), in an expedited due process hearing conducted pursuant to section 201.11 of this Part, may order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days, if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

(b) The procedures established in this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or others.

(c) A school district shall not be required to commence disciplinary action against a student with a disability as a prerequisite for initiating an expedited due process hearing to obtain an order of an impartial hearing officer pursuant to this section.

(d) A determination that the student’s behavior is a manifestation of the student’s disability shall not preclude an impartial hearing officer from ordering a change in placement to an IAES pursuant to this section.

8 CRR-NY 201.9. Coordination with superintendent’s hearing and other due process procedures applicable to all students.

(a) Procedures for suspensions of five school days or less. In the case of a suspension for five consecutive school days or less pursuant to paragraph b of subdivision 3 of section 3214 of the Education Law and section 201.7(b) of this Part, the parents or persons in parental relation to the student shall be provided an opportunity for an informal conference in accordance with paragraph d of subdivision 3 of section 3214 of the Education Law.

(b) Procedures for removals other than suspensions. A removal of a student with a disability, as defined in Section 201.2(l) of this Part, to which the provisions of paragraphs (a) through (d) of subdivision 3 of section 3214 of the Education Law do not apply, other than a change in placement to an IAES, shall be conducted in accordance with the due process procedures applicable to such removals of nondisabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless there has been a determination that the behavior is not a manifestation of the student’s disability. The removal of a student with a disability to an IAES shall be conducted in accordance with the applicable provisions of section 201.7(e) of this Part and paragraph (c)(3) of this section, or of section 201.8 of this Part.

(c) Procedures for suspensions of more than five school days (superintendent’s hearings). Superintendent’s hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:

   (1) The superintendent of schools or hearing officer in the superintendent’s hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the superintendent of schools or hearing officer in the superintendent’s hearing shall make a threshold determination of whether a suspension or removal in excess of 10 consecutive school days or that would otherwise constitute a disciplinary change in placement should be considered. If the threshold determination is that such a suspension or removal
should be considered, before the superintendent of schools orders or the hearing officer in the superintendent's hearing recommends any such removal, the superintendent's hearing shall be adjourned until a manifestation determination is made by the manifestation team, except as otherwise provided in paragraph (3) of this subdivision. If the superintendent of schools or hearing officer in the superintendent's hearing determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.

(2) Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a nondisabled student, except that such student shall continue to receive services in accordance with section 201.10 of this Part. Upon receipt of notice of such determination, the superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer in the superintendent’s hearing shall dismiss the superintendent's hearing, except as otherwise provided in paragraph (3) of this subdivision.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, if the superintendent or hearing officer in the superintendent's hearing is considering the change in placement of a student with a disability to an IAES pursuant to section 201.7(e) of this Part, upon a determination that the student is guilty of the alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the superintendent of schools may order, or the hearing officer in the superintendent's hearing may recommend, such change in placement to an IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the length of time that a nondisabled student would be suspended for the same misconduct under the school district's student discipline policy. The superintendent of schools may order such change in placement of a student with a disability to an IAES, directly or upon recommendation of a hearing officer in the superintendent's hearing, even where the manifestation team determines that the student's behavior is a manifestation of the student's disability.

(4) The penalty phase of a superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a nondisabled student, including the admission of anecdotal evidence of past instances of misconduct. The school district shall assure that copies of the special education and disciplinary records of the student are transmitted to the superintendent of schools or hearing officer in the superintendent's hearing for consideration. Such records shall be transmitted whether or not the manifestation team has determined that the student's behavior is a manifestation of the student's disability.

(5) Nothing in this section shall be construed to authorize the suspension or removal of a student with a disability from his or her current educational placement for violation of school rules following a determination by the manifestation team that the behavior is a manifestation of the student's disability, except where the student is placed in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances pursuant to section 201.7(e) of this Part or the student is placed in an IAES by an impartial hearing officer pursuant to section 201.8 of this Part.

8 CRR-NY 201.10. Provision of services during suspensions.

(a) During any period of suspension, a student with a disability shall be provided services to the extent required under this section and paragraph (e) of subdivision 3 of section 3214 of the Education Law. Nothing in this section shall be construed to confer a greater right to services than is required under Education Law, section 3214(3)(e) and Federal law and regulations.

(b) During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law, section 3214(3)(e) on the same
basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall
be entitled to receive services during such suspensions only to the extent that services are provided to
nondisabled students of the same age who have been similarly suspended.

(c) During subsequent suspensions or removals for periods of 10 consecutive school days or less that in
the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change
in placement, regardless of the manifestation determination, students with disabilities shall be provided
with services necessary to enable the student to continue to participate in the general education
curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as
appropriate, a functional behavioral assessment, behavioral intervention services and modifications that
are designed to address the behavior violation so it does not recur. School personnel, in consultation with
at least one of the student’s teachers, shall determine the extent to which services are needed, so as to
enable the student to continue to participate in the general education curriculum, although in another
setting, and to progress in meeting the goals set out in the student’s IEP.

(d) During suspensions or other disciplinary removals, including suspensions or removals pursuant to
section 201.7(e) of this Part, for periods in excess of 10 school days in a school year which constitute a
disciplinary change in placement, regardless of the manifestation determination, students with disabilities
shall be provided with services necessary to enable the student to continue to participate in the general
education curriculum, to progress toward meeting the goals set out in the student’s IEP, and to receive,
as appropriate pursuant to section 201.3 of this Part, a functional behavioral assessment, behavioral
intervention services and modifications that are designed to address the behavior violation so it does not
recur. The IAES and services shall be determined by the CSE.

8 CRR-NY 201.11. Expedited due process hearings.

(a) An expedited due process hearing shall be conducted pursuant to this Part under the following
circumstances:

(1) the school district requests an expedited due process hearing to obtain an order of an impartial
hearing officer placing a student with a disability in an IAES pursuant to section 201.8 of this Part where
school personnel maintain that it is dangerous for the student to be in his or her current educational
placement;

(2) the school district requests an expedited due process hearing to obtain an order of an impartial
hearing officer placing a student with a disability in an IAES during the pendency of due process
hearings where school personnel maintain that it is dangerous for the student to be in his or her current
educational placement during such proceedings;

(3) the parent requests a hearing from a determination that the student's behavior was not a
manifestation of the student's disability; or

(4) the parent requests a hearing relating to any decision regarding placement under section 201.7 of
this Part, including but not limited to any decision to place the student in an IAES.

(b) An expedited due process hearing shall be conducted in accordance with the procedures specified in
section 200.5(j) of this Title, except as follows:

(1) Upon receipt of or filing of a due process complaint notice for an expedited hearing, the board of
education shall arrange for an impartial hearing and the appointment of an impartial hearing officer
using the list in accordance with the rotational selection process established in section 200.2(e)(l) of this
Title and the administrative procedures established by the board of education pursuant to section
200.2(b)(9) of this Title.

(2) The impartial officer may not accept appointment unless available to hold the hearing and render the
decision within the time period for expedited hearings pursuant to paragraph (3) of this subdivision.
(3) The school district shall arrange the expedited due process hearing according to the following time period, unless the parent and school district agree in writing to waive the resolution meeting or agree to use mediation:

(i) A resolution meeting shall occur within seven days of receiving notice of the due process complaint.

(ii) The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.

(iii) The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed; and

(iv) The impartial hearing officer shall make a determination within 10 school days after the hearing.

(4) No extension to an expedited impartial hearing timeline may be granted.

(5) The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, to the board of education and the Office of Special Education of the New York State Education Department within 10 school days after the hearing.

(c) If a parent requests a hearing or an appeal regarding the change in placement of a student to an IAES by a superintendent of schools, or regarding a change in placement by an impartial hearing officer pursuant to section 201.8 of this Part where the school district maintains that it is dangerous for the student to remain in his or her current educational placement, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the time period determined in accordance with section 201.7 or 201.8 of this Part, as applicable, whichever occurs first, unless the parents and the school district otherwise agree.

(d) When an expedited due process hearing has been requested because of a disciplinary change in placement, the manifestation determination or because the school district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student shall remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first, unless the parent and the school district agree otherwise.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**2801. Codes of conduct on school property.**

2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof... Such code of conduct shall include, at a minimum:

f. procedures by which violations are reported, determined, discipline measures imposed and discipline measures carried out;

g. provisions ensuring such code and the enforcement thereof are in compliance with state and federal laws relating to students with disabilities;

**3214. Student placement, suspensions and transfers.**

3. Suspension of a pupil.
a. The board of education, board of trustees or sole trustee, the superintendent of schools, district superintendent of schools or principal of a school may suspend the following pupils from required attendance upon instruction: A pupil who is insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

b. (1) The board of education, board of trustees, or sole trustee, superintendent of schools, district superintendent of schools and the principal of the school where the pupil attends shall have the power to suspend a pupil for a period not to exceed five school days. In the case of such a suspension, the suspending authority shall provide the pupil with notice of the charged misconduct. If the pupil denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension. The pupil and the person in parental relation to the pupil shall, on request, be given an opportunity for an informal conference with the principal at which the pupil and/or person in parental relation shall be authorized to present the pupil's version of the event and to ask questions of the complaining witnesses. The aforesaid notice and opportunity for an informal conference shall take place prior to suspension of the pupil unless the pupil's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the pupil's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

(2) A teacher shall immediately report and refer a violent pupil to the principal or superintendent for a violation of the code of conduct and a minimum suspension period pursuant to section twenty-eight hundred one of this chapter.

c. (1) No pupil may be suspended for a period in excess of five school days unless such pupil and the person in parental relation to such pupil shall have had an opportunity for a fair hearing, upon reasonable notice, at which such pupil shall have the right of representation by counsel, with the right to question witnesses against such pupil and to present witnesses and other evidence on his behalf. Where a pupil has been suspended in accordance with this subdivision by a superintendent of schools, district superintendent of schools, or community superintendent, the superintendent shall personally hear and determine the proceeding or may, in his discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him. A record of the hearing shall be maintained, but no stenographic transcript shall be required, and a tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof. An appeal will lie from the decision of the superintendent to the board of education who shall make its decision solely upon the record before it. The board may adopt in whole or in part the decision of the superintendent of schools. Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in subdivision one of section 265.01 of the penal law, the hearing officer or superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

(2) Where a pupil has been suspended in accordance with this section by a board of education, the board may in its discretion hear and determine the proceeding or appoint a hearing officer who shall have the same powers and duties with respect to the board that a hearing officer has with respect to a superintendent where the suspension was ordered by him. The findings and recommendations of the hearing officer conducting the proceeding shall be advisory and subject to final action by the board of education, each member of which shall before voting review the testimony and acquaint himself with
the evidence in the case. The board may reject, confirm or modify the conclusions of the hearing officer.

d. Consistent with the federal gun-free schools act of nineteen hundred ninety-four, any public school pupil who is determined under this subdivision to have brought a weapon to school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a weapon to a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials.

e. Procedure after suspension. Where a pupil has been suspended pursuant to this subdivision and said pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere or for supervision or detention of said pupil pursuant to the provisions of article seven of the family court act. Where a pupil has been suspended or cause, the suspension may be revoked by the board of education whenever it appears to be for the best interest of the school and the pupil to do so. The board of education may also condition a student's early return to school and suspension revocation on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

f. Whenever the term “board of education or superintendent of schools” is used in this subdivision, it shall be deemed to include community boards of education and community superintendents governing community districts in accordance with the provisions of article fifty-two-A of this chapter. For the purpose of this subdivision, the term “weapon” means a firearm as such term is defined in section nine hundred twenty-one of title eighteen of the United States code.

g. Discipline of students with disabilities and students presumed to have a disability for discipline purposes.

(1) Notwithstanding any other provision of this subdivision to the contrary, a student with a disability as such term is defined in section forty-four hundred one of this chapter and a student presumed to have a disability for discipline purposes, may be suspended or removed from his or her current educational placement for violation of school rules only in accordance with the procedures established in this section, the regulations of the commissioner implementing this paragraph, and subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute, as such federal law and regulations are from time to time amended. Nothing in this paragraph shall be construed to confer greater rights on such students
than are conferred under applicable federal law and regulations, or to limit the ability of a school district to change the educational placement of a student with a disability in accordance with the procedures in article eighty-nine of this chapter.

(2) As used in this paragraph, a "student presumed to have a disability for discipline purposes" shall mean a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in subsection (k)(8) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute.

(3) In applying the federal law consistent with this section:

(i) in the event of a conflict between the procedures established in this section and those established in subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute, such federal statute and regulations shall govern.

(ii) the trustees or board of education of any school district, a district superintendent of schools or a building principal shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five consecutive school days where such student is suspended pursuant to this subdivision and, except as otherwise provided in clause (vi) of this subparagraph, the suspension does not result in a change in placement under federal law.

(iii) the superintendent of schools of a school district, either directly or upon recommendation of a hearing officer designated pursuant to paragraph c of this subdivision, may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student is placed in an appropriate interim alternative educational placement, another setting or suspension pursuant to clause (ii) of this subparagraph for the behavior, where the superintendent determines in accordance with the procedures set forth in this subdivision that the student has engaged in behavior that warrants a suspension, and, except as otherwise provided in clause (vi) of this subparagraph, the suspension does not result in a change in placement under federal law.

(iv) the superintendent of schools of a school district, either directly or upon recommendation of a hearing officer designated pursuant to paragraph c of this subdivision, may order the change in placement of a student with a disability to an interim alternative educational setting for up to forty-five days, but not to exceed the period of suspension ordered by a superintendent in accordance with this subdivision, under the circumstances specified in subsection (k)(1) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute.

(v) the terms "day," "business day," and "school day" shall be as defined in section 300.9 of title thirty-four of the code of federal regulations.

(vi) notwithstanding any other provision of this subdivision to the contrary, upon a determination by the committee on special education that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined pursuant to this section in the same manner as a nondisabled student, except that such student shall continue to receive services to the extent required under federal law and regulations.

(vii) an impartial hearing officer appointed pursuant to subdivision one of section forty-four hundred four of this chapter may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for not more than forty-five days under the circumstances specified in subsections (k)(2) and (k)(7) of section fourteen hundred fifteen of title twenty of the...
United States code and the federal regulations implementing such statutes, provided that such procedure may be repeated, as necessary.

(viii) nothing in this section shall be construed to authorize the suspension or removal of a student with a disability from his or her current educational placement for violation of school rules following a determination by the committee on special education that the behavior is a manifestation of the student's disability, except as authorized under federal law and regulations.

(ix) the commissioner shall implement this paragraph by adopting regulations which coordinate the procedures required for discipline of students with disabilities, and students presumed to have a disability for discipline purposes, pursuant to subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the federal regulations implementing such statute, with the general procedures for student discipline under this section.

3-a. Teacher removal of a disruptive pupil. In addition, any teacher shall have the power and authority to remove a disruptive pupil, as defined in subdivision two-a of this section, from such teacher's classroom consistent with discipline measures contained in the code of conduct adopted by the board pursuant to section twenty-eight hundred one of this chapter. The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom pursuant to this subdivision and provided further that nothing in this subdivision shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination pursuant to paragraph c of this subdivision, or the period of removal expires, whichever is less.

   a. Such teacher shall inform the pupil and the school principal of the reasons for the removal. If the teacher finds that the pupil's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the pupil to informally present the pupil's version of relevant events. In all other cases, the teacher shall provide the pupil with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four hours of the pupil's removal.

   b. The principal shall inform the person in parental relation to such pupil of the removal and the reasons therefor within twenty-four hours of the pupil's removal. The pupil and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the principal to discuss the reasons for the removal. If the pupil denies the charges, the principal shall provide an explanation of the basis for the removal and allow the pupil and/or person in parental relation to the pupil an opportunity to present the pupil's version of relevant events. Such informal hearing shall be held within forty-eight hours of the pupil's removal.

   c. The principal shall not set aside the discipline imposed by the teacher unless the principal finds that the charges against the pupil are not supported by substantial evidence or that the pupil's removal is otherwise in violation of law or that the conduct warrants suspension from school pursuant to this section and a suspension will be imposed. The principal's determination made pursuant to this paragraph shall be made by the close of business on the day succeeding the forty-eight-hour period for an informal hearing contained in paragraph b of this subdivision.

   d. The principal may, in his or her discretion, designate a school district administrator, to carry out the functions required of the principal under this subdivision.

5. Involuntary transfers of pupils who have not been determined to be a student with a disability or a student presumed to have a disability for discipline purposes.

   a. The board of education, board of trustees or sole trustee, the superintendent of schools, or district superintendent of schools may transfer a pupil who has not been determined to be a student with a disability as defined in section forty-four hundred one of this chapter, or a student presumed to have a
disability for discipline purposes as defined in paragraph g of subdivision three of this section from regular classroom instruction to an appropriate educational setting in another school upon the written recommendation of the school principal and following independent review thereof. For purposes of this section of the law, "involuntary transfer" does not include a transfer made by a school district as part of a plan to reduce racial imbalance within the schools or as a change in school attendance zones or geographical boundaries.

b. A school principal may initiate a non-requested transfer where it is believed that such a pupil would benefit from the transfer, or when the pupil would receive an adequate and appropriate education in another school program or facility.

No recommendation for pupil transfer shall be initiated by the principal until such pupil and a person in parental relation has been sent written notification of the consideration of transfer recommendation. Such notice shall set a time and place of an informal conference with the principal and shall inform such person in parental relation and such pupil of their right to be accompanied by counsel or an individual of their choice.

c. After the conference and if the principal concludes that the pupil would benefit from a transfer or that the pupil would receive an adequate and appropriate education in another school program or facility, the principal may issue a recommendation of transfer to the superintendent. Such recommendation shall include a description of behavior and/or academic problems indicative of the need for transfer; a description of alternatives explored, and prior action taken to resolve the problem. A copy of that letter shall be sent to the person in parental relation and to the pupil.

d. Upon receipt of the principal's recommendation for transfer and a determination to consider that recommendation, the superintendent shall notify the person in parental relation and the pupil of the proposed transfer and of their right to a fair hearing as provided in paragraph c of subdivision three of this section and shall list community agencies and free legal assistance which may be of assistance. The written notice shall include a statement that the pupil or person in parental relation has ten days to request a hearing and that the proposed transfer shall not take effect, except upon written parental consent, until the ten day period has elapsed, or, if a fair hearing is requested, until after a formal decision following the hearing is rendered, whichever is later. Parental consent to a transfer shall not constitute a waiver of the right to a fair hearing.

6. Transfer of a pupil. Where a suspended pupil is to be transferred pursuant to subdivision five of this section, he or she shall remain on the register of the original school for two school days following transmittal of his or her records to the school to which he or she is to be transferred. The receiving school shall immediately upon receiving those records transmitted by the original school, review them to insure proper placement of the pupil. Staff members who are involved in the pupil's education must be provided with pertinent records and information relating to the background and problems of the pupil before the pupil is placed in a classroom.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.

1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      c. strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;
d. procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having a disability, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee of special education for review and modification if appropriate of the student's individualized education program;

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:

h. provisions for detention, suspension and removal from the classroom of students, consistent with Education Law section 3214 and other applicable Federal, State and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

i. procedures by which violations are reported, determined, discipline measures imposed and discipline measures carried out;

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

3214. Student placement, suspensions and transfers.
3-a. Teacher removal of a disruptive pupil. In addition, any teacher shall have the power and authority to remove a disruptive pupil, as defined in subdivision two-a of this section, from such teacher's classroom consistent with discipline measures contained in the code of conduct adopted by the board pursuant to section twenty-eight hundred one of this chapter. The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom pursuant to this subdivision and provided further that nothing in this subdivision shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination pursuant to paragraph c of this subdivision, or the period of removal expires, whichever is less.

a. Such teacher shall inform the pupil and the school principal of the reasons for the removal. If the teacher finds that the pupil's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the pupil to informally present the pupil's version of relevant events. In all other cases, the teacher shall provide the pupil with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four hours of the pupil's removal.
REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

   e. provisions prescribing the period for which a disruptive pupil may be removed from the classroom for each incident, provided that no such pupil shall return to the classroom until the principal makes a final determination pursuant to Education Law section 3214(3-a)(c), or the period of removal expires, whichever is less;

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

8 CRR-NY 19.5. Prohibition of corporal punishment and aversive interventions.

(a) Prohibition of corporal punishment.

   (1) No teacher, administrator, officer, employee or agent of a school district in this State, a board of cooperative educational services (BOCES), a charter school, State-operated or State-supported school, an approved preschool program, an approved private school, an approved out-of-state day or residential school, or a registered nonpublic nursery, kindergarten, elementary or secondary school in this State, shall use corporal punishment against a pupil.

   (2) As used in this section, corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil, except as otherwise provided in paragraph (3) of this subdivision.

   (3) In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

       (i) to protect oneself from physical injury;

       (ii) to protect another pupil or teacher or any person from physical injury;

       (iii) to protect the property of the school, school district or others; or

       (iv) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) Prohibition of the use of aversive interventions.

   (1) No public school, BOCES, charter school, approved preschool program, approved private school, State-operated or State-supported school in this State, approved out-of-state day or residential school, or registered nonpublic nursery, kindergarten, elementary or secondary school in this State shall employ the use of aversive behavioral interventions to reduce or eliminate maladaptive behaviors, except as provided pursuant to section 200.22(e) and (f) of this Title.

   (2) As used in this section, aversive intervention means: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as:

       (i) contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli;
(ii) any form of noxious, painful or intrusive spray, inhalant or tastes;
(iii) contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
(iv) movement limitation used as a punishment, including but not limited to helmets and mechanical restraint devices; or
(v) other stimuli or actions similar to the interventions described in subparagraphs (i) through (iv) of this paragraph.

The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.


Behavioral interventions for students with disabilities shall be provided in accordance with this section and those other applicable provisions of this Part and/or Part 201 that are not inconsistent with this section.

(c) Use of time out rooms. A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his or her education program. Time out rooms are to be used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation and as provided in paragraph (3) of this subdivision.

(1) Each school which uses a time out room as part of its behavior management approach shall ensure that the school’s policy and procedures on the use of the time out room are developed and implemented consistent with this subdivision, including the physical and monitoring requirements, parental rights and IEP requirements for students with disabilities. The school’s policy and procedures shall minimally include:

(i) prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;
(ii) factors which may precipitate the use of the time out room;
(iii) time limitations for the use of the time out room;
(iv) staff training on the policies and procedures related to the use of time out room;
(v) data collection to monitor the effectiveness of the use of time out rooms; and
(vi) information to be provided to parents.

(2) A student’s IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student’s age and individual needs.

(3) Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, the use of a time out room shall be used only in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

(4) The school district shall inform the student’s parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school’s policy on the use of time out rooms.

(5) The physical space used as a time out room shall provide a means for continuous visual and auditory monitoring of the student. The room shall be of adequate width, length and height to allow
the student to move about and recline comfortably. Wall and floor coverings should be designed to prevent injury to the student and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

(6) The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out is prohibited.

(7) Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

(8) The school shall establish and implement procedures to document the use of the time out room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors.

(9) For an education program operated pursuant to section 112 of the Education Law and Part 116 of this Title, if a provision of this section relating to use of time out rooms conflicts with the rules of the respective State agency operating such program, the rules of such State agency shall prevail and the conflicting provisions of this section shall not apply.

d) Emergency/interventions.

(1) For purposes of this subdivision, emergency means a situation in which immediate intervention involving the use of reasonable physical force pursuant to section 19.5(a)(3) of this Title is necessary.

(2) Use of emergency interventions

   (i) Emergency interventions shall be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed.

   (ii) Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

(3) Staff training. Staff who may be called upon to implement emergency interventions shall be provided with appropriate training in safe and effective restraint procedures in accordance with sections 100.2(l)(1)(i)(h) of this Title and 200.15(f)(1) of this Part as applicable.

(4) Documentation. The school must maintain documentation on the use of emergency interventions for each student, which shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. The parent of the student shall be notified and documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

(5) Applicability. For an education program operated pursuant to section 112 of the Education Law and Part 116 of this Title, if a provision of this section relating to emergency interventions conflicts with the rules of the respective State agency operating such program, the rules of such State agency shall prevail and the conflicting provision of this section shall not apply.
Alternative placements

LAWS

3214. Student placement, suspensions and transfers.
2. Special day schools. The school authorities of any city or school district may establish schools or set apart rooms in public school buildings for the instruction of school delinquents and fix the number of days per week and the hours per day of required attendance, which shall not be less than is required of minors attending the full-time day schools.
3. Suspension of a pupil.
   e. Procedure after suspension. Where a pupil has been suspended pursuant to this subdivision and said pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere or for supervision or detention of said pupil pursuant to the provisions of article seven of the family court act. Where a pupil has been suspended or cause, the suspension may be revoked by the board of education whenever it appears to be for the best interest of the school and the pupil to do so. The board of education may also condition a student's early return to school and suspension revocation on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

4112. Commissioner of education to contract for keeping of truants.
The commissioner of education may contract with any city or district having a school for delinquents, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided, shall be audited by the commissioner of education and paid in the same manner as the expenses of supporting and maintaining the schools on a reservation are paid.

4404. Appeal procedures for children with handicapping conditions.
1. If the recommendation of the committee on special education is not acceptable to the parent or person in parental relationship of a student, or if the committee or board of education or trustees fails to make or effectuate such a recommendation within such periods of time as may be required by regulations of the commissioner, such parents or persons in parental relationship shall notify the board of education of this situation and the board shall appoint an impartial hearing officer to hear the appeal and make a determination within such period of time as the commissioner by regulation shall determine, provided that the board of education or trustees shall offer the parent or person in parental relationship the option of mediation pursuant to section forty-four hundred four-a of this article as an alternative to an impartial hearing. Individuals so appointed by a board of education shall be selected from a list of available hearing officers who have successfully completed a hearing officer training program conducted by the department according to a rotation selection process prescribed in regulations of the commissioner; except that a city school district of a city having a population of more than one million inhabitants shall be exempt from such regulations to the extent it maintains its rotational selection process in effect prior to July first, nineteen ninety-three. A record of proceedings before the hearing officer shall be maintained and made available to the parties. The board of education or trustees of the school district or the state agency responsible for providing education to students with disabilities shall have the burden of proof, including the burden of persuasion and burden of production, in any such impartial hearing, except that a parent or person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion and burden of production on the appropriateness of such placement. The decision of the hearing officer shall be binding upon both parties unless appealed to the state review
officer. The commissioner shall establish a department training program which shall be completed to the satisfaction of the commissioner as a condition of certification. The commissioner shall develop and implement a plan to ensure that no individual employed by a school district, school or program serving students with disabilities placed by a school district committee on special education acts as an impartial hearing officer and that no individual employed by such schools or programs serves as an impartial hearing officer for two years following the termination of such employment. Such plan shall be fully implemented no later than July first, nineteen hundred ninety-six. The commissioner shall promulgate regulations establishing procedures for the suspension or revocation of impartial hearing officer certification for good cause. The commissioner shall establish maximum rates for the compensation of impartial hearing officers subject to the approval of the director of the division of the budget. The commissioner shall promulgate regulations establishing procedures and timelines for expedited hearings in cases involving: (a) review of a decision that a student with a disability's behavior was not a manifestation of such student's disability, or (b) review of an interim alternative educational setting or other placement to the extent required under federal law, or (c) a request by the school district for a determination that maintaining the current educational placement of the student is substantially likely to result in injury to the student or to others.

2. Review by state review officer. A state review officer of the education department shall review and may modify, in such cases and to the extent that the review officer deems necessary, in order to properly effectuate the purposes of this article, any determination of the impartial hearing officer relating to the determination of the nature of a child's handicapping condition, selection of an appropriate special education program or service and the failure to provide such program and require such board to comply with the provisions of such modification. The commissioner shall adopt regulations governing the practice and procedure in such appeals to the state review officer; provided, however, that in no event shall any fee or charge whatsoever be imposed for any appeal taken pursuant to this subdivision. The state review officer is empowered to make all orders which are proper or necessary to give effect to the decision of the review officer.

3. Review of the determination of a state review officer regarding children with disabilities.
   a. Any final determination or order of a state review officer rendered pursuant to subdivision two of this section may only be reviewed in a proceeding brought in the supreme court pursuant to article four of the civil practice law and rules, and paragraph b of this subdivision, or in United States district court.
   b. In any such proceeding under article four of the civil practice law and rules, the court may grant any relief authorized by the provisions of rule four hundred eleven of such law and rules, which shall include any relief available in a civil action under section six hundred fifteen of the individuals with disabilities education act (20 U.S.C. section 1415) and also may, in its discretion remand the proceedings to the state review officer for further consideration upon a finding that any relevant and material evidence is then available which was not previously considered by the state review officer. Such proceeding shall be deemed a proceeding against a body or officer for purposes of sections two hundred seventeen and five hundred six of the civil practice law and rules. The court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.

4. a. During the pendency of any proceedings conducted pursuant to this section, other than a proceeding subject to paragraph b of this subdivision, and during the initial identification, evaluation and placement procedure pursuant to this section and during the initial identification, evaluation and placement procedure pursuant to section forty-four hundred two of this article, unless the local school district and the parents or persons in parental relationship otherwise agree, the student shall remain in the then current
educational placement of such student, or, if applying for initial admission to a public school, shall be placed in the public school program until all such proceedings have been completed.

b. For students with disabilities placed in an interim alternative educational setting pursuant to clause (iv) or (vii) of subparagraph three of paragraph g of subdivision three of section thirty-two hundred fourteen of this chapter, during the pendency of proceedings conducted pursuant to this section in which the parents or persons in parental relationship challenge the interim alternative educational setting or a manifestation determination, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until expiration of the time period of the student’s interim alternative placement, whichever comes first, unless the local school district and the parents or persons in parental relationship otherwise agree. After the expiration of such interim alternative educational placement, if the school district proposes to change the student’s placement, during the pendency of any proceedings to challenge the proposed change in placement, the student shall return to and remain in the current educational placement, which shall be the student’s placement prior to the interim alternative educational setting, unless the local school district and the parents or persons in parental relationship otherwise agree or unless as a result of a decision by an impartial hearing officer in an expedited hearing, the interim alternative educational setting is extended or another appropriate placement is ordered for a period not to exceed forty-five days based on a determination that maintaining the current educational placement of the student is substantially likely to result in injury to the student or to others. Such procedure for extension of an interim alternative educational setting may be repeated as necessary.

5. For purposes of this section, to the extent required by federal law, a student presumed to have a disability for discipline purposes shall be deemed to be a student with a disability and the parents or persons in parental relationship of a student presumed to have a disability for discipline purposes shall be afforded the procedural rights of the parents or persons in parental relationship of a student with a disability. Nothing in this section shall be construed to confer upon a student presumed to have a disability for disciplinary purposes greater procedural rights than such student would have under the provisions of section six hundred fifteen of the individuals with disabilities education act.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      e. alternative educational programs appropriate to individual students needs;

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
    h. provisions for detention, suspension and removal from the classroom of students, consistent with Education Law section 3214 and other applicable Federal, State and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

8 CRR-NY 200.6 (n). Interim alternative education setting (IAES).
Students with disabilities who have been suspended or removed from their current placement for more than 10 school days pursuant to Part 201 of this Title may be placed in an IAES. The IAES, to the extent
provided in Part 201 of this Title, shall be an educational setting, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall:

(1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward the goals set out in the student's IEP; and

(2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

265.01-a. Criminal possession of a weapon on school grounds.
A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution.

Criminal possession of a weapon on school grounds is a class E felony.

3214. Student placement, suspensions and transfers.

2-a. a. Violent pupil. For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

(3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;

(4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

3. Suspension of a pupil.

d. Consistent with the federal gun-free schools act of nineteen hundred ninety-four, any public school pupil who is determined under this subdivision to have brought a weapon to school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a weapon to a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-
two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

265.01. Criminal possession of a weapon on school grounds.
A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution.

Criminal possession of a weapon on school grounds is a class E felony.

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:

   d. disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence;

3214. Student placement, suspensions and transfers.
2-a. a. Violent pupil. For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

   (3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;

   (4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

3. Suspension of a pupil.

   d. Consistent with the federal gun-free schools act of nineteen hundred ninety-four, any public school pupil who is determined under this subdivision to have brought a weapon to school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a weapon to a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have

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the authority to modify this suspension requirement for each student on a case-by-case basis. The
determination of a superintendent shall be subject to review by the board of education pursuant to
paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this
chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a
disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter.
A superintendent shall refer the pupil under the age of sixteen who has been determined to have
brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile
delinquency proceeding consistent with article three of the family court act except a student fourteen or
fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20
of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a
student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-
two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon
to school in violation of this subdivision to the appropriate law enforcement officials.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
   f. disciplinary measures to be taken in incidents on school property or at school functions involving the
   possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of
   another student's civil rights, harassment and threats of violence;

Students with chronic disciplinary issues

LAWS

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district
within the state, however created, and every board of cooperative educational services and county
vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the
maintenance of order on school property, including a school function, which shall govern the conduct of
students, teachers and other school personnel as well as visitors and shall provide for the enforcement
thereof… Such code of conduct shall include, at a minimum:
   l. a minimum suspension period, for students who repeatedly are substantially disruptive of the
   educational process or substantially interfere with the teacher’s authority over the classroom, provided
   that the suspending authority may reduce such period on a case by case basis to be consistent with
   any other state and federal law. For purposes of this section, the definition of "repeatedly are
   substantially disruptive" shall be determined in accordance with the regulations of the commissioner;

3214. Student placement, suspensions and transfers.
1. School delinquent. A minor under seventeen years of age, required by any of the provisions of part one
of this article to attend upon instruction, who is an habitual truant from such instruction or is irregular in
such attendance or insubordinate or disorderly or disruptive or violent during such attendance, is a school
delinquent.
REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.
1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on
school conduct and discipline … and shall include:
   f. disciplinary measures for violation of the school policies developed in accordance with
subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness
of the offense and where applicable to the previous disciplinary record of the student. Any suspension
from attendance upon instruction may be imposed only in accordance with section 3214 of the
Education Law;

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
   o. a minimum suspension period, for any student who repeatedly is substantially disruptive of the
educational process or substantially interferes with the teacher's authority over the classroom, provided
that the suspending authority may reduce such period on a case-by-case basis to be consistent with
any other State and Federal Law. For purposes of this requirement, "repeatedly is substantially
disruptive of the educational process or substantially interferes with the teacher's authority over the
classroom" shall mean engaging in conduct which results in the removal of the student from the
classroom by teacher(s) pursuant to the provisions of Education Law section 3214(3-a) and the
provisions set forth in the code of conduct on four or more occasions during a semester, or three or
more occasions during a trimester, as applicable;

Attendance and truancy

LAWS

3205. Attendance of minors upon full time day instruction.
1. a. In each school district of the state, each minor from six to sixteen years of age shall attend upon full
time instruction.
   b. Each minor from six to sixteen years of age on an Indian reservation shall attend upon full time day
instruction.
   c. For purposes of this article, a minor who becomes six years of age on or before the first of December
in any school year shall be required to attend upon full time instruction from the first day that the
appropriate public schools are in session in September of such school year, and a minor who becomes
six years of age after the first of December in any school year shall be required to attend upon full time
instruction from the first day of session in the following September; and, except as otherwise provided in
subdivision three of this section, shall be required to remain in attendance until the last day of session in
the school year in which the minor becomes sixteen years of age.
2. Exceptions. a. A minor who has completed a four-year high school course of study shall not be subject
to the provisions of part one of this article in respect to required attendance upon instruction.
   b. A minor for whom application for a full-time employment certificate has been made and who is
eligible therefore may, though unemployed, be permitted to attend part time school not less than twenty
hours per week instead of full-time school.
   c. The board of education of the Syracuse city school district, the board of education of the city school
district of the city of New York, the board of education of the city school district of the city of Rochester,
the board of education of the city school district of the city of Utica, the board of education of the city school district of the city of Buffalo the board of education of the city school district of the city of Cohoes, the board of education of the city school district of the city of Watervliet, and the board of education of the city school district of the city of Yonkers are hereby authorized to require minors who are five years of age on or before December first to attend kindergarten instruction. However, the provisions of this paragraph shall not apply to:

(i) Minors whose parents elect not to enroll their children in school until the following September.

(ii) Students enrolled in non-public schools or in-home instruction.

3. In each school district, the board of education shall have power to require minors from sixteen to seventeen years of age who are not employed to attend upon full time day instruction until the last day of session in the school year in which the student becomes seventeen years of age.

3210. Amount and character of required attendance.

1. Regularity and conduct.

a. A minor required by the provisions of part one of this article to attend upon instruction shall attend regularly as prescribed where he resides or is employed, for the entire time the appropriate public schools or classes are in session and shall be subordinate and orderly while so attending.

b. Absence for religious observance and education shall be permitted under rules that the commissioner shall establish.

c. In the event that a person requests the release of a minor required by the provisions of part one of this article to attend upon instruction, the identity of such person shall be verified against a list of names provided by the person or persons in parental relation to the minor, as defined in section two of this chapter, at the time of such minor's enrollment. The school district may adopt appropriate procedures for the purpose of submitting a list of names at a later date or updating the list of names provided by the person or persons in parental relation. If such person is identified as one of those persons included on such list, such minor may be released from attendance. If such person is identified as a person not included on such list, such minor may not be released except in the event of an emergency as determined in the sole discretion of the principal of the school, or his designee, provided that the person or persons in parental relation to the minor have been contacted and have agreed to such release. A school district may presume that either parent of the student has authority to obtain the release of said minor unless the school district has been provided with a certified copy of the legally binding instrument such as the court order or decree of divorce, separation or custody which provides evidence to the contrary. No situation shall be deemed an emergency until the facts of such situation have been verified by such principal or his designee. No civil or criminal liability shall arise or attach to any school district or employee thereof for any act or omission to act as a result of, or in connection with, the duties or activities authorized or directed by this paragraph. The foregoing procedure shall not apply to release of a minor pursuant to the protective custody provisions of the social services law and the family court act.

2. Attendance elsewhere than at a public school.

a. Hours of attendance. If a minor included by the provisions of part one of this article attends upon instruction elsewhere than at a public school, he shall attend for at least as many hours, and within the hours specified therefor.

b. Absence. Absence from required attendance shall be permitted only for causes allowed by the general rules and practices of the public schools. Absence for religious observance and education shall be permitted under rules that the commissioner shall establish.

c. Holidays and vacations. Holidays and vacations shall not exceed in total amount and number those allowed by the public schools.
d. Exception. In applying the foregoing requirements a minor required to attend upon full time day instruction by the provisions of part one of this article may be permitted to attend for a shorter school day or for a shorter school year or for both, provided, in accordance with the regulations of the state education department, the instruction he receives has been approved by the school authorities as being substantially equivalent in amount and quality to that required by the provisions of part one of this article.

3211. Records of attendance upon instruction.

1. Who shall keep such record. The teacher of every minor required by the provisions of part one of this article to attend upon instruction, or any other school district employee as may be designated by the commissioner of education under section three thousand twenty-four of this chapter, shall keep an accurate record of the attendance and absence of such minor. Such record shall be in such form as may be prescribed by the commissioner of education.

2. Certificates of attendance to be presumptive evidence. A duly certified transcript of the record of attendance and absence of a child which has been kept, as provided in this section, shall be accepted as presumptive evidence of the attendance of such child in any proceeding brought under the provisions of part one of this article.

3. Inspection of records of attendance. An attendance officer, or any other duly authorized representative of the school authorities, may at any time during school hours, demand the production of the records of attendance of minors required to be kept by the provisions of part one of this article, and may inspect or copy the same and make all proper inquiries of a teacher or principal concerning the records and the attendance of such minors.

4. Duties of principal or person in charge of the instruction of a minor. The principal of a school, or other person in charge of the instruction upon which a minor attends, as provided by part one of this article, shall cause the record of his attendance to be kept and produced and all appropriate inquiries in relation thereto answered as hereinbefore required. He shall give prompt notification in writing to the school authorities of the city or district of the discharge or transfer of any such minor from attendance upon instruction, stating the date of the discharge, its cause, the name of the minor, his date of birth, his place of residence prior to and following discharge, if such place of residence be known, and the name of the person in parental relation to the minor.

4111. Arrest of truants.

Any attendance officer may arrest without warrant anywhere within the state any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a school for delinquents, as provided in section forty-one hundred twelve.

4112. Commissioner of education to contract for keeping of truants.

The commissioner of education may contract with any city or district having a school for delinquents, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided, shall be audited by the commissioner of education and paid in the same manner as the expenses of supporting and maintaining the schools on a reservation are paid.
REGULATIONS
No relevant regulations found.

Substance use

LAWS

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:

d. disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence;

3028-a. Students under twenty-one years of age suspected of alcohol abuse or narcotic addiction.
Any teacher, school administrator, school guidance counselor, school psychologist, school drug counselor, school nurse, supervisor of attendance, attendance teacher or attendance officer having reasonable cause to suspect that a secondary or elementary student under twenty-one years of age is a substance or alcohol abuser or substance dependent, who report such information to the appropriate secondary or elementary school officials pursuant to the school's drug policy or if the school has no drug policy to the school's principal or the parents or legal guardians of such student under twenty-one years of age shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:

f. disciplinary measures to be taken in incidents on school property or at school functions involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;

Bullying, harassment, or hazing

LAWS

10. Legislative intent.
The legislature finds that students' ability to learn and to meet high academic standards, and a school's ability to educate its students, are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation. It is hereby declared to be the policy of the state to afford all students in public schools an environment free of discrimination and harassment. The purpose of this article is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission.
11. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

3. "Disability" shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law.

4. "Employee" shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.

5. "Sexual orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

6. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.

7. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

8. "Cyberbullying" shall mean harassment or bullying as defined in subdivision seven of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication.

9. "Race" shall, for the purposes of this article include traits historically associated with race, including but not limited to, hair texture and protective hairstyles.

10. "Protective hairstyles" shall include, but not be limited to, such hairstyles as braids, locks, and twists.

12. Discrimination and harassment prohibited.

1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into or exclusion from, a course of instruction based on a person's gender; that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

2. An age-appropriate version of the policy outlined in subdivision one of this section, written in plain-language, shall be included in the code of conduct adopted by boards of education and the trustees or sole trustee pursuant to section twenty-eight hundred one of this chapter and a summary of such policy shall be included in any summaries required by such section twenty-eight hundred one".
The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:
   a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying and discrimination;
   b. enable students and parents to make an oral or written report of harassment, bullying or discrimination to teachers, administrators and other school personnel that the school district deems appropriate;
   c. require school employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and to file a written report with the principal, superintendent or the principal or superintendent's designee not later than two school days after making such oral report;
   d. require the principal, superintendent or the principal's or superintendent's designee to lead or supervise the thorough investigation of all reports of harassment, bullying and discrimination, and to ensure that such investigation is completed promptly after receipt of any written reports made under this section;
   e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section;
   f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination;
   g. include a school strategy to prevent harassment, bullying and discrimination;
   h. require the principal to make a regular report on data and trends related to harassment, bullying and discrimination to the superintendent;
   i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying or discrimination constitutes criminal conduct;
   j. include appropriate references to the provisions of the school district's code of conduct adopted pursuant to section twenty-eight hundred one of this chapter that are relevant to harassment, bullying and discrimination;
   k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents;
I. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists;

2. Guidelines to be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed:
   a. to raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and
   b. to enable employees to prevent and respond to harassment, bullying and discrimination; and

3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; and

4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct

5. Training required by this section shall address the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.


The commissioner shall:

4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function.

16. Protection of people who report harassment, bullying or discrimination.

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

17. Application.

Nothing in this article shall:

1. Apply to private, religious or denominational educational institutions; or

2. Preclude or limit any right or cause of action provided under any local, state or federal ordinance, law or regulation including but not limited to any remedies or rights available under the Individuals With

The provisions of this article shall be severable, and if any court of competent jurisdiction declares any phrase, clause, sentence or provision of this article to be invalid, or its applicability to any government agency, person or circumstance is declared invalid, the remainder of this article and its relevant applicability shall not be affected. The provisions of this article shall be liberally construed to give effect to the purposes thereof.

801-a. Instruction in civility, citizenship and character education.
The regents shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying, discrimination, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such component shall include instruction of safe, responsible use of the internet and electronic communications. The regents shall determine how to incorporate such component in existing curricula and the commissioner shall promulgate any regulations needed to carry out such determination of the regents. For the purposes of this section, “tolerance,” “respect for others” and “dignity” shall include awareness and sensitivity to harassment, bullying, discrimination and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

b. provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that:

1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

2. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law §11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973;

f. disciplinary measures to be taken in incidents on school property or at school functions involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student’s civil rights, harassment and threats of violence;
g. provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;

8 CRR-NY 100.2 (jj). Dignity for all students school employee training program.

1. Definitions. As used in this subdivision:
   i. “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, including a charter school; or in or on a school bus, as defined in Vehicle and Traffic Law section 142.
   ii. “School function” means a school-sponsored extracurricular event or activity.
   iii. “Disability” means disability as defined in Executive Law section 292(21).
   iv. “Employee” means an employee as defined in Education Law section 1125(3), including an employee of a charter school.
   v. “Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.
   vi. Gender” means actual or perceived sex and shall include a person’s gender identity or expression.
   vii. “Discrimination” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
   viii. “Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. On or before July 1, 2012, each school district and each charter school shall establish guidelines for its school or schools to implement, commencing with the 2012-2013 school year and continuing in each school year thereafter, Dignity for All Students school employee training programs to promote a positive school environment that is free from discrimination and harassment; and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function. Such guidelines shall be approved by the board of education, trustees or sole trustee of the school district (or by the chancellor of the city school district, in the case of the City School District of the City of New York) or by the board of trustees of the charter school.

3. The guidelines shall include, but not be limited to, providing employees, including school and district administrators and instructional and non-instructional staff, with:
   i. training to:
      a. raise awareness and sensitivity to potential acts of discrimination and/or harassment directed at students that are committed by students and/or school employees on school property or at a school function; including, but not limited to, discrimination and/or harassment based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; and
      b. training to enable employees to prevent and respond to incidents of discrimination and/or harassment;
c. such training may be implemented and conducted in conjunction with existing professional
    development training pursuant to subparagraph 100.2(dd)(2)(ii) of this Title and/or with any other
    training for school employees; and

ii. guidelines relating to the development of nondiscriminatory instructional and counseling methods.

4. At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed
    in the provisions of this subdivision and thoroughly trained to handle human relations in the areas of race,
    color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,
    gender, and sex.

i. The designation of each Dignity Act Coordinator shall be approved by the board of education, trustees
    or sole trustee of the school district (or in the case of the City School District of the City of New York, by
    the principal of the school in which the designated employee is employed) or, in the case of a charter
    school, by the board of trustees.

ii. The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school
    personnel, students, and persons in parental relation, which shall include, but is not limited to, providing
    the name, designated school and contact information of each Dignity Act Coordinator by:

a. listing such information in the code of conduct and updates posted on the Internet web site, if
    available, of the school or school district, or of the board of cooperative educational services,
    pursuant to subclause 100.2(l)(2)(iii)(b)(1) of this Part;

b. including such information in the plain language summary of the code of conduct provided to all
    persons in parental relation to students before the beginning of each school year, pursuant to
    subclause 100.2(l)(2)(iii)(b)(3);

c. providing such information to parents and persons in parental relation in at least one per school
    year district or school mailing or other method of distribution including, but not limited to, sending such
    information home with each student and, if such information changes, in at least one subsequent
    district or school mailing or other such method of distribution as soon as practicable thereafter;

d. posting such information in highly-visible areas of school buildings; and

e. making such information available at the district and school-level administrative offices.

iii. In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be
    immediately designated for an interim appointment as Coordinator, pending approval of a successor
    Coordinator by the applicable governing body as set forth in subparagraph (i) of this paragraph within
    30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties
    of his or her position for an extended period of time, another school employee shall be immediately
    designated for an interim appointment as Coordinator, pending return of the previous Coordinator to his
    or her duties as Coordinator.

5. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a
    course of instruction based on a person’s gender that would be permissible under Education Law
    sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section
    1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible

8 CRR-NY 100.2 (kk). Dignity Act reporting requirements.

1. Definitions. For purposes of this subdivision:

1. "School property" means in or within any building, structure, athletic playing field, playground, parking
    lot, or land contained within the real property boundary line of a public elementary or secondary school,
    including a charter school; or in or on a school bus, as defined in Vehicle and Traffic Law section 142.

2. "School function" means a school-sponsored extracurricular event or activity.
3. "Disability" means disability as defined in Executive Law section 292(21).

4. "Employee" means employee as defined in Education Law section 1125(3), including an employee of a charter school.

5. "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

6. "Gender" means actual or perceived sex and shall include a person’s gender identity or expression.

7. "Discrimination" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

8. "Harassment" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

9. "Material Incident of Discrimination and/or Harassment" means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:
   a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being;
   or
   b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

2. Reporting of incidents.
   i. For the 2012-2013 school year and for each succeeding school year thereafter, each school district, board of cooperative educational services (BOCES) and charter school shall submit to the commissioner an annual report of material incidents of discrimination and/or harassment that occurred in such school year, in accordance with Education Law section 15 and this subdivision. Such report shall be submitted in a manner prescribed by the commissioner, on or before the basic educational data system (BEdS) reporting deadline or such other date as determined by the commissioner.
   ii. For purposes of reporting pursuant to this subdivision, a school district, BOCES or charter school shall include in its annual report all material incidents of discrimination and/or harassment that:
      a. are the result of the investigation of a written or oral complaint made to the school principal or other school administrator responsible for school discipline, or to any other employee; or
b. are otherwise directly observed by such principal or administrator, or by any other employee regardless of whether a complaint is made.

iii. Such report shall include information describing the specific nature of the incident, including, but not limited to:

a. the type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they shall all be reported;
b. whether the incident resulted from student and/or employee conduct;
c. whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and
d. the location where the incident occurred (on school property or at a school function).

3. Protection of people who report discrimination and/or harassment.

i. Pursuant to Education Law section 16, any person having reasonable cause to suspect that a student has been subjected to discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

ii. No school district, BOCES or charter school, or an employee thereof, shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

Other special infractions or conditions

LAWS

2503-a. Powers of boards of education to ban fraternities, sororities and other secret societies.

1. In its discretion, the board of education of each school district, may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority or other secret society in any secondary school under its jurisdiction.

2. Prior to the adoption and promulgation of a rule or regulation in accordance with the provisions of subdivision one of this section by any board of education of a school district, the board of education of the school district must find that the fraternity, sorority or secret society group has by virtue of its activities caused or created a disruption of or interference with the academic processes of any secondary school within its jurisdiction or caused or created any interference with or disruption of the academic progress of any individual student or students in any secondary school within its jurisdiction.

3. For the purposes of this chapter a fraternity, sorority, or secret society shall mean any organization composed wholly or in part of pupils enrolled in public secondary schools which exists or seeks to perpetuate itself by taking in additional members from the pupils enrolled in such schools on the decision of the membership rather than upon the free choice of any pupil in such school but shall not be construed to include organizations institutionally sponsored by agencies of public welfare, the Boy Scouts of America, the Girl Scouts of America, the Campfire Girls, Young Men's Christian Association, Young Women's Christian Association, Young Men's Hebrew Association, Young Women's Hebrew Association, Catholic Youth Organization, Kiwanis International, Hi-Y or other similar organizations without limitation to the foregoing.
4. Upon and after the adoption and promulgation of a rule or regulation in accordance with the provisions of subdivision one of this section by the board of education of any such school district, such board of education may in any secondary school under its jurisdiction discipline any pupil who shall promise to join, or shall become a member of, or shall remain a member of, or shall solicit other persons to join any such fraternity, sorority or secret society.

**2554-a. Powers of boards of education to ban fraternities, sororities and other secret societies.**

1. In its discretion, the board of education of each school district, may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority or other secret society in any secondary school under its jurisdiction.

2. Prior to the adoption and promulgation of a rule or regulation in accordance with the provisions of subdivision one of this section by any board of education of a school district, the board of education of the school district must find that the fraternity, sorority or secret society group has by virtue of its activities caused or created a disruption of or interference with the academic processes of any secondary school within its jurisdiction or caused or created any interference with or disruption of the academic progress of any individual student or students in any secondary school within its jurisdiction.

3. For the purposes of this chapter a fraternity, sorority or secret society shall mean any organization composed wholly or in part of pupils enrolled in public secondary schools which exists or seeks to perpetuate itself by taking in additional members from the pupils enrolled in such schools on the decision of the membership rather than upon the free choice of any pupil in such school but shall not be construed to include organizations institutionally sponsored by agencies of public welfare, the Boy Scouts of America, the Girl Scouts of America, the Campfire Girls, Young Men's Christian Association, Young Women's Christian Association, Young Men's Hebrew Association, Young Women's Hebrew Association, Catholic Youth Organization, Kiwanis International, Hi-Y or other similar organizations without limitation to the foregoing.

4. Upon and after the adoption and promulgation of a rule or regulation in accordance with the provisions of subdivision one of this section by the board of education of any such school district, such board of education may in any secondary school under its jurisdiction discipline any pupil who shall promise to join, or shall become a member of, or shall remain a member of, or shall solicit other persons to join any such fraternity, sorority or secret society.

**2801. Codes of conduct on school property.**

2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:

   m. a minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to paragraph a of subdivision two-a of section thirty-two hundred fourteen of this chapter, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law;

**3214. Student placement, suspensions and transfers.**

2-a. a. Violent pupil. For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

   (1) commits an act of violence upon a teacher, administrator or other school employee;
(2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
(3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
(4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
(5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
(6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
(7) knowingly and intentionally damages or destroys school district property.

b. Disruptive pupil. For the purposes of this section, a disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
   p. a minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to Education Law section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other State and Federal Law;
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:
   g. include a school strategy to prevent harassment, bullying and discrimination;

801-a. Instruction in civility, citizenship and character education.
The regents shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying, discrimination, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such component shall include instruction of safe, responsible use of the internet and electronic communications. The regents shall determine how to incorporate such component in existing curricula and the commissioner shall promulgate any regulations needed to carry out such determination of the regents. For the purposes of this section, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to harassment, bullying, discrimination and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

804. Health education regarding mental health, alcohol, drugs, tobacco abuse and the prevention and detection of certain cancers.
1. All schools shall ensure that their health education programs recognize the multiple dimensions of health by including mental health and the relation of physical and mental health so as to enhance student understanding, attitudes and behaviors that promote health, well-being and human dignity.
2. All schools shall include, as an integral part of health education, instruction so as to discourage the misuse and abuse of alcohol, tobacco and other drugs and promote attitudes and behavior that enhance health, well being, and human dignity.
3. Instruction regarding alcohol, tobacco, and other drugs shall be included in the health education provided for all elementary school pupils and shall be taught by the regular classroom teachers or by teachers certified to teach health education. Such instruction shall be designed according to the needs and abilities of the pupils at successive grade levels with the purpose of developing desirable health behavior, attitudes, and knowledge as well as self-reliance and problem-solving capacity.
4. Instruction regarding alcohol, tobacco, and other drugs, in addition to continued health guidance in the junior high school grades and the senior high schools, shall be an integral part of a required health education course at each of these levels in the secondary school’s curriculum. Students shall be required to demonstrate knowledge in the subject area through the use of a test, graded project or report, or any other means prescribed by the school authorities regarding alcohol, drugs, and tobacco. Any such course shall be taught by teachers holding a certificate to teach health. Related courses in the secondary school
The curriculum shall be taught in a manner supportive of health education regarding alcohol, tobacco, and other drugs. In addition, instruction regarding the dangers of driving while under the influence of alcohol or drugs shall be an integral part of a required health education course in the senior high schools. Such instruction shall be provided in all senior high schools whether or not these schools also provide driver education courses.

5. Instruction regarding methods of prevention and detection of certain cancers, including but not limited to breast cancer, skin cancer, testicular cancer and other cancers where certain preventive measures have become generally accepted and certain detection methods have been adopted and recommended generally to the public. Such instruction shall be an integral part of a required health education course at the senior high school level, in addition to continued health guidance in senior high schools. Any such course shall be taught by teachers holding a certificate to teach health.

6. a. The commissioner may prescribe in regulations such health education courses which include instruction regarding alcohol, tobacco, and other drugs as the commissioner may deem necessary and desirable for the welfare of pupils and the community. The contents may be varied to meet the needs of particular school districts, or portions thereof, and need not be uniform throughout the state, provided, however, that school districts shall utilize either the curriculum for health education instruction regarding alcohol, tobacco and other drugs prescribed by the commissioner or a course approved by the commissioner in accordance with criteria established by the commissioner. The commissioner is authorized to make recommendations to the board of regents beginning December first, two thousand fourteen and every three years thereafter relating to the modernization of such instruction required pursuant to subdivision one of this section, to include the most up to date age appropriate information available regarding the misuse and abuse of alcohol, tobacco and other drugs, including but not limited to heroin and opioids. Such instruction shall include, but not be limited to, information regarding drugs and other substances that are more prevalent among school aged youth. Such recommendations shall be the result of a collaboration between the department, the office of alcoholism and substance abuse services and the department of health. If the board of regents adopts such curriculum, the curriculum requirement shall take effect no later than the next school year after such curriculum has been adopted.

b. The commissioner shall make available an interpersonal violence prevention education package for grades kindergarten through twelve, which package may consist of student pamphlets, parent pamphlets, videotapes and other informative materials to be distributed to school districts and shall encourage the use of such material as part of the health or other related curricula or programs.

c. The regents shall review the health curriculum requirements in existence on the effective date of this paragraph for the purpose of streamlining such curriculum and identifying any outdated components that may be eliminated or consolidated in order to ensure that students have sufficient time and instruction to develop skills to address issues of violence prevention and mental health. To the extent appropriate, the regents shall modify the existing curriculum to provide greater focus on the development of skills, by no later than middle school, that are needed to recognize, cope with and address potentially violent incidents including an understanding of student roles in emergency situations and other related skills designed to reduce the threat of violence in schools.

7. School authorities shall provide the needed facilities, time, and place for the instruction set forth herein and shall provide learning aids and curriculum resource materials which contribute to effective teaching methods and learning in health education regarding alcohol, tobacco, and other drugs.

8. All pre-service training programs in the state for elementary teachers shall include adequate preparation regarding the instruction in alcohol, tobacco, and other drugs set forth herein, and no teacher shall be licensed except upon satisfactory demonstration of the competencies included in the institutional proposals approved by the department.
9. Nothing contained in this section shall be deemed to diminish or impair the duties of the commissioner with respect to the continuing program for critical health problems established by chapter seven hundred eighty-seven of the laws of nineteen hundred sixty-seven as amended. The commissioner shall coordinate actions taken under authority of this section with the provisions of said chapter as they relate to health education in schools, in-service training and training programs, and curriculum or syllabus development regarding the deleterious effects resulting from the use, misuse, and abuse of alcohol, tobacco, and other drugs.

814. Courses of study in internet safety.

1. Any school district in the state may provide, to pupils in grades kindergarten through twelve, instruction designed to promote the proper and safe use of the internet.

2. The commissioner shall provide technical assistance to assist in the development of curricula for such courses of study which shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

3. The commissioner shall develop age-appropriate resources and technical assistance for schools to provide to students in grades three through twelve and their parents or legal guardians concerning the safe and responsible use of the internet. The resources shall include, but not be limited to, information regarding how child predators may use the internet to lure and exploit children, protecting personal information, internet scams and cyber-bullying.

2814. Omnibus school violence prevention grant program.

1. Within amounts appropriated for implementation of extended day programs and school violence prevention programs, the commissioner is hereby authorized and directed to award grants on a competitive basis to school districts. Such grants shall be for one or more of the following pursuant to this section: school safety and violence prevention programs consistent with the purposes of the school safety plans required by section twenty-eight hundred one-a of this article and extended day activities defined in this section. School districts shall be prohibited from using funds awarded pursuant to this section to displace school district after-school funding in existence as of the effective date of this article.

   a. School safety activities. Programs eligible for funding pursuant to this section may include, but not be limited to: (i) safe corridors programs; (ii) diversity programs; (iii) collaborative school safety programs with law enforcement agencies or community-based organizations; (iv) metal detectors, intercom and other intra-school communication devices and other devices to increase school security and the safety of school personnel and students; (v) other programs including comprehensive school-based intervention models, approved by the commissioner, that reduce violence and improve school safety. Comprehensive school based intervention models shall coordinate with and collaborate with other services currently being provided in the school district, incorporate appropriate school violence prevention and intervention services, and coordinate appropriate funding sources to ensure the efficient delivery of services. Such comprehensive school-based intervention models shall also include provisions for the involvement of teachers, parents, school administrators in the development and implementation of the program, a detailed statement identifying specific performance goals, a proposed timetable for implementation and achievement of such goals and specific assessment methods which will be used to measure student and school progress.

   b. Extended day activities.

      (i) Eligible extended day activities under this paragraph shall be for programs conducted outside the regular school day whereby students can participate in extra-curricular enrichment activities including but not limited to athletics, academic enrichment, art, music, drama, academic tutoring, mentoring, community services and related programs that will increase student achievement and contribute to
school violence prevention. Such activities conducted outside the regular school day shall be offered collaboratively between not-for-profit educational organizations, community based organizations, other agencies approved by the commissioner and public elementary or secondary schools, and where applicable, school districts.

(ii) Grantees receiving funding pursuant to this subdivision may expend no more than five percent of grants for administration and no more than five percent for grantee training.

2. In the event the appropriation for the purposes of this section in any year is insufficient to pay all claims pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis among all districts filing such claims until the appropriation is exhausted.

3. Programs supported by grants pursuant to this section shall not be eligible aid pursuant to any other provision of this chapter.

REGULATIONS

8 CRR-NY 100.2 (c). Instruction in certain subjects.
Pursuant to articles 2, 17 and 65 of the Education Law, instruction in certain subjects in elementary and secondary school shall be provided as follows:

2. for all public school students, instruction that supports development of a school environment free of discrimination and harassment, as required by the Dignity For All Students Act (article 2 of the Education Law), including but not limited to instruction that raises awareness and sensitivity to discrimination or harassment based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that in public schools other than charter schools, such instruction shall be provided as part of a component on civility, citizenship and character education in accordance with section 801-a of the Education Law;

4. for all students, health education regarding alcohol, drugs and tobacco abuse, as required by section 804 of the Education Law;

Behavioral interventions and student support services

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student’s history of problem behaviors, and are consistent with the district’s code of conduct

Reference CR 201.4 (a)

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of
students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof. [...] Such code of conduct shall include, at a minimum:

- circumstances under and procedures by which referral to appropriate human service agencies shall be made;

2814. Omnibus school violence prevention grant program.

1. Within amounts appropriated for implementation of extended day programs and school violence prevention programs, the commissioner is hereby authorized and directed to award grants on a competitive basis to school districts. Such grants shall be for one or more of the following pursuant to this section: school safety and violence prevention programs consistent with the purposes of the school safety plans required by section twenty-eight hundred one-a of this article and extended day activities defined in this section. School districts shall be prohibited from using funds awarded pursuant to this section to displace school district after-school funding in existence as of the effective date of this article.

a. School safety activities. Programs eligible for funding pursuant to this section may include, but not be limited to: (i) safe corridors programs; (ii) diversity programs; (iii) collaborative school safety programs with law enforcement agencies or community-based organizations; (iv) metal detectors, intercom and other intra-school communication devices and other devices to increase school security and the safety of school personnel and students; (v) other programs including comprehensive school-based intervention models, approved by the commissioner, that reduce violence and improve school safety. Comprehensive school based intervention models shall coordinate with and collaborate with other services currently being provided in the school district, incorporate appropriate school violence prevention and intervention services, and coordinate appropriate funding sources to ensure the efficient delivery of services. Such comprehensive school-based intervention models shall also include provisions for the involvement of teachers, parents, school administrators in the development and implementation of the program, a detailed statement identifying specific performance goals, a proposed timetable for implementation and achievement of such goals and specific assessment methods which will be used to measure student and school progress.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:

n. circumstances under and procedures by which referral to appropriate human service agencies shall be made;


(r) Functional behavioral assessment means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of this Part and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.


(mmm) Behavioral intervention plan means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific
hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

8 CRR-NY 200.6 (n). Interim alternative education setting (IAES).

Students with disabilities who have been suspended or removed from their current placement for more than 10 school days pursuant to Part 201 of this Title may be placed in an IAES. The IAES, to the extent provided in Part 201 of this Title, shall be an educational setting, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall:

(1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward the goals set out in the student's IEP; and

(2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.


Behavioral interventions for students with disabilities shall be provided in accordance with this section and those other applicable provisions of this Part and/or Part 201 that are not inconsistent with this section.

(a) Assessment of student behaviors. For purposes of this section, an assessment of student behaviors shall mean a functional behavioral assessment (FBA), as such term is defined in section 200.1(r) of this Part.

(1) A FBA shall be conducted as required in section 200.4 of this Part and section 201.3 of this Title.

(2) The FBA shall, as appropriate, be based on multiple sources of data including, but not limited to, information obtained from direct observation of the student, information from the student, the student's teacher(s) and/or related service provider(s), a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent. The FBA shall not be based solely on the student's history of presenting problem behaviors.

(3) The FBA shall provide a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and include the information required in section 200.1(r) of this Part in sufficient detail to form the basis for a behavioral intervention plan for the student that addresses antecedent behaviors, reinforcing consequences of the behavior, recommendations for teaching alternative skills or behaviors and an assessment of student preferences for reinforcement.

(b) Behavioral intervention plan.

(1) The CSE or CPSE shall consider the development of a behavioral intervention plan, as such term is defined in section 200.1(mmm) of this Part, for a student with a disability when:

(i) the student exhibits persistent behaviors that impede his or her learning or that of others, despite consistently implemented general school-wide or classroom-wide interventions;

(ii) the student's behavior places the student or others at risk of harm or injury;

(iii) the CSE or CPSE is considering more restrictive programs or placements as a result of the student's behavior; and/or

(iv) as required pursuant to section 201.3 of this Title.

(2) In accordance with the requirements in section 200.4 of this Part, in the case of a student whose behavior impedes his or her learning or that of others, the CSE or CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. If a particular device or service, including an intervention, accommodation or other program
modification is needed to address the student's behavior that impedes his or her learning or that of others, the IEP shall so indicate. A student's need for a behavioral intervention plan shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE or CPSE.

(3) Except as provided in subdivision (e) of this section, a behavioral intervention plan shall not include the use of aversive interventions.

(4) The behavioral intervention plan shall identify:

(i) the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline shall, to the extent practicable, include data taken across activities, settings, people and times of the day. The baseline data shall be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness;

(ii) the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s); and

(iii) a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.

(5) Progress monitoring. The implementation of a student's behavioral intervention plan shall include regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals, as specified in the behavioral intervention plan and on the student's IEP. The results of the progress monitoring shall be documented and reported to the student's parents and to the CSE or CPSE and shall be considered in any determination to revise a student's behavioral intervention plan or IEP.

Professional development

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

2. Guidelines to be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed:

   a. to raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and

   b. to enable employees to prevent and respond to harassment, bullying and discrimination; and

3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; and

5. Training required by this section shall address the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

The commissioner shall:

5. The commissioner shall prescribe regulations that school professionals applying on or after July first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

804. Health education regarding mental health, alcohol, drugs, tobacco abuse and the prevention and detection of certain cancers.

8. All pre-service training programs in the state for elementary teachers shall include adequate preparation regarding the instruction in alcohol, tobacco, and other drugs set forth herein, and no teacher shall be licensed except upon satisfactory demonstration of the competencies included in the institutional proposals approved by the department.

REGULATIONS

8 CRR-NY 100.2 (l)(1). School conduct and discipline.

1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline … and shall include:
      g. guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline

8 CRR-NY 100.2 (l)(2). Code of conduct.

ii. The code of conduct shall include, but is not limited to:
   r. guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

8 CRR-NY 100.2 (jj). Dignity for all students school employee training program

1. Definitions. As used in this subdivision:
   i. “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, including a charter school; or in or on a school bus, as defined in Vehicle and Traffic Law section 142.
   ii. “School function” means a school-sponsored extracurricular event or activity.
   iii. "Disability" means disability as defined in Executive Law section 292(21).
   iv. “Employee” means an employee as defined in Education Law section 1125(3), including an employee of a charter school.
   v. "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.
vi. "Gender" means actual or perceived sex and shall include a person’s gender identity or expression.

vii. "Discrimination" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

viii. "Harassment" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. On or before July 1, 2012, each school district and each charter school shall establish guidelines for its school or schools to implement, commencing with the 2012-2013 school year and continuing in each school year thereafter, Dignity for All Students school employee training programs to promote a positive school environment that is free from discrimination and harassment; and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function. Such guidelines shall be approved by the board of education, trustees or sole trustee of the school district (or by the chancellor of the city school district, in the case of the City School District of the City of New York) or by the board of trustees of the charter school.

3. The guidelines shall include, but not be limited to, providing employees, including school and district administrators and instructional and non-instructional staff, with:

   i. training to:
      a. raise awareness and sensitivity to potential acts of discrimination and/or harassment directed at students that are committed by students and/or school employees on school property or at a school function; including, but not limited to, discrimination and/or harassment based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; and
      b. training to enable employees to prevent and respond to incidents of discrimination and/or harassment;
      c. such training may be implemented and conducted in conjunction with existing professional development training pursuant to subparagraph 100.2(dd)(2)(ii) of this Title and/or with any other training for school employees; and
   
   ii. guidelines relating to the development of nondiscriminatory instructional and counseling methods.

4. At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of this subdivision and thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

   i. The designation of each Dignity Act Coordinator shall be approved by the board of education, trustees or sole trustee of the school district (or in the case of the City School District of the City of New York, by the principal of the school in which the designated employee is employed) or, in the case of a charter school, by the board of trustees.

   ii. The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information of each Dignity Act Coordinator by:
a. listing such information in the code of conduct and updates posted on the Internet web site, if available, of the school or school district, or of the board of cooperative educational services, pursuant to subclause 100.2(l)(2)(iii)(b)(1) of this Part;

b. including such information in the plain language summary of the code of conduct provided to all persons in parental relation to students before the beginning of each school year, pursuant to subclause 100.2(l)(2)(iii)(b)(3);

c. providing such information to parents and persons in parental relation in at least one per school year district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;

d. posting such information in highly-visible areas of school buildings; and

e. making such information available at the district and school-level administrative offices.

iii. In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the applicable governing body as set forth in subparagraph (i) of this paragraph within 30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to his or her duties as Coordinator.

5. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:
   a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying and discrimination;
   b. enable students and parents to make an oral or written report of harassment, bullying or discrimination to teachers, administrators and other school personnel that the school district deems appropriate;
   c. require school employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and to file a written report with the principal, superintendent or the principal or superintendent's designee not later than two school days after making such oral report;
   d. require the principal, superintendent or the principal's or superintendent's designee to lead or supervise the thorough investigation of all reports of harassment, bullying and discrimination, and to ensure that such investigation is completed promptly after receipt of any written reports made under this section;
   e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section;
   f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination;
   h. require the principal to make a regular report on data and trends related to harassment, bullying and discrimination to the superintendent;

15. Reporting by commissioner.
The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.
Parental notification

LAWS

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:
   i. provisions setting forth the circumstances under and procedures by which persons in parental relation to the student shall be notified of code violations;

3213. Supervisors of attendance; attendance teachers; attendance officers; appointment, compensation, powers and duties.
   c. Notification upon absence. It shall be the duty of every school district to inform persons in parental relation to elementary school pupils of such person's right to be notified when such pupil is deemed absent from attendance at his designated school. Persons in parental relation to elementary school pupils shall, if such notification is desired, forward a request in writing to the principal of the pupil's designated school. Such request shall contain the telephone number of person or persons in parental relation to the pupil or other information to facilitate communication with such persons by the most expedient means available. No civil or criminal liability shall arise or attach to any school district or employee thereof for any act or omission to act as a result of, or in connection with, the duties or activities authorized or directed by this paragraph.
   d. Notification when deemed absent. A supervisor of attendance, attendance teacher, attendance officer, or other person authorized by the school district, as the case may be, shall, where a request for notification has been made pursuant to paragraph c of this subdivision, notify a person in parental relation to any elementary school pupil by the means designated in such request when such pupil is deemed absent from required attendance at his designated school without prior notification and consent to such absence by the person in parental relation. No civil or criminal liability shall arise or attach to any school district or employee thereof for any act or omission to act as a result of, or in connection with, the duties or activities authorized or directed by this paragraph.

3214. Student placement, suspensions and transfers.
   3-a. Teacher removal of a disruptive pupil. In addition, any teacher shall have the power and authority to remove a disruptive pupil, as defined in subdivision two-a of this section, from such teacher's classroom consistent with discipline measures contained in the code of conduct adopted by the board pursuant to section twenty-eight hundred one of this chapter. The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom pursuant to this subdivision and provided further that nothing in this subdivision shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination pursuant to paragraph c of this subdivision, or the period of removal expires, whichever is less.
b. The principal shall inform the person in parental relation to such pupil of the removal and the reasons therefor within twenty-four hours of the pupil's removal. The pupil and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the principal to discuss the reasons for the removal. If the pupil denies the charges, the principal shall provide an explanation of the basis for the removal and allow the pupil and/or person in parental relation to the pupil an opportunity to present the pupil's version of relevant events. Such informal hearing shall be held within forty-eight hours of the pupil's removal.

5. Involuntary transfers of pupils who have not been determined to be a student with a disability or a student presumed to have a disability for discipline purposes.

a. The board of education, board of trustees or sole trustee, the superintendent of schools, or district superintendent of schools may transfer a pupil who has not been determined to be a student with a disability as defined in section forty-four hundred one of this chapter, or a student presumed to have a disability for discipline purposes as defined in paragraph g of subdivision three of this section from regular classroom instruction to an appropriate educational setting in another school upon the written recommendation of the school principal and following independent review thereof. For purposes of this section of the law, "involuntary transfer" does not include a transfer made by a school district as part of a plan to reduce racial imbalance within the schools or as a change in school attendance zones or geographical boundaries.

b. A school principal may initiate a non-requested transfer where it is believed that such a pupil would benefit from the transfer, or when the pupil would receive an adequate and appropriate education in another school program or facility.

No recommendation for pupil transfer shall be initiated by the principal until such pupil and a person in parental relation has been sent written notification of the consideration of transfer recommendation. Such notice shall set a time and place of an informal conference with the principal and shall inform such person in parental relation and such pupil of their right to be accompanied by counsel or an individual of their choice.

c. After the conference and if the principal concludes that the pupil would benefit from a transfer or that the pupil would receive an adequate and appropriate education in another school program or facility, the principal may issue a recommendation of transfer to the superintendent. Such recommendation shall include a description of behavior and/or academic problems indicative of the need for transfer; a description of alternatives explored, and prior action taken to resolve the problem. A copy of that letter shall be sent to the person in parental relation and to the pupil.

d. Upon receipt of the principal's recommendation for transfer and a determination to consider that recommendation, the superintendent shall notify the person in parental relation and the pupil of the proposed transfer and of their right to a fair hearing as provided in paragraph c of subdivision three of this section and shall list community agencies and free legal assistance which may be of assistance. The written notice shall include a statement that the pupil or person in parental relation has ten days to request a hearing and that the proposed transfer shall not take effect, except upon written parental consent, until the ten day period has elapsed, or, if a fair hearing is requested, until after a formal decision following the hearing is rendered, whichever is later. Parental consent to a transfer shall not constitute a waiver of the right to a fair hearing.

REGULATIONS

8 CRR-NY 100.2 (l)(2) Code of conduct.

ii. The code of conduct shall include, but is not limited to:
l. provisions setting forth the circumstances under and procedures by which persons in parental relation to the student shall be notified of code violations;

8 CRR-NY 100.2 (l)(4). Parental notification of student suspension.

When suspension of a student from attendance for a period of five days or less pursuant to section 3214(3) of the Education Law is proposed, school district officials shall immediately notify the parents or the persons in parental relation in writing that the student may be suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or persons in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law, section 3214(3)(b). Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the pupil. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Reporting and referrals between schools and law enforcement

LAWS


The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:

   i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying or discrimination constitutes criminal conduct;

2801. Codes of conduct on school property.

2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof… Such code of conduct shall include, at a minimum:

   h. provisions setting forth the procedures by which local law enforcement agencies shall be notified of code violations which constitute a crime;

   j. provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision petition as defined in articles three and seven of the family court act will be filed;
2801-a. School safety plans.
10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel’s roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan.

3214. Student placement, suspensions and transfers.
3. Suspension of a pupil.
   d. (1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

REGULATIONS
8 CRR-NY 100.2 (l)(2) Code of conduct.
ii. The code of conduct shall include, but is not limited to:
   k. provisions setting forth the procedures by which local law enforcement agencies shall be notified of code violations which constitute a crime;
m. provisions setting forth the circumstances under and procedures by which a complaint in criminal
court, a juvenile delinquency petition or person in need of supervision petition as defined in Articles
three and seven of the Family Court Act will be filed;

Disclosure of school records

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

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

LAWS

The board of education and the trustees or sole trustee of every school district shall create policies and
guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment,
bullying and discrimination, that include but are not limited to provisions which:

h. require the principal to make a regular report on data and trends related to harassment, bullying
and discrimination to the superintendent;

2801. Codes of conduct on school property.
5. a. The board of education, chancellor or other governing body shall annually review and update the
district's codes of conduct if necessary, taking into consideration the effectiveness of code provisions and
the fairness and consistency of its administration. Each school district is authorized to establish a
committee and to facilitate the review of the code of conduct and the district's response to code of
conduct violations. Any such committee shall be comprised of similar individuals described in subdivision
three of this section. The school board, chancellor, or other governing body shall reapprove any such
updated code only after at least one public hearing that provides for the participation of school personnel,
parents, students and any other interested parties.

b. Each district shall file a copy of its codes of conduct with the commissioner and all amendments to
such code shall be filed with the commissioner no later than thirty days after their adoption.

2802. Uniform violent incident reporting system.
1. The commissioner, in conjunction with the division of criminal justice services, shall promulgate
regulations defining "violent or disruptive incidents" for the purposes of this section.

2. The commissioner, in conjunction with the division of criminal justice services, shall establish a
statewide uniform violent incident reporting system which public school districts, boards of cooperative
educational services and county vocational education and extension boards shall follow.

3. The uniform violent incident reporting system shall require public school districts, boards of cooperative
educational services and county vocational education and extension board to annually report to the
commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents that occurred in the prior school year:

a. the type of offenders;
b. if any offender is a student, the age and grade of the student;
c. the location at which the incident occurred;
d. the type of incident;
e. whether the incident occurred during or outside of regular school hours;
f. where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;
g. the actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders;
h. any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system, and the duration of such action; and
i. the nature of the victim and the victim's age and grade where appropriate.

4. The commissioner shall require a summary of such information to be included, in a form prescribed by the commissioner, in the school district report cards or board of cooperative educational services report cards required by this chapter.

5. By April first of each year, the commissioner shall report to the governor, the legislature and the regents concerning the prevalence of violence and disruptive incidents in the public schools, and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and compare the incidence of violent and disruptive incidents of schools and school districts and boards with other schools and school districts and boards based on similarity in size and grade levels and other characteristics, including student need and resources, as determined by the commissioner. The report shall also, to the extent possible, relate the results available from the incident reporting system, together with such other analysis and information as the commissioner determines is appropriate, to the effectiveness of school violence measures undertaken by participating schools and school districts, including the school codes and school safety plans required by sections twenty-eight hundred one and twenty-eight hundred one-a of this article.

6. The commissioner, in conjunction with the commissioner of the division of criminal justice services, shall promulgate regulations to implement the provisions of this section and to assure to the extent practicable that the reports used by school districts are uniform and comparable with respect to the types of incidents reported and the responses of the schools and the school districts. Such regulations shall provide for the confidentiality of all personally identifiable information and shall ensure that any personally identifiable information which is collected is used only for its intended purpose.

REGULATIONS

8 CRR-NY 100.2 (l)(1) School conduct and discipline.

1. Policy on school conduct and discipline.
   i. On or before January 1, 1986 each school district shall adopt and implement a written policy on school conduct and discipline ... and shall include:
      ii. The board of education shall adopt such a policy and review it on an annual basis and amend it when appropriate. Each school district's policy on school conduct and discipline shall be filed in each school building and shall be available for review by any individual.
8 CRR-NY 100.2 (l)(2) Code of conduct.

iii. Additional responsibilities.

a. Each board of education and, in the case of the City School District of the City of New York, the chancellor of such city school district, and each board of cooperative educational services shall annually review and update as necessary its code of conduct, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration. A school district may establish a committee pursuant to Education Law section 2801(5)(a) to facilitate the review of its code of conduct and the district's response to code of conduct violations. A board of education or board of cooperative educational services may adopt any revision to the code of conduct only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested party. Each district shall file a copy of its code of conduct and any amendments with the commissioner, in a manner prescribed by the commissioner, no later than 30 days after their respective adoptions.

8 CRR-NY 100.2 (l)(3). Corporal punishment.

ii. In every school district and supervisory district, the trustee, trustees, board of education or board of cooperative educational services, shall submit a written semiannual report to the Commissioner of Education, by January 15th and July 15th of each year, commencing July 1, 1985, setting forth the substance of each complaint about the use of corporal punishment received by the local school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

8 CRR-NY 100.2 (gg). Uniform violent or disruptive incident reporting system.

School districts, boards of cooperative educational services, charter schools and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the 2001-2002 school year, in accordance with Education Law, section 2802 and this subdivision.

(1) Definitions. For the purposes of this subdivision:

(i) School function means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

(ii) School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section 142 of the Vehicle and Traffic Law; or at a school function.

(iii) Physical injury means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.

(iv) Serious physical injury means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

(v) Weapon means one or more of the following dangerous instruments:

(a) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;
(b) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;
(c) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
(d) a sandbag or sandclub;
(e) a sling shot or slungshot;
(f) a martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;
(g) an explosive, including but not limited to a firecracker or other fireworks;
(h) a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray;
(i) an imitation gun;
(j) loaded or blank cartridges or other ammunition; or
(k) any other dangerous or deadly instrument possessed with intent to use the same unlawfully against another.

(vi) Violent or disruptive incident shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):

(a) Homicide. Any intentional violent conduct which results in the death of another person.
(b) Sex offenses.
   (1) Forcible sex offenses. Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, which includes, but is not limited to the buttocks, breasts, or genitalia.
   (2) Other sex offenses. Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student’s clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not be limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least four years older than the youngest individual participating in the conduct.
(c) Assault. Intentionally or recklessly causing physical injury to another person, with or without a weapon, in violation of the school district code of conduct which shall include either:
   (1) engaging in behavior which causes serious physical injury; or
   (2) engaging in behavior which causes physical injury.
(d) Material incident of harassment, bullying, and/or discrimination. A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in subparagraph (kk)(1)(viii) of this section, such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or
perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

(e) Bomb threat. A telephoned, written or electronic message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.

(f) False alarm. Causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.

(g) Weapons possession. Possession of one or more weapons as defined by subparagraph (v) of this paragraph, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials which are discovered either through:

1. routine security checks; or
2. weapons possessed at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in the possession of a student or within a locker.

(h) Use, possession or sale of drugs. Illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

(i) Use, possession or sale of alcohol. Illegally using, possessing, or being under the influence of alcohol on school property or at a school function, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property or at a school function; finding alcohol on school property that is not in the possession of any person.

(2) Recording of offenses.

(i) For purposes of reporting pursuant to this subdivision, each incident shall be reported once in the highest ranking category of offense that applies, except that incidents involving a weapon and one of the offenses listed in clauses (1)(vi)(a) through (f) of this subdivision shall be reported in the highest ranking category of offense that applies as an offense committed with a weapon, and not in weapons possession; and incidents involving drug use, possession or sale and/or alcohol use, possession or sale and another offense shall be reported in the highest ranking category in clauses (1)(vi)(a) through (g) of this subdivision that applies. If the offense involves only the use, possession or sale of drugs or alcohol, it shall be recorded in the applicable category of drug or alcohol use, possession or sale as an incident involving drug or alcohol use, possession or sale only. For purposes of determining the highest ranking offense pursuant to this subparagraph, offenses shall be ranked in the order that they appear in clauses (1)(vi)(a) through (f) of this subdivision, followed by weapons possession, drug use, possession or sale and alcohol use, possession or sale.

(ii) All incidents involving bomb threats or false alarms as defined in clauses (1)(vi)(e) and (f) of this subdivision shall be reported. All incidents involving material incidents of harassment, bullying, and/or discrimination as defined in clause (1)(vi)(d) of this subdivision shall be reported.
(3) Submission of report. Each school district, board of cooperative educational services, charter school and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the commissioner, on or before the basic educational data system (Beds) reporting deadline or such other date as determined by the commissioner.

(4) Content of report. Each individual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain the following information concerning each violent or disruptive incident that occurred in the prior school year:

(i) the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;

(ii) if any offender is a student, the age and grade of the student;

(iii) the location at which the incident occurred, including:

(a) the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or

(b) where applicable, that the incident occurred on a school bus; or

(c) where applicable, that the incident occurred at a school function conducted off school grounds.

(iv) the types of incident, identified by category listed in clauses (1)(vi)(a) through (i) of this subdivision;

(v) whether the incident occurred during or outside of regular school hours;

(vi) where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;

(vii) whether the incident was bias-related, drug-related, or gang or group-related;

(viii) the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;

(ix) any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and

(x) the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.

(5) Preparation of report. Each annual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain such information as the commissioner shall prescribe, including but not limited to information on the frequency and types of incidents, offenders, victims and student discipline or referral actions taken, as is available on the date the annual report is submitted.

(6) Local procedures. The governing body of each school district, board of cooperative educational services, charter school and county vocational education and extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the commissioner in the applicable records retention schedule, and are available for inspection by the department upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.
(7) Confidentiality. Pursuant to subdivision 6 of section 2802 of the Education Law, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.

(8) School violence index. Each school year, commencing with the 2005-2006 school year, the department shall establish a school violence index as a comparative measure of the level of school violence in a school. The school violence index will be computed in accordance with a formula established by the commissioner that takes into account the enrollment of the school and is weighted to reflect the most serious violent incidents, which shall include but need not be limited to the following categories of incidents: homicide, forcible sexual offense, assault resulting in serious physical injury, assault resulting in physical injury, and incidents involving the possession, use or threatened use of a weapon.

8 CRR-NY 100.2 (kk). Dignity Act reporting requirements.

2. Reporting of incidents.

i. For the 2012-2013 school year and for each succeeding school year thereafter, each school district, board of cooperative educational services (BOCES) and charter school shall submit to the commissioner an annual report of material incidents of discrimination and/or harassment that occurred in such school year, in accordance with Education Law section 15 and this subdivision. Such report shall be submitted in a manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

ii. For purposes of reporting pursuant to this subdivision, a school district, BOCES or charter school shall include in its annual report all material incidents of discrimination and/or harassment that:

a. are the result of the investigation of a written or oral complaint made to the school principal or other school administrator responsible for school discipline, or to any other employee; or

b. are otherwise directly observed by such principal or administrator, or by any other employee regardless of whether a complaint is made.

iii. Such report shall include information describing the specific nature of the incident, including, but not limited to:

a. the type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they shall all be reported;

b. whether the incident resulted from student and/or employee conduct;

c. whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and

d. the location where the incident occurred (on school property or at a school function).

3. Protection of people who report discrimination and/or harassment.

i. Pursuant to Education Law section 16, any person having reasonable cause to suspect that a student has been subjected to discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

ii. No school district, BOCES or charter school, or an employee thereof, shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

3213. Supervisors of attendance; attendance teachers; attendance officers; appointment, compensation, powers and duties.

2. Powers and duties. a. Arrest of truants. A supervisor of attendance, attendance teacher or attendance officer, as the case may be, may arrest without warrant any minor who is unlawfully absent from attendance upon instruction. He shall forthwith place the minor so arrested in attendance upon required instruction and shall notify the parent or guardian of the minor, and he may then begin proceedings for his commitment as a school delinquent or arraign him before a court having jurisdiction. Where a minor resides in one school district and attends school in another school district, the supervisor of attendance, attendance teacher or attendance officer of the district where the minor resides and the supervisor of attendance, attendance teacher or attendance officer of the district where said minor attends school shall have concurrent jurisdiction with reference to said minor and to the person or persons in parental relation to him.

4111. Arrest of truants.

Any attendance officer may arrest without warrant anywhere within the state any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a school for delinquents, as provided in section forty-one hundred twelve.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
MOUs, authorization, and/or funding

LAWS

2801-a. School safety plans.

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel's roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan.

3211. Records of attendance upon instruction.

3. Inspection of records of attendance. An attendance officer, or any other duly authorized representative of the school authorities, may at any time during school hours, demand the production of the records of attendance of minors required to be kept by the provisions of part one of this article, and may inspect or copy the same and make all proper inquiries of a teacher or principal concerning the records and the attendance of such minors.

3213. Supervisors of attendance; attendance teachers; attendance officers; appointment, compensation, powers and duties.

1. Appointment, removal, compensation and supervision.
   a. To the end that children shall not suffer through unnecessary failure to attend school for any cause whatsoever, it shall be the duty of each attendance teacher and each attendance supervisor to secure for every child his right to educational opportunities which will enable him to develop his fullest potentialities for education, physical, social and spiritual growth as an individual and to provide for the school adjustment of any nonattendant child in cooperation with school authorities, special school services and community and social agencies.

   The school authorities of each city school district, union free school district, central school district, central high school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove one or more supervisors of attendance or attendance teachers of such district. A supervisor of attendance shall be appointed in accordance with the civil service law and rules, unless he or she is a licensed attendance teacher or a teacher licensed to teach in New York state, with such further qualifications as the board of regents shall establish. On and after July first, nineteen hundred fifty-five no full-time supervisor of attendance shall be appointed unless he or she holds a license as attendance teacher. Such supervisors of attendance and those holding full-time positions who are similarly licensed teachers or who hold attendance teacher licenses shall be assigned to the step in the salary schedule of the school district commensurate with the salary being paid such supervisors or teachers. Such persons shall be paid thereafter in accordance with such schedule. If the amount of salary received on said July first, nineteen hundred fifty-five is less than the
minimum step of the salary schedule, such supervisor or teacher shall be paid until June thirtieth, nineteen hundred fifty-six at the rate of the first step and in accordance with the schedule thereafter.

No supervisor of attendance or attendance teacher shall be appointed who is not twenty-one years of age and in proper physical condition. In the establishment of an eligible list advanced education related to attendance service shall be taken into consideration in the grading of the candidates. Experience in teaching, in social service and welfare work, and in business or in the professional field shall likewise be taken into consideration.

Paragraph a of subdivision one of this section shall apply to a city in which attendance supervisors are appointed from an eligible list now prepared by a board of examiners.

Supervisors of attendance in a city having a board of examiners shall be licensed as attendance teachers only when they comply with the regulations for such license as established by the commissioner of education and any additional requirements which may be established by the board of examiners.

The board of education shall fix the compensation of part-time supervisors of attendance and prescribe their duties not inconsistent with part one of this article and make rules and regulations for the performance thereof. The superintendent of schools or district superintendent of schools shall supervise the enforcement of part one of this article within such city or school district.

b. The town board of each town, with the approval, in writing, of the district superintendent, shall appoint, on or before August first of each year, one or more attendance officers and shall fix their compensation. During the school year it shall also fill promptly any vacancy after notification thereof by the district superintendent. The district superintendent shall promptly notify the town board of his approval or disapproval of an appointment. If within one month a town board shall not comply with the foregoing provisions, the district superintendent, subject to appeal to the commissioner of education, shall exercise the powers and duties of the town board with respect thereto. An attendance officer appointed for a town shall have jurisdiction over all school districts of the town which are not otherwise provided for by this section. He shall be removable at the pleasure of the district superintendent. His compensation and his necessary expenses in attending conferences called by the district superintendent shall be a town charge.

c. In case a school district shall include territory lying within the boundaries of more than one town, the attendance officer appointed by the town in which the schoolhouse is located shall have jurisdiction over the entire school district.

2. Powers and duties.

a. Arrest of truants. A supervisor of attendance, attendance teacher or attendance officer, as the case may be, may arrest without warrant any minor who is unlawfully absent from attendance upon instruction. He shall forthwith place the minor so arrested in attendance upon required instruction and shall notify the parent or guardian of the minor, and he may then begin proceedings for his commitment as a school delinquent or arraign him before a court having jurisdiction. Where a minor resides in one school district and attends school in another school district, the supervisor of attendance, attendance teacher or attendance officer of the district where the minor resides and the supervisor of attendance, attendance teacher or attendance officer of the district where said minor attends school shall have concurrent jurisdiction with reference to said minor and to the person or persons in parental relation to him.

b. Right of entry.

(1) A supervisor of attendance, attendance teacher or attendance officer, as the case may be, in the performance of his duties, may enter during business hours any factory, mercantile or other establishment, or other place in which a minor is believed to be employed within the city or school
district in which he is appointed, and shall be entitled to examine on demand the employment
certificates or work permits of minors therein employed, for whose lawful employment such
certificates or permits are required by the provisions of part one of this article.

(2) He may also enter any public place during the hours in which the public have access thereto, to
ascertain if any minor is therein who is required to attend upon instruction by the provisions of part
one of this article, or engaged in a street trade contrary to the provisions of part one of this article, or
to collect information required for the school census.

c. Notification upon absence. It shall be the duty of every school district to inform persons in parental
relation to elementary school pupils of such person's right to be notified when such pupil is deemed
absent from attendance at his designated school. Persons in parental relation to elementary school
pupils shall, if such notification is desired, forward a request in writing to the principal of the pupil's
designated school. Such request shall contain the telephone number of person or persons in parental
relation to the pupil or other information to facilitate communication with such persons by the most
expedient means available. No civil or criminal liability shall arise or attach to any school district or
employee thereof for any act or omission to act as a result of, or in connection with, the duties or
activities authorized or directed by this paragraph.

d. Notification when deemed absent. A supervisor of attendance, attendance teacher, attendance
officer, or other person authorized by the school district, as the case may be, shall, where a request for
notification has been made pursuant to paragraph c of this subdivision, notify a person in parental
relation to any elementary school pupil by the means designated in such request when such pupil is
deemed absent from required attendance at his designated school without prior notification and consent
to such absence by the person in parental relation. No civil or criminal liability shall arise or attach to
any school district or employee thereof for any act or omission to act as a result of, or in connection
with, the duties or activities authorized or directed by this paragraph.

e. To the extent that supervisors of attendance, attendance teachers and attendance officers act
pursuant to this subdivision and subdivision one of this section for the purpose of carrying out the
provisions of part one of this article, they shall be deemed to have acted within the scope of their
employment. Such personnel shall continue to have all the powers, duties and responsibilities conferred
on them by law prior to the date on which the provisions of this paragraph become effective.

4110. Attendance officers.
1. The principal teacher of the Indian schools on each reservation shall supervise the enforcement of this
article within said reservation and shall appoint, subject to the approval of the commissioner of education,
and remove at pleasure such number of attendance officers as the commissioner of education shall deem
necessary, whose jurisdictions shall extend over all school districts on the reservation for which they shall
be appointed. Such principal teachers are also vested with the same power and authority as the
attendance officers appointed by them.

2. If the education of Indian children of the reservation shall be provided pursuant to the provisions of
subdivision two of section forty-one hundred one of this chapter, the attendance officer or officers of the
school district providing such education shall have jurisdiction over all Indian children on the reservation.
Such attendance officers shall not, however, be entitled to receive from the commissioner of education
the payment for services provided in section forty-one hundred fourteen of this chapter.

3. The commissioner of education may appoint and remove at pleasure such attendance officers as he
shall deem necessary, who shall have jurisdiction over all children other than Indian children on the
reservation for which they shall be appointed. Such attendance officers shall receive such sum per day or
part thereof as shall be fixed by the commissioner of education for each day or part thereof necessarily
employed as such attendance officers. Compensation of attendance officers herein provided for shall be
audited by the commissioner of education and paid in the same manner as other expenses incurred pursuant to this article.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS


The commissioner shall:

1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing harassment, bullying and discrimination and to fostering an environment in every school where all children can learn free of manifestations of bias;

2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section;

3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education and provide guidance related to the application of regulations; and

4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function.

5. The commissioner shall prescribe regulations that school professionals applying on or after July first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS


The commissioner shall:

2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section;
2814. Omnibus school violence prevention grant program.

1. Within amounts appropriated for implementation of extended day programs and school violence prevention programs, the commissioner is hereby authorized and directed to award grants on a competitive basis to school districts. Such grants shall be for one or more of the following pursuant to this section: school safety and violence prevention programs consistent with the purposes of the school safety plans required by section twenty-eight hundred one-a of this article and extended day activities defined in this section. School districts shall be prohibited from using funds awarded pursuant to this section to displace school district after-school funding in existence as of the effective date of this article.

   a. School safety activities. Programs eligible for funding pursuant to this section may include, but not be limited to: (i) safe corridors programs; (ii) diversity programs; (iii) collaborative school safety programs with law enforcement agencies or community-based organizations; (iv) metal detectors, intercom and other intra-school communication devices and other devices to increase school security and the safety of school personnel and students; (v) other programs including comprehensive school-based intervention models, approved by the commissioner, that reduce violence and improve school safety. Comprehensive school based intervention models shall coordinate with and collaborate with other services currently being provided in the school district, incorporate appropriate school violence prevention and intervention services, and coordinate appropriate funding sources to ensure the efficient delivery of services. Such comprehensive school-based intervention models shall also include provisions for the involvement of teachers, parents, school administrators in the development and implementation of the program, a detailed statement identifying specific performance goals, a proposed timetable for implementation and achievement of such goals and specific assessment methods which will be used to measure student and school progress.

   b. Extended day activities.

      (i) Eligible extended day activities under this paragraph shall be for programs conducted outside the regular school day whereby students can participate in extra-curricular enrichment activities including but not limited to athletics, academic enrichment, art, music, drama, academic tutoring, mentoring, community services and related programs that will increase student achievement and contribute to school violence prevention. Such activities conducted outside the regular school day shall be offered collaboratively between not-for-profit educational organizations, community based organizations, other agencies approved by the commissioner and public elementary or secondary schools, and where applicable, school districts.

      (ii) Grantees receiving funding pursuant to this subdivision may expend no more than five percent of grants for administration and no more than five percent for grantee training.

2. In the event the appropriation for the purposes of this section in any year is insufficient to pay all claims pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis among all districts filing such claims until the appropriation is exhausted.

3. Programs supported by grants pursuant to this section shall not be eligible aid pursuant to any other provision of this chapter.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

16. Protection of people who report harassment, bullying or discrimination.
Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

3028-a. Students under twenty-one years of age suspected of alcohol abuse or narcotic addiction.
Any teacher, school administrator, school guidance counselor, school psychologist, school drug counselor, school nurse, supervisor of attendance, attendance teacher or attendance officer having reasonable cause to suspect that a secondary or elementary student under twenty-one years of age is a substance or alcohol abuser or substance dependent, who report such information to the appropriate secondary or elementary school officials pursuant to the school's drug policy or if the school has no drug policy to the school's principal or the parents or legal guardians of such student under twenty-one years of age shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

3028-b. Notification of teachers' duty to provide information and immunity from liability.
Each school shall annually provide to each teacher and all other school officials a written explanation concerning the reporting of pupil drug abuse, child abuse, and child abuse in an educational setting including the immunity provisions of section three thousand twenty-eight-a of this article and section eleven hundred twenty-six of this chapter and sections four hundred thirteen and four hundred nineteen of the social services law. The commissioner, with the assistance and cooperation of the commissioner of children and family services and the commissioner of criminal justice services, shall furnish each school district with the required information. Such information shall be updated by the commissioner at least once each school year.

3028-c. Protection of school employees who report acts of violence and weapons possession.
Any school employee having reasonable cause to suspect that a person has committed an act of violence while in or on school property, or having reasonable cause to suspect that a person has committed an act of violence upon a student, school employee or volunteer either upon school grounds or elsewhere, or having reasonable cause to suspect that a person has brought a gun, knife, bomb or other instrument capable of or that appears capable of causing death or physical injury upon school grounds who in good faith reports such information to school officials, to the commissioner, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report, and no school
district or school district employee shall take, request or cause a retaliatory action against any such employee who makes such report.

REGULATIONS

8 CRR-NY 100.2 (kk). Dignity Act reporting requirements.
3. Protection of people who report discrimination and/or harassment.
   i. Pursuant to Education Law section 16, any person having reasonable cause to suspect that a student has been subjected to discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.
   ii. No school district, BOCES or charter school, or an employee thereof, shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

Community input or involvement

LAWS

2801. Codes of conduct on school property.
2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof. Such policy may be adopted by the school board or trustees only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties.
3. The district code of conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel and shall be approved by the board of education, or other governing body, or by the chancellor of the city school district in the case of the city school district of the city of New York. In the city school district of the city of New York, each community school district board shall be authorized to adopt and implement additional policies, which are consistent with the city district's district-wide code of conduct, to reflect the individual needs of each community school district provided that such additional policies shall require the approval of the chancellor.

2801-a. School safety plans.
10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding
shall define the relationship between a school district or charter school, school personnel, students, 
visitors, law enforcement, and public or private security personnel. Such contract or memorandum of 
understanding shall be consistent with the code of conduct, define law enforcement or security 
personnel’s roles, responsibilities and involvement within a school and clearly delegate the role of school 
discipline to the school administration. Such written contract or memorandum of understanding shall be 
incorporated into and published as part of the district safety plan.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

2801-a. School safety plans.
1. The board of education or trustees, as defined in section two of this chapter, of every school district 
within the state, however created, and every board of cooperative educational services and county 
vocational education and extension board and the chancellor of the city school district of the city of New 
York shall adopt and amend a comprehensive district-wide school safety plan and building-level 
emergency response plans regarding crisis intervention, emergency response and management, 
provided that in the city school district of the city of New York, such plans shall be adopted by the 
chancellor of the city school district. Such plans shall be developed by a district-wide school safety team 
and a building-level emergency response team established pursuant to subdivision four of this section 
and shall be in a form developed by the commissioner in consultation with the division of criminal justice 
services, the superintendent of the state police and any other appropriate state agencies. The 
commissioner, in consultation with the superintendent of the state police, is authorized to develop an 
appeals process from duplicative requirements of a district-wide school safety plan for school districts 
having only one school building.
2. Such comprehensive district-wide safety plan shall be developed by the district-wide school safety 
team and shall include at a minimum:
   a. policies and procedures for responding to implied or direct threat of violence by students, teachers, 
      other school personnel as well as visitors to the school, including threats by students against 
      themselves, which for the purposes of this section shall include suicide;
   b. policies and procedures for responding to acts of violence by students, teachers, other school 
      personnel as well as visitors to the school, including consideration of zero-tolerance policies for school 
      violence;
   c. appropriate prevention and intervention strategies such as:
      (i) collaborative arrangements with state and local law enforcement officials, designed to ensure that 
          school safety officers and other security personnel are adequately trained, including being trained to 
          de-escalate potentially violent situations, and are effectively and fairly recruited;
      (ii) non-violent conflict resolution training programs;
      (iii) peer mediation programs and youth courts; and
      (iv) extended day and other school safety programs;
   d. policies and procedures for contacting appropriate law enforcement officials in the event of a violent 
      incident;
e. policies and procedures for contacting parents, guardians or persons in parental relation to the students of the district in the event of a violent incident and policies and procedures for contacting parents, guardians or persons in parental relation to an individual student of the district in the event of an implied or direct threat of violence by such student against themselves, which for purposes of this section shall include suicide;

f. policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

g. policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to the identification of family, community and environmental factors, to teachers, administrators, school personnel, persons in parental relation to students of the district, students and other persons deemed appropriate to receive such information;

h. policies and procedures for annual school safety training for staff and students; provided that the district must certify to the commissioner that all staff have undergone annual training on the emergency response plan, and that the school safety training include components on violence prevention and mental health, such training may be implemented and conducted in conjunction with existing professional development and training; provided however that new employees hired after the start of the school year shall receive training within thirty days of such hire or as part of a district's existing new hire training program, whichever is sooner;

i. protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

j. strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence;

k. a description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity; and

l. the designation of the superintendent, or superintendent's designee, as the district chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and ensuring staff understanding of the district-level safety plan. The chief emergency officer shall also be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

3. A building level emergency response plan, developed by the building-level emergency response team defined in subdivision four of this section, shall be kept confidential, including but not limited to the floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area, and shall not be disclosed except to authorized department or school staff, and law enforcement officers, and shall include the following elements:

a. policies and procedures for response to emergency situations, such as those requiring evacuation, sheltering, and lock-down. These policies shall include, at a minimum, evacuation routes, shelter sites, procedures for addressing medical needs, transportation and emergency notification of parents and guardians;

b. designation of an emergency response team comprised of school personnel, law enforcement officials, fire officials and representative from local regional and/or state emergency response agencies, other appropriate incident response teams, and a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and others who can assist the school community in coping with the aftermath of a violent incident;
c. floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;
d. establishment of internal and external communication systems in emergencies;
e. definition of the chain of command in a manner consistent with the national interagency incident management system/incident command system;
f. coordination of the emergency response plan with the state-wide plan for disaster mental health services to assure that the school has access to federal, state and local mental health resources in the event of a violent incident;
g. procedures for review and the conduct of drills and other exercises to test components of the emergency response plan; and
h. policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

4. Each district-wide school safety team shall be appointed by the board of education, or the chancellor in the case of the city school district of the city of New York, and shall include but not be limited to representatives of the school board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. At the discretion of the board of education, or the chancellor in the case of the city of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be present where details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed. Each building-level emergency response team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, chancellor or other governing body. Such building-level teams shall include but not be limited to representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, law enforcement officials, fire officials or other emergency response agencies, and any other representatives the board of education, chancellor or other governing body deems appropriate.

5. The district-wide safety plan and building-level emergency response plans shall be reviewed by the appropriate team on at least an annual basis and updated as needed.

6. Each board of education, chancellor or other governing body shall make each district-wide safety plan available for public comment at least thirty days prior to its adoption. Such district-wide plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall file a copy of its district-wide safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner no later than thirty days after their adoption.

7. Each board of education, chancellor or other governing body or officer shall ensure a copy of each building-level emergency response plan and any amendments thereto, shall be filed with the appropriate local law enforcement agency and with the state police within thirty days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the public officer’s law or any other provision of law. If the board of education, chancellor or other governing body or chancellor fails to file such plan as required by this section, the commissioner may, in an amount determined by the commissioner, withhold public money from the district until the district is in compliance.

8. The commissioner shall annually report to the governor and the legislature on the implementation and compliance with the provisions of this section.
9. Whenever it shall have been demonstrated to the satisfaction of the commissioner that a school district has failed to adopt a code of conduct which fully satisfies the requirements of section twenty-eight hundred one of this article, or a district-wide safety plan or building-level emergency response plans which satisfies the requirements of this section, or to faithfully and completely implement all three, the commissioner may, on thirty days’ notice to the district, withhold from the district monies to be paid to such district for the current school year pursuant to section thirty-six hundred nine-a of this chapter, exclusive of monies to be paid in respect of obligations to the retirement systems for school and district staff and pursuant to collective bargaining agreements, or the commissioner may direct the district to expend up to such amount upon the development and implementation of a code of conduct and a school district safety plan as required by such sections. Prior to such withholding or redirection, the commissioner shall provide the district an opportunity to present evidence of extenuating circumstances; when combined with evidence that the district shall promptly comply within short time frames that shall be established by the commissioner as part of an agreement between the district and the commissioner, the commissioner may temporarily stay the withholding or redirection of funds pending implementation of such agreement. If the district promptly and fully complies with the agreement and is in full compliance with this section and section twenty-eight hundred one of this article, the commissioner shall abate the withholding in its entirety. Any failure to meet the obligations of the compliance agreement by the district within the time frames established shall be considered a willful violation of a commissioner’s order by the members of the district board for purposes of subdivision one of section three hundred six of the education law. Notwithstanding any other law, rule or regulation, such transfer shall take effect upon filing of a notice thereof with the director of the budget and the chairs of the senate finance and assembly ways and means committees.

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel’s roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan.

3214. Student placement, suspensions and transfers.

4. Expense.

a. The expense attending the commitment and costs of maintenance of any school delinquent shall be a charge against the city or district where he resides, if such city or district employs a superintendent of schools; otherwise it shall be a county charge.

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent under sixteen years of age ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.
REGULATIONS

No relevant regulations found.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New York provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td><strong>The Dignity for All Students Act, NYSED</strong></td>
<td>Provides an overview of the Dignity for All Students Act and includes links to training materials, laws and regulations, and related resources.</td>
<td><a href="http://www.p12.nysed.gov/dignityact">http://www.p12.nysed.gov/dignityact</a></td>
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<tr>
<td><strong>New York State Center for School Safety (NYSCFSS)</strong></td>
<td>Provides statewide professional development and technical assistance offering direct support to schools and districts in creating and maintaining safe and healthy learning environments for all New York State students.</td>
<td><a href="https://www.nyscfss.org/">https://www.nyscfss.org/</a></td>
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<td><strong>Social Emotional Learning: Essential for Learning, Essential for Life, Essential for New York (SEL), NYSED</strong></td>
<td>Provides a definition of SEL, outlines SEL goals and describes the intersection between SEL and related content areas (e.g., mental health, trauma, school climate, equity), and provides links to additional resources.</td>
<td><a href="http://www.p12.nysed.gov/sss/sel">http://www.p12.nysed.gov/sss/sel</a></td>
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<td><strong>Other Resources</strong></td>
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<td>School Safety and the Educational Climate (SSEC) Incidents SY 2018-19, NYSED</td>
<td>Data reports detailing the number of incidents relating to School Safety and the Educational Climate (SSEC) reported to SED for specified school years, including incidents of discrimination and/or harassment and incidents of cyberbullying.</td>
<td><a href="http://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html">http://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html</a></td>
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North Carolina
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Article 8C. Local Plans for Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools
115C-105.47A. Proposals to establish alternative learning programs or alternative schools
115C-105.48. Placement of students in alternative schools/alternative learning programs

Article 9A. Children with Chemical Dependency
115C-149. Policy. Chemically dependent children excluded from provisions of Article 9
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**Article 27A. Management and Placement of Disruptive Students**

115C-397.1. Management and placement of disruptive students

**Article 29. Protective Provisions and Maintenance of Student Records**

115C-402. Student records; maintenance; contents; confidentiality

**Article 29A. Policy Prohibiting Use of Tobacco Products**

115C-407. Policy prohibiting tobacco use in school buildings, grounds, and at school-sponsored events

**Article 29C. School Violence Prevention**

115C-407.15. Bullying and harassing behavior
115C-407.16. Policy against bullying or harassing behavior
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**Chapter 160A. Cities and Towns**

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16 NCAC 06E.0103. Enforcement
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**General Provisions**

*Authority to develop and establish rules of conduct*

**LAWS**

§ 115C-12. Powers and duties of the board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

(9) Miscellaneous Powers and Duties. - All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

§ 115C-238.66. Board of directors; powers and duties.

The board of directors shall have the following powers and duties:

(2) Standards of performance and conduct. - The board of directors shall establish policies and standards for academic performance, attendance, and conduct for students of the regional school. The policies of the board of directors shall comply with Article 27 of this Chapter.

(3) School attendance. - Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the regional school and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time that the regional school shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the regional school. Any person who aids or abets a student's unlawful absence from the regional school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the board of directors, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.

(12) Policy against bullying. - A regional school is encouraged to adopt a policy against bullying or harassing behavior, including cyber-bullying, that is consistent with the provisions of Article 29C of this Chapter. If a regional school adopts a policy to prohibit bullying and harassing behavior, the regional school shall, at the beginning of each school year, provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).


(e) To Discipline Students and to Assign Duties to Teachers with Regard to the Discipline, General Well-being, and Medical Care of Students. -

The principal shall have authority to exercise discipline over the pupils of the school under policies adopted by the local board of education in accordance with G.S. 115C-390.1 through G.S. 115C-390.12. The principal may use reasonable force pursuant to G.S. 115C-390.3 and may suspend students.
pursuant to G.S. 115C-390.5. The principal shall assign duties to teachers with regard to the general well-being and the medical care of students under G.S. 115C-307 and Article 26A of this Chapter.

§ 115C-390.2. Discipline policies.
(a) Local boards of education shall adopt policies to govern the conduct of students and establish procedures to be followed by school officials in disciplining students. These policies must be consistent with the provisions of this Article and the constitutions, statutes, and regulations of the United States and the State of North Carolina.
(b) Board policies shall include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials.
(c) Board policies may authorize suspension for conduct not occurring on educational property, but only if the student's conduct otherwise violates the Code of Student Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.
(d) Board policies shall not allow students to be long-term suspended or expelled from school solely for truancy or tardiness offenses and shall not allow short-term suspension of more than two days for such offenses.
(e) Board policies shall not impose mandatory long-term suspensions or expulsions for specific violations unless otherwise provided in State or federal law.
(f) Board policies shall minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the board's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury. The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.
(g) Board policies shall not prohibit the superintendent and principals from considering the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose long-term suspension.
(h) Board policies shall include the procedures to be followed by school officials in suspending, expelling, or administering corporal punishment to any student, which shall be consistent with this Article.
(i) Each local board shall publish all policies, administrative procedures, or school rules mandated by this section and make them available to each student and his or her parent at the beginning of each school year and upon request.
(j) Local boards of education are encouraged to include in their safe schools plans, adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take positive approaches to improving student behaviors.
(k) School officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or school building.
(l) (Applicable to children enrolling in the public schools for the first time beginning with the 2016-2017 school year) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:

1. The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period.

§ 115C-407. Policy prohibiting tobacco use in school buildings, grounds, and at school-sponsored events.

(a) Not later than August 1, 2008, local boards of education shall adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy shall further prohibit the use of all tobacco products by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking is otherwise prohibited by law.

(b) The policy shall include at least all of the following elements:

1. Adequate notice to students, parents, the public, and school personnel of the policy.
2. Posting of signs prohibiting at all times the use of tobacco products by any person in and on school property.
3. Requirements that school personnel enforce the policy.

(c) The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

(d) The North Carolina Health and Wellness Trust Fund Commission shall work with local boards of education to provide assistance with the implementation of this policy including providing information regarding smoking cessation and prevention resources. Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section prohibits a local board of education from adopting and enforcing a more restrictive policy on the use of tobacco in school buildings, in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property.

§ 115C-407.16. Policy against bullying or harassing behavior.

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

1. A statement prohibiting bullying or harassing behavior.
2. A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.
3. A description of the type of behavior expected for each student and school employee.
4. Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
(5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.

(7) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.

(8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

(c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

(d) At the beginning of each school year, the principal shall provide the local school administrative unit's policy prohibiting bullying and harassing behavior, including cyber-bullying, to staff, students, and parents as defined in G.S. 115C-390.1(b)(8). Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

REGULATIONS
No relevant regulations found.

Scope

LAWS

§ 115C-390.1. State policy and definitions.

(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:

(4) Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of any local board of education or charter school.
§ 115C-390.2. Discipline policies.

(c) Board policies may authorize suspension for conduct not occurring on educational property, but only if the student’s conduct otherwise violates the Code of Student Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

§ 115C-390.2. Discipline policies.

(b) Board policies shall include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials.

(i) Each local board shall publish all policies, administrative procedures, or school rules mandated by this section and make them available to each student and his or her parent at the beginning of each school year and upon request.

REGULATIONS
No relevant regulations found.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

§ 115C-390.2. Discipline policies.
(k) School officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or school building.

§ 115C-397.1. Management and placement of disruptive students.
If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee. This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student.

**REGULATIONS**

No relevant regulations found.
Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

§ 115C-390.2. Discipline policies.
(k) School officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or school building.
(l) (Applicable to children enrolling in the public schools for the first time beginning with the 2016-2017 school year) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:
   (1) The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
   (2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
   (3) The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period.

§ 115C-397.1. Management and placement of disruptive students.
If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer
of the student to another class within the school, (iii) recommend to the principal a multidisciplinary evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student’s behavior referred to this committee before any discipline is imposed on the student.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.
(b) The following definitions apply in this Article:
   (2) Corporal punishment. The intentional infliction of physical pain upon the body of a student as a disciplinary measure.

§ 115C-390.4. Corporal punishment.
(a) Each local board of education shall determine whether corporal punishment will be permitted in its school administrative unit. Notwithstanding a local board of education's prohibition on the use of corporal punishment, school personnel may use physical restraint in accordance with federal law and G.S. 115C-391.1 and reasonable force pursuant to G.S. 115C-390.3.
(b) To the extent that corporal punishment is permitted, the policies adopted for the administration of corporal punishment shall include at a minimum the following:
   (1) Corporal punishment shall not be administered in a classroom with other students present.
   (2) Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, or teacher who shall be informed beforehand and in the student's presence of the reason for the punishment.
   (3) A school person shall provide the student's parent with notification that corporal punishment has been administered, and the person who administered the corporal punishment shall provide the student's parent a written explanation of the reasons and the name of the second person who was present.
(4) The school shall maintain records of each administration of corporal punishment and the reasons for its administration.

(5) In no event shall excessive force be used in the administration of corporal punishment. Excessive force includes force that results in injury to the child that requires medical attention beyond simple first aid.

(6) Corporal punishment shall not be administered on a student whose parent or guardian has stated in writing that corporal punishment shall not be administered to that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. The form shall advise the parent or guardian that the student may be subject to suspension, among other possible punishments, for offenses that would otherwise not require suspension if corporal punishment were available. If the parent or guardian does not return the form, corporal punishment may be administered on the student.

c) Each local board of education shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and shall include the following:

1. The number of students who received corporal punishment.
2. The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.
3. The grade level of the students who received corporal punishment.
4. The race, gender, and ethnicity of the students who received corporal punishment.
5. The reason for the administration of the corporal punishment for each student who received corporal punishment.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.
(b) The following definitions apply in this Article:
(5) Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.
(7) Long-term suspension. The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.
(12) Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.

§ 115C-390.5. Short-term suspension.
(a) The principal shall have authority to impose short-term suspension on a student who willfully engages in conduct that violates a provision of the Code of Student Conduct authorizing short-term suspension.

§ 115C-390.7. Long-term suspension.
(a) A principal may recommend to the superintendent the long-term suspension of any student who willfully engages in conduct that violates a provision of the Code of Student Conduct that authorizes long-term suspension.

§ 115C-390.11. Expulsion.
(a) Upon recommendation of the superintendent, a local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Prior to the expulsion of any student, the local board shall conduct a hearing to determine whether the student’s continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing.
REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:
(3) Destructive device. An explosive, incendiary, or poison gas:
   a. Bomb.
   b. Grenade.
   c. Rocket having a propellant charge of more than four ounces.
   d. Missile having an explosive or incendiary charge of more than one-quarter ounce.
   e. Mine.
   f. Device similar to any of the devices listed in this subdivision.

(5) Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.

(6) Firearm. Any of the following:
   a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
   b. The frame or receiver of any such weapon.
   c. Any firearm muffler or firearm silencer.

   The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

(c) Notwithstanding the provisions of this Article, the policies and procedures for the discipline of students shall be consistent with the requirements of the Gun Free Schools Act, 20 U.S.C. § 7151, the Individuals with Disabilities Education Act (IDEA), 29 U.S.C. § 1400, et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., and with other federal laws and regulations.

§ 115C-390.10. 365-day suspension for gun possession.
(a) All local boards of education shall develop and implement written policies and procedures, as required by the federal Gun Free Schools Act, 20 U.S.C. § 7151, requiring suspension for 365 calendar days of any student who is determined to have brought or been in possession of a firearm or destructive device on educational property, or to a school-sponsored event off of educational property. A principal shall recommend to the superintendent the 365-day suspension of any student believed to have violated board policies regarding weapons. The superintendent has the authority to suspend for 365 days a student who has been recommended for such suspension by the principal when such recommendation is consistent with board policies. Notwithstanding the foregoing, the superintendent may modify, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not
impose a 365-day suspension if the superintendent determines that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

(b) The principal must report all incidents of firearms or destructive devices on educational property or at a school-sponsored event as required by G.S. 115C-288(g) and State Board of Education policy.

(c) Nothing in this provision shall apply to a firearm that was brought onto educational property for activities approved and authorized by the local board of education, provided that the local board of education has adopted appropriate safeguards to protect student safety.

(d) At the time the student and parent receive notice that the student is suspended for 365 days under this section, the superintendent shall provide notice to the student and the student's parent of the right to petition the local board of education for readmission pursuant to G.S. 115C-390.12.

(e) The procedures described in G.S. 115C-390.8 apply to students facing a 365-day suspension pursuant to this section.

(f) Students who are suspended for 365 days pursuant to this section shall be considered for alternative educational services consistent with the provisions of G.S. 115C-390.9.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:

(1) Alternative education services. Part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies.

(2) Corporal punishment. The intentional infliction of physical pain upon the body of a student as a disciplinary measure.

(3) Destructive device. An explosive, incendiary, or poison gas:

   a. Bomb.
   b. Grenade.
   c. Rocket having a propellant charge of more than four ounces.
d. Missile having an explosive or incendiary charge of more than one-quarter ounce.

e. Mine.

f. Device similar to any of the devices listed in this subdivision.

(4) Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of any local board of education or charter school.

(5) Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.

(6) Firearm. Any of the following:

a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

b. The frame or receiver of any such weapon.

c. Any firearm muffler or firearm silencer.

The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

(7) Long-term suspension. The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

(8) Parent. Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under Article 25 of this Chapter.

(9) Principal. Includes the principal and the principal's designee.

(10) School official. A superintendent or any other central office administrator to whom the superintendent has delegated duties under this Article and any principal or assistant principal.

(11) School personnel. Any of the following:

a. An employee of a local board of education.

b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.

c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.

(12) Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.

(13) Substantial evidence. Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.

(14) Superintendent. Includes the superintendent and the superintendent’s designee.

(c) Notwithstanding the provisions of this Article, the policies and procedures for the discipline of students shall be consistent with the requirements of the Gun Free Schools Act, 20 U.S.C. § 7151, the Individuals with Disabilities Education Act (IDEA), 29 U.S.C. § 1400, et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., and with other federal laws and regulations.

§ 115C-390.2. Discipline policies.

(c) Board policies may authorize suspension for conduct not occurring on educational property, but only if the student's conduct otherwise violates the Code of Student Conduct and the conduct has or is
reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

(d) Board policies shall not allow students to be long-term suspended or expelled from school solely for truancy or tardiness offenses and shall not allow short-term suspension of more than two days for such offenses.

(e) Board policies shall not impose mandatory long-term suspensions or expulsions for specific violations unless otherwise provided in State or federal law.

(f) Board policies shall minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the board's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury. The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.

(g) Board policies shall not prohibit the superintendent and principals from considering the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose long-term suspension.

(h) Board policies shall include the procedures to be followed by school officials in suspending, expelling, or administering corporal punishment to any student, which shall be consistent with this Article.

(i) Each local board shall publish all policies, administrative procedures, or school rules mandated by this section and make them available to each student and his or her parent at the beginning of each school year and upon request.

(j) Local boards of education are encouraged to include in their safe schools plans, adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take positive approaches to improving student behaviors.

(k) School officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or school building.

(l) (Applicable to children enrolling in the public schools for the first time beginning with the 2016-2017 school year) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:

1. The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period.

§ 115C-390.5. Short-term suspension.

(b) If a student's short-term suspensions accumulate to more than 10 days in a semester, to the extent the principal has not already done so, he or she shall invoke the mechanisms provided for in the applicable safe schools plan adopted pursuant to G.S. 115C-105.47(b)(5) and (b)(6).

(c) A student subject to short-term suspension shall be provided the following:
(1) The opportunity to take textbooks home for the duration of the suspension.
(2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
(3) The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

§ 115C-390.6. Short-term suspension procedures.
(a) Except as authorized in this section, no short-term suspension shall be imposed upon a student without first providing the student an opportunity for an informal hearing with the principal. The notice to the student of the charges may be oral or written, and the hearing may be held immediately after the notice is given. The student has the right to be present, to be informed of the charges and the basis for the accusations, and to make statements in defense or mitigation of the charges.

§ 115C-390.7. Long-term suspension.
(a) Only the superintendent has the authority to long-term suspend a student.
(b) Before the superintendent's imposition of a long-term suspension, the student must be provided an opportunity for a hearing consistent with G.S. 115C-390.8.
(c) If the student recommended for long-term suspension declines the opportunity for a hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following such review, the superintendent (i) may impose the suspension if is it consistent with board policies and appropriate under the circumstances, (ii) may impose another appropriate penalty authorized by board policy, or (iii) may decline to impose any penalty.
(d) If a teacher is assaulted or injured by a student and as a result the student is long-term suspended or reassigned to alternative education services, the student shall not be returned to that teacher's classroom unless the teacher consents.

§ 115C-390.11. Expulsion.
(b) During the expulsion, the student is not entitled to be present on any property of the local school administrative unit and is not considered a student of the local board of education. Nothing in this section shall prevent a local board of education from offering access to some type of alternative educational services that can be provided to the student in a manner that does not create safety risks to other students and school staff.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§ 115C-390.1. State policy and definitions.
(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to
continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:

1. Alternative education services. Part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies.

2. Corporal punishment. The intentional infliction of physical pain upon the body of a student as a disciplinary measure.

3. Destructive device. An explosive, incendiary, or poison gas:
   a. Bomb.
   b. Grenade.
   c. Rocket having a propellant charge of more than four ounces.
   d. Missile having an explosive or incendiary charge of more than one-quarter ounce.
   e. Mine.
   f. Device similar to any of the devices listed in this subdivision.

4. Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of any local board of education or charter school.

5. Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.

6. Firearm. Any of the following:
   a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
   b. The frame or receiver of any such weapon.
   c. Any firearm muffler or firearm silencer.
   The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

7. Long-term suspension. The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

8. Parent. Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under Article 25 of this Chapter.

9. Principal. Includes the principal and the principal's designee.

10. School official. A superintendent or any other central office administrator to whom the superintendent has delegated duties under this Article and any principal or assistant principal.

11. School personnel. Any of the following:
   a. An employee of a local board of education.
   b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
   c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
(12) Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.

(13) Substantial evidence. Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.

(14) Superintendent. Includes the superintendent and the superintendent's designee.

(c) Notwithstanding the provisions of this Article, the policies and procedures for the discipline of students shall be consistent with the requirements of the Gun Free Schools Act, 20 U.S.C. § 7151, the Individuals with Disabilities Education Act (IDEA), 29 U.S.C. § 1400, et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., and with other federal laws and regulations.

§ 115C-390.2. Discipline policies.

(a) Local boards of education shall adopt policies to govern the conduct of students and establish procedures to be followed by school officials in disciplining students. These policies must be consistent with the provisions of this Article and the constitutions, statutes, and regulations of the United States and the State of North Carolina.

(b) Board policies shall include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials.

(c) Board policies may authorize suspension for conduct not occurring on educational property, but only if the student's conduct otherwise violates the Code of Student Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

(d) Board policies shall not allow students to be long-term suspended or expelled from school solely for truancy or tardiness offenses and shall not allow short-term suspension of more than two days for such offenses.

(e) Board policies shall not impose mandatory long-term suspensions or expulsions for specific violations unless otherwise provided in State or federal law.

(f) Board policies shall minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the board's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury. The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.

(g) Board policies shall not prohibit the superintendent and principals from considering the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose long-term suspension.

(h) Board policies shall include the procedures to be followed by school officials in suspending, expelling, or administering corporal punishment to any student, which shall be consistent with this Article.

(i) Each local board shall publish all policies, administrative procedures, or school rules mandated by this section and make them available to each student and his or her parent at the beginning of each school year and upon request.
(j) Local boards of education are encouraged to include in their safe schools plans, adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take positive approaches to improving student behaviors.

(k) School officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, and other similar tools that do not remove a student from the classroom or school building.

(l) (Applicable to children enrolling in the public schools for the first time beginning with the 2016-2017 school year) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:

1. The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period.

§ 115C-390.6. Short-term suspension procedures.

(a) Except as authorized in this section, no short-term suspension shall be imposed upon a student without first providing the student an opportunity for an informal hearing with the principal. The notice to the student of the charges may be oral or written, and the hearing may be held immediately after the notice is given. The student has the right to be present, to be informed of the charges and the basis for the accusations, and to make statements in defense or mitigation of the charges.

(b) The principal may impose a short-term suspension without providing the student an opportunity for a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the notice of the charges and informal hearing described in subsection (a) of this section shall occur as soon as practicable.

(c) The principal shall provide notice to the student's parent of any short-term suspension, including the reason for the suspension and a description of the alleged student conduct upon which the suspension is based. The notice shall be given by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. The notice shall be given by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice.

(d) If English is the second language of the parent, the notice shall be provided in the parent's primary language, when the appropriate foreign language resources are readily available, and in English, and both versions shall be in plain language and shall be easily understandable.

(e) A student is not entitled to appeal the principal's decision to impose a short-term suspension to the superintendent or local board of education. Further, such a decision is not subject to judicial review. Notwithstanding this subsection, the local board of education, in its discretion, may provide students an opportunity for a review or appeal of a short-term suspension to the superintendent or local board of education.


(a) When a student is recommended by the principal for long-term suspension, the principal shall give written notice to the student's parent. The notice shall be provided to the student's parent by the end of
the workday during which the suspension was recommended when reasonably possible or as soon thereafter as practicable. The written notice shall provide at least the following information:

(1) A description of the incident and the student's conduct that led to the long-term suspension recommendation.

(2) A reference to the provisions of the Code of Student Conduct that the student is alleged to have violated.

(3) The specific process by which the parent may request a hearing to contest the decision, including the number of days within which the hearing must be requested.

(4) The process by which a hearing will be held, including, at a minimum, the procedures described in subsection (e) of this section.

(5) Notice that the parent is permitted to retain an attorney to represent the student in the hearing process.

(6) The extent to which the local board policy permits the parent to have an advocate, instead of an attorney, accompany the student to assist in the presentation of his or her appeal.

(7) Notice that the parent has the right to review and obtain copies of the student's educational records before the hearing.

(8) A reference to the local board policy on the expungement of discipline records as required by G.S. 115C-402.

(b) Written notice may be provided by certified mail, fax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for long-term suspension. When school personnel are aware that English is not the primary language of the parent or guardian, the notice shall be written in both English and in the primary language of the parent or guardian when the appropriate foreign language resources are readily available. All notices described in this section shall be written in plain English, and shall include the following information translated into the dominant non-English language used by residents within the local school administrative unit:

(1) The nature of the document, i.e., that it is a long-term suspension notice.

(2) The process by which the parent may request a hearing to contest the long-term suspension.

(3) The identity and phone number of a school employee that the parent may call to obtain assistance in understanding the English language information included in the document.

(c) No long-term suspension shall be imposed on a student until an opportunity for a formal hearing is provided to the student. If a hearing is timely requested, it shall be held and a decision issued before a long-term suspension is imposed, except as otherwise provided in this subsection. The student and parent shall be given reasonable notice of the time and place of the hearing.

(1) If no hearing is timely requested, the superintendent shall follow the procedures described in G.S. 115C-390.7(c).

(2) If the student or parent requests a postponement of the hearing, or if the hearing is requested beyond the time set for such request, the hearing shall be scheduled, but the student shall not have the right to return to school pending the hearing.

(3) If neither the student nor parent appears for the scheduled hearing, after having been given reasonable notice of the time and place of the hearing, the parent and student are deemed to have waived the right to a hearing and the superintendent shall conduct the review required by G.S. 115C-390.7(c).

(d) The formal hearing may be conducted by the local board of education, by the superintendent, or by a person or group of persons appointed by the local board or superintendent to serve as a hearing officer or hearing panel. Neither the board nor the superintendent shall appoint any individual to serve as a hearing
officer or on a hearing panel who is under the direct supervision of the principal recommending suspension. If the hearing is conducted by an appointed hearing officer or hearing panel, such officer or panel shall determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing. Following the hearing, the superintendent or local board shall make a final decision regarding the suspension. The superintendent or board shall adopt the hearing officer's or panel's factual determinations unless they are not supported by substantial evidence in the record.

(e) Long-term suspension hearings shall be conducted in accordance with policies adopted by the board of education. Such policies shall offer the student procedural due process including, but not limited to, the following:

1. The right to be represented at the hearing by counsel or, in the discretion of the local board, a non-attorney advocate.
2. The right to be present at the hearing, accompanied by his or her parents.
3. The right of the student, parent, and the student's representative to review before the hearing any audio or video recordings of the incident and, consistent with federal and State student records laws and regulations, the information supporting the suspension that may be presented as evidence at the hearing, including statements made by witnesses related to the charges consistent with subsection (h) of this section.
4. The right of the student, parent, or the student's representative to question witnesses appearing at the hearing.
5. The right to present evidence on his or her own behalf, which may include written statements or oral testimony, relating to the incident leading to the suspension, as well as any of the factors listed in G.S. 115C-390.2(g).
6. The right to have a record made of the hearing.
7. The right to make his or her own audio recording of the hearing.
8. The right to a written decision, based on substantial evidence presented at the hearing, either upholding, modifying, or rejecting the principal's recommendation of suspension and containing at least the following information:
   a. The basis for the decision, including a reference to any policy or rule that the student is determined to have violated.
   b. Notice of what information will be included in the student's official record pursuant to G.S. 115C-402.
   c. The student's right to appeal the decision and notice of the procedures for such appeal.

(f) Following the issuance of the decision, the superintendent shall implement the decision by authorizing the student's return to school or by imposing the suspension reflected in the decision.

(g) Unless the decision was made by the local board, the student may appeal the decision to the local board in accordance with G.S. 115C-45(c) and policies adopted by the board. Notwithstanding the provisions of G.S. 115C-45(c), a student's appeal to the board of a decision upholding a long-term suspension shall be heard and a final written decision issued in not more than 30 calendar days following the request for such appeal.

(h) Nothing in this section shall compel school officials to release names or other information that could allow the student or his or her representative to identify witnesses when such identification could create a safety risk for the witness.

(i) A decision of the local board to uphold the long-term suspension of a student is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. The action must be brought within 30 days of the local board's decision. A person seeking judicial review shall file a petition in the
superior court of the county where the local board made its decision. Local rules notwithstanding, petitions for judicial review of a long-term suspension shall be set for hearing in the first succeeding term of superior court in the county following the filing of the certified copy of the official record.

§ 115C-390.10. 365-day suspension for gun possession.
(e) The procedures described in G.S. 115C-390.8 apply to students facing a 365-day suspension pursuant to this section.

§ 115C-390.11. Expulsion.
(a) Upon recommendation of the superintendent, a local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Prior to the expulsion of any student, the local board shall conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing.

   (1) The procedures described in G.S. 115C-390.8(e)(1)-(8) apply to students facing expulsion pursuant to this section, except that the decision to expel a student by the local board of education shall be based on clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students and school staff.

   (2) A local board of education may expel any student subject to G.S. 14-208.18 in accordance with the procedures of this section. Prior to ordering the expulsion of a student, the local board of education shall consider whether there are alternative education services that may be offered to the student. As provided by G.S. 14-208.18(f), if the local board of education determines that the student shall be provided educational services on school property, the student shall be under the supervision of school personnel at all times.

   (3) At the time a student is expelled under this section, the student shall be provided notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

§ 115C-392. Appeal of disciplinary measures.
Appeals of disciplinary measures are subject to the provisions of G.S. 115C-45(c).

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS

(a) All students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to the local school administrative unit. The local board of education shall develop and publish written policies and procedures for the readmission of all students who have been expelled or suspended for 365 days, which shall provide, at a minimum, the following process:

(1) The process for 365-day suspended students.
   a. At the local board's discretion, either the superintendent or the local board itself shall consider and decide on petitions for readmission. If the decision maker is the superintendent, the superintendent shall offer the student an opportunity for an in-person meeting. If the decision maker is the local board of education, the board may offer the student an in-person meeting or may make a determination based on the records submitted by the student and the superintendent.
   b. The student shall be readmitted if the student demonstrates to the satisfaction of the board or superintendent that the student's presence in school no longer constitutes a threat to the safety of other students or staff.
   c. A superintendent's decision not to readmit the student may be appealed to the local board of education pursuant to G.S. 115C-45(c). The superintendent shall notify the parents of the right to appeal.
   d. There is no right to judicial review of the board's decision not to readmit a 365-day suspended student.
   e. A decision on readmission under this subsection shall be issued within 30 days of the petition.

(2) The process for expelled students.
   a. The board of education shall consider all petitions for readmission of expelled students, together with the recommendation of the superintendent on the matter, and shall rule on the request for readmission. The board shall consider the petition based on the records submitted by the student and the response by the administration and shall allow the parties to be heard in the same manner as provided by G.S. 115C-45(c).
   b. The student shall be readmitted if the student demonstrates to the satisfaction of the board or superintendent that his or her presence in a school no longer constitutes a clear threat to the safety of other students or staff.
   c. A decision by a board of education to deny readmission of an expelled student is not subject to judicial review.
   d. An expelled student may subsequently request readmission not more often than every six months. The local board of education is not required to consider subsequent readmission petitions filed sooner than six months after the previous petition was filed.
   e. A decision on readmission under this section shall be issued within 30 days of the petition.

(b) If a student is readmitted under this section, the board and the superintendent have the right to assign the student to any program within the school system and to place reasonable conditions on the readmission.
(c) If a teacher was assaulted or injured by a student, and as a result the student was expelled, the student shall not be returned to that teacher’s classroom following readmission unless the teacher consents.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

§ 115C-390.3. Reasonable force.
(a) School personnel may use physical restraint only in accordance with G.S. 115C-391.1.
(b) School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary for any of the following reasons:
   (1) To correct students.
   (2) To quell a disturbance threatening injury to others.
   (3) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student.
   (4) For self-defense.
   (5) For the protection of persons or property.
   (6) To maintain order on educational property, in the classroom, or at a school-related activity on or off educational property.
(c) Notwithstanding any other law, no officer or employee of the State Board of Education or of a local board of education shall be civilly liable for using reasonable force in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not reasonable.
(d) No school employee shall be reprimanded or dismissed for acting or failing to act to stop or intervene in an altercation between students if the employee’s actions are consistent with local board policies. Local boards of education shall adopt policies, pursuant to their authority under G.S. 115C-47(18), which provide guidelines for an employee’s response if the employee has personal knowledge or actual notice of an altercation between students.

§ 115C-391.1. Permissible use of seclusion and restraint.
(a) It is the policy of the State of North Carolina to:
   (1) Promote safety and prevent harm to all students, staff, and visitors in the public schools.
   (2) Treat all public school students with dignity and respect in the delivery of discipline, use of physical restraints or seclusion, and use of reasonable force as permitted by law.
   (3) Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
   (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
   (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.
(b) The following definitions apply in this section:

(1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.

(2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
   a. Significant physical harm, such as tissue damage, physical illness, or death.
   b. Serious, foreseeable long-term psychological impairment.
   c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.

(3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.

(4) "IEP" means a student's Individualized Education Plan.

(5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

(6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.

(7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

(8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.

(9) "School personnel" means:
   a. Employees of a local board of education.
   b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
   c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.

(10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
   a. Physically prevented from leaving by locking hardware or other means.
   b. Not capable of leaving due to physical or intellectual incapacity.

(11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.

(c) Physical Restraint:

(1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:
   a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
   b. As reasonably needed to maintain order or prevent or break up a fight.
c. As reasonably needed for self-defense.
d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
e. As reasonably needed to escort a student safely from one area to another.
f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
g. As reasonably needed to prevent imminent destruction to school or another person's property.

(2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.

(3) Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

(4) Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.

d) Mechanical Restraint:

(1) Mechanical restraint of students by school personnel is permissible only in the following circumstances:
   a. When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
   b. When using seat belts or other safety restraints to secure students during transportation.
   c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
   d. As reasonably needed for self-defense.
   e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.

(2) Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.

(3) Nothing in this subsection shall be construed to prevent the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.

e) Seclusion:

(1) Seclusion of students by school personnel may be used in the following circumstances:
   a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
   b. As reasonably needed to maintain order or prevent or break up a fight.
   c. As reasonably needed for self-defense.
   d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
   e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
      1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.
      2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
      3. The space in which the student is confined has been approved for such use by the local education agency.
4. The space is appropriately lighted.
5. The space is appropriately ventilated and heated or cooled.
6. The space is free of objects that unreasonably expose the student or others to harm.

(2) Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.

(3) Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

(4) Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.

(f) Isolation.-Isolation is permitted as a behavior management technique provided that:

(1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.

(2) The duration of the isolation is reasonable in light of the purpose of the isolation.

(3) The student is reasonably monitored while in isolation.

(4) The isolation space is free of objects that unreasonably expose the student or others to harm.

(g) Time-Out.-Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.

(h) Aversive Procedures. - The use of aversive procedures as defined in this section is prohibited in public schools.

(i) Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390.3 or modifies the rules and procedures governing discipline under G.S. 115C-390.1 through G.S. 115C-390.12.

(j) Notice, Reporting, and Documentation.

(1) Notice of procedures.-Each local board of education shall provide copies of this section and all local board policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.

(2) Notice of specified incidents:

a. School personnel shall promptly notify the principal or principal's designee of:

1. Any use of aversive procedures.

2. Any prohibited use of mechanical restraint.

3. Any use of physical restraint resulting in observable physical injury to a student.

4. Any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's behavior intervention plan.

b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.

(3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of following workday.

(4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:

a. The date, time of day, location, duration, and description of the incident and interventions.
b. The events or events that led up to the incident.

c. The nature and extent of any injury to the student.

d. The name of a school employee the parent or guardian can contact regarding the incident.

(5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee’s compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.

(k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of teacher education or their agents or employees or to create a criminal offense.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

§ 115C-12. Powers and duties of the board generally.
The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

(24) Duty to Develop Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. - The State Board of Education shall adopt standards for assigning students to alternative learning programs. These standards shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student’s parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt standards to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans and proposals for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed
under G.S. 115C-83.15 and G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools. Also as part of its evaluation, the State Board shall evaluate its standards adopted under this subdivision and make any necessary changes to those standards based on strategies that have been proven successful in improving student achievement and shall report to the Joint Legislative Education Oversight Committee by April 15, 2006 to determine if any changes are necessary to improve the implementation of successful alternative learning programs and alternative schools.

(44) Duty to Ensure Educational Services in Private Psychiatric Residential Treatment Facilities (PRTFs). - The Board, in collaboration with the Department of Health and Human Services, shall ensure that educational services are provided to all students in PRTFs as required under Part 4 of Article 6 of Chapter 122C of the General Statutes. The Board shall ensure that a child with a disability as defined under G.S. 115C-106.3(1) in a PRTF receives educational services and procedural safeguards as provided in Article 9 of this Chapter.

§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.

(a) Before establishing any alternative learning program or alternative school, the local board of education shall develop a proposal to implement the program or school that includes all of the following:

(1) The educational and behavioral goals for students assigned to the program or school.

(2) The policies and procedures for the operation of the program or school based on the State Board's standards adopted under G.S. 115C-12(24). The policies and procedures shall address the assignment of students to the program or school.

(3) Identified strategies that will be used to improve student achievement and behavior.

(4) Documentation that similar programs and schools in or out of the State, or both, have demonstrated success in improving the academic achievement and behavior of students assigned to them.

(5) The estimated actual cost of operating the program or school. To the extent practicable, this shall include the cost of:

a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

c. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students and their families work out complex issues and problems;

d. Maintaining safe and orderly learning environments; and

e. Providing transitional supports for students exiting the program or school and reentering the referring school.

(6) Documented support of school personnel and the community for the implementation of the program or school.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school.
§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

(1) Document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly.

(2) Provide the reasons for referring the student to an alternative school or an alternative learning program.

(3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs.

§ 115C-390.1. State policy and definitions.

(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:

(1) Alternative education services. Part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and local board of education policies.

(5) Expulsion. The indefinite exclusion of a student from school enrollment for disciplinary purposes.

(7) Long-term suspension. The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

(12) Short-term suspension. The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.

(13) Substantial evidence. Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.

§ 115C-390.7. Long-term suspension.

(e) Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education as provided in G.S. 115C-12 and provides the student with the opportunity to make timely progress towards graduation.
and grade promotion is not a long-term suspension requiring the due process procedures described in G.S. 115C-390.8. No relevant statutes found.

§ 115C-390.9. Alternative education services.
(a) Students who are long-term suspended shall be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. The following may be significant or important reasons, depending on the circumstances and the nature and setting of the alternative education services:
   (1) The student exhibits violent behavior.
   (2) The student poses a threat to staff or other students.
   (3) The student substantially disrupts the learning process.
   (4) The student otherwise engaged in serious misconduct that makes the provision of alternative educational services not feasible.
   (5) Educationally appropriate alternative education services are not available in the local school administrative unit due to limited resources.
   (6) The student failed to comply with reasonable conditions for admittance into an alternative education program.
(b) If the superintendent declines to provide alternative education services to the suspended student, the student may seek review of such decision by the local board of education as permitted by G.S. 115C-45(c)(2). If the student seeks such review, the superintendent shall provide to the student and the local board, in advance of the board's review, a written explanation for the denial of services together with any documents or other information supporting the decision.

§ 115C-390.10. 365-day suspension for gun possession.
(f) Students who are suspended for 365 days pursuant to this section shall be considered for alternative educational services consistent with the provisions of G.S. 115C-390.9.

§ 115C-390.11. Expulsion.
(2) A local board of education may expel any student subject to G.S. 14-208.18 in accordance with the procedures of this section. Prior to ordering the expulsion of a student, the local board of education shall consider whether there are alternative education services that may be offered to the student. As provided by G.S. 14-208.18(f), if the local board of education determines that the student shall be provided educational services on school property, the student shall be under the supervision of school personnel at all times.

§ 115C-397.1. Management and placement of disruptive students.
If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions:
   (i) advise the teacher on managing the student's behavior more effectively,
   (ii) recommend to the principal the transfer of the student to another class within the school,
(iii) recommend to the principal a multidisciplinary evaluation of the student,
(iv) recommend to the principal that the student be assigned to an alternative learning program, or
(v) recommend to the principal that the student receive any additional services that the school or the
school unit has the resources to provide for the student. If the principal does not follow the
recommendation of the committee, the principal shall provide a written explanation to the committee,
the teacher who referred the matter to the committee, and the superintendent, of any actions taken to
resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to the supplemental to disciplinary action taken in accordance with any
other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-
45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to
have the matter of the student's behavior referred to this committee before any discipline is imposed on
the student.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 14-269.2. Weapons on campus or other educational property.
(a) The following definitions apply to this section:

1. Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

1a. Employee. A person employed by a local board of education or school whether the person is an adult or a minor.

1b. School. A public or private school, community college, college, or university.

2. Student. A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.

3. Switchblade knife. A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

3a. Volunteer school safety resource officer. A person who volunteers as a school safety resource officer as provided by G.S. 162-26 or G.S. 160A-288.4.

4. Weapon. Any device enumerated in subsection (b), (b1), or (d) of this section.

(b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This subsection shall not apply to fireworks.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property. This subsection shall not apply to fireworks.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework,
or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or extracurricular activity sponsored by a school if:

1. The person is not a student attending school on the educational property or an employee employed by the school working on the educational property; and
   1a. The person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and
2. Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.
3. The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.
4. Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

(g) This section shall not apply to any of the following:

1. A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.
   1a. A person exempted by the provisions of G.S. 14-269(b).
2. Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.
3. Home schools as defined in G.S. 115C-563(a).
4. Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston Community College or for hunting purposes on other educational property when used with the written permission of the governing body of the school that controls the educational property.
5. A person registered under Chapter 74C of the General Statutes as an armed armored car service guard or an armed courier service guard when acting in the discharge of the guard's duties and with the permission of the college or university.
6. A person registered under Chapter 74C of the General Statutes as an armed security guard while on the premises of a hospital or health care facility located on educational property when acting in the discharge of the guard's duties with the permission of the college or university.
7. A volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety resource officer is acting in the discharge of the person's official duties and is on
the educational property of the school that the officer was assigned to by the head of the appropriate local law enforcement agency.

(h) No person shall be guilty of a criminal violation of this section with regard to the possession or carrying of a weapon so long as both of the following apply:

(1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon.

(2) The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.

(i) The provisions of this section shall not apply to an employee of an institution of higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who resides on the campus of the institution at which the person is employed when all of the following criteria are met:

(1) The employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside.

(2) The institution is either:

   a. An institution of higher education as defined by G.S. 116-143.1.
   b. A nonpublic post-secondary educational institution that has not specifically prohibited the possession of a handgun pursuant to this subsection.

(3) The weapon is a handgun.

(4) The handgun is possessed in one of the following manners as appropriate:

   a. If the employee has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, the handgun may be on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle that is located in a parking area of the educational property of the institution at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee's residence or in the closed compartment of the employee's locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.

   b. If the employee is not authorized to carry a concealed handgun pursuant to Article 54B of this Chapter, the handgun may be on the premises of the employee's residence, and may only be in the employee's vehicle when the vehicle is occupied by the employee and the employee is immediately leaving the campus or is driving directly to their residence from off campus. The employee may possess the handgun on the employee's person outside the premises of the employee's residence when making a direct transfer of the handgun from the residence to the employee's vehicle when the employee is immediately leaving the campus or from the employee's vehicle to the residence when the employee is arriving at the residence from off campus.

(j) The provisions of this section shall not apply to an employee of a public or nonpublic school who resides on the campus of the school at which the person is employed when all of the following criteria are met:

(1) The employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside.

(2) The school is either:

   a. A public school which provides residential housing for enrolled students.
   b. A nonpublic school which provides residential housing for enrolled students and has not specifically prohibited the possession of a handgun pursuant to this subsection.

(3) The weapon is a handgun.
(4) The handgun is possessed in one of the following manners as appropriate:
   a. If the employee has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, the handgun may be on the premises of the employee’s residence or in a closed compartment or container within the employee’s locked vehicle that is located in a parking area of the educational property of the school at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee’s residence or in the closed compartment of the employee’s locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.
   b. If the employee is not authorized to carry a concealed handgun pursuant to Article 54B of this Chapter, the handgun may be on the premises of the employee’s residence, and may only be in the employee’s vehicle when the vehicle is occupied by the employee and the employee is immediately leaving the campus or is driving directly to their residence from off campus. The employee may possess the handgun on the employee’s person outside the premises of the employee’s residence when making a direct transfer of the handgun from the residence to the employee’s vehicle when the employee is immediately leaving the campus or from the employee’s vehicle to the residence when the employee is arriving at the residence from off campus.

(k) The provisions of this section shall not apply to a person who has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, if any of the following conditions are met:
   (1) The person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle and only unlocks the vehicle to enter or exit the vehicle while the firearm remains in the closed compartment at all times and immediately locks the vehicle following the entrance or exit.
   (2) The person has a handgun concealed on the person and the person remains in the locked vehicle and only unlocks the vehicle to allow the entrance or exit of another person.
   (3) The person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to do either of the following:
      a. Move the handgun from concealment on the person to a closed compartment or container within the vehicle.
      b. Move the handgun from within a closed compartment or container within the vehicle to concealment on the person.

(l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this section that the person was authorized to have a concealed handgun in a locked vehicle pursuant to subsection (k) of this section and removed the handgun from the vehicle only in response to a threatening situation in which deadly force was justified pursuant to G.S. 14-51.3.

§ 115C-390.10. 365-day suspension for gun possession.
(a) All local boards of education shall develop and implement written policies and procedures, as required by the federal Gun Free Schools Act, 20 U.SC. § 7151, requiring suspension for 365 calendar days of any student who is determined to have brought or been in possession of a firearm or destructive device on educational property, or to a school-sponsored event off of educational property. A principal shall recommend to the superintendent the 365-day suspension of any student believed to have violated board policies regarding weapons. The superintendent has the authority to suspend for 365 days a student who has been recommended for such suspension by the principal when such recommendation is consistent with board policies. Notwithstanding the foregoing, the superintendent may modify, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not
impose a 365-day suspension if the superintendent determines that the student took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, provided that the student delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or a school employee and had no intent to use such firearm or destructive device in a harmful or threatening way.

(b) The principal must report all incidents of firearms or destructive devices on educational property or at a school-sponsored event as required by G.S. 115C-288(g) and State Board of Education policy.

(c) Nothing in this provision shall apply to a firearm that was brought onto educational property for activities approved and authorized by the local board of education, provided that the local board of education has adopted appropriate safeguards to protect student safety.

(d) At the time the student and parent receive notice that the student is suspended for 365 days under this section, the superintendent shall provide notice to the student and the student's parent of the right to petition the local board of education for readmission pursuant to G.S. 115C-390.12.

(e) The procedures described in G.S. 115C-390.8 apply to students facing a 365-day suspension pursuant to this section.

(f) Students who are suspended for 365 days pursuant to this section shall be considered for alternative educational services consistent with the provisions of G.S. 115C-390.9.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§ 115C-397.1. Management and placement of disruptive students.
If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student’s disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person’s participation in the proceedings of the committee concerning the student. Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that
the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee. This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§ 115C-238.66. Board of directors; powers and duties.
The board of directors shall have the following powers and duties:
(3) School attendance. - Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the regional school and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time that the regional school shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the regional school. Any person who aids or abets a student's unlawful absence from the regional school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the board of directors, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.

§ 115C-390.2. Discipline policies.
(d) Board policies shall not allow students to be long-term suspended or expelled from school solely for truancy or tardiness offenses and shall not allow short-term suspension of more than two days for such offenses.
(l) (Applicable to children enrolling in the public schools for the first time beginning with the 2016-2017 school year) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:
(1) The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
(2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
(3) The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period.
REGULATIONS

Each LEA must enforce the state laws and regulations which relate to compulsory attendance. LEAs may adopt rules which allow teachers to consider a student’s absences in the computation of the student’s grades.

The absence of a student which results from the suspension or expulsion of that student for misconduct pursuant to the provisions of G.S. 115C-391 shall not be used for a compulsory attendance violation action.

Substance use

LAWS

§ 115C-149. Policy. Chemically dependent children excluded from provisions of Article 9.
The General Assembly of North Carolina hereby declares that the policy of the State is to ensure that an appropriate education is provided for drug and alcohol addicted children; however, drug and alcohol addicted children are not "children with disabilities" within the meaning of G.S. 115C-106.3(1) unless because of some other condition they meet that definition.

§ 115C-150. State Board to adopt rules.
The State Board of Education shall adopt rules to ensure that local school administrative units provide an appropriate education for drug and alcohol addicted children.

§ 115C-407. Policy prohibiting tobacco use in school buildings, grounds, and at school-sponsored events.
(a) Not later than August 1, 2008, local boards of education shall adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy shall further prohibit the use of all tobacco products by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking is otherwise prohibited by law.
(b) The policy shall include at least all of the following elements:
   (1) Adequate notice to students, parents, the public, and school personnel of the policy.
   (2) Posting of signs prohibiting at all times the use of tobacco products by any person in and on school property.
   (3) Requirements that school personnel enforce the policy.
(c) The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.
(d) The North Carolina Health and Wellness Trust Fund Commission shall work with local boards of education to provide assistance with the implementation of this policy including providing information regarding smoking cessation and prevention resources. Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section prohibits a local board of education from adopting and enforcing a
more restrictive policy on the use of tobacco in school buildings, in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property.

**REGULATIONS**
No relevant regulations found.

**Bullying, harassment, or hazing**

**LAWS**

§ 14-35. Hazing; definition and punishment.
It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a Class 2 misdemeanor.

(a) Except as otherwise made unlawful by this Article, it shall be unlawful for any person to use a computer or computer network to do any of the following:

(1) With the intent to intimidate or torment a minor:
   a. Build a fake profile or Web site;
   b. Pose as a minor in:
      1. An Internet chat room;
      2. An electronic mail message; or
      3. An instant message;
   c. Follow a minor online or into an Internet chat room; or
   d. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a minor.

(2) With the intent to intimidate or torment a minor or the minor’s parent or guardian:
   a. Post a real or doctored image of a minor on the Internet;
   b. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords; or
   c. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a minor.

(3) Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a minor.

(4) Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).

(5) Sign up a minor for a pornographic Internet site with the intent to intimidate or torment the minor.
(6) Without authorization of the minor or the minor’s parent or guardian, sign up a minor for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the minor.

(b) Any person who violates this section shall be guilty of cyber-bullying, which offense shall be punishable as a Class 1 misdemeanor if the defendant is 18 years of age or older at the time the offense is committed. If the defendant is under the age of 18 at the time the offense is committed, the offense shall be punishable as a Class 2 misdemeanor.

(c) Whenever any person pleads guilty to or is guilty of an offense under this section, and the offense was committed before the person attained the age of 18 years, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation upon such reasonable terms and conditions as the court may require. Upon fulfillment of the terms and conditions of the probation provided for in this subsection, the court shall discharge the defendant and dismiss the proceedings against the defendant. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Upon discharge and dismissal pursuant to this subsection, the person may apply for an order to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to the procedures and requirements set forth in G.S. 15A-146.

§ 14-458.2. Cyber-bullying of school employee by student; penalty.

(a) The following definitions apply in this section:

(1) School employee. The term means any of the following:

   a. An employee of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.

   b. An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school.

(2) Student. A person who has been assigned to a school by a local board of education as provided in G.S. 115C-366 or has enrolled in a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of those schools within the last year.

(b) Except as otherwise made unlawful by this Article, it shall be unlawful for any student to use a computer or computer network to do any of the following:

(1) With the intent to intimidate or torment a school employee, do any of the following:

   a. Build a fake profile or Web site.

   b. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee.

   c. Post a real or doctored image of the school employee on the Internet.
d. Access, alter, or erase any computer network, computer data, computer program, or computer
software, including breaking into a password-protected account or stealing or otherwise accessing
passwords.

e. Use a computer system for repeated, continuing, or sustained electronic communications, including
electronic mail or other transmissions, to a school employee.

(2) Make any statement, whether true or false, intending to immediately provoke, and that is likely to
provoke, any third party to stalk or harass a school employee.

(3) Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a
school employee for the purpose of intimidating or tormenting that school employee (in any form,
including, but not limited to, any printed or electronic form of computer data, computer programs, or
computer software residing in, communicated by, or produced by a computer or computer network).

(4) Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment
the employee.

(5) Without authorization of the school employee, sign up a school employee for electronic mailing
lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the
school employee.

(c) Any student who violates this section is guilty of cyber-bullying a school employee, which offense is
punishable as a Class 2 misdemeanor.

(d) Whenever any student pleads guilty to or is guilty of an offense under this section, the court may,
without entering a judgment of guilt and with the consent of the student, defer further proceedings and
place the student on probation upon such reasonable terms and conditions as the court may require.
Upon fulfillment of the terms and conditions of the probation provided for in this subsection, the court shall
discharge the student and dismiss the proceedings against the student. Discharge and dismissal under
this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for
purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction
of a crime. Upon discharge and dismissal pursuant to this subsection, the student may apply for an order
to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to
the procedures and requirements set forth in G.S. 15A-146.

(e) Whenever a complaint is received pursuant to Article 17 of Chapter 7B of the General Statutes based
upon a student's violation of this section, the juvenile may, upon a finding of legal sufficiency pursuant to
G.S. 7B-1706, enter into a diversion contract pursuant to G.S. 7B-1706.

§ 115C-238.66. Board of directors; powers and duties.
The board of directors shall have the following powers and duties:

(12) Policy against bullying. - A regional school is encouraged to adopt a policy against bullying or
harassing behavior, including cyber-bullying, that is consistent with the provisions of Article 29C of this
Chapter. If a regional school adopts a policy to prohibit bullying and harassing behavior, the regional
school shall, at the beginning of each school year, provide the policy to staff, students, and parents as
defined in G.S. 115C-390.1(b)(8).

§ 115C-366.4. Assignment of students convicted of cyber-bullying.
A student who is convicted under G.S. 14-458.2 of cyber-bullying a school employee shall be transferred
to another school within the local school administrative unit. If there is no other appropriate school within
the local school administrative unit, the student shall be transferred to a different class or assigned to a
teacher who was not involved as a victim of the cyber-bullying. Notwithstanding the provisions in this
section, the superintendent may modify, in writing, the required transfer of an individual student on a
case-by-case basis.
§ 115C-407.15. Bullying and harassing behavior.
(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
2. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassment shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

§ 115C-407.16. Policy against bullying or harassing behavior.
(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

1. A statement prohibiting bullying or harassing behavior.
2. A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.
3. A description of the type of behavior expected for each student and school employee.
4. Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
5. A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
6. A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.
7. A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.
(8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

d) At the beginning of each school year, the principal shall provide the local school administrative unit's policy prohibiting bullying and harassing behavior, including cyber-bullying, to staff, students, and parents as defined in G.S. 115C-390.1(b)(8). Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

§ 115C-407.17. Prevention of school violence.

Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

§ 115C-407.18. Construction of this Article.

(a) This Article shall not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(b) This Article shall not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal.

(c) Nothing in this Article shall be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(d) The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which can be given effect without the invalid provision.

(e) The provisions of this Article shall be liberally construed to give effect to its purposes.

(f) Nothing in this act shall be construed to create any classification, protected class, suspect category, or preference beyond those existing in present statute or case law.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 115C-81.60. Character education.
(a) Each local board of education shall develop and implement character education instruction with input from the local community. The instruction shall be incorporated into the standard curriculum and should address the following traits:

1. Courage. Having the determination to do the right thing even when others don't and the strength to follow your conscience rather than the crowd; and attempting difficult things that are worthwhile.
2. Good judgment. Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.
3. Integrity. Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.
4. Kindness. Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others as you would like to be treated.
5. Perseverance. Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.
6. Respect. Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.
7. Responsibility. Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.
8. Self-discipline. Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate behaviors; being in proper control of your words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations.

(b) In addition to the instruction under subsection (a) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

1. Respect for school personnel. In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.
2. Responsibility for school safety. Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivating an orderly learning environment in which students and school personnel feel safe and secure; and encouraging the resolution of conflicts and disagreements through peaceful means, including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through grade 12. These messages should include media-awareness education to help children recognize stereotypes and messages portraying violence.
3. Service to others. Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum or (ii) involving a
classroom of students or some other group of students in one or more hands-on community service projects. All schools are encouraged to provide opportunities for student involvement in community service or service-learning projects.

(4) Good citizenship. Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic.

§ 115C-407.17. Prevention of school violence.
Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§ 115C-390.2. Discipline policies.
(j) Local boards of education are encouraged to include in their safe schools plans, adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take positive approaches to improving student behaviors.

§ 115C-391.1. Permissible use of seclusion and restraint.
(a) It is the policy of the State of North Carolina to:
   (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

§ 115C-391.1. Permissible use of seclusion and restraint.
(a) It is the policy of the State of North Carolina to:
   (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.

§ 115C-407.16. Policy against bullying or harassing behavior.
(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.
(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.
REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

§ 115C-390.6. Short-term suspension procedures.
(c) The principal shall provide notice to the student's parent of any short-term suspension, including the reason for the suspension and a description of the alleged student conduct upon which the suspension is based. The notice shall be given by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. The notice shall be given by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice.

(d) If English is the second language of the parent, the notice shall be provided in the parent's primary language, when the appropriate foreign language resources are readily available, and in English, and both versions shall be in plain language and shall be easily understandable.

(a) When a student is recommended by the principal for long-term suspension, the principal shall give written notice to the student's parent. The notice shall be provided to the student's parent by the end of the workday during which the suspension was recommended when reasonably possible or as soon thereafter as practicable. The written notice shall provide at least the following information:

(1) A description of the incident and the student's conduct that led to the long-term suspension recommendation.

(2) A reference to the provisions of the Code of Student Conduct that the student is alleged to have violated.

(3) The specific process by which the parent may request a hearing to contest the decision, including the number of days within which the hearing must be requested.

(4) The process by which a hearing will be held, including, at a minimum, the procedures described in subsection (e) of this section.

(5) Notice that the parent is permitted to retain an attorney to represent the student in the hearing process.

(6) The extent to which the local board policy permits the parent to have an advocate, instead of an attorney, accompany the student to assist in the presentation of his or her appeal.

(7) Notice that the parent has the right to review and obtain copies of the student's educational records before the hearing.
(8) A reference to the local board policy on the expungement of discipline records as required by G.S. 115C-402.

(b) Written notice may be provided by certified mail, fax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for long-term suspension. When school personnel are aware that English is not the primary language of the parent or guardian, the notice shall be written in both English and in the primary language of the parent or guardian when the appropriate foreign language resources are readily available. All notices described in this section shall be written in plain English, and shall include the following information translated into the dominant non-English language used by residents within the local school administrative unit:

(1) The nature of the document, i.e., that it is a long-term suspension notice.
(2) The process by which the parent may request a hearing to contest the long-term suspension.
(3) The identity and phone number of a school employee that the parent may call to obtain assistance in understanding the English language information included in the document.

§ 115C-390.10. 365-day suspension for gun possession.

(d) At the time the student and parent receive notice that the student is suspended for 365 days under this section, the superintendent shall provide notice to the student and the student's parent of the right to petition the local board of education for readmission pursuant to G.S. 115C-390.12.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

§ 14-269.2. Weapons on campus or other educational property.

(a) The following definitions apply to this section:

(1) Educational property. Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

(1a) Employee. A person employed by a local board of education or school whether the person is an adult or a minor.

(1b) School. A public or private school, community college, college, or university.

(2) Student. A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.

(3) Switchblade knife. A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

(3a) Volunteer school safety resource officer. A person who volunteers as a school safety resource officer as provided by G.S. 162-26 or G.S. 160A-288.4.

(4) Weapon. Any device enumerated in subsection (b), (b1), or (d) of this section.

(b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on
educational property is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This subsection shall not apply to fireworks.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property. This subsection shall not apply to fireworks.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or extracurricular activity sponsored by a school if:

1. The person is not a student attending school on the educational property or an employee employed by the school working on the educational property; and

   1a. The person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and

2. Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

3. The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.

4. Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

(g) This section shall not apply to any of the following:

1. A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

   1a. A person exempted by the provisions of G.S. 14-269(b).
(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.

(3) Home schools as defined in G.S. 115C-563(a).

(4) Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston Community College or for hunting purposes on other educational property when used with the written permission of the governing body of the school that controls the educational property.

(5) A person registered under Chapter 74C of the General Statutes as an armed armored car service guard or an armed courier service guard when acting in the discharge of the guard's duties and with the permission of the college or university.

(6) A person registered under Chapter 74C of the General Statutes as an armed security guard while on the premises of a hospital or health care facility located on educational property when acting in the discharge of the guard's duties with the permission of the college or university.

(7) A volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety resource officer is acting in the discharge of the person's official duties and is on the educational property of the school that the officer was assigned to by the head of the appropriate local law enforcement agency.

(h) No person shall be guilty of a criminal violation of this section with regard to the possession or carrying of a weapon so long as both of the following apply:

(1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon.

(2) The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.

(i) The provisions of this section shall not apply to an employee of an institution of higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who resides on the campus of the institution at which the person is employed when all of the following criteria are met:

(1) The employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside.

(2) The institution is either:
   a. An institution of higher education as defined by G.S. 116-143.1.
   b. A nonpublic post-secondary educational institution that has not specifically prohibited the possession of a handgun pursuant to this subsection.

(3) The weapon is a handgun.

(4) The handgun is possessed in one of the following manners as appropriate:
   a. If the employee has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, the handgun may be on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle that is located in a parking area of the educational property of the institution at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee's residence or in the closed compartment of the employee's locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.
b. If the employee is not authorized to carry a concealed handgun pursuant to Article 54B of this Chapter, the handgun may be on the premises of the employee's residence, and may only be in the employee's vehicle when the vehicle is occupied by the employee and the employee is immediately leaving the campus or is driving directly to their residence from off campus. The employee may possess the handgun on the employee's person outside the premises of the employee's residence when making a direct transfer of the handgun from the residence to the employee's vehicle when the employee is immediately leaving the campus or from the employee's vehicle to the residence when the employee is arriving at the residence from off campus.

(i) The provisions of this section shall not apply to an employee of a public or nonpublic school who resides on the campus of the school at which the person is employed when all of the following criteria are met:

1. The employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside.
2. The school is either:
   a. A public school which provides residential housing for enrolled students.
   b. A nonpublic school which provides residential housing for enrolled students and has not specifically prohibited the possession of a handgun pursuant to this subsection.
3. The weapon is a handgun.
4. The handgun is possessed in one of the following manners as appropriate:
   a. If the employee has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, the handgun may be on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle that is located in a parking area of the educational property of the school at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee's residence or in the closed compartment of the employee's locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.
   b. If the employee is not authorized to carry a concealed handgun pursuant to Article 54B of this Chapter, the handgun may be on the premises of the employee's residence, and may only be in the employee's vehicle when the vehicle is occupied by the employee and the employee is immediately leaving the campus or is driving directly to their residence from off campus. The employee may possess the handgun on the employee's person outside the premises of the employee's residence when making a direct transfer of the handgun from the residence to the employee's vehicle when the employee is immediately leaving the campus or from the employee's vehicle to the residence when the employee is arriving at the residence from off campus.

(k) The provisions of this section shall not apply to a person who has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, if any of the following conditions are met:

1. The person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle and only unlocks the vehicle to enter or exit the vehicle while the firearm remains in the closed compartment at all times and immediately locks the vehicle following the entrance or exit.
2. The person has a handgun concealed on the person and the person remains in the locked vehicle and only unlocks the vehicle to allow the entrance or exit of another person.
3. The person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to do either of the following:
a. Move the handgun from concealment on the person to a closed compartment or container within the vehicle.

b. Move the handgun from within a closed compartment or container within the vehicle to concealment on the person.

(l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this section that the person was authorized to have a concealed handgun in a locked vehicle pursuant to subsection (k) of this section and removed the handgun from the vehicle only in response to a threatening situation in which deadly force was justified pursuant to G.S. 14-51.3.


(g) To Report Certain Acts to Law Enforcement and the Superintendent. When the principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency.

Notwithstanding any other provision of law, the State Board of Education shall not require the principal to report to law enforcement acts in addition to those required to be reported by law.

For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.

The principal or the principal's designee shall notify the superintendent or the superintendent's designee in writing or by electronic mail regarding any report made to law enforcement under this subsection. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the local board of education.

Nothing in this subsection shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students.

§ 115C-390.10. 365-day suspension for gun possession.

(b) The principal must report all incidents of firearms or destructive devices on educational property or at a school-sponsored event as required by G.S. 115C-288(g) and State Board of Education policy.
maintained. Each student's official record also shall include notice of any long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion if the following criteria are met:

1. One of the following persons makes a request for expungement:
   a. The student's parent, legal guardian, or custodian.
   b. The student, if the student is at least 16 years old or is emancipated.

2. The student either graduates from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.

3. The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to maintain safe and orderly schools.

4. The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to adequately serve the child.

(c) Notwithstanding subdivision (b)(1) of this section, a superintendent or the superintendent's designee may expunge from a student's official record any notice of suspension or expulsion provided all other criteria under subsection (b) are met.

(d) Each local board's policy on student records shall include information on the procedure for expungement under subsection (b) of this section.

(e) The official record of each student is not a public record as the term "public record" is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6.

REGULATIONS
No relevant regulations found.

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

LAWS
§ 115C-12. Powers and duties of the board generally.
The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:


   c. The State Board of Education shall comply with the provisions of G.S. 116-11(10a) to plan and implement an exchange of information between the public schools and the institutions of higher education in the State. The State Board of Education shall require local boards of education to provide to the parents of children at a school all information except for confidential information received about that school from institutions of higher education pursuant to G.S. 116-11(10a) and to make that information available to the general public.
(21) Duty to Monitor Acts of School Violence. - The State Board of Education shall monitor and compile an annual report on acts of violence in the public schools. The State Board shall adopt standard definitions for acts of school violence and shall require local boards of education to report them to the State Board in a standard format adopted by the State Board. The State Board shall submit its report on acts of violence in the public schools to the Joint Legislative Education Oversight Committee by March 15 of each year.

(27) Reporting Dropout Rates, Corporal Punishment, Suspensions, Expulsions, and Alternative Placements. - The State Board shall report by March 15 of each year to the Joint Legislative Education Oversight Committee on the numbers of students who have dropped out of school, been subjected to corporal punishment, been suspended, been expelled, been reassigned for disciplinary purposes, or been provided alternative education services. The data shall be reported in a disaggregated manner, reflecting the local school administrative unit, race, gender, grade level, ethnicity, and disability status of each affected student. Such data shall be readily available to the public. The State Board shall not include students that have been expelled from school when calculating the dropout rate. The Board shall maintain a separate record of the number of students who are expelled from school and the reasons for the expulsion.

(27a) Reducing School Dropout Rates. - The State Board of Education shall develop a statewide plan to improve the State's tracking of dropout data so that accurate and useful comparisons can be made over time. The plan shall include, at a minimum, how dropouts are counted and the methodology for calculating the dropout rate, the ability to track students’ movements among schools and districts, and the ability to provide information on who drops out and why.

§ 115C-276. Duties of superintendent.

(r) To Maintain Student Discipline. - The superintendent shall maintain student discipline in accordance with Article 27 of this Chapter and shall keep data on each student to whom corporal punishment was administered, who was suspended for more than 10 days, who was reassigned for disciplinary reasons, or who was expelled. This data shall include the race, gender, age, grade level, ethnicity, and disability status of each student, the duration of suspension for each student, whether alternative education services were provided for each student, and whether a student had multiple suspensions in that academic year.

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

§ 115C-47. Powers and duties generally.
(61) To Provide a Safe School Environment. - Local boards of education may enter into an agreement with the sheriff, chief of police of a local police department, or chief of police of a county police department to provide security at the schools by assigning volunteer school safety resource officers who meet the selection standards and criteria developed by the head of the appropriate local law enforcement agency and the criteria set out in G.S. 162-26 or G.S. 160A-288.4, as appropriate.

§ 160A-288.4. Police chief may establish volunteer school safety resource officer program.
(a) The chief of police of a local police department or of a county police department may establish a volunteer school safety resource officer program to provide nonsalaried special law enforcement officers to serve as school safety resource officers in public schools. To be a volunteer in the program, a person must have prior experience as either (i) a sworn law enforcement officer or (ii) a military police officer with a minimum of two years' service. If a person with experience as a military police officer is no longer in the armed services, the person must also have an honorable discharge. A program volunteer must receive training on research into the social and cognitive development of elementary, middle, and high school children and must also meet the selection standards and any additional criteria established by the chief of police.

(b) Each volunteer shall report to the chief of police and shall work under the direction and supervision of the chief of police or the chief's designee when carrying out the volunteer's duties as a school safety resource officer. No volunteer may be assigned to a school as a school safety resource officer until the volunteer has updated or renewed the volunteer's law enforcement training and has been certified by the North Carolina Criminal Justice Education and Training Standards Commission as meeting the
education and firearms proficiency standards required of persons serving as criminal justice officers. A volunteer is not required to meet the physical standards required by the North Carolina Criminal Justice Education and Training Standards Commission but must have a standard medical exam to ensure the volunteer is in good health. A person selected by the chief of police to serve as a volunteer under this section shall have the power of arrest while performing official duties as a volunteer school safety resource officer.

(c) The chief of police may enter into an agreement with the local board of education to provide volunteer school safety resource officers who meet both the criteria established by this section and the selection and training requirements set by the chief of police of the municipality or county in which the schools are located. The chief of police shall be responsible for the assignment of any volunteer school safety resource officer assigned to a public school and for the supervision of the officer.

(d) There shall be no liability on the part of and no cause of action shall arise against a volunteer school safety resource officer, the chief of police or employees of the local law enforcement agency supervising a volunteer school safety officer, or the public school system or its employees for any good-faith action taken by them in the performance of their duties with regard to the volunteer school safety resource officer program established pursuant to this section.

§ 162-26. Sheriff may establish volunteer school safety resource officer program.

(a) The sheriff may establish a volunteer school safety resource officer program to provide nonsalaried special deputies to serve as school safety resource officers in public schools. To be a volunteer in the program, a person must have prior experience as either (i) a sworn law enforcement officer or (ii) a military police officer with a minimum of two years' service. If a person with experience as a military police officer is no longer in the armed services, the person must also have an honorable discharge. A program volunteer must receive training on research into the social and cognitive development of elementary, middle, and high school children and must also meet the selection standards and any additional criteria established by the sheriff.

(b) Each volunteer shall report to the sheriff and shall work under the direction and supervision of the sheriff or the sheriff's designee when carrying out the volunteer's duties as a school safety resource officer. No volunteer may be assigned to a school as a school safety resource officer until the volunteer has updated or renewed the volunteer's law enforcement training and has been certified by the North Carolina Sheriff's Education and Training Standards Commission as meeting the educational and firearms proficiency standards required of persons serving as special deputy sheriffs. A volunteer is not required to meet the physical standards required by the North Carolina Sheriff's Education and Training Standards Commission but must have a standard medical exam to ensure the volunteer is in good health. A person selected by the sheriff to serve as a volunteer under this section shall have the power of arrest while performing official duties as a volunteer school safety resource officer.

(c) The sheriff may enter into an agreement with the local board of education to provide volunteer school safety resource officers who meet both the criteria established by this section and the selection and training requirements set by the sheriff of the county for the schools. The sheriff shall be responsible for the assignment of any volunteer school safety resource officer assigned to a public school and for the supervision of the officer.

(d) There shall be no liability on the part of and no cause of action shall arise against a volunteer school safety resource officer, the Sheriff or employees of the sheriff supervising a volunteer school safety officer, or the public school system or its employees for any good-faith action taken by them in the performance of their duties with regard to the volunteer school safety resource officer program established pursuant to this section.
REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 115C-12. Powers and duties of the board generally.
The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

(24) Duty to Develop Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. - The State Board of Education shall adopt standards for assigning students to alternative learning programs. These standards shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board shall also adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt standards to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans and proposals for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-83.15 and G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools. Also as part of its evaluation, the State Board shall evaluate its standards adopted under this subdivision and make any necessary changes to those standards based on strategies that have been proven successful in improving student achievement and shall report to the Joint Legislative Education Oversight Committee by April 15, 2006 to determine if any changes are necessary to improve the implementation of successful alternative learning programs and alternative schools.

REGULATIONS
No relevant regulations found.
Funding appropriations

LAWS

§ 115C-407. Policy prohibiting tobacco use in school buildings, grounds, and at school-sponsored events.
(d) The North Carolina Health and Wellness Trust Fund Commission shall work with local boards of education to provide assistance with the implementation of this policy including providing information regarding smoking cessation and prevention resources.[…]

REGULATIONS
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

§ 115C-390.3. Reasonable force.
(c) Notwithstanding any other law, no officer or employee of the State Board of Education or of a local board of education shall be civilly liable for using reasonable force in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not reasonable.

(d) No school employee shall be reprimanded or dismissed for acting or failing to act to stop or intervene in an altercation between students if the employee's actions are consistent with local board policies. Local boards of education shall adopt policies, pursuant to their authority under G.S. 115C-47(18), which provide guidelines for an employee's response if the employee has personal knowledge or actual notice of an altercation between students.

**REGULATIONS**
No relevant regulations found.

**Community input or involvement**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Other or Uncategorized**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by North Carolina provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

### State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Bullying Prevention, North Carolina Department of Public Instruction (NC DPI)</td>
<td>Provides information on understanding bullying and the main types of bullying, and links to resources on bullying.</td>
<td><a href="https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/bullying-prevention">https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/bullying-prevention</a></td>
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<tr>
<td>Center for Safer Schools, NC DPI</td>
<td>Provides information and resources related to school safety, and links to subtopics including bullying prevention.</td>
<td><a href="https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools">https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools</a></td>
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<tr>
<td>North Carolina Healthy Schools, NC DPI</td>
<td>Provides an overview of NC Healthy Schools and links to data and reports for NC Youth Risk Behavior Survey (YRBS) and school health profiles.</td>
<td><a href="https://www.dpi.nc.gov/districts-schools/classroom-resources/k-12-standards-curriculum-and-instruction/programs-and-initiatives/nc-healthy-schools">https://www.dpi.nc.gov/districts-schools/classroom-resources/k-12-standards-curriculum-and-instruction/programs-and-initiatives/nc-healthy-schools</a></td>
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<tr>
<td><strong>Other Resources</strong></td>
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<tr>
<td>North Carolina Youth Risk Behavior Survey (YRBS), NC DPI</td>
<td>Data and reports for NC YRBS.</td>
<td><a href="https://sites.google.com/dpi.nc.gov/nchealthyschools/nc-healthy-schools-data/yrbs-data">https://sites.google.com/dpi.nc.gov/nchealthyschools/nc-healthy-schools-data/yrbs-data</a></td>
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<tr>
<td>Professional Development and Training, NC DPI</td>
<td>Training resources for teachers include online professional development modules on subtopics such as student behavior in the classroom, role of school resource officers in schools, and preventing substance abuse and underage drinking among K-12 students.</td>
<td><a href="https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/professional-development-and-training">https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/professional-development-and-training</a></td>
</tr>
<tr>
<td>Say Something Anonymous Reporting System, NC DPI</td>
<td>Anonymous reporting system for school staff and students to reporting safety concerns to help at-risk individuals before they hurt themselves or others.</td>
<td><a href="https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/say-something-anonymous-reporting-system">https://www.dpi.nc.gov/districts-schools/district-operations/center-safer-schools/say-something-anonymous-reporting-system</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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General Provisions

Authority to develop and establish rules of conduct

LAWS

15.1-19-02. Corporal punishment - Prohibition - Consistent policies.
4.a. The board of each school district shall develop policies setting forth standards for student behavior, procedures to be followed if the standards are not met, and guidelines detailing how all incidents are to be investigated.
   b. The board shall ensure that the policies, procedures, and guidelines applicable to all elementary schools in the district are identical, that the policies, procedures, and guidelines applicable to all middle schools in the district are identical, and that the policies, procedures, and guidelines applicable to all high schools in the district are identical.

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing in the manner provided for in subsection 2 of section 15.1-19-10, before the determination to expel a student is made. A student's parent or representative must be allowed to participate in the expulsion hearing.

1. The board of each school district shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.

The board of a school district or the governing body of a nonpublic school may authorize a school principal or administrator to establish a safety patrol and to appoint students to the safety patrol. Any student enrolled in grade five or higher is eligible for appointment to a safety patrol, provided the student's parent has filed written permission with the school principal or administrator. The superintendent of public instruction shall adopt rules to guide safety patrol members in the conduct of their duties and shall specify the identification to be worn and the signals to be used by safety patrol members while on duty.

1. Before July 1, 2012, each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:
   a. Engage in bullying; or
   b. Engage in reprisal or retaliation against:
      (1) A victim of bullying;
      (2) An individual who witnesses an alleged act of bullying;
      (3) An individual who reports an alleged act of bullying; or
      (4) An individual who provides information about an alleged act of bullying.
2. The policy required by this section must:
a. Include a definition of bullying that at least encompasses the conduct described in section 15.1-19-17;
b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;
c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;
d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;
e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
f. Require the notification of law enforcement personnel if an investigation by school district personnel results in a reasonable suspicion that a crime might have occurred;
g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.

4. Upon completion of the policy required by this section, a school district shall:
   a. Ensure that the policy is explained to and discussed with its students;
   b. File a copy of the policy with the superintendent of public instruction; and
   c. Make the policy available in student and personnel handbooks.

5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.


The driver of a vehicle used to transport students under a contract as provided in this chapter is under the supervision and direction of the school board, the school district superintendent, the school principal, and the teachers of the school while the driver is on duty. The disciplinary authority of the school exists while a student is being transported, by or on behalf of the student's school, and the driver of the vehicle is charged with exercising control and discipline during the transportation.

REGULATIONS
No relevant regulations found.

Scope

LAWS


The driver of a vehicle used to transport students under a contract as provided in this chapter is under the supervision and direction of the school board, the school district superintendent, the school principal, and the teachers of the school while the driver is on duty. The disciplinary authority of the school exists while
a student is being transported, by or on behalf of the student's school, and the driver of the vehicle is charged with exercising control and discipline during the transportation.

REGULATIONS
No relevant regulations found.

Communication of Policy

LAWS

4. Upon completion of the policy required by this section, a school district shall:
   a. Ensure that the policy is explained to and discussed with its students;
   b. File a copy of the policy with the superintendent of public instruction; and
   c. Make the policy available in student and personnel handbooks.

15.1-20-03.2. Truancy prevention and intervention programs - Resources.
The superintendent of public instruction shall disseminate to school districts and nonpublic schools information regarding truancy prevention and intervention programs and research pertaining to best practices in truancy prevention efforts.

REGULATIONS
No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

15.1-19-02. Corporal punishment - Prohibition - Consistent policies.
1. A school district employee may not inflict, cause to be inflicted, or threaten to inflict corporal punishment on a student.
2. This section does not prohibit a school district employee from using the degree of force necessary:
   a. To quell a physical disturbance that threatens physical injury to an individual or damage to property;
   b. To quell a verbal disturbance;
   c. For self-defense;
   d. For the preservation of order; or
   e. To obtain possession of a weapon or other dangerous object within the control of a student.
3. For purposes of this section, corporal punishment means the willful infliction of physical pain on a student; willfully causing the infliction of physical pain on a student; or willfully allowing the infliction of physical pain on a student. Physical pain or discomfort caused by athletic competition or other recreational activities voluntarily engaged in by a student is not corporal punishment. A school board may not expand through policy the definition of corporal punishment beyond that provided by this subsection.
4.a. The board of each school district shall develop policies setting forth standards for student behavior, procedures to be followed if the standards are not met, and guidelines detailing how all incidents are to be investigated.

b. The board shall ensure that the policies, procedures, and guidelines applicable to all elementary schools in the district are identical, that the policies, procedures, and guidelines applicable to all middle schools in the district are identical, and that the policies, procedures, and guidelines applicable to all high schools in the district are identical.

**REGULATIONS**
No relevant regulations found.

**Use of student and locker searches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Other in-school disciplinary approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

2. A student may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
3. A student enrolled in an alternative education program for which state per student payments are available may be suspended for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
4. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, or disorderly conduct; provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

1. The board of each school district shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.
2. The policy must prohibit the possession of a weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. Punishment must include immediate suspension from school and expulsion. A student who possesses a firearm in violation of this section must be expelled for at least one year. The school district firearms policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.
4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act.
5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.

6. For purposes of this section:
   a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
   b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

REGULATIONS
No relevant regulations found.

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

LAWS

2. A student may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.

3. A student enrolled in an alternative education program for which state per student payments are available may be suspended for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.

4. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, or disorderly conduct; provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing in the manner provided for in subsection 2 of section 15.1-19-10, before the determination to expel a student is made. A student's parent or representative must be allowed to participate in the expulsion hearing.

2. [...] The school district firearms policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the
student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.

3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.

4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act

5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

25-01.2-01. Definitions.
In this chapter, unless the context or subject matter otherwise requires:
1. "Applicant" means an entity that has requested licensure from the department.
2. "Department" means the department of human services.
3. "Developmental disability" means a severe, chronic disability of an individual which:
   a. Is attributable to a mental or physical impairment or combination of mental and physical impairments including Down syndrome;
   b. Is manifested before the individual attains age twenty-two;
   c. Is likely to continue indefinitely;
d. Results in substantial functional limitations in three or more of the following areas of major life activity:
   (1) Self-care;
   (2) Receptive and expressive language;
   (3) Learning;
   (4) Mobility;
   (5) Self-direction;
   (6) Capacity for independent living; and
   (7) Economic sufficiency; and

e. Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or
generic care, treatment, or other services which are of lifelong or extended duration and are individually
planned and coordinated.

4. "Individualized setting" means a setting where an individual owns or rents the individual's residence
and a public or private agency or organization provides services to an individual with a developmental
disability.

5. "Institution or facility" means any school, hospital, residence center, group home, or any other setting
operated by any public or private agency or organization, that provides services to an individual with a
developmental disability.

6. "Least restrictive appropriate setting" means that setting that allows an individual with a developmental
disability to develop and realize the individual's fullest potential and enhances the individual's ability to
cope with the individual's environment without unnecessarily curtailing fundamental personal liberties.

7. "License" means authorization by the department to provide services to individuals
with developmental disabilities, pursuant to chapter 25-16.

8. "Service or services to an individual with a developmental disability" means services provided by any
public or private agency or organization, directed toward the alleviation of a developmental disability or
toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a
developmental disability.

25-01.2-09. Punishment - Isolation - Physical restraints - Psychosurgery - Sterilization - Shock
treatment.
An individual with a developmental disability receiving services at any institution, facility, or individualized
setting from a public or private agency or organization may not at any time:
   1. Be subjected to any corporal punishment.
   2. Be isolated or secluded, except in emergency situations when necessary for the control of violent,
disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that
individual or other individuals.
   3. Be physically restrained in any manner, except in emergency situations when necessary for the
control of violent, disturbed, or depressed behavior which may immediately result, or has resulted, in
harm to that individual or to other individuals.
   4. Be subjected to psychosurgery, sterilization, medical behavioral research, or pharmacological
research, except in conformity with an order of a court of competent jurisdiction. Under no
circumstances may an individual receiving treatment be subjected to hazardous or intrusive
experimental research which is not directly related to the specific goals of that individual's treatment
program.
5. Be subjected to electroconvulsive therapy or shock treatment without that individual's or guardian's written and informed consent. If the recipient of services is a minor, the recipient's parent, custodian, or guardian may provide informed consent for that treatment, which the parent, custodian, or guardian believes to be in the recipient's best interests.

25-01.2-10. Seclusion or physical restraint - Facility administrator to be notified.
1. Whenever an individual with a developmental disability receiving services from a public or private agency or organization not licensed by the department, is placed in seclusion or is physically restrained, the public or private agency or organization administrator or the administrator's representative must be notified and shall determine if the isolation or restraint is necessary. The isolation or restraint may be continued only upon written order of the administrator or the administrator's representative and for a period of not more than twenty-four hours. Any individual who is in seclusion or who is physically restrained must be checked by an attendant at least once every thirty minutes.

2. A public or private agency or organization licensed by the department to provide services to an individual with a developmental disability may not place an individual in seclusion. In order to use physical restraints, the restraint must be in compliance with the individual's person-centered service plan or done in accordance with the public or private agency's or organization's emergency restraint policy.

REGULATIONS
No relevant regulations found.

Alternative Placements

LAWS

3. A student enrolled in an alternative education program for which state per student payments are available may be suspended for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.

4. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, or disorderly conduct; provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months.

3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.

REGULATIONS

67-16-01-01. Eligibility.
Any public school district in North Dakota may apply to the superintendent of public instruction for establishment of an alternative education program for students from the ages of sixteen to twenty-one who have dropped out of school. The alternative programming shall be under the administration of a public school district.
67-16-01-07. Cooperative alternative programs.
School districts may develop cooperative programs with other school districts to provide access to courses for as many students as possible. Tuition agreements must be completed and approved by the districts involved in the cooperative alternative program. No written agreement is necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

1. The board of each school district shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.
2. The policy must prohibit the possession of a weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. Punishment must include immediate suspension from school and expulsion. A student who possesses a firearm in violation of this section must be expelled for at least one year. The school district firearms policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.
4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act
5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.
6. For purposes of this section:
   a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
   b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

REGULATIONS
No relevant regulations found.
Other weapons

LAWS

1. The board of each school district shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.
2. The policy must prohibit the possession of a weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. Punishment must include immediate suspension from school and expulsion. A student who possesses a firearm in violation of this section must be expelled for at least one year. The school district firearms policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.
4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act
5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.
6. For purposes of this section:
   a. "Firearm" has the meaning provided in Public Law No. 90-351
   b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

2. A student may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
3. A student enrolled in an alternative education program for which state per student payments are available may be suspended for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
4. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, or disorderly conduct; provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

15.1-20-01. Compulsory attendance.
1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure that the child is in attendance at the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

1. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
   a. The child is in attendance for the same length of time at an approved nonpublic school;
   b. The child has completed high school;
   c. The child is necessary to the support of the child's family;
   d. A multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or
   e. The child is receiving home education.

1. To be deemed in attendance for purposes of this chapter, a student may not be absent from school without excuse for more than:
   a. Three consecutive school days during either the first half or the second half of a school or school district's calendar;
   b. Six half days during either the first half or the second half of a school or school district's calendar; or
   c. Twenty-one class periods.
2. The board of each school district and governing body of each nonpublic school shall adopt a policy that:
   a. Defines an excused absence as any absence from school, if that absence is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator; and
b. Articulates the type of documentation that may be requested to verify a student's absence.

3. This chapter does not preclude a school district or nonpublic school from withholding credit, removing a student from a course, or taking other punitive measures against a student who does not arrive in a timely fashion or who exceeds a specific number of absences, as determined by the school district or nonpublic school.

**15.1-20-03. Compulsory attendance law - Enforcement - Penalty.**

1. Each teacher and administrator is charged with the enforcement of compulsory attendance provisions. The compulsory attendance provisions are applicable to any student who is offered school facilities by a school district, regardless of whether or not the student actually resides in the district.

2. If a teacher determines that a student is not in attendance as required by this chapter and that the student has not been excused in accordance with this chapter or in accordance with the school district's or nonpublic school's policies, the teacher shall notify the administrator of the school.

3. Upon receiving notice of a student's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the student has failed to ensure that the student is in attendance, the administrator shall refer the matter to the local law enforcement agency.

4. Any person who fails to ensure that a student is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.

5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the student is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the student to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

**15.1-20-03.2. Truancy prevention and intervention programs - Resources.**

The superintendent of public instruction shall disseminate to school districts and nonpublic schools information regarding truancy prevention and intervention programs and research pertaining to best practices in truancy prevention efforts.

**REGULATIONS**

No relevant regulations found.

**Substance use**

**LAWS**

**15.1-19-13. Alcohol or controlled substance - Use or possession by student - Notification of principal - Exception.**

If a teacher knows or has reason to believe that a student is using, is in possession of, or is delivering alcohol or a controlled substance while the student is on school property, involved in a school-related activity, or in attendance at a school-sponsored event, the teacher shall notify the student's principal. The notification requirement in this section does not apply to a teacher or administrator who participates in a juvenile drug court program and receives confidential information regarding a student as a result of participation in the program. This section does not prevent a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school property, at a school-related activity, or at a school-sponsored event.
1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools. The rules may include:
   a. Community involvement through a citizens' advisory committee.
   b. An assessment of services and resources available locally.
   c. An assessment of student and staff needs.
   d. The coordination of activities with public and private entities.
   e. The development of an implementation plan.
   f. An evaluation mechanism.
   g. The development of a budget to fund the program.
2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.
3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of human services, the state department of health, the department of transportation, and law enforcement agencies.

15.1-24-03. Chemical abuse preassessment team - Building level support team.
Any school may appoint a chemical abuse preassessment team consisting of a school counselor, a social worker, and other appropriately trained individuals or a school may use a building support team to carry out chemical abuse prevention services under this chapter. The team shall review and act upon law enforcement reports of chemical abuse violations by students. Within fourteen days of receiving a report, the team shall determine whether to provide to the student, or if the student is a minor to the student's parent or guardian, information regarding chemical abuse and school and community services available to assist individuals who engage in chemical abuse.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

A person is guilty of an offense when, in the course of another person's initiation into or affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that other person or a third person. As used in this section, “conduct” means any treatment or forced physical activity that is likely to adversely affect the physical health or safety of that other person or a third person, or which subjects that other person or third person to extreme mental stress, and may include extended deprivation of sleep or rest or extended isolation, whipping, beating, branding, forced calisthenics, overexposure to the weather, and forced consumption of any food, liquor, beverage, drug, or other substance. The offense is a class A misdemeanor if the actor's conduct causes physical injury, otherwise the offense is a class B misdemeanor.
15.1-19-17. Bullying - Definition.

As used in sections 15.1-19-17 through 15.1-19-22:

1. "Bullying" means:

   a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

      (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
      (2) Places the student in actual and reasonable fear of harm;
      (3) Places the student in actual and reasonable fear of damage to property of the student; or
      (4) Substantially disrupts the orderly operation of the public school; or

   b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

      (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
      (2) Places the student in actual and reasonable fear of harm;
      (3) Places the student in actual and reasonable fear of damage to property of the student; or
      (4) Substantially disrupts the orderly operation of the public school; or

   c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property which:

      (1) Places the student in actual and reasonable fear of:

          (a) Harm; or

          (b) Damage to property of the student; and

      (2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student’s educational opportunities or substantially disrupts the orderly operation of the public school.

2. "Conduct" includes the use of technology or other electronic media.


1. Each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:

   a. Engage in bullying; or

   b. Engage in reprisal or retaliation against:

      (1) A victim of bullying;
      (2) An individual who witnesses an alleged act of bullying;
      (3) An individual who reports an alleged act of bullying; or
      (4) An individual who provides information about an alleged act of bullying.

2. The policy required by this section must:

   a. Include a definition of bullying that at least encompasses the conduct described in section 15.1-19-17;
b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;

c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;

e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;

f. Require the notification of law enforcement personnel if school district personnel have a reasonable suspicion that a crime might have occurred on or off school district property;

g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and

h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.

4. Upon completion of the policy required by this section, a school district shall:
   a. Ensure that the policy is explained to and discussed with its students;
   b. File a copy of the policy with the superintendent of public instruction; and
   c. Make the policy available in student and personnel handbooks.

5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.

Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve.

2. Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the school district employee or official designated in the school district bullying policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.

3. A school district and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school district implemented a bullying policy, as required by section 15.1-19-18 and substantially complied with that policy.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS
No relevant laws found.
REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve.

15.1-20-03.2. Truancy prevention and intervention programs - Resources.
The superintendent of public instruction shall disseminate to school districts and nonpublic schools information regarding truancy prevention and intervention programs and research pertaining to best practices in truancy prevention efforts.

1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools. The rules may include:
   a. Community involvement through a citizens' advisory committee.
   b. An assessment of services and resources available locally.
   c. An assessment of student and staff needs.
   d. The coordination of activities with public and private entities.
   e. The development of an implementation plan.
   f. An evaluation mechanism.
   g. The development of a budget to fund the program.
2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.
3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of human services, the state department of health, the department of transportation, and law enforcement agencies.

15.1-24-02. Staff.
The superintendent of public instruction may employ an individual as a chemical abuse project coordinator. The coordinator shall:
   1. Develop rules, in consultation with other private and public entities.
   2. Disseminate rules developed under this chapter.
   3. Provide communities, through their schools, with technical assistance in the planning and implementation of a chemical abuse and prevention program.
   4. Collect data for reporting and program evaluation purposes.
   5. Facilitate coordination of this program with prevention and educational programs conducted by other state agencies.
   6. Provide the superintendent of public instruction with a written program evaluation.
7. Serve as a resource specialist to schools regarding the development and implementation of chemical abuse prevention programs.

15.1-24-03. Chemical abuse preassessment team - Building level support team.
Any school may appoint a chemical abuse preassessment team consisting of a school counselor, a social worker, and other appropriately trained individuals or a school may use a building support team to carry out chemical abuse prevention services under this chapter. The team shall review and act upon law enforcement reports of chemical abuse violations by students. Within fourteen days of receiving a report, the team shall determine whether to provide to the student, or if the student is a minor to the student's parent or guardian, information regarding chemical abuse and school and community services available to assist individuals who engage in chemical abuse.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

15.1-24-03. Chemical abuse preassessment team - Building level support team.
Any school may appoint a chemical abuse preassessment team consisting of a school counselor, a social worker, and other appropriately trained individuals or a school may use a building support team to carry out chemical abuse prevention services under this chapter. The team shall review and act upon law enforcement reports of chemical abuse violations by students. Within fourteen days of receiving a report, the team shall determine whether to provide to the student, or if the student is a minor to the student's parent or guardian, information regarding chemical abuse and school and community services available to assist individuals who engage in chemical abuse.

REGULATIONS

67-23-06-02. Use of response to intervention by local education agencies.
1. A local education agency may adopt a response to intervention process and may choose to use the process to determined if a child has a specific learning disability consistent with 34 CFR 300.301-311. Prior to implementation of response to intervention during the evaluation of a student suspected of having a specific learning disability, a local education agency must demonstrate the completeness of its response to intervention process through:
   a. Evidence of training in the components of the response to intervention framework;
   b. Adoption of evidence-based curriculum, instruction, and interventions; and
   c. Demonstration that its response to intervention process includes screening, diagnostic and progress monitoring assessments, and other elements of an approved national standard for the components of the framework.
2. The local education agency must provide documentation:
   a. Of the time and frequency of the interventions;
   b. That the programs used are evidence-based;
   c. That the programs are implemented with fidelity; and
   d. That the procedures are periodically reviewed and updated based on the evidence collected regarding their effectiveness in improving student achievement.
67-23-06-03. Response to intervention - Components.
Response to intervention is a schoolwide system designed to meet the needs of students using a tiered framework. Using response to intervention to evaluate for special education eligibility is one component of an overall system implementation process that includes leadership, communication with and involvement of parents, professional development, and fidelity of implementation of the process across all tiers. It is consistent with nationally recognized procedures and includes the following components:

1. Screening of all students that will identify students at risk of poor learning outcomes or challenging behaviors;
2. A multilevel prevention and intervention framework that is implemented schoolwide and is designed to prevent school failure;
3. Progress monitoring that is ongoing, occurs frequently, and is used to quantify rates of improvement and inform instructional practice and development of individualized programs; and

Professional development

LAWS

15. A state officer, law enforcement agency, or public school district or governing body of a nonpublic school or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for making risk determinations, allowing a sexual offender to attend a school function under section 12.1-20-25, or for disclosing or for failing to disclose information as permitted by this section.

15.1-07-34. Youth behavioral health training to teachers, administrators, and ancillary staff.
1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
   a. Trauma;
   b. Social and emotional learning, including resiliency;
   c. Suicide prevention;
   d. Bullying;
   e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
   f. Knowledge of behavioral health symptoms, and risks;
   g. Awareness of referral sources and evidence-based strategies for appropriate interventions; or
   h. Other evidence-based strategies to reduce risk factors for students.
2. Each school district shall report the professional development hours required under subsection 1 to the department of public instruction.
3. Each school within a district shall designate an individual as a behavioral health resource coordinator.
4. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training and instructional materials, and notice of training opportunities to school districts and nonpublic schools.

5. The superintendent of public instruction shall maintain the contact information of the behavioral health resource coordinator in each school.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

15.1-19-13. Alcohol or controlled substance - Use or possession by student - Notification of principal - Exception.
If a teacher knows or has reason to believe that a student is using, is in possession of, or is delivering alcohol or a controlled substance while the student is on school property, involved in a school-related activity, or in attendance at a school-sponsored event, the teacher shall notify the student's principal. The notification requirement in this section does not apply to a teacher or administrator who participates in a juvenile drug court program and receives confidential information regarding a student as a result of participation in the program. This section does not prevent a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school property, at a school-related activity, or at a school-sponsored event.

2. The policy required by this section must:
   a. Include a definition of bullying that at least encompasses the conduct described in section 15.1-19-17;
   b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;
   c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;
   d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;
   e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
   f. Require the notification of law enforcement personnel if school district personnel have a reasonable suspicion that a crime might have occurred on or off school district property;
   g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
   h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

15.1-20-03. Compulsory attendance law - Enforcement - Penalty.
2. If a teacher determines that a student is not in attendance as required by this chapter and that the student has not been excused in accordance with this chapter or in accordance with the school district's or nonpublic school's policies, the teacher shall notify the administrator of the school.
3. Upon receiving notice of a student's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the student has failed to ensure that the student is in attendance, the administrator shall refer the matter to the local law enforcement agency.
4. Any person who fails to ensure that a student is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.
5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the student is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the student to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing in the manner provided for in subsection 2 of section 15.1-19-10, before the determination to expel a student is made. A student’s parent or representative must be allowed to participate in the expulsion hearing.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

16. If a juvenile is adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child under this section, the juvenile shall comply with the registration requirements in this section. Notwithstanding any other provision of law, a law enforcement agency shall register a juvenile offender in the same manner as adult offenders and may release any relevant and necessary information on file to other law enforcement agencies, the department of human services, or the public if disclosure is necessary to protect public health or safety. The law enforcement agency shall release any relevant and necessary information on file to the superintendent or principal of the school the juvenile attends. The school administration shall notify others in similar positions if the juvenile transfers to another learning institution in or outside the state.

2. The policy required by this section must:
   f. Require the notification of law enforcement personnel if school district personnel have a reasonable suspicion that a crime might have occurred on or off school district property;
3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.
15.1-20-03. Compulsory attendance law - Enforcement - Penalty.

2. If a teacher determines that a student is not in attendance as required by this chapter and that the student has not been excused in accordance with this chapter or in accordance with the school district's or nonpublic school's policies, the teacher shall notify the administrator of the school.

3. Upon receiving notice of a student's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the student has failed to ensure that the student is in attendance, the administrator shall refer the matter to the local law enforcement agency.

4. Any person who fails to ensure that a student is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.

5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the student is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the student to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

15.1-24-05. Law enforcement agencies - Duty to inform team.

1. A law enforcement agency shall notify a school principal in writing if the agency has probable cause to believe that a student enrolled in the school has violated section 5-01-08, section 12.1-31-03, chapter 19-03.1, chapter 19-03.2, chapter 19-03.4, section 39-08-01, or section 39-08-18. The law enforcement agency shall provide the notice within two weeks of an incident.

3. Subsection 1 does not apply if, in the opinion of the law enforcement agency, providing the notice would jeopardize the conclusion of a criminal investigation.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

15.1-07-25.3. Protection of student data - school district policy.

1. The board of each school district shall adopt a policy regarding the protection of student data.

2. The policy must require that permission be obtained from the board before any student data is shared with an individual who is not a school district employee or shared with any other entity. This provision does not apply to the sharing of data with a student's parent or to the sharing of data, if required by law.

3. The policy must require the school district superintendent to compile:
   a. A list of all individuals with whom, and entities with which, student data is shared; and
   b. A list, by title, of all school district personnel who have access to student data.

4. A school district shall make copies of the policy available upon request.


1. […] Records of a school law enforcement unit regarding a student at a school are confidential but may be released to:
   a. A juvenile court having the student before it in any proceeding;
   b. Counsel for a party to the proceeding;
c. Officers of public entities to whom the student is committed;
d. Officers of a state or local law enforcement agency for use in the discharge of their official duties;
e. A superintendent or principal of another school in which the student wishes to enroll; and
f. The student's parent, legal guardian, or legal custodian.

2. Nothing in this section restricts the release of general information that does not identify the student.

**15.1-19-15. Record retention.**
Records regarding a student obtained by a school under section 15.1-19-14, section 27-20-51, or section 27-20-52 must be destroyed when the student reaches the age of eighteen or no longer attends the school, whichever occurs later.

**15.1-24-04. Treatment or assistance records - Confidential.**
Any record of a student's medical treatment, use of a chemical abuse assistance program, or other individual record generated under this chapter, is confidential. It is not part of the student's educational record and may not be released without the written consent of the student, or if the student is less than age fourteen, without the written consent of the student's parent.

**REGULATIONS**
No relevant regulations found.

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

**LAWS**

**15.1-19-18. Bullying - Prohibition by policy.**
5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.

**15.1-24-02. Staff.**
The superintendent of public instruction may employ an individual as a chemical abuse project coordinator. The coordinator shall:
1. Develop rules, in consultation with other private and public entities.
2. Disseminate rules developed under this chapter.
3. Provide communities, through their schools, with technical assistance in the planning and implementation of a chemical abuse and prevention program.
4. Collect data for reporting and program evaluation purposes.
5. Facilitate coordination of this program with prevention and educational programs conducted by other state agencies.
6. Provide the superintendent of public instruction with a written program evaluation.
7. Serve as a resource specialist to schools regarding the development and implementation of chemical abuse prevention programs.
REGULATIONS

67-16-01-06. Monitoring.
The department of public instruction will monitor alternative programs by reviewing annual documentation including fall reports and completion rate data:

2. School calendar.
3. MIS03 certified personnel record.
4. Pupil membership report.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization and/or funding

LAWS

1. A school may create or designate a school law enforcement unit as defined in the Family Educational Rights and Privacy Act [20 U.S.C. 1232(g)] and rules adopted under the Act.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools. The rules may include:
   a. Community involvement through a citizens' advisory committee.
   b. An assessment of services and resources available locally.
   c. An assessment of student and staff needs.
   d. The coordination of activities with public and private entities.
   e. The development of an implementation plan.
   f. An evaluation mechanism.
   g. The development of a budget to fund the program.
2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.
3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of human services, the state department of health, the department of transportation, and law enforcement agencies.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

The superintendent of public instruction, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, safety patrol members whether students or adults, and parents of safety patrol student members are immune from any liability that might otherwise be incurred as a result of an injury to a safety patrol member or as a result of an injury caused by an act or omission on the part of a safety patrol member while on duty, provided that the persons substantially complied with the rules to guide safety patrol members, as adopted by the superintendent of public instruction.

3. A school district and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school district implemented a bullying policy, as required by section 15.1-19-18 and substantially complied with that policy.

Any individual, other than the alleged violator, who in good faith reports or furnishes information regarding another's alleged chemical abuse to the chemical abuse preassessment team or the support team referenced in section 15.1-24-03, is immune from any liability, civil or criminal, that might otherwise result from the report. For the purpose of any proceeding, the good faith of a person reporting or furnishing information is presumed.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.

1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools. The rules may include:
   a. Community involvement through a citizens' advisory committee.
   b. An assessment of services and resources available locally.
   c. An assessment of student and staff needs.
d. The coordination of activities with public and private entities.
e. The development of an implementation plan.
f. An evaluation mechanism.
g. The development of a budget to fund the program.

2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.

3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of human services, the state department of health, the department of transportation, and law enforcement agencies.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS


2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city or the sheriff of the county if the individual resides, attends school, or is employed in an area other than a city. A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:

a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision c.

b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender for, a misdemeanor or attempted misdemeanor. The court may deviate from requiring an individual to register if the court first finds the individual is no more than three years older than the victim if the victim is a minor, the individual has not previously been convicted as a sexual offender or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

c. Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.

d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, including juvenile delinquent adjudications of equivalent offenses. Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a
child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated delinquent of any crime against another individual which is not otherwise specified in this section if the court determines that registration is warranted by the nature of the crime and therefore orders registration for the individual. If the court orders an individual to register as an offender under this section, the individual shall comply with all of the registration requirements in this chapter.

7. Registration consists of a written statement signed by the individual, giving the information required by the attorney general, and the biometric data and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized database of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, biometric data, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall register, within three days after the change, with the law enforcement agency with which that individual last registered of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall register, at least ten days before the change, with the law enforcement agency with which that individual last registered of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section, the individual shall register within three days of the termination with the law enforcement agency with which the individual last registered. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register shall also register within three days at the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an offender may omit the biometric data portion of the registration if that agency has a set of biometric data on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration.


1. As used in this section:
   a. "Protected activity" means an expression of free speech or freedom of the press.
   b. "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. The term does not
include any media intended for distribution or transmission solely in the classroom in which the media is produced.

c. "Student journalist" means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

d. "Student media adviser" means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

2. Except as provided in subsection 3, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district, by use of facilities of the school district, or produced in conjunction with a class in which the student is enrolled. Subject to subsection 3, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists. A student media adviser may not be dismissed, suspended, or disciplined for acting to protect a student journalist engaged in a protected activity or for refusing to infringe on a protected activity.

3. This section does not authorize or protect expression by a student that:
   a. Is libelous, slanderous, or obscene;
   b. Constitutes an unwarranted invasion of privacy;
   c. Violates federal or state law; or
   d. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policy, or the material and substantial disruption of the orderly operation of the school.

4. A school district may not authorize any prior restraint of any school-sponsored media except when the media:
   a. Is libelous, slanderous, or obscene;
   b. Constitutes an unwarranted invasion of privacy;
   c. Violates federal or state law; or
   d. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies, or the material and substantial disruption of the orderly operation of the school.

5. A school district may not sanction a student operating as an independent journalist.

6. Each school district shall adopt a written student freedom of expression policy in accordance with this section. The policy must include reasonable provisions for the time, place, and manner of student expression. The policy may also include limitations to language that may be defined as profane, harassing, threatening, or intimidating. An expression of free speech or freedom of the press made by a student journalist under this section may not be construed as an expression of school policy. A school, school official, employee, or parent or legal guardian of a student journalist may not be liable in any civil or criminal action for an expression of free speech or freedom of the press made by a student journalist, except in the case of willful or wanton misconduct.

15.1-31-08. Open enrollment - Transfer of students - Responsibility of district of residence.

1. Notwithstanding the provisions of chapter 15.1-31, a student's parent may apply to a contiguous school district for admission of the student at any time during the school year if:
   a. The student was a victim of violence occurring within the school in which the student was enrolled and the violence was documented;
b. The superintendent of public instruction has declared the school in which the student was enrolled to be an unsafe school; or

c. The superintendent of public instruction has identified the school in which the student was enrolled as one that requires program improvement for six consecutive years.

2. The school district receiving an application under subsection 1 shall review the application to ensure compliance with the provisions of subsection 1 and shall notify the student's parent and the student's school district of residence of the arrangements for the student's transfer within five days from the date the application was received.

3. The student's school district of residence shall consider the student transferred as of the date of enrollment by the admitting district.

4. Upon transfer of a student under this section, the board of the admitting district and the board of the student's school district of residence shall enter into a tuition agreement. The student's school district of residence shall reimburse the admitting district for all costs incurred by the admitting district in providing education for the student.

5. The student's school district of residence shall transport the student to school in the admitting district or shall reimburse the admitting district for all costs incurred in transporting the student or providing for the transportation of the student to school in the admitting district. These transportation costs are not reimbursable through state transportation funds.

6. The provisions of this section are applicable to a student until the conclusion of the school year in which the superintendent of public instruction declares that the school in the student's district of residence is no longer an unsafe school or that the school no longer requires program improvement.

REGULATIONS

No relevant regulations found.
## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by North Dakota provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Website</strong></td>
<td>Safety &amp; Healthy, North Dakota Department of Public Instruction</td>
<td>Provides links to information and resources on the following topics: youth risk behavior survey (YRBS), youth behavioral health, school safety/security, and school health.</td>
</tr>
<tr>
<td></td>
<td>Guidance on New Cyberbullying Law, North Dakota School Boards Association</td>
<td>Guidance document explains the newly passed cyberbullying law SB 2181 which expanded the definition of “bullying” to include cyberbullying occurring off school property. The new law requires that all school districts must make the changes to their bullying policy and file their revised policy with the Department of Public Instruction.</td>
</tr>
<tr>
<td>Title</td>
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<tr>
<td>Trauma Sensitive Schools Training, Central Regional Education Association</td>
<td>Training sponsored by North Dakota Department of Public Instruction to provide professional development opportunities for educators to learn about childhood trauma and prepare to mitigate its effects on children.</td>
<td><a href="https://www.creand.org/tss">https://www.creand.org/tss</a></td>
</tr>
<tr>
<td>Youth Risk Behavior Survey (YRBS), North Dakota Department of Public Instruction</td>
<td>The Youth Risk Behavior Survey designed to monitor trends, compare state health risk behaviors to national health risk behaviors and intended for use to plan, evaluate and improve school and community programs. Survey is voluntary and completely anonymous.</td>
<td><a href="https://www.nd.gov/dpi/districtssc">https://www.nd.gov/dpi/districtssc</a> holssafety-health/youth-risk-behavior-survey</td>
</tr>
</tbody>
</table>
Ohio
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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General Provisions

Authority to develop and establish rules of conduct

LAWS

ORC 3313.20. Rules - locker search policy - professional meetings.
(A) The board of education of a school district or the governing board of an educational service center shall make any rules that are necessary for its government and the government of its employees, pupils of its schools, and all other persons entering upon its school grounds or premises. Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to the school grounds or premises, or near the perimeter of the school grounds or premises, if there are no formal entrances, and at the main entrance to each school building.

ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.
(B)(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.
(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.
(A) Subject to the limitations set forth in section 3313.668 of the Revised Code, the board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the term "knife capable of causing serious bodily injury" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution...
pursuant to division (B)(4) or (5) of section 3313.66 of the Revised Code, the policy shall specify any
reasons for which the superintendent of the district may reduce any required expulsion period on a case-
by-case basis. The policy also shall set forth the acts listed in section 3313.662 of the Revised Code for
which a pupil may be permanently excluded.

The policy adopted under this division shall specify the date and manner by which a pupil or a pupil's
parent, guardian, or custodian may notify the board of the pupil's, parent's, guardian's, or custodian's
intent to appeal an expulsion or suspension to the board or its designee pursuant to division (E) of section
3313.66 of the Revised Code. In the case of any expulsion, the policy shall not specify a date that is less
than fourteen days after the date of the notice provided to the pupil or the pupil's parent, guardian, or
custodian under division (D) of that section.

**ORC 3313.666 District policy prohibiting harassment, intimidation, or bullying required.**

(B) The board of education of each city, local, exempted village, and joint vocational school district shall
establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in
consultation with parents, school employees, school volunteers, students, and community members. The
policy shall include the following:

1. A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a
   school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a
   student found responsible for harassment, intimidation, or bullying by an electronic act;
2. A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this
   section;
3. A procedure for reporting prohibited incidents;
4. A requirement that school personnel report prohibited incidents of which they are aware to the
   school principal or other administrator designated by the principal;
5. A requirement that the custodial parent or guardian of any student involved in a prohibited incident
   be notified and, to the extent permitted by section 3319.321 of the Revised Code and the “Family
to any written reports pertaining to the prohibited incident;
6. A procedure for documenting any prohibited incident that is reported;
7. A procedure for responding to and investigating any reported incident;
8. A strategy for protecting a victim or other person from new or additional harassment, intimidation, or
   bullying, and from retaliation following a report, including a means by which a person may report an
   incident anonymously;
9. A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall
   not infringe on any student’s rights under the first amendment to the Constitution of the United States;
10. A statement prohibiting students from deliberately making false reports of harassment, intimidation,
or bullying and a disciplinary procedure for any student responsible for deliberately making a false
report of that nature;
11. A requirement that the district administration semiannually provide the president of the district
board a written summary of all reported incidents and post the summary on its web site, if the district
has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family
REGULATIONS

OAC 3301-35-04. Student and other stakeholder focus.
(A) To ensure that student and other stakeholder needs are understood and addressed, the school district or school shall
   (1) Establish and communicate clear, high expectations for academic performance, attendance and conduct for all students regardless of gender, race, ethnicity, English proficiency or disability;

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.
(H) Policies and procedures. A school district shall develop written policies and procedures concerning the use of seclusion and restraint that are consistent with the policy on positive behavior interventions and support, restraint and seclusion, as adopted by the state board of education January 2013 (education.ohio.gov). A district's complaint procedures shall include
   (1) A procedure for a parent to present written complaints to the superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and
   (2) A requirement that the school district shall respond to the parent in writing within thirty days of the filing of a complaint regarding an incident of restraint or seclusion.
These policies and procedures shall be accessible on the district's website, and each district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

Scope

LAWS

ORC 3313.661 Policy regarding suspension, expulsion, removal, and permanent exclusion.
(A) The board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee.

ORC 3313.753. Prohibition against students carrying electronic communications devices.
(A) As used in this section:
   (3) "School" means any school that is operated by a board of education of a city, local, exempted village, or joint vocational school district.
   (4) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted.
   (5) "School grounds or premises" means either of the following:
      (a) The parcel of real property on which any school building is situated;
      (b) Any other parcel of real property that is owned or leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted.
REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

**ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.**
(C) The written policy of each board of education that is adopted pursuant to section 3313.20 of the Revised Code shall be posted in a central location in each school that is subject to the policy and shall be made available to pupils upon request.

**ORC 3313.666. District policy prohibiting harassment, intimidation, or bullying required.**
(C) Each board’s policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the district and to their custodial parents or guardians. Information regarding the policy shall be incorporated into employee training materials.

(D)(1) To the extent that state or federal funds are appropriated for this purpose, each board shall require that all students enrolled in the district annually be provided with age-appropriate instruction, as determined by the board, on the board’s policy, including a written or verbal discussion of the consequences for violations of the policy.

(2) Each board shall require that once each school year a written statement describing the policy and the consequences for violations of the policy be sent to each student’s custodial parent or guardian. The statement may be sent with regular student report cards or may be delivered electronically.

REGULATIONS

**OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.**
(H) Policies and procedures. A school district shall develop written policies and procedures concerning the use of seclusion and restraint that are consistent with the policy on positive behavior interventions and support, restraint and seclusion, as adopted by the state board of education January 2013 (education.ohio.gov). A district’s complaint procedures shall include

(1) A procedure for a parent to present written complaints to the superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and

(2) A requirement that the school district shall respond to the parent in writing within thirty days of the filing of a complaint regarding an incident of restraint or seclusion.

These policies and procedures shall be accessible on the district’s website, and each district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

**ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.**

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held on the next school day after the date of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

(4) If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher’s supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.
Alternatives to suspension

LAWs

**ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.**

(B) A board of education may establish a program and adopt guidelines under which a superintendent may require a pupil to perform community service in conjunction with a suspension or expulsion imposed under section 3313.66 of the Revised Code or in place of a suspension or expulsion imposed under section 3313.66 of the Revised Code except for an expulsion imposed pursuant to division (B)(2) of that section. If a board adopts guidelines under this division, they shall permit, except with regard to an expulsion pursuant to division (B)(2) of section 3313.66 of the Revised Code, a superintendent to impose a community service requirement beyond the end of the school year in lieu of applying an expulsion into the following school year. Any guidelines adopted shall be included in the policy adopted under this section.

**REGULATIONS**

No relevant regulations found.

Use of corporal punishment

LAWs

**ORC 3319.41. Corporal punishment policy.**

(A) No person employed or engaged as a teacher, principal, administrator, nonlicensed school employee, or bus driver in a public school may inflict or cause to be inflicted corporal punishment as a means of discipline upon a pupil attending such school.

(B) A person employed or otherwise engaged as a teacher, principal, or administrator by a nonpublic school, except as otherwise provided by the governing authority of the nonpublic school, may inflict or cause to be inflicted reasonable corporal punishment upon a pupil attending the school to which the person is assigned whenever such punishment is reasonably necessary in order to preserve discipline while the student is subject to school authority.

(C) Persons employed or engaged as teachers, principals, or administrators in a school, whether public or private, and nonlicensed school employees and school bus drivers may, within the scope of their employment, use and apply such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property.

**REGULATIONS**

**OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.**

(C) Prohibition on certain practices. The following practices are prohibited by school personnel under any circumstance:
(3) Corporal punishment;

Use of student and locker searches

LAWS

ORC 3313.20. Rules - locker search policy - professional meetings.

(B)(1) The board of education of each city, local, exempted village, or joint vocational school district may adopt a written policy that authorizes principals of public schools within the district or their designees to do one or both of the following:

(a) Search any pupil's locker and the contents of the locker that is searched if the principal reasonably suspects that the locker or its contents contains evidence of a pupil's violation of a criminal statute or of a school rule;

(b) Search any pupil's locker and the contents of any pupil's locker at any time if the board of education posts in a conspicuous place in each school building that has lockers available for use by pupils a notice that the lockers are the property of the board of education and that the lockers and the contents of all the lockers are subject to random search at any time without regard to whether there is a reasonable suspicion that any locker or its contents contains evidence of a violation of a criminal statute or a school rule.

(2) A board of education's adoption of or failure to adopt a written policy pursuant to division (B)(1) of this section does not prevent the principal of any school from searching at any time the locker of any pupil and the contents of any locker of any pupil in the school if an emergency situation exists or appears to exist that immediately threatens the health or safety of any person, or threatens to damage or destroy any property, under the control of the board of education and if a search of lockers and the contents of the lockers is reasonably necessary to avert that threat or apparent threat.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.

(B)(2)(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the district. The superintendent may reduce this disciplinary action on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.
(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held on the next school day after the date of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

(4) If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

**ORC 3313.662. Adjudication order permanently excluding pupil from public schools.**

(A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

(1) A violation of section 2923.122 of the Revised Code;

(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;

(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;

(5) Complicity in any violation described in division (A)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.
REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.
(B)(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.
(A)(1) Except as provided under division (B)(2) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full weekday of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section
3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;

(b) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent’s designee and challenge the reason for the intended suspension or otherwise to explain the pupil’s actions.

(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.

(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments missed because of a pupil’s suspension.

(a) The policy shall provide the pupil an opportunity to do both of the following:

(i) Complete any classroom assignments missed because of the suspension;

(ii) Receive at least partial credit for a completed assignment.

(b) The policy may permit grade reductions on account of the pupil’s suspension.

(c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil’s suspension. (B)

(1) Except as provided under division (B)(2), (3), or (4) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the district. The superintendent may reduce this disciplinary action on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(c) Any expulsion pursuant to division (B)(2) of this section shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. As used in this division, “firearm” has the same meaning as provided pursuant to the “Gun-Free Schools Act,” 115 Stat. 1762, 20 U.S.C. 7151.

(3) The board of education of a city, exempted village, or local school district may adopt a resolution authorizing the superintendent of schools to expel a pupil from school for a period not to exceed one year for bringing a knife capable of causing serious bodily injury to a school operated by the board, onto any other property owned or controlled by the board, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant, or for possessing a firearm or knife capable of serious bodily injury, at a school,
on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, which firearm or knife was initially brought onto school board property by another person. The resolution may authorize the superintendent to extend such an expulsion, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(6) No pupil shall be expelled under division (B)(1), (2), (3), (4), or (5) of this section unless, prior to the pupil's expulsion, the superintendent does both of the following:

(a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to expel the pupil;

(b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's actions.

The notice required in this division shall include the reasons for the intended expulsion, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation.

(7) A superintendent of schools of a city, exempted village, or local school district shall initiate expulsion proceedings pursuant to this section with respect to any pupil who has committed an act warranting expulsion under the district's policy regarding expulsion even if the pupil has withdrawn from school for any reason after the incident that gives rise to the hearing but prior to the hearing or decision to impose the expulsion. If, following the hearing, the pupil would have been expelled for a period of time had the pupil still been enrolled in the school, the expulsion shall be imposed for the same length of time as on a pupil who has not withdrawn from the school.
(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held on the next school day after the date of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

(4) If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil of the expulsion or suspension. In the case of an expulsion, the superintendent or principal, within one school day after the time of a pupil's expulsion, also shall notify in writing the treasurer of the board of education. Each notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the suspension or expulsion was based on a violation listed in division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation. In accordance with the policy adopted by the board of education under section 3313.661 of the Revised Code, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal the expulsion or suspension to the board or its designee.

Any superintendent expelling a pupil under this section for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year shall, in the notice required
under this division, provide the pupil and the pupil's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the incident that gave rise to the pupil's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

(E) A pupil or the pupil's parent, guardian, or custodian may appeal the pupil's expulsion by a superintendent or suspension by a superintendent, principal, assistant principal, or other administrator to the board of education or to its designee. If the pupil or the pupil's parent, guardian, or custodian intends to appeal the expulsion or suspension to the board or its designee, the pupil or the pupil's parent, guardian, or custodian shall notify the board in the manner and by the date specified in the notice provided under division (D) of this section. The pupil or the pupil's parent, guardian, or custodian may be represented in all appeal proceedings and shall be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion. At the request of the pupil or of the pupil's parent, guardian, custodian, or attorney, the board or its designee may hold the hearing in executive session but shall act upon the suspension or expulsion only at a public meeting. The board, by a majority vote of its full membership or by the action of its designee, may affirm the order of suspension or expulsion, reinstate the pupil, or otherwise reverse, vacate, or modify the order of suspension or expulsion.

The board or its designee shall make a verbatim record of hearings held under this division. The decisions of the board or its designee may be appealed under Chapter 2506. of the Revised Code.

This section shall not be construed to require notice and hearing in accordance with division (A), (B), or (C) of this section in the case of normal disciplinary procedures in which a pupil is removed from a curricular activity for a period of less than one school day and is not subject to suspension or expulsion.

(F)(1) If a pupil is expelled pursuant to division (B) of this section for committing any violation listed in division (A) of section 3313.662 of the Revised Code and the pupil was sixteen years of age or older at the time of committing the violation, if a complaint, indictment, or information is filed alleging that the pupil is a delinquent child based upon the commission of the violation or the pupil is prosecuted as an adult for the commission of the violation, and if the resultant juvenile court or criminal proceeding is pending at the time that the expulsion terminates, the superintendent of schools that expelled the pupil may file a motion with the court in which the proceeding is pending requesting an order extending the expulsion for the lesser of an additional eighty days or the number of school days remaining in the school year. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent and to the pupil and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe that the pupil committed the alleged violation that is the basis of the expulsion and, upon determining that reasonable cause to believe the pupil committed the violation does exist, shall grant the requested extension.

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the superintendent of public instruction pursuant to section 3301.121 and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the
hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of another district under division (A) of this section and the period of suspension, as established under that division, has not expired;

(b) The pupil has been expelled from the schools of another district under division (B) of this section and the period of the expulsion, as established under that division or as extended under division (F) of this section, has not expired.

If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than upon expiration of the suspension or expulsion period, as applicable.

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if the pupil has been expelled or otherwise removed for disciplinary purposes from a public school in another state and the period of expulsion or removal has not expired. If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than the earlier of the following:

(a) Upon expiration of the expulsion or removal period imposed by the out-of-state school;

(b) Upon expiration of a period established by the district, beginning with the date of expulsion or removal from the out-of-state school, that is no greater than the period of expulsion that the pupil would have received under the policy adopted by the district under section 3313.661 of the Revised Code had the offense that gave rise to the expulsion or removal by the out-of-state school been committed while the pupil was enrolled in the district.

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.
**ORC 3313.668. Removal from school based on absences.**

(A) On and after July 1, 2017, no school district or school shall suspend, expel, or remove a student from school under section 3313.66 of the Revised Code solely on the basis of the student's absences from school without legitimate excuse.

**REGULATIONS**

No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**ORC 3301.121. Adjudication procedure to determine whether to permanently exclude pupil.**

(A) In addition to the duties and responsibilities of the superintendent of public instruction set forth in section 3301.12 of the Revised Code, the superintendent, in accordance with this section and section 3313.662 of the Revised Code, shall conduct an adjudication procedure to determine whether to permanently exclude from attending any of the public schools of this state any pupil who is the subject of a resolution forwarded to the superintendent by a board of education pursuant to division (D) of section 3313.662 of the Revised Code.

(B)(1) Except as provided in division (B)(3) of this section, within fourteen days after receipt of a resolution forwarded by a board of education pursuant to division (D) of section 3313.662 of the Revised Code, the superintendent of public instruction or the superintendent's designee shall provide the pupil who is the subject of the resolution and that pupil's parent, guardian, or custodian with a notice of an opportunity for an adjudication hearing on the proposed permanent exclusion of the pupil from attending any of the public schools of this state. The notice shall include all of the following:

(a) The date, time, and place of the permanent exclusion adjudication hearing;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil may attend the adjudication hearing at the date, time, and place set forth in the notice, that the failure of the pupil or the pupil's parent, guardian, or custodian to attend the adjudication hearing will result in a waiver of the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, and that the pupil shall be accorded all of the following rights:

(i) The right to testify, to present evidence and the testimony of witnesses, and to confront, cross-examine, and compel the attendance of witnesses;

(ii) The right to a record of the hearing;

(iii) The right to written findings.

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil has the right to be represented by counsel at the adjudication hearing.

(d) A statement informing the pupil and the pupil's parent, guardian, or custodian that, if the pupil by failing to attend the hearing waives the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, the superintendent is required to review the information relevant to the permanent exclusion that is available to the superintendent and is permitted to enter an order requiring the pupil's permanent exclusion from attending any of the public schools of this state at any time within seven days after the conclusion of the adjudication hearing.
(2) The superintendent or the superintendent's designee shall provide the notice required by division (B)(1) of this section to the pupil and to the pupil's parent, guardian, or custodian by certified mail or personal service.

(3)(a) If a pupil who is the subject of a resolution forwarded to the superintendent of public instruction by a board of education pursuant to section 3313.662 of the Revised Code is in the custody of the department of youth services pursuant to a disposition under any provision of Chapter 2152. of the Revised Code, other than division (A)(1)(a) of section 2152.16 of the Revised Code, at the time the resolution is forwarded, the department shall notify in writing the superintendent of public instruction and the board of education that forwarded the resolution of that fact. Upon receipt of the notice, the superintendent shall delay providing the notice required by division (B)(1) of this section and the adjudication of the request for permanent exclusion until the superintendent receives further notice from the department pursuant to division (B)(3)(b) of this section.

(b) At least sixty days before a pupil described in division (B)(3)(a) of this section will be released from institutionalization or institutionalization in a secure facility by the department of youth services, the department shall notify in writing the superintendent of public instruction and the board of education that forwarded the resolution pursuant to section 3313.662 of the Revised Code of the impending release and shall provide in that notice information regarding the extent of the education the pupil received while in the custody of the department, including whether the pupil has obtained a certificate of high school equivalence. If the pupil has not obtained a certificate of high school equivalence while in the custody of the department of youth services, the superintendent of public instruction shall provide the notice required by division (B)(1) of this section and, at least thirty days before the pupil is to be released from institutionalization or institutionalization in a secure facility, conduct an adjudication procedure to determine whether to permanently exclude the pupil from attending the public schools of this state in accordance with this section. If the pupil has obtained a certificate of high school equivalence while in the custody of the department, the superintendent, in the superintendent's discretion, may conduct the adjudication.

(C)(1) Except as provided in division (B)(3) of this section, the date of the adjudication hearing set forth in the notice required by division (B)(1) of this section shall be a date no less than fourteen days nor more than twenty-one days from the date the superintendent sends the notice by certified mail or initiates personal service of the notice.

(2) The superintendent, for good cause shown on the written request of the pupil or the pupil's parent, guardian, or custodian, or on the superintendent's own motion, may grant reasonable continuances of any adjudication hearing held under this section but shall not grant either party total continuances in excess of ten days.

(3) If a pupil or the pupil's parent, guardian, or custodian does not appear at the adjudication hearing on a proposed permanent exclusion, the superintendent or the referee appointed by the superintendent shall proceed to conduct an adjudication hearing on the proposed permanent exclusion on the date for the adjudication hearing that is set forth in the notice provided pursuant to division (B)(1) of this section or on the date to which the hearing was continued pursuant to division (C)(2) of this section.

(D)(1) The superintendent or a referee appointed by the superintendent may conduct an adjudication hearing to determine whether to permanently exclude a pupil in one of the following counties:

(a) The county in which the superintendent holds the superintendent's office;

(b) Upon the request of the pupil or the pupil's parent, guardian, custodian, or attorney, in the county in which the board of education that forwarded the resolution requesting the permanent exclusion is located if the superintendent, in the superintendent's discretion and upon consideration of evidence of hardship presented on behalf of the requesting pupil, determines that the hearing should be conducted in that county.
(2) The superintendent of public instruction or a referee appointed by the superintendent shall conduct an adjudication hearing on a proposed permanent exclusion of a pupil. The referee may be an attorney admitted to the practice of law in this state but shall not be an attorney that represents the board of education that forwarded the resolution requesting the permanent exclusion.

(3) The superintendent or referee who conducts an adjudication hearing under this section may administer oaths, issue subpoenas to compel the attendance of witnesses and evidence, and enforce the subpoenas by a contempt proceeding in the court of common pleas as provided by law. The superintendent or referee may require the separation of witnesses and may bar from the proceedings any person whose presence is not essential to the proceedings.

(4) The superintendent of public instruction shall request the department of rehabilitation and correction, the sheriff, the department of youth services, or any publicly funded out-of-home care entity that has legal custody of a pupil who is the subject of an adjudication hearing held pursuant to this section to transport the pupil to the place of the adjudication hearing at the time and date set for the hearing. The department, sheriff, or publicly funded out-of-home care entity that receives the request shall provide transportation for the pupil who is the subject of the adjudication hearing to the place of the hearing at the time and date set for the hearing. The department, sheriff, or entity shall pay the cost of transporting the pupil to and from the hearing.

(E)(1) An adjudication hearing held pursuant to this section shall be adversary in nature, shall be conducted fairly and impartially, and may be conducted without the formalities of a criminal proceeding. A pupil whose permanent exclusion is being adjudicated has the right to be represented by counsel at the adjudication hearing. If the pupil has the financial capacity to retain counsel, the superintendent or the referee is not required to provide counsel for the pupil. At the adjudication hearing, the pupil also has the right to cross-examine witnesses against the pupil, to testify, to present evidence and the testimony of witnesses on the pupil's behalf, and to raise factors in mitigation of the pupil's being permanently excluded.

(2) In an adjudication hearing held pursuant to this section and section 3313.662 of the Revised Code, a representative of the school district of the board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil shall present the case for permanent exclusion to the superintendent or the referee. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing, the representative of the school district shall present evidence in support of the requested permanent exclusion. The superintendent or the superintendent's designee shall consider the entire school record of the pupil who is the subject of the adjudication and shall consider any of the following information that is available:

(a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved;
(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;
(c) The social history of the pupil;
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;

(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.

(3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order that proves the adjudication or conviction that is the basis for the resolution of the board of education seeking permanent exclusion is sufficient evidence to prove that the pupil committed a violation as specified in division (F)(1) of this section.

(4) The superintendent or the referee shall make or cause to be made a record of any adjudication hearing conducted pursuant to this section.

(5) A referee who conducts an adjudication hearing pursuant to this section shall promptly report the referee's findings in writing to the superintendent at the conclusion of the adjudication hearing.

(F) If an adjudication hearing is conducted or a determination is made pursuant to this section and section 3313.662 of the Revised Code, the superintendent shall review and consider the evidence presented, the entire school record of the pupil, and any available information described in divisions (E)(2)(a) to (i) of this section and shall not enter an order of permanent exclusion unless the superintendent or the superintendent's appointed referee finds, by a preponderance of the evidence, both of the following:

1. That the pupil was convicted of or adjudicated a delinquent child for committing a violation listed in division (A) of section 3313.662 of the Revised Code and that the violation was committed when the child was sixteen years of age or older;

2. That the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees.

(G)(1) Within seven days after the conclusion of an adjudication hearing that is conducted pursuant to this section, the superintendent of public instruction shall enter an order in relation to the permanent exclusion of the pupil who is the subject of the hearing or determination.

(2) If the superintendent or a referee makes the findings described in divisions (F)(1) and (2) of this section, the superintendent shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

   a. A copy of the order of permanent exclusion;

   b. A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent exclusion pursuant to division (I) of this section if a final judicial determination reverses the conviction or adjudication that was the basis for the permanent exclusion;

   c. A statement informing the pupil and the pupil's parent, guardian, or custodian of the provisions of divisions (F), (G), and (H) of section 3313.662 of the Revised Code.

(3) If the superintendent or a referee does not make the findings described in divisions (F)(1) and (2) of this section, the superintendent shall issue a written order that rejects the resolution of the board of education and immediately shall send written notice of that fact to the board of education that forwarded the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.
(H) A pupil may appeal an order of permanent exclusion made by the superintendent of public instruction pursuant to this section and section 3313.662 of the Revised Code to the court of common pleas of the county in which the board of education that forwarded the resolution requesting the permanent exclusion is located. The appeal shall be conducted in accordance with Chapter 2505. of the Revised Code.

(I) If a final judicial determination reverses the conviction or adjudication that is the basis of a permanent exclusion ordered under this section, the superintendent of public instruction, upon receipt of a certified copy of an order reflecting that final determination from the pupil or that pupil's parent, guardian, custodian, or attorney, shall revoke the order of permanent exclusion.

(J) As used in this section:

(1) “Permanently exclude” and “permanent exclusion” have the same meanings as in section 3313.662 of the Revised Code.

(2) “Out-of-home care” and “legal custody” have the same meanings as in section 2151.011 of the Revised Code.

(3) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.

ORC 3313.66. Suspension, expulsion, or permanent exclusion - removal from curricular or extracurricular activities.

(A)(1) Except as provided under division (B)(2) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full weekday of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;

(b) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent’s designee and challenge the reason for the intended suspension or otherwise to explain the pupil’s actions.

(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.
(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments missed because of a pupil’s suspension.

(a) The policy shall provide the pupil an opportunity to do both of the following:
   (i) Complete any classroom assignments missed because of the suspension;
   (ii) Receive at least partial credit for a completed assignment.

(b) The policy may permit grade reductions on account of the pupil’s suspension.

(c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil’s suspension.

(B)(1) Except as provided under division (B)(2), (3), or (4) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the district. The superintendent may reduce this disciplinary action on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(c) Any expulsion pursuant to division (B)(2) of this section shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. As used in this division, “firearm” has the same meaning as provided pursuant to the “Gun-Free Schools Act,” 115 Stat. 1762, 20 U.S.C. 7151.

(3) The board of education of a city, exempted village, or local school district may adopt a resolution authorizing the superintendent of schools to expel a pupil from school for a period not to exceed one year for bringing a knife capable of causing serious bodily injury to a school operated by the board, onto any other property owned or controlled by the board, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant, or for possessing a firearm or knife capable of serious bodily injury, at a school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, which firearm or knife was initially brought onto school board property by another person. The resolution may authorize the superintendent to extend such an expulsion, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a
criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(6) No pupil shall be expelled under division (B)(1), (2), (3), (4), or (5) of this section unless, prior to the pupil's expulsion, the superintendent does both of the following:

(a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to expel the pupil;

(b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's actions.

The notice required in this division shall include the reasons for the intended expulsion, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation.

(7) A superintendent of schools of a city, exempted village, or local school district shall initiate expulsion proceedings pursuant to this section with respect to any pupil who has committed an act warranting expulsion under the district's policy regarding expulsion even if the pupil has withdrawn from school for any reason after the incident that gives rise to the hearing but prior to the hearing or decision to impose the expulsion. If, following the hearing, the pupil would have been expelled for a period of time had the pupil still been enrolled in the school, the expulsion shall be imposed for the same length of time as on a pupil who has not withdrawn from the school.

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.
(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held on the next school day after the date of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

(4) If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil of the expulsion or suspension. In the case of an expulsion, the superintendent or principal, within one school day after the time of a pupil's expulsion, also shall notify in writing the treasurer of the board of education. Each notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the suspension or expulsion was based on a violation listed in division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation.

In accordance with the policy adopted by the board of education under section 3313.661 of the Revised Code, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal the expulsion or suspension to the board or its designee.

Any superintendent expelling a pupil under this section for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year shall, in the notice required under this division, provide the pupil and the pupil's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the incident that gave rise to the pupil's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

(E) A pupil or the pupil's parent, guardian, or custodian may appeal the pupil's expulsion by a superintendent or suspension by a superintendent, principal, assistant principal, or other administrator to
the board of education or to its designee. If the pupil or the pupil's parent, guardian, or custodian intends to appeal the expulsion or suspension to the board or its designee, the pupil or the pupil's parent, guardian, or custodian shall notify the board in the manner and by the date specified in the notice provided under division (D) of this section. The pupil or the pupil's parent, guardian, or custodian may be represented in all appeal proceedings and shall be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion. At the request of the pupil or of the pupil's parent, guardian, custodian, or attorney, the board or its designee may hold the hearing in executive session but shall act upon the suspension or expulsion only at a public meeting. The board, by a majority vote of its full membership or by the action of its designee, may affirm the order of suspension or expulsion, reinstate the pupil, or otherwise reverse, vacate, or modify the order of suspension or expulsion.

The board or its designee shall make a verbatim record of hearings held under this division. The decisions of the board or its designee may be appealed under Chapter 2506. of the Revised Code.

This section shall not be construed to require notice and hearing in accordance with division (A), (B), or (C) of this section in the case of normal disciplinary procedures in which a pupil is removed from a curricular activity for a period of less than one school day and is not subject to suspension or expulsion.

(F)(1) If a pupil is expelled pursuant to division (B) of this section for committing any violation listed in division (A) of section 3313.662 of the Revised Code and the pupil was sixteen years of age or older at the time of committing the violation, if a complaint, indictment, or information is filed alleging that the pupil is a delinquent child based upon the commission of the violation or the pupil is prosecuted as an adult for the commission of the violation, and if the resultant juvenile court or criminal proceeding is pending at the time that the expulsion terminates, the superintendent of schools that expelled the pupil may file a motion with the court in which the proceeding is pending requesting an order extending the expulsion for the lesser of an additional eighty days or the number of school days remaining in the school year. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent and to the pupil and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe that the pupil committed the alleged violation that is the basis of the expulsion and, upon determining that reasonable cause to believe the pupil committed the violation does exist, shall grant the requested extension.

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the superintendent of public instruction pursuant to section 3301.121 and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is
conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of another district under division (A) of this section and the period of suspension, as established under that division, has not expired;

(b) The pupil has been expelled from the schools of another district under division (B) of this section and the period of the expulsion, as established under that division or as extended under division (F) of this section, has not expired.

If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than upon expiration of the suspension or expulsion period, as applicable.

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if the pupil has been expelled or otherwise removed for disciplinary purposes from a public school in another state and the period of expulsion or removal has not expired. If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than the earlier of the following:

(a) Upon expiration of the expulsion or removal period imposed by the out-of-state school;

(b) Upon expiration of a period established by the district, beginning with the date of expulsion or removal from the out-of-state school, that is no greater than the period of expulsion that the pupil would have received under the policy adopted by the district under section 3313.661 of the Revised Code had the offense that gave rise to the expulsion or removal by the out-of-state school been committed while the pupil was enrolled in the district.

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

**ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.**

(A) [...] If a board of education adopts a resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the term "knife capable of causing serious bodily injury" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B)(4) or (5) of section 3313.66 of the Revised
Code, the policy shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. The policy also shall set forth the acts listed in section 3313.662 of the Revised Code for which a pupil may be permanently excluded.

The policy adopted under this division shall specify the date and manner by which a pupil or a pupil's parent, guardian, or custodian may notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal an expulsion or suspension to the board or its designee pursuant to division (E) of section 3313.66 of the Revised Code.

**ORC 3313.662. Adjudication order permanently excluding pupil from public schools.**

(A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

1. A violation of section 2923.122 of the Revised Code;
2. A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;
3. A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;
4. A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;
5. Complicity in any violation described in division (A)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.

(B) A pupil may be suspended or expelled in accordance with section 3313.66 of the Revised Code prior to being permanently excluded from public school attendance under this section and section 3301.121 of the Revised Code.

(C)(1) If the superintendents of a city, local, exempted village, or joint vocational school district in which a pupil attends school obtains or receives proof that the pupil has been convicted of committing when the pupil was sixteen years of age or older a violation listed in division (A) of this section or adjudicated a delinquent child for the commission when the pupil was sixteen years of age or older of a violation listed in division (A) of this section, the superintendent may issue to the board of education of the school district a request that the pupil be permanently excluded from public school attendance, if both of the following apply:
   a. After obtaining or receiving proof of the conviction or adjudication, the superintendent or the superintendent's designee determines that the pupil's continued attendance in school may endanger the health and safety of other pupils or school employees and gives the pupil and the pupil's parent, guardian, or custodian written notice that the superintendent intends to recommend to the board of
education that the board adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil from public school attendance.

(b) The superintendent or the superintendent's designee forwards to the board of education the superintendent's written recommendation that includes the determinations the superintendent or designee made pursuant to division (C)(1)(a) of this section and a copy of the proof the superintendent received showing that the pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of this section that was committed when the pupil was sixteen years of age or older.

(2) Within fourteen days after receipt of a recommendation from the superintendent pursuant to division (C)(1)(b) of this section that a pupil be permanently excluded from public school attendance, the board of education of a city, local, exempted village, or joint vocational school district, after review and consideration of all of the following available information, may adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil who is the subject of the recommendation from public school attendance:

(a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved;

(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;

(c) The social history of the pupil;

(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;

(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;

(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;

(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;

(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;

(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.

(3) If the board does not adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact to the superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.

(D)(1) Upon adoption of a resolution under division (C) of this section, the board of education immediately shall forward to the superintendent of public instruction the written resolution, proof of the conviction or adjudication that is the basis of the resolution, a copy of the pupil's entire school record, and any other relevant information and shall forward a copy of the resolution to the pupil who is the subject of the recommendation and to that pupil's parent, guardian, or custodian.

(2) The board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil to the superintendent of public instruction promptly shall designate a representative of the school district to present the case for permanent exclusion to the superintendent
or the referee appointed by the superintendent. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing held pursuant to section 3301.121 of the Revised Code, the representative of the school district shall present evidence in support of the requested permanent exclusion.

(3) Upon receipt of a board of education's resolution requesting the permanent exclusion of a pupil from public school attendance, the superintendent of public instruction, in accordance with the adjudication procedures of section 3301.121 of the Revised Code, promptly shall issue an adjudication order that either permanently excludes the pupil from attending any of the public schools of this state or that rejects the resolution of the board of education.

(E) Notwithstanding any provision of section 3313.64 of the Revised Code or an order of any court of this state that otherwise requires the admission of the pupil to a school, no school official in a city, local, exempted village, or joint vocational school district knowingly shall admit to any school in the school district a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction.

(F)(1)(a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue to the board of education of the school district a recommendation, including the reasons for the recommendation, that the permanent exclusion of a pupil be revoked and the pupil be allowed to return to the public schools of the state.

If any violation which in whole or in part gave rise to the permanent exclusion of any pupil involved the pupil's bringing a firearm to a school operated by the board of education of a school district or onto any other property owned or operated by such a board, no superintendent shall recommend under this division an effective date for the revocation of the pupil's permanent exclusion that is less than one year after the date on which the last such firearm incident occurred. However, on a case-by-case basis, a superintendent may recommend an earlier effective date for such a revocation for any of the reasons for which the superintendent may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.

(b) Upon receipt of the recommendation of the superintendent that a permanent exclusion of a pupil be revoked, the board of education of a city, local, exempted village, or joint vocational school district may adopt a resolution by a majority vote of its members requesting the superintendent of public instruction to revoke the permanent exclusion of the pupil. Upon adoption of the resolution, the board of education shall forward a copy of the resolution, the reasons for the resolution, and any other relevant information to the superintendent of public instruction.

(c) Upon receipt of a resolution of a board of education requesting the revocation of a permanent exclusion of a pupil, the superintendent of public instruction, in accordance with the adjudication procedures of Chapter 119. of the Revised Code, shall issue an adjudication order that revokes the permanent exclusion of the pupil from public school attendance or that rejects the resolution of the board of education.

(2)(a) A pupil who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code may request the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school to admit the pupil on a probationary basis for a period not to exceed ninety school days. Upon receiving the request, the superintendent may enter into discussions with the pupil and with the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian to develop a probationary admission plan designed to assist the pupil's probationary admission to the school. The plan may include a treatment program, a
behavioral modification program, or any other program reasonably designed to meet the educational needs of the child and the disciplinary requirements of the school.

If any violation which in whole or in part gave rise to the permanent exclusion of the pupil involved the pupil's bringing a firearm to a school operated by the board of education of any school district or onto any other property owned or operated by such a board, no plan developed under this division for the pupil shall include an effective date for the probationary admission of the pupil that is less than one year after the date on which the last such firearm incident occurred except that on a case-by-case basis, a plan may include an earlier effective date for such an admission for any of the reasons for which the superintendent of the district may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.

(b) If the superintendent of a school district, a pupil, and the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian agree upon a probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the superintendent of the school district shall issue to the board of education of the school district a recommendation that the pupil be allowed to attend school within the school district under probationary admission, the reasons for the recommendation, and a copy of the agreed upon probationary admission plan. Within fourteen days after the board of education receives the recommendation, reasons, and plan, the board may adopt the recommendation by a majority vote of its members. If the board adopts the recommendation, the pupil may attend school under probationary admission within that school district for a period not to exceed ninety days or any additional probationary period permitted under divisions (F)(2)(d) and (e) of this section in accordance with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section.

(c) If a pupil who is permitted to attend school under probationary admission pursuant to division (F)(2)(b) of this section fails to comply with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the superintendent of the school district immediately may remove the pupil from the school and issue to the board of education of the school district a recommendation that the probationary admission be revoked. Within five days after the board of education receives the recommendation, the board may adopt the recommendation to revoke the pupil's probationary admission by a majority vote of its members. If a majority of the board does not adopt the recommendation to revoke the pupil's probationary admission, the pupil shall continue to attend school in compliance with the pupil's probationary admission plan.

(d) If a pupil who is permitted to attend school under probationary admission pursuant to division (F)(2)(b) of this section complies with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the pupil or the pupil's parent, guardian, or custodian, at any time before the expiration of the ninety-day probationary admission period, may request the superintendent of the school district to extend the terms and period of the pupil's probationary admission for a period not to exceed ninety days or to issue a recommendation pursuant to division (F)(1) of this section that the pupil's permanent exclusion be revoked and the pupil be allowed to return to the public schools of this state.

(e) If a pupil is granted an extension of the pupil's probationary admission pursuant to division (F)(2)(d) of this section, the pupil or the pupil's parent, guardian, or custodian, in the manner described in that division, may request, and the superintendent and board, in the manner described in that division, may recommend and grant, subsequent probationary admission periods not to exceed ninety days each. If a pupil who is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, the pupil or the pupil's parent, guardian, or custodian may request a revocation of the pupil's permanent exclusion in the manner described in division (F)(2)(d) of this section.
(f) Any extension of a probationary admission requested by a pupil or a pupil's parent, guardian, or custodian pursuant to divisions (F)(2)(d) or (e) of this section shall be subject to the adoption and approval of a probationary admission plan in the manner described in divisions (F)(2)(a) and (b) of this section and may be terminated as provided in division (F)(2)(c) of this section.

(g) If the pupil has complied with any probationary admission plan and the superintendent issues a recommendation that seeks revocation of the pupil's permanent exclusion pursuant to division (F)(1) of this section, the pupil's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to division (F)(1) of this section.

(G)(1) Except as provided in division (G)(2) of this section, any information regarding the permanent exclusion of a pupil shall be included in the pupil's official records and shall be included in any records sent to any school district that requests the pupil's records.

(2) When a pupil who has been permanently excluded from public school attendance reaches the age of twenty-two or when the permanent exclusion of a pupil has been revoked, all school districts that maintain records regarding the pupil's permanent exclusion shall remove all references to the exclusion from the pupil's file and shall destroy them.

A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.

(H)(1) This section does not apply to any of the following:

(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code;

(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the state board of education under section 3301.16 of the Revised Code;

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that enters into a contract or agreement with a school district for the provision of educational services in a setting other than a setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours.

(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for a high school equivalency test approved by the department of education pursuant to division (B) of section 3301.80 of the Revised Code, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district.

(3) This section does not relieve any school district from any requirement under section 2151.362 or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code.

(I) As used in this section:

(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.
(2) “Permanent exclusion” means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(3) “Out-of-home care” has the same meaning as in section 2151.011 of the Revised Code.

(4) “Certificate of high school equivalence” has the same meaning as in section 4109.06 of the Revised Code.

(5) “Nonresidential youth treatment program” means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.


(7) “Minor drug possession offense” has the same meaning as in section 2925.01 of the Revised Code.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

**ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.**

(A)(1) Except as provided under division (B)(2) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full weekday of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;
(b) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent's designee and challenge the reason for the intended suspension or otherwise to explain the pupil's actions.

(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.

(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments missed because of a pupil's suspension.

   (a) The policy shall provide the pupil an opportunity to do both of the following:

   (i) Complete any classroom assignments missed because of the suspension;

   (ii) Receive at least partial credit for a completed assignment.

   (b) The policy may permit grade reductions on account of the pupil's suspension.

   (c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

(K) As used in this section:

   (1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

   (2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

ORC 3313.662. Adjudication order permanently excluding pupil from public schools.

(F)(1)(a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue to the board of education of the school district a recommendation, including the reasons for the recommendation, that the permanent exclusion of a pupil be revoked and the pupil be allowed to return to the public schools of the state.

If any violation which in whole or in part gave rise to the permanent exclusion of any pupil involved the pupil's bringing a firearm to a school operated by the board of education of a school district or onto any other property owned or operated by such a board, no superintendent shall recommend under this division an effective date for the revocation of the pupil's permanent exclusion that is less than one year after the date on which the last such firearm incident occurred. However, on a case-by-case basis, a superintendent may recommend an earlier effective date for such a revocation for any of the reasons for which the superintendent may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.

REGULATIONS
No relevant regulations found.
Use of restraint and seclusion

LAWS

ORC 3319.46. Policy and rules regarding positive behavior intervention supports and the use of physical restraint or seclusion on students; duties of board.

(A)(1) The state board of education shall adopt rules under Chapter 119. of the Revised Code that establish both of the following:

(a) A policy and standards for the implementation of positive behavior intervention and supports framework;

(b) A policy and standards for the use of physical restraint or seclusion on students.

(2) Within ninety days after the effective date of this amendment, the state board shall amend or update rule 3301-35-15 of the Administrative Code to reflect the requirements of this section.

(B)(1) Each school district board of education shall do all of the following:

(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;

(b) Comply with any policy and standards adopted, amended, or updated by the state board under this section;

(c) Submit any reports required by the department of education or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.

(2) Each school district's positive behavior intervention and supports framework may focus on the following:

(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;

(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;

(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition.

(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

(D) The department of education shall oversee each school district's and school's compliance with this section.

REGULATIONS

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(A) Notwithstanding rule 3301-35-01 of the Administrative Code, the following definitions apply for purposes of this rule:
(1) “Aversive behavioral interventions” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or taste.

(2) “Chemical restraint” means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

(a) Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and

(b) Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

(3) “Mechanical restraint” means:

(a) Any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body by using an appliance or device manufactured for this purpose; but

(b) Does not mean a device used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:

(i) Restraints for medical immobilization;

(ii) Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(4) “Parent” means:

(a) A biological or adoptive parent;

(b) A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);

(c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

(d) A surrogate parent who has been appointed in accordance with paragraph (E) of rule 3301-51-05 of the Administrative Code; or

(e) Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

(5) "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(6) “Physical restraint” means the use of physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

(a) To break up a fight;

(b) To knock a weapon away from a student's possession;

(c) To calm or comfort;

(d) To assist a student in completing a task/response if the student does not resist the contact; or
(e) To prevent an impulsive behavior that threatens the student's immediate safety (e.g. running in front of a car).

(7) "Positive behavior intervention and supports" means
(a) A school-wide systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and that
(b) Encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

(8) "Prone restraint" means physical or mechanical restraint while the individual is in the face-down position for an extended period of time.

(9) "School district" means a local, exempted village, city, joint vocational or cooperative education school district as defined in Chapter 3311. of the Revised Code; an educational service center that operates a school or educational program ; a community school as defined in Chapter 3314. of the Revised Code; a science, technology, engineering, and mathematics school as defined in Chapter 3326. of the Revised Code; or a college-preparatory boarding school as defined in Chapter 3328. of the Revised Code. For purposes of this rule, the term does not include schools operated in facilities under the jurisdiction of the department of rehabilitation and corrections or the department of youth services.

(10) "Seclusion" means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

(11) "Student" means a child or adult aged three to twenty-one enrolled in a school district.

(12) "Student personnel" means teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, or other school district staff who interact directly with students.

(13) "Timeout" means a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

(B) Implementation of positive behavior intervention and supports. Each school district shall implement positive behavior intervention and supports on a system-wide basis.

(C) Prohibition on certain practices. The following practices are prohibited by school personnel under any circumstance:

(1) Prone restraint;
(2) Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
   (a) Involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;
   (b) Uses pressure point, pain compliance, or joint manipulation techniques; or
   (c) Otherwise involves techniques that are used to unnecessarily cause pain.
(3) Corporal punishment;
(4) Child endangerment, as defined in section 2919.22 of the Revised Code;
(5) Deprivation of basic needs;
(6) Seclusion or restraint of preschool children in violation of paragraph (D) of rule 3301-37-10 of the Administrative Code;
(7) Chemical restraint;
(8) Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);

(9) Aversive behavioral interventions; or

(10) Seclusion in a locked room or area.

(D) Physical restraint.

(1) Prone restraint is prohibited.

(2) Physical restraint may be used only if

(a) A student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;

(b) The physical restraint does not obstruct the student's ability to breathe;

(c) The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(d) By school personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

(3) Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

(E) Seclusion

(1) Seclusion may be used only

(a) If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;

(b) As a last resort to provide an opportunity for the student to regain control of his or her actions;

(c) For the minimum amount of time necessary for the purpose of protecting the student and others from physical harm;

(d) In a room or area that:

(i) Is not locked;

(ii) Does not prevent the student from exiting the area should staff become incapacitated or leave the area; and

(iii) Provides adequate space, lighting, ventilation, and the ability to observe the student; and

(e) Under constant supervision by staff who are trained to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

(2) Seclusion may not be used for punishment or discipline, for the convenience of staff, or as a substitute for other less restrictive means of assisting a student in regaining control.

(F) Reporting and notification. Any incident of seclusion or restraint shall be immediately reported to building supervision and the parent. Any incident of seclusion or restraint shall be documented in a written report that is made available to the parent within twenty-four hours and that is maintained by the school district.

(G) Training and professional development. A school district shall ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques. The school district shall maintain written or electronic documentation on training provided and lists of participants in each training. Training on positive behavior intervention and supports is encouraged.
(H) Policies and procedures. A school district shall develop written policies and procedures concerning
the use of seclusion and restraint that are consistent with the policy on positive behavior interventions and
support, restraint and seclusion, as adopted by the state board of education January 2013
(education.ohio.gov). A district's complaint procedures shall include

(1) A procedure for a parent to present written complaints to the superintendent of the school district to
initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and

(2) A requirement that the school district shall respond to the parent in writing within thirty days of the
filing of a complaint regarding an incident of restraint or seclusion.

These policies and procedures shall be accessible on the district's website, and each district shall be
responsible for notifying all parents annually of its policies and procedures concerning seclusion and
restraint.

(I) Monitoring. A school district shall establish a procedure to monitor the implementation of this policy
and the district's policy on restraint and seclusion. Each school district shall make its records concerning
restraint and seclusion available to staff from the Ohio department of education upon request.

(J) Reporting. A school district shall annually report information regarding its use of restraint and
seclusion to the Ohio department of education in the form and manner as prescribed by the department.

Alternative placements

LAWS

ORC 3313.533. Alternative school - plan.
(A) The board of education of a city, exempted village, or local school district may adopt a resolution to
establish and maintain an alternative school in accordance with this section. The resolution shall specify,
but not necessarily be limited to, all of the following:

(1) The purpose of the school, which purpose shall be to serve students who are on suspension, who
are having truancy problems, who are experiencing academic failure, who have a history of class
disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who
have been discharged or released from the custody of the department of youth services under section
5139.51 of the Revised Code;

(2) The grades served by the school, which may include any of grades kindergarten through twelve;

(3) A requirement that the school be operated in accordance with this section. The board of education
adopting the resolution under division (A) of this section shall be the governing board of the alternative
school. The board shall develop and implement a plan for the school in accordance with the resolution
establishing the school and in accordance with this section. Each plan shall include, but not necessarily
be limited to, all of the following:

(a) Specification of the reasons for which students will be accepted for assignment to the school and
any criteria for admission that are to be used by the board to approve or disapprove the assignment
of students to the school;

(b) Specification of the criteria and procedures that will be used for returning students who have been
assigned to the school back to the regular education program of the district;

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and
reporting the results of the evaluation to the public.

(B) Notwithstanding any provision of Title XXXIII of the Revised Code to the contrary, the alternative
school plan may include any of the following:
(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;

(2) Restrictions on student participation in extracurricular or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by the district board of education.

(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division.

(F) Any individual employed as a teacher at an alternative school operated by a nonprofit or for profit entity under this section shall be licensed and shall be subject to background checks, as described in section 3319.39 of the Revised Code, in the same manner as an individual employed by a school district.

**ORC 3313.66. Suspension, expulsion, or permanent exclusion - removal from curricular or extracurricular activities.**

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

**REGULATIONS**

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

ORC 2923.122. Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone.

(A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:
   (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
   (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(D)(1) This section does not apply to any of the following:
   (a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;
   (b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (D)(1)(b) of this section does not apply to the person.

(2) Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
   (a) The person does not enter into a school building or onto school premises and is not at a school activity.
(b) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (8) of section 2923.126 of the Revised Code.

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

(b) The person leaves the handgun in a motor vehicle.

(c) The handgun does not leave the motor vehicle.

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(E)(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.

(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.

(F)(1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion,
instead may require the offender to perform community service for a number of hours determined by
the court.

(G) As used in this section, "object that is indistinguishable from a firearm" means an object made,
constructed, or altered so that, to a reasonable person without specialized training in firearms, the
object appears to be a firearm.

**ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or
extracurricular activities.**

(B)(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the
superintendent of schools of a city, exempted village, or local school district shall expel a pupil from
school for a period of one year for bringing a firearm to a school operated by the board of education of the
district or onto any other property owned or controlled by the board, except that the superintendent may
reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board
under section 3313.661 of the Revised Code.

(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil
from school for a period of one year for bringing a firearm to an interscholastic competition, an
extracurricular event, or any other school program or activity that is not located in a school or on
property that is owned or controlled by the district. The superintendent may reduce this disciplinary
action on a case-by-case basis in accordance with the policy adopted by the board under section
3313.661 of the Revised Code.

(c) Any expulsion pursuant to division (B)(2) of this section shall extend, as necessary, into the school
year following the school year in which the incident that gives rise to the expulsion takes place. As
used in this division, "firearm" has the same meaning as provided pursuant to the "Gun-Free Schools

**ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.**

(A) Subject to the limitations set forth in section 3313.668 of the Revised Code, the board of education of
each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion,
removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be
suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that
occurs off of property owned or controlled by the district but that is connected to activities or incidents that
have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless
of where it occurs, is directed at a district official or employee, or the property of such official or employee.
The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion
requirement in division (B)(2) of section 3313.66 of the Revised Code. If a board of education adopts a
resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the
term "knife capable of causing serious bodily injury” or “firearm,” as applicable, for purposes of expulsion
under that resolution and shall specify any reasons for which the superintendent of the district may
reduce any required expulsion period on a case-by-case basis. […]

**REGULATIONS**

No relevant regulations found.
Other weapons

LAWS

**ORC 2923.122. Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone.**

(A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:
   
   (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
   
   (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(D)(1) This section does not apply to any of the following:

   (a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;

   (b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (D)(1)(b) of this section does not apply to the person.

(2) Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

   (a) The person does not enter into a school building or onto school premises and is not at a school activity.

   (b) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

   (c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B)
(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (8) of section 2923.126 of the Revised Code.

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

(b) The person leaves the handgun in a motor vehicle.

(c) The handgun does not leave the motor vehicle.

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(E)(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.

(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.

(F)(1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(G) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.

(B)(3) The board of education of a city, exempted village, or local school district may adopt a resolution authorizing the superintendent of schools to expel a pupil from school for a period not to exceed one year for bringing a knife capable of causing serious bodily injury to a school operated by the board, onto any other property owned or controlled by the board, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant, or for possessing a firearm or knife capable of serious bodily injury, at a school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, which firearm or knife was initially brought onto school board property by another person. The resolution may authorize the superintendent to extend such an expulsion, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.

(A) Subject to the limitations set forth in section 3313.668 of the Revised Code, the board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the term “knife capable of causing serious bodily injury” or “firearm,” as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. […]

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

ORC 3313.534. Policy of zero tolerance for violent, disruptive or inappropriate behavior.

The board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior and establish strategies to address such behavior that range from prevention to intervention.

Each of the big eight school districts, as defined in section 3314.02 of the Revised Code, shall establish under section 3313.533 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not limited to, excessive disruption in the classroom and multiple suspensions or expulsions. Any other school district that attains after that date a significantly substandard graduation rate, as defined by the department of education, shall also establish such an alternative school under that section.
REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

**ORC 2151.011. Juvenile court definitions.**
(B) As used in this chapter:

(9) "Commit" means to vest custody as ordered by the court.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

**ORC 2151.022. Unruly child defined.**
As used in this chapter, "unruly child" includes any of the following:

(B) Any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant;

**ORC 3313.609. Grade promotion and retention policy.**
(A) As used in this section:

(1) "Truant" means absent without excuse.

(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student has been truant for more than ten per cent of the required attendance days of the current school year and has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

**ORC 3313.668. Removal from school based on absences.**
(A) On and after July 1, 2017, no school district or school shall suspend, expel, or remove a student from school under section 3313.66 of the Revised Code solely on the basis of the student's absences from school without legitimate excuse.
**ORC 3321.13. Duties of teacher and superintendent upon withdrawal or habitual absence of child from school - forms.**

(A) Whenever any child of compulsory school age withdraws from school the teacher of that child shall ascertain the reason for withdrawal. The fact of the withdrawal and the reason for it shall be immediately transmitted by the teacher to the superintendent of the city, local, or exempted village school district. If the child who has withdrawn from school has done so because of change of residence, the next residence shall be ascertained and shall be included in the notice thus transmitted. The superintendent shall thereupon forward a card showing the essential facts regarding the child and stating the place of the child's new residence to the superintendent of schools of the district to which the child has moved.

The superintendent of public instruction may prescribe the forms to be used in the operation of this division.

(B)(1) Upon receipt of information that a child of compulsory school age has withdrawn from school for a reason other than because of change of residence and is not enrolled in and attending in accordance with school policy an approved program to obtain a diploma or its equivalent, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located of the withdrawal and failure to enroll in and attend an approved program to obtain a diploma or its equivalent. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.

(2) The board of education of a school district may adopt a resolution providing that the provisions of division (B)(2) of this section apply within the district. The provisions of division (B)(2) of this section do not apply within any school district, and no superintendent of a school district shall send a notification of the type described in division (B)(2) of this section to the registrar of motor vehicles or the juvenile judge of the county in which the district is located, unless the board of education of the district has adopted such a resolution. If the board of education of a school district adopts a resolution providing that the provisions of division (B)(2) of this section apply within the district, and if the superintendent of schools of that district receives information that, during any semester or term, a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for more than sixty consecutive hours in a single month or for at least ninety hours in a school year, the superintendent shall notify the child and the child's parent, guardian, or custodian, in writing, that the information has been provided to the superintendent, that as a result of that information the child's temporary instruction permit or driver's license will be suspended or the opportunity to obtain such a permit or license will be denied, and that the child and the child's parent, guardian, or custodian may appear in person at a scheduled date, time, and place before the superintendent or a designee to challenge the information provided to the superintendent.

The notification to the child and the child's parent, guardian, or custodian required by division (B)(2) of this section shall set forth the information received by the superintendent and shall inform the child and the child's parent, guardian, or custodian of the scheduled date, time, and place of the appearance that they may have before the superintendent or a designee. The date scheduled for the appearance shall be no earlier than three and no later than five days after the notification is given, provided that an extension may be granted upon request of the child or the child's parent, guardian, or custodian. If an extension is granted, the superintendent shall schedule a new date, time, and place for the appearance and shall inform the child and the child's parent, guardian, or custodian of the new date, time, and place.

If the child and the child's parent, guardian, or custodian do not appear before the superintendent or a designee on the scheduled date and at the scheduled time and place, or if the child and the child's
parent, guardian, or custodian appear before the superintendent or a designee on the scheduled date and at the scheduled time and place but the superintendent or a designee determines that the information the superintendent received indicating that, during the semester or term, the child had been absent without legitimate excuse from the school the child was supposed to attend for more than sixty consecutive hours or for at least ninety total hours, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located that the child has been absent for that period of time and that the child does not have any legitimate excuse for the habitual absence. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the receipt of the information of the habitual absence from school without legitimate excuse, or, if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee to challenge the information, within two weeks after the appearance.

For purposes of division (B)(2) of this section, a legitimate excuse for absence from school includes, but is not limited to, the fact that the child in question has enrolled in another school or school district in this or another state, the fact that the child in question was excused from attendance for any of the reasons specified in section 3321.04 of the Revised Code, or the fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(3) Whenever a pupil is suspended or expelled from school pursuant to section 3313.66 of the Revised Code and the reason for the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to the registrar or a juvenile judge under division (B)(1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to the registrar and the juvenile judge under division (B)(1), (2), (3), or (4) of this section, that the notification was given in error, the superintendent immediately shall notify the registrar and the juvenile judge of that fact.

**ORC 3321.16. Investigation of nonattendance.**

(A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and
may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of specific direction.

(B)(1) Subject to divisions (B)(2) and (3) of this section, the attendance officer shall file a complaint in the juvenile court against a student on the sixty-first day after the implementation of an absence intervention plan or other intervention strategies, provided that all of the following apply:

(a) The student was absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(b) The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication described under division (C)(2)(b) of section 3321.191 of the Revised Code.

(c) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.

(2) If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan.

(3) In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty days from the first day of instruction of the next school year.

**ORC 3321.17. Attendance officer and assistants - powers.**

The attendance officer and assistants provided for by section 3321.14 or 3321.15 of the Revised Code shall be vested with police powers, may serve warrants, and may enter workshops, factories, stores, and all other places where children are employed and do whatever is necessary in the way of investigation or otherwise to enforce the laws relating to compulsory education and the employment of minors. The attendance officer or assistant may also take into custody any youth of compulsory school age not legally employed on an age and schooling certificate who is not attending school and shall conduct such youth to the school he has been attending or should rightfully attend.

**ORC 3321.18. Enforcement proceedings.**

The attendance officer provided for by section 3321.14 or 3321.15 of the Revised Code shall institute proceedings against any officer, parent, guardian, or other person violating laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described in sections 3321.14 to 3321.21 of the Revised Code, and perform any other service that the superintendent of schools or board of education of the district by which the attendance officer is employed considers necessary to preserve the morals and secure the good conduct of school children, and to enforce those laws. The attendance officer shall be furnished with copies of the enumeration in each school district in which the attendance officer serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration. The attendance officer and assistants shall cooperate with the director of commerce in enforcing the laws relating to the employment of minors. The attendance officer shall furnish upon request any data that the attendance officer and the attendance officer's assistants have collected in their reports of children from six to eighteen years of age.
and also concerning employers to the director and upon request to the state board of education. The attendance officer shall keep a record of the attendance officer’s transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by the superintendent. The state board of education may prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed.

**ORC 3321.19. Examination into cases of truancy - failure of parent, guardian or responsible person to cause child's attendance at school.**

(A) As used in this section and section 3321.191 of the Revised Code, "habitual truant" has the same meaning as in section 2151.011 of the Revised Code.

(B) When a board of education of any city, exempted village, local, joint vocational, or cooperative education school district or the governing board of any educational service center determines that a student in its district has been truant and the parent, guardian, or other person having care of the child has failed to cause the student's attendance at school, the board may require the parent, guardian, or other person having care of the child pursuant to division (B) of this section to attend an educational program established pursuant to rules adopted by the state board of education for the purpose of encouraging parental involvement in compelling the attendance of the child at school.

No parent, guardian, or other person having care of a child shall fail without good cause to attend an educational program described in this division if the parent, guardian, or other person has been served notice pursuant to division (C) of this section.

(C) On the request of the superintendent of schools, the superintendent of any educational service center, the board of education of any city, exempted village, local, joint vocational, or cooperative education school district, or the governing board of any educational service center or when it otherwise comes to the notice of the attendance officer or other appropriate officer of the school district, the attendance officer or other appropriate officer shall examine into any case of supposed truancy within the district and shall warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of being truant. When any child of compulsory school age, in violation of law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, subject to divisions (D) and (E) of this section, may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.

(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3 321.16 of the Revised Code. A complaint filed in the
juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.

**ORC 3321.141. Contacting parent, guardian, or other person having care of any absent student.**

(A) (1) Within one hundred twenty minutes after the beginning of each school day, the attendance officer, attendance officer’s assistant for each individual school building, or other person the attendance officer designates to take attendance for each school building shall make at least one attempt to contact, in accordance with division (A)(2) of this section, the parent, guardian, or other person having care of any student who was absent without legitimate excuse from the school the student is required to attend as of the beginning of that school day.

(2) An attempt to contact a student’s parent, guardian, or other person having care of the student shall be made through one of the following methods:

(a) A telephone call placed in person;

(b) An automated telephone call via a system that includes verification that each call was actually placed, and either the call was answered by its intended recipient or a voice mail message was left by the automated system relaying the required information;

(c) A notification sent through the school’s automated student information system;

(d) A text-based communication sent to the parent’s, guardian’s, or other person’s electronic wireless communications device, as defined in division (G)(1) of section 4511.204 of the Revised Code;

(e) A notification sent to the electronic mail address of the parent, guardian, or other person;

(f) A visit, in person, to the student’s residence of record;

(g) Any other notification procedure that has been adopted by resolution of the board of education of a school district.

(B) If the parent, guardian, or other person having care of a student initiates a telephone call or other communication notifying the school or building administration of the student’s excused or unexcused absence within one hundred twenty minutes after the beginning of the school day, the school is under no further obligation with respect to the requirement prescribed in division (A) of this section.

(C) A school district, or any officer, director, employee, or member of the school district board of education is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from an employee’s action or inaction in good faith compliance with this section. This section does not eliminate, limit, or reduce any other immunity or defense that a person may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) This section does not apply to either of the following:

(1) Students who are in home-based, online, or internet-or computer-based instruction;
(2) Instances where a student was not expected to be in attendance at a particular school building due
to that student’s participation in off-campus activities, including but not limited to participation in the
college credit plus program established under Chapter 3365. of the Revised Code.

**ORC 3321.191. Board to adopt policy concerning habitual truancy; intervention strategies.**

(A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted
village, local, joint vocational, and cooperative education school district and the governing board of each
educational service center shall adopt a new or amended policy to guide employees of the school district
or service center in addressing and ameliorating student absences. In developing the policy, the
appropriate board shall consult with the judge of the juvenile court of the county or counties in which the
district or service center is located, with the parents, guardians, or other persons having care of the pupils
attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of
the following actions, if applicable:

1. Providing a truancy intervention plan for any student who is excessively absent from school, as
described in the first paragraph of division (C) of this section;
2. Providing counseling for an habitual truant;
3. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to
attend parental involvement programs, including programs adopted under section 3313.472 or
3313.663 of the Revised Code;
4. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to
attend truancy prevention mediation programs;
5. Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;
6. Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.

(C)(1) In the event that a child of compulsory school age is absent with a nonmedical excuse or without
legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in
one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall
notify the child’s parent, guardian, or custodian of the child’s absences, in writing, within seven days after
the date after the absence that triggered the notice requirement. At the time notice is given, the school
also may take any appropriate action as an intervention strategy contained in the policy developed by the
board pursuant to division (A) of this section.

(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section
2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent
of the school district shall assign the student to an absence intervention team. Within fourteen school days
after the assignment of a student to an absence intervention team, the team shall develop an
intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention
plan shall vary based on the individual needs of the student, but the plan shall state that the attendance
officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the
child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an
alternative to adjudication under division (C)(2)(b) of section 3321.191 of the Revised Code. Within
seven days after the development of the plan, the school district or school shall make reasonable efforts
to provide the student’s parent, guardian, custodian, guardian ad litem, or temporary custodian with
written notice of the plan.

(b) As part of the absence intervention plan described in division (C)(2) of this section, the school
district or school, in its discretion, may contact the appropriate juvenile court and ask to have a
student informally enrolled in any alternative to adjudication described in division (G) of section
2151.27 of the Revised Code. If the school district or school chooses to have students informally enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent’s designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence intervention team as permitted under division (C)(2)(d) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child’s school district or school, another representative from the child’s school district or school who knows the child, and the child’s parent or parent’s designee, or the child’s guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(d) The principal or chief administrator of each school may establish an absence intervention team or series of teams to be used in lieu of the district team established pursuant to division (C)(2)(c) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child’s school district or school, another representative from the child’s school district or school who knows the child, and the child’s parent or parent’s designee, or the child’s guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(e) A superintendent, as described in division (C)(2)(c) of this section, or principal or chief administrator, as described in division (C)(2)(d) of this section, shall select the members of an absence intervention team within seven school days of the triggering event described in division (C)(2)(a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student’s parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student’s parent responds to any of those attempts, but is unable to participate for any reason, the representative of the school district shall inform the parent of the parent’s right to appear by designee. If seven school days elapse and the student’s parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child’s parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child’s parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this method, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.
(3) For purposes of divisions (C)(2)(c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code.

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department of education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

1. When a notice required by division (C)(1) of this section is submitted to a parent, guardian, or custodian;
2. When a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year;
3. When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;
4. When an absence intervention plan has been implemented for a child under this section.

(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code.

**ORC 3321.20. Warning of legal consequences of truancy - complaint.**

When any child, in violation of section 3321.08 or 3321.09 of the Revised Code, is not attending a part-time school or class, the attendance officer shall warn the child and the child's parent, guardian, or other person in charge of the child in writing of the legal consequences of the child's failure to attend the part-time school or class. If the parent, guardian, or other person in charge of that child fails to cause the child's attendance at the part-time school or class, the attendance officer shall make complaint against the parent, guardian, or other person in charge of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is required to attend the part-time school or class.

**ORC 4510.32. Suspension of license of minor upon withdrawal from school or habitual absence.**

(A) The registrar of motor vehicles shall record within ten days of receipt and keep at the main office of the bureau of motor vehicles all information provided to the registrar by the superintendent of a school district in accordance with division (B) of section 3321.13 of the Revised Code.

(B) Whenever the registrar receives a notice under division (B) of section 3321.13 of the Revised Code, the registrar shall impose a class F suspension of the temporary instruction permit or driver's license of the person who is the subject of the notice for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code, or, if the person has not been issued a temporary instruction permit or driver's license, the registrar shall deny to the person the issuance of a permit or license. The requirements of the second paragraph of section 119.06 of the Revised Code do not apply to a suspension of a person's temporary instruction permit or driver's license or a denial of a person's opportunity to obtain a temporary instruction permit or driver's license by the registrar under this division.
(C) Upon suspending the temporary instruction permit or driver's license of any person or denying any person the opportunity to be issued such a license or permit as provided in division (B) of this section, the registrar immediately shall notify the person in writing of the suspension or denial and inform the person that the person may petition for a hearing as provided in division (E) of this section.

(D) Any person whose permit or license is suspended under this section shall mail or deliver the person's permit or license to the registrar of motor vehicles within twenty days of notification of the suspension; however, the person's permit or license and the person's driving privileges shall be suspended immediately upon receipt of the notification. The registrar may retain the permit or license during the period of the suspension or the registrar may destroy it under section 4510.52 of the Revised Code.

(E) Any person whose temporary instruction permit or driver's license has been suspended, or whose opportunity to obtain such a permit or license has been denied pursuant to this section, may file a petition in the juvenile court in whose jurisdiction the person resides alleging error in the action taken by the registrar under division (B) of this section or alleging one or more of the matters within the scope of the hearing, as described in this division, or both. The petitioner shall notify the registrar and the superintendent of the school district who gave the notice to the registrar and juvenile judge under division (B) of section 3321.13 of the Revised Code of the filing of the petition and send them copies of the petition. The scope of the hearing is limited to the issues of whether the notice given by the superintendent to the registrar was in error and whether the suspension or denial of driving privileges will result in substantial hardship to the petitioner.

The registrar shall furnish the court a copy of the record created in accordance with division (A) of this section. The registrar and the superintendent shall furnish the court with any other relevant information required by the court.

In hearing the matter and determining whether the petitioner has shown that the petitioner's temporary instruction permit or driver's license should not be suspended or that the petitioner's opportunity to obtain such a permit or license should not be denied, the court shall decide the issue upon the information furnished by the registrar and the superintendent and any such additional evidence that the registrar, the superintendent, or the petitioner submits.

If the court finds from the evidence submitted that the petitioner has failed to show error in the action taken by the registrar under division (B) of this section and has failed to prove any of the matters within the scope of the hearing, then the court may assess the cost of the proceeding against the petitioner and shall uphold the suspension of the petitioner's permit or license or the denial of the petitioner's opportunity to obtain a permit or license. If the court finds that the petitioner has shown error in the action taken by the registrar under division (B) of this section or has proved one or more of the matters within the scope of the hearing, or both, the cost of the proceeding shall be paid out of the county treasury of the county in which the proceedings were held, and the suspension of the petitioner's permit or license or the denial of the person's opportunity to obtain a permit or license shall be terminated.

(F) The registrar shall cancel the record created under this section of any person who is the subject of a notice given under division (B) of section 3321.13 of the Revised Code and shall terminate the suspension of the person's permit or license or the denial of the person's opportunity to obtain a permit or license, if any of the following applies:

1. The person is at least eighteen years of age.
2. The person provides evidence, as the registrar shall require by rule, of receipt of a high school diploma or a certificate of high school equivalence.
3. The superintendent of a school district informs the registrar that the notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion concerning the person was in error.
(4) The suspension or denial was imposed subsequent to a notification given under division (B)(3) or (4) of section 3321.13 of the Revised Code, and the superintendent of a school district informs the registrar that the person in question has satisfied any terms or conditions established by the school as necessary to terminate the suspension or denial of driving privileges.

(5) The suspension or denial was imposed subsequent to a notification given under division (B)(1) of section 3321.13 of the Revised Code, and the superintendent of a school district informs the registrar that the person in question is now attending school or enrolled in and attending an approved program to obtain a diploma or its equivalent to the satisfaction of the school superintendent.

(6) The suspension or denial was imposed subsequent to a notification given under division (B)(2) of section 3321.13 of the Revised Code, the person has completed at least one semester or term of school after the one in which the notification was given, the person requests the superintendent of the school district to notify the registrar that the person no longer is habitually absent without legitimate excuse, the superintendent determines that the person has not been absent from school without legitimate excuse in the current semester or term, as determined under that division, for more than sixty consecutive hours or for more than ninety total hours, and the superintendent informs the registrar of that fact. If a person described in division (F)(6) of this section requests the superintendent of the school district to notify the registrar that the person no longer is habitually absent without legitimate excuse and the superintendent makes the determination described in this division, the superintendent shall provide the information described in division (F)(6) of this section to the registrar within five days after receiving the request.

(7) The suspension or denial was imposed subsequent to a notification given under division (B)(2) of section 3321.13 of the Revised Code, and the superintendent of a school district informs the registrar that the person in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(8) The person filed a petition in court under division (E) of this section and the court found that the person showed error in the action taken by the registrar under division (B) of this section or proved one or more of the matters within the scope of the hearing on the petition, as set forth in division (E) of this section, or both.

At the end of the suspension period under this section and upon the request of the person whose temporary instruction permit or driver's license was suspended, the registrar shall return the driver's license or permit to the person or reissue the person's license or permit under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license or permit under that section.

REGULATIONS

OAC 3301-35-04. Student and other stakeholder focus.
(A) To ensure that student and other stakeholder needs are understood and addressed, the school district or school shall

(1) Establish and communicate clear, high expectations for academic performance, attendance and conduct for all students regardless of gender, race, ethnicity, English proficiency or disability;

Substance use

LAWS

ORC 3313.751. Prohibition against tobacco possession or use.
(A) As used in this section:
(1) "School district" means a city, local, exempted village, or joint vocational school district.

(2) "Smoke" means to burn any substance containing tobacco, including a lighted cigarette, cigar, or pipe, or to burn a clove cigarette.

(3) "Use tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco.

(B) No pupil shall smoke or use tobacco or possess any substance containing tobacco in any area under the control of a school district or an educational service center or at any activity supervised by any school operated by a school district or an educational service center.

(C) No pupil shall use or possess any substance containing betel nut in any area under the control of a school district or an educational service center or at any activity supervised by any school operated by a school district or an educational service center.

(D) The board of education of each school district and the governing board of each educational service center shall adopt a policy providing for the enforcement of division (B) of this section and establishing disciplinary measures for a violation of division (B) of this section.

**ORC 3321.13. Duties of teacher and superintendent upon withdrawal or habitual absence of child from school - forms.**

(B)(3) Whenever a pupil is suspended or expelled from school pursuant to section 3313.66 of the Revised Code and the reason for the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

**REGULATIONS**

No relevant regulations found.

**Bullying, harassment, or hazing**

**LAWS**

**ORC 2903.3. Hazing.**

(A) As used in this section, “hazing” means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

(B)(1) No person shall recklessly participate in the hazing of another.

(2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.

(C) Whoever violates this section is guilty of hazing, a misdemeanor of the fourth degree.

**ORC 3301.22. Model harassment prevention policy.**

The state board of education shall develop a model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies under section 3313.666 of the Revised Code. The board shall issue the model policy within six months after the effective date of this section.
ORC 3313.666. District policy prohibiting harassment, intimidation, or bullying required.  
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

1. A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;
2. A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;
3. A procedure for reporting prohibited incidents;
4. A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;
5. A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232g, as amended, have access to any written reports pertaining to the prohibited incident;
6. A procedure for documenting any prohibited incident that is reported;
7. A procedure for responding to and investigating any reported incident;
8. A strategy for protecting a victim or other person from new or additional harassment, intimidation, or bullying, and from retaliation following a report, including a means by which a person may report an incident anonymously;
9. A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student’s rights under the first amendment to the Constitution of the United States;
10. A statement prohibiting students from deliberately making false reports of harassment, intimidation, or bullying and a disciplinary procedure for any student responsible for deliberately making a false report of that nature;
11. A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232g, as amended.

ORC 3313.667. District bullying prevention initiatives.  
(A) Any school district may form bullying prevention task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall provide training, workshops, or courses on the district’s harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students and are not subject to section 3319.073 of the Revised Code. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements.

REGULATIONS
No relevant regulations found.
Other special infractions or conditions

LAWS

ORC 3313.752. Posting of warning concerning anabolic steroids to be posted in locker rooms.
As used in this section, "anabolic steroid" has the same meaning as in section 3719.41 of the Revised Code. The board of education of each city, local, exempted village, and joint vocational school district shall require the following warning to be conspicuously posted in the locker rooms of each of the district's school buildings that includes any grade higher than sixth grade:
"Warning: Improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

ORC 3313.753. Prohibition against students carrying electronic communications devices.
(A) As used in this section:
   (1) "Electronic communications device" means any device that is powered by batteries or electricity and that is capable of receiving, transmitting, or receiving and transmitting communications between two or more persons or a communication from or to a person.
   (2) "Pocket pager" means any device that can be carried by a person, that is capable of receiving a radio signal or other telecommunications signal, and that emits a signal upon receipt of a radio or other telecommunications signal.
   (3) "School" means any school that is operated by a board of education of a city, local, exempted village, or joint vocational school district.
   (4) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted.
   (5) "School grounds or premises" means either of the following:
      (a) The parcel of real property on which any school building is situated;
      (b) Any other parcel of real property that is owned or leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted.
   (B) The board of education of any city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy prohibiting pupils from carrying a pocket pager or other electronic communications device in any school building or on any school grounds or premises of the district. The policy may provide for exceptions to this prohibition as specified in the policy. The policy shall specify any disciplinary measures that will be taken for violation of this prohibition. If a board of education adopts a policy under this section, the board shall post the policy in a central location in each school building and make it available to pupils and parents upon request.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

**LAWS**

**ORC 3313.534. Policy of zero tolerance for violent, disruptive or inappropriate behavior.**
The board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior and establish strategies to address such behavior that range from prevention to intervention.

Each of the big eight school districts, as defined in section 3314.02 of the Revised Code, shall establish under section 3313.533 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not limited to, excessive disruption in the classroom and multiple suspensions or expulsions. Any other school district that attains after that date a significantly substandard graduation rate, as defined by the department of education, shall also establish such an alternative school under that section.

**ORC 3313.667. District bullying prevention initiatives.**

(A) Any school district may form bullying prevention task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall provide training, workshops, or courses on the district’s harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students and are not subject to section 3319.073 of the Revised Code. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements.

**REGULATIONS**

No relevant regulations found.

Behavioral interventions and student support services

**LAWS**

**ORC 3313.534. Policy of zero tolerance for violent, disruptive or inappropriate behavior.**
The board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior and establish strategies to address such behavior that range from prevention to intervention.

Each of the big eight school districts, as defined in section 3314.02 of the Revised Code, shall establish under section 3313.533 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not limited to, excessive disruption in the classroom and multiple suspensions or expulsions. Any other school district that attains after that date a significantly substandard graduation rate, as defined by the department of education, shall also establish such an alternative school under that section.
**ORC 3313.66. Suspension, expulsion or permanent exclusion - removal from curricular or extracurricular activities.**

(B)(7)(D)[…] Any superintendent expelling a pupil under this section for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year shall, in the notice required under this division, provide the pupil and the pupil's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the incident that gave rise to the pupil's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

**ORC 3319.46 Policy and rules regarding positive behavior intervention supports and the use of physical restraint or seclusion on students; duties of board.**

(A)(1) The state board of education shall adopt rules under Chapter 119. of the Revised Code that establish both of the following:

(a) A policy and standards for the implementation of positive behavior intervention and supports framework;

(b) A policy and standards for the use of physical restraint or seclusion on students.

(2) Within ninety days after the effective date of this amendment, the state board shall amend or update rule 3301-35-15 of the Administrative Code to reflect the requirements of this section.

(B)(1) Each school district board of education shall do all of the following:

(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;

(b) Comply with any policy and standards adopted, amended, or updated by the state board under this section;

(c) Submit any reports required by the department of education or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.

(2) Each school district's positive behavior intervention and supports framework may focus on the following:

(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;

(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;

(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition.

(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

(D) The department of education shall oversee each school district's and school's compliance with this section.
REGULATIONS

OAC 3301-35-06. Educational programs and support.

(I) Educational support services

(c) Services that identify student health and safety concerns and opportunities for access to appropriate related resources. These services shall be consistent with the Revised Code as stated below and determined by the local board of education and school district in collaboration with stakeholders, and shall include: (vi) A safety plan, for each school district building, which complies with section 3313.536 of the Revised Code;

(d) Positive behavior intervention supports to ensure a safe and secure learning environment;

(e) Student attendance strategies in accordance with section 3321.04 of the Revised Code;

(f) A comprehensive student conduct code that is in accordance with sections 3313.66, 3313.661 and 3313.662 of the Revised Code;

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(B) Implementation of positive behavior intervention and supports. Each school district shall implement positive behavior intervention and supports on a system-wide basis.

Professional development

LAWS

ORC 3313.667. District bullying prevention initiatives.

(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall provide training, workshops, or courses on the district’s harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students and are not subject to section 3319.073 of the Revised Code. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements.

ORC 3319.073 In-service training in child abuse prevention programs, school safety and violence prevention, and training on the board’s harassment, intimidation, or bullying policy.

(A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.
(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board.

ORC 3319.237 Courses to teach in grades pre-K through 5; curriculum; continuing education.

(A) The standards for the preparation of teachers adopted under section 3333.048 of the Revised Code shall require each institution that provides a teacher preparation program to include a semester course, or the equivalent, for all students pursuing a license to teach in any of grades pre-kindergarten through five that includes instruction on all of the following:

1. Positive behavior intervention and supports and social-emotional development;
2. Classroom systems for establishing the foundation for positive behavior, such as supervision, acknowledgment, prompts, and precorrection;
3. Classroom systems for responding to unwanted behavior, including error correction and other strategies;
4. Classroom data collection systems;
5. Effective instructional strategies and how to implement them with fidelity;
6. Matching curriculum to student needs and data;
7. The impact of trauma, toxic stress, and other environmental variables on learning behavior.

(B) Within three years after the effective date of this section, each school district shall provide professional development or continuing education in positive behavior intervention and supports, as part of the school-wide implementation of the positive behavior intervention and supports framework required under section 3319.46 of the Revised Code, to all of the following:

1. Any of the district's teachers who teach in buildings that serve students in any of grades pre-kindergarten through three and who completed a teacher preparation program prior to the effective date of this section;
2. All of the district's administrators who serve students in any of grades pre-kindergarten through three, including the school district superintendent, building principals, and assistant principals, who
have not already completed a course of instruction, professional development, or continuing education in positive behavior intervention and supports. Each district’s local professional development committee, established under section 3319.22 of the Revised Code, shall monitor compliance with division (B) of this section and shall establish model professional development courses to assist in that compliance.

REGULATIONS

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(G) Training and professional development. A school district shall ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques. The school district shall maintain written or electronic documentation on training provided and lists of participants in each training. Training on positive behavior intervention and supports is encouraged.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

ORC 3319.45. Principal to report certain serious violations by pupil to superintendent and law enforcement officer.

If a principal of a public school in a city, local, exempted village, or joint vocational school district, acting in his official or professional capacity, has knowledge of or has observed a pupil committing a violation listed in division (A) of section 3313.662 of the Revised Code, regardless of whether or not the pupil was sixteen years of age or older at the time of the commission of the act or violation, and the violation was committed on property owned and controlled by, or at any activity held under the auspices of, the board of education of the school district, both of the following apply:

(A) The principal, within one school day after obtaining his knowledge of or observing the act or violation, shall report the violation to the superintendent of the school district in which the school is located or to the designee of the superintendent.

REGULATIONS

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(F) Reporting and notification. Any incident of seclusion or restraint shall be immediately reported to building supervision and the parent. Any incident of seclusion or restraint shall be documented in a written report that is made available to the parent within twenty-four hours and that is maintained by the school district.

Parental notification

LAWS

ORC 3313.66. Suspension, expulsion, or permanent exclusion - removal from curricular or extracurricular activities.

(B)(6) No pupil shall be expelled under division (B)(1), (2), (3), (4), or (5) of this section unless, prior to the pupil's expulsion, the superintendent does both of the following:

(a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to expel the pupil;

(b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's actions.

The notice required in this division shall include the reasons for the intended expulsion, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's
parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil of the expulsion or suspension. In the case of an expulsion, the superintendent or principal, within one school day after the time of a pupil's expulsion, also shall notify in writing the treasurer of the board of education. Each notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the suspension or expulsion was based on a violation listed in division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation.

In accordance with the policy adopted by the board of education under section 3313.661 of the Revised Code, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal the expulsion or suspension to the board or its designee.

Any superintendent expelling a pupil under this section for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year shall, in the notice required under this division, provide the pupil and the pupil's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the incident that gave rise to the pupil's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

**ORC 3313.205. Notification of student's absence from school.**

The board of education of each school district shall adopt a written policy with respect to the notification of a student's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian or any other person responsible for the student within a reasonable time after the determination that the student is absent from school. The student's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian or any other person responsible for the student shall provide the school that the student attends a current address and a telephone number at which the student's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian or any other person that is responsible for the student can receive notice that the student is absent from school.

**ORC 3321.13. Duties of teacher and superintendent upon withdrawal or habitual absence of child from school - forms.**

(B)(2) The board of education of a school district may adopt a resolution providing that the provisions of division (B)(2) of this section apply within the district. The provisions of division (B)(2) of this section do not apply within any school district, and no superintendent of a school district shall send a notification of the type described in division (B)(2) of this section to the registrar of motor vehicles or the juvenile judge of the county in which the district is located, unless the board of education of the district has adopted such
a resolution. If the board of education of a school district adopts a resolution providing that the provisions of division (B)(2) of this section apply within the district, and if the superintendent of schools of that district receives information that, during any semester or term, a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for more than sixty consecutive hours in a single month or for at least ninety hours in a school year, the superintendent shall notify the child and the child's parent, guardian, or custodian, in writing, that the information has been provided to the superintendent, that as a result of that information the child's temporary instruction permit or driver's license will be suspended or the opportunity to obtain such a permit or license will be denied, and that the child and the child's parent, guardian, or custodian may appear in person at a scheduled date, time, and place before the superintendent or a designee to challenge the information provided to the superintendent.

The notification to the child and the child's parent, guardian, or custodian required by division (B)(2) of this section shall set forth the information received by the superintendent and shall inform the child and the child's parent, guardian, or custodian of the scheduled date, time, and place of the appearance that they may have before the superintendent or a designee. The date scheduled for the appearance shall be no earlier than three and no later than five days after the notification is given, provided that an extension may be granted upon request of the child or the child's parent, guardian, or custodian. If an extension is granted, the superintendent shall schedule a new date, time, and place for the appearance and shall inform the child and the child's parent, guardian, or custodian of the new date, time, and place.

If the child and the child's parent, guardian, or custodian do not appear before the superintendent or a designee on the scheduled date and at the scheduled time and place, or if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee on the scheduled date and at the scheduled time and place but the superintendent or a designee determines that the information the superintendent received indicating that, during the semester or term, the child had been absent without legitimate excuse from the school the child was supposed to attend for more than sixty consecutive hours or for at least ninety total hours, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located that the child has been absent for that period of time and that the child does not have any legitimate excuse for the habitual absence. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the receipt of the information of the habitual absence from school without legitimate excuse, or, if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee to challenge the information, within two weeks after the appearance.

For purposes of division (B)(2) of this section, a legitimate excuse for absence from school includes, but is not limited to, the fact that the child in question has enrolled in another school or school district in this or another state, the fact that the child in question was excused from attendance for any of the reasons specified in section 3321.04 of the Revised Code, or the fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

**ORC 3321.19. Examination into cases of truancy - failure of parent, guardian or responsible person to cause child's attendance at school.**

(C) On the request of the superintendent of schools, the superintendent of any educational service center, the board of education of any city, exempted village, local, joint vocational, or cooperative education school district, or the governing board of any educational service center or when it otherwise comes to the notice of the attendance officer or other appropriate officer of the school district, the attendance officer or other appropriate officer shall examine into any case of supposed truancy within the district and shall
warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of being truant. When any child of compulsory school age, in violation of law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, subject to divisions (D) and (E) of this section, may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

REGULATIONS

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(F) Reporting and notification. Any incident of seclusion or restraint shall be immediately reported to building supervision and the parent. Any incident of seclusion or restraint shall be documented in a written report that is made available to the parent within twenty-four hours and that is maintained by the school district.

(H) Policies and procedures. A school district shall develop written policies and procedures concerning the use of seclusion and restraint that are consistent with the policy on positive behavior interventions and support, restraint and seclusion, as adopted by the state board of education January 2013 (education.ohio.gov). A district's complaint procedures shall include

1. A procedure for a parent to present written complaints to the superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and
2. A requirement that the school district shall respond to the parent in writing within thirty days of the filing of a complaint regarding an incident of restraint or seclusion.

These policies and procedures shall be accessible on the district's website, and each district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

Reporting and referrals between schools and law enforcement

LAWS

ORC 3319.45. Principal to report certain serious violations by pupil to superintendent and law enforcement officer.

If a principal of a public school in a city, local, exempted village, or joint vocational school district, acting in his official or professional capacity, has knowledge of or has observed a pupil committing a violation listed in division (A) of section 3313.662 of the Revised Code, regardless of whether or not the pupil was sixteen years of age or older at the time of the commission of the act or violation, and the violation was committed on property owned and controlled by, or at any activity held under the auspices of, the board of education of the school district, both of the following apply:
(A) The principal, within one school day after obtaining his knowledge of or observing the act or violation, shall report the violation to the superintendent of the school district in which the school is located or to the designee of the superintendent.

(B) The principal, within a reasonable period of time after obtaining his knowledge of or observing the act or violation, may report the act or violation to a law enforcement officer of the jurisdiction in which the violation occurred or, if the pupil is a juvenile, report the violation to either a law enforcement officer of the jurisdiction in which the act occurred or in the jurisdiction in which the pupil resides.

ORC 3319.321. Confidentiality.

(E) A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall provide access to a student's records to a law enforcement officer who indicates that the officer is conducting an investigation and that the student is or may be a missing child, as defined in section 2901.30 of the Revised Code. Free copies of information in the student's record shall be provided, upon request, to the law enforcement officer, if prior approval is given by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case. The information may be used by law enforcement agency personnel in any manner that is appropriate in solving the case, including, but not limited to, providing the information to other law enforcement officers and agencies and to the bureau of criminal identification and investigation for purposes of computer integration pursuant to section 2901.30 of the Revised Code.

ORC 3321.13. Duties of teacher and superintendent upon withdrawal or habitual absence of child from school - forms.

(B)(1) Upon receipt of information that a child of compulsory school age has withdrawn from school for a reason other than because of change of residence and is not enrolled in and attending in accordance with school policy an approved program to obtain a diploma or its equivalent, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located of the withdrawal and failure to enroll in and attend an approved program or its equivalent. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

ORC 3321.19. Examination into cases of truancy - failure of parent, guardian or responsible person to cause child's attendance at school.

(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions.
(A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

ORC 3319.321. Confidentiality.
(A) No person shall release, or permit access to, the directory information concerning any students attending a public school to any person or group for use in a profit-making plan or activity.
Notwithstanding division (B)(4) of section 149.43 of the Revised Code, a person may require disclosure of the requestor's identity or the intended use of the directory information concerning any students attending a public school to ascertain whether the directory information is for use in a profit-making plan or activity.
(B) No person shall release, or permit access to, personally identifiable information other than directory information concerning any student attending a public school, for purposes other than those identified in division (C), (E), (G), or (H) of this section, without the written consent of the parent, guardian, or custodian of each such student who is less than eighteen years of age, or without the written consent of each such student who is eighteen years of age or older.

(1) For purposes of this section, "directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, date of graduation, and awards received.

(2)(a) Except as provided in division (B)(2)(b) of this section, no school district board of education shall impose any restriction on the presentation of directory information that it has designated as subject to release in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended, to representatives of the armed forces, business, industry, charitable institutions, other employers, and institutions of higher education unless such restriction is uniformly imposed on each of these types of representatives, except that if a student eighteen years of age or older or a student's parent, guardian, or custodian has informed the board that any or all such information should not be released without such person's prior written consent, the board shall not release that information without such person's prior written consent.

(b) The names and addresses of students in grades ten through twelve shall be released to a recruiting officer for any branch of the United States armed forces who requests such information, except that such data shall not be released if the student or student's parent, guardian, or custodian submits to the board a written request not to release such data. Any data received by a recruiting officer shall be used solely for the purpose of providing information to students regarding military service and shall not be released to any person other than individuals within the recruiting services of the armed forces.

(3) Except for directory information and except as provided in division (E), (G), or (H) of this section, information covered by this section that is released shall only be transferred to a third or subsequent party on the condition that such party will not permit any other party to have access to such information without written consent of the parent, guardian, or custodian, or of the student who is eighteen years of age or older.
(4) Except as otherwise provided in this section, any parent of a student may give the written parental consent required under this section. Where parents are separated or divorced, the written parental consent required under this section may be obtained from either parent, subject to any agreement between such parents or court order governing the rights of such parents. In the case of a student whose legal guardian is in an institution, a person independent of the institution who has no other conflicting interests in the case shall be appointed by the board of education of the school district in which the institution is located to give the written parental consent required under this section.

(5)(a) A parent of a student who is not the student's residential parent, upon request, shall be permitted access to any records or information concerning the student under the same terms and conditions under which access to the records or information is available to the residential parent of that student, provided that the access of the parent who is not the residential parent is subject to any agreement between the parents, to division (F) of this section, and, to the extent described in division (B)(5)(b) of this section, is subject to any court order issued pursuant to section 3109.051 of the Revised Code and any other court order governing the rights of the parents.

(b) If the residential parent of a student has presented the keeper of a record or information that is related to the student with a copy of an order issued under division (H)(1) of section 3109.051 of the Revised Code that limits the terms and conditions under which the parent who is not the residential parent of the student is to have access to records and information pertaining to the student or with a copy of any other court order governing the rights of the parents that so limits those terms and conditions, and if the order pertains to the record or information in question, the keeper of the record or information shall provide access to the parent who is not the residential parent only to the extent authorized in the order. If the residential parent has presented the keeper of the record or information with such an order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record or information only in accordance with the most recent such order that has been presented to the keeper by the residential parent or the parent who is not the residential parent.

(C) Nothing in this section shall limit the administrative use of public school records by a person acting exclusively in the person's capacity as an employee of a board of education or of the state or any of its political subdivisions, any court, or the federal government, and nothing in this section shall prevent the transfer of a student's record to an educational institution for a legitimate educational purpose. However, except as provided in this section, public school records shall not be released or made available for any other purpose. Fingerprints, photographs, or records obtained pursuant to section 3313.96 or 3319.322 of the Revised Code, or pursuant to division (E) of this section, or any medical, psychological, guidance, counseling, or other information that is derived from the use of the fingerprints, photographs, or records, shall not be admissible as evidence against the minor who is the subject of the fingerprints, photographs, or records in any proceeding in any court. The provisions of this division regarding the administrative use of records by an employee of the state or any of its political subdivisions or of a court or the federal government shall be applicable only when the use of the information is required by a state statute adopted before November 19, 1974, or by federal law.

(D) A board of education may require, subject to division (E) of this section, a person seeking to obtain copies of public school records to pay the cost of reproduction and, in the case of data released under division (B)(2)(b) of this section, to pay for any mailing costs, which payment shall not exceed the actual cost to the school.

(E) A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall provide access to a student's records to a law enforcement officer who indicates that the officer is conducting an investigation and that the student is or may be a missing child, as defined in section 2901.30 of the Revised Code. Free copies of information in the student's record shall be provided, upon request, to the law enforcement officer, if prior approval is given
by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case. The information may be used by law enforcement agency personnel in any manner that is appropriate in solving the case, including, but not limited to, providing the information to other law enforcement officers and agencies and to the bureau of criminal identification and investigation for purposes of computer integration pursuant to section 2901.30 of the Revised Code.

(F) No person shall release to a parent of a student who is not the student's residential parent or to any other person, or permit a parent of a student who is not the student's residential parent or permit any other person to have access to, any information about the location of any elementary or secondary school to which a student has transferred or information that would enable the parent who is not the student's residential parent or the other person to determine the location of that elementary or secondary school, if the elementary or secondary school to which the student has transferred and that requested the records of the student under section 3313.672 of the Revised Code informs the elementary or secondary school from which the student's records are obtained that the student is under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code.

(G) A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall comply with any order issued pursuant to division (D)(1) of section 2151.14 of the Revised Code, any request for records that is properly made pursuant to division (D)(3)(a) of section 2151.14 or division (A) of section 2151.141 of the Revised Code, and any determination that is made by a court pursuant to division (D)(3)(b) of section 2151.14 or division (B)(1) of section 2151.141 of the Revised Code.

(H) Notwithstanding any provision of this section, a principal of a public school, to the extent permitted by the "Family Educational Rights and Privacy Act of 1974," shall make the report required in section 3319.45 of the Revised Code that a pupil committed any violation listed in division (A) of section 3313.662 of the Revised Code on property owned or controlled by, or at an activity held under the auspices of, the board of education, regardless of whether the pupil was sixteen years of age or older. The principal is not required to obtain the consent of the pupil who is the subject of the report or the consent of the pupil's parent, guardian, or custodian before making a report pursuant to section 3319.45 of the Revised Code.

REGULATIONS
No relevant regulations found.

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

LAWS

ORC 3301.0714. Guidelines for statewide education management information system.
(A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;
(3) Procedures for annually compiling the data in accordance with division (G) of this section;
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of
any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on the first day of July that next succeeds the effective date of this amendment, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:
(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and
social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under division (C) of section 3314.08 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the
board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

1. Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;
2. Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

2. The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

3. Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

1. "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.
2. "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

2. If the department decides to sanction a school district under this division, the department shall take the following sequential actions:
(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:
   (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;
   (ii) Conduct a site visit and evaluation of the district;
   (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;
   (iv) Continue monitoring the district's data reporting;
   (v) Assign department staff to supervise the district's data management system;
   (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;
   (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;
   (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;
   (ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the
district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department’s contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (H) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**ORC 3313.666. District policy prohibiting harassment, intimidation, or bullying required.**

(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

(11) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232g, as amended.
ORC 3313.6024. Report regarding prevention-focused programs, services, and supports.

(A) Annually, beginning in the 2019-2020 school year, each school district shall report to the department of education, in the manner prescribed by the department, the types of prevention-focused programs, services, and supports used to assist students in developing the knowledge and skills to engage in healthy behaviors and decision-making and to increase their awareness of the dangers and consequences of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors. The district shall report the following information regarding such programs, services, and supports for each building operated by the district and for each of grades kindergarten through twelve served by the building:

1. Curriculum and instruction provided during the school day;
2. Programs and supports provided outside of the classroom or outside of the school day;
3. Professional development for teachers, administrators, and other staff;
4. Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;
5. School efforts to engage parents and the community;
6. Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.

(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

ORC 3319.46 Policy and rules regarding positive behavior intervention supports and the use of physical restraint or seclusion on students; duties of board.

(B)(1) Each school district board of education shall do all of the following:

(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;
(b) Comply with any policy and standards adopted, amended, or updated by the state board under this section;
(c) Submit any reports required by the department of education or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.

(2) Each school district's positive behavior intervention and supports framework may focus on the following:

(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;
(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;
(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;
(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition.
REGULATIONS

OAC 3301-35-15. Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

(I) Monitoring. A school district shall establish a procedure to monitor the implementation of this policy and the district's policy on restraint and seclusion. Each school district shall make its records concerning restraint and seclusion available to staff from the Ohio department of education upon request.

(J) Reporting. A school district shall annually report information regarding its use of restraint and seclusion to the Ohio department of education in the form and manner as prescribed by the department.
**School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers**

**Authority and power to implement school arrest**

**LAWS**
No relevant statutes found.

**REGULATIONS**
No relevant regulations found.

**Certification or training**

**LAWS**

**ORC 3313.951 Qualifications for school resource officers.**

(B)(1) A school resource officer who provides services to a school district or school on or after November 2, 2018, shall, except as described in division (B)(2) of this section, satisfy both of the following conditions:

(a) Complete a basic training program approved by the Ohio peace officer training commission, as described in division (B)(1) of section 109.77 of the Revised Code;

(b) Complete at least forty hours of school resource officer training within one year after appointment to provide those services through one of the following entities, as approved by the Ohio peace officer training commission:
   (i) The national association of school resource officers;
   (ii) The Ohio school resource officer association;
   (iii) The Ohio peace officer training academy.

(2) A school resource officer who is appointed to provide services to a school district or school prior to November 2, 2018, shall be exempt from compliance with the training requirements prescribed in division (B)(1)(b) of this section.

(3) A certified training program provided by an entity described in division (B)(1)(b) of this section shall include instruction regarding skills, tactics, and strategies necessary to address the specific nature of all of the following:

(a) School campuses;

(b) School building security needs and characteristics;

(c) The nuances of law enforcement functions conducted inside a school environment, including:
   (i) Understanding the psychological and physiological characteristics consistent with the ages of the students in the assigned building or buildings;
   (ii) Understanding the appropriate role of school resource officers regarding discipline and reducing the number of referrals to juvenile court; and
   (iii) Understanding the use of developmentally appropriate interview, interrogation, de-escalation, and behavior management strategies.
(d) The mechanics of being a positive role model for youth, including appropriate communication techniques which enhance interactions between the school resource officer and students;

(e) Providing assistance on topics such as classroom management tools to provide law-related education to students and methods for managing the behaviors sometimes associated with educating children with special needs;

(f) The mechanics of the laws regarding compulsory attendance, as set forth in Chapter 3321. of the Revised Code;

(g) Identifying the trends in drug use, eliminating the instance of drug use, and encouraging a drug-free environment in schools.

(4) The Ohio peace officer training commission shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the approval of school resource officer training provided by an entity described in division (B)(1)(b) of this section.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

ORC 3313.95. Contract for police officer to assist in working with students concerning use of alcohol and drugs of abuse.

The board of education of any school district and the board of trustees of a township, the legislative authority of a municipal corporation, or the county sheriff of a county that includes part of the district's territory may enter into a contract under which the trustees, legislative authority, or sheriff assign one or more police officers employed by that political subdivision's police force to one or more of the school district's schools upon such terms and conditions as are set forth in the contract. The contract shall specify the police officer's duties, which shall be limited to assisting guidance counselors and teachers in working with students concerning the use of alcohol and drugs of abuse, and which shall not include any duties for which an educator license issued under sections 3319.22 to 3319.30 of the Revised Code is required. The contract shall also specify the amount to be paid to the township, municipal corporation, or county by the board of education as compensation for all or part of the salary and benefits of any police officer assigned to its schools in accordance with such contract.

ORC 3313.951 Qualifications for school resource officers.

(A) As used in this section:

(3) “School resource officer” means a peace officer who is appointed through a memorandum of understanding between a law enforcement agency and a school district to provide services to a school district or school as described in this section.

(C)(1) If a school district decides to utilize school resource officer services, the school district and the appropriate law enforcement agency shall first enter into a memorandum of understanding that clarifies the purpose of the school resource officer program and roles and expectations between the participating entities. If a school district is already utilizing school resource officer services on November 2, 2018, the school district and the law enforcement agency shall enter into a memorandum of understanding within one year after November 2, 2018.

(2) Each memorandum of understanding shall address the following items:

(a) Clearly defined set of goals for the school resource officer program;
(b) Background requirements or suggested expertise for employing law enforcement in the school setting, including an understanding of child and adolescent development;

(c) Professional development, including training requirements that focus on age-appropriate practices for conflict resolution and developmentally informed de-escalation and crisis intervention methods;

(d) Clearly defined roles, responsibilities, and expectations of the parties involved, including school resource officers, law enforcement, school administrators, staff, and teachers;

(e) A protocol for how suspected criminal activity versus school discipline is to be handled;

(f) The requirement for coordinated crisis planning and updating of school crisis plans;

(g) Any other discretionary items determined by the parties to foster a school resource officer program that builds positive relationships between law enforcement, school staff, and the students, promotes a safe and positive learning environment, and decreases the number of youth formally referred to the juvenile justice system.

(3) A school district, through its school administration, may give students an opportunity to provide input during the drafting process of any memorandum of understanding being entered into pursuant to division (C) of this section.

(D)(1) In accordance with the requirements prescribed in this section, a school resource officer may work in one or more school districts or schools providing the following services:

(a) Assistance with adoption, implementation, and amendment of the comprehensive emergency management plan required under section 3313.536 of the Revised Code;

(b) Carrying out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding, including but not limited to:

(i) Providing a safe learning environment;

(ii) Providing valuable resources to school staff members;

(iii) Fostering positive relationships with students and staff;

(iv) Developing strategies to resolve problems affecting youth and protecting all students.

(2) A school resource officer shall consult with local law enforcement officials and first responders when assisting a school district's administrator in the development of a comprehensive emergency management plan.

(E) The school district or school administrator shall have final decision-making authority regarding all matters of school discipline.

**ORC 3321.14 Attendance officer - pupil-personnel workers.**

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3321.15 to 3321.21 of the Revised Code that apply to a city school district or its superintendent do not apply to any joint vocational or cooperative education school district or its superintendent unless otherwise specified. The board of education of every city school district and of every exempted village school district shall employ an attendance officer, and may employ or appoint any assistants that the board deems advisable. In cities of one hundred thousand population or over, the board may appoint, subject to the nomination of the superintendent of schools, one or more pupil-personnel workers and make provision for the traveling expenses within the school district of those employees.

**ORC 3321.15 Educational service center attendance officer and assistants.**

Every governing board of an educational service center shall employ an educational service center attendance officer, and may employ or appoint such assistants as the board deems advisable. The
compensation and necessary traveling expenses of such attendance officer and assistants shall be paid out of the educational service center governing board fund. With the consent and approval of the judge of the juvenile court, a probation officer of the court may be designated as the service center attendance officer or as an assistant. The compensation of the probation officers of the juvenile court so designated shall be fixed and paid in the same manner as salaries of other probation officers of the juvenile court; their traveling expenses as attendance officers which would not be incurred as probation officers shall be paid out of the educational service center governing board fund. In addition to the compensation provided in this section the board may pay such additional compensation as it deems advisable, to any probation officer designated as attendance officer and such additional amount shall be paid from the educational service center governing board fund. The attendance officer and assistants shall work under the direction of the educational service center superintendent. The authority of such attendance officer and assistants shall extend to all the local school districts served by the service center. This section does not confine their authority to investigate employment to that within the territory of the service center.

**ORC 3321.16. Investigation of nonattendance.**

(A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of specific direction.

(B)(1) Subject to divisions (B)(2) and (3) of this section, the attendance officer shall file a complaint in the juvenile court against a student on the sixty-first day after the implementation of an absence intervention plan or other intervention strategies, provided that all of the following apply:

(a) The student was absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(b) The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication described under division (C)(2)(b) of section 3321.191 of the Revised Code.

(c) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.

(2) If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan.

(3) In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty days from the first day of instruction of the next school year.
ORC 3321.17. Attendance officer and assistants - powers.
The attendance officer and assistants provided for by section 3321.14 or 3321.15 of the Revised Code shall be vested with police powers, may serve warrants, and may enter workshops, factories, stores, and all other places where children are employed and do whatever is necessary in the way of investigation or otherwise to enforce the laws relating to compulsory education and the employment of minors. The attendance officer or assistant may also take into custody any youth of compulsory school age not legally employed on an age and schooling certificate who is not attending school and shall conduct such youth to the school he has been attending or should rightfully attend.

ORC 3321.18. Enforcement proceedings.
The attendance officer provided for by section 3321.14 or 3321.15 of the Revised Code shall institute proceedings against any officer, parent, guardian, or other person violating laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described in sections 3321.14 to 3321.21 of the Revised Code, and perform any other service that the superintendent of schools or board of education of the district by which the attendance officer is employed considers necessary to preserve the morals and secure the good conduct of school children, and to enforce those laws. The attendance officer shall be furnished with copies of the enumeration in each school district in which the attendance officer serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration. The attendance officer and assistants shall cooperate with the director of commerce in enforcing the laws relating to the employment of minors. The attendance officer shall furnish upon request any data that the attendance officer and the attendance officer's assistants have collected in their reports of children from six to eighteen years of age and also concerning employers to the director and upon request to the state board of education. The attendance officer shall keep a record of the attendance officer's transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by the superintendent. The state board of education may prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed.

ORC 3321.19. Examination into cases of truancy - failure of parent, guardian or responsible person to cause child's attendance at school.
(C) On the request of the superintendent of schools, the superintendent of any educational service center, the board of education of any city, exempted village, local, joint vocational, or cooperative education school district, or the governing board of any educational service center or when it otherwise comes to the notice of the attendance officer or other appropriate officer of the school district, the attendance officer or other appropriate officer shall examine into any case of supposed truancy within the district and shall warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of being truant. When any child of compulsory school age, in violation of law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, subject to divisions (D) and (E) of this section,
may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

**ORC 3321.191. Board to adopt policy regarding habitual truancy - intervention strategies.**

(A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing and ameliorating student absences. In developing the policy, the appropriate board shall consult with the judge of the juvenile court of the county or counties in which the district or service center is located, with the parents, guardians, or other persons having care of the pupils attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of the following actions, if applicable:

1. Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first paragraph of division (C) of this section;
2. Providing counseling for an habitual truant;
3. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code
4. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;
5. Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;
6. Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.

(C)(1) In the event that a child of compulsory school age is absent with a nonmedical excuse or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section.

(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication under division (C)(2)(b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

(b) As part of the absence intervention plan described in division (C)(2) of this section, the school district or school, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in division (G) of section 2151.27 of the Revised Code. If the school district or school chooses to have students informally
enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent's designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence intervention team as permitted under division (C)(2)(d) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(d) The principal or chief administrator of each school may establish an absence intervention team or series of teams to be used in lieu of the district team established pursuant to division (C)(2)(c) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(e) A superintendent, as described in division (C)(2)(c) of this section, or principal or chief administrator, as described in division (C)(2)(d) of this section, shall select the members of an absence intervention team within seven school days of the triggering event described in division (C)(2)(a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this method, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

(3) For purposes of divisions (C)(2)(c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the "Family Educational Rights and Privacy

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department of education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

1. When a notice required by division (C)(1) of this section is submitted to a parent, guardian, or custodian;
2. When a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year;
3. When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;
4. When an absence intervention plan has been implemented for a child under this section.

(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code.

REGULATIONS
No relevant regulations found.
**State Education Agency Support**

**State model policies and implementation support**

**LAWS**

**ORC 3301.22. Model harassment prevention policy.**
The state board of education shall develop a model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies under section 3313.666 of the Revised Code. The board shall issue the model policy within six months after the effective date of this section.

**REGULATIONS**
No relevant regulations found.

**Funding appropriations**

**LAWS**

**ORC 3321.15 Educational service center attendance officer and assistants.**
Every governing board of an educational service center shall employ an educational service center attendance officer, and may employ or appoint such assistants as the board deems advisable. The compensation and necessary traveling expenses of such attendance officer and assistants shall be paid out of the educational service center governing board fund. With the consent and approval of the judge of the juvenile court, a probation officer of the court may be designated as the service center attendance officer or as an assistant. The compensation of the probation officers of the juvenile court so designated shall be fixed and paid in the same manner as salaries of other probation officers of the juvenile court; their traveling expenses as attendance officers which would not be incurred as probation officers shall be paid out of the educational service center governing board fund. In addition to the compensation provided in this section the board may pay such additional compensation as it deems advisable, to any probation officer designated as attendance officer and such additional amount shall be paid from the educational service center governing board fund. The attendance officer and assistants shall work under the direction of the educational service center superintendent. The authority of such attendance officer and assistants shall extend to all the local school districts served by the service center. This section does not confine their authority to investigate employment to that within the territory of the service center.

**REGULATIONS**
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

ORC 3313.668. Removal from school based on absences.
(A) On and after July 1, 2017, no school district or school shall suspend, expel, or remove a student from school under section 3313.66 of the Revised Code solely on the basis of the student’s absences from school without legitimate excuse.

(C) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee’s decision not to provide or procure mental health services for a suspended or expelled student under division (B)(2) of this section, unless the decision is made with malicious purpose, in bad faith, or in a wanton or reckless manner.

This division does not eliminate, limit, or reduce any other immunity or defense to which a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

ORC 3313.661. Policy regarding suspension, expulsion, removal, and permanent exclusion.
(B) A board of education may establish a program and adopt guidelines under which a superintendent may require a pupil to perform community service in conjunction with a suspension or expulsion imposed under section 3313.66 of the Revised Code or in place of a suspension or expulsion imposed under section 3313.66 of the Revised Code except for an expulsion imposed pursuant to division (B)(2) of that section. If a board adopts guidelines under this division, they shall permit, except with regard to an expulsion pursuant to division (B)(2) of section 3313.66 of the Revised Code, a superintendent to impose a community service requirement beyond the end of the school year in lieu of applying an expulsion into the following school year. Any guidelines adopted shall be included in the policy adopted under this section.
REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Ohio provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Anti-Harassment, Intimidation and Bullying Resources, Ohio Department of Education</td>
<td>Describes what anti-bullying and anti-harassment policies are and discusses how to prevent bullying and how schools can address bullying and keep students safe.</td>
<td><a href="https://education.ohio.gov/Topics/Other-Resources/School-Safety/Safe-and-Supportive-Learning/Anti-Harassment-Intimidation-and-Bullying-Resource">https://education.ohio.gov/Topics/Other-Resources/School-Safety/Safe-and-Supportive-Learning/Anti-Harassment-Intimidation-and-Bullying-Resource</a></td>
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<tr>
<td>Chronic Absenteeism, Ohio Department of Education</td>
<td>Provides links to resources in regards to attendance such as resource guide to reduce chronic absenteeism, tools to encourage regular attendance, Ohio's attendance laws, and other related resources.</td>
<td><a href="https://education.ohio.gov/Topics/Student-Supports/Chronic-Absenteeism">https://education.ohio.gov/Topics/Student-Supports/Chronic-Absenteeism</a></td>
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<tr>
<td>Safer Schools Ohio, Ohio School Safety Center (OSSC)</td>
<td>Provides an overview of OSSC and addresses school safety in Pre-K-12 Schools with related resources and information.</td>
<td><a href="https://saferschools.ohio.gov/">https://saferschools.ohio.gov/</a></td>
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<tr>
<td>Safe and Supportive Learning Environments, OSSC</td>
<td>Addresses Ohio’s safe and support learning environment and provides links to school climate guidelines, comprehensive system of learning supports, anti-harassment, intimidation and bullying policy, safety and violence prevention curriculum and school safety plans.</td>
<td><a href="https://saferschools.ohio.gov/content/safe_and_supportive_materials">https://saferschools.ohio.gov/content/safe_and_supportive_materials</a></td>
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<tr>
<td>Ohio Positive Behavioral Interventions and Supports, Ohio Department of Education</td>
<td>Provides an overview on PBIS and how it works in schools to support all children and youth and links to resources and trainings related to PBIS.</td>
<td><a href="https://education.ohio.gov/Topics/Other-Resources/School-Safety/Building-Better-Learning-Environments/PBIS-Resources">https://education.ohio.gov/Topics/Other-Resources/School-Safety/Building-Better-Learning-Environments/PBIS-Resources</a></td>
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<td><strong>Other Resources</strong></td>
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<tr>
<td>K-12 Schools Training; Safety and Violence Prevention Training Now Required of K-12 Professionals, Safer Schools Ohio</td>
<td>Required training for all K-12 professionals on topics of mental health, behavioral health, suicide, bullying, child abuse, and human trafficking.</td>
<td><a href="https://saferschools.ohio.gov/content/k_12_schools_training">https://saferschools.ohio.gov/content/k_12_schools_training</a></td>
</tr>
<tr>
<td>Ohio School Report Cards, Advanced Reports, Ohio Department of Education</td>
<td>Reports on data regarding student discipline incidents, enrollment, attendance, test results, etc. Reports can be queried by school building, district, or state, and can be disaggregated by subgroups.</td>
<td><a href="https://reportcard.education.ohio.gov/">https://reportcard.education.ohio.gov/</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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210:10-1-20. Implementation of policies prohibiting bullying
General Provisions

Authority to develop and establish rules of conduct

LAWS

70 O.S. §24-100.4. Control and discipline of child.

A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;
2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;
4. Contain a statement of how the policy is to be publicized including a requirement that:
   a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
   b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
   c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
   d. the policy be included in all student and employee handbooks;
5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;
6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;
7. Identify by job title the school official responsible for enforcing the policy;
8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;
9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;
10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;
11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;
12. Address prevention by providing:
a. consequences and remedial action for a person who commits an act of bullying,
b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

13. Establish a procedure for:
   a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
   b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
   c. reporting the number of incidents of bullying, and
d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

70 O.S. §24-101.1. Rules - Possession of wireless telecommunication device while pupil on school premises.
The board of education of each school district shall establish and implement rules regarding student possession of a wireless telecommunication device while said student is on school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school. The rules shall provide that a student may possess a wireless telecommunication device upon the prior consent of both a parent or guardian and school principal or superintendent and shall also specify the disciplinary action a student shall face if found to be in possession of a wireless telecommunication device in violation of the rules.

70 O.S. §24-101.3 Out of-school suspensions - Right to appeal.
A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.
70 O.S. §24-105. Fraternities, sororities and secret societies.

A. The board of education of each school district shall have full power and authority to regulate, control or prohibit any fraternity, sorority, secret society, club or group composed in whole or in part of students enrolled in the school district if it deems it advisable and in the best interest of the school program to do so.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(1) The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section;

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:

   (A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;

   (B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

   (C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

   (D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;

(3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:

   (A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

   (B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;
(C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and

(D) The bullying policy shall be included in all student and employee handbooks;

(4) The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring;

(5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;

(6) The policy shall require each school to identify by job title the official who is responsible for enforcement of the district’s bullying policy;

(7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:

   (A) May constitute criminal conduct; or

   (B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;

(8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;

(9) The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

   (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

      (i) Verbal or written warnings;

      (ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;

      (iii) Detention;

      (iv) Loss of school privileges;

      (v) Course and/or teacher reassignment;

      (vi) Prohibition or suspension of participation in school activities;

      (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;

      (viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;

      (ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;

      (x) Reassignment, suspension, and/or termination of school employment;

      (xi) Referral to law enforcement;

   (B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the
perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

(i) Counseling;

(ii) Academic intervention;

(iii) Protection for students who are targets of bullying; and

(iv) Any other appropriate services as necessary to:

(I) Ensure the safety of all students involved in incidents of bullying; and

(II) Prevent further incidents of bullying.

(11) The policy shall require the district to establish a procedure at each school for:

(A) The investigation, documentation, and determination of all incidents of bullying reported to school officials;

(B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;

(C) Reporting the number of incidents of bullying to the State Department of Education; and

(D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

(12) The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse, or other counseling options be provide to the student, if appropriate. This may include information about the types of support services available to the student bully, victim, and any other students affected by the prohibited behavior.

(13) The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to (12) of this subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that information does not violate the provisions or requirements of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of Oklahoma Statutes, or any other state or federal laws relating to the disclosure of confidential information.

Scope

LAWS

70 O.S. §24-100.3. Purpose and definitions.
A. As used in the School Safety and Bullying Prevention Act:

1. “Bullying” means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school’s educational mission or the education of any student;
2. “At school” means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;
3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and
4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

B. Nothing in this act shall be construed to impose a specific liability on any school district.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.
(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meaning:

(2) "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(1) The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section;

Communication of Policy

LAWS

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

4. Contain a statement of how the policy is to be publicized including a requirement that:
a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
d. the policy be included in all student and employee handbooks;

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

70 O.S. §24-102. Pupils - Dangerous weapons - Dangerous substances.
[...] Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

70 O.S. §24-105. Fraternities, sororities and secret societies.
B. Each board of education shall adopt policies and procedures to annually notify parents or guardians of students about clubs and organizations sponsored by or under the direction and control of the school. The annual notification about clubs and organizations shall be by means of the student handbook and by posting on the Internet website for the school district or if the school district does not have an Internet website by another appropriate method. The annual notification shall include, but is not limited to, the following information about each club or organization:
   1. Name;
   2. Mission or purpose; and
   3. Name of the faculty advisor, if known.
C. If clubs or organizations are created or formed after the annual notification is distributed, the school district shall send additional notification to the parents or guardians containing information about the additional clubs or organizations consistent with the requirements set forth in subsection B of this section.

70 O.S. §1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma Drug and Alcohol Abuse Policy Board - Distribution of information or reports - Final determination of materials and curriculum.
B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.
REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:

(A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

(B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;

(C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and

(D) The bullying policy shall be included in all student and employee handbooks;

(e) Policy Development. In developing a district policy, each district board of education shall make an effort to involve teachers, parents, and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of the adoption of the policy and shall receive a copy upon request.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

25 O.S. §2003. School district policy on parental involvement - Information to be provided to parents.
A. The board of education of a school district, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline;
2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials;
3. Procedures by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion;
4. If a school district offers any sex education curricula pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or pursuant to any rules adopted by the State Board of Education, procedures to opt out of a school district from providing sex education instruction to a child if the child's parent provides written objection to the child's participation in the sex education curricula;
5. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes;
6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, as well as extracurricular clubs and activities that have been approved by the school; and
7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:
   a. the right to opt out of a sex education curriculum if one is provided by the school district,
   b. open enrollment rights,
   c. the right to opt out of assignments pursuant to this section,
   d. the right to be exempt from the immunization laws of the state pursuant to Section 1210.192 of Title 70 of the Oklahoma Statutes,
   e. the promotion requirements prescribed in Section 1210.508E of Title 70 of the Oklahoma Statutes,
   f. the minimum course of study and competency requirements for graduation from high school prescribed in Section 11-103.6 of Title 70 of the Oklahoma Statutes,
   g. the right to opt out of instruction on the acquired immune deficiency syndrome pursuant to Section 11-103.3 of Title 70 of the Oklahoma Statutes,
   h. the right to review test results,
i. the right to participate in gifted programs pursuant to Sections 1210.301 through 1210.308 of Title 70 of the Oklahoma Statutes,
j. the right to inspect instructional materials used in connection with any research or experimentation program or project pursuant to Section 11-106 of Title 70 of the Oklahoma Statutes,
k. the right to receive a school report card,
l. the attendance requirements prescribed in Section 10-106 of Title 70 of the Oklahoma Statutes,
m. the right to public review of courses of study and textbooks,
n. the right to be excused from school attendance for religious purposes,
o. policies related to parental involvement pursuant to this section,
p. the right to participate in parent-teacher associations and organizations that are sanctioned by the board of education of a school district, and
q. the right to opt out of any data collection instrument at the district level that would capture data for inclusion in the state longitudinal student data system except what is necessary and essential for establishing a student's public school record.

B. The board of education of a school district may adopt a policy to provide to parents the information required by this section in an electronic form.

C. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten (10) days of receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for the denial of the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen (15) days after submitting the request for information, the parent may submit a written request for the information to the board of education of a school district, which shall formally consider the request at the next scheduled public meeting of the board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the board of education of a school district shall formally consider the request at the next subsequent public meeting of the board.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(i) Verbal or written warnings;

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
(iii) Detention;
(iv) Loss of school privileges;
(v) Course and/or teacher reassignment;
(vi) Prohibition or suspension of participation in school activities;
(vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
(ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;
(x) Reassignment, suspension, and/or termination of school employment;
(xi) Referral to law enforcement;

**Teacher authority to remove students from classrooms**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Alternatives to suspension**

**LAWS**

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
(iv) Loss of school privileges;
(v) Course and/or teacher reassignment;
(vi) Prohibition or suspension of participation in school activities;
(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
(ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;
REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

Provided, however, that nothing contained in this act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

51 O.S. §155. Exemptions from liability.
The state or a political subdivision shall not be liable if a loss or claim results from:
35. The use of necessary and reasonable force by a school district employee to control and discipline a student during the time the student is in attendance or in transit to and from the school, or any other function authorized by the school district;

70 O.S. §6-113.1. Effective classroom discipline techniques.
The State Department of Education shall provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.

A. School district personnel shall be prohibited from using corporal punishment on students identified with the most significant cognitive disabilities according to criteria established by the State Department of Education unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).
B. A waiver to the provisions of subsection A of this section shall be granted if the parent or legal guardian of a student provides written consent.
C. As used in this section, “corporal punishment” means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline.

70 O.S. §24-100.4. Control and discipline of child.
D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district’s or school site’s eligibility for program assistance including competitive grants.

REGULATIONS
No relevant regulations found.
Use of student and locker searches

LAWS

70 O.S. §24-102. Pupils - Dangerous weapons - Dangerous substances.
The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

70 O.S. §24-100.4. Control and discipline of child.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.
REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(i) Verbal or written warnings;

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;

(iv) Loss of school privileges;

(v) Course and/or teacher reassignment;

(vi) Prohibition or suspension of participation in school activities;

(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;

(ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:
   a. violation of a school regulation,
   b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and
   c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.
(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:
   (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
      (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
Grounds for mandatory suspension or expulsion

LAWS

70 O.S. §6-149.7. Suspension of student assaulting or attempting to cause bodily injury to education employee or volunteer - Immunity for use of force to control or discipline student.

A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades six through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for in Section 24-101.3 of this title. This section shall be in addition to and does not limit the criminal liability of a person who causes or commits an assault, battery, or assault and battery upon a school employee as provided for in Section 650.7 of Title 21 of the Oklahoma Statutes.

B. No education employee shall be liable for the use of necessary and reasonable force to control and discipline a student during the time the student is in attendance at the school or in transit to or from the school, or any other function authorized by the school district.


C. 2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

3. Any student in grades six through twelve found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a school employee or a person volunteering for a school as prohibited pursuant to Section 6-146 of this title shall be suspended for the remainder of the current semester and the next consecutive semester, to be determined by the board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis.

REGULATIONS

No relevant regulations found.

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

LAWS


B. 2. Students suspended out-of-school for more than ten (10) days and students suspended pursuant to the provisions of paragraph 2 of subsection C of this section may request a review of the suspension with the administration of the district. If the administration does not withdraw the suspension, the student shall have the right to appeal the decision of the administration to the district board of education. Except as otherwise provided for in paragraph 2 of subsection C of this section, no out-of-school suspension shall extend beyond the current semester and the succeeding semester. Upon full investigation of the matter, the board shall determine the guilt or innocence of the student and the reasonableness of the term of the
out-of-school suspension. A board of education may conduct the hearing and render the final decision or may appoint a hearing officer to conduct the hearing and render the final decision. The decision of the district board of education or the hearing officer, if applicable, shall be final.

G. Students suspended out-of-school who are on an individualized education plan pursuant to the Individuals with Disabilities Education Act, P.L. No. 101-476, or who are subject to the provisions of subsection F of this section and who are on an individualized education plan shall be provided the education and related services in accordance with the student's individualized education plan.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

B. 1. Students suspended out-of-school for ten (10) or fewer days shall have the right to appeal the decision of the administration as provided in the policy required in subsection A of this section. The policy shall specify whether appeals for short-term suspensions as provided in this subsection shall be to a local committee composed of district administrators or teachers or both, or to the district board of education. Upon full investigation of the matter, the committee or board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. If the policy requires appeals for short-term suspensions to a committee, the policy adopted by the board may, but is not required to, provide for appeal of the committee’s decision to the board.

2. Students suspended out-of-school for more than ten (10) days and students suspended pursuant to the provisions of paragraph 2 of subsection C of this section may request a review of the suspension with the administration of the district. If the administration does not withdraw the suspension, the student shall have the right to appeal the decision of the administration to the district board of education. Except as otherwise provided for in paragraph 2 of subsection C of this section, no out-of-school suspension shall extend beyond the current semester and the succeeding semester. Upon full investigation of the matter, the board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. A board of education may conduct the hearing and render the final decision or may appoint a hearing officer to conduct the hearing and render the final decision. The decision of the district board of education or the hearing officer, if applicable, shall be final.

C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:
a. violation of a school regulation,

b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and

c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term “firearm” shall mean and include all weapons as defined by 18 U.S.C., Section 921.

3. Any student in grades six through twelve found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a school employee or a person volunteering for a school as prohibited pursuant to Section 6-146 of this title shall be suspended for the remainder of the current semester and the next consecutive semester, to be determined by the board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis.

D. At its discretion a school district may provide an education plan for students suspended out-of-school for five (5) or fewer days pursuant to the provisions of this subsection. The following provisions shall apply to students who are suspended out-of-school for more than five (5) days and who are guilty of acts listed in subparagraphs a and b of paragraph 1 of subsection C of this section. Upon the out-of-school suspension, the parent or guardian of a student suspended out-of-school pursuant to the provisions of this subsection shall be responsible for the provision of a supervised, structured environment in which the parent or guardian shall place the student and bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The school administration shall provide the student with an education plan designed for the eventual reintegration of the student into school which provides only for the core units in which the student is enrolled. A copy of the education plan shall also be provided to the student's parent or guardian. For the purposes of this section, the core units shall consist of the minimum English, mathematics, science, social studies and art units required by the State Board of Education for grade completion in grades kindergarten through eight and for high school graduation in grades nine through twelve. The plan shall set out the procedure for education and shall address academic credit for work satisfactorily completed.

E. A student who has been suspended out-of-school from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll the student, until the terms of the suspension have been met or the time of suspension has expired.

F. 1. No public school of this state shall be required to provide education services in the regular school setting to any student who has been:

   a. adjudicated as a delinquent for an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,

   b. convicted as an adult of an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,
c. who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students,

d. suspended as provided for in paragraph 3 of subsection C of this section, or

e. has been removed from a public or private school in the state or another state by administrative or judicial process for an act of using electronic communication, as defined in Section 24-100.3 of this title, with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to faculty or other students.

2. The school in which a student as described in paragraph 1 of this subsection is subsequently enrolled may elect to not provide education services in the regular school setting until the school determines that the student no longer poses a threat to self, other students or school district faculty or employees. Until the school in which such student subsequently enrolls or re-enrolls determines that the student no longer poses a threat to self, other students or school district faculty or employees, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. If the school provides education services to the student at a district school facility, the school shall notify any student or school district faculty or employee victims of the student, when known, and shall ensure that the student will not be allowed in the general vicinity of or contact with a victim of the student, provided the victim notifies the school of the victim's desire to refrain from contact with the offending student.

G. Students suspended out-of-school who are on an individualized education plan pursuant to the Individuals with Disabilities Education Act, P.L. No. 101-476, or who are subject to the provisions of subsection F of this section and who are on an individualized education plan shall be provided the education and related services in accordance with the student's individualized education plan.

H. A student who has been suspended for a violent offense which is directed towards a classroom teacher shall not be allowed to return to that teacher's classroom without the approval of that teacher.

I. At its discretion, a school district may require a student guilty of acts listed in subparagraph a or b of paragraph 1 of subsection C of this section to complete intervention and prevention programs as provided by designated Youth Service Agencies, if available.

J. No school board, administrator or teacher may be held civilly liable for any action taken in good faith which is authorized by this section.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.
(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed
description of a graduated range of consequences and sanctions for bullying. The policy adopted by each
district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who
commits an act of bullying. All consequences and remedial action shall be appropriate to the age of
the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to
one or more of the following:

(iii) Detention;

(vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3
and district policy and procedures;

Return to school following removal

LAWS


E. A student who has been suspended out-of-school from a public or private school in the State of
Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the
health or safety of faculty or other students shall not be entitled to enroll in a public school of this state,
and no public school shall be required to enroll the student, until the terms of the suspension have been
met or the time of suspension has expired.

F. 1. No public school of this state shall be required to provide education services in the regular school
setting to any student who has been:

a. adjudicated as a delinquent for an offense defined as a violent crime in Section 571 of Title 57 of
the Oklahoma Statutes,

b. convicted as an adult of an offense defined as a violent crime in Section 571 of Title 57 of the
Oklahoma Statutes,

c. who has been removed from a public or private school in the State of Oklahoma or another state by
administrative or judicial process for a violent act or an act showing deliberate or reckless disregard
for the health or safety of faculty or other students,

d. suspended as provided for in paragraph 3 of subsection C of this section, or

e. has been removed from a public or private school in the state or another state by administrative or
judicial process for an act of using electronic communication, as defined in Section 24-100.3 of this
title, with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to faculty or
other students.

2. The school in which a student as described in paragraph 1 of this subsection is subsequently
enrolled may elect to not provide education services in the regular school setting until the school
determines that the student no longer poses a threat to self, other students or school district faculty or
employees. Until the school in which such student subsequently enrolls or re-enrolls determines that the
student no longer poses a threat to self, other students or school district faculty or employees, the
school may provide education services through an alternative school setting, home-based instruction, or
other appropriate setting. If the school provides education services to the student at a district school
facility, the school shall notify any student or school district faculty or employee victims of the student,
when known, and shall ensure that the student will not be allowed in the general vicinity of or contact
with a victim of the student, provided the victim notifies the school of the victim's desire to refrain from
contact with the offending student.
H. A student who has been suspended for a violent offense which is directed towards a classroom teacher shall not be allowed to return to that teacher's classroom without the approval of that teacher.

**REGULATIONS**
No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Alternative Placements**

**LAWS**

**70 O.S. §8-104. Emergency transfers.**

A. In addition to the transfer process provided in Section 8-103 of this title, students may be transferred on an emergency basis. A written application for an emergency transfer designating the district to which the transfer is desired shall be made by the parent and filed with the superintendent of the receiving school district. On an adequate showing of emergency the superintendent of the receiving school district may make and order a transfer, subject to approval by the State Board of Education. An emergency shall include only:

1. The destruction or partial destruction of a school building;
2. The inability to offer the subject a pupil desires to pursue, if the pupil becomes a legal resident of a school district after February 1 of the school year immediately prior to the school year for which the pupil is seeking the transfer;
3. A catastrophic medical problem of a student, which for purposes of this section shall mean an acute or chronic serious illness, disease, disorder or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous;
4. The total failure of transportation facilities;
5. The concurrence of both the sending and receiving school districts;
6. The unavailability of remote or on-site Internet-based instruction by course title in the district of residence for a student identified as in need of drop-out recovery or alternative education services, provided such student was enrolled at any time in a public school in this state during the previous three (3) school years;
7. The unavailability of a specialized deaf education program for a student who is deaf or hearing impaired; or
8. When a student has been the victim of harassment, intimidation and bullying as defined in Section 24-100.3 of this title, upon verification by the receiving school district that the student has been the victim of harassment, intimidation or bullying and that the sending school district was notified of the incident or incidents prior to the filing of the application for transfer.

B. An emergency transfer previously made may be canceled, with the concurrence of the board of the receiving district and the parent.
70 O.S. §24-100.6. Separation of victim and offender.

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.


A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

D. At its discretion a school district may provide an education plan for students suspended out-of-school for five (5) or fewer days pursuant to the provisions of this subsection. The following provisions shall apply to students who are suspended out-of-school for more than five (5) days and who are guilty of acts listed in subparagraphs a and b of paragraph 1 of subsection C of this section. Upon the out-of-school suspension, the parent or guardian of a student suspended out-of-school pursuant to the provisions of this subsection shall be responsible for the provision of a supervised, structured environment in which the parent or guardian shall place the student and bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The school administration shall provide the student with an education plan designed for the eventual reintegration of the student into school which provides
only for the core units in which the student is enrolled. A copy of the education plan shall also be provided to the student's parent or guardian. For the purposes of this section, the core units shall consist of the minimum English, mathematics, science, social studies and art units required by the State Board of Education for grade completion in grades kindergarten through eight and for high school graduation in grades nine through twelve. The plan shall set out the procedure for education and shall address academic credit for work satisfactorily completed.

F. 1. No public school of this state shall be required to provide education services in the regular school setting to any student who has been:

a. adjudicated as a delinquent for an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,

b. convicted as an adult of an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,

c. who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students,

d. suspended as provided for in paragraph 3 of subsection C of this section, or

e. has been removed from a public or private school in the state or another state by administrative or judicial process for an act of using electronic communication, as defined in Section 24-100.3 of this title, with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to faculty or other students.

2. The school in which a student as described in paragraph 1 of this subsection is subsequently enrolled may elect to not provide education services in the regular school setting until the school determines that the student no longer poses a threat to self, other students or school district faculty or employees. Until the school in which such student subsequently enrolls or re-enrolls determines that the student no longer poses a threat to self, other students or school district faculty or employees, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. If the school provides education services to the student at a district school facility, the school shall notify any student or school district faculty or employee victims of the student, when known, and shall ensure that the student will not be allowed in the general vicinity of or contact with a victim of the student, provided the victim notifies the school of the victim's desire to refrain from contact with the offending student.

G. Students suspended out-of-school who are on an individualized education plan pursuant to the Individuals with Disabilities Education Act, P.L. No. 101-476, or who are subject to the provisions of subsection F of this section and who are on an individualized education plan shall be provided the education and related services in accordance with the student's individualized education plan.

70 O.S. §1210.561. Competitive grants to agencies providing services to high challenge children and youth.

A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of this title. The grant awards shall be made to school districts located in counties with a high number of dropouts for the school year preceding the year for which the grant is being sought, and a high number of referrals to the juvenile justice system. If the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. The funds shall be awarded to programs specifically providing targeted services to high
challenge children. High challenge children are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants for programs serving elementary and middle grade students and grants for middle grade level and other specified alternative education programs. Competitive grants shall be of statewide significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. To be eligible for a High Challenge grant, a program shall meet research-based criteria set by the State Department of Education. The Alternative Approaches Technical Assistance Center shall provide the department with research and recommendations on effective programming for high challenge children.

C. The State Board of Education is further authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The Alternative Approaches Technical Assistance Center grant recipient shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the grant.

D. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district has received grants for an at risk or high challenge program for three consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection E of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years; and
2. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to July 1, 1992, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years.

All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

E. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children set forth in subsection A of this section;
2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;
3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;

4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the Oklahoma Arts Council; performing assessment of high challenge children; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligibility for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person's service pursuant to paragraph 5 of this subsection.

A. Each year by June 30, every school district that serves students in grades seven through twelve as outlined in this section shall conduct and report to the State Department of Education a needs assessment to identify those students who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. The results of the needs assessments shall be reported to the Department in a format specified by the Department.

B. Every school district as specified in subsection A of this section shall develop and submit to the Department by September 1 of each year a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped technology center school district.

C. The proposed plan shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

D. The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be made available on the State Department of Education website. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.
70 O.S. §1210.568. Implementation of statewide system of alternative education programs.

A. 1. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

2. Beginning with the first semester of the 2020-2021 school year, the State Board of Education shall implement a statewide system of alternative education. The statewide system shall include alternative education programs implemented pursuant to this section.

B. All school districts of this state serving students in grades seven through twelve shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students;

4. Demonstrate that teaching faculty are appropriately certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components;

11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises at the sending school or district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, the graduation plan required by this paragraph shall not be separate from the plan required by Section 1210.508-4 of this title;

12. Offer life skills instruction;

13. Provide opportunities for hands-on arts education to students, including artist residency programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Be appropriately designed to serve middle school, junior high school and high school students in grades seven through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and

16. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities at the sending school or district, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 1 of each school year.
D. 1. Each alternative education program of a school district shall receive funding based on the average daily membership (ADM) of students served by an alternative education program in the prior school year according to the annual statistical report conducted by the State Department of Education. The per-student funding amount shall be based on the funding available for the program each fiscal year.

2. Of the funding available for alternative education programs each fiscal year, the State Department of Education shall designate up to fifteen percent (15%) for districts participating in cooperative agreements for alternative education services, which shall be allocated on a pro rata basis as an incentive to each participating district. The incentive amount received by each district for participating in a cooperative agreement shall not exceed Six Thousand Dollars ($6,000.00) per fiscal year and shall be in addition to the per-student funding amount required by paragraph 1 of this subsection. Any funds remaining after allocations required by this paragraph are made shall be distributed to districts in accordance with paragraph 1 of this subsection.

3. Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system.

E. All statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver by May 15 of each year from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any request for a waiver shall be accompanied by an assurance that the school district does not have students in need of alternative education services. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall:
   a. provide initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
   b. provide technical assistance to school districts to enhance the probability of success of their alternative education programs,
   c. evaluate state-funded alternative education programs,
   d. report the evaluation results of state-funded alternative education programs, and
   e. provide in-depth program analysis and evaluation of state-funded alternative education programs.

2. The State Board of Education may create an evaluation schedule for effective and highly effective programs, requiring them to be evaluated not less than once every three (3) years.

3. The State Board of Education may contract with a technical assistance provider in order to meet the requirements of this subsection.

4. The State Board of Education shall have the authority to suspend funds for an alternative education program that does not meet the requirements of subsection B of this section. Provided, any school district under consideration for suspension of funds may request a hearing before the Board with a review of the evaluation prior to the Board’s final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.
I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education. A school district participating in a cooperative agreement shall be required to send its alternative education funding allocation to the cooperative.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

21 O.S. §1277. Unlawful carry in certain places.
A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:
   1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;
   2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;
   3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;
   4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;
   5. Any place where gambling is authorized by law, unless allowed by the property owner; and
   6. Any other place specifically prohibited by law.
B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:
   1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;
   2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;
   3. Any property adjacent to a structure, building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;
   4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and
   5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in this subsection.
C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers’ Compensation Act.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00).

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the motor vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;
2. Any property authorized for possession or use of handguns by college, university or technology center school policy; and
3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.
Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to the following:

1. Any peace officer or any person authorized by law to carry a pistol in the course of employment;
2. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of this state;
3. Private investigators with a firearms authorization when acting in the course and scope of employment;
4. Elected officials of a county, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of their duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;
5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and
6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

H. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle or motorcycle as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

21 O.S. §1280.1. Possession of firearm on school property.

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;
2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

   a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

   b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.
D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars ($250.00)


C. 2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

21 O.S. §1280.1. Possession of firearm on school property.

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;
4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers’ Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:
   a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or
   b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars ($250.00)


C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:
   c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

70 O.S. §24-102. Pupils - Dangerous weapons - Dangerous substances.

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by
Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

**REGULATIONS**

No relevant regulations found.

**Students with chronic disciplinary issues**

**LAWS**

**70 O.S. §1210.561. Competitive grants to agencies providing services to high challenge children and youth.**

A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of this title. The grant awards shall be made to school districts located in counties with a high number of dropouts for the school year preceding the year for which the grant is being sought, and a high number of referrals to the juvenile justice system. If the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. The funds shall be awarded to programs specifically providing targeted services to high challenge children. High challenge children are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants for programs serving elementary and middle grade students and grants for middle grade level and other specified alternative education programs. Competitive grants shall be of statewide significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. To be eligible for a High Challenge grant, a program shall meet research-based criteria set by the State Department of Education. The Alternative Approaches Technical Assistance Center shall provide the Department with research and recommendations on effective programming for high challenge children.

C. The State Board of Education is further authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The Alternative Approaches Technical Assistance Center grant recipient shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the grant.

D. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district has received grants for an at risk or high challenge program for three consecutive school years and if the program upon evaluation by the
Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection E of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years; and

2. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to July 1, 1992, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years.

All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

E. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children set forth in subsection A of this section;

2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;

3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;

4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the Oklahoma Arts Council; performing assessment of high challenge children; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligibility for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person’s service pursuant to paragraph 5 of this subsection.

A. Each year by June 30, every school district that serves students in grades seven through twelve as outlined in this section shall conduct and report to the State Department of Education a needs assessment to identify those students who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. The results of the needs assessments shall be reported to the Department in a format specified by the Department.

B. Every school district as specified in subsection A of this section shall develop and submit to the Department by September 1 of each year a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped technology center school district.

C. The proposed plan shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

D. The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be made available on the State Department of Education website. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

70 O.S. §10-105. Neglect or refusal to compel child to attend school.

A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age […]

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and
comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
   a. the school administrator of the school district where the child attends school, and
   b. the parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years;

4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days;

5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

2. For the second offense, a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.
Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.

G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

1. Verifying attendance of the child with the school;
2. Attending meetings with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.


It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four-week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.
70 O.S. §24-120. Truancy - Reports to Department of Public Welfare - Withholding of assistance payments.

A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 70-10-105 of this title.

B. Upon the receipt of such information from the school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in a change in custody and care of such child, payments to the payee shall be canceled or shall be made to the person qualified to receive benefits on behalf of the child.

C. For purposes of the pilot project, the Department of Human Services and the State Board of Education shall establish a procedure to provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g et seq., and any other applicable federal law.

D. The district attorney shall file with the Department of Human Services a report identifying any child who has been convicted of truancy within thirty (30) days of such conviction.

REGULATIONS
No relevant regulations found.

Substance use

LAWS

21 O.S. §1242. Refusal of minor to disclose place where and person from whom obtained.

Any minor being in possession of cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, or vapor products and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, or vapor products were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and upon conviction thereof before the district court, or any judge of the district court, such minor being of the age of sixteen (16) years or upwards shall be sentenced to pay a fine not exceeding Five Dollars ($5.00) or to undergo an imprisonment in the jail of the proper county not exceeding five (5) days, or both; if such minor shall be under the age of sixteen (16) years, he or she shall be certified by such magistrate or justice to the juvenile court of the county for such action as the court shall deem proper. For the purposes of this section, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.


C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:
   a. violation of a school regulation,
b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities.

70 O.S. §24-102. Pupils - Dangerous weapons - Dangerous substances.

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

70 O.S. §24-132. Reporting students under influence of certain prohibited substance - Civil immunity.

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

70 O.S. §24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student.
as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of low-point beer, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.

70 O.S. §1210.229-3. Definitions.
For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;
2. "Board" means the State Board of Education;
3. "Department" means the State Department of Education;
4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and
5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

70 O.S. §1210.229-5. State Superintendent of Public Instruction and State Department of Education-Coordination with Oklahoma Drug and Alcohol Abuse Policy Board-Joint duties.
B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

21 O.S. §1190. Prohibition against hazing - Presumption - Penalty - Definition
A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.
B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any
institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

D. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.

E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

F. For purposes of this section:
   1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction of the public or private school or of any institution of higher education in this state;
   2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and
   3. "Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

70 O.S. §8-104. Emergency transfers.

A. In addition to the transfer process provided in Section 8-103 of this title, students may be transferred on an emergency basis. A written application for an emergency transfer designating the district to which the transfer is desired shall be made by the parent and filed with the superintendent of the receiving school district. On an adequate showing of emergency the superintendent of the receiving school district may make and order a transfer, subject to approval by the State Board of Education. An emergency shall include only:
   8. When a student has been the victim of harassment, intimidation and bullying as defined in Section 24-100.3 of this title, upon verification by the receiving school district that the student has been the victim of harassment, intimidation or bullying and that the sending school district was notified of the incident or incidents prior to the filing of the application for transfer.
70 O.S. §24-100.2. Short Title.
Sections 24-100.2 through 24-100.5 of this title shall be known and may be cited as the "School Safety and Bullying Prevention Act".

70 O.S. §24-100.3. Purpose and definitions.
A. As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal, or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student;

2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;

3. "Electronic communication" means the communication of any written, verbal, pictorial information, or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and

4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

B. Nothing in this act shall be construed to impose a specific liability on any school district.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;

4. Contain a statement of how the policy is to be publicized including a requirement that:
   a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
   b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
   c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
   d. the policy be included in all student and employee handbooks;

5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;
6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;

7. Identify by job title the school official responsible for enforcing the policy;

8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;

9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:
   a. consequences and remedial action for a person who commits an act of bullying,
   b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
   c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

13. Establish a procedure for:
   a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
   b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
   c. reporting the number of incidents of bullying, and
   d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.
C. The teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

E. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.

G. The State Board of Education shall:
   1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
   2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
   3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

70 O.S. §24-100.5. Legislative intent - Safe school committee - Applicability.

A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, and a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

B. The Safe School Committee shall study and make recommendations to the principal regarding:
   1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
   2. Student bullying as defined in Section 24-100.3 of this title;
   3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying; and
   4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system; and
   5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.
In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

D. The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and

2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

E. The provisions of this section shall not apply to technology center school.

70 O.S. §24-100.6. Separation of victim and offender.

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.
REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(a) Purpose. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits the ability to learn, and leads to other antisocial behavior. Other detrimental effects of bullying include impact on school safety, student engagement, and the overall school environment. Successful school programs recognize, prevent, effectively identify, and intervene in incidents involving harassment, intimidation and bullying behavior. Schools that implement these programs have improved safety and create a more inclusive learning environment. The purpose of the Oklahoma School Bullying Prevention Act, 70 O.S. § 24-100.2, et seq., is to provide a comprehensive approach for public schools to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of bullying.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meaning:

(1) "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that:
   (A) Results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group; and
   (B) Is communicated in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

(2) "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events.

(3) "Electronic Communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer.

(4) "Threatening Behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students, school personnel, or school property.

(1) The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section;

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:
   (A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;
(B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

(C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

(D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;

(3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:

(A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

(B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;

(C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and

(D) The bullying policy shall be included in all student and employee handbooks;

(4) The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring;

(5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;

(6) The policy shall require each school to identify by job title the official who is responsible for enforcement of the district’s bullying policy;

(7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:

(A) May constitute criminal conduct; or

(B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;

(8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;

(9) The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of
the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(i) Verbal or written warnings;
(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
(iii) Detention;
(iv) Loss of school privileges;
(v) Course and/or teacher reassignment;
(vi) Prohibition or suspension of participation in school activities;
(vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
(ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;
(x) Reassignment, suspension, and/or termination of school employment;
(xi) Referral to law enforcement;

(B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

(i) Counseling;
(ii) Academic intervention;
(iii) Protection for students who are targets of bullying; and
(iv) Any other appropriate services as necessary to:
   (I) Ensure the safety of all students involved in incidents of bullying; and
   (II) Prevent further incidents of bullying.

(11) The policy shall require the district to establish a procedure at each school for:

(A) The investigation, documentation, and determination of all incidents of bullying reported to school officials;

(B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;

(C) Reporting the number of incidents of bullying to the State Department of Education; and

(D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

(12) The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse, or other counseling options be provide to the student, if appropriate. This may include information about the types of support services available to the student bully, victim, and any other students affected by the prohibited behavior.
(13) The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to (12) of this subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that information does not violate the provisions or requirements of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of Oklahoma Statutes, or any other state or federal laws relating to the disclosure of confidential information.

(d) Policy Adoption. The policy adopted by the local school board pursuant to 70 O.S. § 24-100.4 shall include the statutorily required sections outlined in section (c) of this rule. Failure to include such items shall result in action pursuant to (f) of this Section.

(e) Policy Development. In developing a district policy, each district board of education shall make an effort to involve teachers, parents, and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of the adoption of the policy and shall receive a copy upon request.

(f) Monitoring and Compliance. The State Board of Education shall monitor school districts for compliance with 70 O.S. § 24-100.4 and (c) of this Section.

(1) To assist the State Department of Education with compliance efforts pursuant to this section, each school district shall identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain on file with the Department of Education updated contact information. Each school district shall notify the State Department of Education within fifteen (15) business days of the appointment of a new Bullying Coordinator.

(2) Every school district shall submit to the State Board of Education a copy of the district's bullying policy. The bullying policy shall be submitted to the State Department of Education by December 10th of each school year, and shall be submitted as a part of the school's Annual Performance Report.

(3) The State Department of Education shall conduct an annual comprehensive review of each school district's bullying policy to ensure compliance with 70 O.S. § 24-100.4. School districts that do not comply with the statutory requirements of the statute shall be notified in writing, and be required to make necessary changes to comply with state law.

(4) State Department of Education staff shall monitor school districts for compliance with 70 O.S. § 24-100.4 and section (c) of this rule. The State Department of Education may initiate a compliance review upon receipt of evidence which indicates noncompliance with 70 O.S. § 24-100.4. Evidence of potential noncompliance shall be based on the nature or frequency of confirmed complaints of non-compliance received by the State Department of Education. The scope of a compliance review initiated pursuant to (f) of this Section shall be limited to determining whether a school district has implemented policies required by 70 O.S. § 24-100.4.

(5) Records indicating substantial noncompliance with (c) of this Section shall be submitted to the school district's Regional Accreditation Officer (RAO) for review and consideration during the district's accreditation process. Record of a school district's failure to comply with 70 O.S. § 24-100.4, including the number of confirmed complaints of non-compliance involving the district, shall be documented in the district's compliance report and be considered for purposes of accreditation.

(g) Federal Applicability. Harassment, intimidation, and bullying behavior may also result in discriminatory harassment, prohibited by Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit
discrimination on the basis of disability. Each school district shall take necessary steps to ensure compliance with federal law.

**Other special infractions or conditions**

**LAWS**

**70 O.S. §5-146.1. Reporting suspected gang activity - Immunity from liability.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

**70 O.S. §24-101.1. Rules - Possession of wireless telecommunication device while pupil on school premises.**

The board of education of each school district shall establish and implement rules regarding student possession of a wireless telecommunication device while said student is on school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school. The rules shall provide that a student may possess a wireless telecommunication device upon the prior consent of both a parent or guardian and school principal or superintendent and shall also specify the disciplinary action a student shall face if found to be in possession of a wireless telecommunication device in violation of the rules.

**70 O.S. §24-105. Fraternities, sororities and secret societies.**

A. The board of education of each school district shall have full power and authority to regulate, control or prohibit any fraternity, sorority, secret society, club or group composed in whole or in part of students enrolled in the school district if it deems it advisable and in the best interest of the school program to do so.

B. Each board of education shall adopt policies and procedures to annually notify parents or guardians of students about clubs and organizations sponsored by or under the direction and control of the school. The annual notification about clubs and organizations shall be by means of the student handbook and by posting on the Internet website for the school district or if the school district does not have an Internet website by another appropriate method. The annual notification shall include, but is not limited to, the following information about each club or organization:

1. Name;
2. Mission or purpose; and
3. Name of the faculty advisor, if known.

C. If clubs or organizations are created or formed after the annual notification is distributed, the school district shall send additional notification to the parents or guardians containing information about the additional clubs or organizations consistent with the requirements set forth in subsection B of this section.

D. The policy adopted by each board of education shall provide parents or guardians of students with an opportunity to notify school administration that the parent or guardian is withholding permission for a student to join or participate in one or more clubs or organizations. The policy shall only apply to participation in clubs and organizations that are extracurricular and shall not apply to participation in clubs and organizations that are necessary for a required class of instruction. Parents or guardians shall be
responsible for preventing their student from participating in a club or organization in which permission is withheld. Parents or guardians shall also be responsible for retrieving their student from attendance at a club or organization in which permission is withheld. Nothing in this subsection shall prevent a club or organization from meeting when a student who is not authorized to be in the club or organization is present at such meeting.

E. For purposes of this section:

1. "Clubs and organizations" means a club or organization comprised of students that is organized and meets for common goals, objectives, or purposes, and that is directly under the sponsorship, direction, and control of the school; and

2. "Competitive interscholastic activity or event" means activities held under the auspices or sponsorship of a school district that involves students enrolled in that school district competing against individuals or groups of students representing other school districts.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

70 O.S. §24-100.1. School violence prevention.
A. It is the intent of the Legislature to encourage and assist the public schools of this state to address school violence through an emphasis on prevention. Preventative services shall be encouraged through greater access to mental health counseling and social services for students. In order to make licensed professional counselors and licensed social workers more available and accessible on site, school districts may:

1. Contract with and allocate space for nonprofit agencies or other community-based service providers for the appropriate personnel and services;
2. Seek any available funding, including the use of Medicaid funds for students who are Medicaid eligible through targeted case management, and any other funding which may be available for related services; and
3. Encourage the State Board of Education to allow for the use of licensed professional counselors and licensed social workers in addition to academic counselors.

70 O.S. §24-100.3. Purpose and definitions.
A. As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student;
2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;
3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and
4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

B. Nothing in this act shall be construed to impose a specific liability on any school district.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;
10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:
   a. consequences and remedial action for a person who commits an act of bullying,
   b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
   c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

70 O.S. §24-100.5. Legislative Intent - Safe school committee - Applicability.

A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, and a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

B. The Safe School Committee shall study and make recommendations to the principal regarding:
   1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
   2. Student bullying as defined in Section 24-100.3 of this title;
   3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying; and
   4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system; and
   5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

D. The State Department of Education shall:
   1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and
2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

E. The provisions of this section shall not apply to technology center school.

70 O.S. §24-100.7. Suicide awareness and prevention.
A. The board of education of each school district in this state may adopt a policy regarding suicide awareness and training and the reporting of student drug abuse.

B. The board of education of each school district in this state may provide schoolwide training to all students in grades seven through twelve and staff addressing suicide awareness and prevention. The Department of Mental Health and Substance Abuse Services shall develop and make available to school districts curriculum which addresses suicide awareness and prevention, without cost to the school districts. The course outline for the curriculum shall be made available to the public online through the school district website. Beginning with the 2014-2015 school year, every school district may:
   1. Provide a suicide prevention training program which includes as a core element research-based approaches and that is developed by the school district;
   2. Provide the curriculum made available by the Department of Mental Health and Substance Abuse Services; or
   3. Provide a suicide prevention training program that is selected by the school district from a list maintained by the Department of Mental Health and Substance Abuse Services to students and school district staff that addresses suicide awareness and prevention. The training program may be combined with any other training provided by the school district addressing bullying prevention.

C. Teachers, counselors, principals, administrators and other school personnel shall be immune from employment discipline and any civil liability for:
   1. Calling the 911 emergency telephone number, law enforcement or the Department of Human Services if they believe a student poses a threat to themselves or others or if a student has committed or been the victim of a violent act or threat of a violent act;
   2. Providing referral, emergency medical care or other assistance offered in good faith to a student or other youth; or
   3. Communicating information in good faith concerning drug or alcohol abuse or a potential safety threat by or to any student to the parents or legal guardians of the student, law enforcement officers or health care providers.

D. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, unless the loss or damage was caused by willful or wanton misconduct.

E. The training required pursuant to this section, or the lack thereof, shall not be construed to impose any specific duty of care.

F. School districts may enter into agreements with designated Youth Services Agencies for the provision of intervention and prevention services.

G. Teachers, counselors, principals, administrators, or other school personnel, upon determining that a student is at risk of attempting suicide, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.

70 O.S. §1210.221. Short title.
This act shall be known and may be cited as the “Drug Abuse Education Act of 1972.”
As used in this act, the term "drug" means articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; articles, other than food, intended to affect the structure or any function of the body of man or other animals; and articles intended for use as a component of any article specified in this paragraph; but does not include devices or their components, parts or accessories. It shall also include alcoholic and intoxicating liquor and beverages and tobacco.

70 O.S. §1210.223. Purpose of act.
The purpose of this act is to authorize the development of a comprehensive drug abuse education program for children and youth in kindergarten and grades one through twelve in the public school districts of this state which choose to participate. It is the legislative intent that this program may teach the adverse and dangerous effects of drugs on the human mind and body and may include proper usage of prescription and nonprescription medicines.

70 O.S. §1210.224. Administration of act.
The Department of Education may administer the comprehensive Drug Abuse Education Act of 1972, pursuant to regulations which the State Board of Education is hereby empowered to promulgate. In administering this section, the Department shall take into consideration the advice of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

70 O.S. §1210.225. Implementation.
In administering this act, the State Board of Education and the State Department of Education shall be governed by the following:

1. Implement in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts which are participating in this program;

2. Implement provisions of this act in the most expeditious manner possible, commensurate with the availability of textbooks and materials, as well as the availability of teaching personnel; and

3. Recommend degree programs and short course seminars for the preparation of drug education teaching personnel.

70 O.S. §1210.227. Funds.
In implementing this act every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

70 O.S. §1210.228. Reports.
The State Department of Education shall, at least thirty (30) days prior to the 1973 regular session of the Legislature and each regular session thereafter, transmit to the members of the State Board of Education, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Chairmen of the Senate and House Education Committees, a report as to the status of the drug abuse education program together with any recommendations for further improvement, modification or additional legislation.
70 O.S. §1210.229-1. Short title.
Sections 1210.229-1 through 1210.229-5 of this title shall be known and may be cited as the "Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act".

70 O.S. §1210.229-2. Findings and intent of legislature.
The Legislature finds that for the purpose of preventing drug and alcohol abuse among our young people, and for preventing or alleviating problems which lead to and are closely associated with drug and alcohol abuse, it is desirable that all Oklahoma school districts develop and implement a curriculum for drug and alcohol abuse prevention for all grade levels. Such curriculum may include training in life skills, such as problem-solving, responsibility, communication and decision-making skills, which enable young people to successfully resist social and other pressures to engage in activities which are destructive to their health and future. The Legislature encourages all school districts to adopt as a goal for the year 1990 the full implementation of drug and alcohol abuse prevention programs in their schools. In order to expand and enhance the ability of school districts to implement drug and alcohol prevention programs, it is the intent of the Legislature that local school districts participate in the federal Drug-Free Schools and Communities Act of 1986, 20 U.S.C., Section 4601 et seq. and the provisions of Public Law No. 101-647, Drug-Free School Zones.

In order to derive maximum benefit from their drug and alcohol prevention programs, it is further the intent of the Legislature that the school districts coordinate their efforts and activities with the Oklahoma Drug and Alcohol Abuse Policy Board, and with appropriate state and local drug and alcohol abuse, health and law enforcement agencies and programs within the community which provide drug education, prevention, treatment and rehabilitation.

It is further the intent of the Legislature to encourage school districts to establish programs concerning the danger and criminal consequences of the possession and/or use of firearms or other dangerous or deadly weapons in school zones.

70 O.S. §1210.229-3. Definitions.
For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;
2. "Board" means the State Board of Education;
3. "Department" means the State Department of Education;
4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and
5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

70 O.S. §1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma Drug and Alcohol Abuse Policy Board - Distribution of information or reports - Final determination of materials and curriculum.
A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;
2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;

3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and

4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(a) Purpose. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits the ability to learn, and leads to other antisocial behavior. Other detrimental effects of bullying include impact on school safety, student engagement, and the overall school environment. Successful school programs recognize, prevent, effectively identify, and intervene in incidents involving harassment, intimidation and bullying behavior. Schools that implement these programs have improved safety and create a more inclusive learning environment. The purpose of the Oklahoma School Bullying Prevention Act, 70 O.S. § 24-100.2, et seq., is to provide a comprehensive approach for public schools to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;

(9) The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;
(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(i) Verbal or written warnings;

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;

(iii) Detention;

(iv) Loss of school privileges;

(v) Course and/or teacher reassignment;

(vi) Prohibition or suspension of participation in school activities;

(vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;

(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;

(ix) Restitution of a victim’s property that has been damaged as a result of a documented and verified bullying incident;

(x) Reassignment, suspension, and/or termination of school employment;

(xi) Referral to law enforcement;

(B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

(i) Counseling;

(ii) Academic intervention;

(iii) Protection for students who are targets of bullying; and

(iv) Any other appropriate services as necessary to:

(I) Ensure the safety of all students involved in incidents of bullying; and

(II) Prevent further incidents of bullying.

Behavioral interventions and student support services

LAWS

70 O.S. §24-100.4. Control and discipline of child.

A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:
14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

70 O.S. §24-100.7. Suicide awareness and prevention.

F. School districts may enter into agreements with designated Youth Services Agencies for the provision of intervention and prevention services.


C. 1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:

a. violation of a school regulation,

b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and

c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

I. At its discretion, a school district may require a student guilty of acts listed in subparagraph a or b of paragraph 1 of subsection C of this section to complete intervention and prevention programs as provided by designated Youth Service Agencies, if available.

70 O.S. §1210.241. Evidence-based counseling for students in school districts.

A. The Legislature recognizes that many students are dealing with family and societal issues that make it difficult or impossible for them to be successful students. Among other school-based counseling programs, designated youth services agencies provide counseling for those students. To assure the quality and availability of the counseling services, the Legislature finds that it is desirable that school districts have access to individual and group counseling using an evidence-based counseling curriculum to prevent self-defeating, destructive or disruptive behavior. The curriculum may include training in problem solving, anger management, grief counseling, responsibility, communication and decision-making skills.

B. In order to assure the ability of school districts to give their students the best opportunity for academic and personal success, subject to the availability of funds, the Office of Juvenile Affairs, together with the Oklahoma Association of Youth Services, shall identify an evidence-based counseling curriculum. Subject to the availability of funds, the Office of Juvenile Affairs, through designated youth services agencies, shall make the identified evidence-based counseling available to students in school districts.

C. For purposes of this section, "evidence-based" means a program or practice that has had multiple-site randomized controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.
**REGULATIONS**

**210:10-1-20. Implementation of policies prohibiting bullying.**

(a) Purpose. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits the ability to learn, and leads to other antisocial behavior. Other detrimental effects of bullying include impact on school safety, student engagement, and the overall school environment. Successful school programs recognize, prevent, effectively identify, and intervene in incidents involving harassment, intimidation and bullying behavior. Schools that implement these programs have improved safety and create a more inclusive learning environment. The purpose of the Oklahoma School Bullying Prevention Act, 70 O.S. § 24-100.2, et seq., is to provide a comprehensive approach for public schools to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;

(viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

(i) Counseling;

(ii) Academic intervention;

(iii) Protection for students who are targets of bullying; and

(iv) Any other appropriate services as necessary to:

(I) Ensure the safety of all students involved in incidents of bullying; and

(II) Prevent further incidents of bullying.

**Professional development**

**LAWS**

**70 O.S. §6-185. Incorporation of competencies and methods into programs approved for teacher preparation for competency-based teacher preparation system - Legislative intent.**

A. The following competencies and methods shall be incorporated into the programs approved by the Oklahoma Commission for Teacher Preparation until July 1, 2014, and approved by the Commission for
Educational Quality and Accountability beginning July 1, 2014, for the competency-based teacher preparation system provided for the Oklahoma Teacher Preparation Act:

1. The teacher preparation system shall include, but not be limited to, the following competencies:
   k. skills in effective classroom management and student discipline;

70 O.S. §6-194. Professional development programs - Development and adoption.

A. The district boards of education of this state shall establish professional development programs for the certified teachers and administrators of the district. Programs shall be adopted by each board based upon recommendations of a professional development committee appointed by the board of education for the district. For the fiscal years ending June 30, 2011, and June 30, 2012, a school district board of education may elect not to adopt and offer a professional development program for certified teachers and administrators of the district. If a school district elects not to adopt and offer a professional development program, the district may expend any monies allocated for professional development for any purpose related to the support and maintenance of the school district as determined by the board of education of the school district.

B. Each professional development committee shall include classroom teachers, administrators, school counselors or licensed mental health providers, and parents, guardians or custodians of children in the school district and shall consult with a higher education faculty. A majority of the members of the professional development committee shall be composed of classroom teachers. The teacher members shall be selected by a designated administrator of the school district from a list of names submitted by the teachers in the school district. The members selected shall be subject to the approval of a majority vote of the teachers in the district.

C. In developing program recommendations, each professional development committee shall annually utilize a data-driven approach to analyze student data and determine district and school professional development needs. The professional development programs adopted shall be directed toward development of competencies and instructional strategies in the core curriculum areas for the following goals:
   1. Increasing the academic performance data scores for the district and each school site;
   2. Closing achievement gaps among student subgroups;
   3. Increasing student achievement as demonstrated on state-mandated tests and the ACT;
   4. Increasing high school graduation rates; and
   5. Decreasing college remediation rates.

Each program may also include components on classroom management and student discipline strategies, outreach to parents, guardians or custodians of students, special education, and racial and ethnic education, which all personnel defined as teachers in Section 1-116 of this title shall be required to complete on a periodic basis. The State Board of Education shall provide guidelines to assist school districts in developing and implementing racial and ethnic education components into professional development programs.

D. At a minimum of once an academic year a program shall be offered which includes the following:
   1. Training on recognition of child abuse and neglect;
   2. Recognition of child sexual abuse;
   3. Proper reporting of suspected abuse; and
   4. Available resources.

E. One time per year, beginning in the 2009-2010 school year, training in the area of autism shall be offered and all resident teachers of students in early childhood programs through grade three shall be
required to complete the autism training during the resident year and at least one time every three (3) years thereafter. All other teachers and education support professionals of students in early childhood programs through grade three shall be required to complete the autism training at least one time every three (3) years. The autism training shall include a minimum awareness of the characteristics of autistic children, resources available and an introduction to positive behavior supports to challenging behavior. Each adopted program shall allow school counselors to receive at least one-third (1/3) of the hours or credit required each year through programs or courses specifically designed for school counselors. Districts are authorized to utilize any means for professional development that is not prohibited by law including, but not limited to, professional development provided by the district, any state agency, institution of higher education, or any private entity.

F. Except as otherwise provided for in this subsection, each certified teacher in this state shall be required by the district board of education to meet the professional development requirements established by the board, or established through the negotiation process. Except as otherwise provided for in this subsection, the professional development requirements established by each board of education shall require every teacher to annually complete a minimum number of the total number of points required to maintain employment. Failure of any teacher to meet district board of education professional development requirements may be grounds for nonrenewal of such teacher's contract by the board. Such failure may also be grounds for nonconsideration of salary increments affecting the teacher. For the fiscal years ending June 30, 2011, and June 30, 2012, a certified teacher shall not be required to complete any points of the total number of professional development points required. Provided, a teacher may elect to complete some or all of the minimum number of points required for the two (2) fiscal years and any points completed shall be counted toward the total number of points required to maintain employment. If a teacher does not complete some or all of the minimum number of points required for one (1) or both fiscal years, the total number of points required to maintain employment shall be adjusted and reduced by the number of points not completed.

G. Each district shall annually submit a report to the State Department of Education on the district level professional development needs, activities completed, expenditures, and results achieved for each school year by each goal as provided in subsection C of this section. If a school district elects not to adopt and offer a professional development program as provided for in subsection A of this section, the district shall not be required to submit an annual report as required pursuant to this subsection but shall report to the State Department of Education its election not to offer a program and all professional development activities completed by teachers and administrators of the school district.

H. Subject to the availability of funds, the Department shall develop an online system for reporting as required in subsection E of this section. The Department shall also make such information available on its website.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;

70 O.S. §24-100.5. Legislative intent - Safe school committee - Applicability.
B. The Safe School Committee shall study and make recommendations to the principal regarding:
3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying;

5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

70 O.S. §24-100.7. Suicide awareness and prevention.

B. The board of education of each school district in this state may provide schoolwide training to all students in grades seven through twelve and staff addressing suicide awareness and prevention. The Department of Mental Health and Substance Abuse Services shall develop and make available to school districts curriculum which addresses suicide awareness and prevention, without cost to the school districts. The course outline for the curriculum shall be made available to the public online through the school district website. Beginning with the 2014-2015 school year, every school district may:

3. Provide a suicide prevention training program that is selected by the school district from a list maintained by the Department of Mental Health and Substance Abuse Services to students and school district staff that addresses suicide awareness and prevention. The training program may be combined with any other training provided by the school district addressing bullying prevention.

70 O.S. §1210.225. Implementation.

In administering this act, the State Board of Education and the State Department of Education shall be governed by the following:

1. Implement in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts which are participating in this program;

2. Implement provisions of this act in the most expeditious manner possible, commensurate with the availability of textbooks and materials, as well as the availability of teaching personnel; and

3. Recommend degree programs and short course seminars for the preparation of drug education teaching personnel.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;
**Monitoring and Accountability**

**Formal incident reporting of conduct violations**

**LAWS**

**70 O.S. §5-146. Reporting assault and battery of school employees.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, upon whom an assault, battery, assault and battery, or aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall notify either the superintendent, building administrator, or one member of a Safe School Committee of the school district employing the school employee. The building administrator or member of the Safe School Committee shall notify the superintendent of the assault, battery, assault and battery, aggravated battery or aggravated assault and battery.

B. The superintendent shall notify the State Department of Education of all incidents described in subsection A of this section for the previous year on July 1 of each year. The report shall include a description of the battery or assault and battery, and the final disposition of each incident.

C. The State Department of Education shall submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor on December 1 of each year.

D. For purposes of this section, "assault" shall be defined by Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be defined by Section 642 of Title 21 of the Oklahoma Statutes, and "aggravated assault and battery" shall be defined by Section 646 of Title 21 of the Oklahoma Statutes.

E. No school employee shall be subject to any civil liability for any statement, report, or action taken in reporting or assisting in reporting a battery or assault and battery which is committed upon the school employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

F. Every school district shall have and deliver to each school employee a written policy that such employee shall follow if an assault, battery or assault and battery is committed upon the school employee while in the performance of any school duties.

**70 O.S. §5-146.1. Reporting suspected gang activity - Immunity from liability.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

**70 O.S. §10-106. Records of attendance of pupil - Report of absence.**

It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school
day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four-week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;

5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;

7. Identify by job title the school official responsible for enforcing the policy;

13. Establish a procedure for:
   a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
   b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
   c. reporting the number of incidents of bullying, and
   d. determining the severity of the incidents and their potential to result in future violence;

70 O.S. §24-132. Reporting students under influence of certain prohibited substance - Civil immunity.
A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall
have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

70 O.S. §24-138. Students under the influence of certain prohibited substances - Reporting - Written policy

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of low-point beer, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:

(A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of
bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;

(B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

(C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

(D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;

(4) The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring;

(5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;

(6) The policy shall require each school to identify by job title the official who is responsible for enforcement of the district's bullying policy;

(7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:

(A) May constitute criminal conduct; or

(B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;

(11) The policy shall require the district to establish a procedure at each school for:

(A) The investigation, documentation, and determination of all incidents of bullying reported to school officials;

(B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;

(C) Reporting the number of incidents of bullying to the State Department of Education; and

(D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

(12) The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse, or other counseling options be provide to the student, if appropriate. This may include information about the types of support services available to the student bully, victim, and any other students affected by the prohibited behavior.

(f) Monitoring and Compliance. The State Board of Education shall monitor school districts for compliance with 70 O.S. § 24-100.4 and (c) of this Section.

(1) To assist the State Department of Education with compliance efforts pursuant to this section, each school district shall identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain on file with the Department of Education updated contact information. Each school district shall notify the State
Department of Education within fifteen (15) business days of the appointment of a new Bullying Coordinator.

**Parental notification**

**LAWS**

**25 O.S. §2002. Rights reserved to parents.**

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including, but not limited to, the following rights:

1. The right to direct the education of the minor child;
2. All rights of parents identified in Title 70 of the Oklahoma Statutes, including the right to access and review all school records relating to the minor child;
3. The right to direct the upbringing of the minor child;
4. The right to direct the moral or religious training of the minor child;
5. The right to make healthcare decisions for the minor child, unless otherwise prohibited by law;
6. The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released;
7. The right to consent in writing before a biometric scan of the minor child is made, shared or stored;
8. The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid (DNA) is created, stored or shared, except as required by Sections 1-516 and 1-524.1 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant to a court order;
9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or as a part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of a forensic interview in a criminal or Department of Human Services investigation or to be used solely for any of the following:
   a. safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles,
   b. a purpose related to a legitimate academic or extracurricular activity,
   c. a purpose related to regular classroom instruction,
   d. security or surveillance of buildings or grounds, and
   e. a photo identification card; and
10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or Department of Human Services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section shall not be construed to apply to a parental action or decision that would end life. This section does not prohibit courts, law enforcement
officers or employees of a government agency responsible for child welfare from acting in their official capacity within the reasonable and prudent scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.

D. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. The Parents' Bill of Rights does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied. The Parents' Bill of Rights shall not be construed to apply to a parental action or decision that would end life.


[…] It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence […]

70 O.S. §24-100.4. Control and discipline of child.

A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;

70 O.S. §24-100.7. Suicide awareness and prevention.

G. Teachers, counselors, principals, administrators, or other school personnel, upon determining that a student is at risk of attempting suicide, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.

70 O.S. §24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed
description of a graduated range of consequences and sanctions for bullying. The policy adopted by each
district board of education shall meet all of the following requirements:

(5) The policy shall require the district to establish a procedure at each school for providing timely
notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of
documented to the parents or guardians of the perpetrator;

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

**LAWS**

**21 O.S. §1190. Prohibition against hazing - Presumption - Penalty - Definition.**

A. No student organization or any person associated with any organization sanctioned or authorized by
the governing board of any public or private school or institution of higher education in this state shall
engage or participate in hazing.

B. Any hazing activity described in subsection F of this section upon which the initiation or admission into
or affiliation with an organization sanctioned or authorized by a public or private school or by any
institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a
forced activity, even if the student willingly participates in such activity.

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher
education which prohibits hazing shall be given to each student enrolled in the school or institution and
shall be deemed to be part of the bylaws of all organizations operating at the public school or the
institution of higher education.

D. Any organization sanctioned or authorized by the governing board of a public or private school or of an
institution of higher education in this state which violates subsection A of this section, upon conviction,
shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five
Hundred Dollars ($1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and
privileges of being an organization organized or operating at the public or private school or at the
institution of higher education.

E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a
misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county
jail, or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such
imprisonment and fine.

F. For purposes of this section:

1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical
health or safety of a student for the purpose of initiation or admission into or affiliation with any
organization operating subject to the sanction of the public or private school or of any institution of
higher education in this state;

2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature,
such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption
of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-
point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous
substance, or other substance, or any other forced physical activity which could adversely affect the
physical health or safety of the individual; and

3. "Endanger the mental health" shall include any activity, except those activities authorized by law,
which would subject the individual to extreme mental stress, such as prolonged sleep deprivation,
forced prolonged exclusion from social contact, forced conduct which could result in extreme
embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

21 O.S. §1280.1. Possession of firearm on school property.
A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.
B. For purposes of this section:
1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;
2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and
3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.
C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:
1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;
2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;
3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;
4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;
5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;
6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:
   a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or
   b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

   if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars ($250.00)

70 O.S. §5-146.1. Reporting suspected gang activity - Immunity from liability.
A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:
   8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;

70 O.S. §24-100.8. Threatening behavior-Notification of law enforcement-Good faith immunity from discipline.
A. As used in this section, “threatening behavior” means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property.

B. An officer or employee of a school district or member of a board of education shall notify law enforcement of any verbal threat or act of threatening behavior which reasonably may have the potential to endanger students, school personnel or school property.

C. Officers or employees of a school district or members of a board of education shall be immune from employment discipline and any civil liability for communicating information pursuant to subsection B of
this section in good faith if they reasonably believe a person is making verbal threats or is exhibiting threatening behavior.

D. Nothing in this section shall be construed to impose a specific liability on any school district.

70 O.S. §24-120. Truancy - Reports to Department of Public Welfare - Withholding of assistance payments.

A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.

B. Upon the receipt of such information from the school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in change in custody and care of such child, payments to the payee shall be canceled or shall be made to the person qualified to receive benefits on behalf of the child.

C. For purposes of the pilot project, the Department of Human Services and the State Board of Education shall establish a procedure to provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.

D. The district attorney shall file with the Department of Human Services a report identifying any child who has been convicted of truancy within thirty (30) days of such conviction.

70 O.S. §24-132. Reporting students under influence of certain prohibited substances - Civil immunity.

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

70 O.S. §24-132.1. Duty to report unauthorized firearm and to deliver seized weapon to law enforcement.

A. Pursuant to the requirements of Section 1271.1 of Title 21 of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.

B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to
possess a firearm on school property pursuant to Section 1280.1 of Title 21 of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to Section 1271.1 of Title 21 of the Oklahoma Statutes.

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.
(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:

(A) May constitute criminal conduct; or
(B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(x) Referral to law enforcement;

Disclosure of school records

LAWS

70 O.S. §6-115. Information concerning pupil.
It shall be unlawful for any teacher to reveal any information concerning a student obtained by the teacher in their capacity as a teacher except as may be required in the performance of the contractual duties of the teacher or as otherwise required by law. The information may be provided to the parent or guardian of the student upon request or as otherwise required by law. Any violation of this section shall upon conviction be considered a misdemeanor.

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph 14 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of
1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

70 O.S. §24-101.4. Forwarding and disclosure of records.
A. A school district in which a student is enrolled or is in the process of enrolling in may request the student's education records from any school district in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. A district that receives a request for the education records of a student who formerly was enrolled in the district shall forward the records within three (3) business days of receipt of the request. The records shall include the student's disciplinary records. Disciplinary records shall include but not be limited to all information that relates to a student assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel. The forwarding and disclosure of disciplinary records or other education records to a school district in which a student seeks or intends to enroll shall be in accordance with the annual notification requirements and provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

B. Each school district shall be required to release nondirectory educational records to the agencies listed in Section 620.3 of Title 10 of the Oklahoma Statutes. The release of any records shall be in accordance with the provisions of FERPA. The term "nondirectory educational records" shall be those records maintained by the school regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to FERPA.

C. The State Board of Education shall promulgate rules for monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section. The Board shall inform school districts of their statutory responsibilities for compliance with FERPA. Enforcement and sanctions shall be as provided by the federal requirements under FERPA.

REGULATIONS

(a) Definitions. The following words and terms, when used in this Section, shall have the following meaning:
    (1) "Personally Identifiable Information" shall have the meaning set forth in 34 C.F.R. § 99.3;
    (2) "School official" shall mean the officials within an educational agency or institution, including, but not limited to teachers, who are determined by the agency or institution to have legitimate educational interests in Personally Identifiable Information pursuant to the provisions of 34 C.F.R. § 99.31(a)(1);
    (3) "Student data" shall have the meaning set forth in 70 O.S. § 3-168(A)(7).
(b) Annual inventory of student data collection. The State Board of Education shall create and/or update and publish a data inventory and dictionary or an index of individual student data elements with definitions of individual student data fields currently collected by the State Department of Education in its student data system.
    (1) The inventory or index required to be created and published by this subsection shall include:
        (A) Any student data required to be reported by state and federal education mandates;
        (B) Any student data, if any, which have been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and
        (C) Any student data, if any, that the State Department of Education collects or maintains with no current purpose or reason.
(2) The inventory or index required to be created and published by this subsection shall identify which student data elements were collected by the State Department of Education on or before July 1, 2013. All data elements identified as a student data element collected by the State Department of Education on or before July 1, 2013 shall be considered an "existing collection of student data" exempt from the provisions of (c) of this Section pertaining to collection of "new student data."

(c) Collection of new student data - limits. New collections of student data shall be subject to the following procedures:

(1) For purposes of this subsection, a "new collection of student data" shall mean any new data object (i.e., category of student data) added to the student information system.

(2) Any new collection of student data proposed for addition to the State Department of Education student data system shall be identified and submitted to the State Board of Education for approval no later than December 1 of the year prior to the school year for which the new data collection is proposed to be added.

(3) Any new collection of student data proposed for addition to the State Department of Education student data system shall be submitted to the Governor and the Legislature within one year from the date of approval by the State Board of Education, in accordance with the provisions of 70 O.S. § 3-168(C)(7). Until approved by the Governor and the Legislature, any proposed new data collection shall be considered provisional, provided that any proposed new data collection not approved by the Governor and the Legislature by the end of the next legislative session shall be deemed to expire and shall no longer be required by the State Department of Education.

(d) Disclosure or transfer of student data - limits. All requests for disclosure and/or transfer of student data collected and maintained by the State Department of Education, including, but not limited to Open Records Act requests and research requests, are subject to the following procedures:

(1) Confidentiality of student data. All data which falls within the definition of "student data" set forth in 70 O.S. § 3-168(A)(7) is hereby deemed confidential pursuant to 70 O.S. § 3-168(C). Accordingly, "student data" are not subject to disclosure by the State Department of Education unless:

(A) The student data are aggregated and any Personally Identifiable Information has been removed in accordance with the procedures set forth in (3) of this subsection;

(B) The student data are otherwise approved for release, sharing, and/or disclosure by the State Board of Education in accordance with the procedures set forth in (4) of this subsection; or

(C) The student data does not have prior approval of the State Board of Education for release, sharing, and/or disclosure, but the release of requested data to the requester does not violate provisions of the Family Education Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. or accompanying regulations at 34 C.F.R. Part 99, and the release is limited to one of the following purposes:

(i) Facilitating a student transfer out of state, or assisting a school or school district with locating an out-of-state transfer;

(ii) Facilitating a student's application to an out-of-state institution of higher education or professional training program;

(iii) Registration for a national or multistate assessment taken by a student;

(iv) Facilitating a student's voluntary participation in a program for which transfer of that student's data are a condition and/or requirement of the student's participation;

(v) The Department enters into a contract that governs databases, assessments, special education, or instruction supports with an out-of-state vendor;

(vi) Compliance with federal reporting requirements for students classified as "migrants."
(2) Authorized access to confidential student data. Access to confidential student data in the State Department of Education student information system shall be restricted to:

(A) Employees of the State Department of Education who have been authorized by the Superintendent of Public Instruction to access confidential student data;

(B) Contractors of the State Department of Education who require such access to perform their assigned duties, including staff and contractors from the Information Services Division of the Office of Management and Enterprise Services (OMES) who have been assigned to the State Department of Education, provided that all such individuals shall comply with the terms set forth in the contract governing use and handling of student data;

(C) District administrators, teachers, personnel or other “school officials” under direct control of a school in which the student has been enrolled or in which the student has applied for transfer or enrollment and who require access to confidential student data in order to perform their assigned duties;

(D) A student and/or parents or legal guardians of the student with rights to inspect a student's own records in accordance with rights afforded by state or federal law;

(E) The authorized staff of any other State of Oklahoma agencies as authorized by law and in accordance with the terms of interagency data sharing agreements; and

(F) The authorized staff of any other entity as necessary to fulfill the purposes set forth in 70 O.S. § 3-168(C)(3) or as otherwise approved by the State Board of Education to access or share student data in accordance with terms of interagency data-sharing agreements.

(3) Requests for release of student data. In accordance with the provisions of 70 O.S. § 3-168(C)(2)(c), all requests for release, disclosure, and/or transfer, of confidential student data shall be denied unless the data or dataset requested for release meets one of the following conditions:

(A) The request is from an individual or entity specifically authorized to access confidential student data pursuant to 70 O.S. § 3-168(C)(2)(a) or (d)(2) of this Section;

(B) The requested data or dataset has been approved for release to the requester by the State Board of Education in accordance with the policies and procedures set forth in (4) of this subsection; or

(C) The requested data or dataset meets all of the following criteria:

   (i) The requested data meets the definition of "aggregate data" set forth in 70 O.S. § 3-168(A)(4); and

   (ii) All data that falls within the definition of "Personally Identifiable Information" set forth in 34 C.F.R. 99.3 has been removed, suppressed, and/or redacted as necessary to ensure no Personally Identifiable Information is included in the student data requested for release;

(4) Policies and procedures governing approval of release, sharing and/or disclosure of confidential student data by the State Board of Education. The State Department of Education shall develop a detailed data security plan that complies with the provisions of 70 O.S. §3-168(C)(4) and includes internal policies and procedures governing agency responses to requests for release and/or sharing of confidential student data to persons not authorized to access confidential student data in accordance with (2) of this subsection. Such internal policies and procedures shall meet all of the following requirements:

(A) The policies and procedures shall prohibit release of all data or datasets containing Personally Identifiable Information of one or more students unless all of the following conditions are met:

   (i) The release complies with the provisions of the Family Education Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. and accompanying regulations at 34 C.F.R. Part 99; and

   (ii) Approval for the release has been obtained from the State Board of Education.
(B) The policies and procedures shall set forth the requirements of all written agreements necessary to comply with the requirements of 34 C.F.R. § 99.31.

210:10-1-20. Implementation of policies prohibiting bullying.
(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements:

(13) The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to (12) of this subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that information does not violate the provisions or requirements of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of Oklahoma Statutes, or any other state or federal laws relating to the disclosure of confidential information.

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

LAWS

70 O.S. §5-146. Reporting assault and battery of school employees.
A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, upon whom an assault, battery, assault and battery, or aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall notify either the superintendent, building administrator, or one member of a Safe School Committee of the school district employing the school employee. The building administrator or member of the Safe School Committee shall notify the superintendent of the assault, battery, assault and battery, aggravated battery or aggravated assault and battery.
B. The superintendent shall notify the State Department of Education of all incidents described in subsection A of this section for the previous year on July 1 of each year. The report shall include a description of the battery or assault and battery, and the final disposition of each incident.
C. The State Department of Education shall submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor on December 1 of each year.
D. For purposes of this section, "assault" shall be defined by Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be defined by Section 642 of Title 21 of the Oklahoma Statutes, and "aggravated assault and battery" shall be defined by Section 646 of Title 21 of the Oklahoma Statutes.
E. No school employee shall be subject to any civil liability for any statement, report, or action taken in reporting or assisting in reporting a battery or assault and battery which is committed upon the school employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.
F. Every school district shall have and deliver to each school employee a written policy that such employee shall follow if an assault, battery or assault and battery is committed upon the school employee while in the performance of any school duties.
70 O.S. §24-100.4. Control and discipline of child.

G. The State Board of Education shall:

1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

70 O.S. §1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma Drug and Alcohol Abuse Policy Board - Distribution of information or reports - Final determination of materials and curriculum.

A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;

REGULATIONS

210:10-1-20. Implementation of policies prohibiting bullying.

(f) Monitoring and Compliance. The State Board of Education shall monitor school districts for compliance with 70 O.S. § 24-100.4 and (c) of this Section.

(1) To assist the State Department of Education with compliance efforts pursuant to this section, each school district shall identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain on file with the Department of Education updated contact information. Each school district shall notify the State Department of Education within fifteen (15) business days of the appointment of a new Bullying Coordinator.

(2) Every school district shall submit to the State Board of Education a copy of the district's bullying policy. The bullying policy shall be submitted to the State Department of Education by December 10th of each school year, and shall be submitted as a part of the school's Annual Performance Report.

(3) The State Department of Education shall conduct an annual comprehensive review of each school district's bullying policy to ensure compliance with 70 O.S. § 24-100.4. School districts that do not comply with the statutory requirements of the statute shall be notified in writing, and be required to make necessary changes to comply with state law.

(4) State Department of Education staff shall monitor school districts for compliance with 70 O.S. § 24-100.4 and section (c) of this rule. The State Department of Education may initiate a compliance review upon receipt of evidence which indicates noncompliance with 70 O.S. § 24-100.4. Evidence of potential noncompliance shall be based on the nature or frequency of confirmed complaints of non-compliance received by the State Department of Education. The scope of a compliance review initiated pursuant to (f) of this Section shall be limited to determining whether a school district has implemented policies required by 70 O.S. § 24-100.4.

(5) Records indicating substantial noncompliance with (c) of this Section shall be submitted to the school district's Regional Accreditation Officer (RAO) for review and consideration during the district's accreditation process. Record of a school district's failure to comply with 70 O.S. § 24-100.4, including
the number of confirmed complaints of non-compliance involving the district, shall be documented in the district's compliance report and be considered for purposes of accreditation.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

70 O.S. §10-109. Temporary detention and custody of children subject to compulsory full-time education - Immediate delivery to parent or custodian - Purpose of temporary custody or detention

A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children being home schooled pursuant to Section 10-105 of the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the school district that such attendance officer, peace officer or school official serves, if said school district has previously approved the temporary detention and custody pursuant to this section.

B. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district, or to a community intervention center, as defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes.

C. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a severely limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
MOUs, authorization and/or funding

LAWS

A. The board of education of a school district may, through a majority vote of the board, designate school personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program, as provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace officer certification program, as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, provided and developed by the Council on Law Enforcement Education and Training (CLEET). Nothing in this section shall be construed to prohibit or limit the board of education of a school district from requiring ongoing education and training.
B. Participation in either the armed security guard training program or the reserve peace officer certification program shall be voluntary and shall not in any way be considered a requirement for continued employment with the school district. The board of education of a school district shall have the final authority to determine and designate the school personnel who will be authorized to obtain and use an armed security guard license or reserve peace officer certification in conjunction with their employment as school personnel.
C. The board of education of a school district that authorizes school personnel to participate in either the armed security guard program or the reserve peace officer program may pay all necessary training, meal and lodging expenses associated with the training.
D. When carrying a firearm pursuant to the provisions of this act, the person shall at all times carry the firearm on his or her person or the firearm shall be stored in a locked and secure location.
E. Any school personnel who have successfully completed either training and while acting in good faith shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto public school property as provided for in this act. Any board of education of a school district or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by school personnel who are designated to carry a concealed handgun on public school property pursuant to the provisions of this act.
F. In order to carry out the provisions of this section, the board of education of a school district is authorized to enter into a memorandum of understanding with local law enforcement entities.

Except as provided in Section 70-10-102.1 of this title, the board of education of each school district shall appoint, or may employ, and fix the compensation of an attendance officer and such assistants as may be necessary, who shall serve under the authority and supervision of the board of education and the district superintendent of schools. Provided, that the same person may be appointed or employed as an attendance officer or assistant for two or more school districts.

70 O.S. §10-102.1. Performance of duties of attendance officer for school district.
The board of education of each school district may enter into an agreement with the municipal police department serving the school district which provides that some or all of the duties of an attendance officer for the school district shall be performed by a certified police officer of the municipality. The agreement may further provide that the compensation and necessary traveling expenses of such attendance officer shall be payable from municipal funds.
70 O.S. §10-105. Neglect or refusal to compel child to attend school.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.


It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last-known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four-week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

70 O.S. §10-106.1. Attendance officer duties and responsibilities.

It shall be the duty of the attendance officer of each school district to carry out the duties and responsibilities required of the attendance officers by Section 34 of this act. If the attendance officer is unable to carry out the duties and responsibilities, the school district superintendent shall be charged with such duties and responsibilities. Documentation of enrollment status shall be provided to a student by the school district last attended by the student and shall be based upon the last semester's attendance if the student requires documentation during a time when school is not in session.


In any matter pertaining to the duties of the attendance officer and keeping records thereof, the board of education of the district shall make rules and regulations subject only to the limitations of the regulations of the State Board of Education and of the law, which shall have the force and effect of law, and all
attendance officers are hereby required to comply with all such rules and regulations the same as if they had been specifically mentioned herein.

**70 O.S. §10-108. Necessary travel expenses.**
The attendance officer or assistants shall receive, in addition to their salaries, all necessary travel expenses incurred by them in the performance of their official duties.

**70 O.S. §10-109. Temporary detention and custody of children subject to compulsory full-time education - Immediate delivery to parent or custodian - Purpose of temporary custody or detention**
A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children being home schooled pursuant to Section 10-105 of the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the school district that such attendance officer, peace officer or school official serves, if said school district has previously approved the temporary detention and custody pursuant to this section.

B. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district, or to a community intervention center, as defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes.

C. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a severely limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant.

**REGULATIONS**
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

70 O.S. §24-100.4. Control and discipline of child.
G. The State Board of Education shall:
   1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
   2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
   3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

70 O.S. §24-100.5. Legislative intent - Safe school committee - Applicability.
D. The State Department of Education shall:
   1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and
   2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

70 O.S. §1210.224. Administration of act.
The Department of Education may administer the comprehensive Drug Abuse Education Act of 1972, pursuant to regulations which the State Board of Education is hereby empowered to promulgate. In administering this section, the Department shall take into consideration the advice of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

70 O.S. §1210.229.5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma drug and alcohol abuse policy board - Distribution of information or reports - Final determination of materials and curriculum.
A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:
   1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;
   2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;
   3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and
4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

70 O.S. §1210.227. Funds.
In implementing this act every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

70 O.S. §1210.561. Competitive grants to agencies providing services to high challenge children and youth.
A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of this title. The grant awards shall be made to school districts located in counties with a high number of dropouts for the school year preceding the year for which the grant is being sought, and a high number of referrals to the juvenile justice system. If the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. The funds shall be awarded to programs specifically providing targeted services to high challenge children. High challenge children are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants for programs serving elementary and middle grade students and grants for middle grade level and other specified alternative education programs. Competitive grants shall be of statewide significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-
funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. To be eligible for a High Challenge grant, a program shall meet research-based criteria set by the State Department of Education. The Alternative Approaches Technical Assistance Center shall provide the Department with research and recommendations on effective programming for high challenge children.

C. The State Board of Education is further authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The Alternative Approaches Technical Assistance Center grant recipient shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the grant.

D. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district has received grants for an at risk or high challenge program for three consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection E of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years; and

2. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to July 1, 1992, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years.

All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

E. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children set forth in subsection A of this section;

2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;

3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;
4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the Oklahoma Arts Council; performing assessment of high challenge children; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligibility for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person's service pursuant to paragraph 5 of this subsection.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

51 O.S. §155. Exemptions from liability.
The state or a political subdivision shall not be liable if a loss or claim results from:

35. The use of necessary and reasonable force by a school district employee to control and discipline a student during the time the student is in attendance or in transit to and from the school, or any other function authorized by the school district;

36. Actions taken in good faith by a school district employee for the out-of-school suspension of a student pursuant to applicable Oklahoma Statutes;

70 O.S. §5-146. Reporting assault and battery of school employees.
E. No school employee shall be subject to any civil liability for any statement, report, or action taken in reporting or assisting in reporting a battery or assault and battery which is committed upon the school employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

70 O.S. §5-146.1. Reporting suspected gang activity - Immunity from liability.
A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

70 O.S. §6-149.7. Suspension of student assaulting or attempting to cause bodily injury to education employee or volunteer - Immunity for use of force to control or discipline student.
A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades six through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for in Section 24-101.3 of this title. This section shall be in addition to and does not limit the criminal liability of a person who causes or commits an assault, battery, or assault and battery upon a school employee as provided for in Section 650.7 of Title 21 of the Oklahoma Statutes.

B. No education employee shall be liable for the use of necessary and reasonable force to control and discipline a student during the time the student is in attendance at the school or in transit to or from the school, or any other function authorized by the school district.
70 O.S. §24-100.7. Suicide awareness and prevention.

C. Teachers, counselors, principals, administrators and other school personnel shall be immune from employment discipline and any civil liability for:

1. Calling the 911 emergency telephone number, law enforcement or the Department of Human Services if they believe a student poses a threat to themselves or others or if a student has committed or been the victim of a violent act or threat of a violent act;
2. Providing referral, emergency medical care or other assistance offered in good faith to a student or other youth; or
3. Communicating information in good faith concerning drug or alcohol abuse or a potential safety threat by or to any student to the parents or legal guardians of the student, law enforcement officers or health care providers.

D. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, unless the loss or damage was caused by willful or wanton misconduct.

E. The training required pursuant to this section, or the lack thereof, shall not be construed to impose any specific duty of care.

70 O.S. §24-100.8. Threatening behavior-Notification of law enforcement-Good faith immunity from discipline.

A. As used in this section, “threatening behavior” means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property.

B. An officer or employee of a school district or member of a board of education shall notify law enforcement of any verbal threat or act of threatening behavior which reasonably may have the potential to endanger students, school personnel or school property.

C. Officers or employees of a school district or members of a board of education shall be immune from employment discipline and any civil liability for communicating information pursuant to subsection B of this section in good faith if they reasonably believe a person is making verbal threats or is exhibiting threatening behavior.

D. Nothing in this section shall be construed to impose a specific liability on any school district.


J. No school board, administrator or teacher may be held civilly liable for any action taken in good faith which is authorized by this section.

70 O.S. §24-132. Reporting students under influence of certain prohibited substances - Civil immunity.

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student’s possession low-point beer or alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school’s policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.
B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

70 O.S. §24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.
A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 63-2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

70 O.S. §24-100.4. Control and discipline of child.
A. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of conduct to which students are expected to conform. The policy shall:
   14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and
B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

70 O.S. §24-100.5. Legislative intent - Safe school committee - Applicability.
A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled
students, students, and a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

B. The Safe School Committee shall study and make recommendations to the principal regarding:
   1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
   2. Student bullying as defined in Section 24-100.3 of this title;
   3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying;
   4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system; and
   5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

REGULATIONS
No relevant regulations found.

Other or uncategorized

LAWS

70 O.S. §6-149.1. Short title.
Sections 2 through 10 of this act shall be known and may be cited as the "School Protection Act".

70 O.S. §6-149.2. Purpose.
The purpose of the School Protection Act is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

70 O.S. §6-149.3. Definitions.
As used in the School Protection Act:
   1. "Education employee" means any individual who is an employee of a school; and
2. "School" means a public school district, governmental entity that employs teachers as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, or private kindergarten, elementary, or secondary school.

70 O.S. §6-149.4. False accusation of criminal activity against education employee - Penalties - Limitations.

A. Except as otherwise provided in this section, any person eighteen (18) years of age or older who acts with specific intent in making a false accusation of criminal activity against an education employee to law enforcement authorities or school district officials, or both, shall be guilty of a misdemeanor and, upon conviction, punished by a fine of not more than Two Thousand Dollars ($2,000.00).

B. Except as otherwise provided in this section, any student between seven (7) years of age and seventeen (17) years of age who acts with specific intent in making a false accusation of criminal activity against an education employee to law enforcement authorities or school district officials, or both, shall, upon conviction, at the discretion of the court, be subject to any of the following:
   1. Community service of a type and for a period of time to be determined by the court; or
   2. Any other sanction as the court in its discretion may deem appropriate.

C. The provisions of this section shall not apply to statements regarding individuals elected or appointed to an educational entity.

D. This section is in addition to and does not limit the civil or criminal liability of a person who makes false statements alleging criminal activity by another.

70 O.S. §6-149.5. Civil action or proceeding - Costs, attorney fees, and expert witness fees.

A. In any civil action or proceeding against a school or an education employee, the court may award costs and reasonable attorney fees to the prevailing party. In any civil action or proceeding by or between any education employee and a school or other education employee, the provisions of this section shall not apply.

B. Expert witness fees may be included as part of the costs awarded under this section.

70 O.S. §6-149.6. Insurance policy Indemnifying against liability - No waiver of defenses.

Unless otherwise provided by law, the existence of any policy of insurance indemnifying a school or an education employee against liability for damages is not a waiver of any defense otherwise available to the educational entity or its employees in the defense of the claim.

70 O.S. §6-149.7. Suspension of student assaulting or attempting to cause bodily injury to education employee or volunteer - Immunity for use of force to control or discipline student.

A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades six through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for in Section 24-101.3 of this title. This section shall be in addition to and does not limit the criminal liability of a person who causes or commits an assault, battery, or assault and battery upon a school employee as provided for in Section 650.7 of Title 21 of the Oklahoma Statutes.

B. No education employee shall be liable for the use of necessary and reasonable force to control and discipline a student during the time the student is in attendance at the school or in transit to or from the school, or any other function authorized by the school district.
70 O.S. §6-149.8. Education employee injured by assault or battery - Leave of absence - Benefits.
An education employee who is injured as a result of an assault or battery upon the person of the employee while the employee is in the performance of any duties as an education employee shall be entitled to a leave of absence from employment with the school without a loss of leave benefits.

70 O.S. §6-149.9. Effect of act on other laws.
The School Protection Act shall be in addition to and shall not limit or amend The Governmental Tort Claims Act or any other applicable law.

70 O.S. §24-100.6. Separation of victim and offender.
A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.
B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.
C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.
D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

74 O.S. §51.2b. Oklahoma School Security Grant Program Act - Purpose - Goals - Duty to determine grant project criteria and process - Annual report.
A. This section shall be known and may be cited as the "Oklahoma School Security Grant Program Act".
B. The Oklahoma Office of Homeland Security shall solicit proposals for and make grants for the enhancement of campus security at institutions of higher learning, technology center schools, public schools, and private schools.
C. The goals and objectives of the Oklahoma School Security Grant Program are to:
   1. Increase the awareness of the public and educational institutions of the risks, threats, and vulnerabilities of school campuses as well as mitigation strategies;
2. Incentivize participation in school security training programs designed to assess campus risks, threats, and vulnerabilities;

3. Provide assistance to institutions of higher learning, technology center schools, public schools, and private schools initiating or implementing school security plans, programs, and activities; and

4. Build upon the success of the pilot Education Grant Program established by the Oklahoma Office of Homeland Security.

D. The Oklahoma Office of Homeland Security shall determine grant project criteria and establish a process for the consideration of proposals. The proposals shall be considered on a statewide competitive basis among peer institutions.

E. On or before January 1, 2010, and each year thereafter, the Oklahoma Office of Homeland Security shall prepare an annual report on the Oklahoma School Security Grant Program and submit to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

74 O.S. §51.2c. Oklahoma school security revolving fund.
A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Office of Homeland Security to be designated the "Oklahoma School Security Revolving Fund". The Oklahoma School Security Revolving Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received by the Oklahoma Office of Homeland Security from:

1. Reimbursements, grants, or other monies received from other state agencies and entities of state government for school security;

2. Reimbursements, grants, or other monies received by the Oklahoma Office of Homeland Security from the United States government obligated to school security projects;

3. Gifts, donations, and bequests; and

4. Monies appropriated or apportioned by the state.

B. All monies accruing to the credit of the Oklahoma School Security Revolving Fund are hereby appropriated and may be budgeted and expended by the Oklahoma Office of Homeland Security for the administration of the Oklahoma School Security Grant Program. Contingent upon the availability of funding, the Oklahoma Office of Homeland Security may make grants each year to institutions of higher learning, technology center schools, public schools, and private schools as provided in Section 51.26 of this title.

C. Expenditures from the Oklahoma School Security Revolving Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

74 O.S. §51.2d. Oklahoma School Security Institute.
A. Upon the effective date of this act, the Oklahoma Office of Homeland Security shall designate a division of their office as the "Oklahoma School Security Institute".

B. The Oklahoma School Security Institute shall act as the central repository for the public and private elementary and secondary schools of this state to contact for information on resources made available to the schools in their efforts to enhance school security and assess risks and threats to school campuses. The goals and objectives of the Oklahoma School Security Institute shall include, but not be limited to:

1. Maximizing school security training and support to public and private elementary and secondary schools as authorized pursuant to Section 51.2b of Title 74 of the Oklahoma Statutes;

2. Assisting and coordinating with public and private elementary and secondary school administrators as required in the development and implementation of safety drills;
3. Facilitating efforts of public and private elementary and secondary schools to utilize any available programs or entities specializing in security issues; and
4. Creating and coordinating any working groups when necessary in order to continue developing and implementing new strategies and techniques for future recommendations on school security issues.

C. The Oklahoma School Security Institute may develop a telephone tip line whereby reports of activity that may compromise school safety can be called in and disseminated to the appropriate parties for additional investigation should it be warranted.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Oklahoma provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying Prevention, Oklahoma State Department of Education (OSDE)</td>
<td>Provides an overview of bullying prevention and includes lesson plans, resource library, prevention programs, professional development, other related resources.</td>
<td><a href="https://sde.ok.gov/bullying-prevention">https://sde.ok.gov/bullying-prevention</a></td>
</tr>
<tr>
<td>Office of School Safety and Security, OSDE</td>
<td>Address school safety and provides tools and resources related to school safety including links to submit a tip concerning the safety or security of any Oklahoma school, secure schools program, behavior threat assessment management system, and drill reporting.</td>
<td><a href="https://sde.ok.gov/school-safety-and-security">https://sde.ok.gov/school-safety-and-security</a></td>
</tr>
<tr>
<td>Oklahoma Tiered Intervention System of Support (OTISS), OSDE</td>
<td>Provides an overview of OTISS including Response to Intervention (RTI) and Positive Behavioral Interventions and Supports (PBIS) and links related resources to RTI and PBIS.</td>
<td><a href="https://sde.ok.gov/oklahoma-tiered-intervention-system-support-otiss">https://sde.ok.gov/oklahoma-tiered-intervention-system-support-otiss</a></td>
</tr>
<tr>
<td>Prevention Services, OSDE</td>
<td>Presents programs and initiatives including bullying, cyberbullying, internet safety, substance abuse prevention, and violence prevention administered in Oklahoma’s schools, providing links to report forms, help hotlines, crisis kit for counselors, and related resources to prevention services</td>
<td><a href="https://sde.ok.gov/prevention-education">https://sde.ok.gov/prevention-education</a></td>
</tr>
<tr>
<td>Safe and Healthy Schools, OSDE</td>
<td>Provides information about Oklahoma’s adoption of the Whole School, Whole Community, Whole Child (WSCC) model and includes professional learning opportunities and related resources.</td>
<td><a href="https://sde.ok.gov/safe-and-healthy-schools">https://sde.ok.gov/safe-and-healthy-schools</a></td>
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<tr>
<td>Bullying Prevention Toolkit for Educators (October 2013), OSDE</td>
<td>Toolkit provides a daily tip calendar and information for educators to share bullying prevention tips with K-12 youth during the month of October, National Bullying Prevention Month, and includes a series of handouts for educators to enhance their bullying prevention skills.</td>
<td><a href="http://www.ok.gov/sde/sites/ok.gov.sde/files/documents/files/Bullying%20Prevention%20Month%20Toolkit.pdf">http://www.ok.gov/sde/sites/ok.gov.sde/files/documents/files/Bullying%20Prevention%20Month%20Toolkit.pdf</a></td>
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**Other Resources**

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<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017 Education Law Book, OSDE</td>
<td>Compilation of state school laws in force, published every two years in accordance with the requirements of 70 O.S. § 3-107, which includes Oklahoma state statutes, regulations, court decisions, opinions of the Oklahoma Attorney Generals, and other informative material relating to public school education.</td>
<td><a href="https://sde.ok.gov/sites/default/files/2017%20School%20Law%20Book_0.pdf">https://sde.ok.gov/sites/default/files/2017%20School%20Law%20Book_0.pdf</a></td>
</tr>
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</table>
Oregon
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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![Safe Supportive Learning](image-url)
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LAWS

In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227.

336.580. Education at youth care centers; rules.
(3) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.
(4) The State Board of Education shall adopt rules to implement this section.

336.585. Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district.
(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program […]

336.590 Education for children enrolled in Youth Corrections Education Program; costs; rules.
(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program […]

336.625. Goals; district responsibility; registration; rules.
(3) The State Board of Education by rule:
(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;
(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and
(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

339.240. Rules of student conduct, discipline and rights; duties of state board and district school boards.
(1) The State Board of Education in accordance with ORS chapter 183 shall adopt rules setting minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements. The rules shall be distributed by the Superintendent of Public Instruction to all school districts.
(3) Every district school board shall enforce consistently and fairly its written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with a disability under ORS 343.035.
339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers’ authority.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
   (A) Willful disobedience;
   (B) Open defiance of the authority of a school employee;
   (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
   (D) Use or display of profane or obscene language;
   (E) Willful damage or injury to school property;
   (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
   (G) Assault of a school employee or another student; or
   (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(c) Must limit the use of expulsion to the following circumstances:
   (A) For conduct that poses a threat to the health or safety of students or school employees;
   (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
   (C) When the expulsion is required by law.

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
   (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
   (B) When a school administrator determines, based upon the administrator’s observation or upon a report from a school employee, that the student’s conduct poses a direct threat to the health or safety of students or school employees; or
   (C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student’s academic instruction is minimized.

(f) Must be limited so that:
   (A) The duration of an expulsion may not be more than one calendar year.
   (B) The duration of a suspension may not be more than 10 school days.

(g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.

(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
(a) Defines and helps create a learning environment that students respect;
(b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
(c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
(d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
(e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(a) Staff reporting methods.
(b) Provisions that allow an administrator to consider and implement any of the following options:
   (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
   (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
   (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
   (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student’s behavior and the school’s response.
   (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(a) Protect students and school employees from harm;
(b) Provide opportunities for students to learn from their mistakes;
(c) Foster positive learning communities;
(d) Keep students in school and attending class;
(e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
(f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student’s individual conduct;
(g) Employ a range of strategies for prevention, intervention and discipline that take into account a student’s developmental capacities and that are proportionate to the degree and severity of the student’s misbehavior;
(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or

(B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);

(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and

(j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(a) Require expulsion from school for a period of not less than one year of any student who is determined to have:

(A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;

(B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or

(C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

(b) Allow exceptions:

(A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and

(B) Identified by and adopted by the State Board of Education by rule.

(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.
(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) “Corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) “Corporal punishment” does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

339.356 District policy required.

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of “harassment,” “intimidation” or “bullying” and of “cyberbullying” that are consistent with ORS 339.351.

(c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

(f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:

(A) Identify by job title the school officials responsible for receiving such a report at a school.

(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.
(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(l) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

   (A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

   (B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

REGULATIONS


(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

   (a) Assembly of students;

   (b) Dress and grooming;

   (c) Motorized and nonmotorized vehicles;

   (d) Search and seizure;

   (e) Attendance;

   (f) Freedom of expression;

   (g) Alcohol, drugs, and tobacco;

   (h) Student records;

   (i) Discipline, suspension, and expulsion.
(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

581-021-0060. Discipline procedures, prohibition of corporal punishment.
(1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.

581-021-0556. Program's procedures regarding physical restraint & seclusion.
(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of physical restraint or seclusion.
(10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

Scope

LAWS

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.
(3) As used in this section, “school” means:
(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;
(b) The grounds adjacent to the institution; and
(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization and that is posted as such.

(1) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.
(2) “Harassment, intimidation or bullying” means any act that:
(a) Substantially interferes with a student’s educational benefits, opportunities or performance;
(b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;

339.356. District policy required.
(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.
(2) School districts must include in the policy:
(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.
REGULATIONS

(2) No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours
   (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
   (b) On school grounds, athletic grounds, or parking lots.
(3) No student is permitted to possess a tobacco product:
   (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
   (b) On school grounds, athletic grounds, or parking lots.

Communication of policy

LAWS

339.240. Rules of student conduct, discipline and rights; duties of state board and district school boards.
(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards adopted by the State Board of Education under subsection (1) of this section.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
   (a) Defines and helps create a learning environment that students respect;
   (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
   (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
   (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
   (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

339.356. District policy required.
(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.
(2) School districts must include in the policy:
   (m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:
(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

339.366. Required policies on teen dating violence and domestic violence.

(2) Each school district board shall adopt a policy that:

(a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;

(b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;

(c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;

(d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and

(e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

REGULATIONS


(1) School district boards, or designated representatives, shall attempt to give widest possible distribution to their rules of pupil conduct and discipline in order that students may understand the expectations of the district.

(2) School districts shall make reasonable attempts to give a copy of their current rules to each student, and a copy of the current rules shall be posted in a prominent place in the schools of the district.

(3) School districts shall make these rules available to the general public upon request.

581-021-0250. An educational agency or institution's policy regarding student education records.

(1) Each educational agency or institution shall adopt a policy regarding how the agency or institution meets the requirements of OARs 581-021-0220 through 581-021-0430. The policy shall include:

(a) A description of how the agency or institution annually informs parents and students of their rights, in accordance with OAR 581-021-0260;

(3) The educational agency or institution shall state the policy in writing and make a copy of it available on request to a parent or eligible student.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**

*339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.*

(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:

(d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
(e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(a) Protect students and school employees from harm;
(b) Provide opportunities for students to learn from their mistakes;
(c) Foster positive learning communities;
(d) Keep students in school and attending class;
(e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
(f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
(g) Employ a range of strategies for prevention, intervention and discipline that take into account a student’s developmental capacities and that are proportionate to the degree and severity of the student’s misbehavior;
(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
   (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
   (B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
(j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

**REGULATIONS**

No relevant regulations found.
Teacher authority to remove students from classrooms

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
(a) Staff reporting methods.
(b) Provisions that allow an administrator to consider and implement any of the following options:
   (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
   (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
   (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
   (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
   (h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
(A) Following a second or subsequent occurrence within any three-year period of a severe
disciplinary problem with the student; or
(B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance
on a semiannual basis as provided in ORS 339.030 (2);

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this
section must provide for the dissemination of information about alternative programs of instruction or
instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the
student and the parent, legal guardian or person in parental relationship with the student at least once
every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921.
The policy shall:

(c) Allow a superintendent of a school district to:

(B) Propose alternative programs of instruction or instruction combined with counseling for a student
that are appropriate and accessible to the student. If alternative programs are appropriate for a
student, the superintendent shall ensure that information about programs of instruction or instruction
combined with counseling is provided in writing to the student and the parent, legal guardian or
person in parental relationship with the student at least once every six months, or at any time the
information changes because of the availability of new programs.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion,
threats of violence or harm, firearms and physical force; student handbook or code of conduct;
enforcement of policies.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force
upon a student. The policies must allow an individual who is a teacher, administrator, school employee or
school volunteer to use reasonable physical force upon a student when and to the extent the application
of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment.
Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or
the Department of Education that permits or authorizes the infliction of corporal punishment upon a
student is void and unenforceable.

(b) As used in this subsection:

(A) “Corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical
pain on a student.

(B) “Corporal punishment” does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or
other such recreational activity, voluntarily engaged in by a student.
REGULATIONS

581-021-0060. Discipline procedures, prohibition of corporal punishment.
(1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.
(2) No student in Oregon shall be subjected to corporal punishment in any public elementary or secondary school. A school administrator is not authorized to waive the prohibition against corporal punishment based upon the request of a parent or guardian.

581-021-0061. Corporal punishment.
(1) Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student.
(2) Corporal punishment does not include physical pain or discomfort resulting from or caused by:
   (a) Training for or participation in athletic competition voluntarily engaged in by a student;
   (b) Recreational activity voluntarily engaged in by a student;
   (c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects; or
   (d) Physical restraint or seclusion when used as provided in ORS 339.291 and OAR 581-021-0553.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:
   (d) Search and seizure;

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements**

Grounds for possible suspension or expulsion

**LAWS**

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
   (A) Willful disobedience;
   (B) Open defiance of the authority of a school employee;
   (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
   (D) Use or display of profane or obscene language;
   (E) Willful damage or injury to school property;
   (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
   (G) Assault of a school employee or another student; or
   (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

**REGULATIONS**

581-015-2405. Disciplinary removals for up to 10 school days for children with disabilities.

(1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities. These removals are not considered a change in placement.

581-015-2410. Additional disciplinary removals of up to 10 school days each (no pattern).

(1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension for additional periods of up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities, if the removals do not constitute a pattern under section (2) of this rule. These removals are not considered a change in placement.
Grounds for mandatory suspension or expulsion

LAWS

339.250. Duty of student to comply with rules; policy on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

7 Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(a) Require expulsion from school for a period of not less than one year of any student who is determined to have:

(A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;

(B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or

(C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

REGULATIONS

581-021-0055. Standards of conduct.

1 Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.

2 Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

(a) Theft;

(b) Disruption of the school;

(c) Damage or destruction of school property;

(d) Damage or destruction of private property on school premises or during a school activity;

(e) Assault or threats of harm;

(f) Unauthorized use of weapons or dangerous instruments;

(g) Unlawful use of drugs, narcotics, or alcoholic beverages;

(h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

2 Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(c) Must limit the use of expulsion to the following circumstances:

(A) For conduct that poses a threat to the health or safety of students or school employees;
(B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
(C) When the expulsion is required by law.

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

(A) For nonaccidental conduct causing serious physical harm to a student or school employee;
(B) When a school administrator determines, based upon the administrator’s observation or upon a report from a school employee, that the student’s conduct poses a direct threat to the health or safety of students or school employees; or
(C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student’s academic instruction is minimized.

(f) Must be limited so that:

(A) The duration of an expulsion may not be more than one calendar year.
(B) The duration of a suspension may not be more than 10 school days.

(g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(b) Allow exceptions:

(A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
(B) Identified by and adopted by the State Board of Education by rule.

(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

339.252. Child with disability continues to be entitled to free appropriate public education if removed for disciplinary reasons; due process procedures.

(1) As used in this section, “child with a disability” has the meaning given that term in ORS 343.035.

(2) A child with a disability continues to be entitled to a free appropriate public education if the child has been removed for disciplinary reasons from the child’s current educational placement for more than 10 school days in a school year.

(3) A disciplinary removal is considered a change in educational placement and the school district shall follow special education due process procedures under ORS 343.155(5) if:

(a) The removal is for more than 10 consecutive school days; or
(b) The child is removed for more than 10 cumulative school days in a school year, and those removals constitute a pattern based on the length and total time of removals and the proximity of the removals to one another.

(4) A child with a disability shall not be removed for disciplinary reasons under subsection(3) of this section for misconduct that is a manifestation of the child’s disability, except as provided under ORS 343.177.

(5) Notwithstanding ORS 339.250(5)(h) or(7)(c)(B), a school district shall provide a free appropriate public education in an alternative setting to a child with a disability even if the basis for expulsion was a weapon violation pursuant to ORS 339.250(7).

(6) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

REGULATIONS

581-015-2415. Disciplinary removals of more than 10 school days (pattern or consecutive).

(1) A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if:

(a) The removal will be for more than 10 consecutive school days (e.g. expulsion); or

(b) The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410(2).

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal under subsection (1) for a child with a disability who violates a code of conduct.

(3) Manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability in accordance with OAR 581-015-2420.

(4) Manifestation. If the determination under subsection (3) is that the child's behavior is a manifestation of the child's disability, the school district must:

(a) Return the child to the placement from which the child was removed, unless:

(A) The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan under subsection (4)(b);

(B) The school district removes the child to an interim alternative educational setting under OAR 581-015-2425 for a weapons or drug violation or for infliction of serious bodily injury; or

(C) The school district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change in placement to an interim alternative educational setting for injurious behavior; and

(b) Either:

(A) Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and implement a behavior intervention plan; or

(B) If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(5) No manifestation. If the determination under subsection (3) is that the child's behavior is not a manifestation of the child's disability:
(a) The school district may proceed with disciplinary action applicable to children without disabilities under section (1) of this rule, in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

(b) If the school district takes such action applicable to all children, the school district must:

   (A) On the date on which the decision is made to remove the student under subsection (5), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315.

   (B) Provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435; and

   (C) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal in section (1) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the disciplinary removal under subsection (1), whichever occurs first, unless the parent and school district agree otherwise.

581-015-2420. Manifestation determination.

(1) In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

   (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

   (b) If the conduct in question was the direct result of the school district's failure to implement the IEP.

(2) If the school district, the parent, and relevant members of the IEP team determine that either subsection (1)(a) or (b) is applicable for the child, the conduct must be determined to be a manifestation of the child's disability.

(3) If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.

581-021-0065. Suspension.

(5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.

(6) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

(7) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.
Administrative procedures related to suspension and expulsion

LAWS

339.115. Admission of students; waiver; denial.
(1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 5 and 19 who reside within the school district. A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.
(8) Notwithstanding subsection (1) of this section, a school district:
   (a) May for the remaining period of an expulsion deny admission to the regular school to a resident student who is expelled from another school district; and
   (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for more than one calendar year, may for the remaining period of time deny admission to the regular school program to a student who is under expulsion from another school district for an offense that constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers’ authority.
(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
   (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
      (A) Willful disobedience;
      (B) Open defiance of the authority of a school employee;
      (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
      (D) Use or display of profane or obscene language;
      (E) Willful damage or injury to school property;
      (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
      (G) Assault of a school employee or another student; or
      (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
   (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
   (c) Must limit the use of expulsion to the following circumstances:
      (A) For conduct that poses a threat to the health or safety of students or school employees;
      (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
      (C) When the expulsion is required by law.
(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

(A) For nonaccidental conduct causing serious physical harm to a student or school employee;

(B) When a school administrator determines, based upon the administrator’s observation or upon a report from a school employee, that the student’s conduct poses a direct threat to the health or safety of students or school employees; or

(C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student’s academic instruction is minimized.

(f) Must be limited so that:

(A) The duration of an expulsion may not be more than one calendar year.

(B) The duration of a suspension may not be more than 10 school days.

(g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.

(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:

(a) Defines and helps create a learning environment that students respect;

(b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;

(c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;

(d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and

(e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(a) Staff reporting methods.

(b) Provisions that allow an administrator to consider and implement any of the following options:

(A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.

(B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.

(C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter
into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

(c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student’s behavior and the school’s response.

(d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(a) Protect students and school employees from harm;
(b) Provide opportunities for students to learn from their mistakes;
(c) Foster positive learning communities;
(d) Keep students in school and attending class;
(e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
(f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student’s individual conduct;
(g) Employ a range of strategies for prevention, intervention and discipline that take into account a student’s developmental capacities and that are proportionate to the degree and severity of the student’s misbehavior;
(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
   (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
   (B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
(j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
   (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
   (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

(b) Allow exceptions:

(A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and

(B) Identified by and adopted by the State Board of Education by rule.

(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) “Corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) “Corporal punishment” does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS


For the purposes of OAR 581-015-2400 through 581-015-2445, the following definitions apply:
(1) "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.

(2) "Current educational placement" means the type of educational placement of the child as described in the child's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the type of placement on the continuum of placement options (e.g. regular classroom with support; regular classroom with resource room support; special class; special school; home instruction, etc.).

(3) "Disciplinary removal" means suspension, expulsion, or other removal from school for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C). It does not include:
   (a) Removals by other agencies;
   (b) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);
   (c) In-school suspensions if the child continues to have access to the general curriculum and to special education and related services as described in the child's IEP, and continues to participate with children without disabilities to the extent they would in their current placement; or
   (d) Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

(4) "Functional behavioral assessment" means an individualized assessment of the student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.

(5) "Suspension" means any disciplinary removal other than expulsion.

581-015-2405. Disciplinary removals for up to 10 school days for children with disabilities.

(1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities. These removals are not considered a change in placement.

(2) During disciplinary removals described in section (1) of this rule:
   (a) School districts are not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
   (b) School districts are not required to determine whether the child's behavior resulting in disciplinary removal is a manifestation of the child's disability.

(3) For the purpose of counting days of suspensions under OAR 581-015-2405 through 581-015-2445:
   (a) Suspensions of a half day or less are counted as a half day; and
   (b) Suspensions of more than a half-day are counted as a whole day.

(4) For the purposes of determining "current educational placement" in subsection (1) of this rule:
   (a) Children who received special education services in another state and are found eligible for special education in Oregon are treated as initially placed in special education in Oregon, and any days of suspension accrued in the former state are not counted toward the ten days.
   (b) For children who move from one school district to another school district in Oregon, any days of suspension from the former district carry over to the new school district unless the school district does not have actual knowledge of the previous suspensions.
581-015-2410. Additional disciplinary removals of up to 10 school days each (no pattern).

(1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension for additional periods of up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities, if the removals do not constitute a pattern under section (2) of this rule. These removals are not considered a change in placement.

(2) School personnel must determine, on a case-by-case basis, whether the series of removals constitute a pattern:
   (a) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
   (b) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of removals to one another.

(3) Services. During removals described in section (1) of this rule:
   (a) School districts must provide services that are necessary to enable the child:
      (A) To continue to participate in the general education curriculum, although in another setting; and
      (B) To progress toward meeting the goals in the child's IEP.
   (b) School personnel, in consultation with at least one of the child's teachers, determine the extent to which the services described in subsection (3)(a) of this rule are needed, and the location for delivery of those services.
   (c) School districts are not required to determine whether the behavior resulting in removal is a manifestation of the child's disability.

(4) The determination in subsection (2) is subject to review under OAR 581-015-2445.

581-015-2415. Disciplinary removals of more than 10 school days (pattern or consecutive).

(1) A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if:
   (a) The removal will be for more than 10 consecutive school days (e.g. expulsion); or
   (b) The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410(2).

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal under subsection (1) for a child with a disability who violates a code of conduct.

(3) Manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability in accordance with OAR 581-015-2420.

(4) Manifestation. If the determination under subsection (3) is that the child's behavior is a manifestation of the child's disability, the school district must:
   (a) Return the child to the placement from which the child was removed, unless:
      (A) The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan under subsection (4)(b);
      (B) The school district removes the child to an interim alternative educational setting under OAR 581-015-2425 for a weapons or drug violation or for infliction of serious bodily injury; or
(C) The school district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change in placement to an interim alternative educational setting for injurious behavior; and

(b) Either:

(A) Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and implement a behavior intervention plan; or

(B) If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(5) No manifestation. If the determination under subsection (3) is that the child's behavior is not a manifestation of the child's disability:

(a) The school district may proceed with disciplinary action applicable to children without disabilities under section (1) of this rule, in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

(b) If the school district takes such action applicable to all children, the school district must:

(A) On the date on which the decision is made to remove the student under subsection (5), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315.

(B) Provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435; and

(C) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal in section (1) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the disciplinary removal under subsection (1), whichever occurs first, unless the parent and school district agree otherwise.

581-015-2420. Manifestation determination.

(1) In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

(a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(b) If the conduct in question was the direct result of the school district's failure to implement the IEP.

(2) If the school district, the parent, and relevant members of the IEP team determine that either subsection (1)(a) or (b) is applicable for the child, the conduct must be determined to be a manifestation of the child's disability.

(3) If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions:
(a) “Drug” means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.

(c) "Serious bodily injury" means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) “Weapon violation” means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child's disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child's behavior is a manifestation of the child's disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.
581-015-2430. Removal to an interim alternative educational setting by administrative law judge (injurious behavior).

(1) "Injurious behavior" means behavior that is substantially likely to result in injury to the child or to others.

(2) School districts may request an expedited due process hearing under OAR 581-015-2445 to obtain an order from an administrative law judge to order a change in placement of the child to an interim alternative educational setting for not more than 45 school days for injurious behavior.

(3) The interim alternative educational setting must meet the requirements of OAR 581-015-2435(2).

(4) The procedures in subsection (2) may be repeated if the school district believes that returning the child to the original placement is substantially likely to result in injurious behavior.

(5) Nothing in this rule precludes a school district from seeking a court order to remove a child from the child's current educational placement to another placement if the district believes that the maintaining the child in the child's current educational placement is substantially likely to result in injurious behavior.

581-021-0065. Suspension.

(1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.

(2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.

(4) In all suspensions ordered by the executive officer of the school district or designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.

(5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.

(6) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

(7) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.


(1) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing.
(a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over;

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

(2) Student expulsion hearings shall be conducted pursuant to ORS 332.061.

(3) Expulsion hearing policies or rules shall contain provisions for the following:
   (a) Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail to a parent of a suspended student the notice shall be placed in the mail at least five days before the date of the hearing;
   (b) Where the student or the student's parent cannot understand the spoken English language, an interpreter shall be provided by the district;
   (c) The student may be represented by counsel or other persons;
   (d) The student shall be permitted to introduce evidence by testimony, writings, or other exhibits;
   (e) The student shall be permitted to be present and hear the evidence presented by the district;
   (f) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;
   (g) The hearings officer or the student may make a record of the hearing.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS

(3) "Disciplinary removal" means suspension, expulsion, or other removal from school for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C). It does not include:
   (c) In-school suspensions if the child [with special education needs] continues to have access to the general curriculum and to special education and related services as described in the child’s IEP, and continues to participate with children without disabilities to the extent they would in their current placement.
Use of restraint and seclusion

LAWS

161.205. Use of physical force generally.
The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1)(a) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent the person reasonably believes it necessary to maintain discipline or to promote the welfare of the minor or incompetent person.

(b) Personnel of a public education program, as that term is defined in ORS 339.285, may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(2) Subject to section 1 of this 2019 Act, an authorized official of a jail, prison or correctional facility may use physical force when and to the extent that the official reasonably believes it necessary to maintain order and discipline or as is authorized by law.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under the direction of the person, may use physical force when and to the extent that the person reasonably believes it necessary to maintain order, but the person may use deadly physical force only when the person reasonably believes it necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

As used in ORS 339.285 to 339.303:

(1) "Public education program" means a program in this state that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(2)(a) "Restraint" means the restriction of a student’s actions or movements by holding the student or using pressure or other means.

(b) "Restraint" does not include:
(A) Holding a student’s hand or arm to escort the student safely and without the use of force from one area to another;
(B) Assisting a student to complete a task if the student does not resist the physical contact; or
(C) Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:
   (i) Break up a physical fight;
   (ii) Interrupt a student’s impulsive behavior that threatens the student’s immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
   (iii) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

(3)(a) “Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.
   (b) “Seclusion” does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving.

(4) “Serious bodily injury” means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

339.288. Prohibitions on use of certain restraints; limitations on use of physical restraint and seclusion.
(1) The use of the following types of restraint on a student in a public education program is prohibited:
   (a) Chemical restraint.
   (b) Mechanical restraint.
   (c) Prone restraint.
   (d) Supine restraint.
   (e) Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student’s movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
   (f) Any restraint that places, or creates a risk of placing, pressure on a student’s neck or throat.
   (g) Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
   (h) Any restraint that impedes, or creates a risk of impeding, breathing.
   (i) Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student’s neck, throat, genitals or other intimate parts.
   (j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
   (k) Any action designed for the primary purpose of inflicting pain.
(2) As used in this section:
   (a) “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:
      (A) Prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and
(B) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.

(b)(A) “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

(B) “Mechanical restraint” does not include:

(i) A protective or stabilizing device ordered by a licensed physician; or

(ii) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(c) “Prone restraint” means a restraint in which a student is held face down on the floor.

(d) “Supine restraint” means a restraint in which a student is held face up on the floor.

339.291. Use of physical restraint or seclusion.

(1) Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program.

(2)(a) Restraint may be used on a student in a public education program only under the following circumstances:

(A) The student’s behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Seclusion may be used on a student in a public education program only under the following circumstances:

(A) The student’s behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(3) If restraint or seclusion is used on a student, the restraint or seclusion must be:

(a) Used only for as long as the student’s behavior poses a reasonable risk as described in subsection (2) of this section;

(b) Imposed by personnel of the public education program who are:

(A) Trained to use restraint or seclusion through programs described in ORS 339.300; or

(B) Otherwise available in the case of an emergency circumstance when personnel described in subparagraph (A) of this paragraph are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(c) Continuously monitored by personnel of the public education program for the duration of the restraint or seclusion.

(4) In addition to the requirements described in subsection (3) of this section, if restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) Every 15 minutes after the first 30 minutes of the restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued.
339.294. Procedures following incident; notification; records.
(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training as provided by ORS 339.300, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4) (a) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.

(b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.
(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Department of Education an annual report detailing the use of restraint and seclusion for the preceding school year, including, at a minimum:
   (a) The total number of incidents involving restraint.
   (b) The total number of incidents involving seclusion.
   (c) The total number of seclusions in a locked room.
   (d) The total number of rooms available for use by the public education program for seclusion of a student and a description of the dimensions and design of the rooms.
   (e) The total number of students placed in restraint.
   (f) The total number of students placed in seclusion.
   (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion.
   (h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student.
   (i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained as provided by ORS 339.300.
   (j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.
(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:
   (A) The public at the entity’s main office and the website of the entity;
   (B) The board or governing body overseeing the entity;
   (C) If the entity is an education service district, the component school districts of the education service district; and
   (D) If the entity is a public charter school, the sponsor of the public charter school.
   (b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.
(3) A public education provider that does not comply with the requirement to submit a report to the Department of Education under subsection (1) of this section or to make the report available as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

339.300. Training programs.
The Department of Education shall approve training programs in restraint and seclusion that:
   (1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;
   (2) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and
(3) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.

339.303. Rules for complaints, investigations and seclusion rooms.
The State Board of Education shall adopt by rule:

(1) A process for an organization or an individual to submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of ORS 339.285 to 339.303. The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted.

(2) A process for investigating a complaint submitted under subsection (1) of this section.

(3) The minimum standards for any rooms used by a public education program for seclusion of a student. The standards must:

(a) Take into account the health and safety of students and personnel of the public education program and the respect and dignity of students; and

(b) Include consideration of the size, safety features, lighting and ventilation of the rooms.

339.308. Seclusion cell prohibition.

(1) As used in this section:

(a) “Public education program” means a program that:

(A) Is for students in early childhood education, elementary school or secondary school;

(B) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(C) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(b) “Seclusion cell” means a freestanding, self-contained unit that is used to:

(A) Isolate a student from other students; or

(B) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(2) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or

(b) Use a seclusion cell.

(3) Nothing in this section prevents a public education program from using seclusion as allowed under ORS 339.285 to 339.303.

REGULATIONS

581-021-0061. Corporal punishment.

(2) Corporal punishment does not include physical pain or discomfort resulting from or caused by:

(d) Physical restraint or seclusion when used as provided in ORS 339.291 and OAR 581-021-0553.


As used in OAR 581-021-0550 to 581-021-0566:
(1) "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(a) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and

(b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

(2)(a) "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

(b) "Mechanical restraint" does not include:

(A) A protective or stabilizing device ordered by a licensed physician; or

(B) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(3) "Prone restraint" means a restraint in which a student is held face down on the floor.

(4) "Public education program" means a program in this state that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(5)(a) "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

(b) "Restraint" does not include:

(A) Holding a student's hand or arm to escort the student safely and without the use of force from one area to another.

(B) Assisting a student to complete a task if the student does not resist the physical contact; or

(C) Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:

(i) Break up a physical fight;

(ii) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structure or objects; or

(iii) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

(6)(a) "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

(b) "Seclusion" does not include:

(A) The removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving; or

(B) A student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

(7) "Seclusion cell" means a freestanding, self-contained unit that is used to:
(a) Isolate the student from other students; or
(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(8) "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

(9) "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

(10) "Supine restraint" means a restraint in which a student is held face up on the floor.

581-021-0553. Use of physical restraint and seclusion in public education programs.
(1)(a) The use of the following types of restraint on a student in a public education program is prohibited:
   (A) Chemical restraint;
   (B) Mechanical restraint;
   (C) Prone restraint;
   (D) Supine restraint;
   (E) (i) Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon;
       (ii) Notwithstanding paragraph (a)(E)(i) of this subsection, the use of a solid object, including a piece of furniture, a wall, or the floor, by public education program personnel performing a restraint is not prohibited if the object is used for the personnel's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body;
   (F) (i) Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat, or that impedes, or creates a risk of impeding, a student's breathing;
       (ii) Notwithstanding paragraph (a)(F)(i) of this subsection, a restraint that places, or creates a risk of placing, pressure on a student's mouth may be used if the restraint is necessary for the purpose of extracting a body part from a bite;
   (G) Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts; and
   (H) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on a student's stomach or back by a knee, foot or elbow bone.

(b) The use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

(2) Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program.

(3)(a) Restraint may be used on a student in a public education program only under the following circumstances:
   (A) The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
   (B) Less restrictive interventions would not be effective.

(b) Seclusion may be used on a student in a public education program only under the following circumstances:
   (A) The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
(B) Less restrictive interventions would not be effective.

(4) If restraint or seclusion is used on a student, the restraint or seclusion must be:

(a) Used only for as long as the student's behavior poses a reasonable risk as described in subsection (3) of this rule;

(b) Imposed by personnel of the public education program who are:

(A) Trained to use restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or

(B) Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(c) Continuously monitored by personnel of the public education program for the duration of the restraint or seclusion.

(5) If restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) Every 15 minutes after the first 30 minutes of the restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued.


(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

(a) The district superintendent and, if applicable, the union representative for the affected party; or

(b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(9) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.

(10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

581-021-0559. Reporting requirements for the use of physical restraint & seclusion.

(1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving physical restraint;

(b) The total number of incidents involving seclusion;

(c) The total number of seclusions in a locked room;
(d) The total number of students placed in physical restraint;
(e) The total number of students placed in seclusion;
(f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
(h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;
(i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
(j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:
   (a) The public at the entity’s main office and the website of the entity; and
   (b) The school board or governing body overseeing the entity;
   (c) If the entity is an education service district, the component school districts of the education service district;
   (d) If the entity is a public charter school, the sponsor of the public charter school;
   (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

(1) The Department of Education shall approve training programs in restraint and seclusion that:
   (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;
   (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and
   (c) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.
(2) A training program seeking approval must submit program materials that meet the expectations of subsection (1) of this rule in writing to the Oregon Department of Education.
(3) Approved training programs remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.
(4) The Oregon Department of Education must remove training programs from the approved list if they no longer meet the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

581-021-0566. Required use of approved restraint and seclusion programs.
On or after July 1, 2012, a Public Education Program may only use training programs on restraint and seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department of Education shall make the approved training list available to all Public Education Programs.

Standards for Seclusion Rooms

(1) Beginning with the 2014-15 school year, public education programs must meet the following standards for the structural and physical requirements for rooms designated by the school to be used for seclusion:

(a) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.

(b) The room must not be isolated from school staff of the facility;

(c) Doors must be unlocked or equipped with immediate-release locking mechanisms;

(d) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.

(e) The room must contain no protruding, exposed, or sharp objects;

(f) The room must contain no free standing furniture.

(g) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

(h) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

(i) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

(j) The room must be ventilated; heating and cooling vents must be secure and out of reach;

(k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;

(l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and

(m) Seclusion cells are prohibited as provided in OAR 581-021-0569.

(2) These standards are first applicable on or after July 1, 2014.

581-021-0569. Use of seclusion cells prohibited.

(1) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or

(b) Use a seclusion cell.

(2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.

(3) No later than September 1, 2013,a public education program shall ensure that all seclusion cells are removed from the premises of the public education program.

(4) Notwithstanding the applicability date specified in OAR 581-021-0568 the prohibition on the use of seclusion cells under this rule is effective and applicable beginning on or after April 5, 2013.

(1) An organization or an individual may file a complaint alleging that a public education program is violating or has violated a provision of ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0566. If the public education program is a school district, the organization or individual and the school district shall follow the school district’s complaint procedure established under OAR 581-022-2370.

(2) A complainant may appeal a final decision by a school district to the Department of Education as provided in OAR 581-002-0001 to OAR 581-002-0023 by:
   (a) Mailing a complaint appeal to the Department of Education, or
   (b) Submitting a complaint appeal through the Department of Education’s website.

Alternative placements

LAWS

336.575. Notice and consultation before establishing, expanding or changing residential program.

(1) Prior to establishing or expanding a residential program authorized to provide care to five or more children or changing the type of educational services provided or the category of children being served by the residential program in any school district, the authorities of the agency establishing or altering such a program shall notify in writing and confer with the superintendent or the district school board of any substantially affected district to determine the impact of the additional children and services upon the facilities and program of the district.

(2) The notification required by subsection (1) of this section must occur at least three months prior to the establishment or expansion of the residential program or prior to the time when the type of educational services or category of children changes. The three-month period, or any part of it, may be waived by agreement of the agency and the affected school district.

(3) This section does not apply to temporary changes in, or expansion of, residential programs of less than 30 days' duration that result from meeting emergency needs of children.

336.580. Education at youth care centers; rules.

(1) Every child at a youth care center, as defined in ORS 420.855, is entitled to receive appropriate education suited to the needs of the child in the least restrictive environment in which the child can function until the child is no longer of compulsory school age or receives a high school diploma or an equivalent.

(2)(a) Except as provided by paragraph (b) of this subsection, the school district in which the youth care center is located shall develop an educational plan for the children in the youth care center in consultation with the director of the center. The plan shall be approved annually by the school district board.

   (b) For children placed at a youth care center within a detention facility, as defined in ORS 419A.004, the children shall receive educational services through the Juvenile Detention Education Program as described in ORS 326.695.

(3) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.

(4) The State Board of Education shall adopt rules to implement this section.
336.585. Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district.

(1) As used in this section:
   (a) “Juvenile Detention Education Program” means the program defined in ORS 326.695.
   (b) “Resident district” means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child’s enrollment in the Juvenile Detention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2)(a) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program.
   
   (b) An education service district that provides education as provided by this subsection and that awards high school diplomas:
      (A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and
      (B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:
   
   (a) Implement an assessment system as provided by ORS 329.485 (3).
   (b) Administer a nationally normed assessment as provided by ORS 329.488.
   (c) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.
   (d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:
   
   (a) Removing the child from the resident district’s census;
   (b) Facilitating transfers of the child’s educational records; and
   (c) Facilitating planning for the child’s possible return to the resident district.

336.590 Education for children enrolled in Youth Corrections Education Program; costs; rules.

(1) As used in this section, “Youth Corrections Education Program” means the program defined in ORS 326.695.

(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Youth Corrections Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to
be provided appropriate education to children enrolled in an educational program under the Youth Corrections Education Program.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Youth Corrections Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Award high school diplomas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451 and 339.877. An education service district that awards high school diplomas as provided by this paragraph:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(b) Implement an assessment system as provided by ORS 329.485 (3).

(c) Administer a nationally normed assessment as provided by ORS 329.488.

(d) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(e) Receive funds under ORS chapter 329.

336.615. Definition for ORS 336.615 to 336.675.
As used in ORS 336.615 to 336.675, “alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

336.625. Goals; district responsibility; registration; rules.

(1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure and pedagogy.

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332.072.

(3) The State Board of Education by rule:

(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;

(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and

(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

(4) A school district may not waive the right to implement an alternative education program in a collective bargaining agreement.
336.631. Private alternative programs; requirements; applicability of laws; placement of students.

(1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;
(b) Determine that the private alternative education program is registered with the Department of Education; and
(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;
(b) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
(c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
(d) ORS 659.850, 659.855 and 659.860 (discrimination);
(e) ORS 339.122 (advertisement requirements);
(f) Health and safety statutes and rules; and
(g) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student’s educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

336.635. Enrollment in alternative education program; billing; rules; status of teachers.

(1) The parent or guardian of a student may enroll the student in one of the proposed public alternative education programs or private alternative education programs of instruction or instruction combined with counseling if:

(a) The enrollment is necessary to meet the student’s educational needs and interests.
(b) The program is appropriate and accessible to the student.
(c) For a program in a school district in which the student is a resident, the resident school district approves the enrollment.
(d) For a program in a school district in which the student is not a resident, the resident school district and the attending school district approve the enrollment.
(e) For a private alternative education program, the program is registered with the Department of Education.

(2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to 343.295, the program must be approved by the Department of Education prior to the placement of the student in the program.

(3) A student enrolled pursuant to this section is considered enrolled in the schools of the district offering the program for purposes of the distribution of the State School Fund.

(4) An alternative education program that is offered to a student who is not a resident of the school district may bill tuition to the school district where the student is a resident. The billing may be made annually or
at the end of each term or semester of the alternative education program. For each full-time equivalent student enrolled in the alternative education program, the resident school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district’s estimated current year’s average per student net operating expenditure, whichever is less, in accordance with rules adopted by the State Board of Education. The alternative education program is accountable for the expenditures of all State School Fund moneys and other local school support moneys and shall provide the resident school district with an annual statement of the expenditures.

(5) A private alternative education program that is registered with the department is not required to employ only licensed teachers or administrators. Teachers and administrators in private programs are not considered employees of any school district for purposes of ORS 342.173.

(6) A school district is not required to provide a public alternative education program if the student can be referred to public or approved private alternative education programs that are appropriate for and accessible to the student.

(7) Any preliminary teaching license, professional teaching license or distinguished teacher leader license issued by the Teacher Standards and Practices Commission is valid for teaching all subjects and grade levels in an alternative education program operated by a school district or education service district.

336.637. Instruction in educational standards required; assessment of students in private alternative education programs.

(1) A private alternative education program shall ensure that students receive instruction in the educational standards adopted by the State Board of Education for the grade level the program serves.

(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the Department of Education under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its students toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each student's academic progress, including the results of the state assessment to students, parents and the school district.

336.645. Notification of availability of program; rules.

The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.675 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs.

336.665. Effect of failure to propose alternative programs.

(1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250(5)(h) or(7)(c)(B).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or

(B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(a) Require expulsion from school for a period of not less than one year of any student who is determined to have:

(c) Allow a superintendent of a school district to:

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

REGULATIONS

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions:

(a) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.

(c) "Serious bodily injury" means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child's disability for:

(a) A drug or weapon violation as defined in subsection (1); or
(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child's behavior is a manifestation of the child's disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.

581-015-2430. Removal to an interim alternative educational setting by administrative law judge (injurious behavior).

(1) "Injurious behavior" means behavior that is substantially likely to result in injury to the child or to others.

(2) School districts may request an expedited due process hearing under OAR 581-015-2445 to obtain an order from an administrative law judge to order a change in placement of the child to an interim alternative educational setting for not more than 45 school days for injurious behavior.

(3) The interim alternative educational setting must meet the requirements of OAR 581-015-2435(2).

(4) The procedures in subsection (2) may be repeated if the school district believes that returning the child to the original placement is substantially likely to result in injurious behavior.

(5) Nothing in this rule precludes a school district from seeking a court order to remove a child from the child's current educational placement to another placement if the district believes that the maintaining the child in the child's current educational placement is substantially likely to result in injurious behavior.

581-021-0071. District information for parents and students regarding the availability of alternative education programs.

(1) The following definitions apply to this rule:

(a) "Erratic attendance" means the student is frequently absent to the degree that he/she is not benefiting from the educational program;

(b) "Notification" means written notice, by personal service or certified mail, to the parent or guardian and student as required by ORS 339.250(6).
(2) District school boards shall adopt policies and procedures for notification to students and parents, or guardians of the availability of appropriate and accessible alternative programs. This notification shall be provided in the following situations:

(a) Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problem within a three-year period;
(b) When the district finds a student's attendance pattern to be so erratic that the student is not benefiting from the educational program;
(c) When the district is considering expulsion as a disciplinary alternative;
(d) When a student is expelled pursuant to subsection (3) of ORS 339.250; and
(e) When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(5).

(3) The notification must include but is not limited to the following:

(a) Student action which is the basis for consideration of alternative education;
(b) Listing of alternative programs available to this student for which the district would provide financial support in accordance with ORS 339.620 except that when notice is given in accordance with subsection (2)(e) of this rule the district shall not be obligated to provide financial support;
(c) The program recommended for the student based on student's learning styles and needs;
(d) Procedures for enrolling the student in the recommended program; and
(e) When the parent or guardian's language is other than English, the district must provide notification in manner that the parent or guardian can understand.

(4) The district shall inform all parents or guardians of the law regarding alternative education and educational services available to students by such means as a statement in the student/parent handbook, notice in the newspaper, or an individual letter to a parent.

(5) District school boards shall adopt a procedure for parents or guardians to request establishment of alternative programs within the district.

(6) District school boards shall not approve the enrollment of a pupil in a private alternative program unless the private alternative program meets all requirements of OAR 581-021-0045.

581-021-0072. Registration of private alternative programs/schools.

(1) All Sections of this rule apply to each private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term “program” includes “school.”

(2) For the purposes of ORS 336.635(1), all private alternative education programs receiving public school funds must comply with Private Alternative Education Standards established by the Oregon State Board of Education. Before contracting with or receiving public funds from any public school district, each private alternative program must register with the Oregon Department of Education (ODE) under this rule and must have an institution identification number assigned by the Department.

(3) New registration and renewal applications must be received by March 31 each year, beginning in 2008. Annually by March 1, the Oregon Department of Education will provide registration renewal application forms to private alternative programs registered with the Department.

(4) Each private alternative education program must apply to the Department for approval of registration renewal and the application for registration or renewal of registration must include information or documentation as required by the Department that the private alternative program meets:

(a) Local and state fire, safety, health and occupancy codes and standards;
(b) Health and safety standards and rules including, but not limited to, sanitation and prevention of communicable disease;

(c) The requirements of:
   (A) OAR 581-022-1420 (emergency plans and safety programs);
   (B) OAR 581-022-1430 (asbestos management plans);
   (C) OAR 581-022-1440 (infectious diseases);
   (D) ORS 339.870 and OAR 581-021-0037 (administration of medications);
   (E) OAR 437-002-1910.1030 (Oregon Occupational Safety and Health Division - blood borne pathogens);
   (F) OAR 581-022-0705 (health services);
   (G) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
   (H) ORS 181.539, 326.603, 326.607, 336.631, and 342.232 (criminal records checks) for all subject individuals as defined in OAR 581-022-1730, including private alternative school/program owner/operators who have direct, unsupervised contact with students;
   (I) ORS 433.235 through 433.284 and OAR 333-050-0010 through 333-050-0120 (immunization records and reports); and
   (J) ORS 659.850 and 659.855 (discrimination).

5 The annual application must also include assurances and verifying documentation, as required by the Department, that the private alternative program:
   (a) Has a mission statement;
   (b) Maintains commercial general liability insurance with policy limits of at least $1,000,000 and annually provides ODE with requested information or documentation showing the name of the insurance company, the number of the insurance policy, the policy limits covered by the policy, and the effective term of the policy;
   (c) Identifies the grade levels to be served;
   (d) Identifies which students will be served consistent with OAR 581-022-1350(4)(a)(A);
   (e) Assists the contracting district in meeting its planned K-12 instructional program in compliance with OAR 581-022-1210;
   (f) Provides instruction in the academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;
   (g) Assists students in earning diploma credits consistent with OAR 581-022-2000 and 581-022-1131;
   (h) Uses curriculum content, teaching practices, facilities, and management practices that do not violate constitutional prohibitions on religious entanglement;
   (i) Develops, implements, and, if necessary, modifies an education plan consistent with OAR 581-022-1120(3)(a) and (b), and 581-022-2000(3), Diploma Requirements, for each student approved for placement in the program by the student's contracting district;
   (j) In cooperation with each student's contracting district and parent, guardian, or other responsible adult, includes criteria in the student's education plan for determining if, how, when, and where the student may transition from the alternative education program;
   (k) At least annually reports the results of each student's performance on district-wide and state-wide assessments to the student, the student's parents or legal guardians, and to the student's contracting district;
(l) Collects and reports to each contracting district and the state the student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(m) If providing special education services or related services identified in any child's IEP, is approved by the ODE under OAR 581-015-0126;

(n) Maintains the confidentiality of student records consistent with the Family Educational Rights and Privacy Act, 34 CFR 99 et. seq. and maintains student records in compliance with Oregon Administrative Rules on student records;

(o) The school shall provide training for all students which is designed to prevent child abuse.

(p) The school shall include training for all school employees on the prevention and identification of child abuse and on the obligations of school employees to report child abuse based on policies adopted by the school board or governing body. This training shall be updated and presented to all employees on an annual basis.

(q) The school shall make the training detailed in section (o) of this rule available to parents and legal guardians of children who attend a school operated by the education provider. The training shall be provided separately from the training provided to school employees under section (p) of this rule.

(r) Has procedures in place regarding staff hiring and evaluation that require:
   (A) Checking personal and professional references for all potential employees;
   (B) Criminal background checks in compliance with OAR 581-022-1730 and ORS 181.539, 326.603, 326.607 and 342.232 and to comply with section (9) of this rule, for all employees;
   (C) A regular schedule of staff evaluations of the competencies of all employees that work with children; and
   (D) Staff licensing/registration by the Oregon Teacher Standards and Practices Commission in compliance with OAR 584-036-0015;

(s) For purposes of claiming state school funds, has policies and procedures to ensure that:
   (A) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who are individually placed by the school district in the alternative education program under ORS 336.635 are accounted for in compliance with 581-023-0006(7);
   (B) Students enrolled in schools consistent with ORS 336.135 and students enrolled in nonpublic schools or taught by a private teacher or parent under ORS 339.035 and who are supplementing their home, private, or other instruction by attending the alternative program part-time are accounted for in compliance with OAR 581-023-0006(6)(a); and
   (C) The activities claimed for state school funds by the program are one or more of those in OAR 581-023-0008 as approved by the contracting school district; and

(t) Complies with each statute, rule or school district policy specified in a contract between the school district board and the private alternative education program; and

(u) Notifies the ODE and each contracting public school district of any written complaint it receives alleging non-compliance with this private alternative program registration rule.

(6) Each annual renewal application must include a copy of the written annual evaluation of the applicant private alternative program completed by each contracting public school district for the prior school year.

(7) Each private alternative program must provide an annual statement of program expenditures to each contracting district consistent with ORS 336.635(2).
(8) The Oregon Department of Education may monitor the procedure used by the private alternative program for reporting Full Time Equivalent (FTE) student enrollment for the purposes of basic school support.

(9) The Department of Education may deny, suspend, or revoke a private alternative program registration consistent with OAR 581-021-0073.

(10) No registered private alternative school/program shall be owned by or employ an individual who is not of good moral character and reputation.

(a) Upon review by the Department, the Superintendent may find a person not to be of good moral character and reputation when the person:

   (A) Has been convicted of a felony or a misdemeanor that involves the illegal use, sale or possession of a controlled substance, or that involves any sexual offense, or any violent offense;
   
   (B) Has been convicted of an offense involving fraud or misrepresentation, or has committed fraud, misrepresentation, or deceit or has committed unfair, deceptive, or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605-646.652); or
   
   (C) Is currently subject to suspension or revocation under OAR 581-021-0073.

(b) The Superintendent shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts that support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements.

(11) As of the effective date of this rule, the Private Alternative Education Standards adopted by the State Board of Education December 5, 2002, are rescinded and replaced by sections (2)-(5) of this rule.

581-021-0073. Denial, suspension, or revocation of registration of private alternative program/school procedure.

(1) A registration applied for or issued under OAR 581-021-0072, Registration of Private Alternative Programs/Schools, may be denied, suspended, or revoked or renewal thereof denied, if:

   (a) the private alternative program/school fails to comply with the requirements of OAR 581-021-0072;
   
   (b) the program or its agents intentionally or knowingly make false, deceptive, inaccurate, or misleading representations of fact in any oral, written, visual, or electronic presentation in connection with the registration under OAR 581-021-0072; or
   
   (c) requested information is not furnished when required.

(2) Suspension of private alternative school/program registration may be for a period of up to one year from the time of the suspension.

(3) Revocation of private alternative school/program registration will be for a period of one year from the time of the revocation.

(4) Consistent with ORS 336.631, a school district may not contract with or distribute public school funds to a private alternative program whose registration has been denied, suspended, or revoked under this rule. A contract with a private alternative program must provide that non-compliance with a statute or rule, or suspension or revocation of registration under this rule will result in termination of the contract.

(5) Denial, suspension or revocation of private alternative education school/program registration may be appealed under the provisions of ORS 183.484.
581-022-2505. Alternative Education Programs.

(1) Sections (2)(9) of this rule apply to each public or private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term "program" includes "school."

(2) In order to provide innovative and more flexible ways of educating children, school districts may establish alternative education options within the public school system.

(3) School districts must adopt policies and procedures for the approval and at least annual evaluation of public and private alternative education programs under ORS 336.615-336.665 (Alternative Education Programs) that receive public funds. Those policies and procedures must provide that:

(a) The district's approval and at least annual evaluation must require that a public alternative program complies with all state statutes, rules and federal law applicable to public schools;

(b) Before contracting with or distributing any public school funds to a private alternative education program, the district must document that:

(A) The program is registered with the Oregon Department of Education (ODE) under the provisions of OAR 581-021-0072 by receiving a copy of the Department's written notice that the program's registration is approved for the current school year;

(B) The ODE has assigned the private alternative program an institution identification number;

(C) Before contracting with or distributing any public school funds to any private alternative education program for special education services identified in a child's IEP, the program is approved by the Department in compliance with OAR 581-015-2270;

(D) The program complies with the individual education plan for each student who is eligible to receive special education services;

(E) An education plan and education profile that meet the requirements of OAR 581-022-2000 are designed and implemented with each student in the program;

(F) The education plan includes criteria for determining if, when, where, and how the student may transition from the alternative program;

(G) A transportation plan is in place ensuring that the program is accessible to each student approved for placement in the program;

(H) The program assists the district in meeting its comprehensive K-12 instructional program in compliance with OAR 581-022-2030;

(I) The program assures that it provides an instruction based on academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;

(J) The program assists students in earning diploma credits consistent with OAR 581-022-2000, 581-022-2010 and 581-022-2020;

(K) The program collects and reports to the district each student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(L) Student data is included in the district's at least annual evaluation of the program;

(M) The program complies with federal law; and

(N) If applicable, the private alternative education program is in compliance with its existing district contract.

(4) The contract between a school district and a private alternative education program must state that non-compliance with a rule or statute under this rule (OAR 581-022-2505) will result in the termination of the contract, and suspension or revocation of registration by the Department will terminate the district's
contract with the private alternative program and that the private alternative education program's annual statement of expenditures is reviewed in the district's evaluation in accordance with ORS 336.635(2).

(5) School districts shall adopt policies and procedures to approve placing students in district approved public alternative education programs and district approved private alternative education programs. Such policies and procedures must ensure that:

(a) Students placed in alternative education programs are those whose educational needs and interests are best served by participation in such programs and will include:

(A) Students identified pursuant to ORS 339.250:
   (i) Who are being considered for suspension or expulsion pursuant to ORS 339.250;
   (ii) Who have been suspended or expelled pursuant to ORS 339.250;
   (iii) Whose attendance patterns have been found to be so erratic that the students are not benefiting from the regular educational program; or
   (iv) Who have had a second or subsequent occurrence within any three-year period of a severe disciplinary problem;

(B) Students identified pursuant to ORS 329.485 and OAR 581-022-1110(5) who do not meet the standards or who exceed all of the standards at any benchmark level;

(C) Students admitted to the district pursuant to ORS 339.115 who have not yet turned 21 prior to the start of the school year and who need additional instruction to earn a diploma in compliance with OAR 581-022-2000;

(D) Students whose parents or legal guardians apply for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 and OAR 581-021-0076; and

(E) Others who are individually approved for placement consistent with the district's board policies regarding the placement;

(b) Placement of a student in a public or private alternative education program may be made only if:

(A) The student is a resident of the district and the district has legal responsibility for the student's education consistent with ORS 327.006(7);

(B) After assessing the student's needs and interests and consulting with the parent or guardian, the district determines that the student is not benefiting, has not benefited, or will not benefit from attendance in other district schools or programs;

(C) The alternative program is determined by the district to best serve the student within local and state academic standards; and

(D) Placement in the program is made consistent with the student's education plan pursuant to OAR 581-022-1120(3)(a) and (b) and 581-022-2000(3) and with district policies and procedures;

(c) Placement in a public or private alternative education program must be made with the approval of the student's resident school district and attending school district; and

(d) Payment to private alternative education providers must be the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less.

(6) A school district must adopt policies and procedures for notification of students, parents or guardians of students of:

(a) The law regarding alternative education programs;

(b) The availability of existing alternative education programs; and

(c) The procedures for students, parents, or guardians of students residing in the district to request the establishment of new alternative education programs.
(7) School districts must include opportunities for participation by educators, community members, and parents or guardians in the development of policies and procedures under this rule.

(8) School districts must have policies and procedures in place to ensure that, for the purposes of making claims for state school funds;

(a) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K12 curriculum consistent with OAR 581-022-2030 and who are individually placed by the school district in an alternative education programs are accounted consistent with 581-023-0006(7);

(b) Students supplementing home or private schooling by attending part-time and receiving less than comprehensive education from the district are accounted consistent with OAR 581-023-0006(6)(a);

(c) Students receiving online instruction are accounted consistent with reporting guidelines published in the Oregon Student Personnel Accounting Manual, and

(d) Activities claimed for state school funds and credits awarded in the alternative education program consistent with OAR 581-023-0008 are approved by the district and by the contract between a private alternative program and the district.

(9) School districts must have policies and procedures in place to ensure that data for each student in public and private alternative education programs are included in district reporting as required by ODE.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

166.370. Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.

(1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.

(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.

(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

(3) Subsection (1) of this section does not apply to:

(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation officer is acting within the scope of employment.

(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) An honorably retired law enforcement officer.

(f) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(h) A person who is authorized by the officer or agency that controls the public building to possess a firearm or dangerous weapon in that public building.
(i) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

(j) Possession of a firearm on school property if the firearm:
   (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and
   (B) Is unloaded and locked in a motor vehicle.

(4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative defenses to a charge of violating subsection (1) of this section.

   (b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

(5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school shall upon conviction be guilty of a Class C felony.

   (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:
       (A) As part of a program approved by a school in the school by an individual who is participating in the program;
       (B) By a law enforcement officer acting in the officer’s official capacity; or
       (C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.

(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.

(7) Notwithstanding the fact that a person’s conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section, the district attorney may charge the person with only one of the offenses.

(8) As used in this section, “dangerous weapon” means a dangerous weapon as that term is defined in ORS 161.015.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

   (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
       (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
       (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
       (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

   (b) Allow exceptions:
       (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
       (B) Identified by and adopted by the State Board of Education by rule.
(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.

(1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person’s conduct immediately to a school administrator, school director, the administrator’s or director’s designee or law enforcement agency within the county. A school administrator, school director or the administrator’s or director’s designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, shall promptly report the person’s conduct to a law enforcement agency within the county. If the school administrator, school director or employee has reasonable cause to believe that a person has been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person’s conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, “school” means:

(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;

(b) The grounds adjacent to the institution; and

(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization and that is posted as such.
(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the
sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and
stating, in substance, that the program or activity is a school function and that the possession of firearms
or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

**339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.**

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(a) Require expulsion from school for a period of not less than one year of any student who is
determined to have:

(A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;

(B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or

(C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

(b) Allow exceptions:

(A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and

(B) Identified by and adopted by the State Board of Education by rule.

(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.
REGULATIONS

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions: […]

(d) “Weapon” means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) “Weapon violation” means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child’s disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child’s behavior is a manifestation of the child’s disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.

581-021-0055. Standards of conduct.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

(f) Unauthorized use of weapons or dangerous instruments;
Students with chronic disciplinary issues

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or

339.294. Procedures following incident; notification; records.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

REGULATIONS

581-015-2415. Disciplinary removals of more than 10 school days (pattern or consecutive).

(1) A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if:

(a) The removal will be for more than 10 consecutive school days (e.g. expulsion); or

(b) The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410(2).

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal under subsection (1) for a child with a disability who violates a code of conduct.

(3) Manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability in accordance with OAR 581-015-2420.

(4) Manifestation. If the determination under subsection (3) is that the child's behavior is a manifestation of the child's disability, the school district must:

(a) Return the child to the placement from which the child was removed, unless:

(A) The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan under subsection (4)(b);
(B) The school district removes the child to an interim alternative educational setting under OAR 581-015-2425 for a weapons or drug violation or for infliction of serious bodily injury; or
(C) The school district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change in placement to an interim alternative educational setting for injurious behavior; and
(b) Either:
   (A) Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and implement a behavior intervention plan; or
   (B) If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(5) No manifestation. If the determination under subsection (3) is that the child's behavior is not a manifestation of the child's disability:
   (a) The school district may proceed with disciplinary action applicable to children without disabilities under section (1) of this rule, in the same manner and for the same duration in which the procedures would be applied to children without disabilities.
   (b) If the school district takes such action applicable to all children, the school district must:
      (A) On the date on which the decision is made to remove the student under subsection (5), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315.
      (B) Provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435; and
      (C) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal in section (1) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the disciplinary removal under subsection (1), whichever occurs first, unless the parent and school district agree otherwise.

581-021-0055. Standards of conduct.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:
   (h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

581-021-0556. Procedures regarding physical restraint & seclusion.

(5) If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
Attendance and truancy

LAWS

339.095. Compulsory school attendance violation procedure; rules.
(1) In addition to any other persons permitted to enforce violations, the school district superintendent or education service district superintendent, or any employee specifically designated by either superintendent, may issue citations for violations established under ORS 339.990 in the manner provided by ORS chapter 153.
(2) Prior to issuing the citation described in subsection (3) of this section to the parent or guardian of a student not regularly attending full-time school, a school district superintendent or education service district superintendent shall:
   (a) Provide a parent or guardian of the student and the student with written notification that:
      (A) States that the student is required to attend regularly a full-time school;
      (B) Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;
      (C) States that the superintendent may issue a citation;
      (D) Requires the parent or guardian of the student and the student to attend a conference with a designated official;
      (E) States that the parent or guardian has the right to request:
         (i) For a student who does not have an individualized education program, an evaluation to determine if the student should have an individualized education program; or
         (ii) For a student who has an individualized education program, a review of the individualized education program; and
      (F) Is written in the native language of the parent or guardian of the student.
   (b) Schedule the conference described in paragraph (a)(D) of this subsection. A conference may not be scheduled until after any evaluations or reviews described in paragraph (a)(E) of this subsection have been completed.
(3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Education by rule shall establish the citation form to be used by superintendents in citing violations established under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall contain the information required by the state board.

REGULATIONS

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:
   (e) Attendance;
Substance use

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:

(C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

339.883. Possession of tobacco products or inhalant delivery systems by person under 18 prohibited at certain facilities.

(1) As used in this section:

(a) “Facility” means a public or private school, college, community college, university, career school, technical education school, youth correction facility or juvenile detention facility.

(b) “Inhalant delivery system” has the meaning given that term in ORS 431A.175.

(c) “Tobacco products” has the meaning given that term in ORS 431A.175.

(2) A facility shall not permit a person under 21 years of age to possess tobacco products or inhalant delivery systems while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.

(3) A facility must have a written policy prohibiting the possession of tobacco products and inhalant delivery systems by persons under 21 years of age under the conditions described in subsection (2) of this section. The facility must have a written plan to implement the policy.

(4) This section does not apply to a person for whom a tobacco or nicotine product or a substance to be used with an inhalant delivery system has been lawfully prescribed.

REGULATIONS

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions:

(a) “Drug” means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function. […]

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child’s disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.
(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child's behavior is a manifestation of the child's disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.


(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

(g) Alcohol, drugs, and tobacco;

581-021-0055. Standards of conduct.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

(g) Unlawful use of drugs, narcotics, or alcoholic beverages;


(1) For the purpose of this rule "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form.

(2) No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours

(a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or

(b) On school grounds, athletic grounds, or parking lots.

(3) No student is permitted to possess a tobacco product:

(a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or

(b) On school grounds, athletic grounds, or parking lots.
(4) By January 1, 2006, school districts must establish policies and procedures to implement and enforce this rule for students, staff and visitors.

(5) For purposes of this rule, the term "school district" includes the Oregon School for the Deaf (OSD). The Oregon School for the Deaf must establish, in cooperation with the Oregon Department of Education, policies and procedures to implement and enforce this rule for students, staff and visitors by June 30, 2006.

**Bullying, harassment, or hazing**

**LAWS**

163.197 Hazing.

(1) A student organization or a member of a student organization commits the offense of hazing if, as a condition or precondition of attaining membership in the organization or of attaining any office or status in the organization, the organization or member intentionally hazes any member, potential member or person pledged to be a member of the organization.

(2)(a) A student organization that violates subsection (1) of this section commits a Class A violation.

(b) A member of a student organization who personally violates subsection (1) of this section commits a Class B violation.

(3) Consent of the person who is hazed is not a defense in a prosecution under this section.

(4) As used in this section:

(a) "Haze" means:

(A) To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual’s body or to subject an individual to other similar forms of physical brutality;

(B) To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;

(C) To compel an individual to consume food, liquid, alcohol, cannabis, controlled substances or other substances that subject the individual to an unreasonable risk of harm or adversely affect the physical health or safety of the individual; or

(D) To induce, cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(b) "Member" includes volunteers, coaches and faculty advisers of a student organization.

(c) "Student organization" means a fraternity, sorority, athletic team or other organization that is organized or operating on a college, university or elementary or secondary school campus for the purpose of providing members an opportunity to participate in student activities of the college, university or elementary or secondary school.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
(F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
(H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

(1) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.
(2) “Harassment, intimidation or bullying” means any act that:
(a) Substantially interferes with a student’s educational benefits, opportunities or performance;
(b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;
(c) Has the effect of:
   (A) Physically harming a student or damaging a student’s property;
   (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
   (C) Creating a hostile educational environment, including interfering with the psychological well-being of a student; and
(d) May be based on, but not be limited to, the protected class status of a person.
(3) “Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

339.353. Findings.
(1) The Legislative Assembly finds that:
   (a) A safe and civil environment is necessary for students to learn and achieve high academic standards.
   (b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, are conduct that disrupts a student’s ability to learn and a school’s ability to educate its students in a safe environment.
   (c) Students learn by example.
(2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with civility and respect, refusing to tolerate harassment, intimidation or bullying and refusing to tolerate cyberbullying.

339.356. District policy required.
(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.
(2) School districts must include in the policy:
   (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.
   (b) Definitions of “harassment,” “intimidation” or “bullying” and of “cyberbullying” that are consistent with ORS 339.351.
   (c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.
   (d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.
(e) A description of the type of behavior expected from each student.

(f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:

(A) Identify by job title the school officials responsible for receiving such a report at a school.

(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(l) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

339.359. Training programs; prevention task forces, programs and other initiatives.

(1) School districts must incorporate into existing training programs for students and school employees information related to:
(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and
(b) The policy adopted under ORS 339.353.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

339.362. Retaliation against victims and witnesses prohibited; school employee immunity.
(1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying.

(2)(a) A school employee who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying must report the act to the appropriate school official designated by the school district’s policy.
(b) A student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying is encouraged to report the act to the appropriate school official designated by the school district’s policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district’s policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

339.364. Victim may seek redress under other laws.
ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers’ authority.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
   (A) Willful disobedience;
   (B) Open defiance of the authority of a school employee;
   (D) Use or display of profane or obscene language;
(E) Willful damage or injury to school property;
(G) Assault of a school employee or another student; or

339.366. Required policy on teen dating violence and domestic violence.

(1) As used in this section:
   (a) “Dating” or “dating relationship” means an ongoing social relationship of a romantic or intimate nature between two persons. “Dating” or “dating relationship” does not include a casual relationship or ordinary fraternization between two persons in a business or social context.
   (b) “Domestic violence” means abuse as defined in ORS 107.705 between family and household members, as those terms are defined in ORS 107.705.
   (c) “Teen dating violence” means:
       (A) A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
       (B) Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

(2) Each school district board shall adopt a policy that:
   (a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;
   (b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;
   (c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;
   (d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and
   (e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

339.885. Secret societies in public schools prohibited; membership grounds for suspension or expulsion.

(1) No secret society of any kind, including a fraternity or sorority, shall be permitted in any public school.
(2) The district school board may order the suspension or expulsion of any pupil who belongs to a secret society.
(3) This section does not apply to any public university listed in ORS 352.002.

REGULATIONS
No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

**336.109 Policy to reduce gang involvement, violent activities and drug abuse.**

(1) After consultation with appropriate agencies and officials including the Department of Education, each school district is encouraged to develop and adopt a comprehensive policy to reduce gang involvement, violent activities and drug abuse by public school students in the school district, including but not limited to:

(a) A statement that evaluates:
   (A) The nature and extent of gang involvement, violent activities and drug abuse by public school students of the school district; and
   (B) The impact of gang involvement, violent activities and drug abuse on the ability of public schools in the school district to meet curriculum requirements and improve the attendance of public school students.

(b) A statement that emphasizes the need to reduce gang involvement, violent activities and drug abuse by public school students.

(c) Strategies to reduce gang involvement, violent activities and drug abuse by students of the school district considering the needs of the public school students.

(d) Methods to communicate conflict resolution skills to the teachers and public school students of the school district.

(e) Strategies to inform the teachers of the school district, the parents of public school students and the public about the policy the school district developed pursuant to this section.

(2) As used in this section, “gang” means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity.

**336.222. District policy and plan; content.**

In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

(1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;

(2) The nature and extent of the district’s expectation of intervention with students who appear to have drug or alcohol abuse problems;

(3) The extent of the district’s alcohol and other drug prevention and intervention programs; and

(4) The district’s strategy to gain access to federal funds available for drug abuse prevention programs.

**336.227. Duties of Oregon Health Authority.**

To assist school districts to formulate the programs described in ORS 336.222 (1), the Oregon Health Authority shall:
(1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and

(2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information.

In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
   (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student’s developmental capacities and that are proportionate to the degree and severity of the student’s misbehavior;

339.359. Training programs; prevention task forces, programs and other initiatives.
(1) School districts must incorporate into existing training programs for students and school employees information related to:
   (a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and
   (b) The policy adopted under ORS 339.356.
(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

339.366. Required policy on teen dating violence and domestic violence.
(1) As used in this section:
   (a) “Dating” or “dating relationship” means an ongoing social relationship of a romantic or intimate nature between two persons. “Dating” or “dating relationship” does not include a casual relationship or ordinary fraternization between two persons in a business or social context.
   (b) “Domestic violence” means abuse as defined in ORS 107.705 between family and household members, as those terms are defined in ORS 107.705.
   (c) “Teen dating violence” means:
      (A) A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
      (B) Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.
(2) Each school district board shall adopt a policy that:
(a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;

(b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;

(c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;

(d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and

(e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

REGULATIONS

(1) The Department of Education shall approve training programs in restraint and seclusion that:

   (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;

   (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

   (c) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.

(2) A training program seeking approval must submit program materials that meet the expectations of subsection (1) of this rule in writing to the Oregon Department of Education.

(3) Approved training programs remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.

(4) The Oregon Department of Education must remove training programs from the approved list if they no longer meet the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

581-022-2045. Prevention Education in Drugs and Alcohol.
(1) Each school district shall develop a comprehensive plan for alcohol and drug abuse prevention program which shall include, but not limited to:

   (a) Instruction in the effects of tobacco, alcohol, drugs, including anabolic steroids, performance-enhancing and controlled substances as an integral part of the district's K12 comprehensive health education program. In addition, at least annually, all high school students, grades 9-12 shall receive age-appropriate instruction about drug and alcohol prevention

   (A) The age-appropriate curriculum for this instruction shall:

      (i) Emphasize prevention strategies;

      (ii) Be reviewed and updated annually to reflect current research; and

      (iii) Be consistent with State Board adopted Health Education Academic Content Standards.
(B) Basic information shall include:
   (i) The effects of alcohol, tobacco and other drug use, including anabolic steroids, performance-enhancing and controlled substances
   (ii) All laws relating to the use, especially by minors, of alcohol and other illegal drugs; and
   (iii) The availability of school and community resources.
(C) The instructional program shall include activities which will assist students in developing and reinforcing skills to:
   (i) Understand and manage peer pressure;
   (ii) Understand the consequences of consuming alcohol and other drugs;
   (iii) Make informed and responsible decisions; and
   (iv) Motivate students to adopt positive attitudes towards health and wellness.
(b) A public information program for students, parents, and district staff; and
(c) Policies, rules, and procedures which:
   (A) Include a philosophy statement relating to drug-free schools and the established tobacco-free policies and procedures for students, staff and visitors.
   (B) Define the nature and extent of the district's program, including a plan to access and use federal funds;
   (C) State that alcohol, tobacco, and other drug use by student is illegal and harmful;
   (D) In accordance with OAR 581-021-0050 and 581-021-0055, indicate the consequences for using and/or selling alcohol and other drugs, including the specific rule of the school as it relates to law enforcement agencies;
   (E) Describe the district's intervention and referral procedures, including those for drug-related medical emergencies;
   (F) Indicate clearly that the school district's jurisdiction includes all school sponsored events including student activities; and
   (G) Are reviewed and updated annually.
(2) The district's drug and alcohol prevention and intervention program shall be approved by the school district board after consultation from parents, teachers, school administrators, local community agencies, and persons from the health or alcohol and drug service community who are knowledgeable of the latest research information.
(3) Staff development in the district shall:
   (a) Inform all staff of the district plan and their responsibilities within that plan; and
   (b) Provide alcohol and drug abuse prevention education to all staff.

Behavioral interventions and student support services

LAWS

329.841. Culturally specific statewide education plan; advisory group; report; grants; rules.
(1) For the purposes of this section, “plan student” means a student enrolled in early childhood through post-secondary education who:
   (a) Is black or African-American or a member of a student group that is not covered under an existing culturally specific statewide education plan; and
(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students.

(b) The department shall form an advisory group consisting of community members, education stakeholders and representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission to advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Adoption of rules by the State Board of Education for the implementation of the plan.

(3) The plan developed under this section shall address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card;

(b) The historical practices leading to disproportionate outcomes for plan students; and

(c) The educational needs of plan students from early childhood through post-secondary education by examining culturally appropriate best practices in this state and across the nation.

(4) The plan developed and implemented under this section must provide strategies to:

(a) Address the disproportionate rate of disciplinary incidents for plan students compared to all students in the education system;

(b) Increase parental engagement in the education of plan students;

(c) Increase the engagement of plan students in educational activities before and after regular school hours;

(d) Increase early childhood and kindergarten readiness for plan students;

(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;

(f) Support plan student transitions to middle school and through the middle and high school grades to maintain and improve academic performance;

(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;

(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;

(i) Increase attendance of plan students in community colleges and professional certification programs; and

(j) Increase attendance of plan students in four-year post-secondary institutions of education.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section at each even-numbered year regular session of the Legislative Assembly in the manner provided by ORS 192.245 to an interim committee of the Legislative Assembly related to education.

(6) The department, in consultation with the advisory group, shall award grants to early learning hubs, providers of early learning services, school districts, post-secondary institutions of education and community-based organizations to implement the strategies developed in the plan developed and implemented under this section.
(7) To qualify for and receive a grant described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria established by the State Board of Education by rule.

336.222. District policy and plan; content.
In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

(1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;

(2) The nature and extent of the district’s expectation of intervention with students who appear to have drug or alcohol abuse problems;

(3) The extent of the district’s alcohol and other drug prevention and intervention programs; and

(4) The district’s strategy to gain access to federal funds available for drug abuse prevention programs.

336.227. Duties of Oregon Health Authority.
To assist school districts to formulate the programs described in ORS 336.222 (1), the Oregon Health Authority shall:

(1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and

(2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information.

In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.
(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(b) Provisions that allow an administrator to consider and implement any of the following options:

(C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
(g) Employ a range of strategies for prevention, intervention and discipline that take into account a student’s developmental capacities and that are proportionate to the degree and severity of the student’s misbehavior;

(h) Propose, prior to a student’s expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
   (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
   (B) When a parent or legal guardian applies for the student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);

(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior;

339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity.

(3) When a student transfers to a school in this state from a school outside the state, the school administrator of the school in this state shall, when requesting the transfer student’s education records as provided under ORS 326.575, request any information that the transfer student’s former school may have relating to the transfer student’s history of engaging in activity that is likely to place at risk the safety of school personnel or students or that requires arrangement of appropriate counseling or education for the transfer student. Upon receipt of information that the transfer student has a history of engaging in activity that is likely to place at risk the safety of school personnel or students, the school administrator shall notify school personnel who the school administrator determines need the information in order to:
   (b) Arrange appropriate counseling or education for the transfer student.

REGULATIONS


(1) As used in this rule:
   (a) “Behavior intervention plan” means an individualized plan, including positive interventions, designed to:
      (A) Assist a student to decrease inappropriate behavior; and
      (B) Increase or teach an alternative appropriate behavior.
   (c) “Functional behavioral assessment” means an individualized assessment of a student that results in a hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.
   (d) “Qualified person” means an individual with training and/or experience in conducting functional behavioral assessments.
   (e) “Serious bodily injury” has the meaning given that term in ORS 339.285.
   (f) “Service provider” includes school personnel who:
      (A) Are or will be providing services related to the implementation of an individualized education program or a 504 Plan to the student; and
(B) Do not hold a teaching license or an administrative license.

(2)(a) A school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who has:

(A) An individualized education program or a 504 Plan; and

(B) Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student’s behavior.

(b) For purposes of this subsection, if a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.

(3) When a behavior intervention plan is developed, reviewed or revised as provided by subsection (2) of this section, the school district must:

(a) Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;

(b) Ensure that the behavior intervention plan appropriately addresses the student’s needs;

(c) Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;

(d) Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and

(e) Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Professional development

LAWS

339.291. Use of physical restraint or seclusion.

(3) If restraint or seclusion is used on a student, the restraint or seclusion must be:

(b) Imposed by personnel of the public education program who are:

(A) Trained to use restraint or seclusion through programs described in ORS 339.300; or

339.300. Training programs.

The Department of Education shall approve training programs in restraint and seclusion that:

(1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;

(2) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(3) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.

339.359. Training programs; prevention task forces, programs and other initiatives.

(1) School districts must incorporate into existing training programs for students and school employees information related to:

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and

(b) The policy adopted under ORS 339.356.
REGULATIONS

(1) The Department of Education shall approve training programs in restraint and seclusion that:
   (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of
       restraint or seclusion;
   (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-
       escalation and crisis response techniques; and
   (c) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are
       established by rule or policy of the Department of Human Services.
(2) A training program seeking approval must submit program materials that meet the expectations of
    subsection (1) of this rule in writing to the Oregon Department of Education.
(3) Approved training programs remain in effect unless significant changes are made to the program. If
    significant changes are made, the training program must be re-submitted for approval.
(4) The Oregon Department of Education must remove training programs from the approved list if they no
    longer meet the requirements specified in subsection (1) of this rule, or if they are found by the Oregon
    Department of Education to have violated any other laws.

581-021-0566. Required use of approved restraint and seclusion programs.
On or after July 1, 2012, a Public Education Program may only use training programs on restraint and
seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department
of Education shall make the approved training list available to all Public Education Programs.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(a) Staff reporting methods.

339.329. Statewide tip line to report information concerning threats or potential threats to student safety; rules.

(1) As used in this section:

(a) “Cyberbullying” and “harassment, intimidation or bullying” have the meanings given those terms in ORS 339.351.

(b) “Local law enforcement contact” means a local law enforcement officer designated by the Department of State Police to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety.

(c) “Personally identifiable information” means any information that would permit the identification of a person who reports information using the tip line, and is not limited to name, phone number, physical address, electronic mail address, race, gender, sexual orientation, disability designation, religious affiliation, national origin, ethnicity, school of attendance, city, county or any geographic identifier included in information conveyed through the tip line, or information identifying the machine or device used by the person in making a report using the tip line.

(d) “Service provider” means a person designated by the department to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety. “Service provider” includes:

(A) A provider of behavioral health care or mental health care;

(B) A provider of school-based health care;

(C) A certificated school counselor;

(D) A clinical social worker licensed under ORS 675.530; or

(E) A professional counselor or a marriage and family therapist licensed under ORS 675.615.

(e) “Student” means a student of:

(A) A school district, as defined in ORS 332.002;

(B) A community college, as defined in ORS 341.005;

(C) A private school that provides educational services to kindergarten through grade 12 students;

(D) A career school, as defined in ORS 345.010; or

(E) A public university listed under ORS 352.002.

(f) “Threat to student safety” includes, but is not limited to, a threat or instance of:
(A) Harassment, intimidation or bullying or cyberbullying;
(B) Suicide or self-harm; and
(C) Violence against others.

(g) “Tip line” means a statewide resource designed to accept information concerning threats to student safety or potential threats to student safety through methods of transmission including:
   (A) Telephone calls;
   (B) Text messages; and
   (C) Electronically through the Internet.

(2) The Department of State Police shall establish a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(3) In consultation with state and local government behavioral health care providers, the department shall adopt rules necessary to establish and operate the tip line. The rules must include, but are not limited to:
   (a) Provisions that protect the personally identifiable information of a person reporting information without compromising opportunities for follow-up contact from local law enforcement contacts or service providers to provide further information to or obtain further information from the person; and
   (b) Written policies and procedures for:
      (A) Logging reports received on the tip line;
      (B) Verifying the authenticity and validity of a reported threat to student safety or potential threat to student safety;
      (C) Relaying information concerning a threat to student safety or potential threat to student safety to local law enforcement contacts, service providers and appropriate education provider contacts;
      (D) Connecting the tip line with other hotlines that are available for reports of violence or for crisis prevention; and
      (E) Reporting for the purposes of tracking referrals to local law enforcement contacts and service providers resulting from information received on the tip line and tracking the outcome of any action taken in response to the referral.

(4) The contents of tips reported to the tip line may be disclosed only as allowed under ORS 192.345 (41), except that:
   (a) Personally identifiable information may be disclosed only as provided in this section; and
   (b) Personally identifiable information and other information reported through the tip line may be disclosed to the following persons for the purpose of follow-up contact to obtain or provide further information:
      (A) Tip line staff;
      (B) A school district, education service district, community college, private school that provides educational services to kindergarten through grade 12 students, career school or public university;
      (C) A service provider; or
      (D) Law enforcement.

(5) Any person authorized to receive tip line information under subsection (4) of this section must use the information only for the purpose of making follow-up contact to obtain or provide further information. Any further information obtained through follow-up contact may be disclosed only to the persons described in subsection (4) of this section.
(6) Persons authorized to receive tip line information under subsection (4) of this section may not disclose to the public the outcomes or actions taken as a result of tip line information unless the disclosure is required by a statute other than this section.

(7) Notwithstanding subsections (4) to (6) of this section, the department may release aggregated or summary information for reporting purposes and may provide information obtained through the tip line for the purpose of educating the public about the tip line, but may not disclose personally identifiable information under this subsection.

(8) The department may seek and accept gifts, grants and donations from any source for the purpose of carrying out its duties under this section.

339.366. Required policy on teen dating violence and domestic violence.

(1) As used in this section:

(a) “Dating” or “dating relationship” means an ongoing social relationship of a romantic or intimate nature between two persons. “Dating” or “dating relationship” does not include a casual relationship or ordinary fraternization between two persons in a business or social context.

(b) “Domestic violence” means abuse as defined in ORS 107.705 between family and household members, as those terms are defined in ORS 107.705.

(c) “Teen dating violence” means:

(A) A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or

(B) Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

(2) Each school district board shall adopt a policy that:

(a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;

(b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;

(c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;

(d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and

(e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

REGULATIONS

257-095-0000. Purpose of Rules.

Rules adopted herein prescribe the policies and procedures for operation and use of the statewide School Safety Tip Line Program (SSTL). The SSTL is established to facilitate the safety and health of students.
257-095-0010. Authority.

(1) SSTL was established by act of the 2016 Oregon Legislature, Oregon Laws 2016, Chapter 74, authorizing the Department of State Police to establish and operate a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(2) Section 1(3) of Oregon Laws 2016, Chapter 74 requires the Department of State Police to adopt rules necessary to establish and operate the tip line.

(3) The SSTL is a program organized within the Public Safety Services Bureau of the Department of State Police for the purpose of facilitating the safety and health of students.


As used in these rules:

(1) "Anonymous" means not identified by name.

(2) "Confidential Information" means any personally identifiable information acquired by the SSTL, its staff, schools, school districts, Education Service Districts, service providers and local law enforcement, or information that is confidential under other state or federal law.

(3) "Cyberbullying" and "harassment, intimidation or bullying" have the meanings given those terms in ORS 339.351.

(4) "Local law enforcement contact" means a local law enforcement officer designated by the Department of State Police to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety.

(5) "Personally Identifiable Information" means any information that would permit the identification of the person as a person reporting information to the SSTL. It includes, but is not limited to, name, phone number, physical address, email address, and information that identifies the machine or device from which the person made the report.

(6) "Service provider" means a person designated by the department to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety. "Service provider" includes:

(a) A provider of behavioral health care or mental health care;

(b) A provider of school-based health care;

(c) A certificated school counselor;

(d) A clinical social worker licensed under ORS 675.530; or

(e) A professional counselor or a marriage and family therapist licensed under ORS 675.615.

(7) "Student" means a student of:

(a) A school district, as defined in ORS 332.002;

(b) A community college, as defined in ORS 341.005;

(c) A private school that provides educational services to kindergarten through grade 12 students;

(d) A public charter school as defined in ORS 338.005;

(e) A career school, as defined in ORS 345.010; or

(f) A public university listed under ORS 352.002.

(8) "Threat to student safety" includes, but is not limited to, a threat or instance of:

(a) Harassment, intimidation, or bullying or cyberbullying;

(b) Suicide or self-harm; and
(c) Violence against others.

(9) “Tip” means reports of information concerning threats to student safety or potential threats to student safety made by phone call, text message, email, web-form submission, or an application on a mobile device submission accepted by the SSTL.

(10) “Tip line” means a statewide resource designed to accept information concerning threats to student safety or potential threats to student safety through methods of transmission including:

(a) Telephone calls;

(b) Text messages;

(c) Electronically through the Internet; and

(d) Use of an application on a mobile device.

(11) “Tip Line Technician” means contracted staff who receive, route and ensure follow-up occurs for calls, e-mails, text messages, and online tips 24 hours a day, seven days a week.

257-095-0040. Responsibilities.

(1) Department of State Police is responsible for:

(a) Establishing a statewide tip line for students and other members of the public to confidentially report information concerning threats or potential threats to student safety;

(b) The ownership and management of data entered into the SSTL;

(c) Following all records retention laws and other applicable laws and rules;

(d) Analyzing and interpreting data entered into the SSTL to help schools improve their response to safety issues;

(e) Maintaining strict confidentiality of confidential information received through tips, documents and communications submitted to the SSTL;

(f) Coordinating outreach and programmatic support to schools, school districts, Education Service Districts, law enforcement agencies and service providers involved in or entering the program;

(g) Establishing a process for documenting the closure of tips and ensuring that the process is being used.

(h) Generating analysis, reports and studies. Analysis, reports and studies shall contain only aggregated information and shall not contain any information that personally identifies reporters or any students. Reports may contain aggregated information concerning how referrals were handled by local law enforcement and service providers and the outcomes of the referrals.

(i) Ensuring training materials explain that reporters may make an anonymous report or, if they identify themselves, how their identity is protected and how it may be shared as set out in OAR 291-095-0080(2).

(j) Where possible, incorporate information on behavioral health treatment services standards under OAR chapter 309, division 019 in training and presentation information.

(2) The SSTL vendor contracted by the Department of State Police is responsible for:

(a) Receiving SSTL tips via phone, email, application on a mobile device, website submission and text message as described in OAR 257-095-0060 and processing those tips;

(b) Ensuring adequate staffing of Tip Line Technicians to handle tip volume;

(c) Ensuring SSTL is functional and capable of operation 24 hours per day, seven days per week;

(d) Providing SSTL database access and the ability to extract data for analysis to designated persons authorized by the Department of State Police;
(e) Following up on reported tips and documenting the status of tips through the SSTL;

(f) Prompting schools to provide updated responsible staff and service provider, if applicable, contact information on a regular basis;

(g) Providing physical and online information security protection including administrative, technical, and physical safeguards to protect assets and data from loss, misuse, unauthorized access, disclosure, alteration, and destruction.

(h) Ensuring Tip Line Technicians have the requested qualifications, training, and experience in taking crisis calls.

(i) Maintaining a policy and procedure manual that contains specific protocols to be used depending on the nature of the tip as well as general procedures regarding interviews and taking information.

(3) The schools, school districts or Education Service Districts are responsible for:

(a) Determining, keeping current, and providing to the SSTL lists of responsible staff and service providers capable of handling tips relayed to the school, school district or Education Service District by the SSTL;

(b) Verifying the authenticity and validity of received reported threat to student safety or potential threat to student safety;

(c) Forwarding tip information to law enforcement or service providers as appropriate;

(d) Following up on assigned tips, providing information about updates and outcomes to the SSTL to the extent not prohibited by any applicable federal or state confidentiality provisions, and closing tips through the SSTL.

257-095-0050. Incidents Reportable through the School Safety Tip Line Program.

Threats to student safety or potential threats to student safety that are reportable to the SSTL include, but are not limited to harassment, intimidation or bullying, cyberbullying, suicide or self-harm and violence against others.

257-095-0060. Receipt of Tips of Reportable Incidents.

Tips received via the SSTL are classified and processed for appropriate school, school district or Education Service District, local law enforcement or service provider response.

(1) When the SSTL receives an incoming communication, the Tip Line Technician shall:

(a) Ask the caller's identity (for tips provided via phone and text) or confirm the identity of the person making the tip (for tips provided via website or application on a mobile device). If the person making the tip does not wish to disclose their identity, the Tip Line Technician shall also accept an anonymous tip;

(b) The Tip Line Technician shall immediately assess the situation and ensure that students (and others) are safe from harm. The Tip Line Technician may not delay in contacting responders and/or school officials if there is an immediate threat to safety;

(c) Tip Line Technicians will attempt to capture and confirm the following data by asking questions identified on templates. Components of this factual accounting process may include but are not limited to:

(i) Who is/was involved in the incident? The name of any person reported to be involved in the incident must be documented. The reporter may choose to be anonymous;

(ii) The school where the individual making the tip (if applicable) and student(s) involved are enrolled and the age of the students involved;
(iii) Specific details about the location of incident (i.e. building name/number, floor, room number, etc.);

(iv) Whether the individual reporting an incident is reporting about him/herself or another party;

(v) If more than one person is involved in the incident, the relationship, if any, of those other individuals to the school or school system;

(vi) What happened, (who did/said what to whom, etc.);

(vii) When the incident occurred (time and date, prior events if any);

(viii) Whether a school staff member was notified, and how the school responded;

(ix) Whether treatment by a service provider was sought;

(x) Name of additional institutions/agencies involved.

(d) Tip Line Technicians will use their training and expertise to categorize by type of incident and prioritize a reported or potential threat to school safety by defined level of urgency for response.

(2) The SSTL software may capture Caller ID information, email addresses, and/or Internet Protocol (IP) addresses as part of the technical solution. This information will only be retrieved, used or disclosed in accordance with Oregon Law and these rules.

(3) The Tip Line Technician shall log all tip information into the SSTL system and transmit the tip electronically to the appropriate school, school district or Education Service District, service provider or local law enforcement contacts.

257-095-0070. Tip Examination, Classification and Referrals.

(1) Once a tip is received by the SSTL, Tip Line Technicians shall classify the reported tip based on a pre-identified set of values to designate the level of threats to student safety and level of response needed;

(2) Tips received by Tip Line Technicians shall be referred to the appropriate school, school district or Education Service District, service provider or law enforcement;

   (a) Suspicious activity or non-criminal, school-safety concerns (i.e. general tips about bullying, suspicious behavior/actions discovered on social media, fights between students, reports of individuals on school grounds who may not have an appropriate reason for being there) will be routed to schools, school districts, Education Service Districts, school administrators, service providers and also to local law enforcement if the severity of the incident warrants a law enforcement response;

   (b) Tips concerning potential criminal activity shall be forwarded to the appropriate law enforcement agency for that jurisdiction in addition to the notifications in subsection (2)(a);

(3) When an incoming tip received by the SSTL presents or appears to present a situation of immediate danger or threat of serious harm, the Tip Line Technician shall immediately contact the appropriate law enforcement contacts, appropriate education provider contacts, or service providers relaying all known information about the tip;

(4) When Tip Line Technicians determine it appropriate based on the nature of the tip and their training and experience, they will forward the tip to other hotlines that are available for reports of violence or crisis prevention;

(5) Tips or requests for social services that are not within the scope of the program will be referred to other hotlines or resources as available;

(6) The Tip Line Technician shall document in the SSTL system the person[s] to whom the tip was referred.
257-095-0080. Information Confidentiality and Disclosure.

(1) Any entity or person authorized to receive information and data from the SSTL is responsible for maintaining the confidentiality of confidential information and must use and disclose any information or data it receives only as provided in these rules or required by law;

(2) The SSTL may not disclose the identity of any person who submits a tip except as provided in these rules or required by law. If a person making a report chooses to identify themselves, they do so with the expectation that their identity will be disclosed only to persons authorized to receive tip information under these rules and only for the purpose of following up on tips.

(3) The SSTL may release aggregated or summary tip information for reporting purposes but shall not release any confidential information. In order to protect the reporting process, limited updates may be provided as long as they do not violate any laws or policies;

(4) Photo, videos and other media images received of a sexual nature shall only be forwarded to law enforcement. Information regarding the tip can be sent to the school, but not the sexual images attached to the tip;

(5) Information acquired by the SSTL will not be disclosed except as provided in these rules or as required by law.

257-095-0090. Anonymity.

Persons submitting a tip via the SSTL may choose to identify themselves or to remain anonymous. The identity of persons making reports who choose to identify themselves shall be protected and disclosed only as set out in OAR 257-095-0080(2).

581-021-0556. Procedures regarding physical restraint & seclusion.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

(a) The district superintendent and, if applicable, the union representative for the affected party; or

(b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

581-021-0559. Reporting requirements for the use of physical restraint & seclusion.

(1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving physical restraint;

(b) The total number of incidents involving seclusion;

(c) The total number of seclusions in a locked room;

(d) The total number of students placed in physical restraint;

(e) The total number of students placed in seclusion;
(f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;

(h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;

(i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and

(j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

(a) The public at the entity’s main office and the website of the entity; and

(b) The school board or governing body overseeing the entity;

(c) If the entity is an education service district, the component school districts of the education service district;

(d) If the entity is a public charter school, the sponsor of the public charter school;

(e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

Parental notification

LAWS

336.645. Notification of availability of program; rules.
The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.675 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs.

339.071. Attendance notification policy.

(1) Each district school board shall adopt an attendance notification policy that satisfies the requirements of this section.

(2) An attendance notification policy must:

(a) Be implemented by each school in the school district; and

(b) Require that each school ensure that a parent or other person in parental relationship to a child is notified by the end of the school day on any day that the child has an unplanned absence.

(3)(a) Notification required by subsection (2)(b) of this section must be provided:

(A) In person;

(B) Directly by telephone; or

(C) By any other method identified in writing by the parent or person in parental relationship to the child.
(b) If a parent or other person in parental relationship to a child cannot be contacted in person or directly by telephone and another method has not been identified by the parent or person, a message shall be left for the parent or person, if possible.

(4) Notice of the child’s absence shall be provided to the attendance supervisor, who shall proceed as provided in ORS 339.055, if:

(a) Notification is not provided in person or directly by telephone; and

(b) The parent or other person in parental relationship to the child has not confirmed within the timeline established by the attendance notification policy that the parent or person has received notification.

339.080. Nonattendance notice to parents, school officials and parole or probation officer.

(1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person.

(2) The notice required by subsection (1) of this section must inform the parent or other person in parental relation that:

(a) The child must appear at the public school on the next school day following the receipt of the notice.

(b) Regular attendance at school must be maintained during the remainder of the school year.

(c) The parent or other person in parental relation has the right to request:

(A) For a child who does not have an individualized education program, an evaluation to determine if the child should have an individualized education program; or (B) For a child who has an individualized education program, a review of the individualized education program.

(3) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.

(4) If the child who is the subject of a notice under subsection (1) of this section is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child’s parole or probation officer of the child’s absence.

339.090. Determination of compliance; notice to district superintendent.

The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall notify the district superintendent.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student’s behavior and the school’s response.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or
instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(c) Allow a superintendent of a school district to:

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

339.291. Use of physical restraint or seclusion.

(4) In addition to the requirements described in subsection (3) of this section, if restraint or seclusion continues for more than 30 minutes:

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

339.294. Procedures following incident; notification; records.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student’s activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent’s or guardian’s right to attend the meeting.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student’s behavior plan and ensuring the provision of any necessary behavioral supports.
339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity.

(1) A superintendent of a school district or a superintendent’s designee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a list that threatens harm to other persons, shall notify:

(a) The parent or guardian of any student whose name appears on the list as a target of the harm;

(b) Any teacher or school employee whose name appears on the list as a target of the harm.

(2) A superintendent or superintendent’s designee who has reasonable cause to believe that a student, while in a school, has made threats of violence or harm to another student shall notify the parent or guardian of the threatened student.

(3) The superintendent or superintendent’s designee shall attempt to notify the persons specified in subsections (1) and (2) of this section by telephone or in person promptly but not later than 12 hours after discovering the list or learning of the threat. The superintendent or superintendent’s designee shall follow up the notice with a written notification sent within 24 hours after discovering the list or learning of the threat.

339.925. Compulsory school attendance violation procedure; rules.

(2) Prior to issuing the citation described in subsection (3) of this section to the parent or guardian of a student not regularly attending full-time school, a school district superintendent or education service district superintendent shall:

(a) Provide a parent or guardian of the student and the student with written notification that:

(A) States that the student is required to attend regularly a full-time school;

(B) Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;

(C) States that the superintendent may issue a citation;

(D) Requires the parent or guardian of the student and the student to attend a conference with a designated official; and

(E) Is written in the native language of the parent or guardian of the student.

REGULATIONS

581-021-0065. Suspension.

(1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.


(1) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing:
(a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over;

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

581-021-0071. District information for parents and students regarding the availability of alternative education programs.

(2) District school boards shall adopt policies and procedures for notification to students and parents, or guardians of the availability of appropriate and accessible alternative programs. This notification shall be provided in the following situations:

(a) Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problem within a three-year period;

(b) When the district finds a student's attendance pattern to be so erratic that the student is not benefiting from the educational program;

(c) When the district is considering expulsion as a disciplinary alternative;

(d) When a student is expelled pursuant to subsection (3) of ORS 339.250; and

(e) When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(5).

(3) The notification must include but is not limited to the following:

(a) Student action which is the basis for consideration of alternative education;

(b) Listing of alternative programs available to this student for which the district would provide financial support in accordance with ORS 339.620 except that when notice is given in accordance with subsection (2)(e) of this rule the district shall not be obligated to provide financial support;

(c) The program recommended for the student based on student's learning styles and needs;

(d) Procedures for enrolling the student in the recommended program; and

(e) When the parent or guardian's language is other than English, the district must provide notification in manner that the parent or guardian can understand.

(4) The district shall inform all parents or guardians of the law regarding alternative education and educational services available to students by such means as a statement in the student/parent handbook, notice in the newspaper, or an individual letter to a parent.

(5) District school boards shall adopt a procedure for parents or guardians to request establishment of alternative programs within the district.

(6) District school boards shall not approve the enrollment of a pupil in a private alternative program unless the private alternative program meets all requirements of OAR 581-021-0045.


(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.
(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

581-021-0559 Reporting Requirements for the Use of Physical Restraint & Seclusion

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

(e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.
Reporting and referrals between schools and law enforcement

LAWS

166.370. Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.

(1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.

(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.

(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

(3) Subsection (1) of this section does not apply to:

(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation officer is acting within the scope of employment.

(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) An honorably retired law enforcement officer.

(f) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(h) A person who is authorized by the officer or agency that controls the public building to possess a firearm or dangerous weapon in that public building.

(i) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

(j) Possession of a firearm on school property if the firearm:

(A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and
(B) Is unloaded and locked in a motor vehicle.

(4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative defenses to a charge of violating subsection (1) of this section.

(b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

(5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school shall upon conviction be guilty of a Class C felony.

(b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

(A) As part of a program approved by a school in the school by an individual who is participating in the program;

(B) By a law enforcement officer acting in the officer's official capacity; or

(C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.

(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.

(7) Notwithstanding the fact that a person’s conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section, the district attorney may charge the person with only one of the offenses.

(8) As used in this section, “dangerous weapon” means a dangerous weapon as that term is defined in ORS 161.015.

336.187. When school authorized to disclose information about student; immunity of recipient.

(1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:

(a) Law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals; and

(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court’s or juvenile justice agency’s ability to serve the needs of a student prior to the student’s adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

(2) As used in this section, a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 419B.005 to 419B.050.

(3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information.
339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.

(1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person's conduct immediately to a school administrator, school director, the administrator's or director's designee or law enforcement agency within the county. A school administrator, school director or the administrator's or director's designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, shall promptly report the person's conduct to a law enforcement agency within the county. If the school administrator, school director or employee has reasonable cause to believe that a person has been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person's conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, “school” means:

(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;

(b) The grounds adjacent to the institution; and

(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization and that is posted as such.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.
339.317. Notice to school district of person charged with crime; immunity.

(1) (a) No later than five days after a person under 18 years of age is waived under ORS 419C.349, 419C.352 or 419C.364, the district attorney or city attorney, if the person is waived to municipal court or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the charge to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, “school administrator” has the meaning given that term in ORS 419A.305.

(b) The district attorney, city attorney or juvenile department shall include in the notice the following:
   (A) The crime with which the person is charged;
   (B) The name and date of birth of the person;
   (C) The names and addresses of the person’s parents or guardians;
   (D) The name and contact information of the attorney for the person, if known;
   (E) The name and contact information of the individual to contact for further information about the notice;
   (F) Any conditions of release or terms of probation; and
   (G) Any other conditions required by the court.

(2) A person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.319. Notice to school district of person convicted of crime; immunity.

(1) (a) When a person under 18 years of age is convicted of a crime following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency supervising the person or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the conviction within five days following sentencing to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, “school administrator” has the meaning given that term in ORS 419A.305.

(b) The agency supervising the person or the juvenile department shall include in the notice:
   (A) The name and date of birth of the person;
   (B) The names and addresses of the person’s parents or guardians;
   (C) The crime of conviction;
   (D) The sentence imposed;
   (E) The name and contact information of the attorney for the person, if known;
   (F) The name and contact information of the individual to contact for further information about the notice;
   (G) Any conditions of release or terms of probation including, but not limited to, whether school attendance is a condition of the release; and
   (H) Any other conditions required by the court.

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.
339.321. Notice to school district and law enforcement agencies of release or discharge of person; immunity.
(1) No later than 15 days before the release or discharge of a person committed to the legal custody of the Department of Corrections or the supervisory authority of a county following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall notify the following of the release or discharge if the person is under 21 years of age at the time of the release:
   (a) Law enforcement agencies in the community in which the person is going to reside; and
   (b) The school administrator of the school the person will attend or the school administrator of the school district in which the person will reside.
(2) The department, supervisory authority or the juvenile department shall include in the notification:
   (a) The name and date of birth of the person;
   (b) The date of release or discharge;
   (c) The person’s address;
   (d) The names and addresses of the person’s parents or guardians;
   (e) The name and contact information of the attorney for the person, if known;
   (f) The name and contact information of the individual to contact for further information about the notice;
   (g) Any conditions of release or terms of probation including, but not limited to, the type of supervision under which the person is released and whether school attendance is a condition of release; and
   (h) Any other conditions required by the court.
(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.
(4) As used in this section, “school administrator” has the meaning given that term in ORS 419A.305.

339.323. Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity.
(1) When a school administrator as defined in ORS 419A.305 receives notice under ORS 339.317, 339.319, 339.321, 419A.015, 420.048 or 420A.122, the school administrator may disclose the information only to school personnel, as defined in ORS 339.326, who the school administrator determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.
(2) A school administrator or anyone employed by or acting on behalf of a school administrator who receives notice under ORS 339.317, 339.319, 339.321 or 420A.122 is not civilly or criminally liable for failing to disclose the information.

339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity.
(1) As used in this section:
   (a) “School administrator” has the meaning given that term in ORS 419A.305.
   (b) “School personnel” means a person who is employed by or under contract with a school district, public charter school or private school to provide services to students, including but not limited to:
(A) Teachers and school staff.
(B) Transportation providers.
(C) Food service workers.
(D) Daytime building maintenance workers.
(E) Health center workers or nurses.
(F) Library personnel.
(G) Translators.

(2) Within 48 hours after receiving notice under ORS 419A.305, a school administrator shall notify school personnel who the school administrator determines need the information in order to:
   (a) Safeguard the safety and security of the school, students and school personnel;
   (b) Arrange appropriate counseling or education for the person who is the subject of the notice; or
   (c) If the notice states that the court has set aside or dismissed the petition, or that the court has determined it does not have jurisdiction over the person who is the subject of the notice, inform school personnel previously notified of the petition under this subsection that the court has set aside or dismissed the petition or determined that the person who is the subject of the notice is not within the jurisdiction of the juvenile court and direct the appropriate school personnel to remove and destroy the notice and any documents or information related to the notice from the person’s educational records.

(3) When a student transfers to a school in this state from a school outside the state, the school administrator of the school in this state shall, when requesting the transfer student’s education records as provided under ORS 326.575, request any information that the transfer student’s former school may have relating to the transfer student’s history of engaging in activity that is likely to place at risk the safety of school personnel or students or that requires arrangement of appropriate counseling or education for the transfer student. Upon receipt of information that the transfer student has a history of engaging in activity that is likely to place at risk the safety of school personnel or students, the school administrator shall notify school personnel who the school administrator determines need the information in order to:
   (a) Safeguard the safety and security of the school, students and school personnel; or
   (b) Arrange appropriate counseling or education for the transfer student.

(4) When a school administrator receives notice under ORS 419A.305 and determines that the youth is not enrolled in the school administrator’s school but is enrolled in a school or program referred to in this subsection, the school administrator shall, within 48 hours of receiving notice, send a copy of the notice to:
   (a) The director of the Oregon School for the Deaf if the youth attends the Oregon School for the Deaf.
   (b) The Superintendent of Public Instruction if the youth is in an educational program under the Youth Corrections Education Program.
   (c) The principal of the public charter school if the youth attends a public charter school.
   (d) The principal of the private school if the youth attends a private school.
   (e) The appropriate school administrator if the youth attends a school in another school district.

(5) A school district, public charter school or private school may adopt policies and procedures for providing notification to school personnel under this section.

(6)(a) Except as provided in this section, information contained in a notice required under ORS 419A.305 or obtained from an out-of-state school under subsection (3) of this section is confidential.
   (b) Persons receiving information contained in a notice required under ORS 419A.305 or obtained from an out-of-state school under subsection (3) of this section may not disclose any information received to anyone other than:
(A) The person who is the subject of the notice or the transfer student;
(B) The parent or guardian of the person who is the subject of the notice or the transfer student;
(C) A school administrator;
(D) School personnel notified under subsection (2) or (3) of this section;
(E) Law enforcement personnel;
(F) The probation officer or juvenile counselor of the person who is the subject of the notice or the transfer student; and
(G) The attorney for the person who is the subject of the notice or the transfer student.

School personnel are not subject to discipline for disclosing the existence of a notice under ORS 419A.305 or for disclosing the contents of the notice, unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.

(c) School personnel are not subject to discipline for disclosing the existence of a notice under ORS 419A.305 or for disclosing the contents of the notice, unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.

(7)(a) Information obtained under this section or under ORS 419A.305 may not be used for admissions or disciplinary decisions concerning the person who is the subject of a notice or the transfer student unless the violation occurred in the school or classroom or at a school activity or event, whether or not the violation took place on school property.

(b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or under ORS 419A.305 may be used for making an educational placement for the person who is the subject of a notice or the transfer student, if necessary for arranging appropriate counseling or education for the person or transfer student. Placement procedures and decisions under this section regarding a person or transfer student who is receiving special education and related services must comply with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

(c) The receipt of a notice under ORS 419A.305 does not deprive the school of the authority to institute or continue a disciplinary action against the person who is the subject of the notice or the transfer student based on the same conduct alleged in the notice if the disciplinary proceedings are based on information obtained by the school or school district that is not derived from the notice.

(8) A person is not civilly or criminally liable for giving or failing to give the notice required under this section. Nothing in this section creates a new cause of action or enlarges an existing cause of action for compensation or damages.

339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity.

(1) A superintendent of a school district or a superintendent’s designee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a list that threatens harm to other persons, shall notify:

(a) The parent or guardian of any student whose name appears on the list as a target of the harm; and
(b) Any teacher or school employee whose name appears on the list as a target of the harm.

(2) A superintendent or superintendent’s designee who has reasonable cause to believe that a student, while in a school, has made threats of violence or harm to another student shall notify the parent or guardian of the threatened student.

(3) The superintendent or superintendent’s designee shall attempt to notify the persons specified in subsections (1) and (2) of this section by telephone or in person promptly but not later than 12 hours after discovering the list or learning of the threat. The superintendent or superintendent’s designee shall follow up the notice with a written notification sent within 24 hours after discovering the list or learning of the threat.
(4) Any school district or person participating in good faith in making the notification required by this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

(5) As used in this section, “school” has the meaning given that term in ORS 339.315.

**REGULATIONS**

**257-095-0040. Responsibilities.**

(1) Department of State Police is responsible for:

(a) Establishing a statewide tip line for students and other members of the public to confidentially report information concerning threats or potential threats to student safety;

(b) The ownership and management of data entered into the SSTL;

(c) Following all records retention laws and other applicable laws and rules;

(d) Analyzing and interpreting data entered into the SSTL to help schools improve their response to safety issues;

(e) Maintaining strict confidentiality of confidential information received through tips, documents and communications submitted to the SSTL;

(f) Coordinating outreach and programmatic support to schools, school districts, Education Service Districts, law enforcement agencies and service providers involved in or entering the program;

(g) Establishing a process for documenting the closure of tips and ensuring that the process is being used.

(h) Generating analysis, reports and studies. Analysis, reports and studies shall contain only aggregated information and shall not contain any information that personally identifies reporters or any students. Reports may contain aggregated information concerning how referrals were handled by local law enforcement and service providers and the outcomes of the referrals.

(i) Ensuring training materials explain that reporters may make an anonymous report or, if they identify themselves, how their identity is protected and how it may be shared as set out in OAR 291-095-0080(2).

(j) Where possible, incorporate information on behavioral health treatment services standards under OAR chapter 309, division 019 in training and presentation information.

(2) The SSTL vendor contracted by the Department of State Police is responsible for:

(a) Receiving SSTL tips via phone, email, application on a mobile device, website submission and text message as described in OAR 257-095-0060 and processing those tips;

(b) Ensuring adequate staffing of Tip Line Technicians to handle tip volume;

(c) Ensuring SSTL is functional and capable of operation 24 hours per day, seven days per week;

(d) Providing SSTL database access and the ability to extract data for analysis to designated persons authorized by the Department of State Police;

(e) Following up on reported tips and documenting the status of tips through the SSTL;

(f) Prompting schools to provide updated responsible staff and service provider, if applicable, contact information on a regular basis;

(g) Providing physical and online information security protection including administrative, technical, and physical safeguards to protect assets and data from loss, misuse, unauthorized access, disclosure, alteration, and destruction.
(h) Ensuring Tip Line Technicians have the requested qualifications, training, and experience in taking crisis calls.

(i) Maintaining a policy and procedure manual that contains specific protocols to be used depending on the nature of the tip as well as general procedures regarding interviews and taking information.

(3) The schools, school districts or Education Service Districts are responsible for:

(a) Determining, keeping current, and providing to the SSTL lists of responsible staff and service providers capable of handling tips relayed to the school, school district or Education Service District by the SSTL;

(b) Verifying the authenticity and validity of received reported threat to student safety or potential threat to student safety;

(c) Forwarding tip information to law enforcement or service providers as appropriate;

(d) Following up on assigned tips, providing information about updates and outcomes to the SSTL to the extent not prohibited by any applicable federal or state confidentiality provisions, and closing tips through the SSTL.

581-021-0225. Records of law enforcement units.

(1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by that agency or institution to:

(a) Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or

(b) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a law enforcement unit if it also performs other, nonlaw enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(3) Records of a law enforcement unit means those records, files, documents, and other materials that are:

(a) Created by a law enforcement unit;

(b) Created for a law enforcement purpose; and

(c) Maintained by the law enforcement unit.

(4) Records of a law enforcement unit does not mean:

(a) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(b) Records created and maintained by a law enforcement unit exclusively for a nonlaw enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

(5) Nothing in this rule prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.

(6) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of OAR 581-021-0330, while in the possession of the law enforcement unit.
(7) This rule neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement unit records.

Disclosure of school records

LAWS

336.184. Oregon Student Information Protection Act; definitions; prohibitions; exemptions.

(1) This section shall be known and may be cited as the Oregon Student Information Protection Act.

(2) As used in this section:

(a) "Covered information" means personally identifiable information or materials that regard a student in this state and that are in any media or format that meet any of the following:

(A) Are created or provided by a student, or the student’s parent or legal guardian, to an operator in the course of the student’s, parent’s or legal guardian’s use of the operator’s site, service or application for kindergarten through grade 12 purposes;

(B) Are created for an operator or provided to an operator by an employee or agent of the kindergarten through grade 12 school, school district or education service district for kindergarten through grade 12 purposes; or

(C) Are gathered by an operator and personally identify a student, or are linked to information that personally identifies a student, including, but not limited to:

(i) Information in the student's educational record or electronic mail;

(ii) The student’s first and last name, home address, telephone number, electronic mail address or other information that allows physical or online contact; or

(iii) The student’s discipline records, test results, special education data, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photographs, voice recordings or geolocation information.

(b) "Kindergarten through grade 12 school purposes" means purposes that:

(A) Are directed by, or that customarily take place at the direction of, a kindergarten through grade 12 school, teacher, school district or education service district;

(B) Aid in the administration of school activities, including instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents; or

(C) Are primarily for the use and benefit of the school.

(c) “Operator” means the operator of an Internet website, online service, online application or mobile application with actual knowledge that the site, service or application:

(A) Is used primarily for kindergarten through grade 12 school purposes; and

(B) Was designed and marketed for kindergarten through grade 12 school purposes, to the extent that the site, service or application is operating in that capacity.

(d) "Student" means a student in any grade from kindergarten through grade 12.

(e) (A) “Targeted advertising” means advertising presented to a student based on information obtained or inferred from the student’s online behavior, usage of applications or covered information.

(B) “Targeted advertising” does not include advertising presented to a student:

(i) At an online location based upon the student’s current visit to that location; or
(ii) As a single search query, as long as the student’s online activities are not collected or retained over time.

(3)(a) An operator may not knowingly engage in any of the following activities with respect to the operator’s site, service or application:

(A) Engage in targeted advertising on the operator’s site, service or application.
(B) Target advertising on any other site, service or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator’s site, service or application for kindergarten through grade 12 school purposes.
(C) Use information, including persistent unique identifiers, created or gathered by the operator’s site, service or application, to amass a profile about a student, except in furtherance of kindergarten through grade 12 school purposes.
(D) Sell a student’s information, including covered information. The prohibition of this subparagraph does not apply to the purchase, merger or other type of acquisition of an operator by another entity, provided that the operator or successor entity continues to be subject to the provisions of this section with respect to previously acquired student information that is subject to this section.
(E) Disclose covered information, unless the disclosure is made:

(i) In furtherance of the kindergarten through grade 12 school purposes of the site, service or application, provided the recipient of the covered information:

(I) Does not further disclose covered information, unless the disclosure is to allow or improve the operability and functionality within the student’s classroom or school; and
(II) Is legally required to comply with the requirements of subsection (4) of this section and to not use that covered information in violation of this section;
(ii) To ensure legal and regulatory compliance;
(iii) To respond to or participate in the judicial process;
(iv) To protect the safety of users or others or the security or integrity of the site; or
(v) To a service provider, provided the operator contractually:

(I) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator;
(II) Prohibits the service provider from disclosing any covered information provided by the operator to subsequent third parties, except in furtherance of kindergarten through grade 12 school purposes of the site, service or application or for a purpose permitted by subsection (3)(a),(6) or (7) of this section; and
(III) Requires the service provider to implement and maintain reasonable security procedures and practices as provided by subsection (4) of this section.

(b) Nothing in this subsection shall be construed to prohibit the operator’s use of information for maintaining, developing, supporting, improving or diagnosing the operator’s site, service or application.

(4) An operator shall:

(a) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information and appropriate to protect the covered information from unauthorized access, destruction, use, modification or disclosure; and
(b) Delete a student’s covered information within a reasonable time if the school or school district requests deletion of data that is under the control of the school or school district.
(5) Notwithstanding subsections (3)(a)(E) and (6) of this section, an operator may disclose covered information of a student if the disclosure:

(a) Does not violate subsection (3)(a)(A) to (D) of this section;

(b) Is required by federal or state law and the operator complies with the requirements of federal and state law in protecting and disclosing the information;

(c) Is for legitimate research purposes that are:

(A) Required by federal or state law and subject to the restrictions under applicable federal and state law; or

(B) Allowed by federal or state law and made under the direction of a school, school district, education service district or the Department of Education, if the covered information is not used for any purpose in furtherance of advertising or amassing a profile on the student for purposes other than kindergarten through grade 12 school purposes; or

(d) Is made to a state or local educational agency, including schools and school districts, for kindergarten through grade 12 school purposes as permitted by federal or state law.

(6) Nothing in this section prohibits an operator from:

(a) Disclosing deidentified student covered information if the disclosure is:

(A) Within the operator’s site, service or application or other sites, services or applications owned by the operator to develop or improve educational products or services; or

(B) Made to demonstrate the effectiveness of the operator’s products or services, including marketing for the operator’s products or services;

(b) Sharing aggregated deidentified student covered information for the development and improvement of educational sites, services or applications;

(c) Using student data, including covered information, for adaptive learning or customized student learning purposes; or

(d) Responding to a student-initiated request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

(7) Nothing in this section shall be construed to limit the authority of:

(a) A law enforcement agency to obtain any content or information from an operator as authorized by law or pursuant to an order of a court of competent jurisdiction;

(b) An Internet service provider from providing Internet connectivity to schools or students and their families;

(c) An operator of an Internet website, online service, online application or mobile application from marketing educational products directly to parents or legal guardians, as long as the marketing does not result from the use of covered information obtained by the operator through the provision of services covered under this section; or

(d) Students, or the students’ parents or legal guardians, to download, transfer, export or otherwise save or maintain their own student data or documents.

(8) Nothing in this section shall be construed to impose a duty upon:

(a) A provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance with this section by those applications or software; or

(b) A provider of an interactive computer service to review or enforce compliance with this section by third-party content providers. As used in this paragraph, “interactive computer service” means any information service, system or access software provider that provides or enables computer access by
multiple users to a computer server, including specifically a service or system that provides access to the Internet and such services or systems operated or offered by libraries or educational institutions.

(9) This section does not apply to general audience Internet websites, general audience online services, general audience online applications or general audience mobile applications, even if login credentials created for an operator’s site, service or application may be used to access those general audience sites, services or applications.

(10) Violation of this section is an unlawful practice under ORS 646.607.

336.187. When school authorized to disclose information about student; immunity of recipient.

(1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:

(a) Law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals; and

(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court’s or juvenile justice agency’s ability to serve the needs of a student prior to the student’s adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

(2) As used in this section, a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 419B.005 to 419B.050.

(3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information.

339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity.

(3) When a student transfers to a school in this state from a school outside the state, the school administrator of the school in this state shall, when requesting the transfer student’s education records as provided under ORS 326.575, request any information that the transfer student’s former school may have relating to the transfer student’s history of engaging in activity that is likely to place at risk the safety of school personnel or students or that requires arrangement of appropriate counseling or education for the transfer student. Upon receipt of information that the transfer student has a history of engaging in activity that is likely to place at risk the safety of school personnel or students, the school administrator shall notify school personnel who the school administrator determines need the information in order to:

(a) Safeguard the safety and security of the school, students and school personnel; or

(b) Arrange appropriate counseling or education for the transfer student.
REGULATIONS

581-021-0225. Records of law enforcement units.

(1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by that agency or institution to:

(a) Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or

(b) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a law enforcement unit if it also performs other, nonlaw enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(3) Records of a law enforcement unit means those records, files, documents, and other materials that are:

(a) Created by a law enforcement unit;

(b) Created for a law enforcement purpose; and

(c) Maintained by the law enforcement unit.

(4) Records of a law enforcement unit does not mean:

(a) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(b) Records created and maintained by a law enforcement unit exclusively for a nonlaw enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

(5) Nothing in this rule prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.

(6) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of OAR 581-021-0330, while in the possession of the law enforcement unit.

(7) This rule neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement unit records.

581-021-0250. An educational agency or institution's policy regarding student education records.

(1) Each educational agency or institution shall adopt a policy regarding how the agency or institution meets the requirements of OARs 581-021-0220 through 581-021-0430. The policy shall include:

(a) A description of how the agency or institution annually informs parents and students of their rights, in accordance with OAR 581-021-0260;

(b) A description of how a parent or eligible student may inspect and review education records according to OAR 581-021-0270;

(c) A statement that personally identifiable information will not be released from an education record without the prior written consent of the parent or eligible student according to OAR 581-021-0330, except under one or more of the conditions described in 581-021-0340;

(d) A statement indicating whether the educational agency or institution has a policy of disclosing personally identifiable information under OAR 581-021-0340(1), and, if so, a specification of the criteria
for determining which parties are school officials and what the agency or institution considers to be a legitimate educational interest. With respect to students with disabilities, each educational agency or institution shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;

(e) A statement that a record of disclosures will be maintained as required by OAR 581-021-0400, and that a parent or eligible student may inspect and review that record;

(f) Specification by the educational agency or institution of the types of personally identifiable information the agency or institution has designated as directory information under OAR 581-021-0390;

(g) A statement that the agency or institution permits a parent or eligible student to request correction of the student's education records under OAR 581-021-0300, to obtain a hearing under 581-021-0310(1), and to add a statement to the record under 581-021-0310(3);

(h) A statement that the educational agency or institution, as required by OAR 581-021-0260, annually notifies parents and eligible students of their rights to review and propose amendments to the student's education records;

(i) A statement that the educational agency or institution maintains a permanent record on each student;

(j) A statement that the educational agency or institution will request the social security number of a student and will include the social security number on the permanent student record only if the parent or eligible student complies with the request. The request shall include notification to the parent or eligible student that the provision of the social security number is voluntary and notification of the purposes for which the social security number will be used;

(k) A statement that the educational agency or institution provides for the retention of permanent records in a minimum one-hour fire-safe place in the educational agency or institution, or for keeping duplicate permanent records in a safe depository outside the building;

(l) A statement that the education agency or institution complies with OAR 581-021-0255 on the request for and transfer of student education records; and

(m) A statement that the educational agency or institution has a policy of disclosing personally identifiable information from an education record to an ESD, state regional program, or other educational agency or institution that has requested the records and in which the student seeks or intends to enroll or is enrolled or receives services from. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability.

(2) For purposes of subsection (1)(l) of this rule:

(a) "Private agency" means an agency with which the Department of Education contracts under ORS 343.961; and

(b) "Youth care center" means a center as defined in ORS 420.855.

(3) The educational agency or institution shall state the policy in writing and make a copy of it available on request to a parent or eligible student.

581-021-0360. Conditions for the disclosure of information to other educational agencies or institutions.

(1) Each educational agency or institution shall annually notify parents of students currently in attendance, and eligible students currently in attendance, at the agency or institution of their rights under OAR 581-021-0220 through 581-021-0440.

(2) The notice must inform parents and eligible students that they have a right to:

(a) Inspect and review the student’s education records;
(b) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
(c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these rules authorize disclosure without consent;
(d) Pursuant to OAR 581-021-0410, file with the U.S. Department of Education a complaint under 34 CFR § 99.64 concerning alleged failures by the agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act; and
(e) Obtain a copy of the policy adopted under OAR 581-021-0250.

(3) The notice must include all of the following:
   (a) The procedure for exercising the right to inspect and review education records.
   (b) The procedure for requesting amendment of records under OAR 581-021-0300;
   (c) Regarding disclosure of education records to school officials and teachers within the education agency whom the agency has determined to have legitimate educational interest, a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;
(4) Each educational agency or institution shall annually notify parents and eligible students of what it considers to be directory information and the conditions for disclosure of such information as provided in OAR 581-021-0390.
(5) Each educational agency or institution shall annually notify parents or eligible students that it forwards education records requested under OAR 581-021-0250(1)(m) and (p) within 10 days of receiving the request.
(6) The notice provided under section (1) of this rule must also indicate the places where copies of the policy adopted under OAR 581-021-0250 are located.
(7) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents and eligible students of their rights;
(8) An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English.
(9) An educational agency or institution shall effectively notify parents or eligible students who have a disability.

[Publications: Publications referenced are available from the agency.]

581-021-0370. Conditions for the disclosure of information for federal or state program purposes.
(1) The officials listed in OAR 581-021-0340(3) shall have access to education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal or state legal requirements which relate to those programs.
(2) Information that is collected under section (1) of this rule must:
   (a) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in section (1) of this rule; and
   (b) Be destroyed when no longer needed for the purposes listed in section (1) of this rule.
(3) Section (2) of this rule does not apply if:
   (a) The parent or eligible student has given written consent for the disclosure under OAR 581-021-0330; or
   (b) The collection of personally identifiable information is specifically authorized by state or federal law.
581-021-0371. Conditions for the disclosure of information to comply with judicial order or subpoena.
The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action except as provided below.

(1) Conditions when no notice required:
(2) The educational agency or institution may disclose information under this section without notice to the parent or eligible student if the disclosure is in compliance with:
   (a) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
   (b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

581-021-0372. Conditions for the disclosure of information when legal action initiated.
(1) If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.
(2) If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student’s education records that are relevant for the educational agency or institution to defend itself.

581-021-0391. Conditions for the disclosure of information to juvenile justice agencies.
An educational agency or institution may disclose personally identifiable information to a court and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies provided that:
(1) Disclosure relates to the court’s or juvenile justice agency’s ability to serve the needs of a student prior to the student’s adjudication under ORS chapter 419C.
(2) A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

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

LAWS

329.841. Culturally specific statewide education plan; advisory group; report; grants; rules.
(1) For the purposes of this section, “plan student” means a student enrolled in early childhood through post-secondary education who:
   (a) Is black or African-American or a member of a student group that is not covered under an existing culturally specific statewide education plan; and
(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students.

(b) The department shall form an advisory group consisting of community members, education stakeholders and representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission to advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Adoption of rules by the State Board of Education for the implementation of the plan.

(3) The plan developed under this section shall address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card;

(b) The historical practices leading to disproportionate outcomes for plan students; and

(c) The educational needs of plan students from early childhood through post-secondary education by examining culturally appropriate best practices in this state and across the nation.

(4) The plan developed and implemented under this section must provide strategies to:

(a) Address the disproportionate rate of disciplinary incidents for plan students compared to all students in the education system;

(b) Increase parental engagement in the education of plan students;

(c) Increase the engagement of plan students in educational activities before and after regular school hours;

(d) Increase early childhood and kindergarten readiness for plan students;

(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;

(f) Support plan student transitions to middle school and through the middle and high school grades to maintain and improve academic performance;

(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;

(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;

(i) Increase attendance of plan students in community colleges and professional certification programs; and

(j) Increase attendance of plan students in four-year post-secondary institutions of education.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section at each even-numbered year regular session of the Legislative Assembly in the manner provided by ORS 192.245 to an interim committee of the Legislative Assembly related to education.

(6) The department, in consultation with the advisory group, shall award grants to early learning hubs, providers of early learning services, school districts, post-secondary institutions of education and community-based organizations to implement the strategies developed in the plan developed and implemented under this section.
(7) To qualify for and receive a grant described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria established by the State Board of Education by rule.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

339.294. Procedures following incident; notification; records.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent’s or guardian’s right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training as provided by ORS 339.300, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4)(a) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.

(b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.
(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student’s behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.


(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Department of Education an annual report detailing the use of restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving restraint.

(b) The total number of incidents involving seclusion.

(c) The total number of seclusions in a locked room.

(d) The total number of rooms available for use by the public education program for seclusion of a student and a description of the dimensions and design of the rooms.

(e) The total number of students placed in restraint.

(f) The total number of students placed in seclusion.

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion.

(h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student.

(i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained as provided by ORS 339.300.

(j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

(A) The public at the entity’s main office and the website of the entity;

(B) The board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.
(3) A public education provider that does not comply with the requirement to submit a report to the Department of Education under subsection (1) of this section or to make the report available as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

REGULATIONS

257-095-0100. Reporting and Data Analysis.

(1) Information gathered in operation of the SSTL may be utilized for the purpose of generating reports to track outcomes of actions taken in response to a tip, or used to analyze and adapt the operation of the SSTL Reports and analysis shall contain only aggregated information and shall not contain information that personally identifies reporters or any students;

(2) Full SSTL data access is limited to the Department of State Police;

(a) Schools, school districts and Education Service Districts shall only have access to their own school(s) or jurisdiction data for following up on tips, analysis, reporting and managing school policies;

(b) Schools are responsible for the appropriate dissemination of information to law enforcement, service providers, and other authorities in accordance with these rules and any other applicable laws and rules;

(c) The Department of State Police shall create annual and other reports as necessary. Reports shall contain only aggregated information and shall not contain any information that personally identifies reporters, any students, or specific schools.


(1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving physical restraint;

(b) The total number of incidents involving seclusion;

(c) The total number of seclusions in a locked room;

(d) The total number of students placed in physical restraint;

(e) The total number of students placed in seclusion;

(f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;

(h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;

(i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and

(j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

(a) The public at the entity's main office and the website of the entity; and
(b) The school board or governing body overseeing the entity;
(c) If the entity is an education service district, the component school districts of the education service district;
(d) If the entity is a public charter school, the sponsor of the public charter school;
(e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
339.040. Attendance supervisors.
(1) The executive officer of the administrative office for the county shall appoint one person to act as the attendance supervisor for school districts having a school census of less than 1,000 children in the county. The attendance supervisor shall perform duties under the direction of the administrative office for the county. The attendance supervisor shall receive as compensation for services a sum fixed by the governing body of the county and allowed and paid in the same manner as the salaries of county officers are paid.

(2) District school boards of districts having a school census of 1,000 or more children, according to the latest school census, shall appoint attendance supervisors and fix and pay their compensation.

(3) The administrative office for the county, upon written application from the district school board in any school district having a school census of more than 200 and less than 1,000 children, according to the latest school census, shall grant such district permission to appoint attendance supervisors and fix their compensation and pay.

(4) For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located.

339.055. Duties of attendance supervisors.
The attendance supervisor when notified of a truancy or unexcused absence shall investigate the truancy or nonattendance at school. If the child is not exempt from compulsory school attendance, the attendance supervisor shall proceed as provided in ORS 339.080 and 339.090.
339.090. Determination of compliance; notice to district superintendent.

The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall notify the district superintendent.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS

581-021-0059. Model programs for disruptive students.

(1) The purpose of this rule is to establish a two-year pilot program by which school district boards may adopt a program to address the problems of disruptive students in schools.

(2) Definitions - For the purpose of this rule, the following definitions shall apply:

(a) "School district" means the school district where the student is attending school.

(b) "Serious offense" means a violation of school district policies and procedures on:
   (A) Alcohol or drugs;
   (B) Arson;
   (C) Assault;
   (D) Firearms;
   (E) Extortion;
   (F) Harassment;
   (G) Intimidation or menacing;
   (H) Knives;
   (I) Reckless endangering;
   (J) Sexual harassment;
   (K) Theft;
   (L) Vandalism; or
   (M) Weapons.

(c) "Disruptive student" means a student who has been found to have committed a serious offense as defined in the rule, while on the school property, at a school sponsored activity or at an interscholastic activity sponsored by a voluntary organization approved by the State Board of Education.

(3) Pilot programs developed under this rule shall be established in not more than five school districts and may include, but not be limited to, the following:

(a) Counseling services, including rehabilitation counseling;

(b) Social work services; and

(c) A parent counseling and training class that may be provided by a county or program provider.

(4) A School district may apply to the Department of Education to be a pilot program. The application shall include, but not be limited to:

(a) A timeline for the implementation of the pilot program;

(b) A description of services provided to students and their parents who participate in the pilot program;

(c) Policy and procedures for selection of students and parents who will participate in the pilot program;
(d) Program services that are appropriate to meet the students' and parents' needs.


(6) If a student is expelled for a serious offense, the school district may require the parents and the student to participate in appropriate program services to assist the student and parents to address problems with the student's disruptive behavior and to help the student to benefit from their educational setting.

(7) Pilot programs may be monitored by the Department of Education.

(8) Students in special education and the parents of the students shall be exempted from this program.

Funding appropriations

LAWS

336.222. District policy and plan; content.

In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

(4) The district's strategy to gain access to federal funds available for drug abuse prevention programs.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.

REGULATIONS

No relevant regulations found.
Professional immunity or liability

LAWS

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.

(1) (b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

339.317. Notice to school district of person charged with crime; immunity.

(2) A person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.319. Notice to school district of person convicted of crime; immunity.

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.321. Notice to school district and law enforcement agencies of release or discharge of person; immunity.

(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity.

(6)(c) School personnel are not subject to discipline for disclosing the existence of a notice under ORS 419A.305 or for disclosing the contents of the notice, unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.

(8) A person is not civilly or criminally liable for giving or failing to give the notice required under this section. Nothing in this section creates a new cause of action or enlarges an existing cause of action for compensation or damages.
339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity.
(4) Any school district or person participating in good faith in making the notification required by this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

339.362. Retaliation against victims and witnesses prohibited; school employee immunity.
(3) A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district’s policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

339.331. Mission; duties; annual report; staff; funding.
(1) There is created the Center for School Safety within the University of Oregon. The mission of the center shall be to:
   (a) Serve as the central point for data analysis;
   (b) Conduct research;
   (c) Disseminate information about successful school safety programs, research results and new programs; and
   (d) Provide technical assistance for improving the safety of schools in collaboration with the Department of Education and others.
(2) To fulfill its mission, the Center for School Safety shall:
   (a) Establish a clearinghouse for information and materials concerning school violence prevention and intervention services. As used in this paragraph, “intervention services” means any preventive, developmental, corrective or supportive service or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime or has been expelled from the school district. "Intervention services" may include, but is not limited to:
      (A) Screening to identify students at risk for emotional disabilities or antisocial behavior;
      (B) Direct instruction in academic, social, problem-solving and conflict resolution skills;
      (C) Alternative education programs;
      (D) Psychological services;
      (E) Identification and assessment of abilities;
      (F) Counseling services;
      (G) Medical services;
      (H) Day treatment;
      (I) Family services; and
      (J) Work and community service programs.
(b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies and communities. The expertise and support may include coordinating training for administrators, teachers, students, parents and other community representatives.

(c) Analyze the data collected in compliance with section 5, chapter 618, Oregon Laws 2001.

(d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs.

(e) Promote interagency efforts to address discipline and safety issues within communities throughout the state.

(f) Prepare and disseminate information regarding the best practices in creating safe and effective schools.

(g) Advise the State Board of Education on rules and policies.

(h) Provide an annual report on the status of school safety in Oregon by July 1 of each year to:
   (A) The Governor;
   (B) The Attorney General;
   (C) The State Board of Education; and
   (D) All relevant legislative committees.

(3) The University of Oregon Institute on Violence and Destructive Behavior shall provide staff support to the Center for School Safety board of directors and shall manage the center.

(4) The Center for School Safety board of directors may seek and accept public and private funds for the center.

339.336. Funding; center for school safety account.
(1) The University of Oregon may seek and accept contributions of funds and assistance from the United States, its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with ORS 339.331, 339.333 and 339.339. All such funds are to aid in financing the functions of the Center for School Safety and shall be deposited in the Center for School Safety Account and shall be disbursed for the purpose for which contributed.

(2) The Center for School Safety Account is established in the General Fund of the State Treasury. Except for moneys otherwise designated by statute, all federal funds or other moneys received by the University of Oregon for the center shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the Higher Education Coordinating Commission for distribution to the University of Oregon and shall be used by the university for the purposes of carrying out ORS 339.331, 339.333 and 339.339.

The department of education, in collaboration with the center for school safety, shall:

   (1) Develop recommendations and statewide guidelines designed to improve the learning environment and student achievement and to reduce the dropout rate in the state’s public schools.

   (2) Identify successful strategies that are used in Oregon and other states to improve the learning environment and student achievement and to reduce the dropout rate.

   (3) Provide technical assistance to those school districts requesting assistance in reducing the dropout rate.
**339.356. District policy required.**

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

**339.359. Training programs; prevention task forces, programs and other initiatives.**

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

### REGULATIONS

No relevant regulations found.

### Other or Uncategorized

### LAWS

**336.840. Policies for personal electronic devices; policies for curricula that use technology.**

(1) As used in this section, “independent communication” means communication that does not require assistance or interpretation by an individual who is not part of the communication but that may require the use or assistance of an electronic device.

(2) Each district school board shall adopt policies for the use of personal electronic devices in the schools of the school district as provided by this section.

(3) A district school board shall adopt a policy for the use of personal electronic devices that support academic activities and independent communications. The policy must provide that:

   (a) Students may be allowed to use personal electronic devices that support academic activities and independent communications.

   (b) Unless otherwise specifically prohibited by the policy, students may not be denied the opportunity to use a personal electronic device that supports academic activities and independent communications.

(4) If a school district implements a curriculum that uses technology, the district school board shall adopt a policy that provides that:

   (a) Students may be allowed, but are not required, to use their own personal electronic devices for the curriculum.

   (b) Students who use their own personal electronic devices for the curriculum must be granted access to any applications or electronic materials that are available to students who do not use their own personal electronic devices for the curriculum.

   (c) Students who use their own personal electronic devices for the curriculum must be granted access to applications and electronic materials free of charge if the applications and electronic materials are provided free of charge to students who do not use their own personal electronic devices for the curriculum.

(5) A policy adopted under subsection (3) or (4) of this section must include a process and timeline for responding to a student’s request related to the use of a personal electronic device, including an appeals process.

(6) School districts must ensure that the policies adopted under subsection (3) or (4) of this section are made available to:
(a) School district personnel whose duties may require them to assist students with personal electronic devices; and
(b) Students and parents or guardians of students.

(7) Nothing in the requirements of this section prevents a district school board from prohibiting:
   (a) Telephonic or electronic communications during regular school hours or during school events if the communications are not related to academic activities or independent communications;
   (b) Communications using access to social media or to nonacademic sites during regular school hours or during school events;
   (c) The use of personal electronic devices for any purpose that does not support academic activities or independent communications; or
   (d) The use of personal electronic devices for entertainment purposes.

(8) Nothing in this section authorizes a district school board, or any employees of or volunteers for the school district or a school of the school district, to request, require or compel access to a student’s electronic mail or personal online accounts.

339.270. Assessment of costs of school property damage against responsible student or parents or guardian; notice; action to recover.

(1) If a school district finds that a student is responsible for damaging school district property, the school district may determine the reasonable cost of repairing or replacing the school district property. If the cost is $50 or more, the school district may notify the student and the parent or guardian of the student about the cost and may charge the student or the parent or guardian of the student for the cost of repairing or replacing the school district property. If the amount is not paid by the student or the parent or guardian of the student, or if other arrangements have not been made, within 10 days of receiving the notice under this subsection, the amount shall become a debt owed by the student or the parent or guardian of the student.

(2) If the debt owed to the school district is not paid as demanded, the school district board, in addition to any other remedy provided by law, may bring an action under this section against the student or parent or guardian of the student in a court of competent jurisdiction for the amount owed to the school district plus costs and reasonable attorney fees.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Oregon provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
<th>Title</th>
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<tr>
<td><strong>Website</strong></td>
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<td>Every Day Matters - Increasing Regular Attendance and Reducing Chronic Absenteeism, Oregon Department of Education (ODE)</td>
<td>Provides resources and information on chronic absenteeism, including an overview of the Oregon Statewide Chronic Absenteeism Plan and links to resources and relevant research.</td>
<td><a href="https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/Chronic-Absenteeism.aspx">https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/Chronic-Absenteeism.aspx</a></td>
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<tr>
<td>Health, Safety &amp; Wellness, ODE</td>
<td>Provides resources and information on a range of health and safety related topics, including safe and inclusive schools, school health, and chronic absenteeism.</td>
<td><a href="https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/default.aspx">https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/default.aspx</a></td>
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<tr>
<td>Positive Behavioral Interventions and Supports (PBIS), ODE</td>
<td>Defines Positive Behavioral Interventions and Supports (PBIS) and provides links to information on best practices in special education settings.</td>
<td><a href="https://www.oregon.gov/ode/students-and-family/SpecialEducation/RegPrograms_BestPractice/Pages/Positive-Behavioral-Interventions-and-Supports.aspx">https://www.oregon.gov/ode/students-and-family/SpecialEducation/RegPrograms_BestPractice/Pages/Positive-Behavioral-Interventions-and-Supports.aspx</a></td>
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**Other Resources**

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<tr>
<td>2017-18 Discipline Data Media, ODE</td>
<td>Statewide compilation of discipline data, including number of students involved in in-school and out-of-school discipline by grade, race, and offense category.</td>
<td><a href="https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/201718DisciplineMediaFile.xlsx">https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/201718DisciplineMediaFile.xlsx</a></td>
</tr>
<tr>
<td>Discipline Flow Chart, Guidance Regarding Discipline of Special Education Students Under IDEA 2004, ODE</td>
<td>Discipline flow chart detailing procedures for disciplining students who are eligible for special education and students for whom the school is deemed to have knowledge that the child might have a disability.</td>
<td><a href="http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/disciplineflowchart.pdf">http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/disciplineflowchart.pdf</a></td>
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Pennsylvania
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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

**LAWS**

**24 Pa PS 1302-A. Office for safe schools.**

(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the power and duty to implement the following:

(1) To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(3) To provide direct training to school employes, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.

(4) To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

(4.1) To verify the existence of corrective action plans to reduce incidents of violence as required in the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3).

(9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8).

(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.
(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(1.2) School-based diversion programs.

(2) Peer helpers programs.

(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

(4) Classroom management.

(5) Student codes of conduct.

(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity’s board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(17) The implementation of Article XIII-E.

(c.1)(1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers...
pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

24 Pa PS 1303.1-A. Policy relating to bullying.
(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

24 Pa PS 1317.3. Uniforms.
The board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.

24 Pa PS 2603-B. Powers and duties of the board.
(d) The board shall also have the authority and duty to:

(4)(iv) adopt rules or procedures and prescribe regulations for the submission to it of all matters within its jurisdiction;

(i) Every five (5) years, the board shall adopt a master plan for basic education which shall be for the guidance of the Governor, the General Assembly, and all public school entities. The master plan shall consider and make recommendations on the following areas, and any other areas which the board deems appropriate:

(1) school program approval, evaluation and requirements;
(2) school personnel training and certification;
(3) student testing and assessment;
(4) school governance and organization;
(5) curriculum materials development;
(6) school finance;
(7) school buildings and facilities;
(8) transportation;
(9) technical services and support services to local education agencies; and
(10) projected long-range needs of the public school system of this Commonwealth.
(k) The board shall make all reasonable rules and regulations necessary to effectuate the purposes of this article and carry out all duties placed upon it by law.
REGULATIONS

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.
(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.
(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

(a) The governing board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. A governing board has only those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the school.
(b) Governing boards may not make rules that are arbitrary, capricious, discriminatory or outside their grant of authority from the General Assembly. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose.
(c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students’ rights and responsibilities as outlined in this chapter. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.

Scope

LAWS

24 Pa PS 1317. Authority of teachers, vice principals and principals over pupils.
Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

18 Pa CS 5704. Exceptions to prohibition of interception and disclosure of communications.
It shall not be unlawful and no prior court approval shall be required under this chapter for:
(18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:
(i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.
(ii) Each school year, the school board includes the policy in a student handbook and in any other publication of the school entity that sets forth the comprehensive rules, procedures and standards of conduct for the school entity.
(iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.

(iv) The school entity posts a notice of the policy on the school entity’s publicly accessible Internet website.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

18 Pa CS 6306.1. Use of tobacco in schools prohibited.

(d) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Pupil." A person between the ages of 6 and 21 years who is enrolled in school.

"School." A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including a career and technical school, charter school and intermediate unit.

"Tobacco product." - As follows:

(1) The term includes:

   (i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.

   (ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

   (iii) Any product containing, made or derived from either:

      (A) Tobacco, whether in its natural or synthetic form; or

      (B) Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

   (iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:

   (i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

   (ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

REGULATIONS


The purpose of this chapter is to establish and maintain a cooperative relationship between school entities and local police departments in the reporting and resolution of incidents that occur on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.
(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.

Communication of Policy

LAWS

24 Pa PS 510.2. Publication of rules, regulations and policies.
The board of school directors of a school district shall post on its publicly accessible Internet website the following rules, regulations and policies to the extent that they are required to be adopted by the school district under Federal or State law:

(1) The following relating to students:
   (i) Admission of beginners.
   (ii) Attendance, excusals and truancy.
   (iii) Withdrawal from school.
   (iv) Student discipline.
   (v) Suspension and expulsion of students.
   (vi) Searches.
   (vii) Audio interception on school buses or school vehicles for disciplinary or security persons.
   (viii) Retention, maintenance and access to student records.
   (ix) Use of personal electronic devices.
   (x) Dress and grooming.
   (xi) Student complaint process.
   (xii) Parent appeal of a school district's placement of twins or multiple birth siblings.
   (xiii) Participation by home school students in school district extracurricular activities.

(2) The following relating to educational programs:
   (i) Curriculum review by parents and students.
   (ii) Promotion and retention.
   (iii) Graduation requirements.

(3) The following relating to student health:
   (i) Communicable diseases and immunization.
   (ii) Health examinations and screenings.
   (iii) Student use of medications.
   (iv) The school district's wellness policy.

(4) The following relating to school property:
   (i) Use of school property and facilities.
   (ii) School visitation policies.
   (iii) Integrated pest management plan.

(5) The following relating to community:
   (i) Public participation in school board meetings.
(ii) Public attendance at school events.
(iii) Parental involvement policy for parents and guardians of students participating pursuant to section 1118 of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C § 6318).
(iv) Public access to and use of school district buildings, facilities and grounds.
(v) Public complaint process.

24 Pa PS 1303.1-A. Policy relating to bullying.
(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

18 Pa CS 5704. Exceptions to prohibition of interception and disclosure of communications.
It shall not be unlawful and no prior court approval shall be required under this chapter for:
(18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:
  (i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.
  (ii) Each school year, the school board includes the policy in a student handbook and in any other publication of the school entity that sets forth the comprehensive rules, procedures and standards of conduct for the school entity.
  (iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.
  (iv) The school entity posts a notice of the policy on the school entity’s publicly accessible Internet website.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

REGULATIONS

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.
(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.
(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

(c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students’ rights and responsibilities as outlined in this chapter. This conduct
code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

24 Pa PS 1317. Authority of Teachers, Vice Principals and Principals over Pupils.
Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS

(a) Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited.
(b) Teachers and school authorities may use reasonable force under the following circumstances:
   (1) To quell a disturbance.
   (2) To obtain possession of weapons or other dangerous objects.
(3) For the purpose of self-defense.

(4) For the protection of persons or property.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Corporal punishment. A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

(e) The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:

(1) Corporal punishment.
(2) Punishment for a manifestation of a student’s disability.
(3) Locked rooms, locked boxes or other structures or spaces from which the student cannot readily exit.
(4) Noxious substances.
(5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
(6) Suspensions constituting a pattern under § 14.143(a) (relating to disciplinary placement).
(7) Treatment of a demeaning nature.
(8) Electric shock.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

(a) The governing board of every school entity shall adopt reasonable policies and procedures regarding student searches. The local education agency shall notify students and their parents or guardians of the policies and procedures regarding student searches.
(b) Illegal or prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding.
(c) Prior to a locker search, students shall be notified and given an opportunity to be present. When school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in the school, student lockers may be searched without prior warning.

Other in-school disciplinary approaches

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

24 Pa PS 1318. Suspension and expulsion of pupils.
Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

24 Pa PS 1317.2. Possession of weapons prohibited.
(a) Except as otherwise provided in this section, a school district or area career and technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area career and technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area career and technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:
   (1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or
   (2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.
(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

   (1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

   (2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

REGULATIONS


(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519-300.529 (relating to discipline procedures).

(b) Exclusion from school may take the form of suspension or expulsion.

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

LAWS

No relevant laws found.

REGULATIONS


(a) Notwithstanding the requirements incorporated by reference in 34 CFR 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

(b) A removal from school is a change of placement for a student who is identified with mental retardation, except if the student's actions are consistent with 34 CFR 300.530(g)(1)-(3) (relating to authority of school personnel).
Administrative procedures related to suspensions and expulsion

LAWS

24 Pa PS 1318. Suspension and expulsion of pupils.
Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

REGULATIONS

(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by §14.143 (relating to disciplinary placements) and 34 CFR 300.519-300.529 (relating to discipline procedures).
(b) Exclusion from school may take the form of suspension or expulsion.
   (1) Suspension is exclusion from school for a period of from 1 to 10 consecutive school days.
      (i) Suspensions may be given by the principal or person in charge of the public school.
      (ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
      (iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.
      (iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in §12.8(c) (relating to hearings).
      (v) Suspensions may not be made to run consecutively beyond the 10 school day period.
      (vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing board.
   (2) Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under §12.8.
(c) During the period prior to the hearing and decision of the governing board in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d).
(d) If it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.
(e) Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.
(1) The initial responsibility for providing the required education rests with the student’s parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district’s superintendent.

(2) Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student’s education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. §§1400-1482).

(3) If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See §12.1(b) (relating to free education and attendance).


(a) General. Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.

(b) Formal hearings. A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board or a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

(1) Notification of the charges shall be sent to the student’s parents or guardians by certified mail.

(2) At least 3 days’ notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

(3) The hearing shall be held in private unless the student or parent requests a public hearing.

(4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.

(5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.

(7) The student has the right to testify and present witnesses on his own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student’s expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

   (i) Laboratory reports are needed from law enforcement agencies.

   (ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. § 1400-1482).

   (iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

(c) Informal hearings. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

(1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.

(2) The following due process requirements shall be observed in regard to the informal hearing:

   (i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.

   (ii) Sufficient notice of the time and place of the informal hearing shall be given.

   (iii) A student has the right to question any witnesses present at the hearing.

   (iv) A student has the right to speak and produce witnesses on his own behalf.

   (v) The school entity shall offer to hold the informal hearing within the first 5 days of the suspension.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

   Corporal punishment. A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

   Governing board. The board of school directors of a school district, joint school committee of a joint school or joint vocational school, intermediate unit board of directors, or the board of trustees of a charter school or cyber-charter school.

   Prekindergarten. A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district’s entry age for kindergarten, unless individual exceptions to the age requirements are made by the school district.

   School entity. A local public education provider (for example, public school, charter school, cyber-charter school, area vocational-technical school or intermediate unit).

   Student assistance program. A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student’s learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

   Student services. Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

   (i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. § 14-1401. 14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

   (ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.
In-school suspension

LAWS
No relevant laws found.

REGULATIONS

(a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
(b) Communication to the parents or guardian shall follow the suspension action taken by the school.
(c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).
(d) The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

Return to school following removal

LAWS

24 Pa PS 2134. Placement of certain adjudicated students.
(a) No student returning from placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom.
(b) Prior to returning such student to the regular classroom, the school district shall:
   (1) Place the student in a transition center operated by the school district for a period not to exceed four (4) weeks.
   (2) Develop a transition plan for the student that includes academic goals, identifies school and community services appropriate to the needs of the student and establishes terms and conditions the student must meet prior to returning to the regular classroom.
(c) The transition plan developed under subsection (b)(2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:
   (i) Possession of a weapon.
   (ii) Possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
   (iii) Possession, use or sale of alcohol or tobacco by any person on school property.
   (iv) An act of violence as defined in section 1310-A(h)
(d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan:
   (1) An alternative education program as defined in Article XIX-C
   (2) A private alternative education institution as defined in Article XIX-E
   (3) A general education development program.
(4) A program operating after the traditional school day.

(e)(1) Prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person designated in charge of the school district's transition center the information required in the school notification provision under 42 Pa.C.S. § 6341(b.1) (relating to adjudication).

(2) The information shall be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure appropriate placement of the student.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS


(a) Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student’s or eligible young child’s opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, in accord with subsection (c)(2).

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324 and 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child’s behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Aversive techniques. Deliberate activities designed to establish a negative association with a specific behavior.

Behavior support. The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive behavior support plans. A plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual eligible young child’s or student’s IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student’s or eligible young child’s behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.
Restraints

(i) The application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student’s or eligible young child’s body.

(ii) The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding a student’s or eligible young child’s hand to safely escort her from one area to another.

(iii) The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student’s or eligible young child’s parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition, and governed by subsection (d).

(c) Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

(1) The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.

(2) The use of restraints may only be included in a student’s or eligible young child’s IEP when the following conditions apply:

(i) The restraint is utilized with specific component elements of positive behavior support.

(ii) The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.

(iii) Staff are authorized to use the procedure and have received the staff training required.

(iv) There is a plan in place for eliminating the use of restraint through the application of positive behavior support.

(3) The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student or eligible young child is held face down on the floor.

(4) The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.

(5) School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. The report shall be reviewed during cyclical compliance monitoring conducted by the Department.

(d) Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student’s parents. Mechanical restraints shall prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

(e) The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:
(1) Corporal punishment.
(2) Punishment for a manifestation of a student's disability.
(3) Locked rooms, locked boxes or other structures or spaces from which the student cannot readily exit.
(4) Noxious substances.
(5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
(6) Suspensions constituting a pattern under §14.143(a) (relating to disciplinary placement).
(7) Treatment of a demeaning nature.
(8) Electric shock.

(f) School entities have the primary responsibility for ensuring that positive behavior support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of positive behavior support techniques and obtaining parental consent prior to the use of restraints or intrusive procedures as provided in subsection (c).

(g) In accordance with their plans, agencies may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.

(h) Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.

**Alternative Placements**

**LAWS**

**24 Pa PS 1317.2. Possession of weapons prohibited.**

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

**24 Pa PS 1401-A. Definitions.**

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Individualized educational program" or "IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Private academic school." A private academic school as defined in section 2 of the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, which is licensed under the requirements of the Private Academic Schools Act.

"Program." The Drug and Alcohol Recovery High School Pilot Program established under section 1402-A.
“Recovery high school.” The school designated to serve as the drug and alcohol recovery high school for purposes of the program under section 1402-A(b).

“Resident school district.” The school district in which the parent of a student enrolled in the recovery high school under the program resides.

24 Pa PS 1402-A. Establishment of drug and alcohol recovery high school pilot program.

(a) Pilot program established. The Drug and Alcohol Recovery High School Pilot Program is established to provide a program of instruction in grades 9 through 12 meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

(b) Designation. Within 60 days of the effective date of this section, the Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

   (1) Designate, through a request for proposal process, a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

      (i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

      (ii) Is located in a school district of the first class.

      (iii) Has experience providing drug and alcohol recovery services.

      (iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

   (2) Post notice of the designation on the department’s publicly accessible Internet website.

24 Pa PS 1403-A. Scope of program and selection of students.

(a) Maximum participation. Beginning in the 2016-2017 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

(b) Vacancies. If a student enrolled in the recovery high school under the program withdraws or graduates from the recovery high school, the vacancy may be filled by another student.

(c) Student requirements. A student may enroll in the recovery high school under the program if the following apply:

   (1)(i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student’s enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

   (ii) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

   (2) The student has at least 30 days of sobriety at the time of application for enrollment.

   (3) The student commits to participate in a recovery plan, including, but not limited to, school-based drug testing, as designed by the recovery high school and approved by the Department of Drug and Alcohol Programs.

   (4) The recovery high school approves the student's enrollment in the recovery high school. A determination by the recovery high school not to approve a student's enrollment in the recovery high school may not be appealed to the department.
(d) Approval or disapproval by resident school district. Within 30 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing. If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

(1) For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

(2) For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

(3) If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.

24 Pa PS 1404-A. Academic programs.

(a) Assessments. The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(b) Certification. At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure. If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.

24 Pa PS 1405-A. Establishment and payment of tuition.

(a) Tuition rate. No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the 2016-2017 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be $20,000.

(2) Beginning in the 2017-2018 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2016, and for each successive 12-month period thereafter.
(ii) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii)(A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest $100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest $100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, 2017, and April 30, 2017, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

(b) Payment of regular education tuition rate.

(1) The department shall pay 60% of the per-student regular education tuition rate established under subsection (a) for each student enrolled in the recovery high school under the program.

(2) The resident school district of each student enrolled in the recovery high school under the program shall pay the amount of the per-student tuition rate established under subsection (a) that remains following payment by the department under paragraph (1).

(c) Special education. For each student enrolled in the recovery high school under the program who is subject to an IEP, the student's resident school district shall, in addition to the regular education tuition payment made on behalf of the student:

(1) provide the student with special education services required under the student's IEP, at the resident school district's cost; or

(2) make payment to the recovery high school for special education services provided to the student by the recovery high school.

(d) Treatment of school district subsidies. A student enrolled in a recovery high school under the program shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding under Article XXV.
24 Pa PS 1406-A. Term of drug and alcohol recovery high school pilot program.

(a) Enrollment of new students. Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, 2022.

(b) Continued enrollment. If the program is not permanently established by action of the General Assembly on or before June 30, 2022, a student enrolled in the recovery high school under the program as of June 30, 2022, may remain enrolled in the recovery high school under the program until the earlier of the following:

1. The student's graduation from the recovery high school.
2. The student's withdrawal from the recovery high school.
3. The student's completion of four years of enrollment in the recovery high school under the program.

24 Pa PS 1407-A. Reporting.

(a) August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

1. The number of students who:
   i. Enrolled in the recovery high school under the program for the preceding reporting period.
   ii. Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.
   iii. Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.
2. The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:
   i. Earned a high school diploma from the recovery high school.
   ii. Withdrew from the recovery high school and requested transfer of educational records to another school.
   iii. Withdrew from the recovery high school without requesting transfer of educational records to another school.
   iv. Maintained enrollment in the recovery high school in good standing.
3. A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.
4. A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.
5. Recommendations for improvements to the program.
6. Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs.
in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.-By December 31, 2021, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

24 Pa PS 1408-A. Audit required.
The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board and paid for by the department.

24 Pa PS 1901-C. Definitions.
For purposes of this article, the following terms shall have the following meanings:

(1) "Alternative education program" or "program." Any applicant's program applying for funds under this article, which program is implemented by a school district, an area vocational-technical school, a group of school districts or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with a sound educational course of study and counseling designed to modify disruptive behavior and return the students to a regular school curriculum. Notwithstanding section 1502, alternative education programs may operate outside the normal school day of the applicant district, including Saturdays. School districts and private alternative education institutions operating pursuant to the provisions of Article XIX-E shall adopt a policy for periodic review of those students placed in their respective alternative education program for disruptive students. This review shall occur, at a minimum, at the end of every semester the student is in the program or more frequently at the district's or private alternative education institution's discretion. The purpose of this review is to determine whether or not the student is ready to return to the regular school curriculum. Programs may include services for students returning from placements or who are on probation resulting from being adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who have been judged to have committed a crime under an adult criminal proceeding.

24 Pa PS 1902-C. Applications.
Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

(1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.

(2) That the applicants have established policies to identify those students who are eligible for placement in the program and that the placement of such students will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the program. Where the student's presence poses a continuing danger to persons or property or an
ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.

(3) That school personnel assigned to the alternative education program for which funding is sought under this article possess a Level I or Level II Pennsylvania certificate as provided for in 22 Pa. Code Ch. 49 (relating to certification of professional personnel).

(4) The program provides participating students with a course of instruction which recognizes their special needs, prepares them for successful return to a regular school curriculum and/or completion of the requirements for graduation.

(5) The program is used only when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement.

(6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.

(7) A description of the educational program to be provided. The program may modify the requirements established in sections 1327, 1501 and 1504 insofar as they are related to the number of days or hours of instruction. The application shall describe how the student will make normal academic progress and meet requirements for graduation.

(8) An applicant applying for funds under this section that contracts with a private alternative education institution under Article XIX shall be exempt from the application requirements in clauses (1), (3) and (6).

(9) Where the applicant is a charter school that provides an alternative education program within or to a chartering school district or school districts as the central mission of its charter, written support for the application from the chartering school district.

24 Pa PS 1903-C. Alternative education grants.
The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

(1) An application procedure for grant eligibility.

(2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two per cent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve.

(4) The department is authorized to utilize for administrative purposes up to one per cent (1%) of the funds appropriated for safe and alternative schools that are not expended, encumbered or committed. ((4) added July 11, 2006, P.L.1092, No.114)

24 Pa PS 1904-C. Construction of article.
Nothing contained in this article shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."
24 Pa PS 1905-C. Retroactivity.
This article shall be retroactive to July 1, 1996.

24 Pa PS 1906-C. Alternative education demonstration grants.
Grants to school districts from funds appropriated for alternative education demonstration grants shall be used only for behavioral programs and programs for disruptive students.

24 Pa PS 1901-E. Definitions.
For purposes of this article, the following terms shall have the following meanings:

"Private alternative education institution." An institution operated by an individual or a for-profit or not-for-profit entity to provide alternative education programs as defined in section 1901-C(1).

"School entity." A school district, joint school, charter school, area career and technical school, combination of school districts or intermediate unit.

24 Pa PS 1902-E. Contracts with private alternative education institutions.
(1) A school entity may contract with a private alternative education institution.
(2) A contract under this section shall specify the policies established by the school entity to identify those students who are eligible for assignment to the institution and assure that the placement of a student will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the institution. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.
(3) A private alternative education institution shall:
   (i) Be exempt from statutory requirements established in this act and from regulations of the State Board of Education and standards of the Secretary of Education, except the following: sections 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(a), 1303(a), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 and 1547 of this act; Articles XIII-A and XIV of this act; 22 Pa. Code Chs. 4 (relating to academic standards and assessment); 11 (relating to pupil attendance) and 14 (relating to special education services and programs); act of July 17, 1961 (P.L. 776, No. 341), known as the "Pennsylvania Fair Educational Opportunities Act"; and regulations promulgated pursuant to this article.
   (ii) Comply with all Federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion or ancestry and shall provide for enrollment and hiring in a nondiscriminatory manner.
   (iii) Be nonsectarian in all operations and shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the institution.
   (iv) Be subject to any additional requirements established through regulation.
   (v) Submit an application to the Department of Education as prescribed by the Department of Education.
(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.

24 Pa PS 1903-E. Approval by Department of Education.
(a) A private alternative education institution may not operate in this Commonwealth unless it is approved by the Department of Education.
(b) The Department of Education shall be responsible for evaluating a private alternative education institution's initial application to operate in this Commonwealth, and each private alternative education institution operating in this Commonwealth shall be reevaluated for approval every three years.

(c) The Department of Education may issue guidelines for the operation of a private alternative education institution.

24 Pa PS 2134. Placement of certain adjudicated students.

(a) No student returning from placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom.

(b) Prior to returning such student to the regular classroom, the school district shall:

1. Place the student in a transition center operated by the school district for a period not to exceed four (4) weeks.
2. Develop a transition plan for the student that includes academic goals, identifies school and community services appropriate to the needs of the student and establishes terms and conditions the student must meet prior to returning to the regular classroom.

(c) The transition plan developed under subsection (b)(2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:

1. Possession of a weapon.
2. Possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
3. Possession, use or sale of alcohol or tobacco by any person on school property.
4. An act of violence as defined in section 1310-A(h)

(d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan:

1. An alternative education program as defined in Article XIX-C
2. A private alternative education institution as defined in Article XIX-E
3. A general education development program.
4. A program operating after the traditional school day.

(e)(1) Prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person designated in charge of the school district's transition center the information required in the school notification provision under 42 Pa.C.S. § 6341(b.1) (relating to adjudication).

2. The information shall be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure appropriate placement of the student.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

24 Pa PS 1304-A. Sworn Statement.
(a) Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the wilful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the dates of expulsion or suspension and shall be maintained as part of the student's disciplinary record.
(b) Any wilful false statement made under this section shall be a misdemeanor of the third degree.

24 Pa PS 1311-A. Standing.
(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.
(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.
(c) (1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:
   (i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).
   (ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).
(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.
(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.
(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.
(e) ((e) deleted by amendment)
(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.
24 Pa PS 1317.2. Possession of weapons prohibited.

(a) Except as otherwise provided in this section, a school district or area career and technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area career and technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area career and technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

1. a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

2. a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

1. The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

2. The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

18 Pa CS 912. Possession of weapon on school property.

(a) Definition. Notwithstanding the definition of “weapon” in section 907 (relating to possessing instruments of crime), “weapon” for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun-chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any
elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

34 Pa CS 2505. Safety zones.
(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.
(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than $200 nor more than $500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than $500 nor more than $1,000.
(c) Definition. As used in this section, the term "safety zone" means:

1. Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.
(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

24 Pa PS 1317.2. Possession of weapons prohibited.
(a) Except as otherwise provided in this section, a school district or area career and technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.
(b) Every school district and area career and technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.
(c) The superintendent of a school district or an administrative director of an area career and technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an
exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

1. A weapon being used as part of a program approved by a school by an individual who is participating in the program; or

2. A weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

1. The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

2. The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

18 Pa CS 912. Possession of weapon on school property.

(a) Definition. Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

34 Pa CS 2505. Safety zones.

(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm,
arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than $200 nor more than $500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(c) Definition. As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

24 Pa PS 1325. Purpose.
The purpose of this subdivision is to improve school attendance and deter truancy through a comprehensive approach to consistently identify and address attendance issues as early as possible with credible intervention techniques in order to:

(1) Preserve the unity of the family whenever possible as the underlying issues of truancy are addressed.

(2) Avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit.

(3) Confine a person in parental relation to a child who is habitually truant only as a last resort and for a minimum amount of time.

24 Pa PS 1326. Definitions.
When used in this article, the following words and phrases shall have the following meanings:

"Citation" shall mean a nontraffic citation or private criminal complaint.
“Compulsory school age” shall mean the period of a child's life from the time the child's parents elect to have the child enter school and which shall be no later than eight (8) years of age until the child reaches seventeen (17) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

"Conviction" shall mean a conviction under section 1333.2 for violation of the requirement for compulsory school attendance.

"Court" shall mean a magisterial district court, the Philadelphia Municipal Court or a court of common pleas.

"Department" shall mean the Department of Education of the Commonwealth.

"Educational entity" shall mean a public school district, nonpublic school or area career and technical school.

"Excused absence" shall mean an absence from school which is permitted under section 1329.

"Governing body" shall mean the board of school directors of a school district or any other governing entity of a school.

"Habitually truant" shall mean six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Judge" shall mean a magisterial district judge, a municipal court judge or a judge of a court of common pleas.

"Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Migratory child" shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.

"Offense" shall mean each citation filed under section 1333.1 for a violation of the requirement for compulsory school attendance under this article regardless of the number of unexcused absences alleged in the citation.

"Person in parental relation" shall mean a:

(1) Custodial biological or adoptive parent.
(2) Noncustodial biological or adoptive parent.
(3) Guardian of the person of a child.
(4) Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions). This definition shall not expand the right of a child under any other section of this act.

"School" shall mean the educational entity in which the child is enrolled.

"School attendance improvement conference" shall mean a conference where the child’s absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference:

(1) The child.
(2) The child's person in parental relation.
(3) Other individuals identified by the person in parental relation who may be a resource.
(4) Appropriate school personnel.
(5) Recommended service providers.
"School day" shall mean the length of time that a child subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the governing body.

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section 1327.1(c) for a day school or boarding school accredited by an accrediting association which is approved by the State Board of Education, section 1327.1(d) for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

"School-based or community-based attendance improvement program" shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C.

"Truant" shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Unexcused absence" shall mean an absence from school which is not permitted by the provisions of section 1329 and for which an approved explanation has not been submitted within the time period and in the manner prescribed by the governing body. An out-of-school suspension may not be considered an unexcused absence.

24 Pa PS 1327. Compulsory school attendance.

(a) Except as hereinafter provided, every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the Secretary of Education, and any child sixteen years of age with the approval of the district superintendent, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Education, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for of Career and Technical. Except as hereinafter provided, every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Education, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board of Career and Technical. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled[…]

(b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per
year at the elementary level or nine hundred ninety (990) hours per year of instruction at the secondary level and:

(1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses are offered: English, to include language, literature, speech and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

The requirements contained in sections 1511 and 1605 of this act shall not apply to such schools. The notarized affidavit of the principal of any such school, filed with the Department of Education and setting forth that such subjects are offered in the English language in such school, whether it is a nonprofit organization, and that such school is otherwise in compliance with the provisions of this act, shall be satisfactory and sufficient evidence thereof. It is the policy of the Commonwealth to preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child. Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school.

(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).

(d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of this section, except that any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

24 Pa PS 1327.2. Attendance policy at charter, regional charter and cyber charter schools.

(a) Each charter, regional charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter, regional charter or cyber charter school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy must conform to the provisions of this act relating to compulsory attendance.

(b) Notwithstanding section 1333.2(a), in the case of a child enrolled in a cyber charter school the venue for the filing of a citation under section 1333.1 shall be based upon the residence of the child. A cyber
charter school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by telephone conferencing, by video conferencing or by any other electronic means.

(c) Charter, regional charter and cyber charter schools shall report unexcused absences directly to the department annually through the Pennsylvania Information Management System (PIMS).

24 Pa PS 1332. Reports of enrollments;
Attendance and Withdrawals; Public and Private Schools. Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

24 Pa PS 1333. Procedure when child is truant.
(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

1) shall include a description of the consequences that will follow if the child becomes habitually truant;
2) shall be in the mode and language of communication preferred by the person in parental relation;
3) may include the offer of a school attendance improvement conference; or
4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.
3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

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(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

24 Pa PS 1333.1. Procedure by school when child habitually truant.

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:
   (1) Shall refer the child to either of the following:
      (i) A school-based or community-based attendance improvement program.
      (ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
   (2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:
   (1) Refer the child to a school-based or community-based attendance improvement program or service.
   (2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

24 Pa PS 1333.2. Procedure upon filing of citation.

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:
   (1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.
   (2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.
(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.

(a) A person convicted of an offense under this article may be:

   (1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars ($300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars ($500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars ($750) together with court costs;

   (2) sentenced to perform community service; or

   (3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

   (1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

   (2) A referral for services has been made to the county children and youth agency under this subdivision, the agency has not closed the case and the educational entity has not consulted with the county children and youth agency prior to filing the petition.

   (3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.
(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g)(1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.
(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h)(1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

   (i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

   (ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

   (i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

   (ii) (Reserved)

24 Pa PS 1333.4. Study of truancy procedure.

(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

24 Pa PS 1338. Dependent children.

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

24 Pa PS 1338.2. Antitruancy programs.

The Department of Education shall formulate recommendations for the General Assembly concerning the establishment and funding of effective community-based antitruancy pilot programs. In formulating these
recommendations, the Department of Education shall seek advice and counsel from educators, parents, students, district attorneys, law enforcement representatives, attendance officers, social service agencies experienced in providing services to truant children, counselors, judges, probation officers and representatives from the Pennsylvania Commission on Crime and Delinquency and the Juvenile Court Judges’ Commission.

24 Pa PS 1339. Reports to Superintendent of Public Instruction.

Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

24 Pa PS 1341. Duty to employ; power of arrest; certification.

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

24 Pa PS 1342. Term of employment; compensation.

Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars ($1200); minimum annual increment, one hundred dollars ($100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

24 Pa PS 1343. Arrest of children failing to attend school.

When an attendance officer or a State, municipal, port authority, transit authority, housing authority or school police officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

24 Pa PS 1344. Inspecting places where children are employed.

Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend
school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

24 Pa PS 1345. Penalty for interfering with inspections.
Any officer, director, superintendent, manager, employee, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars ($5) or more than twenty-five dollars ($25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

REGULATIONS

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.
(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.
(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

(a) All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth’s public schools.
(b) Parents or guardians of all children between the ages of 8 and 17 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or from extracurricular activities because:
   (1) The student is married.
   (2) The student is pregnant.
   (3) The student has a disability as identified by Chapter 15 (relating to protected handicapped students).
   (4) The student is an eligible student identified under Chapter 14 (relating to special education services and programs).

Substance use

LAWS

24 Pa PS 1303-A. Reporting.
(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any
person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

1. Age or grade of student.
2. Name and address of school.
3. Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.
3.1 Race of student.
3.2 Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.
4. Sanction imposed by the school.
4.1 A list of criminal offenses...
   (ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.

(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code §§ 4.21 (relating to elementary education: primary and intermediate levels), 4.22 (relating to middle level education) and 4.23 (relating to high school education).

1. This instruction:
   (i) Shall be age appropriate.
   (ii) Shall be sequential in method of study.
   (iii) Shall discourage the use of alcohol, tobacco and controlled substances.
   (iv) Shall communicate that the use of illicit drugs and the improper use of legally obtained drugs is wrong.

2. School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of Health and the Department of Drug and Alcohol Programs, jointly, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district's area.
(a.1) Beginning with the 2018-2019 school year, for students in grades six through twelve, the instruction required under subsection (a) shall include instruction related to the prevention of opioid abuse, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, including heroin. Not later than the beginning of the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, a model curriculum for this purpose and each department shall post the model curriculum on its publicly accessible Internet website. The model curriculum developed under this subsection shall be revised when necessary to ensure that the model curriculum provides the most current information. In providing the instruction required under this subsection, a school district may, but shall not be required to, use the model curriculum.

(b) Each school district is hereby authorized to develop and offer programs relating to alcohol, chemical and tobacco abuse for parents of students enrolled in the public schools. If a school district does develop such programs, they shall be developed in consultation with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district's area. Such programs shall be offered at no cost to parents.

(c) The Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction

1. Detailed factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse.
2. Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.
4. Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.
5. Detailed instruction on the need for and the role of lawful authority and law-abiding behavior, including interaction with members of the legal and justice community.

(d) The following apply:

1. Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of Drug and Alcohol Programs or such other institutions, agencies or persons as the Secretary of Education or the Secretary of Health deems appropriate.
2. Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

1. Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors
whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

(f) The governing board of each intermediate unit in which a nonpublic school is located shall have the authority and the duty to loan to all students attending nonpublic schools within the intermediate unit all educational materials developed by the Department of Education, the Department of Health or the Department of Drug and Alcohol Programs, pursuant to this act for the instruction of public school students on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances. Local school boards need not expend funds which are not provided by either the Federal or State Government for drug education programs for the use or loan of these materials. A nonpublic school may utilize the in-service training programs made available by the Department of Education through the intermediate unit.

(g) On or before June 1, 1991, the Secretary of Education shall recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol and dangerous controlled substances.

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

(h) (Deleted by amendment).

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

1. A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

2. An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

(i) The State Board of Education shall adopt rules and regulations necessary for the implementation of this section.

18 Pa CS 6306.1. Use of tobacco in schools prohibited.

(a) Pupils. - A pupil commits a summary offense if the pupil possesses or uses a tobacco product:

1. in a school building;

2. on a school bus or other vehicle owned by, leased by or under the control of a school district; or
(3) on school property owned by, leased by or under the control of a school district.

(a.1) Other persons.

(1) Any person, other than a pupil, commits a summary offense if the person uses a tobacco product:
   (i) in a school building;
   (ii) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
   (iii) on school property owned by, leased by or under the control of a school district.

(2) The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco product use by persons other than pupils is permitted. The areas must be no less than 50 feet from school buildings, stadiums or bleachers.

(a.2) Policy.

(1) The board of school directors shall establish a policy to enforce the prohibition of tobacco product use under this section and may further establish policy relating to tobacco product use at school-sponsored events that are held off school premises.

(2) The board of school directors shall notify employees, pupils and parents of the policy developed in accordance with paragraph (1) by publishing the information in a student handbook and parent newsletter and on posters or other efficient means.

(b) Grading. - A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than $50 for the benefit of the school district in which such offending pupil resides and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense. - A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

(c.1) Preemption.- This section preempts any municipal ordinance or school board regulation to the contrary.

(d) Definitions. - As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Electronic cigarette.” - An electronic device that delivers nicotine or other substances through vaporization and inhalation.

“Electronic nicotine delivery system” or “ENDS.” - A product or device used, intended for use or designed for the purpose of ingesting a nicotine product. The term includes an electronic cigarette.

“Nicotine product.” - A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

“Pupil.” - A person between the ages of 6 and 21 years who is enrolled in school.

“School.” - A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including a career and technical school, charter school and intermediate unit.

“Tobacco product.” - As follows:

(1) The term includes:
   (i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or
ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.

(ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

(iii) Any product containing, made or derived from either:

(A) Tobacco, whether in its natural or synthetic form; or

(B) Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

(iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:

(i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

(ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

24 Pa PS 1303.1-A. Policy relating to bullying.

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports
acts of bullying to the office in accordance with section 1303-A(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or students;
2. which occurs in a school setting;
3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
   (i) substantially interfering with a student's education;
   (ii) creating a threatening environment; or
   (iii) substantially disrupting the orderly operation of the school; and

"school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

18 Pa CS 2709. Harassment.

(a) Offense defined. A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:

1. strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;
2. follows the other person in or about a public place or places;
3. engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;
4. communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;
5. communicates repeatedly in an anonymous manner;
6. communicates repeatedly at extremely inconvenient hours; or
7. communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).

(a.1) Cyber harassment of a child.

1. A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:
   (i) seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition; or
   (ii) threat to inflict harm.

(2) (i) If a juvenile is charged with a violation of paragraph (1), the judicial authority with jurisdiction over the violation shall give first consideration to referring the juvenile charged with the violation to a diversionary program under Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or No. 370 (relating to Consent Decree). As part of the diversionary program, the judicial authority may order the juvenile to participate in an educational program which includes the legal and nonlegal consequences of cyber harassment.

   (ii) If the person successfully completes the diversionary program, the juvenile's records of the charge of violating paragraph (1) shall be expunged as provided for under section 9123 (relating to juvenile records).

(b) Stalking. (Deleted by amendment).
(b.1) Venue.
(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.
(3) In addition to paragraphs (1) and (2), an offense under subsection (a.1) may be deemed to have been committed at the place where the child who is the subject of the communication resides.

(c) Grading.
(1) Except as provided under paragraph (3), an offense under subsection (a)(1), (2) or (3) shall constitute a summary offense.
(2) An offense under subsection (a)(4), (5), (6) or (7) or (a.1) shall constitute a misdemeanor of the third degree.
(3) The grading of an offense under subsection (a)(1), (2) or (3) shall be enhanced one degree if the person has previously violated an order issued under 23 Pa.C.S. § 6108 (relating to relief) involving the same victim, family or household member.

(d) False reports. A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section. This section shall not apply to constitutionally protected activity.

(e.1) Course of conduct. (Deleted by amendment).

(f) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

"Emotional distress." A temporary or permanent state of mental anguish.

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

" Seriously disparaging statement or opinion." A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.

18 Pa CS 2801. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
“911 call.” A transmission of information via a telecommunications device to a public safety answering point for the initial reporting of police, fire, medical or other emergency situations.

“Alcoholic liquid.” A substance containing liquor, spirit, wine, beer, malt or brewed beverage or any combination thereof.

“Bodily injury.” The term has the same meaning as given to that term in section 2301 (relating to definitions).

“Campus security officer.” An employee of an institution of higher education charged with maintaining the safety and security of the property of the institution and the individuals on the property.

“Drug.” A controlled substance or drug as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

“Emergency services personnel.” Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

“Institution of higher education” or “institution.” An institution located within this Commonwealth authorized to grant an associate or higher academic degree.

“Law enforcement officer.” An individual who, by virtue of the individual’s office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or an individual on active State duty under 51 Pa.C.S. § 508 (relating to active duty for emergency).

“Minor.” An individual younger than 18 years of age.

“Organization.” Any of the following:

(1) A fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students or alumni of the organization, an institution or secondary school.

(2) A national or international organization with which a fraternity or sorority or other organization as enumerated under paragraph (1) is affiliated.

“Secondary school.” A public or private school within this Commonwealth that provides instruction in grades 7 through 12 or a combination of grades 7 through 12.

“Serious bodily injury.” The term shall have the same meaning as given to that term in section 2301.

“Student.” An individual who attends or has applied to attend or has been admitted to an institution or secondary school.

18 Pa CS 2802. Hazing.

(a) Offense defined. - A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

(1) Violate Federal or State criminal law.

(2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.

(3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
(4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.

(5) Endure brutality of a sexual nature.

(6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

(b) Grading.

(1) Except as provided under paragraph (2), hazing is a summary offense.

(2) Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.

(c) Limitation. - Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

18 Pa CS 2803. Aggravated hazing.

(a) Offense defined. - A person commits the offense of aggravated hazing if the person commits a violation of section 2802 (relating to hazing) that results in serious bodily injury or death to the minor or student and:

(1) the person acts with reckless indifference to the health and safety of the minor or student; or

(2) the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.

(b) Grading. - Aggravated hazing shall be a felony of the third degree.

18 Pa CS 2808. Enforcement by institution and secondary school.

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written policy against hazing and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with an organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in hazing or an offense under this chapter.

(2) Each institution shall provide a copy of the policy, including the institution’s rules, penalties and program of enforcement to each organization within the institution. Each secondary school shall ensure that students are informed of the secondary school’s policy, including the secondary school’s rules, penalties and program of enforcement.

(3) Each institution and secondary school shall post the policy on the institution’s or the secondary school’s publicly accessible Internet website.

(b) Enforcement and penalties.

(1) Each institution and each governing board of a secondary school shall provide a program for the enforcement of the policy required under subsection (a) and shall adopt appropriate penalties for violations of the policy to be administered by the individual or agency at the institution or secondary school responsible for the sanctioning or recognition of the organizations covered by the policy.

(2) Penalties under paragraph (1) may include any of the following:

(i) The imposition of fines.

(ii) The withholding of diplomas or transcripts pending compliance with the rules or payment of fines.

(iii) The rescission of permission for the organization to operate on campus or school property or to otherwise operate under the sanction or recognition of the institution or secondary school.

(iv) The imposition of probation, suspension, dismissal or expulsion.
(3) A penalty imposed under this section shall be in addition to a penalty imposed for violation of an
offense under this chapter or the criminal laws of this Commonwealth or for violation of any other
institutional or secondary school rule to which the violator may be subject.

(4) A policy adopted under this section shall apply to each act conducted on or off campus or school
property if the acts are deemed to constitute hazing or any offense under this chapter.

18 Pa CS 2809. Institutional reports.
(a) Maintenance. - An institution shall maintain a report of all violations of the institution’s antihazing policy
or Federal or State laws related to hazing that are reported to the institution.
(b) Contents. - The report shall include all of the following:
   (1) The name of the subject of the report.
   (2) The date when the subject was charged with a violation of the institution’s antihazing policy or
Federal or State laws related to hazing.
   (3) A general description of the violation, any investigation and findings by the institution and, if
applicable, penalties.
   (4) The date on which the matter was resolved.
(c) Initial report. - This section shall apply beginning with the 2018-2019 academic year. The initial report
shall include information concerning violations that have been reported to the institution for the five
consecutive years prior to the effective date of this section to the extent the institution has retained
information concerning the violations.
(d) Personal identifying information. - The report shall not include the personal identifying information of
an individual.
(e) Time. - An institution shall post an initial report required under this section on its publicly accessible
Internet website by January 15, 2019.
(f) Update. - An institution shall update the report biannually on January 1 and August 1 and shall post the
updated report on its publicly accessible Internet website.
(g) Duration. - An institution shall retain reports for five years.

18 Pa CS 2810. Safe harbor.
(a) Immunity for the individual seeking medical attention for another. - An individual shall not be
prosecuted for an offense under this chapter if the individual can establish all of the following:
   (1) A law enforcement officer first became aware of the individual’s violation of this chapter because the
individual placed a 911 call or contacted campus security, police or emergency services, based on a
reasonable belief that another individual was in need of immediate medical attention to prevent death or
serious bodily injury.
   (2) The individual reasonably believed the individual was the first individual to make a 911 call or
contact campus security, police or emergency services and report that an individual needed immediate
medical attention to prevent death or serious bodily injury.
   (3) The individual provided the individual’s own name to the 911 operator or equivalent campus security
officer, police or emergency services personnel.
   (4) The individual remained with the individual needing medical assistance until a campus security
officer, police or emergency services personnel arrived and the need for the individual’s presence had
ended.
(b) Derivative immunity for the individual needing medical attention. - An individual needing medical
attention shall be immune under this section from prosecution for an offense under this chapter or section
6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) only if another individual against whom probable cause exists to charge an offense under this chapter reported the incident and remained with the individual needing medical attention and the other individual qualifies for a safe harbor under this section.

(c) Limitations. - The safe harbors described under this section shall be limited as follows:

(1) This section may not bar prosecuting a person for an offense under this chapter if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

(2) This section shall not interfere with or prevent the investigation, arrest, charging or prosecution of an individual for a crime other than an offense under this chapter or section 6308(a).

(3) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution for a crime other than an offense under this chapter or section 6308(a).

(4) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for a safe harbor under this section.

(d) Civil immunity. - In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

24 Pa PS 1317.1. Possession of telephone pagers prohibited.
(a) The possession by students of telephone paging devices, commonly referred to as beepers, shall be prohibited on school grounds, at school sponsored activities and on buses or other vehicles provided by the school district.

(b) The prohibition contained in subsection (a) shall not apply in the following cases, provided that the school authorities approve of the presence of the beeper in each case:

(1) A student who is a member of a volunteer fire company, ambulance or rescue squad.

(2) A student who has a need for a beeper due to the medical condition of an immediate family member.

24 Pa PS 1317.3. Uniforms.
The board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.

(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.

(b) Students have the right to govern the length or style of their hair, including facial hair. Any limitation of this right must include evidence that length or style of hair causes disruption of the educational process or constitutes a health or safety hazard. When length or style of the hair presents a health or safety hazard, some types of covering shall be used.

(c) Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities or other situations when special attire may be required to insure the health or safety of the student.

(d) Students have the responsibility to keep themselves, their clothes and their hair clean. School officials may impose limitations on student participation in the regular instructional program when there is evidence that the lack of cleanliness constitutes a health hazard.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

24 Pa PS 1302-A. Office for safe schools.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.
(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
(1.2) School-based diversion programs.
(2) Peer helpers programs.
(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
(4) Classroom management.
(5) Student codes of conduct.
(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.
(10) Institution of student, staff and visitor identification systems, including criminal background check software.
(11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)
(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.
(13) Alternative education programs provided for in Article XIX-C.
(14) Counseling services for students enrolled in alternative education programs.
(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.
(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.
(17) The implementation of Article XIII-E.

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

24 Pa PS 1526. Youth suicide awareness and prevention.
(a) Beginning with the 2015-2016 school year, each school entity shall:
   (1) Adopt an age-appropriate youth suicide awareness and prevention policy consistent with subsection (c), inform each school entity employee and the parent or legal guardian of each student enrolled in the school entity of such policy and post such policy on the school entity's publicly accessible Internet website. The policy adopted by a school entity under this paragraph may be based upon the model policy developed by the department under subsection (b)(1).
   (2) Include in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1 four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings serving students in grades six through twelve. Training under this paragraph may be used to satisfy a professional educator's continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(2) to conduct such training.
(b) The department shall:
   (1) In consultation with a youth suicide prevention organization operating in this Commonwealth, develop a model youth suicide awareness and prevention policy which shall be consistent with subsection (c).
   (2) Compile, develop and post on its publicly accessible Internet website the following, which may include materials already publicly available:
      (i) Recommended guidelines and educational materials for the training required under subsection (a)(2).
      (ii) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.
   (3) Develop a model youth suicide awareness and prevention curriculum and make such curriculum available to all school entities and, upon request, to nonpublic schools. A school entity may incorporate such curriculum into its existing instructional program pursuant to the school entity's youth suicide awareness and prevention policy.
(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:
   (1) A statement on youth suicide awareness and prevention.
   (2) Protocols for administering youth suicide awareness and prevention education to staff and students.
   (3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.
   (4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.
(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area career and technical school.

"Secretary." The Secretary of Education of the Commonwealth.

24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.

(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code §§ 4.21 (relating to elementary education: primary and intermediate levels), 4.22 (relating to middle level education) and 4.23 (relating to high school education).

(1) This instruction:

(i) Shall be age appropriate.

(ii) Shall be sequential in method of study.

(iii) Shall discourage the use of alcohol, tobacco and controlled substances.

(iv) Shall communicate that the use of illicit drugs and the improper use of legally obtained drugs is wrong.

(2) School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of Health and the Department of Drug and Alcohol Programs, jointly, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district’s area.

(a.1) Beginning with the 2018-2019 school year, for students in grades six through twelve, the instruction required under subsection (a) shall include instruction related to the prevention of opioid abuse, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, including heroin. Not later than the beginning of the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, a model curriculum for this purpose and each department shall post the model curriculum on its publicly accessible Internet website. The model curriculum developed under this subsection shall be revised when necessary to ensure that the model curriculum provides the most
current information. In providing the instruction required under this subsection, a school district may, but shall not be required to, use the model curriculum.

(b) Each school district is hereby authorized to develop and offer programs relating to alcohol, chemical and tobacco abuse for parents of students enrolled in the public schools. If a school district does develop such programs, they shall be developed in consultation with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district's area. Such programs shall be offered at no cost to parents.

(c) The Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction:

1. Detailed factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse.
2. Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.
4. Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.
5. Detailed instruction on the need for and the role of lawful authority and law-abiding behavior, including interaction with members of the legal and justice community.

(d) The following apply:

1. Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of Drug and Alcohol Programs or such other institutions, agencies or persons as the Secretary of Education or the Secretary of Health deems appropriate.

2. Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

1. Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

2. Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of
study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

(f) The governing board of each intermediate unit in which a nonpublic school is located shall have the authority and the duty to loan to all students attending nonpublic schools within the intermediate unit all educational materials developed by the Department of Education, the Department of Health or the Department of Drug and Alcohol Programs, pursuant to this act for the instruction of public school students on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances. Local school boards need not expend funds which are not provided by either the Federal or State Government for drug education programs for the use or loan of these materials. A nonpublic school may utilize the in-service training programs made available by the Department of Education through the intermediate unit.

(g) On or before June 1, 1991, the Secretary of Education shall recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol and dangerous controlled substances.

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

(h) (Deleted by amendment).

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

(i) The State Board of Education shall adopt rules and regulations necessary for the implementation of this section.

24 Pa PS 1553. Dating violence education.

(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

(2) Consult with at least one domestic violence center and at least one rape crisis center in developing the model dating violence policy.

(b)(1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.

(2) The policy may include, but need not be limited to: a statement that dating violence will not be tolerated; violence reporting procedures; discipline procedures for students that commit violence at
school; and contact information for and resources available through domestic violence programs and rape crisis programs.

(3) A school district that establishes the policy shall:

(i) Publish the policy in any school district policy or handbook that specifies the comprehensive rules, procedures and standards of conduct for students at school.

(ii) Make the policy available on its publicly available Internet website.

(iii) Provide parents and guardians with a copy of the policy.

(4) The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a report of its recommendations to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within three (3) years of the effective date of this section.

(c)(1) A school district may provide dating violence training to guidance counselors, nurses and mental health staff at the high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence training to parents.

(2) The dating violence training may include, but need not be limited to: basic principles of dating violence; warning signs of dating violence; the school district's dating violence policy; appropriate responses to incidents of dating violence at school, and services and resources available through domestic violence programs and rape crisis programs.

(d)(1) A school district may incorporate dating violence education that is age-appropriate into the annual health curriculum framework for students in grades nine through twelve. In developing such a policy, the school district shall consult with at least one domestic violence program or rape crisis program that serves the region where the school district is located.

(2) Dating violence education may include, but need not be limited to: defining dating violence and recognizing dating violence warning signs; characteristics of healthy relationships; information regarding peer support and the role friends and peers have in addressing dating violence; and contact information for and the services and resources available through domestic violence centers and rape crisis centers, including detailed information concerning safety planning, availability and enforcement of protection from abuse orders and the availability of other services and assistance for students and their families.

(3) The department, through its Office for Safe Schools, in consultation with at least one domestic violence center and at least one rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose.

(4) A parent or legal guardian of a student who is under eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating violence education program instructional materials at the school in which the student is enrolled.

(5) At the request of a parent or guardian, a student shall be excused from all or parts of the dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from instruction in the program by returning a signed opt-out form.

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence under any other law or as establishing or modifying any civil liability.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
"At school." The term shall have the meaning given to school property as defined in section 1301-A.

"Dating partner." A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.

"Dating violence." Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

"Department." The Department of Education of the Commonwealth.

"Domestic violence center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Domestic violence program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

24 Pa PS 1302-A. Office for safe schools.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

1. Conflict resolution or dispute management, including restorative justice strategies.
2. School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
3. School-based diversion programs.
4. Peer helpers programs.
5. Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
6. Classroom management.
7. Student codes of conduct.
8. Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
9. Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
10. Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(17) The implementation of Article XIII-E.

24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):

(1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;

(2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

(4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;

(5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.
(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

1. Section 2501 (relating to criminal homicide).
2. Section 2702 (relating to aggravated assault).
3. Section 3121 (relating to rape).
4. Section 3122.1 (relating to statutory sexual assault).
5. Section 3123 (relating to involuntary deviate sexual intercourse).
6. Section 3124.1 (relating to sexual assault).
7. Section 3125 (relating to aggravated indecent assault).
8. Section 3126 (relating to indecent assault).
9. Section 3301 (relating to arson and related offenses)
10. Section 3701 (relating to robbery).
11. Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007.

24 Pa PS 1312-A. Enforcement.

(a)(1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

2. If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate
advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

24 Pa PS 1333. Procedure when child is truant.

(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

(1) shall include a description of the consequences that will follow if the child becomes habitually truant;
(2) shall be in the mode and language of communication preferred by the person in parental relation;
(3) may include the offer of a school attendance improvement conference; or
(4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

(1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
(2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.
(3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

24 Pa PS 1333.1. Procedure by school when child habitually truant.

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:
   (i) A school-based or community-based attendance improvement program.
   (ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.
(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Individualized educational program" or "IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Private academic school." A private academic school as defined in section 2 of the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, which is licensed under the requirements of the Private Academic Schools Act.

"Program." The Drug and Alcohol Recovery High School Pilot Program established under section 1402-A.

"Recovery high school." The school designated to serve as the drug and alcohol recovery high school for purposes of the program under section 1402-A(b).

"Resident school district." The school district in which the parent of a student enrolled in the recovery high school under the program resides.

24 Pa PS 1402-A. Establishment of drug and alcohol recovery high school pilot program.
(a) Pilot program established. The Drug and Alcohol Recovery High School Pilot Program is established to provide a program of instruction in grades 9 through 12 meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

(b) Designation. Within 60 days of the effective date of this section, the Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

(1) Designate, through a request for proposal process, a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

(i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(ii) Is located in a school district of the first class.

(iii) Has experience providing drug and alcohol recovery services.

(iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

(2) Post notice of the designation on the department's publicly accessible Internet website.
24 Pa PS 1403- A. Scope of program and selection of students.

(a) Maximum participation. Beginning in the 2016-2017 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

(b) Vacancies. If a student enrolled in the recovery high school under the program withdraws or graduates from the recovery high school, the vacancy may be filled by another student.

(c) Student requirements. A student may enroll in the recovery high school under the program if the following apply:

1. Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

   (i) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

2. The student has at least 30 days of sobriety at the time of application for enrollment.

3. The student commits to participate in a recovery plan, including, but not limited to, school-based drug testing, as designed by the recovery high school and approved by the Department of Drug and Alcohol Programs.

4. The recovery high school approves the student's enrollment in the recovery high school. A determination by the recovery high school not to approve a student's enrollment in the recovery high school may not be appealed to the department.

(d) Approval or disapproval by resident school district. Within 30 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing. If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

1. For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

2. For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

3. If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.

24 Pa PS 1404- A. Academic programs.

(a) Assessments. The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).
(b) Certification. At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure. If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.

24 Pa PS 1405-A. Establishment and payment of tuition.

(a) Tuition rate. No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the 2016-2017 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be $20,000.

(2) Beginning in the 2017-2018 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2016, and for each successive 12-month period thereafter.

(ii) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii)(A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest $100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest $100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, 2017, and April 30, 2017, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted
per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

(b) Payment of regular education tuition rate.

(1) The department shall pay 60% of the per-student regular education tuition rate established under subsection (a) for each student enrolled in the recovery high school under the program.

(2) The resident school district of each student enrolled in the recovery high school under the program shall pay the amount of the per-student tuition rate established under subsection (a) that remains following payment by the department under paragraph (1).

c) Special education. For each student enrolled in the recovery high school under the program who is subject to an IEP, the student's resident school district shall, in addition to the regular education tuition payment made on behalf of the student:

(1) provide the student with special education services required under the student's IEP, at the resident school district's cost; or

(2) make payment to the recovery high school for special education services provided to the student by the recovery high school.

d) Treatment of school district subsidies. A student enrolled in a recovery high school under the program shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding under Article XXV.

24 Pa PS 1406-A. Term of drug and alcohol recovery high school pilot program.

(a) Enrollment of new students. Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, 2022.

(b) Continued enrollment. If the program is not permanently established by action of the General Assembly on or before June 30, 2022, a student enrolled in the recovery high school under the program as of June 30, 2022, may remain enrolled in the recovery high school under the program until the earlier of the following:

(1) The student's graduation from the recovery high school.

(2) The student's withdrawal from the recovery high school.

(3) The student's completion of four years of enrollment in the recovery high school under the program.

24 Pa PS 1407-A. Reporting.

(a) August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:
(i) Enrolled in the recovery high school under the program for the preceding reporting period.

(ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.

(iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:

(i) Earned a high school diploma from the recovery high school.

(ii) Withdrew from the recovery high school and requested transfer of educational records to another school.

(iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.

(iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.-By December 31, 2021, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

24 Pa PS 1408-A. Audit required.
The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board and paid for by the department.

24 Pa PS 1526. Youth suicide awareness and prevention.
(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:
(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.

(g) On or before June 1, 1991, the Secretary of Education shall recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol and dangerous controlled substances.

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

REGULATIONS

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:


Chief school administrator. The superintendent of a public school district, executive director of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

IEP. Individualized education program.

Incident. An instance involving one or more of the following:

(i) An act of violence.

(ii) The possession of a weapon by a person.

(iii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §780-102).

(iv) The possession, use or sale of alcohol or tobacco by a person on school property.

(v) Conduct that constitutes an offense under section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)).

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

Positive behavior support plan. A plan for a student with a disability or eligible young child who requires specific intervention to address behavior that interferes with learning. A plan is developed by the IEP team, based on a functional behavior assessment and becomes part of the individual eligible young child’s or student’s IEP. A plan includes methods that utilize positive reinforcement and other positive techniques to shape a student’s or eligible young child’s behavior ranging from the use of positive
verbal statements as a reward for good behavior to specific tangible rewards. See § 14.133 and 711.46 (relating to positive behavior support).

Protected handicapped student. A student who meets the definition of “protected handicapped student” under §15.2 (relating to definitions), including a protected handicapped student attending a charter school, or for whom an evaluation is pending.


School-based diversion program. A program that, in partnership with other stakeholders, diverts youth out of the juvenile justice system. A program may include a youth aid panel in which a panel of community members decides an appropriate resolution to hold a student accountable for the student’s actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.


School entity. A public school district, intermediate unit, area vocational-technical school or charter school.

School-wide positive behavior support. A school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promotes a climate of greater productivity, safety and learning.

Student with a disability. A student who meets the definition of “student with a disability” under §14.101 (relating to definitions), the definition of “child with a disability” under §711.1 (relating to definitions) or for whom an evaluation is pending.


(a) A school entity shall provide to each local police department having jurisdiction over property of the school entity a copy of its procedures on behavior support services (see §14.104 (relating to special education plans)) by September 30, 2012. Thereafter, a school entity shall provide to each local police department a copy of its procedures on behavior support services each time the procedures are revised by the school entity.

(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity’s special education plan (see §14.104) and the school entity’s positive behavior support program (see § 14.133 and 711.46 (relating to positive behavior support)).

(c) When a student with a disability commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)), the school entity shall respond in a manner that is consistent with the training provided in accordance with the school entity’s special education plan (see §14.104) and, if applicable, with the procedures, methods and techniques defined in the student’s behavior support plan (see § 14.133 and 711.46).

(d) When a protected handicapped student commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, shall respond in a manner that is consistent with the student’s service agreement (see § §15.2 and 15.7 (relating to definitions; and service agreement)).

(e) For a student with a disability who has a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity shall act in accordance with §14.133(h) or §711.46(h).
(f) For a protected handicapped student whose service agreement includes a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity, including a charter school, shall act in accordance with §15.3 (relating to general).

(g) For a student with a disability who does not have a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity shall convene the student’s IEP team. At this meeting, the IEP team shall consider whether a positive behavior support plan should be developed to address the student’s behavior.

(h) For a protected handicapped student whose service agreement does not include a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, in consultation with the student’s parents, shall consider whether a positive behavior support plan should be developed as part of the service agreement to address the student’s behavior.


The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Student assistance program. A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student’s learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

Student services. Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

(i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. §§14-1401. 14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

(ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.


(a) Each school entity shall prepare a written plan for the implementation of a comprehensive and integrated K-12 program of the student services based on the needs of its students. The plan shall be prepared and revised in accordance with the time frames and procedures described in §4.13(c) (relating to strategic plans). Services offered by community agencies in public schools shall be coordinated by and under the general direction of the school entity. The plan must include policies and procedures for emergency care and administration of medication and treatment under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101 - 780-144) and guidelines issued by the Department of Health. The Department of Health guidelines are available from the Division of School Health, Department of Health, P.O. Box 90, Harrisburg, Pennsylvania 17108. A school district that operates a prekindergarten program shall address its prekindergarten program in the plan developed under §4.13(c). A school entity shall make its student services plan available for public inspection and comment for a minimum of 28 days prior to approval of the plan by the school entity's governing board.
(b) Though the variety of student services offered will differ from school to school depending upon its size and the needs of its students, the following categories of services shall be provided by each school entity in planning its student services:

(1) Developmental services for students that address their developmental needs throughout their enrollment in school. Developmental services include guidance counseling, psychological services, health services, home and school visitor services and social work services that support students in addressing their academic, behavioral, health, personal and social development issues. When prekindergarten is offered, these services must include nutritional services or referrals. Nutritional services include:

(i) Federal and State funded school meal programs.
(ii) Special Supplemental Feeding Program for Women, Infants and Children (WIC).
(iii) Food Stamp Program.
(iv) Pennsylvania Fresh Foods Program.
(v) Local food and nutrition services for children and families.

(2) Diagnostic, intervention and referral services for students who are experiencing problems attaining educational achievement appropriate to their learning potential.

(i) Student services staff use diagnostic services to identify barriers that limit a student's success in school. Intervention services actively engage student services staff in activities planned to reduce or eliminate specific barriers to student success.

(ii) Student services staff may arrange for referrals to other school-based or school-linked professionals or may refer parents and guardians to appropriate community-based services for assistance.

(3) Consultation and coordination services for students who are experiencing chronic problems that require multiple services by teams or specialists.

(i) Consultation services are used by student services staff, in partnership with parents or guardians, to obtain assistance to address barriers and issues that are outside the scope of the student services professional.

(ii) Consultation and coordination services may be used to assist in the diagnosis, intervention or referral of students who face barriers to success.

(iii) Coordination services connect school resources with other available resources to assist students in meeting their educational objectives.

(c) Student services must:

(1) Be an integral part of the instructional program at all levels of the school system.

(2) Provide information to students and parents or guardians about educational opportunities of the school's instructional program and how to access these opportunities.

(3) Provide career information and assessments so that students and parents or guardians might become aware of the world of work and of a variety of career options available to individual students.

(4) Provide basic health services outlined in Article XIV of the Public School Code of 1949 (24 P.S. §§ 14-1401 - 14-1423) for students and information to parents or guardians about the health needs of their children.

(d) When student assessments using individual surveys are administered, parents or guardians shall be informed of the nature and scope of the surveys and of their relationship to the educational program of their child, consistent with section 445 of the General Education Provisions Act (20 U.S.C.A. § 1232h) regarding protection of pupil rights. Parents or guardians, or the student if the student is 18 years of age
or older, shall have the right to refuse to participate in the survey by means of procedures established by the school entity.

(e) Persons delivering student services shall be specifically licensed or certified as required by statute or regulation.

(f) The Department will provide guidelines and technical assistance to local education agencies in planning student services.


(a) Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student’s or eligible young child’s opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, in accord with subsection (c)(2).

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324 and 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child’s behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Aversive techniques. Deliberate activities designed to establish a negative association with a specific behavior.

Behavior support. The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive behavior support plans. A plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual eligible young child’s or student’s IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student’s or eligible young child’s behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

Professional development

LAWS

24 Pa PS 1205.6. Child abuse recognition and reporting training.

(a) School entities and independent contractors of school entities shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The following apply:

(1) Training shall address, but shall not be limited to, the following topics:

(i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.

(iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct.

(iv) Maintenance of professional and appropriate relationships with students.

(2) School entities and independent contractors may provide training through the Internet or other distance communications systems.

(3) Employees shall complete a minimum of three (3) hours of training every five (5) years.

(4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the Department of Education in consultation with the Department of Public Welfare.

(b) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." A public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area career and technical school.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

(1) Sexual or romantic invitation.

(2) Dating or soliciting dates.

(3) Engaging in sexualized or romantic dialog.

(4) Making sexually suggestive comments.

(5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.

(6) Any sexual, indecent, romantic or erotic contact with the child or student.

24 Pa PS 1302-A, Office for safe schools.

(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the power and duty to implement the following:

(3) To provide direct training to school employees, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.
24 Pa PS 1310-B. School safety and security training.
School entities shall provide their employees with mandatory training on school safety and security subject to the following based on the needs of the school entity:

1) Training shall address any combination of one or more of the following, based on the needs of the school entity:
   i) Situational awareness.
   ii) Trauma-informed approaches.
   iii) Behavioral health awareness.
   iv) Suicide and bullying awareness.
   v) Substance use awareness.
   vi) Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.
   vii) Identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.

2) Training may be provided through the Internet or other distance communication systems.

3) Employees shall complete a minimum of three hours of training every five years.

4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the department in consultation with the committee.

24 Pa PS 1526. Youth suicide awareness and prevention.
(a) Beginning with the 2015-2016 school year, each school entity shall:
   (2) Include in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1 four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings serving students in grades six through twelve. Training under this paragraph may be used to satisfy a professional educator’s continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(2) to conduct such training.

24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.
(d) The following apply:
   (1) Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of Drug and Alcohol Programs or such other institutions, agencies or persons as the Secretary of Education or the Secretary of Health deems appropriate.
   (2) Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.
(e) The following apply:

(1) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

24 Pa PS 1302-A. Office for safe schools.
(b) The office shall have the power and duty to implement the following:
   (2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.
   (5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.
   (7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.
(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:
   (15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

24 Pa PS 1303-A. Reporting.
(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.
(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:
   (1) Age or grade of student.
   (2) Name and address of school.
   (3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.
   (3.1) Race of student.
   (3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.
   (4) Sanction imposed by the school.
   (4.1) A list of criminal offenses which shall, at a minimum, include:
(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):
   Section 908 (relating to prohibited offensive weapons).
   Section 912 (relating to possession of weapon on school property).
   Chapter 25 (relating to criminal homicide).
   Section 2702 (relating to aggravated assault).
   Section 2709.1 (relating to stalking).
   Section 2901 (relating to kidnapping).
   Section 2902 (relating to unlawful restraint).
   Section 3121 (relating to rape).
   Section 3122.1 (relating to statutory sexual assault).
   Section 3123 (relating to involuntary deviate sexual intercourse).
   Section 3124.1 (relating to sexual assault).
   Section 3124.2 (relating to institutional sexual assault).
   Section 3125 (relating to aggravated indecent assault).
   Section 3126 (relating to indecent assault).
   Section 3301 (relating to arson and related offenses).
   Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.
   Section 3502 (relating to burglary).
   Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
   Section 5501 (relating to riot).
   Section 6110.1 (relating to possession of firearm by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:
   Section 2701 (relating to simple assault).
   Section 2705 (relating to recklessly endangering another person).
   Section 2706 (relating to terroristic threats).
   Section 2709 (relating to harassment).
   Section 3127 (relating to indecent exposure).
   Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.
   Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
   Chapter 39 (relating to theft and related offenses).
   Section 5502 (relating to failure of disorderly persons to disperse upon official order).
   Section 5503 (relating to disorderly conduct).
   Section 6305 (relating to sale of tobacco).
   Section 6306.1 (relating to use of tobacco in schools prohibited).
Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(5) Notification of law enforcement.

(6) Remedial programs involved.

(7) Parental involvement required.

(8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.
(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e)(1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

   (i) for a first violation, $2,500;

   (ii) for a second violation, $3,500; or

   (iii) for a third or subsequent violation, $5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

24 Pa PS 1317.2. Possession of weapons prohibited.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

   (1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

   (2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity.

   Reports shall include all information as required under section 1303-A.

REGULATIONS

No relevant regulations found.
Parental notification

LAWS

24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.
(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled “Safe Schools Advocate” at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

24 Pa PS 1333. Procedure when child is truant.
(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:
   (1) shall include a description of the consequences that will follow if the child becomes habitually truant;
   (2) shall be in the mode and language of communication preferred by the person in parental relation;
   (3) may include the offer of a school attendance improvement conference; or
   (4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.
(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:
   (1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
   (2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.
   (3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.
(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.
(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

24 Pa PS 1333.1. Procedure by school when child habitually truant.
(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:
   (1) Shall refer the child to either of the following:
      (i) A school-based or community-based attendance improvement program.
(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

   (1) Refer the child to a school-based or community-based attendance improvement program or service.
   (2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

24 Pa PS 1333.2. Procedure upon filing of citation.

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

   (1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.
   (2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.
(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.

(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars ($300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars ($500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars ($750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision, the agency has not closed the case and the educational entity has not consulted with the county children and youth agency prior to filing the petition.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination
based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(h)(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

24 Pa PS 1343. Arrest of Children failing to attend school.

When an attendance officer or a State, municipal, port authority, transit authority, housing authority or school police officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

REGULATIONS


(a) A school entity shall immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)). In making the notification, the school entity shall inform the parent or guardian as to whether the local police department having jurisdiction over property of the school entity has been, or may be, notified of the incident.

(b) A school entity shall document attempts made to reach the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act.


(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519-300.529 (relating to discipline procedures).

(iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in §12.8(c) (relating to hearings).


(a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

(b) Communication to the parents or guardian shall follow the suspension action taken by the school.
(c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).

(a) Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. §5945 (relating to confidential communications to school personnel).
(b) Information received in confidence from a student may be revealed to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

(1) The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.

Reporting and referrals between schools and law enforcement

LAWS

24 Pa PS 1302-A. Office for safe schools.
(b) The office shall have the power and duty to implement the following:
   (1) To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.
   (5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.
   (6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.
   (b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

24 Pa PS 1303-A. Reporting.
(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:
   (5) Notification of law enforcement.
(8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

1. No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

2. No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

3. Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

4. Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

24 Pa PS 1311-A. Standing.

(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c)(1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).
(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(e) ((e) deleted by amendment)

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

24 Pa PS 1312-A. Enforcement.

(a)(1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

24 Pa PS 1317.2. Possession of weapons prohibited.

(a) Except as otherwise provided in this section, a school district or area career and technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area career and technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area career and technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.
(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

1. The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

2. The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

24 Pa PS 1333.1. Procedure by school when child habitually truant.

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

1. Shall refer the child to either of the following:
   i. A school-based or community-based attendance improvement program.
   ii. The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

2. May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

1. Refer the child to a school-based or community-based attendance improvement program or service.

2. File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.
24 Pa PS 1333.2. Procedure upon filing of citation.

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child’s school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.

(a) A person convicted of an offense under this article may be:

1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars ($300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars ($500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars ($750) together with court costs;

2) sentenced to perform community service; or

3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.
(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

1. A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

2. A referral for services has been made to the county children and youth agency under this subdivision, the agency has not closed the case and the educational entity has not consulted with the county children and youth agency prior to filing the petition.

3. A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

1. In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

2. The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g)(1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

2. The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

3. A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S.
§ 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h)(1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(ii) (Reserved)

24 Pa PS 1338. Dependent children.

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

18 Pa CS 912. Possession of weapon on school property.

(a) Definition. Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun-chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.
(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

18 Pa CS 6306.1. Use of tobacco in schools prohibited.

(a) Pupils. - A pupil commits a summary offense if the pupil possesses or uses a tobacco product:

(1) in a school building;
(2) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
(3) on school property owned by, leased by or under the control of a school district.

(a.1) Other persons.

(1) Any person, other than a pupil, commits a summary offense if the person uses a tobacco product:

(i) in a school building;
(ii) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
(iii) on school property owned by, leased by or under the control of a school district.

(2) The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco product use by persons other than pupils is permitted. The areas must be no less than 50 feet from school buildings, stadiums or bleachers.

(a.2) Policy.

(1) The board of school directors shall establish a policy to enforce the prohibition of tobacco product use under this section and may further establish policy relating to tobacco product use at school-sponsored events that are held off school premises.

(2) The board of school directors shall notify employees, pupils and parents of the policy developed in accordance with paragraph (1) by publishing the information in a student handbook and parent newsletter and on posters or other efficient means.

(b) Grading. - A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than $ 50 for the benefit of the school district in which such offending pupil resides and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense. - A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

(c.1) Preemption.- This section preempts any municipal ordinance or school board regulation to the contrary.

(d) Definitions. -As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Electronic cigarette.” -An electronic device that delivers nicotine or other substances through vaporization and inhalation.

“Electronic nicotine delivery system” or “ENDS.” -A product or device used, intended for use or designed for the purpose of ingesting a nicotine product. The term includes an electronic cigarette.
“Nicotine product.” - A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

“Pupil.” - A person between the ages of 6 and 21 years who is enrolled in school.

“School.” - A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including a career and technical school, charter school and intermediate unit.

“Tobacco product.” - As follows:

(1) The term includes:
   (i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.
   (ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
   (iii) Any product containing, made or derived from either:
       (A) Tobacco, whether in its natural or synthetic form; or
       (B) Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
   (iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:
   (i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.
   (ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

34 Pa CS 2505. Safety zones.

(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than $200 nor more than $500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(c) Definition. As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.
(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

REGULATIONS

The purpose of this chapter is to establish and maintain a cooperative relationship between school entities and local police departments in the reporting and resolution of incidents that occur on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:


Chief school administrator. The superintendent of a public school district, executive director of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

IEP. Individualized education program.

Incident. An instance involving one or more of the following:

(i) An act of violence.
(ii) The possession of a weapon by a person.
(iii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §780-102).
(iv) The possession, use or sale of alcohol or tobacco by a person on school property.
(v) Conduct that constitutes an offense under section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)).

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

Positive behavior support plan. A plan for a student with a disability or eligible young child who requires specific intervention to address behavior that interferes with learning. A plan is developed by the IEP team, based on a functional behavior assessment and becomes part of the individual eligible young child’s or student’s IEP. A plan includes methods that utilize positive reinforcement and other positive techniques to shape a student’s or eligible young child’s behavior ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards. See § §14.133 and 711.46 (relating to positive behavior support).
Protected handicapped student. A student who meets the definition of “protected handicapped student” under §15.2 (relating to definitions), including a protected handicapped student attending a charter school, or for whom an evaluation is pending.


School-based diversion program. A program that, in partnership with other stakeholders, diverts youth out of the juvenile justice system. A program may include a youth aid panel in which a panel of community members decides an appropriate resolution to hold a student accountable for the student’s actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.


School entity. A public school district, intermediate unit, area vocational-technical school or charter school.

School-wide positive behavior support. A school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promotes a climate of greater productivity, safety and learning.

Student with a disability. A student who meets the definition of “student with a disability” under §14.101 (relating to definitions), the definition of “child with a disability” under §711.1 (relating to definitions) or for whom an evaluation is pending.


(a) The chief school administrator, or a designee, shall immediately notify the local police department when an offense listed in section 1303-A(b)(4.1) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1)) occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

(b) Notification shall be made to the local police department by the most expeditious means practicable.

(c) As part of its notification of the incident to the local police department, the chief school administrator or a designee shall provide as much of the information in this subsection as is available at the time of notification. The gathering of information should not unnecessarily delay notification.

(1) Whether the incident is in-progress or has concluded.

(2) Nature of the incident.

(3) Exact location of the incident.

(4) Number of persons involved in the incident.

(5) Names and ages of the individuals involved.

(6) Weapons involved in the incident.

(7) Whether the weapons have been secured and the custodian of the weapons.

(8) Injuries.

(9) Whether emergency medical services or the fire department was notified.

(10) Identity of the school contact person.

(11) Identity of the witnesses.

(12) Whether the incident involves a student with a disability, the type of disability and its impact on the student’s behavior.

(13) Other information as is known to the school entity and believed to be relevant to the incident.
(d) In responding to students who commit an incident listed in section 1303-A(b)(4.1) of the Safe Schools Act, a school entity may consider the propriety of utilizing available school-based programs, such as school-wide positive behavior supports, to address the student’s behavior and shall notify the local police department of the student’s placement in the program. This subsection does not limit law enforcement’s discretion.


(a) The chief school administrator, or a designee, may notify the local police department having jurisdiction when an offense listed in section 1303-A(b)(4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.2)) occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

(b) In determining whether to notify the local police department of an incident described in subsection (a), the chief school administrator, or a designee, may consider the following factors:

1. The seriousness of the situation.
2. The school’s ability to defuse or resolve the situation.
3. The child’s intent.
4. The child’s age.
5. Whether the student has a disability, the type of disability and its impact on the student’s behavior.
6. Other factors believed to be relevant.

(c) In making a determination whether to notify law enforcement when an offense listed in section 1303-A(b)(4.2) of the Safe Schools Act occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity, and to the extent that it has authority, a school entity may consider addressing the student’s behavior through the use of available school-based diversion programs and available school-wide positive behavior supports.

(d) Upon notification of the incident to the local police department, the chief school administrator or a designee shall provide as much of the information in this subsection as is available at the time of notification. The gathering of information should not unnecessarily delay notification.

1. Whether the incident is in-progress or has concluded.
2. Nature of the incident.
3. Exact location of the incident.
4. Number of persons involved in the incident.
5. Names and ages of the individuals involved.
7. Whether the weapons have been secured and the custodian of the weapons.
8. Injuries.
9. Whether emergency medical services or the fire department was notified.
10. Identity of the school contact person.
11. Identity of the witnesses.
12. Whether the incident involves a student with a disability, the type of disability and its impact on the student’s behavior.
13. Other information known to the school entity and believed to be relevant to the incident.

(a) A school entity shall provide to each local police department having jurisdiction over property of the school entity a copy of its procedures on behavior support services (see §14.104 (relating to special education plans)) by September 30, 2012. Thereafter, a school entity shall provide to each local police department a copy of its procedures on behavior support services each time the procedures are revised by the school entity.

(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity’s special education plan (see §14.104) and the school entity’s positive behavior support program (see § §14.133 and 711.46 (relating to positive behavior support)).

(c) When a student with a disability commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)), the school entity shall respond in a manner that is consistent with the training provided in accordance with the school entity’s special education plan (see §14.104) and, if applicable, with the procedures, methods and techniques defined in the student’s behavior support plan (see § §14.133 and 711.46).

(d) When a protected handicapped student commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, shall respond in a manner that is consistent with the student’s service agreement (see § §15.2 and 15.7 (relating to definitions; and service agreement)).

(e) For a student with a disability who has a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity shall act in accordance with §14.133(h) or §711.46(h).

(f) For a protected handicapped student whose service agreement includes a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity, including a charter school, shall act in accordance with §14.133(h) or §711.46(h).

(g) For a student with a disability who does not have a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity shall convene the student’s IEP team. At this meeting, the IEP team shall consider whether a positive behavior support plan should be developed to address the student’s behavior.

(h) For a protected handicapped student whose service agreement does not include a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, in consultation with the student’s parents, shall consider whether a positive behavior support plan should be developed as part of the service agreement to address the student’s behavior.


(h) Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.
Disclosure of school records

LAWS

24 Pa PS 1305-A. Transfer of records.
Whenever a pupil transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have ten (10) days from receipt of the request to supply a certified copy of the student's disciplinary record. The requirements of this section apply as well to transfers between schools within the same school entity.

24 Pa PS 1306-A. Availability of records.
A student's disciplinary record, as well as records maintained under section 1307-A, shall be available for inspection to the student and his parent, guardian or other person having control or charge of the student, to school officials and to State and local law enforcement officials as provided by law. Permission of the parent, guardian or other person having control or charge of the student shall not be required for transfer of the individual's student record to another school entity within this Commonwealth or in another state in which the student seeks enrollment or is enrolled.

24 Pa PS 1307-A. Maintenance of records.
All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the office within ninety (90) days of the effective date of this section. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.
(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

24 Pa PS 1332. Reports of enrollments;
Attendance and Withdrawals; Public and Private Schools. Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the
superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

REGULATIONS

(a) Use of a student’s confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. §5945 (relating to confidential communications to school personnel).
(b) Information received in confidence from a student may be revealed to the student’s parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

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

LAWS

24 Pa PS 1302-A. Office for safe schools.
(b) The office shall have the power and duty to implement the following:
(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.
(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.
(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.
(7) To publish and post on the Department of Education’s Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.
(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

24 Pa PS 1303.1-A. Policy relating to bullying.
(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.
(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b).

The Secretary of Education shall survey all school districts and nonpublic schools to determine the extent to which additional costs have been incurred in implementing administrative and reporting requirements established for public and nonpublic schools in section 1317.2 and in sections 1304-A through 1307-A. The Secretary of Education shall issue a report to the chairman and the minority chairman of the Appropriations Committee and the Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives by April 1, 1996, concerning the extent to which additional costs have been incurred by school districts and nonpublic schools.

(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L. 752, No. 286), known as the “Civil Service Act.” The advocate shall establish and maintain an office within the school district.

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

   (i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

   (ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

   (iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

   (iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of section 1317.2

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.

(4) To establish a protocol, in consultation with the Juvenile Court Judges’ Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district’s use of that information to ensure that victims of acts of violence by a student are protected.

(5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency.

(7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these
decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

(9) To monitor infractions of the school district’s code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

24 Pa PS 1317.2. Possession of weapons prohibited.
(a) Except as otherwise provided in this section, a school district or area career and technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area career and technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area career and technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

1. a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

2. a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area career and technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area career and technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

1. The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

2. The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.
(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

24 Pa PS 1333.4. Study of truancy procedure.

(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

24 Pa PS 1339. Reports to Superintendent of Public Instruction.

Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

24 Pa PS 1407-A. Reporting.

(a) August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:
   (i) Enrolled in the recovery high school under the program for the preceding reporting period.
   (ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.
   (iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:
   (i) Earned a high school diploma from the recovery high school.
(ii) Withdrew from the recovery high school and requested transfer of educational records to another school.

(iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.

(iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs. - By December 31, 2021, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

24 Pa PS 1408-A. Audit required.

The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board and paid for by the department.

24 Pa PS 1902-E. Contracts with private alternative education institutions.

(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.

18 Pa CS 2809. Institutional reports.

(a) Maintenance. - An institution shall maintain a report of all violations of the institution's antihazing policy or Federal or State laws related to hazing that are reported to the institution.

(b) Contents. - The report shall include all of the following:

(1) The name of the subject of the report.

(2) The date when the subject was charged with a violation of the institution's antihazing policy or Federal or State laws related to hazing.
(3) A general description of the violation, any investigation and findings by the institution and, if applicable, penalties.

(4) The date on which the matter was resolved.

(c) Initial report. - This section shall apply beginning with the 2018-2019 academic year. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this section to the extent the institution has retained information concerning the violations.

(d) Personal identifying information. - The report shall not include the personal identifying information of an individual.

(e) Time. - An institution shall post an initial report required under this section on its publicly accessible Internet website by January 15, 2019.

(f) Update. - An institution shall update the report biannually on January 1 and August 1 and shall post the updated report on its publicly accessible Internet website.

(g) Duration. - An institution shall retain reports for five years.

REGULATIONS


(5) School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. The report shall be reviewed during cyclical compliance monitoring conducted by the Department

24 Pa. Code 1547. Alcohol, chemical and tobacco abuse program.

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

24 Pa PS 1341. Duty to employ; power of arrest; certification.
(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.
(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.
(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

24 Pa PS 1302-A, Office for safe schools.
(c.1)(1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.
(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.
(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of
approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

24 Pa PS 1313-C. School resource officers.
(a) Powers and duties.- A school entity or nonpublic school may confer the following powers and duties upon school resource officers:
   (1) To assist in the identification of physical changes in the environment which may reduce crime in or around the school.
   (2) To assist in developing school policy which addresses crime and to recommend procedural changes.
   (3) To develop and educate students in crime prevention and safety.
   (4) To train students in conflict resolution, restorative justice and crime awareness.
   (5) To address crime and violence issues, gangs and drug activities affecting or occurring in or around a school.
   (6) To develop or expand community justice initiatives for students.
(a.1) Training.
   (1) Prior to entering upon the duties of the office, a school resource officer shall successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.
   (2) A school resource officer who is stationed in a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.
(b) Intergovernmental agreements for school resource officers.
   (1) The board of school directors of a school district may enter into agreements with other political subdivisions to provide for school resource officers, subject to the statutory authority of school resource officers.
   (2) The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers.
   (3) School resource officers are not required to be employees of the school district and may be employees of other political subdivisions.

24 Pa PS 1341. Duty to employ; power of arrest; certification.
(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.
(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.
State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

REGULATIONS
No relevant regulations found.

MOUs, authorization and/or funding

LAWS

24 Pa PS 1302-A. Office for safe schools.
(b) The office shall have the power and duty to implement the following:
   (6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.
(c.1)(1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or non-public school.
   (2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.
   (3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

24 Pa PS 1302.1-A. Regulations.
(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:
   (1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.
(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support). ((a) amended June 30, 2012, P.L.684, No.82))

(b)(1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

24 Pa PS 1303-A. Reporting.

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.
(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

24 Pa PS 1313-C. School resource officers.
(a) Powers and duties.- A school entity or nonpublic school may confer the following powers and duties upon school resource officers:

(1) To assist in the identification of physical changes in the environment which may reduce crime in or around the school.

(2) To assist in developing school policy which addresses crime and to recommend procedural changes.

(3) To develop and educate students in crime prevention and safety.

(4) To train students in conflict resolution, restorative justice and crime awareness.

(5) To address crime and violence issues, gangs and drug activities affecting or occurring in or around a school.

(6) To develop or expand community justice initiatives for students.

(a.1) Training.

(1) Prior to entering upon the duties of the office, a school resource officer shall successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(2) A school resource officer who is stationed in a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.

(b) Intergovernmental agreements for school resource officers.

(1) The board of school directors of a school district may enter into agreements with other political subdivisions to provide for school resource officers, subject to the statutory authority of school resource officers.

(2) The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers.

(3) School resource officers are not required to be employees of the school district and may be employees of other political subdivisions.

24 Pa PS 1332. Reports of enrollments;
Attendance and Withdrawals; Public and Private Schools. Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the
superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

24 Pa PS 1341. Duty to employ; power of arrest; certification.
(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.
(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.
(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

24 Pa PS 1342. Term of employment; compensation.
Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars ($1200); minimum annual increment, one hundred dollars ($100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

24 Pa PS 1344. Inspecting places where children are employed.
Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

24 Pa PS 1345. Penalty for interfering with inspections.
Any officer, director, superintendent, manager, employee, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars ($5) or more than twenty-five dollars ($25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.
REGULATIONS

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

(a) Each chief school administrator shall execute and update, on a biennial basis, a memorandum of understanding with each local police department having jurisdiction over school property of the school entity.

(b) A memorandum of understanding between a school entity and a local police department, including its development and implementation, must meet the requirements of section 1303-A(c) of the Safe Schools Act (24 P. S. §13-1303-A(c)).

(c) In developing a memorandum of understanding to execute with a local police department, a school entity shall consult and consider the model memorandum of understanding promulgated by the Board in Appendix A (relating to model memorandum of understanding).

(d) On a biennial basis, a school entity shall file with the Department’s Office for Safe Schools a memorandum of understanding with each local police department having jurisdiction over property of the school entity. As part of its filing with the Department, a school entity shall identify substantive differences between the memorandum of understanding adopted by the school entity and the model memorandum of understanding and provide a statement of reasons for the differences.

(e) The Board, on a biennial basis, will review and, as necessary, revise its model memorandum of understanding in Appendix A. As part of its biennial review, the Board will consider the memoranda of understanding filed by school entities with the Department’s Office for Safe Schools and statements explaining school entities’ reasons for adopting memoranda of understanding having substantive differences with the model memorandum of understanding.
State Education Agency Support

State model policies and implementation support

LAWS

24 Pa PS 1302.1-A. Regulations.

(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support). ((a) amended June 30, 2012, P.L.684, No.82))

(b)(1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

24 Pa PS 1309-A. Technical assistance.

The Department of Education shall provide guidelines and technical assistance to assist school districts and nonpublic schools in implementing the provisions of this act.
24 Pa PS 1526. Youth suicide awareness and prevention.

(b) The department shall:

(1) In consultation with a youth suicide prevention organization operating in this Commonwealth, develop a model youth suicide awareness and prevention policy which shall be consistent with subsection (c).

(2) Compile, develop and post on its publicly accessible Internet website the following, which may include materials already publicly available:

(i) Recommended guidelines and educational materials for the training required under subsection (a)(2).

(ii) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

(3) Develop a model youth suicide awareness and prevention curriculum and make such curriculum available to all school entities and, upon request, to nonpublic schools. A school entity may incorporate such curriculum into its existing instructional program pursuant to the school entity's youth suicide awareness and prevention policy.

(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:

(1) A statement on youth suicide awareness and prevention.

(2) Protocols for administering youth suicide awareness and prevention education to staff and students.

(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area career and technical school.

"Secretary." The Secretary of Education of the Commonwealth.

24 Pa PS 1553. Dating violence education.

(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.
(2) Consult with at least one domestic violence center and at least one rape crisis center in developing the model dating violence policy.

REGULATIONS

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

(c) In developing a memorandum of understanding to execute with a local police department, a school entity shall consult and consider the model memorandum of understanding promulgated by the Board in Appendix A (relating to model memorandum of understanding).
(e) The Board, on a biennial basis, will review and, as necessary, revise its model memorandum of understanding in Appendix A. As part of its biennial review, the Board will consider the memoranda of understanding filed by school entities with the Department’s Office for Safe Schools and statements explaining school entities’ reasons for adopting memoranda of understanding having substantive differences with the model memorandum of understanding.

Funding appropriations

LAWS

24 Pa PS 1302-A. Office for safe schools.
(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.
(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
(1.2) School-based diversion programs.
(2) Peer helpers programs.
(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
(4) Classroom management.
(5) Student codes of conduct.
(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity’s board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(11) (11) deleted by amendment July 18, 2013, P.L.571, No.70

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(17) The implementation of Article XIII-E.

(c.1)(1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

(d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant shall be utilized;

(ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;
(iv) methods for measuring outcomes; and
(v) any other criteria as the office may require.

(2) The office shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently
dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to
establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school
entities and municipalities throughout this Commonwealth.

(iv) For school entities, municipalities, local law enforcement agencies and nonpublic schools that
apply for funding for the training and compensation of school resource officers and school police
officers under subsection (c.1), give priority to school entities, municipalities, local law enforcement
agencies and nonpublic schools that utilize school resource officers or school police officers who
have completed additional training recommended by the Department of Education relating to
interaction with all children and adolescents within a school setting.

(v) For school entities or nonpublic schools that apply for funding for school police officers under
subsection (c.1), give priority to school entities and nonpublic schools that utilize school police officers
who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from
the school entity or nonpublic school.

(D) Have completed such annual training as shall be required by the Municipal Police Officers’
Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
police education and training).

(E) Are in satisfaction of the requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity pursuant to 42 Pa.C.S.
§ 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer
within the three years immediately preceding the effective date of this clause.

Nothing in this clause shall be construed to impact on grant decisions for school entities, municipalities or
local law enforcement agencies that apply for funding for hiring of school resource officers pursuant to
subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller
for review and approval prior to awarding the grant. The school entity, municipality, local law
enforcement agency or approved vendor shall provide the office with full and complete access to all
records relating to the performance of the grant, and shall submit, at such time and in such form as may
be prescribed, truthful and accurate information that the office may require. The office shall conduct a
thorough annual evaluation of each program for which a grant under this section is made. The office
shall seek repayment of funds if it determines that funds were not utilized for the original stated
purpose.

(e) For any fiscal year prior to 2019-2020, the sum appropriated annually to the Department of Education
for the purpose of making targeted grants under this section shall be allocated as follows:

(1) Forty percent of the sum shall be allocated for grants under subsection (c).
(2) Sixty percent of the sum shall be allocated for grants under subsection (c.1).

(e.2) Beginning in fiscal year 2019-2020, grants awarded under subsection (c.1) shall not exceed the amount awarded in fiscal year 2018-2019 under that subsection and no less than $3,200,000 shall be awarded to intermediate units on behalf of nonpublic schools under subsection (c).

(f) As used in this section, “school entity” shall have the same meaning given to it under section 222(c).

24 Pa PS 1306-B. School safety and security grant program.

(a) Establishment. - The School Safety and Security Grant Program is established to make school entities within this Commonwealth safer places.

(b) Functions generally. - The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.

(c) Diversity. - The committee shall ensure that grant funding under the program is geographically dispersed throughout this Commonwealth.

(d) Supplement and not supplant. - Grant money allocated through the program shall be used to supplement and not supplant existing school entity spending on school safety and security. Nothing shall preclude a school entity from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(e) Effect of revenue received. - Grant money received by a school entity under this section may not be included when calculating the amount to be paid to a charter school under section 1725-A.

(f) Minimum allocation. - Each school district that makes a meritorious application as prescribed by the committee under subsection (j) shall receive a minimum grant allocation as follows:

(1) A school district with an average daily membership greater than 3,900 shall receive a minimum grant allocation of $45,000.

(2) A school district with an average daily membership greater than 2,100 but less than or equal to 3,900 shall receive a minimum grant allocation of $40,000.

(3) A school district with an average daily membership greater than 1,200 but less than or equal to 2,100 shall receive a minimum grant allocation of $35,000.

(4) A school district with an average daily membership of less than or equal to 1,200 shall receive a minimum grant allocation of $30,000.

(g) Limitations.

(1) Each school entity may make application annually and no school entity may receive an annual grant allocation that exceeds the minimum allocation in subsection (f) plus $450,000, except a school district of the first class, which may not receive an annual grant allocation that exceeds 7% of the funds available under the grant program, and a school district of the first class A, which may not receive a grant allocation that exceeds 3% of the funds available under the grant program.

(2) Grant allocations awarded to a cyber charter school shall be limited to the safety and security needs of students at facilities where tutoring, testing, supplemental programs and services or instruction for students with disabilities occur.

(g.1) Whole or partial awards. - The committee, in its discretion, may award in whole or in part a request made by a school entity in its grant application based upon the merit of a specific item requested.

(g.2) Sustainability planning. - Sustainability planning is not a necessary component of an application under this section.

(g.3) Confidentiality. - Information submitted by school entities as part of the grant application, the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm or the personal security of students or staff shall remain confidential and shall not be subject to the
act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The committee may release aggregate data at its discretion.

(h) School Safety and Security Fund.
   (1) The School Safety and Security Fund is established as a special nonlapsing fund in the State Treasury.
   (2) All money deposited in the fund and the interest it accrues are appropriated to the commission on a continuing basis to award grants under this article.
   (3) No administrative action shall prevent the deposit of money into the fund in the fiscal year in which the money is received.
   (4) The fund may only be used for the grant program authorized under this article and no money in the fund may be transferred or diverted to any other purpose by administrative action.
   (5) Money available to the fund shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to it.
   (6) Grants under this section shall be awarded no later than March 1, 2020, and each March 1 thereafter.
   (7) Not more than 12.5% of the fund may be allocated annually for grants under subsection (j)(22).

(i) Community violence prevention programs.
   (1) Municipalities, institutions of higher education, community-based organizations and other entities approved by the committee are the only eligible applicants under subsection (j)(22).
   (2) (Reserved).

(j) Specific purposes. - The committee shall provide grants to school entities for programs that address safety and security, including:
   (1) Safety and security assessments that meet the committee’s criteria.
   (2) Conflict resolution or dispute management, including restorative justice strategies.
   (3) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
   (4) School-based diversion programs.
   (5) Peer helper programs.
   (6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula and restorative justice strategies.
   (7) Classroom management.
   (8) Student codes of conduct.
   (9) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
   (10) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students, including, but not limited to, bullying.
   (11) Thorough, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
   (12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma
kits and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of school directors.

(13) Institution of student, staff and visitor identification systems, including criminal background check software.

(14) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in the referral of students at risk of violent behavior to appropriate community-based services and behavioral health services and training related to prevention and early intervention.

(15) Counseling services for students.

(16) A system for the management of student discipline, including misconduct and criminal offenses.

(17) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(18) Costs associated with the training and compensation of school resource officers and school police officers.

(19) Costs associated with the training and compensation of certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers and school psychologists.

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increase access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Provide health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.
(iii) Provide mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

(iv) Foster and promote communication between the school entity, community and law enforcement.

(v) Any other program or model designed to reduce community violence and approved by the committee.

(23) The implementation of Article XIII-E.

(j.1) Prioritization of grants.

(1) The committee may in its discretion utilize the information obtained from the most recent survey instrument completed by a school entity under section 1305-B and trends in applications from the prior year to prioritize the allocation of grants from among the specific purposes enumerated in subsection (j).

(2) If the commission chooses to prioritize the allocation of grants, it shall provide guidance in the funding announcement detailing the specific purposes enumerated under subsection (j) which it intends to prioritize when making grant awards.

(j.2) Training. - The committee shall conduct informational training for applicants outlining the grant priorities and completion of applications.

(k) Coordination of grant distribution. - The department shall coordinate the distribution of grants under Article XIII-A with the committee to ensure the most effective use of resources.

(l) Audits.

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of subsection (d).

(2) The Auditor General shall not perform audits related to school safety and security assessments, survey instruments and grant applications.

24 Pa PS 1903-C. Alternative education grants.

The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

(1) An application procedure for grant eligibility.

(2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two per cent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve.

(4) The department is authorized to utilize for administrative purposes up to one per cent (1%) of the funds appropriated for safe and alternative schools that are not expended, encumbered or committed. ((4) added July 11, 2006, P.L.1092, No.114)
24 Pa PS 1906-C. Alternative education demonstration grants.
Grants to school districts from funds appropriated for alternative education demonstration grants shall be used only for behavioral programs and programs for disruptive students.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

24 Pa PS 1303-A. Reporting.

(e)(1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

(i) for a first violation, $2,500;
(ii) for a second violation, $3,500; or
(iii) for a third or subsequent violation, $5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

24 Pa PS 1306-B. School safety and security grant program.

(a) Establishment. - The School Safety and Security Grant Program is established to make school entities within this Commonwealth safer places.

(b) Functions generally. - The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.
(c) Diversity.- The committee shall ensure that grant funding under the program is geographically dispersed throughout this Commonwealth.

(d) Supplement and not supplant. - Grant money allocated through the program shall be used to supplement and not supplant existing school entity spending on school safety and security. Nothing shall preclude a school entity from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(e) Effect of revenue received. - Grant money received by a school entity under this section may not be included when calculating the amount to be paid to a charter school under section 1725-A.

(f) Minimum allocation. - Each school district that makes a meritorious application as prescribed by the committee under subsection (j) shall receive a minimum grant allocation as follows:

(1) A school district with an average daily membership greater than 3,900 shall receive a minimum grant allocation of $45,000.

(2) A school district with an average daily membership greater than 2,100 but less than or equal to 3,900 shall receive a minimum grant allocation of $40,000.

(3) A school district with an average daily membership greater than 1,200 but less than or equal to 2,100 shall receive a minimum grant allocation of $35,000.

(4) A school district with an average daily membership of less than or equal to 1,200 shall receive a minimum grant allocation of $30,000.

(g) Limitations.

(1) Each school entity may make application annually and no school entity may receive an annual grant allocation that exceeds the minimum allocation in subsection (f) plus $450,000, except a school district of the first class, which may not receive an annual grant allocation that exceeds 7% of the funds available under the grant program, and a school district of the first class A, which may not receive a grant allocation that exceeds 3% of the funds available under the grant program.

(2) Grant allocations awarded to a cyber charter school shall be limited to the safety and security needs of students at facilities where tutoring, testing, supplemental programs and services or instruction for students with disabilities occur.

(g.1) Whole or partial awards. - The committee, in its discretion, may award in whole or in part a request made by a school entity in its grant application based upon the merit of a specific item requested.

(g.2) Sustainability planning. - Sustainability planning is not a necessary component of an application under this section.

(g.3) Confidentiality. - Information submitted by school entities as part of the grant application, the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm or the personal security of students or staff shall remain confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The committee may release aggregate data at its discretion.

(h) School Safety and Security Fund.

(1) The School Safety and Security Fund is established as a special nonlapsing fund in the State Treasury.

(2) All money deposited in the fund and the interest it accrues are appropriated to the commission on a continuing basis to award grants under this article.

(3) No administrative action shall prevent the deposit of money into the fund in the fiscal year in which the money is received.

(4) The fund may only be used for the grant program authorized under this article and no money in the fund may be transferred or diverted to any other purpose by administrative action.
(5) Money available to the fund shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to it.

(6) Grants under this section shall be awarded no later than March 1, 2020, and each March 1 thereafter.

(7) Not more than 12.5% of the fund may be allocated annually for grants under subsection (j)(22).

(i) Community violence prevention programs.

(1) Municipalities, institutions of higher education, community-based organizations and other entities approved by the committee are the only eligible applicants under subsection (j)(22).

(2) (Reserved).

(j) Specific purposes. - The committee shall provide grants to school entities for programs that address safety and security, including:

(1) Safety and security assessments that meet the committee’s criteria.

(2) Conflict resolution or dispute management, including restorative justice strategies.

(3) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(4) School-based diversion programs.

(5) Peer helper programs.

(6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula and restorative justice strategies.

(7) Classroom management.

(8) Student codes of conduct.

(9) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(10) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students, including, but not limited to, bullying.

(11) Thorough, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma kits and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity’s board of school directors.

(13) Institution of student, staff and visitor identification systems, including criminal background check software.

(14) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in the referral of students at risk of violent behavior to appropriate community-based services and behavioral health services and training related to prevention and early intervention.

(15) Counseling services for students.

(16) A system for the management of student discipline, including misconduct and criminal offenses.
(17) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(18) Costs associated with the training and compensation of school resource officers and school police officers.

(19) Costs associated with the training and compensation of certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers and school psychologists.

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increase access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Provide health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.

(iii) Provide mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

(iv) Foster and promote communication between the school entity, community and law enforcement.

(v) Any other program or model designed to reduce community violence and approved by the committee.

(23) The implementation of Article XIII-E.

(j.1) Prioritization of grants.
(1) The committee may in its discretion utilize the information obtained from the most recent survey instrument completed by a school entity under section 1305-B and trends in applications from the prior year to prioritize the allocation of grants from among the specific purposes enumerated in subsection (j).

(2) If the commission chooses to prioritize the allocation of grants, it shall provide guidance in the funding announcement detailing the specific purposes enumerated under subsection (j) which it intends to prioritize when making grant awards.

(j.2) Training. - The committee shall conduct informational training for applicants outlining the grant priorities and completion of applications.

(k) Coordination of grant distribution. - The department shall coordinate the distribution of grants under Article XIII-A with the committee to ensure the most effective use of resources.

(l) Audits.

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of subsection (d).

(2) The Auditor General shall not perform audits related to school safety and security assessments, survey instruments and grant applications.

24 Pa PS 1338.2. Antitruncy programs.
The Department of Education shall formulate recommendations for the General Assembly concerning the establishment and funding of effective community-based antitruncy pilot programs. In formulating these recommendations, the Department of Education shall seek advice and counsel from educators, parents, students, district attorneys, law enforcement representatives, attendance officers, social service agencies experienced in providing services to truant children, counselors, judges, probation officers and representatives from the Pennsylvania Commission on Crime and Delinquency and the Juvenile Court Judges' Commission.

24 Pa PS 1902-C. Applications.
Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

(1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.

(6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.

REGULATIONS


(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity’s special education plan (see §14.104) and the school entity’s positive behavior support program (see § §14.133 and 711.46 (relating to positive behavior support)).
Other or Uncategorized

LAWS

As used in this article,

"Chief school administrator" shall mean the superintendent of a public school district, superintendent of an area career and technical school, executive director of an intermediate unit or chief executive officer of a charter school.

"Office" shall mean the Office for Safe Schools within the Department of Education.

"School entity" shall mean any public school district, intermediate unit, area career and technical school or charter school.

"School-based diversion programs" shall mean programs that, in partnership with other stakeholders, divert youth out of the juvenile justice system. These programs include, but are not limited to, youth aid panels in which a panel of community members decide an appropriate resolution to hold the student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to a school entity or school-sponsored activity.

"School-wide positive behavior support" means a school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning.

"Student with a disability" shall mean a student who meets the definition of "child with a disability" under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

REGULATIONS

(a) Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

(b) No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.

(c) Students should express their ideas and opinions in a respectful manner.

(d) It is the responsibility of the students to conform to the following:
1. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.

2. Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.

3. Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.

4. Assist the school staff in operating a safe school for the students enrolled therein.

5. Comply with Commonwealth and local laws.

6. Exercise proper care when using public facilities and equipment.

7. Attend school daily and be on time at all classes and other school functions.

8. Make up work when absent from school.

9. Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.


11. Not use obscene language in student media or on school premises.


(a) Requirement of the NCLB. The Department adopts these standards as required by the Unsafe School Choice Option provision of section 9532 of the NCLB (Section 9532) (20 U.S.C.A. §7912).

(b) Definition. For purposes of this section, “local educational agency” or “LEA” means a school district, an area vocational-technical school, an intermediate unit or a charter school.

(c) Student opportunity to transfer.

(1) Victim of a violent criminal offense.

   (i) Except as provided as follows, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that the student attends, shall be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

   (ii) For a student victim to be entitled to transfer to another school under this chapter, the violent criminal offense first must be reported to law enforcement authorities by the student, the student’s parent or guardian, or school officials.

   (iii) A student victim (or the student’s parent or guardian) may apply to the LEA to transfer to another school within 30 calendar days after the incident is reported to school authorities.

(2) Student who attends a persistently dangerous school.

   (i) Except as provided as follows, a student who attends a persistently dangerous school shall be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

   (ii) A student who attends a persistently dangerous school may apply to transfer at any time while the school maintains that designation.

(d) Responsibilities of LEAs.

(1) Toward victims of violent criminal offenses.

   (i) Within 10 calendar days of receiving notice of the violent criminal offense, the LEA shall notify the student victim that the student has the right to transfer to a safe public elementary or secondary school within the LEA, including a public charter school.
(ii) The notification and offer to transfer shall state that no student is required to transfer to another school.

(iii) Upon receipt of an application to transfer, the LEA shall transfer the student as soon as possible, and shall transfer the student within 10 calendar days after receiving the application.

(iv) When considering a student’s request to transfer to another school, the LEA shall take into account the particular needs of the student and the parent.

(v) To the extent possible, the LEA shall allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action or restructuring.

(vi) A charter school only has to accept a student who meets its admission criteria if space is available.

(vii) If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

(2) Toward students who attend a persistently dangerous school.

(i) Under the act of June 30, 1995 (P. L. 220, No. 26) known as the Pennsylvania's Safe Schools Act, all school entities as defined by the act shall report to the Department incidents involving acts of violence; possession of a weapon; or the possession, use, or sale of a controlled substance, alcohol or tobacco by any person on school property or at school-sponsored events or on school transportation to and from school or school-sponsored activities.

(ii) Within 10 school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.

(iii) The LEA shall offer the students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.

(iv) The notification and offer to transfer shall state that no student is required to transfer to another school.

(v) Upon receipt of an application to transfer, the LEA shall transfer the student within 30 calendar days.

(vi) When considering a student’s request to transfer to another school, the LEA shall take into account the particular needs of the student and the parent.

(vii) To the extent possible, the LEA shall allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action or restructuring.

(viii) A charter school only has to accept a student who meets its admission criteria if space is available.

(ix) If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

(x) The LEA shall submit a corrective action plan to the Department within 30 calendar days of receiving notification that a school has been identified as persistently dangerous.

(xi) The LEA shall receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
(xii) After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.

(e) Responsibilities of Department.

1) The Department will identify those schools that meet or exceed the criteria for a persistently dangerous school by analyzing the Annual Report on School Violence and Weapons Possession (PDE-360). In identifying persistently dangerous schools, the Department will use the most recent data available to it from the reporting LEA, and will take all reasonable steps to verify that the data is valid and reliable.

2) After review and verification of PDE-360 data, the Department will promptly inform an LEA when any of its schools meets the definition of persistently dangerous school.

3) The Department will provide technical assistance to the LEA in developing a corrective action plan. The Department will review proposed corrective action plans submitted by LEAs and approve suitable corrective action plans.

4) After approval of the corrective action plan, the Department will conduct a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school.

5) The Department will reassess a school’s designation as persistently dangerous at the end of the school year during which its corrective action plan is completed.

6) During the reassessment described in this section, the Department will remove the designation if the school no longer meets the definition of persistently dangerous school.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Pennsylvania provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Bullying Prevention, Pennsylvania Department of Education (PDE)</td>
<td>Provides resources for parents, educators, and professionals serving children and youth in school and out-of-school settings and includes links to the bullying prevention toolkit and bullying prevention consultation line for individuals experiencing chronic and unresolved bullying.</td>
<td><a href="https://www.education.pa.gov/Schools/safeschools/bullying/Pages/default.aspx">https://www.education.pa.gov/Schools/safeschools/bullying/Pages/default.aspx</a></td>
</tr>
<tr>
<td>Center for Safe Schools</td>
<td>Serves as a statewide clearinghouse for schools, law enforcement, parents and others on school safety and youth violence prevention. Provides links to bullying prevention toolkit and other resources related to school safety.</td>
<td><a href="http://www.safeschools.info/">http://www.safeschools.info/</a></td>
</tr>
<tr>
<td>Safe Schools, PDE</td>
<td>Presents an introduction to services and supports from Pennsylvania Department of Education’s Office for Safe Schools and provides links to resources and tools for bullying prevention, laws, reports, SAP/PBIS, toolkits, and school climate.</td>
<td><a href="https://www.education.pa.gov/Schools/safeschools/Pages/default.aspx">https://www.education.pa.gov/Schools/safeschools/Pages/default.aspx</a></td>
</tr>
<tr>
<td>School Climate, PDE</td>
<td>Provides an overview of school climate in Pennsylvania schools and includes steps schools can take to improve school climate, standards and guidelines, participation in school climate leadership initiative, and other related resources.</td>
<td><a href="https://www.education.pa.gov/Schools/safeschools/SchoolClimate/Pages/default.aspx">https://www.education.pa.gov/Schools/safeschools/SchoolClimate/Pages/default.aspx</a></td>
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### Other Resources

| No relevant resources found. |  |  |
Rhode Island
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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LAWS

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

§ 16-21-21. Student discipline codes.

Each school committee shall make, maintain, and enforce a student discipline code. The purpose of the code is to foster a positive environment that promotes learning. The department of elementary and secondary education shall provide necessary technical assistance in the development of the student discipline code. The school committee shall cause the school discipline code to be distributed to each student enrolled in the district. Each student and his or her parent, guardian, or custodian shall sign a statement verifying that they have been given a copy of the student discipline code of their respective school district.
REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

2. Each LEA shall ensure that:
   a. Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Education Policy Statement on Student Rights);
   b. Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies;
   c. Schools provide a structure of incentives that adequately reward students for their efforts and achievements. Attention shall be given to rewarding a diversity of accomplishments and to broadening the availability of rewards;
   d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
      1. Procedures for noting daily absenteeism and investigating unexcused absences;
      2. Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and
      3. The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;
   e. Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and
   f. Schools shall provide a continuum of interim alternative educational placement options to continue a student’s education while suspended that ensure the safety of the student and the school community.

200-RICR-20-30-2 Section 2.1. Authority, scope, purpose and construction.
A. Authority.

B. Scope.
1. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families,
Educational Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.

C. Purpose.

1. The purpose of these regulations is to ensure that every student participating in a Rhode Island public education program be free from the unreasonable use of physical restraint and crisis intervention. Physical intervention, the use of manual or mechanical restraint or escort involving physical contact should only be used as a crisis intervention for the purpose of preventing harm or injury. The crisis intervention must not include procedures that intentionally cause pain, injury, trauma or humiliation. A physical restraint crisis intervention should not be used for the purpose of changing behavior in situations where no protection from harm or injury is needed. Only the least intrusive physical interaction needed to adequately protect the child or others shall be used and shall be terminated as soon as the need for protection has abated.

D. Construction.

1. Nothing in these regulations shall be construed to limit the protection offered publicly funded students under other state or federal laws nor do these regulations preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from imminent, serious, physical harm.

Scope

LAWS

No relevant laws found.

REGULATIONS

200-RICR-20-1 Section 1.3.2. Supportive and nurturing school community.

D. Right to a Safe School

1. Each LEA shall ensure that students who are on school grounds before, during, and after school, during recess, and during other intermissions are appropriately supervised by adults.

2. Each LEA shall follow state statute that states that each student and staff member has a right to attend or work at a school that is safe and secure, that is conducive to learning, and that is free from the threat, actual or implied, of physical harm.

200-RICR-20-30-2 Section 2.1. Authority, scope, purpose and construction.

B. Scope.

1. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families, Educational Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.

200-RICR-20-30-2 Section 2.2. Definitions

C. “At school” means:

1. On school premises;

2. At any school-sponsored activity or event whether or not it is held on school premises;
3. On a school-transportation vehicle;
4. At an official school bus stop;
5. Using property or equipment provided by the school; or,
6. Acts which create a material and substantial disruption of the education process or the orderly operation of the school.

**Communication of policy**

**LAWS**

§ 16-21-21. Student discipline codes.
Each school committee shall make, maintain, and enforce a student discipline code. The purpose of the code is to foster a positive environment that promotes learning. The department of elementary and secondary education shall provide necessary technical assistance in the development of the student discipline code. The school committee shall cause the school discipline code to be distributed to each student enrolled in the district. Each student and his or her parent, guardian, or custodian shall sign a statement verifying that they have been given a copy of the student discipline code of their respective school district.

§ 16-21-34. Statewide bullying policy implemented.
(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:

(12) Provisions for informing parents and guardians about the bullying policy of the school district or school shall include, but not be limited to:

(i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;

(ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;

**REGULATIONS**

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

2. Each LEA shall ensure that:

   a. Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Education Policy Statement on Student Rights);

   b. Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be
provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies; [...] 

200-RICR-30-10-2 Section 2.5. Information dissemination.
A. The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.
B. This Policy shall be:
   1. Distributed annually to students, staff, volunteers, and parents/legal guardians;
   2. Included in student codes of conduct, disciplinary policies, and student handbooks;
   3. A prominently posted link on the home page of the school/district website.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
   5. Loss of school-provided transportation or loss of student parking pass;
   6. Loss of the opportunity to participate in extracurricular activities;
   7. Loss of the opportunity to participate in school social activities;
   8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
   9. Police contact; or,
   10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

**Teacher authority to remove students from classrooms**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Alternatives to suspension**

**LAWS**
No relevant laws found.
REGULATIONS

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
   5. Loss of school-provided transportation or loss of student parking pass;
   6. Loss of the opportunity to participate in extracurricular activities;
   7. Loss of the opportunity to participate in school social activities;
   8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
   9. Police contact; or,
   10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS

200-RICR-20-30-2 Section 2.2. Definitions.
A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:
   6. "Corporal punishment" means the infliction of bodily pain as a penalty for disapproved behavior.
      a. Corporal punishment as defined shall not be used in public education programs.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other in-school disciplinary approaches

LAWS

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/ Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
   5. Loss of school-provided transportation or loss of student parking pass;
   6. Loss of the opportunity to participate in extracurricular activities;
   7. Loss of the opportunity to participate in school social activities;
   8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
   9. Police contact; or,
   10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 16-2-17. Right to a safe school.
(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators. (b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.
(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.
(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...]  
(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification.[...]
REGULATIONS

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
   5. Loss of school-provided transportation or loss of student parking pass;
   6. Loss of the opportunity to participate in extracurricular activities;
   7. Loss of the opportunity to participate in school social activities;
   8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
   9. Police contact; or,
   10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Grounds for mandatory suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

200-RICR-20-30-2 Section 2.2. Definitions.
A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:
   28. "Zero tolerance" means (as defined by state policy) the purpose is to provide a school environment that is conducive to learning. The underlying belief of this policy is that all children have the right to be educated in a safe and nurturing environment. Therefore, each school system shall adopt a policy of zero tolerance for weapons, violence and illegal drugs in schools. Any student found to be in possession of a weapon, or involved in an aggravated assault as defined herein, will immediately be suspended in accordance with applicable due process provisions. During this suspension, the school district will take the necessary steps in determining any additional action to be taken, which may include long-term suspension. Zero tolerance policies cannot supersede other Federal and State Regulations, such as the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Rhode Island Regulations Governing The Education Of Children With Disabilities (Part 1 of this Subchapter).
Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

§ 16-2-17.1. In school suspensions.
Suspensions issued shall not be served out of school unless the student's conduct meets the standards set forth in § 16-2-17(a) or the student represents a demonstrable threat to students, teachers, or administrators.

§ 16-19-1. Attendance required.
(d) No school shall use a student's truancy or absenteeism as the sole basis for using an out-of-school suspension as a disciplinary action.

§ 16-21-21.1. Penalties for drug, alcohol or weapons offenses.
The discipline of any public school student for violating a school policy relating to the possession or use of alcohol, drugs or weapons not described in § 16-21-18 of this chapter, shall be imposed on a case-by-case basis pursuant to guidelines developed and promulgated by the school committee for that district. The guidelines and any discipline imposed shall take into account the nature and circumstances of the violation and the applicability of any federal laws governing students with disabilities.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
F. Positive Behavioral Supports and Discipline
1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.
2. Each LEA shall ensure that:
   a. Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Education Policy Statement on Student Rights);
   b. Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies;
   c. Schools provide a structure of incentives that adequately reward students for their efforts and achievements. Attention shall be given to rewarding a diversity of accomplishments and to broadening the availability of rewards;
   d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
      (1) Procedures for noting daily absenteeism and investigating unexcused absences;
      (2) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and
(3) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

e. Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students.

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.

A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.

1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):

   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.

   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.

2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):

   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).

      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:

         (AA) Provide educational services to the child;

         (BB) Conduct a manifestation determination prior to the disciplinary removal;

         (CC) Perform a functional behavioral assessment of the child; or

         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:

   1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.
D. The child’s placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.

1. For purposes of removals of a child with a disability from the child’s current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

**Administrative procedures related to suspension and expulsion**

**LAWS**

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.
§ 16-77-6.1. Additional standards.
(d) A student who is not under suspension or expulsion for discipline reasons may withdraw from a charter public school at any time and enroll in another public school in the district where the student resides as determined by the school committee of the district. A student may be suspended or expelled from a charter public school in accordance with the board of regents regulations for suspensions and/or expulsions, and other public schools may give full faith and credit to that suspension or expulsion…

REGULATIONS

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.
A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.

1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.

2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).
      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
         (AA) Provide educational services to the child;
         (BB) Conduct a manifestation determination prior to the disciplinary removal;
         (CC) Perform a functional behavioral assessment of the child; or
         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:
1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.

D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.

1. For purposes of removals of a child with a disability from the child's current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

In-school suspension

LAWS

§ 16-2-17.1. In school suspensions.

Suspensions issued shall not be served out of school unless the student's conduct meets the standards set forth in § 16-2-17(a) or the student represents a demonstrable threat to students, teachers, or administrators.

REGULATIONS

200-RICR-30-10-2 Section 2.8. Disciplinary action.

A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

1. Admonitions and warnings;
2. Parental/Guardian notification and meetings;
3. Detention;
4. In-school suspension;
5. Loss of school-provided transportation or loss of student parking pass;
6. Loss of the opportunity to participate in extracurricular activities;
7. Loss of the opportunity to participate in school social activities;
8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
9. Police contact; or,
10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.
Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS

200-RICR-20-30-2 Section 2.1. Authority, scope, purpose and construction.
A. Authority.
B. Scope.
   1. These regulations govern the use of physical restraint and crisis intervention on all students in publicly funded elementary and secondary education programs, including all Rhode Island public school districts and regional public school districts, all Rhode Island State Operated Schools, all Public Charter Schools, educational programs operated by the Department for Children Youth and Families, Educational Collaborative Programs, and Local Educational Agencies operating a public education program; all of which shall hereafter be referred to as public education programs.
C. Purpose.
   1. The purpose of these regulations is to ensure that every student participating in a Rhode Island public education program be free from the unreasonable use of physical restraint and crisis intervention. Physical intervention, the use of manual or mechanical restraint or escort involving physical contact should only be used as a crisis intervention for the purpose of preventing harm or injury. The crisis intervention must not include procedures that intentionally cause pain, injury, trauma or humiliation. A physical restraint crisis intervention should not be used for the purpose of changing behavior in situations where no protection from harm or injury is needed. Only the least intrusive physical interaction needed to adequately protect the child or others shall be used and shall be terminated as soon as the need for protection has abated.
D. Construction.
   1. Nothing in these regulations shall be construed to limit the protection offered publicly funded students under other state or federal laws nor do these regulations preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from imminent, serious, physical harm.

200-RICR-20-30-2 Section 2.2. Definitions.
A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:
1. "Antecedent" means a preceding circumstance, event, object or phenomenon which may trigger a particular behavior or chain of behaviors.

2. "Aversive interventions/strategies" means the specific strategies set forth in R.I. Gen. Laws § 40.1-26-4.1, including but not limited to the following:
   a. Noxious, painful, intrusive stimuli or activities that result in pain;
   b. Any form of noxious, painful or intrusive spray or inhalant;
   c. Electric shock;
   d. Water spray to the face;
   e. Pinches and deep muscle squeezes;
   f. Shouting, screaming or using a loud, sharp, harsh voice to frighten or threaten or the use of obscene language;
   g. Withholding adequate sleep;
   h. Withholding adequate shelter or bedding;
   i. Withholding bathroom facilities;
   j. Withholding meals, essential nutrition or hydration;
   k. Removal of an individual’s personal property as punishment;
   l. Unobserved time-out or room/area solely used for time out;
   m. Facial or auditory screening devices; and
   n. Use of chemical restraints instead of positive programs or medical treatments.

3. "Behavioral analysis" means a functional analysis with the addition of operationally defining a target behaviors and the grouping of behaviors for an intervention plan.

4. "Behavior intervention plan" means a plan, developed by a team, that delineates emotional, social and/or behavioral goals for a student and the steps that the school, student, parent and/or others will take to positively support the student’s progress toward those goals. A Behavior Intervention Plan is comprised of practical and specific strategies to increase or reduce defined behaviors or a pattern of behavior exhibited by a student. A Behavior Intervention Plan includes the following:
   a. Definition of the behavior in specific, measurable terms.
   b. A plan for prevention of the behavior by changing some of the who, what, when, and where information from the Functional Behavioral Assessment (FBA).
   c. A plan to teach the student new ways to meet his or her needs.
   d. A description of how to react to the student’s behavior in a way that will reinforce appropriate behavior.
   e. A plan for how to manage a crisis situation.
   f. A data collection, analysis and evaluation system.
   g. Timelines for review.

5. "Behavioral momentum" means the speed or force of behavior in a behavior chain, often beginning with an antecedent.

6. "Corporal punishment" means the infliction of bodily pain as a penalty for disapproved behavior.
   a. Corporal punishment as defined shall not be used in public education programs.

7. "De-escalation" means withdrawal or presentation of stimulus to a situation which causes it to become more controlled, calm and less dangerous.
8. "Environmental engineering" means the arrangement or manipulation of the physical environment and stimuli in order to facilitate more appropriate behavioral responses.

9. "Escalation" means the withdrawal or presentation of new stimulus to a situation which causes it to become more out of control and potentially dangerous.

10. "Forceful physical guidance" means an inappropriate response to a child’s perceived misbehavior that consists of an adult/supervisory person physically forcing to engage in the desired behavior or to comply with a directive.

11. "Functional behavioral analysis" means the evaluation of behavioral assessment information that occurs at specific points in time. The analysis provides the information necessary to develop a behavior intervention plan.

12. "Functional behavioral assessment" means an ongoing process for gathering information that can be used to hypothesize about the function of student behavior. The components of the process are as follows:
   a. Define/describe behavior
   b. Gather information
   c. Identify when, where and under what circumstances does the behavior occur
   d. Identify the consequences that maintain the behavior
   e. Develop a theory as to the functional intent of the behavior


14. "IEP" or "Individualized Education Program" means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with Rhode Island Regulations Governing The Education Of Children With Disabilities (Part 1 of this Subchapter).

15. "Instructional physical guidance" means a teaching technique that involves physical contact between the adult/supervisory person and the child. This enables the child to learn or model the physical movement necessary for the development of the desired competency, such as using hand over hand guidance in instructing a child in writing technique.

16. "Mechanical restraint" means the use of devices such as mittens, straps, or restraint chairs to limit a person’s movement or hold a person immobile as an intervention precipitated by the person’s behavior. Mechanical restraint applies to uses intended to prevent injury with persons who engage in behaviors such as head-banging, gouging, or other self-injurious actions that result in tissue damage and medical problems. Mechanical restraint does not apply to restraint used to treat a person’s medical needs or to position a person with physical disabilities.

17. "Misting" means the release of noxious, toxic or otherwise unpleasant sprays, mists or substances in proximity to the child’s face.

18. "Negative practice overcorrection" means having a child repeat an activity/task with an arbitrarily selected frequency, such as requiring a child write a classroom rule on the chalkboard 100 times.

19. "Parental consent" means that:
   a. the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;
   b. the parent understands and agrees in writing to the carrying out of the activity for which his/her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
c. the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

20. "Physical restraint/crisis intervention" means:
   a. "Manual restraint" means the use of physical intervention intended to hold a person immobile or limit a person's movement by using body contact as the only source of physical restraint. Prone restraint is a type of manual restraint or hold that limits or controls the movement or normal functioning of any portion, or all, of a person's body while the person is in a face-down position, but does not include the temporary controlling of a person in a prone position while transitioning to an alternative, safer form of restraint.
   b. "Seclusion restraint" means physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint." The use of seclusion restraint is prohibited in public education programs.
   c. "Chemical restraint" means the administration of medication for the purpose of restraint. The use of medication restraint is prohibited in public education programs.

21. "Positive behavioral supports" means a set of practices used to organize teaching and learning environments and experiences for students which facilitate the student's successful self-awareness, self-management, engagement with others and with the learning process.

22. "Redirection" encompasses a number of techniques which serve to:
   a. Divert the student from an unwanted task or a problematic behavior.
   b. Return the student to a more desirable task or more appropriate behavior. Redirection occurs without the coercion of negative consequences. Among these techniques are: Proximity, Cueing, Regrouping, Restructuring, Diversions, Hurdle Help.

23. "Satiation" means the repetition of a task/activity/behavior to the point that a person is unable to perform the task even one more time.

24. "Seclusion" means placing a child alone in a locked room without supervision. Such action is strictly prohibited in Rhode Island.

25. "Section 504 of The Rehabilitation Act of 1973" means the Civil Rights law prohibiting discrimination against individuals with disabilities from federally assisted programs or activities.


27. "Timeout" means a Punishment (Type II) procedure in which access to reinforcement is withdrawn for a certain period of time.
   a. Isolation "from the group" - Reinforcement is withdrawn and the student remains in a separate room or booth for a certain period of time. The small room or booth may or may not have a door.

28. "Zero tolerance" means (as defined by state policy) the purpose is to provide a school environment that is conducive to learning. The underlying belief of this policy is that all children have the right to be educated in a safe and nurturing environment. Therefore, each school system shall adopt a policy of zero tolerance for weapons, violence and illegal drugs in schools. Any student found to be in possession of a weapon, or involved in an aggravated assault as defined herein, will immediately be suspended in accordance with applicable due process provisions. During this suspension, the school district will take the necessary steps in determining any additional action to be taken, which may include long-term suspension. Zero tolerance policies cannot supersede other Federal and State Regulations, such as the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and
Rhode Island Regulations Governing The Education Of Children With Disabilities (Part 1 of this Subchapter).

200-RICR-20-30-2 Section 2.3. Procedures and training.

A. Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require the use of physical restraint/crisis intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

1. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
2. A school policy regarding intervention that provides a description and explanation of the school’s or program’s method of physical restraint/crisis intervention, a description of the school’s or program’s training requirements, monitoring and reporting requirements, internal review and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

B. Required Training For All Staff. Each public education program shall designate personnel to determine a time and methods to provide all staff with training regarding the school’s physical restraint/crisis intervention policies. Such training shall occur at least annually not later than within the first month of each school year. For employees hired after the school year begins, this training shall take place within the first month of their employment. Training shall be approved by the Commissioner of Elementary and Secondary Education and shall include information as required by R.I. Gen. Laws § 42-158-5 in addition to the following:

1. The program’s restraint policy;
2. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
3. Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
4. Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
5. Identification of program staff who have received advanced training pursuant to § 2.3(C) of this Part in the use of physical restraint/crisis intervention.

C. Advanced Staff Training on the Use of Physical Restraint/Crisis Intervention. At the start of each school year, every public education program shall identify staff that are authorized to serve as a school-wide based resource to assist other staff in ensuring proper administration of physical restraint and crisis interventions. These staff members shall participate in advanced training in the use of physical restraint/crisis intervention beyond the basic training offered to all staff and the public education program shall document the extent of such training.

D. Content of Advanced Training. The advanced training required by § 2.3(C) of this Part in the proper administration of physical restraint/crisis intervention shall include, but not be limited to:

1. Appropriate procedures for preventing the need for physical restraint/crisis intervention, including the de-escalation of problematic behavior, relationship building and the use of alternatives to such restraints;
2. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/ crisis intervention and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint and crisis interventions are warranted;
3. The simulated experience of administering and receiving physical restraint/crisis intervention, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

4. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and

5. Demonstration by participants of proficiency in administering physical restraint/crisis intervention.

**200-RICR-20-30-2 Section 2.4. Determining when physical restraint/Crisis intervention may be used.**

A. Use of Restraint/Intervention. Physical restraint/crisis intervention may be used only in the following circumstances:

1. Non-physical interventions would not be effective; and

2. The student's behavior poses a threat of imminent, serious, physical harm to self and/or others; and

3. If a behavioral intervention plan has been developed for the student, those various positive reinforcement techniques have been implemented appropriately and the child has failed to respond to those reinforcement techniques.

**200-RICR-20-30-2 Section 2.5. Limitations and prohibitions.**

A. Limitations on the Use of Restraints. Physical restraint/crisis intervention in a public education program shall be limited to the use of such reasonable force as necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

B. Prohibitions. Physical restraint/crisis intervention are prohibited in the following circumstances:

1. As a means of punishment;

2. As an intervention designed to, or likely to cause physical pain;

3. As in any intervention which denies adequate sleep, food, water, shelter, bedding or access to bathroom facilities;

4. As in any intervention which is designed to subject, used to subject, or likely to subject the individual to verbal abuse, ridicule or humiliation, physical pain, or which can be expected to cause excessive emotional trauma;

5. As in a restrictive intervention which employs a device or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment may be used by trained personnel as a limited emergency intervention when a documented part of a previously agreed upon written behavioral intervention plan;

6. As in seclusion, unless under constant surveillance and observation when documented as part of a previously agreed upon written behavioral intervention plan;

7. As in any intervention that precludes adequate supervision of the child;

8. Any intervention which deprives the individual of one or more of his or her senses

**200-RICR-20-30-2 Section 2.6. Proper administration of physical restraint/crisis intervention.**

A. Trained Personnel. Only personnel who have had training pursuant to § 2.3 of this Part may administer physical restraint/crisis intervention with students. Whenever possible, the administration of a physical restraint/crisis intervention shall be witnessed by at least one adult who does not participate in the restraint. The training requirement contained in § 2.3 of this Part shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons, or themselves from imminent, serious physical harm.
B. Use of Force. A person administering a physical restraint/crisis intervention shall use only the amount of force necessary to protect the student or others from physical injury or harm and shall discontinue the physical restraint/crisis intervention as soon as possible.

C. Safety Requirements. Additional requirements for the use of physical restraint/crisis intervention are:

1. No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.

2. Restraint shall be administered in such a way so as to prevent or minimize physical harm. Prone restraint shall not be used. If, at any time during a physical restraint/crisis intervention, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

3. Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint/crisis intervention on an individual student.

4. Following the release of a student from a restraint, the Public Education Program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student, as appropriate, to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

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**200-RICR-20-30-2 Section 2.7. Reporting requirements.**

A. Informing School Administration. The staff member who administered the physical restraint/crisis intervention shall inform the administration of any public education program of the use of a physical restraint/crisis intervention as soon as possible, and by a written report not later than the next working day. The administration shall maintain an ongoing written record of all reported instances of physical restraint/crisis intervention.

B. Informing Parents. The school administration shall have procedures to inform the student’s parent(s) or guardian(s) of the use of a restraint as soon as possible, and not later than two (2) school days after each incident. Written documentation of this notification shall be maintained by the public education program.

C. Contents of Report. The written report required by § 2.7(A) of this Part shall include:

1. The names and job titles of the staff who administered the restraint, and observers, if any, the date of the restraint, the time the restraint began and ended, and the name of the administrator who was verbally informed following the restraint;

2. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint/crisis intervention, the behavior that prompted the restraint, the efforts made to deescalate the situation, alternatives to restraint that were attempted, and the justification for initiating physical restraint/crisis intervention;

3. A description of the administration of the restraint including the holds used and reasons such holds were necessary, the student’s behavior and reactions during the restraint, how the restraint ended, and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;

4. Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student, and a behavioral intervention plan was developed or modified as a result of the restraint;
5. Information regarding opportunities for the student’s parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

D. Report to the R.I. Department of Education. Each public educational program shall provide the R.I. Department of Education a record of every incident of the use of a physical restraint/crisis intervention on an annual basis.

**200-RICR-20-30-2 Section 2.8. Emergency situations.**

These regulations shall not create a barrier to maintaining a safe school environment. While these regulations govern the use of physical restraint/crisis interventions, they do not limit the ability of school personnel or their agents from using reasonable force to protect students, other persons or themselves from imminent, serious physical harm.

**200-RICR-20-30-2 Section 2.9. Behavioral intervention plans.**

Once the use of physical restraint/crisis intervention has been employed on a student, school personnel shall determine if the student requires a behavioral intervention plan as part of the student's education program, and if one already exists, whether that plan needs to be modified or adjusted.

**200-RICR-20-30-2 Section 2.10. Continuum of behavioral interventions.**

A. It is important to note that strategies and interventions may be positive or negative based on the response of the child.

B. Proactive Planning Strategies:
   1. Room Arrangement
   2. Appropriate and Motivating Curriculum
   3. High Rates of Positive Responses from Teachers
   4. Structured Daily Schedules
   5. Staff Training - including but not limited to:
      a. Factual information regarding numbers, frequency, duration, antecedents
      b. Behavior Disorders - Understanding behavior
      c. functional assessment
      d. behavioral plans
      e. behavioral contracting
      f. Emotional Disorders - DSM IV
      g. Legal Issues
      h. Discipline Codes
      i. Zero Tolerance
      j. Conflict Management
      k. Peer Mediation
   l. Crisis Intervention
      (1) comfort zone
      (2) verbal & non-verbal communication
      (3) fight/flight/fright
      (4) Restraint Training
(5) Token Economy
(6) Avoid Power/Control Issues
(7) Medications, Logs, Side Effects, Communication
(8) Surface Management
(9) Reality Therapy
6. Environmental Engineering
7. Instructional Pacing
8. Home Notes
9. Precision Commands
10. Data Collection
11. Parent Conference
12. Special Equipment
13. Supervision
14. Rule Out Physiological/Medical Factors

Alternative placements

LAWS

§ 16-19-1. Attendance required.

(b) A waiver to the compulsory attendance requirement may be granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

(1) Alternative-learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components, or combination of components, of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and online courses that are currently funded and available to the school department and/or the community.

(2) Alternative-learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal, and at least one parent or guardian of the pupil, and submitted to the superintendent for approval.

(3) If the superintendent does not approve the alternative-learning plan, the parent or guardian of the pupil may appeal such decision to the school committee. A parent or guardian may appeal the decision of the school committee to the commissioner of education pursuant to chapter 39 of title 16.

(c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

§ 16-21-20. Alternative placement and prevention activities.

The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the
attorney general’s task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

§ 16-21-27. Alternative education programs.
Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by the school committee and shall be submitted to Rhode Island department of elementary and secondary education as part of its annual strategic plan submission.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
F. Positive Behavioral Supports and Discipline
   1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.
   2. Each LEA shall ensure that:
      d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
         (3) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;
      e. Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and
      f. Schools shall provide a continuum of interim alternative educational placement options to continue a student’s education while suspended that ensure the safety of the student and the school community.

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.
A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.
   1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
      a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
      b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
      c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.
   2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).

(1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:

   (AA) Provide educational services to the child;
   (BB) Conduct a manifestation determination prior to the disciplinary removal;
   (CC) Perform a functional behavioral assessment of the child; or
   (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:

   1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.

D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.

   1. For purposes of removals of a child with a disability from the child's current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 11-47-60. Possession of firearms on school grounds.
(a) (1) No person shall have in his or her possession any firearm or other weapons on school grounds.
   (2) For the purposes of this section, "school grounds" means the property of a public or private elementary or secondary school or in those portions of any building, stadium, or other structure on school grounds which were, at the time of the violation, being used for an activity sponsored by or through a school in this state or while riding school provided transportation.
   (3) Every person violating the provisions of this section shall, upon conviction, be sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be fined not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).
   (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to whatever other penalties are imposed by the family court, lose his or her license to operate a motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain the license when eligible to do so, for a period of up to six (6) months.
   (b) The provisions of this section shall not apply to any person who shall be exempt pursuant to the provisions of §§ 11-47-9, 11-47-11, and 11-47-18 or to the following activities when the activities are officially recognized and sanctioned by the educational institution:
      (1) Firearm instruction and/or safety courses;
      (2) Government-sponsored military-related programs such as ROTC;
      (3) Interscholastic shooting and/or marksmanship events;
      (4) Military history and firearms collection courses and/or programs; and
      (5) The use of blank guns in theatrical and/or athletic events.
   (c) The provisions of this section shall not apply to colleges, universities, or junior colleges.

§ 11-47-60.2. Possession of weapons on school grounds - Notification.
(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.
(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.
(c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.
(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:

1. Firearm instructed and/or safety course;
2. Government-sponsored military-related programs such as ROTC;
3. Interscholastic shooting and/or marksmanship events;
4. Military history and firearms collection courses and/or programs; and
5. The use of blank guns in theatrical and/or athletic events.

(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

§ 16-21-18. Students prohibited from bringing or possessing firearms on school premises.

The school penalty for bringing or possessing a weapon as defined in 18 U.S.C. § 921, a firearm or realistic replica of a firearm within school premises, premises being used for school purposes or activities, into a vehicle used for school transportation, or onto a roadway or path along which school children or teachers are walking to school shall be suspension from school for one year. This penalty will also be incurred when a student is not on school premises but when he or she aims a firearm or realistic replica of a firearm at school premises, school vehicles, or students, staff, or visitors attending school or in transit to or from school. This term of suspension may be shortened by the superintendent of schools on a case-by-case basis and under guidelines to be developed by the school committee with broad parent, teacher, and community involvement.

§ 16-21-19. Special rules for students with disabilities bringing firearms to school.

(a) Students with disabilities as defined by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415, shall be subject to the provisions of § 16-21-18 to the extent permitted by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415.


REGULATIONS

No relevant regulations found.

Other weapons

LAWS

§ 16-21-21.1. Penalties for drug, alcohol or weapons offenses.

The discipline of any public school student for violating a school policy relating to the possession or use of alcohol, drugs or weapons not described in § 16-21-18 of this chapter, shall be imposed on a case-by-case basis pursuant to guidelines developed and promulgated by the school committee for that district. The guidelines and any discipline imposed shall take into account the nature and circumstances of the violation and the applicability of any federal laws governing students with disabilities.

REGULATIONS

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.

A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.
1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.

2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).
      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
         (AA) Provide educational services to the child;
         (BB) Conduct a manifestation determination prior to the disciplinary removal;
         (CC) Perform a functional behavioral assessment of the child; or
         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:
   1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.

D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.
1. For purposes of removals of a child with a disability from the child’s current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

**Students with chronic disciplinary issues**

**LAWS**

§ 16-19-6. Proceedings against habitual truants and offenders.

Every habitual truant, that is, every child who is required under § 16-19-1 to attend school and who willfully and habitually absents himself or herself from attending school; and every habitual school offender, that is, every child who is required to attend school under the provision of § 16-19-1, but who persistently violates the rules and regulations of the school which he or she attends, or otherwise persistently misbehaves in the school which he or she attends, so as to render him or herself a fit subject for exclusion; shall be deemed a wayward child as provided in chapter 1 of title 14, and shall be subject to all the provisions of chapter 1 of title 14, and may be proceeded against and dealt with as a wayward child in accordance with the provisions of chapter 1 of title 14.

**REGULATIONS**

No relevant regulations found.

** Attendance and truancy**

**LAWS**

§ 16-19-1. Attendance required.

(a) Every child who has completed, or will have completed, six (6) years of life on or before September 1 of any school year, or is enrolled in kindergarten, and has not completed eighteen (18) years of life, shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town in which the child resides. Every person having under his or her control a child, as described in this section, shall cause the child to attend school as required by this section, and for every neglect of this duty, the person having control of the child shall be fined not exceeding fifty dollars ($50.00) for each day, or part of a day, that the child fails to attend school, and if the total of these days is more than thirty (30) school days during any school year, then the person shall, upon conviction, be imprisoned not exceeding six (6) months or shall be fined not more than five hundred dollars ($500), or both; provided, that if the person so charged shall prove that the child has attended, for the required period of time, a private day school approved by the commissioner of elementary and secondary education pursuant to § 16-60-6(10); or a course of at-home instruction approved by the school committee of the town where the child resides; or has been accepted into an accredited post-secondary education program; or has obtained a waiver under subsection (b); or that the physical or mental condition of the child was such as to render his or her attendance at school inexpedient or impracticable; or that the child was excluded from school by virtue of some other general law or regulation, then attendance shall not be obligatory nor shall the penalty be incurred.

(b) A waiver to the compulsory attendance requirement may be granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

(1) Alternative-learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to,
such components, or combination of components, of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and online courses that are currently funded and available to the school department and/or the community.

(2) Alternative-learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal, and at least one parent or guardian of the pupil, and submitted to the superintendent for approval.

(3) If the superintendent does not approve the alternative-learning plan, the parent or guardian of the pupil may appeal such decision to the school committee. A parent or guardian may appeal the decision of the school committee to the commissioner of education pursuant to chapter 39 of title 16.

(c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or to allow any school committee to abrogate any agreement reached by collective bargaining.

(d) No school shall use a student's truancy or absenteeism as the sole basis for using an out-of-school suspension as a disciplinary action.

§ 16-19-6. Proceedings against habitual truants and offenders.

Every habitual truant, that is, every child who is required under § 16-19-1 to attend school and who willfully and habitually absents himself or herself from attending school; and every habitual school offender, that is, every child who is required to attend school under the provision of § 16-19-1, but who persistently violates the rules and regulations of the school which he or she attends, or otherwise persistently misbehaves in the school which he or she attends, so as to render him or herself a fit subject for exclusion; shall be deemed a wayward child as provided in chapter 1 of title 14, and shall be subject to all the provisions of chapter 1 of title 14, and may be proceeded against and dealt with as a wayward child in accordance with the provisions of chapter 1 of title 14.


(a) Whenever any pupil in grades kindergarten through nine (9) fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify, by telephone, the parent or guardian shall be made by school personnel or volunteers organized by the school committee of each city, town, or regional school district or the director or other person in charge of private schools of elementary and secondary grades.

(b) School committees, school personnel, or volunteers organized pursuant to this section shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give the notice required by this section.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.

F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

2. Each LEA shall ensure that:
d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:

(1) Procedures for noting daily absenteeism and investigating unexcused absences;
(2) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and
(3) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

Substance use

LAWS

§ 23-20.9-5. Regulation of smoking in schools.
(a) The governing body of each school in Rhode Island shall be responsible for the development of enforcement procedures to prohibit tobacco product usage and electronic nicotine-delivery system usage by any person utilizing school facilities. All facilities used by a school, whether owned, leased, or rented, shall be subject to the provisions of this chapter. Enforcement procedures shall be promulgated and conspicuously posted in each building.
(b) This chapter shall not modify, or be used as a basis for modifying, school policies or regulations in effect prior to the passage of this chapter if the existing policies or regulations prohibit tobacco product usage and electronic nicotine-delivery system usage in the school.
(c) All school areas where tobacco product usage is prohibited shall be clearly marked with "nonsmoking area" signs with bold block lettering at least three inches (3") high stating "Tobacco-Free School - Tobacco Use Prohibited". All school areas where electronic nicotine-delivery system usage is prohibited shall be clearly marked with "nonsmoking area" signs with bold block lettering at least three inches (3") high stating "E-Cigarettes and Vapor Devices Prohibited". There shall be at least one "nonsmoking area" sign, in conformance with the above, at every building entrance and in other areas as designated by the governing body. Signs shall also be posted in every school bus and every school vehicle. Signs as detailed above shall be provided, without charge, by the department of health.

REGULATIONS

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.
A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.

1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.
2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).
      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
         (AA) Provide educational services to the child;
         (BB) Conduct a manifestation determination prior to the disciplinary removal;
         (CC) Perform a functional behavioral assessment of the child; or
         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:
   1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.

D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.
   1. For purposes of removals of a child with a disability from the child's current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

**Bullying, harassment, or hazing**

**LAWS**

§ 11-21-1. **Penalty for hazing.**
(a) Any organizer of, or participant in, an activity constituting hazing, as defined in subsection (b) of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars ($500), or punished by imprisonment for not less than thirty (30) days nor more than one year, or both.
(b) "Hazing" as used in this chapter, means any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. This conduct shall include, but not be limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical or safety of the student or any other person, or which subjects the student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

§ 11-21-2. Penalty for school official permitting hazing.
Every person, being a teacher, superintendent, commandant, or other person in charge of any public, private, parochial, or military school, college or other educational institution, who shall knowingly permit any activity constituting hazing, as defined in § 11-21-1, shall be guilty of a misdemeanor and shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100).

§ 16-21-33. Safe Schools Act.
(a) Definitions. As used in this chapter:
   (1) "Bullying" means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:
      (i) Causes physical or emotional harm to the student or damage to the student's property;
      (ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
      (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
      (iv) Infringes on the rights of the student to participate in school activities; or
      (v) Materially and substantially disrupts the education process or the orderly operation of a school. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.
   (2) "Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications. For purposes of this section, cyber-bullying shall also include:
      (i) The creation of a web page or blog in which the creator assumes the identity of another person;
      (ii) The knowing impersonation of another person as the author of posted content or messages; or
      (iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein.
   (3) "At school" means on school premises, at any school-sponsored activity or event whether or not it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school.
§ 16-21-34. Statewide bullying policy implemented.
(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:

(1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation of school;
(2) Clear requirements and procedures for students, staff, parents, guardians and others to report bullying or retaliation;
(3) A provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
(4) Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
(5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further:
   (i) A parental engagement strategy; and
   (ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations;
(6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
(7) Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;
(8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;
(9) A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
(10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law;
(11) A provision that requires a principal or designee to be responsible for the implementation and oversight of the bullying policy;
(12) Provisions for informing parents and guardians about the bullying policy of the school district or school shall include, but not be limited to:
   (i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;
   (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;
(13) A school employee, school volunteer, student, parent, legal guardian, or relative caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy is immune from a cause of action for damages arising from reporting bullying;
(14) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability;

(15) Students shall be prohibited from accessing social networking sites at school, except for educational or instructional purposes and with the prior approval from school administration. Nothing in this act shall prohibit students from using school department or school websites for educational purposes. School districts and schools are encouraged to provide in-service training on Internet safety for students, faculty and staff; and

(16) All school districts, charter schools, career and technical schools, approved private day or residential schools and collaborative schools shall be subject to the requirements of this section. School districts and schools must adopt the statewide bullying policy promulgated pursuant to this section by June 30, 2012.

This act shall be known and may be cited as the "Student Journalists' Freedom of Expression Act".

As used in this section:

(1) "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, distributed, or generally made available to members of the student body, and prepared under the direction of a student media advisor. School-sponsored media does not include content intended for distribution or transmission only in the classroom in which it is produced.

(2) "Student journalist" means a student of an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(3) "Student media advisor" means an individual employed, appointed, or designated by an institution under the supervision of the council on elementary and secondary education and the council on postsecondary education, both public and private, to supervise or provide instruction relating to school-sponsored media.

(a) Except as provided in subsection (b) of this section, a student journalist has the right to exercise freedom of speech and of the press in both school-sponsored media and non-school-sponsored media, regardless of whether the media is supported financially by the school, local education agency "(LEA)", or uses the facilities of the school or LEA, or produced in conjunction with a class in which the student is enrolled. Subject to subsection (b) of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists.

(b) This section does not authorize or protect expression by a student that:

(1) Is libelous or slanderous;

(2) Constitutes an unwarranted invasion of privacy;

(3) Violates federal or state law; or
(4) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policy, or the material and substantial disruption of the orderly operation of the institution. Administrators must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(c) Nothing in this section shall be construed as authorizing the publication of an advertisement in school-sponsored media at an institution under the supervision of the council on elementary and secondary education that promotes the purchase of a product or service that is unlawful for purchase or use by minors.

(d) A student journalist may not be disciplined for acting in accordance with subsection (a) of this section.

(e) A student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

1. Acting to protect a student journalist engaged in permissible conduct under subsection (a) of this section; or
2. Refusing to infringe on conduct that is protected by this chapter or the First Amendment to the United States Constitution.

(f) Each institution, school, or LEA subject to this chapter may adopt a written student freedom of expression policy in accordance with this section. The policy must include reasonable provisions for the time, place, and manner of student expression. For institutions under the supervision of the council on elementary and secondary education, the policy may also include limitations to language that may be defined as profane, harassing, threatening, or intimidating.

(g) No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school officials or school district shall be held responsible in any civil or criminal action for any expression made or published by students.

(h) Any student, individually or through a parent or guardian, or student media advisor may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this section.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.

A. Each LEA shall ensure that schools create a climate of safety, security and belonging for all students and adults, thereby establishing an environment that builds respectful relationships, enhances productive learning and teaching, promotes school engagement, and promotes academic success. Each LEA shall accomplish this goal by ensuring that each school:

1. Is safe, respectful, and free of discrimination;
2. Establishes protocols for on-going student, family, and community engagement; and
3. Provides expanded learning opportunities and academic enrichment.

B. Safe and Respectful Environment

1. Each LEA shall build a safe and respectful learning environment by addressing the components described in §§ 1.3.2(A) through (F) of this Part.

C. Freedom from Discrimination

1. Each LEA shall identify and remove barriers to students and adults that are based on their race, ethnicity, national origin, language, gender, religion, economic status, disability, or sexual orientation.
2. Each LEA shall comply with all relevant state and federal statutes and regulations regarding discrimination.

D. Right to a Safe School
1. Each LEA shall ensure that students who are on school grounds before, during, and after school, during recess, and during other intermissions are appropriately supervised by adults.
2. Each LEA shall follow state statute that states that each student and staff member has a right to attend or work at a school that is safe and secure, that is conducive to learning, and that is free from the threat, actual or implied, of physical harm.

200-RICR-30-10-2 Section 2.1. Introduction.

2.1.1 Authority and purpose
This Statewide Bullying Policy is promulgated pursuant to the authority set forth in R.I. Gen. Laws § 16-21-34. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

200-RICR-30-10-2 Section 2.2. Definitions.
A. “Bullying” means:
1. The use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:
   a. Causes physical or emotional harm to the student or damage to the student's property;
   b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
   c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
   d. Infringes on the rights of the student to participate in school activities; or,
   e. Materially and substantially disrupts the education process or the orderly operation of a school.
2. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:
   a. Race;
   b. Color;
   c. Religion;
   d. Ancestry;
   e. National origin;
   f. Gender;
   g. Sexual orientation;
   h. Gender identity and expression;
   i. Mental, physical, or sensory disability, intellectual ability; or,
   j. By any other distinguishing characteristic.
3. Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).
B. “Cyber-bullying” means:
1. Bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, text or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

2. Forms of cyber-bullying may include but are not limited to:
   a. The creation of a web page or blog in which the creator assumes the identity of another person;
   b. The knowing impersonation of another person as the author of posted content or messages; or,
   c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in §§ 2.2(A)(1)(a) through (e) of this Part.

C. “At school” means:
   1. On school premises;
   2. At any school-sponsored activity or event whether or not it is held on school premises;
   3. On a school-transportation vehicle;
   4. At an official school bus stop;
   5. Using property or equipment provided by the school; or,
   6. Acts which create a material and substantial disruption of the education process or the orderly operation of the school.

200-RICR-30-10-2 Section 2.3. School climate.
A. Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute. R.I. Gen. Laws §§ 16-19-1 and 16-19-2.

B. School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies.

C. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted.

D. Students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

200-RICR-30-10-2 Section 2.4. Policy oversight and responsibility.
A. The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.

B. The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

C. For public schools, the prevention of bullying shall be part of the school district strategic plan and school safety plan. R.I. Gen. Laws §§ 16-7.1-2(e); 16-21-24.

200-RICR-30-10-2 Section 2.5. Information dissemination.
A. The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include
methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the
disciplinary action that may be taken against those who commit acts in violation of this policy.

B. This Policy shall be:
   1. Distributed annually to students, staff, volunteers, and parents/legal guardians;
   2. Included in student codes of conduct, disciplinary policies, and student handbooks;
   3. A prominently posted link on the home page of the school/district website.

200-RICR-30-10-2 Section 2.6. Reporting.
A. The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon. (See § 2.13 of this Part for sample Report Form).
B. The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.
C. Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.
D. Parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying shall be notified within twenty-four hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.
E. Responsibility of Staff:
   1. School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.
F. Responsibility of Students:
   1. Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.
   3. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying.
   Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.
G. Prohibition against Retaliation:
   1. Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated.
   2. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.
H. False Reporting/Accusations:
   1. A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.
I. Reports in Good Faith:
   1. A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.
200-RICR-30-10-2 Section 2.7. Investigation.

A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

C. Police Notification:
   1. Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

D. Protection:
   1. If a student is the victim of serious or persistent bullying:
      a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
      b. The interventions will be developed, if possible, with input from the student, his or her parent or guardian, and staff.
      c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

200-RICR-30-10-2 Section 2.8. Disciplinary action.

A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
   5. Loss of school-provided transportation or loss of student parking pass;
   6. Loss of the opportunity to participate in extracurricular activities;
   7. Loss of the opportunity to participate in school social activities;
   8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
   9. Police contact; or,
   10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

200-RICR-30-10-2 Section 2.9. Social services or counseling.

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.
200-RICR-30-10-2 Section 2.10. Social networking.
Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

200-RICR-30-10-2 Section 2.11. Other redress.
This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

200-RICR-30-10-2 Section 2.12. Adoption of policy.

Other special infractions or conditions

LAWS

§ 16-21-30. Dating violence policy.
(a) As used in this section:
(1) “Dating violence” means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.
(2) “Dating partner” means any person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.
(3) “At school” means in a classroom, on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.
(b) The department of education shall develop a model dating violence policy to assist school districts in developing policies for dating violence reporting and response. The model policy shall be issued on or before April 1, 2008.
(c) Each school district shall establish a specific policy to address incidents of dating violence involving students at school by December 1, 2008. Each school district shall verify compliance with the department of education on an annual basis through the annual school health report.
(1) Such policy shall include, but not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents.
(2) To ensure notice of the school district's dating violence policy, the policy shall be published in any school district policy and handbook that sets forth the comprehensive rules, procedures and standards of conduct for students at school.
(d) Each school district shall provide dating violence training to all administrators, teachers, nurses and mental health staff at the middle and high school levels. Upon the recommendation of the administrator, other staff may be included or may attend the training on a volunteer basis. The dating violence training shall include, but not be limited to, basic principles of dating violence, warnings signs of dating violence and the school district's dating violence policy, to ensure that they are able to appropriately respond to incidents of dating violence at school. Thereafter, this training shall be provided yearly to all newly hired staff deemed appropriate to receive the training by the school's administration.
(e) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians with the school district's dating violence policy and relevant information. It is strongly recommended that the school district provide parent awareness training.

(f) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

(a) Any student enrolled in any secondary or elementary school shall be prohibited from carrying, possessing or using a paging device of any kind or a laser pointer of any kind on school property, except with the written consent of the principal of the school in which the student is enrolled.

(b) The penalty for violation of this section shall be the confiscation of the device.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 16-21-20. Alternative placement and prevention activities.
The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the attorney general's task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

§ 16-21-2-1. Short title.
This chapter shall be known as "The Rhode Island Substance Abuse Prevention Act".

§ 16-21-2-2. Declaration of purpose.
In recognition of the growing problem of substance use and abuse that municipalities face the purpose of this chapter is as follows:

(1) To promote the opportunity for municipalities to establish a comprehensive substance abuse prevention program addressing the specific needs of each individual municipality.

(2) To encourage the development of partnership among municipal governments, school systems, parents, and human service providers to serve the interest of the community in addressing the need for a comprehensive substance abuse prevention program.

(3) To promote a substance abuse prevention program in every community.

(4) To provide financial assistance for the planning, establishment, and operation of substance abuse prevention programs.

(5) To encourage municipal governments, in cooperation with school systems and human services organizations to jointly assess the extent of the substance abuse problem in their community.

§ 16-21-2-3. Authority of municipal governments.
(a) All municipal governments or their designated agents shall have the power to establish, operate, conduct, and/or make provision for programs to provide a comprehensive substance abuse prevention program.

(b) The appropriate municipal authority shall adopt rules and regulations governing the substance abuse prevention program including an application and contracting procedure by which qualified groups may apply to operate a substance abuse prevention program.

(c) Substance abuse prevention programs shall comply with all applicable provisions of the general laws with all applicable state rules and regulations.

§ 16-21-2-4. Substance abuse prevention program.
(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall provide grants to assist in the planning, establishment,
and operation of substance abuse prevention programs. Grants under this section shall be made to municipal governments or their designated agents according to the following guidelines:

(1) The maximum grant shall be one hundred twenty-five thousand dollars ($125,000); provided, however, in the event that available funding exceeds $1.6 million in a fiscal year, those surplus funds are to be divided proportionately among the cities and towns on a per capita basis but in no event shall the city of Providence exceed a maximum grant cap of $175,000.00.

(2) In order to obtain a grant, the municipality or its designated agent must in the first year:

   (i) Demonstrate the municipality's need for a comprehensive substance abuse program in the areas of prevention and education.

   (ii) Demonstrate that the municipality has established by appropriate legislative or executive action, a substance abuse prevention council which shall assist in assessing the needs and resources of the community, developing a three (3) year plan of action addressing the identified needs, the operation and implementation of the overall substance abuse prevention program; coordinating existing services such as law enforcement, prevention, treatment, and education; consisting of representatives of the municipal government, representatives of the school system, parents, and human service providers.

   (iii) Demonstrate the municipality's ability to develop a plan of implementation of a comprehensive three (3) year substance abuse prevention program based on the specific needs of the community to include high risk populations of adolescents, children of substance abusers, and primary education school aged children.

   (iv) Agree to conduct a survey/questionnaire of the student population designed to establish the extent of the use and abuse of drugs and alcohol in students throughout the local community's school population.

   (v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will be contributed either in cash or in-kind by public or private resources within the municipality.

(b) The department of behavioral healthcare, developmental disabilities and hospitals shall adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

§ 16-21.2-5. Funding of substance abuse prevention program.

(a) Money to fund the Rhode Island Substance Abuse Prevention Act shall be appropriated from state general revenues and shall be raised by assessing an additional penalty of thirty dollars ($30.00) for all speeding violations as set forth in § 31-43-5.1. The money shall be deposited as general revenues. The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums appropriated for the purpose of administering the substance abuse prevention program.

(b) Grants made under this chapter shall not exceed money available in the substance abuse prevention program.

§ 16-21.3-1. Declaration of purpose.

In recognition of the growing problem of substance use and abuse among youth and that the average age of onset of substance use and abuse is middle school age, the purpose of this chapter is as follows:

(1) To establish a student assistance program in every public junior high/middle school based upon the model currently operating successfully in Rhode Island high schools.

(2) The student assistance program will address the following areas:

   (i) Identification and supportive services for high risk youth;

   (ii) Primary prevention programming in junior high/middle schools;
(iii) Assessment and referral services for substance abuse problems;
(iv) School staff training on integration of prevention/intervention program;
(v) Parent and community programming for substance abuse prevention;
(vi) Focused prevention/support groups for high risk youth;
(vii) Development and integration of school substance abuse policy with prevention/intervention services;
(viii) To promote integration between student assistance programs and community substance abuse prevention task forces.

(3) To establish a pilot student assistance program in public elementary schools to the extent that funds are available from the junior high/middle school student assistance fund for that purpose.

(4) To establish a student assistance program in every public high school to the extent that funds are available.

§ 16-21.3-2. Junior high/middle school student assistance program.
(a) The department of behavioral health and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21.3-3. Funding of junior high/middle school student assistance program.
(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars ($30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral health, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

There is hereby created and established a program to be known as the "health education, alcohol, and substance abuse prevention program", which shall be funded annually by the general assembly. All moneys now or hereafter in the health education, alcohol, and substance abuse prevention program are hereby appropriated for the purpose of establishing continuous health education programs dealing primarily in the areas of alcohol and substance abuse for students in grades kindergarten (K) through twelve (12). The department of behavioral healthcare, developmental disabilities and hospitals and the department of elementary and secondary education are charged with administration of the program for the purposes specified in this section. Independent evaluation of the programs in grades kindergarten (K) through twelve (12) shall be made annually. Funds for evaluation shall emanate from the health education, alcohol, and substance abuse appropriations. Claims against the funds shall be examined, audited, and allowed in the manner now or hereafter provided by law.
REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.

A. Each LEA shall ensure that schools create a climate of safety, security and belonging for all students and adults, thereby establishing an environment that builds respectful relationships, enhances productive learning and teaching, promotes school engagement, and promotes academic success. Each LEA shall accomplish this goal by ensuring that each school:

1. Is safe, respectful, and free of discrimination;
2. Establishes protocols for on-going student, family, and community engagement; and
3. Provides expanded learning opportunities and academic enrichment.

B. Safe and Respectful Environment

1. Each LEA shall build a safe and respectful learning environment by addressing the components described in §§ 1.3.2(A) through (F) of this Part.

C. Freedom from Discrimination

1. Each LEA shall identify and remove barriers to students and adults that are based on their race, ethnicity, national origin, language, gender, religion, economic status, disability, or sexual orientation.
2. Each LEA shall comply with all relevant state and federal statutes and regulations regarding discrimination.

D. Right to a Safe School

1. Each LEA shall ensure that students who are on school grounds before, during, and after school, during recess, and during other intermissions are appropriately supervised by adults.
2. Each LEA shall follow state statute that states that each student and staff member has a right to attend or work at a school that is safe and secure, that is conducive to learning, and that is free from the threat, actual or implied, of physical harm.

E. Prevention of Bullying, Harassment, Hazing, Teen Dating Violence, and Sexual Violence.

1. Each LEA shall:
   a. Prevent and respond appropriately to incidents of bullying, hazing, teen dating violence, sexual violence, and related issues;
   b. Promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations;
   c. Provide professional development, training, resources, and other means to assist students, staff, and other adults in the school building or at school sponsored activities in carrying out these responsibilities; and
   d. Comply with relevant state and federal statutes regarding these issues.

F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

G. Student, Family, and Community Engagement

1. Students can offer viable solutions to some of the policy, program, and funding challenges our changing schools face. In addition, it is both possible and desirable to create structures and processes to facilitate student engagement at the district and school levels. Each LEA, therefore, shall:
a. Establish policies, processes, and procedures that facilitate regular (i.e., at least quarterly) participation of a representative group of school youth in discussions regarding how to improve the school environment, curriculum, and instruction to ensure increased access to challenging, hands-on learning experiences and supports and to ensure student success on state and local achievement measures;
b. Document the process of selection and orientation of these youth as well as the proposals that they put forth, how these proposals were evaluated, and the extent to which they were incorporated in LEA decision-making; and
c. Authorize and support youth led events to solicit input from and provide feedback to the larger school community.

2. Each LEA shall provide a broad spectrum of activities, programs, and services that directly involve families in their children’s education and personally engage families in the school. Therefore, each LEA shall adopt the national Parent-Teacher Association (PTA) Standards for Parent/Family Involvement Programs, which state:
   a. Communication: Communication between home and school is regular, two-way, and meaningful;
   b. Parenting: Parenting skills are promoted and supported;
   c. Student Learning: Parents play an integral role in assisting student learning;
   d. Volunteering: Parents are welcome in the school, and their support and assistance are sought; and
   e. School Decision Making and Advocacy: Parents are full partners in the decisions that affect children and families.

3. Each LEA shall facilitate partnerships with community organizations and agencies, municipal entities, and businesses to meet the needs of students and families. Therefore, each LEA shall establish communication strategies that will engage community partners, including:
   a. Ensuring community representation on the school improvement team or other decision-making teams;
   b. Identifying and recruiting businesses to provide career exploration activities for students;
   c. Soliciting community organizations or business members to mentor students;
   d. Facilitating on-site services of local organizations at the school, e.g. counseling, food pantry, tax assistance, legal aid; and
   e. Recruiting volunteers from community organizations and businesses.

H. Expanded Learning Opportunities, Academic Enrichment and Adult Education

1. Each LEA shall develop a system for the provision of a broad array of high quality expanded learning opportunities that will that strengthen school engagement, support academic success, and expand all students’ educational experiences. Academic enrichment opportunities shall address diverse learning needs and capabilities, individual interests, connections to the community, and engagement in activities beyond what is provided during the regular school day. These opportunities shall include strategies that differ from those in the regular program either in use of material, instructional strategies or concentration of time on skills. Therefore, each LEA shall:
   a. Develop and implement policies and protocols that allow out-of-school time for activities that meet rigorous criteria to fulfill academic, graduation, or credit requirements;
   b. Provide students with opportunities for experiential learning, community service, and skill building;
   c. Create and maintain working partnerships to ensure that dropouts and youth at risk of dropping out will achieve a high school credential and be ready for work and/or postsecondary education and training or apprenticeship. These shall include, but not be limited to, partnerships with a Department
of Labor and Training approved Youth Center, a RIDE approved adult education program, and a state approved provider of wrap-around support services; and

d. Create and maintain an active partnership with a RIDE approved and high performing adult English for Speakers of Other Languages (ESOL) program. The purpose of this partnership is to ensure that older English Language Learners who cannot graduate with their age cohort must have age appropriate opportunities until age twenty-four to complete their secondary education and become proficient in English.

200-RICR-20-10-1 Section 1.3.3. Health and social service supports.
A. Health, mental health, and social service needs of children and their families may be barriers to academic success. Each LEA shall therefore provide and/or facilitate partnerships with community agencies to provide, on site or through referral, a broad array of services and supports to meet these needs.

B. Health Services

1. Each LEA shall implement and comply with the requirements of the Health Services section of the Rules and Regulations for School Health Programs, addressing school health staff, health and dental screenings, physical examinations, records review and maintenance, medication administration, emergency care, chronic disease care, compliance with immunization regulations, and compliance with any other state or federal health related regulations and statutes.

C. Psychological and Mental Health Services

1. Mental and emotional health issues directly impede students’ abilities to learn. Such issues include bullying, alcohol and drug abuse, depression, anxiety, and domestic violence, as well as psychiatric disorders.

2. Therefore, each LEA shall:
   a. Ensure that students have access to a coordinated program of culturally and linguistically responsive psychological and mental health services, on site or through effective referral systems;
   b. Ensure that school psychological and mental health services will be provided by appropriately credentialed, high quality staff. Services must provide for identification of risks and assessment of service needs; primary prevention; individual, family, and group counseling; consultative services; and resource and service coordination; and
   c. To the extent practicable, ensure that schools coordinate with community youth development, prevention, and treatment efforts.

D. Social Services

1. Research indicates that when families’ basic needs are met, there is a higher likelihood that the students will succeed in school. Therefore, each LEA shall ensure that effective outreach strategies will be utilized to support families’ access to health and social services through on-site services and/or through effective referral systems to. These strategies shall:
   a. Be driven by needs identified through school and community data;
   b. Be family centered;
   c. Be provided in a respectful and culturally responsive manner;
   d. Be provided in the family’s native language, to the extent practicable;
   e. Address a comprehensive array of issues, including but not limited to hunger, housing, homelessness, health insurance, employment, pregnant and parenting teens, family illness, child abuse and domestic violence, legal issues, and issues related to foster care and Department of Children, Youth and Families (DCYF) custody; and
f. Help families to navigate social service systems and access community resources.

E. Physical Activity and Nutrition Services

1. Research shows that students are better able to learn when they are engaged in regular physical activity and receive adequate and proper nutrition. Therefore, each LEA shall:
   a. Ensure the provision of statutorily required, standards-based instruction in physical education;
   b. Implement a policy for physical activity and nutrition and a plan to address the physical activity and nutrition needs of students;
   c. Provide daily recess opportunities for students in grades Kindergarten through grade 5;
   d. Provide a variety of physical activity opportunities to students in grades 6 through 12, such as stretch breaks, dance programs or classes, intramural athletics, interscholastic athletics, or other activities; and
   e. Ensure that schools implement and comply with state and federal statutes and regulations that promote good nutrition, including those related to school food service programs and snacks.

F. School Safety Planning and Emergency Procedures

1. Each LEA shall protect the health and safety of students and staff, through the implementation of comprehensive school safety planning and the development of emergency procedures to address a wide range of potential emergency situations, including, but not limited to, incidents of fire, natural disasters, violence, disease related crises or epidemics, terrorism, and hazardous material spills.
   a. Each LEA shall develop plans that include prevention, planning, communication, response, and recovery. School and district personnel shall work with state and local emergency personnel, as appropriate, in the planning and implementation of safety plans.

Behavioral interventions and student support services

LAWS

§ 16-21-23. Threat assessment teams and oversight committees.

(a) Each local school board or committee shall adopt written policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the school safety committee. The policies shall include procedures for referrals to community services or healthcare providers for evaluation or treatment when appropriate.

(b) The superintendent of each school district shall establish a district committee charged with oversight of the threat assessment teams operating within the district, which may be an existing committee established by the district. The committee shall include individuals with expertise in guidance, counseling, school administration, mental health, and law enforcement.

(c) Each district superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in guidance, counseling, school administration, mental health, and law enforcement. Threat assessment teams may be established to serve schools as determined by the district superintendent. Each team shall:

   (1) Provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self;
   (2) Identify members of the school community to whom threatening behavior should be reported; and
   (3) Implement policies adopted by the local school board or committee pursuant to subsection (a).
(d) Upon preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the district superintendent or designee. The building administrator or designee may, if appropriate, attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.

(e) No member of a threat assessment team shall disclose any information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which the disclosure was made to the threat assessment team.

§ 16-21-34. Statewide bullying policy implemented.
(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:

(10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law;

§ 16-21-3-2. Junior high/middle school student assistance program.
(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21-3-3. Funding of junior high/middle school student assistance program.
(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars ($30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
E. Prevention of Bullying, Harassment, Hazing, Teen Dating Violence, and Sexual Violence.

1. Each LEA shall:
   a. Prevent and respond appropriately to incidents of bullying, hazing, teen dating violence, sexual violence, and related issues;
b. Promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations;

  c. Provide professional development, training, resources, and other means to assist students, staff, and other adults in the school building or at school sponsored activities in carrying out these responsibilities; and

  d. Comply with relevant state and federal statutes regarding these issues.

F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

2. Each LEA shall ensure that:

   a. Schools engage in a participatory process (involving students and staff) to assess periodically the school climate and to adopt or develop strategies to improve conditions (see the Board of Education Policy Statement on Student Rights);

   b. Students and parents/guardians are notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians, and students shall be provided with information about early warning signs of harassing and intimidating behaviors, such as bullying, as well as prevention and intervention strategies;

   c. Schools provide a structure of incentives that adequately reward students for their efforts and achievements. Attention shall be given to rewarding a diversity of accomplishments and to broadening the availability of rewards;

   d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:

      (1) Procedures for noting daily absenteeism and investigating unexcused absences;

      (2) Procedures for noting the required period of attendance of students attending at-home instruction approved by the school committee or at a private day school approved by the Commissioner of Education; and

      (3) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

   e. Disciplinary actions are fairly administered for all students and comply with state laws mandating that certain violations be considered on a case by case basis; recognizing that there is no mechanism in Rhode Island law for expulsion of students; and

   f. Schools shall provide a continuum of interim alternative educational placement options to continue a student’s education while suspended that ensure the safety of the student and the school community.

200-RICR-20-10-1 Section 1.3.3. Health and social service supports.

A. Health, mental health, and social service needs of children and their families may be barriers to academic success. Each LEA shall therefore provide and/or facilitate partnerships with community agencies to provide, on site or through referral, a broad array of services and supports to meet these needs.

B. Health Services
1. Each LEA shall implement and comply with the requirements of the Health Services section of the Rules and Regulations for School Health Programs, addressing school health staff, health and dental screenings, physical examinations, records review and maintenance, medication administration, emergency care, chronic disease care, compliance with immunization regulations, and compliance with any other state or federal health related regulations and statutes.

C. Psychological and Mental Health Services

1. Mental and emotional health issues directly impede students’ abilities to learn. Such issues include bullying, alcohol and drug abuse, depression, anxiety, and domestic violence, as well as psychiatric disorders.

2. Therefore, each LEA shall:
   a. Ensure that students have access to a coordinated program of culturally and linguistically responsive psychological and mental health services, on site or through effective referral systems;
   b. Ensure that school psychological and mental health services will be provided by appropriately credentialed, high quality staff. Services must provide for identification of risks and assessment of service needs; primary prevention; individual, family, and group counseling; consultative services; and resource and service coordination; and
   c. To the extent practicable, ensure that schools coordinate with community youth development, prevention, and treatment efforts.

D. Social Services

1. Research indicates that when families’ basic needs are met, there is a higher likelihood that the students will succeed in school. Therefore, each LEA shall ensure that effective outreach strategies will be utilized to support families’ access to health and social services through on-site services and/or through effective referral systems to. These strategies shall:
   a. Be driven by needs identified through school and community data;
   b. Be family centered;
   c. Be provided in a respectful and culturally responsive manner;
   d. Be provided in the family’s native language, to the extent practicable;
   e. Address a comprehensive array of issues, including but not limited to hunger, housing, homelessness, health insurance, employment, pregnant and parenting teens, family illness, child abuse and domestic violence, legal issues, and issues related to foster care and Department of Children, Youth and Families (DCYF) custody; and
   f. Help families to navigate social service systems and access community resources.

E. Physical Activity and Nutrition Services

1. Research shows that students are better able to learn when they are engaged in regular physical activity and receive adequate and proper nutrition. Therefore, each LEA shall:
   a. Ensure the provision of statutorily required, standards-based instruction in physical education;
   b. Implement a policy for physical activity and nutrition and a plan to address the physical activity and nutrition needs of students;
   c. Provide daily recess opportunities for students in grades Kindergarten through grade 5;
   d. Provide a variety of physical activity opportunities to students in grades 6 through 12, such as stretch breaks, dance programs or classes, intramural athletics, interscholastic athletics, or other activities; and
   e. Ensure that schools implement and comply with state and federal statutes and regulations that promote good nutrition, including those related to school food service programs and snacks.
F. School Safety Planning and Emergency Procedures

1. Each LEA shall protect the health and safety of students and staff, through the implementation of comprehensive school safety planning and the development of emergency procedures to address a wide range of potential emergency situations, including, but not limited to, incidents of fire, natural disasters, violence, disease related crises or epidemics, terrorism, and hazardous material spills.

2. Each LEA shall develop plans that include prevention, planning, communication, response, and recovery. School and district personnel shall work with state and local emergency personnel, as appropriate, in the planning and implementation of safety plans.

200-RICR-20-30-2 Section 2.2. Definitions.

A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:

4. "Behavior intervention plan" means a plan, developed by a team, that delineates emotional, social and/or behavioral goals for a student and the steps that the school, student, parent and/or others will take to positively support the student’s progress toward those goals. A Behavior Intervention Plan is comprised of practical and specific strategies to increase or reduce defined behaviors or a pattern of behavior exhibited by a student. A Behavior Intervention Plan includes the following:

   a. Definition of the behavior in specific, measurable terms.

   b. A plan for prevention of the behavior by changing some of the who, what, when, and where information from the Functional Behavioral Assessment (FBA).

   c. A plan to teach the student new ways to meet his or her needs.

   d. A description of how to react to the student’s behavior in a way that will reinforce appropriate behavior.

   e. A plan for how to manage a crisis situation.

   f. A data collection, analysis and evaluation system.

   g. Timelines for review.

12. "Functional behavioral assessment" means an ongoing process for gathering information that can be used to hypothesize about the function of student behavior. The components of the process are as follows:

   a. Define/describe behavior

   b. Gather information

   c. Identify when, where and under what circumstances does the behavior occur

   d. Identify the consequences that maintain the behavior

   e. Develop a theory as to the functional intent of the behavior

21. "Positive behavioral supports" means a set of practices used to organize teaching and learning environments and experiences for students which facilitate the student’s successful self-awareness, self-management, engagement with others and with the learning process.

Professional development

LAWS

No relevant laws found.
REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.

E. Prevention of Bullying, Harassment, Hazing, Teen Dating Violence, and Sexual Violence.

1. Each LEA shall:
   a. Prevent and respond appropriately to incidents of bullying, hazing, teen dating violence, sexual violence, and related issues;
   b. Promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations;
   c. Provide professional development, training, resources, and other means to assist students, staff, and other adults in the school building or at school sponsored activities in carrying out these responsibilities; and
   d. Comply with relevant state and federal statutes regarding these issues.

200-RICR-20-30-2 Section 2.3. Procedures and training.

B. Required Training For All Staff. Each public education program shall designate personnel to determine a time and methods to provide all staff with training regarding the school’s physical restraint/crisis intervention policies. Such training shall occur at least annually not later than within the first month of each school year. For employees hired after the school year begins, this training shall take place within the first month of their employment. Training shall be approved by the Commissioner of Elementary and Secondary Education and shall include information as required by R.I. Gen. Laws § 42-158-5 in addition to the following:

1. The program’s restraint policy;
2. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
3. Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
4. Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
5. Identification of program staff who have received advanced training pursuant to § 2.3(C) of this Part in the use of physical restraint/crisis intervention.

C. Advanced Staff Training on the Use of Physical Restraint/Crisis Intervention. At the start of each school year, every public education program shall identify staff that are authorized to serve as a school-wide based resource to assist other staff in ensuring proper administration of physical restraint and crisis interventions. These staff members shall participate in advanced training in the use of physical restraint/crisis intervention beyond the basic training offered to all staff and the public education program shall document the extent of such training.

D. Content of Advanced Training. The advanced training required by § 2.3(C) of this Part in the proper administration of physical restraint/crisis intervention shall include, but not be limited to:

1. Appropriate procedures for preventing the need for physical restraint/crisis intervention, including the de-escalation of problematic behavior, relationship building and the use of alternatives to such restraints;
2. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/crisis intervention and methods for evaluating the risk of harm in individual
situations in order to determine whether the use of physical restraint and crisis interventions are warranted;
3. The simulated experience of administering and receiving physical restraint/crisis intervention, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
4. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
5. Demonstration by participants of proficiency in administering physical restraint/crisis intervention.
**Monitoring and Accountability**

**Formal incident reporting of conduct violations**

**LAWS**

No relevant laws found.

**REGULATIONS**

**200-RICR-20-30-2 Section 2.7. Reporting requirements.**

A. Informing School Administration. The staff member who administered the physical restraint/crisis intervention shall inform the administration of any public education program of the use of a physical restraint/crisis intervention as soon as possible, and by a written report not later than the next working day. The administration shall maintain an ongoing written record of all reported instances of physical restraint/crisis intervention.

B. Informing Parents. The school administration shall have procedures to inform the student’s parent(s) or guardian(s) of the use of a restraint as soon as possible, and not later than two (2) school days after each incident. Written documentation of this notification shall be maintained by the public education program.

C. Contents of Report. The written report required by § 2.7(A) of this Part shall include:

1. The names and job titles of the staff who administered the restraint, and observers, if any, the date of the restraint, the time the restraint began and ended, and the name of the administrator who was verbally informed following the restraint;

2. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint/crisis intervention, the behavior that prompted the restraint, the efforts made to deescalate the situation, alternatives to restraint that were attempted, and the justification for initiating physical restraint/crisis intervention;

3. A description of the administration of the restraint including the holds used and reasons such holds were necessary, the student’s behavior and reactions during the restraint, how the restraint ended, and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;

4. Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student, and a behavioral intervention plan was developed or modified as a result of the restraint;

5. Information regarding opportunities for the student’s parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

D. Report to the R.I. Department of Education. Each public educational program shall provide the R.I. Department of Education a record of every incident of the use of a physical restraint/crisis intervention on an annual basis.

**200-RICR-30-10-2 Section 2.6. Reporting.**

A. The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon. (See § 2.13 of this Part for sample Report Form).
B. The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

C. Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

D. Parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying shall be notified within twenty-four hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

E. Responsibility of Staff:
   1. School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.

F. Responsibility of Students:
   1. Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.
   3. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

G. Prohibition against Retaliation:
   1. Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated.
   2. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

H. False Reporting/Accusations:
   1. A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

I. Reports in Good Faith:
   1. A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

200-RICR-30-10-2 Section 2.7. Investigation.
A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.
Parental notification

LAWS

§ 11-47-60.2. Possession of weapons on school grounds - Notification.
(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.
(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.

(a) Whenever any pupil in grades kindergarten through nine (9) fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify, by telephone, the parent or guardian shall be made by school personnel or volunteers organized by the school committee of each city, town, or regional school district or the director or other person in charge of private schools of elementary and secondary grades.

§ 16-21-34. Statewide bullying policy implemented.
(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:
   (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;

§ 16-21.5-1. Legislative intent.
(a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.
(b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.
(c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.
(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.
REGULATIONS

200-RICR-20-30-2 Section 2.7. Reporting requirements.
B. Informing Parents. The school administration shall have procedures to inform the student’s parent(s) or guardian(s) of the use of a restraint as soon as possible, and not later than two (2) school days after each incident. Written documentation of this notification shall be maintained by the public education program.

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.
A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.
1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.
2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).
      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
         (AA) Provide educational services to the child;
         (BB) Conduct a manifestation determination prior to the disciplinary removal;
         (CC) Perform a functional behavioral assessment of the child; or
         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).
B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.
C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:
   1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.
D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.

E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.
   1. For purposes of removals of a child with a disability from the child's current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

200-RICR-30-10-2 Section 2.1. Introduction.

2.1.1. Authority and purpose
This Statewide Bullying Policy is promulgated pursuant to the authority set forth in R.I. Gen. Laws § 16-21-34. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

200-RICR-30-10-2 Section 2.6. Reporting.
A. The school principal, director or head of school shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon. (See § 2.13 of this Part for sample Report Form).

B. The victim of bullying, anyone who witnesses an incidence of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

C. Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

D. Parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying shall be notified within twenty-four hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying, the parents/guardians of the child will be notified immediately by the principal, director or head of school.

E. Responsibility of Staff:
   1. School staff, including volunteers, who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.

F. Responsibility of Students:
   1. Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities.
   2. Failure to do so may result in disciplinary action.
   3. The victim of bullying, however, shall not be subject to discipline for failing to report the bullying. Student reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

G. Prohibition against Retaliation:
1. Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated.
2. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

H. False Reporting/Accusations:
   1. A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.

I. Reports in Good Faith:
   1. A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying.

200-RICR-30-10-2 Section 2.7. Investigation.
A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.
B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.
C. Police Notification:
   1. Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.
D. Protection:
   1. If a student is the victim of serious or persistent bullying:
      a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
      b. The interventions will be developed, if possible, with input from the student, his or her parent or guardian, and staff.
      c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
   1. Admonitions and warnings;
   2. Parental/Guardian notification and meetings;
   3. Detention;
   4. In-school suspension;
5. Loss of school-provided transportation or loss of student parking pass;
6. Loss of the opportunity to participate in extracurricular activities;
7. Loss of the opportunity to participate in school social activities;
8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
9. Police contact; or,
10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Reporting and referrals between schools and law enforcement

LAWS

§ 11-47-60.2. Possession of weapons on school grounds - Notification.
(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.
(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.
(c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.
(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:
   (1) Firearm instructed and/or safety course;
   (2) Government-sponsored military-related programs such as ROTC;
   (3) Interscholastic shooting and/or marksmanship events;
   (4) Military history and firearms collection courses and/or programs; and
   (5) The use of blank guns in theatrical and/or athletic events.
(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

§ 16-21-34. Statewide bullying policy implemented.
(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:
   (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;
§ 16-21.5-2. Procedure for interrogating elementary students. 
(a) Before making an elementary school pupil available to a law enforcement officer for the purpose of being questioned, the principal of the elementary school, or his or her designee, shall take immediate steps to obtain the oral consent of the parent or guardian of the pupil to permit the questioning.
(b) If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the law enforcement officer for questioning until the parent or guardian is present.
(c) If school officials are unable, after reasonable efforts undertaken within a period not to exceed one hour, to contact a parent or guardian in order to obtain consent pursuant to this subdivision, a school administrator, school counselor, or school teacher who is reasonably available and selected by the pupil, shall be present during the questioning.
(d) If the school administrator, school counselor, or school teacher selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall be present during the questioning.
(e) In those cases in which school officials are unable to contact the pupil's parent or guardian, after the questioning has been completed, the principal or his or her designee shall immediately notify the parent or guardian that the questioning has occurred and make the staff member who was present during the questioning available to inform the parent or guardian about questioning.

§ 16-21.5-3. Procedure for interrogating high school students. 
(a) Before making a high school pupil under eighteen (18) years of age available to a law enforcement officer for the purpose of questioning, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to request that his or her parent or guardian or an adult family member, or person on the list of emergency contacts for the pupil be present during the questioning.
(b) If the person selected by the pupil cannot be made available within a reasonable period of time, not exceeding one hour, or declines to be present at the questioning, the principal or his or her designee shall inform the pupil that the pupil may select as an alternate, a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning.
(c) If the person selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall so inform the pupil and advise the pupil that the principal, or his or designee, will be present during the questioning if the pupil so requests.
(d) If the pupil exercises his or her right, pursuant to this subsection, to have one of the persons designated in paragraph (a), (b) or (c) present during the questioning, the pupil may not be made available to the law enforcement officer for questioning until that person is present.

§ 16-21.5-4. Student interrogations under exigent circumstances.
The provisions of §§ 16-21.5-2 and 16-21.5-3 shall not apply if any of the following conditions exist:
(a) The law enforcement officer reasonably believes that, due to exigent circumstances, the inability of the officer to immediately question the pupil will materially interfere with the ability of the officer to conduct his or her investigation and any delay would significantly impede the timely apprehension of a suspect. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone about the questioning, and if unsuccessful in doing so before the questioning, shall take immediate steps to notify the parent or guardian about the questioning after the questioning has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal, or his or her designee, present during the questioning.
(b) The law enforcement officer reasonably believes that there is a substantial risk of immediate personal injury or substantial property damage. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone regarding the questioning, and if unsuccessful in doing so before the questioning is completed, shall take immediate steps to notify the parent or guardian regarding the questioning after it has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal or his or her designee present during the questioning.

(c) The minor pupil being questioned is suspected of being a victim of child abuse or neglect, and either the principal or his or her designee or the law enforcement officer has reasonable belief that the pupil would be endangered by the notification requirements of §16-21.5-2 or §16-21.5-3. In that case, if the pupil is an elementary school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor or school teacher who is reasonably available to be present during the questioning, as provided in paragraphs (c) and (d) of §16-21.5-2. If the pupil is a high school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(b).

(d)(1) In the case of an elementary school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person who would otherwise be present during the questioning pursuant to §16-21.5-2. In that case, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning as provided in subsection 16-21.5-2(c).

(2) In the case of a high school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person selected by the pupil pursuant to §16-21.5-3. In that case, the principal of the school, or his or her designee, shall so inform the pupil and advise that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(c).

(e) The pupil is on probation or parole and is being interviewed or otherwise contacted by a probation or parole officer in the normal course of duties of the probation or parole officer.

(f) Except in exigent circumstances as determined by the law enforcement officer, any questioning of a pupil by a law enforcement officer for any reason other than the ordinary, day-to-day conversation that is to be expected among members of a school community, shall take place in a private location, including, but not limited to, the principal's office, and may not take place in a classroom or hallway or other areas where pupils or others may be present.

(g) A school official present during the questioning of a pupil under this section may not disclose matters discussed with the pupil other than to the parent or guardian of the pupil, the attorney for the pupil, other school officials, or a court.

(h) Any school officer or staff member present at the questioning of the pupil by a law enforcement officer pursuant to this section is immune from civil or criminal liability arising from his or her participation during the questioning of the pupil.

(i) For the purposes of this section, “questioning” means only formal questioning in which the principal, or his or her designee, makes a pupil available to a law enforcement officer, at the request of the law enforcement officer, the principal or his or her designee, for questioning as a victim, suspect, or person with information concerning a suspected violation of a school rule that constitutes grounds for expulsion or a suspected commission of a crime. For the purposes of this section, “formal questioning” means only questioning of a pupil by a law enforcement officer that occurs on school grounds. "Formal
"questioning" does not include ordinary, day-to-day conversations between a pupil and a law enforcement officer.

REGULATIONS

200-RICR-20-30-6 Section 6.8.2. Discipline procedures.
A. Authority of school personnel; emergency removal. Section 34 C.F.R. §§ 300.530 (c) through (h) is incorporated by reference above.

1. Section 34 C.F.R § 300.530(a) is superseded by the following (Case-by-case determination):
   a. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
   b. If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
   c. For any emergency removal under § 6.8.2(A)(1)(b) of this Part the public agency must follow the requirements of this section.

2. Section 34 C.F.R. § 300.530(b) is superseded by the following (School Removal):
   a. Removals for less than ten (10) days cumulative. School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities).
      (1) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
         (AA) Provide educational services to the child;
         (BB) Conduct a manifestation determination prior to the disciplinary removal;
         (CC) Perform a functional behavioral assessment of the child; or
         (DD) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
   b. Removals for more than ten (10) days cumulative. After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 C.F.R. § 300.530(d).

B. Determination of setting shall be in accordance with 34 C.F.R. § 300.531, incorporated by reference above.

C. Appeals and expedited due process hearings shall take place in accordance with 34 C.F.R. § 300.532, incorporated by reference above; provided, however:

1. An expedited due process hearing shall be in accordance with 34 C.F.R. § 300.532(c), except that the expedited due process hearing must conclude within twenty (20) school days of the date that the complaint requesting the hearing is filed.

D. The child's placement during an appeal shall be in accordance with 34 C.F.R. § 300.533, incorporated by reference above.
E. Protections for children not determined eligible for special education and related services shall be in accordance with 34 C.F.R. § 300.534, incorporated by reference above.

F. Referral to and action by law enforcement and judicial authorities shall be in accordance with 34 C.F.R. § 300.535, incorporated by reference above.

G. Change of placement because of disciplinary removals.
   1. For purposes of removals of a child with a disability from the child's current educational placement under §§ 6.8.2(A) through (F) of this Part, a change of placement occurs if the removal is for more than ten (10) school days cumulative in the same school year.

200-RICR-30-10-2 Section 2.1. Introduction.

2.1.1 Authority and purpose
This Statewide Bullying Policy is promulgated pursuant to the authority set forth in R.I. Gen. Laws § 16-21-34. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

200-RICR-30-10-2 Section 2.7. Investigation.
A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

C. Police Notification:
   1. Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

D. Protection:
   1. If a student is the victim of serious or persistent bullying:
      a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
      b. The interventions will be developed, if possible, with input from the student, his or her parent or guardian, and staff.
      c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.

B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:
1. Admonitions and warnings;
2. Parental/Guardian notification and meetings;
3. Detention;
4. In-school suspension;
5. Loss of school-provided transportation or loss of student parking pass;
6. Loss of the opportunity to participate in extracurricular activities;
7. Loss of the opportunity to participate in school social activities;
8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
9. Police contact; or,
10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Disclosure of school records

LAWS


(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...] 

(15) Policies and procedures for disclosing information that is provided to the school administrators about a student's conduct, including, but not limited to, the student's prior disciplinary records, and history of violence, to classroom teachers, school staff, and school security, if they have been determined by the principal to have a legitimate need for the information in order to fulfill their professional responsibilities and for protecting such information from any further disclosure; and

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification[...]

REGULATIONS

No relevant regulations found.

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

LAWS

§ 16-2-17. Right to a safe school.

(a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance, who exhibits persistent conduct which substantially impedes the ability of
other students to learn, or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct, or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers, or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.

(d) All school superintendents, or their designees, shall review annually, the discipline data for their school district, collected in accordance with the specifications set forth in § 16-60-4(21), to determine whether the discipline imposed has a disproportionate impact on students based on race, ethnicity, or disability status and to appropriately respond to any such disparity. In addition to the data submitted, if a disparity exists, the school district shall submit a report to the council on elementary and secondary education describing the conduct of the student, the frequency of the conduct, prior disciplinary actions for the conduct, any other relevant information and corrective actions to address the disparity, after consultation with representatives of the faculty has been taken to address the disparity. The reports shall be deemed to be public records for purposes of title 38.


(a) The council on elementary and secondary education shall have in addition to those enumerated in § 16-60-1, the following powers and duties:

(21)(i) To prepare, with the assistance of the commissioner of elementary and secondary education, and to present annually to the general assembly by January 1 a report on school discipline in Rhode Island schools. This report shall include:

(A) Expulsions by district, including duration and the reason for each action;
(B) Suspensions by district, including duration and the reason for each action;
(C) Placements to alternative programs for disciplinary reasons;
(D) Assaults of teachers, students, and school staff by students;
(E) Incidents involving possession of weapons on school property. For the purpose of this section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-42;
(F) Incidents of the sale of controlled substances by students;
(G) Incidents of the possession with the intent to sell controlled substances by students;
(H) Additional demographic information including, but not limited to, the ethnic and racial classifications, age, and gender, as prescribed by the commissioner, of each of the students involved in the incidents, events or actions described in subparagraphs (A) through (G) of this subdivision; and

(I) A description of the education program provided to each student suspended for over ten (10) consecutive school days in a school year.
(ii) All school superintendents shall supply the necessary information on forms established by the commissioner of elementary and secondary education to the council on elementary and secondary education to assist in the preparation of the council’s report on school discipline.

(22) To prepare and promulgate a uniform statewide school reporting system which would provide information including, but not limited to, the following:

(i) Student and teacher attendance rates;
(ii) Standardized test scores;
(iii) Demographic profiles;
(iv) Results of polls of students, parents, and teachers;
(v) Descriptions of goals, initiatives, and achievements;
(vi) Best teaching practices;
(vii) Alternative student assessments;
(viii) Special programs; and
(ix) Number of student suspensions and teacher grievances and the amount of parental involvement.

This chapter shall be known and may be cited as the "All Students Count Act".

The following words and phrases, as used in this chapter shall have the following meanings:

(1) "Entity" means the Rhode Island department of elementary and secondary education, its sub agencies and state agency(s) and local municipalities from which it collects demographic data.

(2) "Southeast Asian" means individuals who identify with one or more ethnic groups originating from the countries in the Southeast Asian region, including Cambodia, the Philippines, Laos, Vietnam, and other Southeast Asian countries.

(a) Whenever the department of elementary and secondary education collects demographic data as to the ancestry or ethnic origins of students for a report that includes educational proficiencies, graduation rates, attendance rates, and access to educational resources, the entity shall use separate collection categories and tabulations in accordance with the following:

(1) No later than twelve (12) months after a decennial United States Census is released to the public, each entity shall use the collection and tabulation categories for the Asian population groups as they are reported by the United States Census Bureau as well as people with disabilities and English language learners.

(2) The categories used by each entity for Asian population, to the extent not already required pursuant to this section shall always include, but not be limited to, the following Asian ethnic groups:

(i) Cambodian, Filipino, Hmong, Laotian, Vietnamese, and other Southeast Asian ethnic groups.

(3) Until the release of the next decennial United States Census following the enactment of this chapter, each entity shall use the enhanced data collection and tabulation categories that the entity was previously required to use.

(4) Each entity shall comply with the Family Educational Rights and Privacy Act, (20 U.S.C. §1232g, 34 CFR Part 99) and shall observe criteria for ensuring statistical significance of data collected and published.
(i) Districts reporting data with a student group that has too few students, as defined by a minimum size of ten (10), for evaluation must be notated.

(5) Each entity shall cross-tabulate data of student outcome by gender, disability and English proficiency for all students.

(6) Each entity shall make the demographic data publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the applicable entity's website by July 1, 2018 and shall update the data annually thereafter. This subsection shall not be construed to prevent any other state agency from posting data collected on the state agency's website, in a matter prescribed by this section.

(b) This chapter shall only apply to the collection of data for students in the public elementary and secondary education system. It does not apply to the demographic data of students participating in postsecondary education.

(c) If the state determines that this chapter contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

REGULATIONS
No relevant regulations found.
**Student Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers**

**Authority and power to implement school arrest**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Certification or training**

**LAWS**

§ 16-7.2-6. Categorical programs, state funded expenses.

(i) State support for school resource officers. For purposes of this subsection, a school resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority who is deployed by an employing police department or agency in a community-oriented policing assignment to work in collaboration with one or more schools. School resource officers should have completed at least forty (40) hours of specialized training in school policing, administered by an accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3) years, school districts or municipalities that choose to employ school resource officers shall receive direct state support for costs associated with employing such officers at public middle and high schools. Districts or municipalities shall be reimbursed an amount equal to one-half (1/2) of the cost of salaries and benefits for the qualifying positions. Funding will be provided for school resource officer positions established on or after July 1, 2018, provided that:

1. Each school resource officer shall be assigned to one school:
   1. Schools with enrollments below one thousand twelve hundred (1,200) students shall require one school resource officer;
   2. Schools with enrollments of one thousand twelve hundred (1,200) or more students shall require two school resource officers;

2. School resource officers hired in excess of the requirement noted above shall not be eligible for reimbursement; and

3. Schools that eliminate existing school resource officer positions and create new positions under this provision shall not be eligible for reimbursement; and

(j) Categorical programs defined in (a) through (g) shall be funded pursuant to the transition plan in § 16-7.2-7.

**REGULATIONS**
No relevant regulations found.
MOUs, authorization, and/or funding

LAWS

§ 16-7.2-6. Categorical programs, state funded expenses.
(i) State support for school resource officers. For purposes of this subsection, a school resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority who is deployed by an employing police department or agency in a community-oriented policing assignment to work in collaboration with one or more schools. School resource officers should have completed at least forty (40) hours of specialized training in school policing, administered by an accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3) years, school districts or municipalities that choose to employ school resource officers shall receive direct state support for costs associated with employing such officers at public middle and high schools. Districts or municipalities shall be reimbursed an amount equal to one-half (1/2) of the cost of salaries and benefits for the qualifying positions. Funding will be provided for school resource officer positions established on or after July 1, 2018, provided that:

(1) Each school resource officer shall be assigned to one school:
   (i) Schools with enrollments below one thousand twelve hundred (1,200) students shall require one school resource officer;
   (ii) Schools with enrollments of one thousand twelve hundred (1,200) or more students shall require two school resource officers;
(2) School resource officers hired in excess of the requirement noted above shall not be eligible for reimbursement; and
(3) Schools that eliminate existing school resource officer positions and create new positions under this provision shall not be eligible for reimbursement; and
(j) Categorical programs defined in (a) through (g) shall be funded pursuant to the transition plan in § 16-7.2-7.

§ 16-19.3. Appointment and compensation of truant officers - Supplies and assistance - Joint officers - Tenure.

The school committee of each city or town shall annually in the month of December appoint one or more persons as truant officers, who shall by virtue of their appointment be clothed with the power of special constables, and fix their compensation, which shall be payable from the appropriation for public schools. The school committee may also furnish all necessary supplies and clerical assistance for the proper and efficient performance of the duties of the truant officer. The school committee of two (2) or more cities or towns may appoint the same truant officer or officers, and any school committee that appoints other employees on a different tenure of office than annual appointments may appoint truant officers on a similar tenure in lieu of the annual appointment mentioned in this section and may fix their compensation from time to time.

§ 16-21.5-1. Legislative intent.

(a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.
(b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.
(c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.

(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

REGULATIONS

200-RICR-20-10-1 Section 1.3.2. Supportive and nurturing school community.
F. Positive Behavioral Supports and Discipline

1. Each LEA shall ensure that schools promote a positive climate with emphasis on mutual respect, self-control, good attendance, order and organization, and proper security. Each LEA shall develop protocols that define a set of discipline strategies and constructs that ensure that students and adults make positive behavioral choices and that are conducive to a safe and nurturing environment that promotes academic success.

2. Each LEA shall ensure that:

d. Schools have a clearly delineated system for ensuring compulsory attendance for children six (6) to sixteen (16) that includes:
   (3) The appointment of truant (or attendance) officers whose duties shall include referring truant students to appropriate school support services and procedures for enforcing any given case through civil action filed in Family Court;

200-RICR-30-10-2 Section 2.7. Investigation.
A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.
State Education Agency Support

State model policies and implementation support

LAWS

§ 16-21-23.1. Model school safety plans and checklists - Development and dissemination.
(a) It shall be the duty of the department of elementary and secondary education to collaborate with the Rhode Island emergency management agency, state police, state fire marshal, the department of behavioral health, developmental disabilities, and hospitals, and other safety officials to develop a model school safety plan to be consulted by school safety teams in accordance with § 16-21-23. This model plan shall be based on best practices in school safety planning and the department of elementary and secondary education shall communicate the plan electronically to all school committees and school safety teams in the state.
(b) It shall be the duty of the department of elementary and secondary education to develop and disseminate school safety checklists that school districts can use on a regular basis and at least annually to assess the strengths and weaknesses of school safety in accordance with § 16-21-24. The checklists shall incorporate best practices in school safety planning and the department of elementary and secondary education shall communicate the plan electronically to all school committees and school safety teams in the state.

REGULATIONS

200-RICR-30-10-2 Section 2.1. Introduction.
2.1.1. Authority and purpose
This Statewide Bullying Policy is promulgated pursuant to the authority set forth in R.I. Gen. Laws § 16-21-34. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student’s health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified statewide approach to the prohibition of bullying at school.

200-RICR-30-10-2 Section 2.2. Definitions.
A. “Bullying” means:
1. The use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:
   a. Causes physical or emotional harm to the student or damage to the student’s property;
   b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
   c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
   d. Infringes on the rights of the student to participate in school activities; or,
   e. Materially and substantially disrupts the education process or the orderly operation of a school.
2. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:
   a. Race;
   b. Color;
c. Religion;
d. Ancestry;
e. National origin;
f. Gender;
g. Sexual orientation;
h. Gender identity and expression;
i. Mental, physical, or sensory disability, intellectual ability; or,
j. By any other distinguishing characteristic.

3. Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).

B. “Cyber-bullying” means:
   1. Bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.
   2. Forms of cyber-bullying may include but are not limited to:
      a. The creation of a web page or blog in which the creator assumes the identity of another person;
      b. The knowing impersonation of another person as the author of posted content or messages; or,
      c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in §§ 2.2(A)(1)(a) through (e) of this Part.

C. "At school" means:
   1. On school premises;
   2. At any school-sponsored activity or event whether or not it is held on school premises;
   3. On a school-transportation vehicle;
   4. At an official school bus stop;
   5. Using property or equipment provided by the school; or,
   6. Acts which create a material and substantial disruption of the education process or the orderly operation of the school.

200-RICR-30-10-2 Section 2.3. School climate.
A. Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute. R.I. Gen. Laws §§ 16-19-1 and 16-19-2.
B. School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies.
C. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted.
D. Students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.
200-RICR-30-10-2 Section 2.4. Policy oversight and responsibility.
A. The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.
B. The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.
C. For public schools, the prevention of bullying shall be part of the school district strategic plan and school safety plan. R.I. Gen. Laws §§ 16-7.1-2(e); 16-21-24.

200-RICR-30-10-2 Section 2.5. Information dissemination.
A. The school principal, director or head of school shall ensure that students, staff, volunteers, and parents/legal guardians are provided information regarding this Policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.
B. This Policy shall be:
   1. Distributed annually to students, staff, volunteers, and parents/legal guardians;
   2. Included in student codes of conduct, disciplinary policies, and student handbooks;
   3. A prominently posted link on the home page of the school /district website.

200-RICR-30-10-2 Section 2.7. Investigation.
A. The school principal, director or head of school shall promptly investigate all allegations of bullying, harassment, or intimidation. If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.
B. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.
C. Police Notification:
   1. Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.
D. Protection:
   1. If a student is the victim of serious or persistent bullying:
      a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
      b. The interventions will be developed, if possible, with input from the student, his or her parent or guardian, and staff.
      c. The parents/ guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation.

200-RICR-30-10-2 Section 2.8. Disciplinary action.
A. The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying behavior.
B. The range of disciplinary actions that may be taken against a perpetrator for bullying, cyberbullying or retaliation shall include, but not be limited to:

1. Admonitions and warnings;
2. Parental/Guardian notification and meetings;
3. Detention;
4. In-school suspension;
5. Loss of school-provided transportation or loss of student parking pass;
6. Loss of the opportunity to participate in extracurricular activities;
7. Loss of the opportunity to participate in school social activities;
8. Loss of the opportunity to participate in graduation exercises or middle school promotional activities;
9. Police contact; or,
10. School suspension, though no student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

200-RICR-30-10-2 Section 2.9. Social services or counseling.
Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

200-RICR-30-10-2 Section 2.10. Social networking.
Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

200-RICR-30-10-2 Section 2.11. Other redress.
This section does not prevent a victim of bullying, cyberbullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

200-RICR-30-10-2 Section 2.12. Adoption of policy.

Funding appropriations

LAWS

§ 16-21.2-4. Substance abuse prevention program.
(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall provide grants to assist in the planning, establishment, and operation of substance abuse prevention programs. Grants under this section shall be made to municipal governments or their designated agents according to the following guidelines:

(1) The maximum grant shall be one hundred twenty-five thousand dollars ($125,000); provided, however, in the event that available funding exceeds $1.6 million in a fiscal year, those surplus funds are to be divided proportionately among the cities and towns on a per capita basis but in no event shall the city of Providence exceed a maximum grant cap of $175,000.00.

(2) In order to obtain a grant, the municipality or its designated agent must in the first year:
(i) Demonstrate the municipality’s need for a comprehensive substance abuse program in the areas of prevention and education.

(ii) Demonstrate that the municipality has established by appropriate legislative or executive action, a substance abuse prevention council which shall assist in assessing the needs and resources of the community, developing a three (3) year plan of action addressing the identified needs, the operation and implementation of the overall substance abuse prevention program; coordinating existing services such as law enforcement, prevention, treatment, and education; consisting of representatives of the municipal government, representatives of the school system, parents, and human service providers.

(iii) Demonstrate the municipality's ability to develop a plan of implementation of a comprehensive three (3) year substance abuse prevention program based on the specific needs of the community to include high risk populations of adolescents, children of substance abusers, and primary education school aged children.

(iv) Agree to conduct a survey/questionnaire of the student population designed to establish the extent of the use and abuse of drugs and alcohol in students throughout the local community's school population.

(v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will be contributed either in cash or in-kind by public or private resources within the municipality.

(b) The department of behavioral healthcare, developmental disabilities and hospitals shall adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

§ 16-21.2-5. Funding of substance abuse prevention program

(a) Money to fund the Rhode Island Substance Abuse Prevention Act shall be appropriated from state general revenues and shall be raised by assessing an additional penalty of thirty dollars ($30.00) for all speeding violations as set forth in § 31-43-5.1. The money shall be deposited as general revenues. The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums appropriated for the purpose of administering the substance abuse prevention program.

(b) Grants made under this chapter shall not exceed money available in the substance abuse prevention program.

§ 16-21.3-2. Junior high/middle school student assistance program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services in junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

§ 16-21.3-3. Funding of junior high/middle school student assistance program.

(a) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars ($30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the junior high/middle school student assistance fund to the department
of behavioral healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance Junior High/Middle School Act.

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.


There is hereby created and established a program to be known as the "health education, alcohol, and substance abuse prevention program", which shall be funded annually by the general assembly. All moneys now or hereafter in the health education, alcohol, and substance abuse prevention program are hereby appropriated for the purpose of establishing continuous health education programs dealing primarily in the areas of alcohol and substance abuse for students in grades kindergarten (K) through twelve (12). The department of behavioral healthcare, developmental disabilities and hospitals and the department of elementary and secondary education are charged with administration of the program for the purposes specified in this section. Independent evaluation of the programs in grades kindergarten (K) through twelve (12) shall be made annually. Funds for evaluation shall emanate from the health education, alcohol, and substance abuse appropriations. Claims against the funds shall be examined, audited, and allowed in the manner now or hereafter provided by law.

REGULATIONS

No relevant regulations found.
Professional immunity or liability

LAWS

§ 16-12-10. Immunity for reports of suspected substance abuse.
Any teacher, school administrator, school guidance counselor, school psychologist, school drug counselor, school nurse, supervisor of attendance, attendance teacher, or attendance officer having reasonable cause to suspect that an elementary or secondary school student is abusing a controlled substance or alcohol, or is under the influence of a dangerous drug or alcohol, or has in his or her possession a controlled substance or alcohol, who reports this information to the appropriate elementary or secondary school officials pursuant to the school's drug policy, or if the school has no drug policy to the school's principal or the parents of the student under eighteen (18) years of age, or to a police agency, shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of the report.

(b) School committees, school personnel, or volunteers organized pursuant to this section shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give the notice required by this section.

§ 16-21-16. Students suspected of narcotic addiction.
Any teacher having reasonable cause to suspect that a secondary or elementary student under eighteen (18) years of age is addicted to a narcotic drug or under the influence of a dangerous drug who reports this information to the appropriate secondary or elementary school officials pursuant to the school's drug policy, or if the school has no drug policy to the school's principal or the parents of the student under eighteen (18) years of age, shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of the report.

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures: [...] (16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification[...]

REGULATIONS

200-RICR-30-10-2 Section 2.6. Reporting.
H. False Reporting/Accusations:
1. A school employee, school volunteer or student who knowingly makes a false accusation of bullying or retaliation shall be disciplined in accordance with the school behavior code.
I. Reports in Good Faith:
   1. A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school’s policy shall be immune from a cause of action for damages arising from reporting bullying.

**Community input or involvement**

**LAWS**

§ 16-21-20. Alternative placement and prevention activities.
The department of elementary and secondary education in conjunction with the attorney general’s task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended under the provision of § 16-21-18. The placements shall be cooperative efforts between the local school district, which shall be responsible for instruction of students, and other appropriate state and local agencies. Further, the department of elementary and secondary education in conjunction with the attorney general’s task force shall establish policies in support of locally developed prevention and education activities that include broad parent, teacher, and community involvement.

§ 16-21-5-1. Legislative intent.
(a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.
(b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.
(c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.
(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

(a) There is established in the Rhode Island justice commission the gang violence prevention advisory committee. The committee exists as a permanent sub-committee of the Rhode Island justice commission, juvenile justice advisory committee. The committee shall be composed of members of the Rhode Island justice commission, juvenile justice advisory committee, which currently exists within the Rhode Island justice commission and is charged by the governor and the office of juvenile justice and delinquency prevention, to address issues relating to delinquency and youth violence within the state. Membership qualifications are described in subparagraphs (i) - (iii) of § 223(A)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. § 5633(a)(A)(i) - (iii)] as amended. The function and structure of this committee along with its historic activities in gang intervention/prevention will enable it to carry out the intent of this section.
(b) The gang violence prevention advisory committee shall coordinate, review, purpose and oversee gang prevention, intervention, and suppression programs on a state level. The committee shall also coordinate with Rhode Island justice commission in efforts to obtain federal funds, grants, or other appropriations necessary and useful to carry out the purpose of this section.
G. Student, Family, and Community Engagement

1. Students can offer viable solutions to some of the policy, program, and funding challenges our changing schools face. In addition, it is both possible and desirable to create structures and processes to facilitate student engagement at the district and school levels. Each LEA, therefore, shall:
   a. Establish policies, processes, and procedures that facilitate regular (i.e., at least quarterly) participation of a representative group of school youth in discussions regarding how to improve the school environment, curriculum, and instruction to ensure increased access to challenging, hands-on learning experiences and supports and to ensure student success on state and local achievement measures;
   b. Document the process of selection and orientation of these youth as well as the proposals that they put forth, how these proposals were evaluated, and the extent to which they were incorporated in LEA decision-making; and
   c. Authorize and support youth led events to solicit input from and provide feedback to the larger school community.

2. Each LEA shall provide a broad spectrum of activities, programs, and services that directly involve families in their children’s education and personally engage families in the school. Therefore, each LEA shall adopt the national Parent-Teacher Association (PTA) Standards for Parent/Family Involvement Programs, which state:
   a. Communication: Communication between home and school is regular, two-way, and meaningful;
   b. Parenting: Parenting skills are promoted and supported;
   c. Student Learning: Parents play an integral role in assisting student learning;
   d. Volunteering: Parents are welcome in the school, and their support and assistance are sought; and
   e. School Decision Making and Advocacy: Parents are full partners in the decisions that affect children and families.

3. Each LEA shall facilitate partnerships with community organizations and agencies, municipal entities, and businesses to meet the needs of students and families. Therefore, each LEA shall establish communication strategies that will engage community partners, including:
   a. Ensuring community representation on the school improvement team or other decision-making teams;
   b. Identifying and recruiting businesses to provide career exploration activities for students;
   c. Soliciting community organizations or business members to mentor students;
   d. Facilitating on-site services of local organizations at the school, e.g. counseling, food pantry, tax assistance, legal aid; and
   e. Recruiting volunteers from community organizations and businesses.

B. Health Services
1. Each LEA shall implement and comply with the requirements of the Health Services section of the Rules and Regulations for School Health Programs, addressing school health staff, health and dental screenings, physical examinations, records review and maintenance, medication administration, emergency care, chronic disease care, compliance with immunization regulations, and compliance with any other state or federal health related regulations and statutes.

C. Psychological and Mental Health Services

1. Mental and emotional health issues directly impede students’ abilities to learn. Such issues include bullying, alcohol and drug abuse, depression, anxiety, and domestic violence, as well as psychiatric disorders.

2. Therefore, each LEA shall:
   a. Ensure that students have access to a coordinated program of culturally and linguistically responsive psychological and mental health services, on site or through effective referral systems;
   b. Ensure that school psychological and mental health services will be provided by appropriately credentialed, high quality staff. Services must provide for identification of risks and assessment of service needs; primary prevention; individual, family, and group counseling; consultative services; and resource and service coordination; and
   c. To the extent practicable, ensure that schools coordinate with community youth development, prevention, and treatment efforts.

D. Social Services

1. Research indicates that when families’ basic needs are met, there is a higher likelihood that the students will succeed in school. Therefore, each LEA shall ensure that effective outreach strategies will be utilized to support families’ access to health and social services through on-site services and/or through effective referral systems to. These strategies shall:
   a. Be driven by needs identified through school and community data;
   b. Be family centered;
   c. Be provided in a respectful and culturally responsive manner;
   d. Be provided in the family’s native language, to the extent practicable;
   e. Address a comprehensive array of issues, including but not limited to hunger, housing, homelessness, health insurance, employment, pregnant and parenting teens, family illness, child abuse and domestic violence, legal issues, and issues related to foster care and Department of Children, Youth and Families (DCYF) custody; and
   f. Help families to navigate social service systems and access community resources.

E. Physical Activity and Nutrition Services

1. Research shows that students are better able to learn when they are engaged in regular physical activity and receive adequate and proper nutrition. Therefore, each LEA shall:
   a. Ensure the provision of statutorily required, standards-based instruction in physical education;
   b. Implement a policy for physical activity and nutrition and a plan to address the physical activity and nutrition needs of students;
   c. Provide daily recess opportunities for students in grades Kindergarten through grade 5;
   d. Provide a variety of physical activity opportunities to students in grades 6 through 12, such as stretch breaks, dance programs or classes, intramural athletics, interscholastic athletics, or other activities; and
   e. Ensure that schools implement and comply with state and federal statutes and regulations that promote good nutrition, including those related to school food service programs and snacks.
F. School Safety Planning and Emergency Procedures

1. Each LEA shall protect the health and safety of students and staff, through the implementation of comprehensive school safety planning and the development of emergency procedures to address a wide range of potential emergency situations, including, but not limited to, incidents of fire, natural disasters, violence, disease related crises or epidemics, terrorism, and hazardous material spills.

2. Each LEA shall develop plans that include prevention, planning, communication, response, and recovery. School and district personnel shall work with state and local emergency personnel, as appropriate, in the planning and implementation of safety plans.

**Other or Uncategorized**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Rhode Island provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<td>Bullying and School Violence, Rhode Island Department of Education (RIDE)</td>
<td>Provides an overview of Bullying and School Violence in Rhode Island schools and includes links to RI Statewide Bullying policy, data about bullying in schools via SurveyWorks! and data about violence in schools through CDC Youth Risk Behavior Surveillance System (YRBSS).</td>
<td><a href="http://www.ride.ri.gov/StudentsFamilies/HealthSafety/BullyingSchoolViolence.aspx">http://www.ride.ri.gov/StudentsFamilies/HealthSafety/BullyingSchoolViolence.aspx</a></td>
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<tr>
<td>Discipline in Schools, RIDE</td>
<td>Addresses effective teaching and learning and reducing the need for disciplinary action. Suspension data and research on out of school placements as well as prevention of suspension and alternatives to out-of-school suspensions.</td>
<td><a href="http://www.ride.ri.gov/StudentsFamilies/HealthSafety/DisciplineinSchools.aspx">http://www.ride.ri.gov/StudentsFamilies/HealthSafety/DisciplineinSchools.aspx</a></td>
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<tr>
<td>Health &amp; Safety, RIDE</td>
<td>Addresses health and safety in Rhode Island schools and provides links to subtopics such as bullying &amp; school violence, social &amp; emotional learning, discipline in schools, and limiting physical restraint.</td>
<td><a href="https://www.ride.ri.gov/StudentsFamilies/HealthSafety.aspx">https://www.ride.ri.gov/StudentsFamilies/HealthSafety.aspx</a></td>
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<td>Limiting the Use of Physical Restraint, RIDE</td>
<td>Provides tools and resources on physical restraint and includes links to the sample incident report form, district policy template, and responsibilities of districts and schools.</td>
<td><a href="http://www.ride.ri.gov/StudentsFamilies/HealthSafety/LimitingPhysicalRestraint.aspx">http://www.ride.ri.gov/StudentsFamilies/HealthSafety/LimitingPhysicalRestraint.aspx</a></td>
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<td>Rhode Island Coordinated School Health - thriveRI, RIDE</td>
<td>Present infrastructure supports to state, school, and community partners and provides information related to school health including school safety, bullying, and discipline.</td>
<td><a href="http://www.thriveri.org/index.html">http://www.thriveri.org/index.html</a></td>
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<td>Social &amp; Emotional Learning (SEL), RIDE</td>
<td>Provides an overview of standards, indicators, and resources for social emotional learning.</td>
<td><a href="https://www.ride.ri.gov/StudentsFamilies/HealthSafety/SocialEmotionalLearning.aspx">https://www.ride.ri.gov/StudentsFamilies/HealthSafety/SocialEmotionalLearning.aspx</a></td>
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<td>A Guide to Preventing Bullying, Teen Dating Violence, and Sexual Violence in Rhode Island Schools (Amended 2012), RIDE</td>
<td>Guidance document for districts to develop in every school a response and prevention strategy that engages and empowers administration, faculty, students and parents to take action against abuse.</td>
<td><a href="http://www.thriveri.org/documents/GUIDE_Bullying_TDVSV_Amended2012.pdf">http://www.thriveri.org/documents/GUIDE_Bullying_TDVSV_Amended2012.pdf</a></td>
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<tr>
<td>Statewide Bullying Policy (June 2012), RIDE</td>
<td>Policy, known as the Safe Schools Act, addressing bullying in Rhode Island schools.</td>
<td><a href="https://www.ride.ri.gov/Portals/0/Uploade...Health-Safety/RI-Statewide-Bullying-Policy.pdf">https://www.ride.ri.gov/Portals/0/Uploade...Health-Safety/RI-Statewide-Bullying-Policy.pdf</a></td>
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<td>Student Reports of Bullying by School, RI DataHUB</td>
<td>Report examines the prevalence of bullying in RI public schools and focuses on the types of bullying students are experiencing, the reasons they are being bullied, if they report the bullying and if they feel safe.</td>
<td><a href="http://ridatahub.org/datamart/student-reports-of-bullying-by-school/?defaults=/weave_docroot/sw_bullying_rpt3.xml">http://ridatahub.org/datamart/student-reports-of-bullying-by-school/?defaults=/weave_docroot/sw_bullying_rpt3.xml</a></td>
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<td>School Removals Flow Chart, RIDE</td>
<td>Flow chart for understanding the policies, procedures, and requirements to remove a student from school as part of a disciplinary action.</td>
<td><a href="https://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Health-Safety/Discipline/School-Removals-Procedures-Requirements.pdf">https://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Health-Safety/Discipline/School-Removals-Procedures-Requirements.pdf</a></td>
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South Carolina
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Title 16. Crimes and Offenses

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Chapter 63. Pupils Generally

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59-63-120. Definitions
59-63-130. Prohibited conduct; reports by witnesses.
59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs
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South Carolina Regulations

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General Provisions

Authority to develop and establish rules of conduct

LAWS

59-5-60. General powers of Board.
The State Board of Education shall have the power to:

(1) Adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools.

59-5-65. Powers and responsibilities of State Board of Education.
The State Board of Education shall have the power and responsibility to:

(1) Establish on or before August 15, 1985, regulations prescribing minimum standards of conduct and behavior that must be met by all pupils as a condition to the right of pupils to attend the public schools of the State. The rules shall take into account the necessity of proper conduct on the part of all pupils in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that the rules may result in suspension or expulsion of pupils, provided, however, that disciplinary procedures shall be in compliance with Public Law 94-142.

(2) Promulgate on or before August 15, 1985, regulations prescribing a uniform system of minimum enforcement by the various school districts of the rules of conduct and behavior.

(3) Promulgate rules prescribing scholastic standards of achievement. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted. School districts may impose additional standards of conduct and may impose additional penalties for the violation of such standards of behavior, provided, however, that disciplinary procedures shall be in compliance with Public Law 94-142;

(4) Establish on or before July 1, 1985, regulations prescribing a uniform system of enforcement by the various school districts of the state compulsory attendance laws and regulations promulgated pursuant to 59-65-90.

59-17-135. Character education.
(B) Each local school board of trustees of the State must develop a policy addressing character education. Any character education program implemented by a district as a result of an adopted policy must, to the extent possible, incorporate character traits including, but not limited to, the following: respect for authority and respect for others, honesty, self-control, cleanliness, courtesy, good manners, cooperation, citizenship, patriotism, courage, fairness, kindness, self-respect, compassion, diligence, good work ethics, sound educational habits, generosity, punctuality, cheerfulness, patience, sportsmanship, loyalty, and virtue. Local school boards must include all sectors of the community, as referenced in subsection (A)(4), in the development of a policy and in the development of any program implemented as a result of the policy. As part of any policy and program developed by the local school board, an evaluation component must be included.

The board of trustees shall also:

(3) Promulgate rules and regulations. Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such
pupils to attend the public schools of such district. The rules shall take into account the necessity of proper conduct on the part of all pupils and the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that such rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of such pupils;

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.

(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

(B) The policy must include, but not be limited to, the following components:

1. a statement prohibiting harassment, intimidation, or bullying of a student;

2. a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59 63 120;

3. a description of appropriate student behavior;

4. consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;

5. procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;

6. procedures for prompt investigation of reports of serious violations and complaints;

7. a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;

8. consequences and appropriate remedial action for persons found to have falsely accused another;

9. a process for discussing the district's harassment, intimidation, or bullying policy with students; and

10. a statement of how the policy is to be publicized, including notice that the policy applies to participation in school sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.
**59-63-220. Suspension of pupils by administrator.**
Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a hearing is granted within twenty four hours of the suspension.

**59-63-280. "Paging device" defined; adoption of policies addressing student possession.**
(A) For purposes of this section, "paging device" means a telecommunications, to include mobile telephones, device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

(B) The board of trustees of each school district shall adopt a policy that addresses student possession of paging devices as defined in subsection (A). This policy must be included in the district's written student conduct standards. If the policy includes confiscation of a paging device, as defined in subsection (A), it should also provide for the return of the device to the owner.

**59-63-1330. Discretion of school board.**
Nothing in this article shall abrogate the authority of any public school district and its governing board to take such disciplinary action as it is otherwise empowered by law to take against any student for misconduct including, but not limited to, expulsion, and nothing in this chapter shall require that any student be assigned to such an alternative school. These decisions shall rest solely in the discretion of the district and school board, regardless of the offense, record of the child, or other information presented from any source.

**REGULATIONS**

**43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.**

I. Previously Adopted School District Discipline Policies
This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

**Scope**

**LAWS**
No relevant laws found.

**REGULATIONS**

**43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.**

I. Expectations for Student Conduct in South Carolina Public Schools
The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of
United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies

This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

III. Levels of Student Misconduct

A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.

B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.

C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.

D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.

E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.

IV. Minimum Standards

A. Behavioral Misconduct-Level I

1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of behavioral misconduct shall include, but are not limited to:
   a. Classroom tardiness;
   b. Cheating on examinations or classroom assignments;
   c. Lying;
   d. Abusive language between or among students;
   e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);
   f. Use of forged notes or excuses;
   g. Cutting class;
   h. School tardiness;
   i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);
   j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication
device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;

k. Other acts of behavioral misconduct as determined and communicated by local school authorities

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:

a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.

b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.

c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.

d. A complete record of the procedures shall be maintained.

4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:

a. Verbal reprimand;

b. Withdrawal of privileges;

c. Demerits;

d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);

e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct - Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:

a. Violation of a Level I intervention plan and/or behavioral contract;

b. Use of an intoxicant;

c. Fighting;

d. Vandalism (minor);

e. Stealing;

f. Threats against others;

g. Trespass;

h. Abusive language to staff;

i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);

j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
l. Unlawful assembly;
m. Disrupting lawful assembly;
n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
b. The administrator shall notify the parent or guardian of the student’s misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student’s misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
   (1) self-admittance by the student
   (2) witnessed involvement of the student by school administrators’ staff
   (3) parental admission of student involvement
   (4) evidence obtained through investigation by school administrators and staff

c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.
d. The administrator or other school officials may refer Level II misconduct to the School Resource Office or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.

e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
a. Temporary removal from class;
b. Alternative education program;
c. In-school suspension;
d. Out-of-school suspension;
e. Transfer;
f. Referral to outside agency;
g. Expulsion;
h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer
or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student's parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
   d. Established due process procedures shall be followed when applicable.
   e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
   d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances

1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.
2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

V. Discipline of Students with Disabilities

For additional information regarding Disciplinary Procedures for students with disabilities, see Reg.43-243.

VI. Other Areas of Student Conduct Which May Be Regulated by Local School Board Policy

A. Other areas of student conduct which are subject to regulation by local school boards include, but are not limited to:
   1. School attendance;
   2. Use of and access to public school property;
   3. Student dress and personal appearance;
   4. Speech and assembly within the public schools;
   5. Publications produced and/or distributed in the public schools;
   6. The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
   7. Other activities not in conflict with existing state statutes or regulations as approved and communicated by the local school authorities.

B. Rules of student conduct are required by state and federal law to be reasonable exercises of the local school board’s authority in pursuance of legitimate educational and related functions and shall not infringe upon students’ constitutional rights.

Communication of policy

LAWS

59-5-65. Powers and responsibilities of State Board of Education.

The State Board of Education shall have the power and responsibility to:

(15) Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools’ safety strengths and weaknesses. The checklist must include:

   (a) the existence of a comprehensive safety plan;
   (b) communication of discipline policies and procedures;
   (c) intraagency and interagency emergency planning;
   (d) recording of disruptive incidents;
   (e) training of staff and students;
   (f) assessment of buildings and grounds;
   (g) procedures for handling visitors;
   (h) assignment of personnel in emergencies;
   (i) emergency communication and management procedures; and
   (j) transportation rules and accident procedures.

(16) consult with the Department of Agricultural Education of Clemson University at all steps in the development of any state plan prepared to satisfy any federal requirement related to the Carl Perkins
Vocational and Applied Technology and Education Act or any successor federal law, including, but not limited to, the allocation or distribution of funds under this federal act.

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.
(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

59-63-1160. Posting of notice; costs of notice to be paid by State; effect of failure to post notice.
Notice must be conspicuously posted on school property informing the provisions of this article. The notice must be posted at least at all regular entrances and any other access point to the school grounds. The costs of posting the notice required by this section must be paid by the State. No school or school district shall be required to incur any financial obligation for complying with the notice requirements contained in this section. The failure to post the notice provided in this section shall not constitute a defense to any civil action or criminal prosecution and shall not constitute grounds for any legal liability.

REGULATIONS

43-166. Student and school safety.
A. School Safety Assessment
1. The State Department of Education shall develop a Model Safe Schools Checklist designed to assess schools' safety strengths and weaknesses. The checklist must include items addressing the following topics:
   a. the existence of a comprehensive safety plan;
   b. communication of discipline policies and procedures;
   c. intra-agency and interagency emergency planning;
   d. recording of disruptive incidents;
   e. training of staff and students;
   f. assessment of buildings and grounds;
   g. procedures for handling visitors;
   h. assignment of personnel in emergencies;
   i. emergency communication and management procedures; and
   j. transportation rules and accident procedures.
2. The State Department of Education shall submit the checklist to the State Board of Education for approval prior to dissemination to the school districts. The checklist may be revised on an annual basis by the State Board of Education in compliance with relevant provisions of the Safe Schools Act of 1990.
3. Prior to September 30 of each school year, the State Department of Education shall disseminate a copy of the model safe schools checklist to every public school district in the state.
4. School districts shall be advised by the Department of Education of the requirement to use a safe schools checklist in compliance with Section 59-5-65, S.C. Code of Laws, 1976. This safety assessment should be part of the comprehensive needs assessment conducted for school improvement purposes in compliance with Section 59-20-60(4)(d), S.C. Code of Laws, 1976. In particular, a safe schools check list should be utilized in determining "school climate" needs, one of the six indicators of school effectiveness.
B. First Aid Supplies. Each school shall provide adequate first aid supplies and equipment.

C. Support for Authorities. The Board urges all citizens to continue their active and vigorous support of the local school and civil authorities in insuring the personal safety and security of all students and teachers.

D. Emergency and Disaster Plans. A plan shall be designed to provide for the protection and welfare of students in the event of any disaster (tornado, hurricane, fire, etc.) which threatens to involve the school community. Each school shall conduct at least one emergency drill within the first month of school to insure safety against such disasters.

E. Guidelines will be developed by the State Department of Education which will refer to statutory provisions relating to school safety, as well as additional information. The State Department of Education will review and update these guidelines as needed.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.
I. Expectations for Student Conduct in South Carolina Public Schools
The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies
This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

III. Levels of Student Misconduct
A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.
B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.
C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.
D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.
E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.

IV. Minimum Standards
A. Behavioral Misconduct-Level I
1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation
apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of behavioral misconduct shall include, but are not limited to:
   a. Classroom tardiness;
   b. Cheating on examinations or classroom assignments;
   c. Lying;
   d. Abusive language between or among students;
   e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);
   f. Use of forged notes or excuses;
   g. Cutting class;
   h. School tardiness;
   i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);
   j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;
   k. Other acts of behavioral misconduct as determined and communicated by local school authorities

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:
   a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.
   b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.
   c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.
   d. A complete record of the procedures shall be maintained.

4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:
   a. Verbal reprimand;
   b. Withdrawal of privileges;
   c. Demerits;
   d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);
   e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct-Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The
provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:
   a. Violation of a Level I intervention plan and/or behavioral contract;
   b. Use of an intoxicant;
   c. Fighting;
   d. Vandalism (minor);
   e. Stealing;
   f. Threats against others;
   g. Trespass;
   h. Abusive language to staff;
   i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);
   j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
   k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
   l. Unlawful assembly;
   m. Disrupting lawful assembly;
   n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
   o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
   a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
   b. The administrator shall notify the parent or guardian of the student’s misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student’s misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
      (1) self-admittance by the student
      (2) witnessed involvement of the student by school administrators’ staff
      (3) parental admission of student involvement
      (4) evidence obtained through investigation by school administrators and staff
   c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.
   d. The administrator or other school officials may refer Level II misconduct to the School Resource Officer or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.
   e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
a. Temporary removal from class;
b. Alternative education program;
c. In-school suspension;
d. Out-of-school suspension;
e. Transfer;
f. Referral to outside agency;
g. Expulsion;
h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
d. Established due process procedures shall be followed when applicable.
e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
   d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances

1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

V. Discipline of Students with Disabilities

For additional information regarding Disciplinary Procedures for students with disabilities, see Reg.43-243.

VI. Other Areas of Student Conduct Which May Be Regulated by Local School Board Policy

A. Other areas of student conduct which are subject to regulation by local school boards include, but are not limited to:

   1. School attendance;
   2. Use of and access to public school property;
   3. Student dress and personal appearance;
   4. Speech and assembly within the public schools;
   5. Publications produced and/or distributed in the public schools;
   6. The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
   7. Other activities not in conflict with existing state statutes or regulations as approved and communicated by the local school authorities.

B. Rules of student conduct are required by state and federal law to be reasonable exercises of the local school board’s authority in pursuance of legitimate educational and related functions and shall not infringe upon students’ constitutional rights.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Alternatives to suspension

**LAWS**

59-63-250. Transfer of pupils.
The board or a designated administrator may transfer a pupil to another school in lieu of suspension or expulsion but only after a conference or hearing with the parents or legal guardian. The parents or legal guardian may appeal a transfer made by an administrator to the board.

**REGULATIONS**
No relevant regulations found.

Use of corporal punishment

**LAWS**

The governing body of each school district may provide corporal punishment for any pupil that it deems just and proper.

**REGULATIONS**
No relevant regulations found.

Use of student and locker searches

**LAWS**

59-63-1110. Consent to search person or his effects.
Any person entering the premises of any school in this State shall be deemed to have consented to a reasonable search of his person and effects.

59-63-1120. Searches by school administrators or officials with or without probable cause.
Notwithstanding any other provision of law, school administrators and officials may conduct reasonable searches on school property of lockers, desks, vehicles, and personal belongings such as purses, bookbags, wallets, and satchels with or without probable cause.

59-63-1130. Searches by principals or their designees.
Notwithstanding any other provision of law, school principals or their designees may conduct reasonable searches of the person and property of visitors on school premises.

59-63-1140. Strip searches prohibited.
No school administrator or official may conduct a strip search.

59-63-1150. Compliance with case law; training of school administrators.
Notwithstanding any other provision of this article, all searches conducted pursuant to this article must comply fully with the "reasonableness standard" set forth in New Jersey v. T.L.O., 469 U.S. 328 (1985). All school administrators must receive training in the "reasonableness standard" under existing case law
and in district procedures established to be followed in conducting searches of persons entering the school premises and of the students attending the school.

59-63-1160. Posting of notice; costs of notice to be paid by State; effect of failure to post notice.
Notice must be conspicuously posted on school property informing the provisions of this article. The notice must be posted at least at all regular entrances and any other access point to the school grounds. The costs of posting the notice required by this section must be paid by the State. No school or school district shall be required to incur any financial obligation for complying with the notice requirements contained in this section. The failure to post the notice provided in this section shall not constitute a defense to any civil action or criminal prosecution and shall not constitute grounds for any legal liability.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.
I. Expectations for Student Conduct in South Carolina Public Schools
The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies
This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

III. Levels of Student Misconduct
A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.
B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.
C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.
D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to
expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.

E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.

IV. Minimum Standards

A. Behavioral Misconduct-Level I

1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of behavioral misconduct shall include, but are not limited to:
   a. Classroom tardiness;
   b. Cheating on examinations or classroom assignments;
   c. Lying;
   d. Abusive language between or among students;
   e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);
   f. Use of forged notes or excuses;
   g. Cutting class;
   h. School tardiness;
   i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);
   j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;
   k. Other acts of behavioral misconduct as determined and communicated by local school authorities

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:
   a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.
   b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.
   c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.
   d. A complete record of the procedures shall be maintained.

4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:
   a. Verbal reprimand;
   b. Withdrawal of privileges;
   c. Demerits;
d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);

e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct-Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:
   a. Violation of a Level I intervention plan and/or behavioral contract;
   b. Use of an intoxicant;
   c. Fighting;
   d. Vandalism (minor);
   e. Stealing;
   f. Threats against others;
   g. Trespass;
   h. Abusive language to staff;
   i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);
   j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
   k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
   l. Unlawful assembly;
   m. Disrupting lawful assembly;
   n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
   o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
   a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
   b. The administrator shall notify the parent or guardian of the student’s misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student’s misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
      (1) self-admittance by the student
      (2) witnessed involvement of the student by school administrators’ staff
      (3) parental admission of student involvement
      (4) evidence obtained through investigation by school administrators and staff
c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.

d. The administrator or other school officials may refer Level II misconduct to the School Resource Officer or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.

e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
   a. Temporary removal from class;
   b. Alternative education program;
   c. In-school suspension;
   d. Out-of-school suspension;
   e. Transfer;
   f. Referral to outside agency;
   g. Expulsion;
   h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).
3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
   d. Established due process procedures shall be followed when applicable.
   e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
   d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances
1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.
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V. Discipline of Students with Disabilities
   For additional information regarding Disciplinary Procedures for students with disabilities, see Reg.43-243.

VI. Other Areas of Student Conduct Which May Be Regulated by Local School Board Policy
   A. Other areas of student conduct which are subject to regulation by local school boards include, but are not limited to:
      1. School attendance;
      2. Use of and access to public school property;
      3. Student dress and personal appearance;
      4. Speech and assembly within the public schools;
      5. Publications produced and/or distributed in the public schools;
      6. The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
      7. Other activities not in conflict with existing state statutes or regulations as approved and communicated by the local school authorities.
B. Rules of student conduct are required by state and federal law to be reasonable exercises of the local school board’s authority in pursuance of legitimate educational and related functions and shall not infringe upon students’ constitutional rights.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

I. Expectations for Student Conduct in South Carolina Public Schools

The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies

This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

III. Levels of Student Misconduct

A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.

B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.
C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.

D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.

E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.

IV. Minimum Standards

A. Behavioral Misconduct-Level I

1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of behavioral misconduct shall include, but are not limited to:
   a. Classroom tardiness;
   b. Cheating on examinations or classroom assignments;
   c. Lying;
   d. Abusive language between or among students;
   e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);
   f. Use of forged notes or excuses;
   g. Cutting class;
   h. School tardiness;
   i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);
   j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;
   k. Other acts of behavioral misconduct as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:
   a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.
   b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.
   c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.
   d. A complete record of the procedures shall be maintained.
4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:
   a. Verbal reprimand;
   b. Withdrawal of privileges;
   c. Demerits;
   d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);
   e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct-Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:
   a. Violation of a Level I intervention plan and/or behavioral contract;
   b. Use of an intoxicant;
   c. Fighting;
   d. Vandalism (minor);
   e. Stealing;
   f. Threats against others;
   g. Trespass;
   h. Abusive language to staff;
   i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);
   j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
   k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
   l. Unlawful assembly;
   m. Disrupting lawful assembly;
   n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
   o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
   a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
   b. The administrator shall notify the parent or guardian of the student's misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student's misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
(1) self-admittance by the student
(2) witnessed involvement of the student by school administrators' staff
(3) parental admission of student involvement
(4) evidence obtained through investigation by school administrators and staff

c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.

d. The administrator or other school officials may refer Level II misconduct to the School Resource Officer or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.

e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
   a. Temporary removal from class;
   b. Alternative education program;
   c. In-school suspension;
   d. Out-of-school suspension;
   e. Transfer;
   f. Referral to outside agency;
   g. Expulsion;
   h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);

k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
   d. Established due process procedures shall be followed when applicable.
   e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
   d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances

1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

Grounds for mandatory suspension or expulsion

LAWS

59-63-235. Expulsion of student determined to have brought firearm to school.

The district board must expel for no less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of a local board of trustees. The expulsion must follow the procedures established pursuant to Section 59-63-240. The one-year expulsion is subject to modification by the district superintendent of education on a case-by-case basis. Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting. Each local board of trustees is to establish a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

59-63-220. Suspension of pupils by administrator.

Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a hearing is granted within twenty four hours of the suspension.

59-63-1330. Discretion of school board.

Nothing in this article shall abrogate the authority of any public school district and its governing board to take such disciplinary action as it is otherwise empowered by law to take against any student for misconduct including, but not limited to, expulsion, and nothing in this chapter shall require that any student be assigned to such an alternative school. These decisions shall rest solely in the discretion of the district and school board, regardless of the offense, record of the child, or other information presented from any source.

REGULATIONS

No relevant regulations found.
Administrative procedures related to suspension and expulsion

LAWS

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for a commission of any crime, gross misbehavior, persistent disobedience, or for violation of written rules and regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Every expelled pupil shall have the right to petition for readmission for the succeeding school year. Expulsion or suspension shall be construed to prohibit a pupil from entering the school, or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions or riding a school bus. The provisions of this section shall not preclude enrollment and attendance in any adult or night school.

59-63-220. Suspension of pupils by administrators.

Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a hearing is granted within twenty-four hours of the suspension.

59-63-230. Notices of suspensions; conferences with parents or guardian.

When a pupil is suspended from a class or a school, the administrator shall notify, in writing, the parents or legal guardian of the pupil, giving the reason for such suspension and setting a time and place when the administrator shall be available for a conference with the parents or guardian. The conference shall be set within three days of the date of the suspension. After the conference the parents or legal guardian may appeal the suspension to the board of trustees or to its authorized agent.

59-63-240. Expulsion for remainder of year; hearings.

The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59-63-210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written notification at a time and place designated by the board and a decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.

REGULATIONS

No relevant regulations found.
In-school suspension

LAWS
No relevant laws found.

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.
I. Expectations for Student Conduct in South Carolina Public Schools
The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.
II. Previously Adopted School District Discipline Policies
This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.
III. Levels of Student Misconduct
A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.
B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.
C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.
D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.
E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.
IV. Minimum Standards
A. Behavioral Misconduct-Level I
   1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.
   a. Classroom tardiness;
b. Cheating on examinations or classroom assignments;
c. Lying;
d. Abusive language between or among students;
e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);
f. Use of forged notes or excuses;
g. Cutting class;
h. School tardiness;
i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);
j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;
k. Other acts of behavioral misconduct as determined and communicated by local school authorities

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:
   a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.
   b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.
   c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.
   d. A complete record of the procedures shall be maintained.

4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:
   a. Verbal reprimand;
   b. Withdrawal of privileges;
   c. Demerits;
   d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);
   e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct-Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:
   a. Violation of a Level I intervention plan and/or behavioral contract;
b. Use of an intoxicant;
c. Fighting;
d. Vandalism (minor);
e. Stealing;
f. Threats against others;
g. Trespass;
h. Abusive language to staff;
i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);
j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
l. Unlawful assembly;
m. Disrupting lawful assembly;

n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
   a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
   b. The administrator shall notify the parent or guardian of the student's misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student's misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
      (1) self-admittance by the student
      (2) witnessed involvement of the student by school administrators' staff
      (3) parental admission of student involvement
      (4) evidence obtained through investigation by school administrators and staff
   c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.
   d. The administrator or other school officials may refer Level II misconduct to the School Resource Officer or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.
   e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
   a. Temporary removal from class;
   b. Alternative education program;
   c. In-school suspension;
   d. Out-of-school suspension;
e. Transfer;
f. Referral to outside agency;
g. Expulsion;
h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
   d. Established due process procedures shall be followed when applicable.
   e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
b. Assignment to alternative schools;

c. Expulsion;

d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;

e. Other sanctions as approved by local school authorities.

D. Extemporating, Mitigating or Aggravating Circumstances

1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

V. Discipline of Students with Disabilities

For additional information regarding Disciplinary Procedures for students with disabilities, see Reg.43-243.

VI. Other Areas of Student Conduct Which May Be Regulated by Local School Board Policy

A. Other areas of student conduct which are subject to regulation by local school boards include, but are not limited to:

1. School attendance;
2. Use of and access to public school property;
3. Student dress and personal appearance;
4. Speech and assembly within the public schools;
5. Publications produced and/or distributed in the public schools;
6. The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;
7. Other activities not in conflict with existing state statutes or regulations as approved and communicated by the local school authorities.

B. Rules of student conduct are required by state and federal law to be reasonable exercises of the local school board’s authority in pursuance of legitimate educational and related functions and shall not infringe upon students’ constitutional rights.

Return to school following removal

LAWS

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds,
except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

59-63-217. Barring enrollment of student; grounds; notice and hearing; duration of bar.

(A) In determining whether or not a student meets the standards of conduct and behavior promulgated by the board of trustees necessary for first time enrollment and attendance in a school in the district, the board shall consider nonschool records, the student's disciplinary records in any school in which the student was previously enrolled as these records relate to the adjudication of delinquency in any jurisdiction, within or without this State, of violations or activities which constitute violent crimes under Section 16 1 60, adjudications for assault and battery of a high and aggravated nature, the unlawful use or possession of weapons, or the unlawful sale of drugs whether or not considered to be drug trafficking. Based on this consideration of the student's record, the board may bar his enrollment in the schools of the district.

(B) If the boardbars a student from enrolling pursuant to this section, notice must be provided to the student's parent or legal guardian and the student is entitled to a hearing and all other procedural rights afforded under state law to a student subject to expulsion.

(C) The bar to enrollment allowed by this section applies for a maximum of one year. After the bar is lifted, a student may reapply for enrollment and the board shall order the student enrolled if he otherwise meets enrollment criteria.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or
riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

59-63-1300. Alternative school programs established.

The General Assembly finds that a child who does not complete his education is greatly limited in obtaining employment, achieving his full potential, and becoming a productive member of society. It is, therefore, the intent of this article to encourage district school boards throughout the State to establish alternative school programs. These programs shall be designed to provide appropriate services to students who for behavioral or academic reasons are not benefiting from the regular school program or may be interfering with the learning of others. It is further the intent of this article that cooperative agreements may be developed among school districts in order to implement innovative exemplary programs.

59-63-1320. Referral or placement of students in alternative school programs.

Eligible alternative school programs shall be provided for, but not limited to, students in grades 6-12 as follows:

(1) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the attention and assistance beyond that of a traditional program as established by the academic history of the student, including the student's academic plan as required in Section 59-18-500, and following other policies and procedures for documenting need established by the district board of trustees.

(2) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the program due to habitual exhibitions of disruptive behavior in violation of the student conduct policies and behavior codes approved by the school board of trustees.

Districts must establish clear guidelines and procedures for the referral of any student into an alternative school program and before a decision is made to assign a student to an alternative school program, a determination must be made that the written and distributed academic and disciplinary policies of the district have been followed.

(3) Students placed in an alternative school program by the district board of trustees as an option to suspension or expulsion or by the dispositive order of a family court judge, with the consent of the local board of trustees. However, before a student may be placed in an alternative school program, a determination must be made by the local board that the written and distributed disciplinary policy of the district has been followed. Districts must establish clear guidelines and procedures for the placement of any student into an alternative school program and at a minimum they shall prescribe due process procedures for placement actions.

When students are being considered for placement in an alternative school program, districts must consider the requirements of the Federal Individuals with Disabilities Education Act (IDEA).

If a student placed by the board of trustees in an alternative school program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, information concerning the student's placement in an alternative school program. Upon review of the information, the district in which the student enrolls may continue an alternative education program placement or may allow the student to attend regular classes without completing the period of the placement.
59-63-1330. Discretion of school board.

Nothing in this article shall abrogate the authority of any public school district and its governing board to take such disciplinary action as it is otherwise empowered by law to take against any student for misconduct including, but not limited to, expulsion, and nothing in this chapter shall require that any student be assigned to such an alternative school. These decisions shall rest solely in the discretion of the district and school board, regardless of the offense, record of the child, or other information presented from any source.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

16-23-420. Possession of firearm on school property; concealed weapon.
(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle."
(B) It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.
(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.
(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.
(E) For purposes of this section, the terms 'premises' and 'property' do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.
(F) This section does not apply to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility."

16-23-460. Carrying concealed weapons; forfeiture of weapons.
Any person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days. Nothing herein contained may be construed to apply to (1) persons carrying concealed weapons upon their own premises or pursuant to and in compliance with Article 4 of Chapter 31 of Title 23, or (2) peace officers in the actual discharge of their duties. The provisions of this section do not apply to rifles, shotguns, dirks, slingshots, metal knuckles, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.
**59-63-235. Expulsion of student determined to have brought firearm to school.**

The district board must expel for no less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of a local board of trustees. The expulsion must follow the procedures established pursuant to Section 59-63-240. The one-year expulsion is subject to modification by the district superintendent of education on a case-by-case basis. Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting. Each local board of trustees is to establish a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.

**REGULATIONS**

No relevant regulations found.

**Other weapons**

**LAWS**

**16-23-430. Carrying weapon on school property; concealed weapons.**

(A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

**16-23-460. Carrying concealed weapons; forfeiture of weapons.**

Any person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days. Nothing herein contained may be construed to apply to (1) persons carrying concealed weapons upon their own premises or pursuant to and in compliance with Article 4 of Chapter 31 of Title 23, or (2) peace officers in the actual discharge of their duties. The provisions of this section do not apply to rifles, shotguns, dirks, slingshots, metal knuckles, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.

**REGULATIONS**

No relevant regulations found.
Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS

43-274.1. At-risk students.
I. At-Risk Student Definition
   A. A student at risk of dropping out of school is any student who, because of his or her individual needs, requires temporary or ongoing intervention in order to achieve in school and to graduate with meaningful options for his or her future.
   B. Students depending on their degree of resiliency and connectedness to caring adults in the home, in the community, and/or at school may respond differently to those things frequently cited as barriers, predictors, or indicators of being “at risk.” Therefore, educators and other responsible adults working with students should consider the whole child, who might have both short-term and long-term needs requiring intervention.

II. At-Risk Student Indicators, Predictors, and Barriers The South Carolina Education and Economic Development Act mandates the promulgation of State Board of Education regulations outlining specific objective criteria for districts to use in identifying students who may be poorly prepared for the next level of study or who are at risk of dropping out of school. The Act calls for these criteria to include diagnostic assessments for districts to use in order to identify the strengths and weaknesses of individual students in the core academic areas.

   A. Poor academic performance—generally, a grade point average of 2.0 or lower on a 4.0 scale in the core content areas is a significant predictor that districts must consider in identifying at-risk students. Careful consideration should be given to students demonstrating declining academic performance. School districts are encouraged to carefully review a variety of assessments, including the following, in diagnosing students’ academic difficulties and selecting appropriate short-term and long-term interventions:
      1. results of statewide assessments used for accountability purposes and other state-funded (e.g., formative) assessments,
      2. Preliminary Scholastic Assessment Test (PSAT) or PLAN test results,
      3. district- or school-adopted CAI (computer-aided instruction) assessments,
      4. end-of-course examination results,
      5. classroom-level assessments related to the state’s academic standards, and
      6. other district-approved diagnostic assessments.
   B. The following are among the specific behaviors and characteristics that school districts must consider as indicators, predictors, and barriers in identifying at-risk students:
      1. being overage for their grade level due to retention attributable to risk factors such as a high rate of absences and truancy;
      2. showing a lack of effort or interest in their academic work;
      3. working an excessive number of hours per day or week;
      4. having a history of discipline problems leading to suspension, expulsion, and/or probation;
      5. showing or expressing feelings of being disconnected from the school environment;
6. showing evidence of physical and/or emotional abuse;
7. coming from and/or living in a disadvantaged socioeconomic environment;
8. living in a home situation that does not include at least one parent;
9. being a single parent; and
10. having limited proficiency in the English language.

III. At-Risk Student Model, Initiative, and Program Selection

By the 2007-08 school year each high of the state must implement one or more model programs approved by the South Carolina Department of Education (SCDE). Schools must select at-risk student models, initiatives, and programs that meet the needs of the at-risk populations to be served and must ensure that models, initiatives, and programs selected provide students with the opportunity to graduate with a high school diploma. The SCDE will provide an implementation document that will include a tiered matrix of approved evidence-based models, initiatives, and programs to facilitate the selection process in accordance with the Education and Economic Development Act requirements for implementing evidence-based models, initiatives, and programs. The document will also contain a more extensive list of indicators, predictors, and barriers as well as one-page descriptions for each evidence-based model, initiative, and program included in the matrix.

IV. Population and Model, Initiative, and Program Identification Parameters

Each high school either must implement a model, initiative, or program that is chosen from a list provided by the SCDE or must submit to the SCDE for approval a specific dropout prevention model, comprehensive initiative, or multifaceted program that it wants to use. High schools may explore and implement newly developed models with approval from the SCDE. One criterion for SCDE approval of any newly developed model will be evidence presented by the district and/or school that the model is centered in research-based dropout-prevention strategies.

A. Implementation efforts related to any model, initiative, or program (or combination of models, initiatives, and programs) must ensure that students are properly identified and provided timely, appropriate guidance and assistance and must ensure that no group is disproportionately represented.

B. When subpopulations are identified, high schools must ensure that these groups reflect the demographics of populations identified as at risk of dropping out of school.

C. When no subpopulations are identified, high schools implementing comprehensive initiatives will not have to address the disproportionate representation of any one group of students. In such cases, methods of determining the effectiveness of the at-risk initiative must be given careful consideration with regard to collecting data and preparing necessary reports.

D. Parental involvement must be part of final placement decisions in any model, initiative, or program where small groups of students are identified for service in a particular school or district.

E. The target population must reflect the demographics of the population identified in Section II, above, as being at risk of dropping out of school.

F. High schools must provide relevant data related to identifying the at-risk student population and to addressing the needs of these at-risk students as required for SCDE reports.

V. Building-Level Program Evaluation

A. Evaluation Criteria

All high schools must annually evaluate their dropout-prevention models, initiatives, and/or programs using, at a minimum, the following criteria:

1. an identification process, including (where appropriate and based on the particular model, initiative, or program) the number of at-risk students identified and the specific risk factors identified;
2. the extent of parental involvement in the school’s dropout-prevention efforts;
3. the number of students served;
4. a formative assessment of strengths and weaknesses of the model, initiative, and/or program; and
5. a qualitative assessment of desired outcomes (see item B, immediately below).

B. Desired Outcomes
Schools should establish desired outcomes or performance criteria based on the specific needs of the at-risk population identified and, on the nature, and structure of the particular model, initiative, and/or program they are implementing. Examples of desired outcomes among the target population include, but are not limited to, the following:

1. decreased percentages of truancy, absenteeism, discipline problems, and retentions;
2. increases in students’ grade point averages; and
3. increased percentages of students who are on grade level and students who graduate on time.

Model-, initiative-, and/or program-specific data and PowerSchool data elements should be used to assess desired outcomes on the basis of specific evaluation criteria. The state’s PowerSchool data management system can be used to collect, sort, and report data related to each student’s attendance record; age and grade level; gender; ethnicity; grade point average; and retention, truancy, and dropout status.

C. Teacher and/or counselor assessments may be used to provide supplemental anecdotal documentation and insights related to the effectiveness of the model, initiative, and/or program implemented. A district or school checklist may be beneficial in the evaluation process.

VI. Model, Initiative, and/or Program Evaluation and Assessment Reporting
All high schools must annually provide reports requested by the SCDE that relate to the implementation and effectiveness of models, initiatives, and/or programs addressing the needs of students at risk of dropping out of school. District and school report card contents must contain information on the disciplinary climate, promotion and retention ratios, dropout ratios, dropout reduction data, and attendance data. Districts and schools must be prepared to provide accurate and relevant data to the SCDE.

Attendance and truancy

LAWS

If the board of trustees of a school district or its designee is unable to obtain the school attendance of a child in the age group specified in Section 59-65-10, the board or its designee shall report such nonattendance in writing to the juvenile court or such other court in the county as may have jurisdiction of juveniles but exclusive of magistrate’s courts notwithstanding the provisions of Section 22-3-540; provided, that no one except the board of trustees or its designee shall have the authority to institute the proceedings herein.

59-65-60. Procedure upon receipt by court of report of nonattendance.
(a) Upon receipt of such report, the court may forthwith order the appearance before such court of the responsible parent or guardian and if it deems necessary, the minor involved, for such action as the court may deem necessary to carry out the provisions of this article.
(b) The court may, after hearing upon ten days notice, order such parent or guardian to require such child to attend school and upon failure of such parent to comply with such order may punish such parent or
guardian as by contempt, provided, that punishment for such contempt cannot exceed fifty dollars or thirty
days imprisonment for each offense.
The procedure herein provided shall be alternative to the penalties provided in Section 59-65-20.

59-65-70. Court empowered to declare child delinquent.
If the court determines that the reported absence occurred without the knowledge, consent or connivance
of the responsible parent or guardian or that a bona fide attempt has been made to control and keep the
child in school, the court may declare such child to be a delinquent and subject to the provisions of law in
such cases.

59-65-80. Enrollment or attendance of expelled or suspended child not authorized.
Nothing herein shall be construed as granting authority to require enrollment or attendance of a child who
has been or may be expelled or suspended by the board of trustees of the district or any other person
acting with authority from the board of trustees.

The State Board of Education shall establish regulations defining lawful and unlawful absences beyond
those specifically named in this article and additional regulations as are necessary for the orderly
enrollment of pupils so as to provide for uniform dates of entrance. These regulations shall require: (1)
that school officials shall immediately intervene to encourage the student's future attendance when the
student has three consecutive unlawful absences or a total of five unlawful absences and (2) that the
district board of trustees or its designee shall promptly approve or disapprove any student absence in
excess of ten days. As used in this section, "intervene" means to identify the reasons for the child's
continued absence and to develop a plan in conjunction with the student and his parent or guardian to
improve his future attendance.
Provided, However, That nothing within this section shall interfere with the Board's authority to at any time
refer a child to a truancy prevention program or to the court pursuant to Section 59-65-50.

REGULATIONS

43-274. Student Attendance.
II. Truancy
The State Board of Education recognizes that truancy is primarily an educational issue and that all
reasonable, educationally sound, corrective actions should be undertaken by the school district prior to
resorting to the juvenile justice system.

(A) Truant. A child ages 6 to 17 years meets the definition of a truant when the child has three
consecutive unlawful absences or a total of five unlawful absences.

(B) Habitual Truant. A "habitual" truant is a child age 12 to 17 years who fails to comply with the
intervention plan developed by the school, the child, and the parent(s) or guardian(s) and who
accumulates two or more additional unlawful absences. This child may need court intervention and an
initial truancy petition may be filed. The written intervention plan, and documentation of non-compliance,
must be attached to the truancy petition asking for court intervention.

(C) Chronic Truant. A "chronic" truant is a child ages 12 to 17 years who has been through the school
intervention process, has reached the level of a "habitual" truant, has been referred to Family Court and
placed on an order to attend school, and continues to accumulate unlawful absences. Should other
community alternatives and referrals fail to remedy the attendance problem, the "chronic" truant may be
referred to the Family Court for violation of a previous court order. All school intervention plans existing
to this point for this child and family must accompany the Contempt of Court petition as well as a written recommendation from the school to the court on action the court should take.

III. Intervention Plans

(A) Each district must develop a policy relating to requirements for intervention. The district plan for improving students' attendance must be in accordance with any applicable statutes.

(B) Once a child is determined to be truant as defined in Section II(A), school officials must make every reasonable effort to meet with the parent(s) or guardian(s) to identify the reasons for the student's continued absence. These efforts should include telephone calls and home visits, both during and after normal business hours, as well as written messages and e-mails. School officials must develop a written "intervention plan" to address the student's continued absence in conjunction with the student and parent(s) or guardian(s).

(C) The intervention plan must include but is not limited to

(1) Designation of a person to lead the intervention team. The team leader may be someone from another agency.

(2) Reasons for the unlawful absences.

(3) Actions to be taken by the parent(s) or guardian(s) and student to resolve the causes of the unlawful absences.

(4) Documentation of referrals to appropriate service providers and, if available, alternative school and community-based programs.

(5) Actions to be taken by intervention team members.

(6) Actions to be taken in the event unlawful absences continue.

(7) Signature of the parent(s) or guardian(s) or evidence that attempts were made to involve the parents(s) or guardian(s).

(8) Documentation of involvement of team members.

(9) Guidelines for making revisions to the plan.

(D) School officials may utilize a team intervention approach. Team members may include representatives from social services, community mental health, substance abuse and prevention, and other persons the district deems appropriate to formulate the written intervention plans.

IV. Referrals and Judicial Intervention

At no time should a child ages 6 to 17 years be referred to the Family Court to be placed on an order to attend school prior to the written intervention planning being completed with the parent(s) or guardian(s) by the school. A consent order must not be used as an intervention plan from any local school or school district. Should the parent(s) or guardian(s) refuse to cooperate with the intervention planning to remedy the attendance problem, the school district has the authority to refer the student to Family Court in accordance with S.C. Code Ann. Section 59-65-50 (1990), and a report shall be filed against the parent(s) or guardian(s) with the Department of Social Services in compliance with S.C. Code Ann. Section 20-7-490 (2)(c)(Supp. 2002).

(A) Petition for a School Attendance Order. If the intervention plan is not successful and further inquiry by school officials fails to cause the truant student and/or parent(s) or guardian(s) to comply with the written intervention plan or if the student and/or parent(s) or guardian(s) refuses to participate in intervention and the student accumulates two or more additional unlawful absences, the student is considered an "habitual" truant. Each referral must include a copy of the plan and specify any corrective action regarding the student and/or the parent(s) or guardian(s) that the district recommends that the court adopt as well as any other available programs or alternatives identified by the school district. The
intervention plan must be attached to the petition to the Family Court and served on the student and the
parent(s) or guardian(s).

(B) Petition for Contempt of Court. Once a school attendance order has been issued by the Family
Court and the student continues to accumulate unlawful absences, the student is considered to be a
"chronic" truant and school officials may refer the case back to Family Court. The school and district
must exhaust all reasonable alternatives prior to petitioning the Family Court to hold the student and/or
the parent(s) or guardian(s) in contempt of court. Any petition for contempt of court must include a
written report indicating the corrective actions that were attempted by the school district and what
graduated sanctions or alternatives to incarceration are available to the court in the community. The
school district must include in the written report its recommendation to the court should the student
and/or parent(s) or guardian(s) be found in contempt of court.

V. Coordination with the South Carolina Department of Juvenile Justice

Each school district should coordinate with the local office of the South Carolina Department of Juvenile
Justice to establish a system of graduated sanctions and alternatives to incarceration in truancy cases.

VI. Transfer of Plans

If a student transfers to another public school in South Carolina, intervention plans shall be forwarded to
the receiving school. School officials will contact the parent(s) or guardian(s) and local team members to
review the plan and revise as appropriate. Court ordered plans may be amended through application to
the court.

VII. Approval of Absences in Excess of Ten Days and Approval of Credit

(A) The district board of trustees, or its designee, shall approve or disapprove any student’s absence in
excess of ten days, whether lawful, unlawful, or a combination thereof, for students in grades K-12. For
the purpose of awarding credit for the year, school districts must approve or disapprove absences in
excess of ten days regardless as to whether those absences are lawful, unlawful, or a combination of
the two.

(B) In order to receive one Carnegie unit of credit, a student must be in attendance at least 120 hours,
per unit, regardless of the number of days missed, or must demonstrate proficiency as determined by
the local school district. This exception to the 120-hour requirement is to be administered by local
school districts on a case-by-case basis and only for students who have excessive absences that have
been approved by the local school board. General request for proficiency-based credit must be made
through the process described in Regulation 43-234. Students whose absences are approved should
be allowed to make up any work missed in order to satisfy this requirement. Local school boards should
develop policies governing student absences giving appropriate consideration to unique situations that
may arise within their districts when students do not meet the minimum attendance requirements.
Therefore, districts should allow students, whose excessive absences are approved in part 1 of this
section, to make-up work missed to satisfy this requirement.

Examples of make-up work may include

(1) after-school and/or weekend make-up programs that address both time and academic
requirements of the course(s), or

(2) extended-year programs that address both time and academic requirements of the course(s). All
make-up time and work must be completed within thirty days from the last day of the course(s). The
district board of trustees or its designee may extend the time for student’s completion of the
requirements due to extenuating circumstances that include but are not limited to the student’s
medical condition, family emergencies, and other student academic requirements that are considered
to be a maximum load. Make-up requirements that extend beyond thirty days due to extenuating
circumstances must be completed prior to the beginning of the subsequent new year.
VIII. Reporting Requirements
The State Department of Education will develop and implement a standard reporting system for the adequate collection and reporting of truancy rates on a school-by-school basis.

IX. Guidelines
Additional information relating to the implementation of this regulation will be contained in State Department of Education Guidelines. The State Department of Education will review and update these guidelines as needed.

Substance use

LAWS

59-1-380. Mandatory tobacco and alternative nicotine product-free local school board policy.

(A) By August 1, 2019, every local school district in the State shall adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product or alternative nicotine product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product or alternative nicotine product by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

(1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;

(2) posting of signs prohibiting at all times the use of tobacco products or alternative nicotine products by any person in and on school property; and

(3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

(C) Disciplinary actions for violating the policy may include, but not be limited to:

(1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;

(2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;

(3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and

(4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products or alternative nicotine products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product or alternative nicotine product.

(F) For purposes of this section:

(1) "Tobacco product” has the same meaning as defined in Section 16-17-501.
(2) "Alternative nicotine product" has the same meaning as defined in Section 16-17-501.

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

I. Expectations for Student Conduct in South Carolina Public Schools

The mission of the SCDE is to provide leadership and support so that all public education students graduate prepared for success in citizenship, college, and careers as envisioned by the Profile of the South Carolina Graduate. Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina.

II. Previously Adopted School District Discipline Policies

This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts that previously have adopted discipline policies that are consistent with and contain the elements included in this regulation may retain their local policies as adopted.

III. Levels of Student Misconduct

A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious.

B. Three levels of student misconduct are identified: behavioral misconduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation.

C. This regulation includes a listing of possible consequences and/or sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary consequences and/or sanctions increases.

D. Suggested consequences within the Level I misconduct category range from verbal reprimand to detention. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion. Level III misconduct includes sanctions ranging from out-of-school suspension to appropriate action within the criminal justice system.

E. A local school board, in its discretion, may authorize more stringent standards and consequences than those contained in this regulation.

IV. Minimum Standards

A. Behavioral Misconduct-Level I

1. Behavioral misconduct is defined as those activities engaged in by student(s) which tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of behavioral misconduct shall include, but are not limited to:
   a. Classroom tardiness;
   b. Cheating on examinations or classroom assignments;
   c. Lying;
   d. Abusive language between or among students;
e. Failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones);

f. Use of forged notes or excuses;

g. Cutting class;

h. School tardiness;

i. Truancy (three consecutive unlawful absences from school or a total of five unlawful absences);

j. Possession of an electronic communication device (including, but not limited to, cell phones, tablets, computers, and iPods) inconsistent with school board policy. An electronic communication device is a device that emits an audible signal, vibrates, displays a message, image or otherwise summons or delivers a communication to the possessor;

k. Other acts of behavioral misconduct as determined and communicated by local school authorities

3. The basic enforcement procedures to be followed in instances of behavioral misconduct are:

a. Upon observation or notification and verification of acts of behavioral misconduct, the staff member shall take immediate action to rectify the misconduct. The staff member shall impose an appropriate consequence and maintain a record of the misconduct and the consequence.

b. If, either in the opinion of the staff member or according to local school board policy, a certain misconduct is not immediately rectifiable, the problem shall be referred to the appropriate administrator for action specified by local school board policy.

c. The administrator shall meet with the reporting staff member, and, if necessary, the student and the parent or guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.

d. A complete record of the procedures shall be maintained.

4. Possible consequences to be applied in cases of behavioral misconduct may include, but are not limited to:

a. Verbal reprimand;

b. Withdrawal of privileges;

c. Demerits;

d. Detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day);

e. Other consequences as approved and communicated by local school authorities.

B. Disruptive Conduct-Level II

1. Disruptive conduct is defined as those activities engaged in by student(s) which are directed against persons or property, and the consequences of which tend to endanger the health or safety of oneself or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings. Behavioral misconduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs three or more times. The provisions of this regulation apply not only to within school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of disruptive conduct may include, but are not limited to:

a. Violation of a Level I intervention plan and/or behavioral contract;

b. Use of an intoxicant;

c. Fighting;

d. Vandalism (minor);
e. Stealing;
f. Threats against others;
g. Trespass;
h. Abusive language to staff;
i. Repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones);
j. Possession or use of unauthorized substances, as defined by law and/or local school board policy;
k. Illegally occupying or blocking in any way school property with the intent to deprive others of its use;
l. Unlawful assembly;
m. Disrupting lawful assembly;
n. Inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees, plagiarizing copyrighted materials, and accessing inappropriate websites);
o. Other acts as determined and communicated by local school authorities.

3. The basic enforcement procedures to be followed in instances of disruptive conduct are:
   a. Upon observation or notification and verification of an offense, the administrator shall investigate the circumstances of the misconduct and shall confer with staff on the extent of the consequences.
   b. The administrator shall notify the parent or guardian of the student’s misconduct and related proceedings. The administrator shall meet with the student and, if necessary, the parent or guardian, confer with them about the student’s misconduct and impose the appropriate disciplinary action. Verification shall be defined as the following:
      (1) self-admittance by the student
      (2) witnessed involvement of the student by school administrators’ staff
      (3) parental admission of student involvement
      (4) evidence obtained through investigation by school administrators and staff
   c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.
   d. The administrator or other school officials may refer Level II misconduct to the School Resource Officer or other local law enforcement authorities only when the conduct rises to a level of criminality, and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.
   e. A complete record of the procedures shall be maintained.

4. Possible sanctions to be applied in cases of disruptive conduct may include, but are not limited to:
   a. Temporary removal from class;
   b. Alternative education program;
   c. In-school suspension;
   d. Out-of-school suspension;
   e. Transfer;
   f. Referral to outside agency;
   g. Expulsion;
h. Restitution of property and damages, where appropriate, shall be sought by local school authorities;

i. Other sanctions as approved and communicated by local school authorities.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
   c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.
   d. Established due process procedures shall be followed when applicable.
   e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances
1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.
2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

Bullying, harassment, or hazing

LAWS

59-63-110. Citation of article.
This article may be cited as the ‘Safe School Climate Act’.

59-63-120. Definitions.
As used in this article:
(1) ‘Harassment, intimidation, or bullying’ means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:
   (a) harming a student physically or emotionally or damaging a student’s property, or placing a student in reasonable fear of personal harm or property damage; or
   (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.
(2) ‘School’ means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.

59-63-130. Prohibited conduct; reports by witnesses.
(A) A person may not engage in:
   (1) harassment, intimidation, or bullying; or
   (2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.
(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.
(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.
(B) The policy must include, but not be limited to, the following components:

1. a statement prohibiting harassment, intimidation, or bullying of a student;
2. a definition of harassment, intimidation, or bullying no less inclusive than the definition in 59-63-120;
3. a description of appropriate student behavior;
4. consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;
5. procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;
6. procedures for prompt investigation of reports of serious violations and complaints;
7. a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;
8. consequences and appropriate remedial action for persons found to have falsely accused another;
9. a process for discussing the district's harassment, intimidation, or bullying policy with students; and
10. a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

59-63-150. Availability of civil or criminal redress; immunity of reporting school employee or volunteer.

(A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident."

59-63-210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or
for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

59-63-217. Barring enrollment of student; grounds; notice and hearing; duration of bar.

(A) In determining whether or not a student meets the standards of conduct and behavior promulgated by the board of trustees necessary for first time enrollment and attendance in a school in the district, the board shall consider nonschool records, the student’s disciplinary records in any school in which the student was previously enrolled as these records relate to the adjudication of delinquency in any jurisdiction, within or without this State, of violations or activities which constitute violent crimes under Section 16-1-60, adjudications for assault and battery of a high and aggravated nature, the unlawful use or possession of weapons, or the unlawful sale of drugs whether or not considered to be drug trafficking. Based on this consideration of the student’s record, the board may bar his enrollment in the schools of the district.

(B) If the board bars a student from enrolling pursuant to this section, notice must be provided to the student’s parent or legal guardian and the student is entitled to a hearing and all other procedural rights afforded under state law to a student subject to expulsion.

(C) The bar to enrollment allowed by this section applies for a maximum of one year. After the bar is lifted, a student may reapply for enrollment and the board shall order the student enrolled if he otherwise meets enrollment criteria.

59-63-275. Student hazing prohibited; definitions.

(A) For purposes of this section:

(1) ‘Student’ means a person enrolled in a public education institution.

(2) ‘Superior student’ means a student who has attended a state university, college, or other public education institution longer than another student or who has an official position giving authority over another student.

(3) ‘Subordinate student’ means a person who attends a public education institution who is not defined as a ‘superior student’ in item (2).

(4) ‘Hazing’ means the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.

(B) Hazing at all public education institutions is prohibited. When an investigation has disclosed substantial evidence that a student has committed an act or acts of hazing, the student may be dismissed, expelled, suspended, or punished as the principal considers appropriate.

(C) The provisions of this section are in addition to the provisions of Article 6, Chapter 3 of Title 16.

REGULATIONS

No relevant regulations found.
Other special infractions or conditions

LAWS

59-63-270. Regulation or prohibition of clubs or like activities.
Any district board of trustees may regulate, control, or prohibit clubs or other such activities on school property or during school hours.

59-63-280. "Paging device" defined; adoption of policies addressing student possession.
(A) For purposes of this section, 'paging device' means a telecommunications, to include mobile telephones, device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

(B) The board of trustees of each school district shall adopt a policy that addresses student possession of paging devices as defined in subsection (A). This policy must be included in the district's written student conduct standards. If the policy includes confiscation of a paging device, as defined in subsection (A), it should also provide for the return of the device to the owner.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

59-17-135. Character education.

(A) The General Assembly finds:

(1) the schools of South Carolina must provide the safest environment possible for students to learn;
(2) teaching positive character traits is essential to improving the learning environment, promoting student achievement, reducing disciplinary problems, and developing civic-minded students;
(3) schools must be encouraged to instill the highest character and academic excellence in each student, in close cooperation with the student's parents; and
(4) elected officials, community and civic leaders, business leaders, religious institutions, youth organizations, government, media, and citizens-at-large must be encouraged to become actively involved in creating an atmosphere which encourages positive character development through every sector of the community.

(B) Each local school board of trustees of the State must develop a policy addressing character education. Any character education program implemented by a district as a result of an adopted policy must, to the extent possible, incorporate character traits including, but not limited to, the following: respect for authority and respect for others, honesty, self-control, cleanliness, courtesy, good manners, cooperation, citizenship, patriotism, courage, fairness, kindness, self-respect, compassion, diligence, good work ethics, sound educational habits, generosity, punctuality, cheerfulness, patience, sportsmanship, loyalty, and virtue. Local school boards must include all sectors of the community, as referenced in subsection (A)(4), in the development of a policy and in the development of any program implemented as a result of the policy. As part of any policy and program developed by the local school board, an evaluation component must be included.

(C) Beginning with the 2000-2001 school year, each school district board of trustees is encouraged to require students in the public schools under the jurisdiction of the board to exhibit appropriate conduct, as required in subsection (D) of this section.

(D) When a public school student is speaking with a public school employee while on school property or at a school sponsored event, the student may be encouraged to address and respond to the public school employee by using terms indicative of or reflecting courtesy and respect for a public school's employees position of authority including, but not limited to, sir, ma'am, thank you, and please.

(E) Each school district board of trustees is encouraged to provide for incorporation of the requirements of subsections (C) and (D) into any existing discipline policy or policies or any code of conduct of the school district or of each school within its jurisdiction.

(F) No school board may provide suspension or expulsion from school as an appropriate punishment for violation of subsection (D).

(G) Upon request, the State Department of Education must provide to the school districts of the State information on currently available programs, curriculums, and resources. In addition, the State Department of Education must provide to the school districts of the State information on best practices and successful programs currently being implemented.
59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS
No relevant laws found.

REGULATIONS

43-274.1. At-risk students.

I. At-Risk Student Definition

A. A student at risk of dropping out of school is any student who, because of his or her individual needs, requires temporary or ongoing intervention in order to achieve in school and to graduate with meaningful options for his or her future.

B. Students-depending on their degree of resiliency and connectedness to caring adults in the home, in the community, and/or at school-may respond differently to those things frequently cited as barriers, predictors, or indicators of being “at risk.” Therefore, educators and other responsible adults working with students should consider the whole child, who might have both short-term and long-term needs requiring intervention.

II. At-Risk Student Indicators, Predictors, and Barriers The South Carolina Education and Economic Development Act mandates the promulgation of State Board of Education regulations outlining specific objective criteria for districts to use in identifying students who may be poorly prepared for the next level of study or who are at risk of dropping out of school. The Act calls for these criteria to include diagnostic assessments for districts to use in order to identify the strengths and weaknesses of individual students in the core academic areas.

A. Poor academic performance-generally, a grade point average of 2.0 or lower on a 4.0 scale-in the core content areas is a significant predictor that districts must consider in identifying at-risk students. Careful consideration should be given to students demonstrating declining academic performance. School districts are encouraged to carefully review a variety of assessments, including the following, in diagnosing students’ academic difficulties and selecting appropriate short-term and long term interventions:

1. results of statewide assessments used for accountability purposes and other state-funded (e.g., formative) assessments,
2. Preliminary Scholastic Assessment Test (PSAT) or PLAN test results,
3. district- or school-adopted CAI (computer-aided instruction) assessments,
4. end-of-course examination results,
5. classroom-level assessments related to the state’s academic standards, and
6. other district-approved diagnostic assessments.
B. The following are among the specific behaviors and characteristics that school districts must consider as indicators, predictors, and barriers in identifying at-risk students:

1. being overage for their grade level due to retention attributable to risk factors such as a high rate of absences and truancy;
2. showing a lack of effort or interest in their academic work;
3. working an excessive number of hours per day or week;
4. having a history of discipline problems leading to suspension, expulsion, and/or probation;
5. showing or expressing feelings of being disconnected from the school environment;
6. showing evidence of physical and/or emotional abuse;
7. coming from and/or living in a disadvantaged socioeconomic environment;
8. living in a home situation that does not include at least one parent;
9. being a single parent; and
10. having limited proficiency in the English language.

III. At-Risk Student Model, Initiative, and Program Selection

By the 2007-08 school year each high of the state must implement one or more model programs approved by the South Carolina Department of Education (SCDE).

Schools must select at-risk student models, initiatives, and programs that meet the needs of the at risk populations to be served and must ensure that models, initiatives, and programs selected provide students with the opportunity to graduate with a high school diploma. The SCDE will provide an implementation document that will include a tiered matrix of approved evidence-based models, initiatives, and programs to facilitate the selection process in accordance with the Education and Economic Development Act requirements for implementing evidence-based models, initiatives, and programs. The document will also contain a more extensive list of indicators, predictors, and barriers as well as one-page descriptions for each evidence-based model, initiative, and program included in the matrix.

IV. Population and Model, Initiative, and Program Identification Parameters

Each high school either must implement a model, initiative, or program that is chosen from a list provided by the SCDE or must submit to the SCDE for approval a specific dropout prevention model, comprehensive initiative, or multifaceted program that it wants to use. High schools may explore and implement newly developed models with approval from the SCDE. One criterion for SCDE approval of any newly developed model will be evidence presented by the district and/or school that the model is centered in research-based dropout-prevention strategies.

A. Implementation efforts related to any model, initiative, or program (or combination of models, initiatives, and programs) must ensure that students are properly identified and provided timely, appropriate guidance and assistance and must ensure that no group is disproportionately represented.

B. When subpopulations are identified, high schools must ensure that these groups reflect the demographics of populations identified as at risk of dropping out of school.

C. When no subpopulations are identified, high schools implementing comprehensive initiatives will not have to address the disproportionate representation of any one group of students. In such cases, methods of determining the effectiveness of the at-risk initiative must be given careful consideration with regard to collecting data and preparing necessary reports.

D. Parental involvement must be part of final placement decisions in any model, initiative, or program where small groups of students are identified for services in a particular school or district.

E. The target population must reflect the demographics of the population identified in Section II, above, as being at risk of dropping out of school.
F. High schools must provide relevant data related to identifying the at-risk student population and to addressing the needs of these at-risk students as required for SCDE reports.

V. Building-Level Program Evaluation

A. Evaluation Criteria

All high schools must annually evaluate their dropout-prevention models, initiatives, and/or programs using, at a minimum, the following criteria:

1. an identification process, including (where appropriate and based on the particular model, initiative, or program) the number of at-risk students identified and the specific risk factors identified;
2. the extent of parental involvement in the school’s dropout-prevention efforts;
3. the number of students served;
4. a formative assessment of strengths and weaknesses of the model, initiative, and/or program; and
5. a qualitative assessment of desired outcomes (see item B, immediately below).

B. Desired Outcomes

Schools should establish desired outcomes or performance criteria based on the specific needs of the at-risk population identified and, on the nature, and structure of the particular model, initiative, and/or program they are implementing. Examples of desired outcomes among the target population include, but are not limited to, the following:

1. decreased percentages of truancy, absenteeism, discipline problems, and retentions;
2. increases in students’ grade point averages; and
3. increased percentages of students who are on grade level and students who graduate on time.

Model-, initiative-, and/or program-specific data and PowerSchool data elements should be used to assess desired outcomes on the basis of specific evaluation criteria. The state’s PowerSchool data management system can be used to collect, sort, and report data related to each student’s attendance record; age and grade level; gender; ethnicity; grade point average; and retention, truancy, and dropout status.

C. Teacher and/or counselor assessments may be used to provide supplemental anecdotal documentation and insights related to the effectiveness of the model, initiative, and/or program implemented. A district or school checklist may be beneficial in the evaluation process.

VI. Model, Initiative, and/or Program Evaluation and Assessment Reporting

All high schools must annually provide reports requested by the SCDE that relate to the implementation and effectiveness of models, initiatives, and/or programs addressing the needs of students at risk of dropping out of school. District and school report card contents must contain information on the disciplinary climate, promotion and retention ratios, dropout ratios, dropout reduction data, and attendance data. Districts and schools must be prepared to provide accurate and relevant data to the SCDE.

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

c. The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service-learning projects) and propose the appropriate disciplinary action.
Professional development

LAWS

59-5-65. Powers and responsibilities of State Board of Education.
The State Board of Education shall have the power and responsibility to:

(15) Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools’ safety strengths and weaknesses. The checklist must include:

(a) the existence of a comprehensive safety plan;
(b) communication of discipline policies and procedures;
(c) intraagency and interagency emergency planning;
(d) recording of disruptive incidents;
(e) training of staff and students;
(f) assessment of buildings and grounds;
(g) procedures for handling visitors;
(h) assignment of personnel in emergencies;
(i) emergency communication and management procedures; and
(j) transportation rules and accident procedures.

(16) consult with the Department of Agricultural Education of Clemson University at all steps in the development of any state plan prepared to satisfy any federal requirement related to the Carl Perkins Vocational and Applied Technology and Education Act or any successor federal law, including, but not limited to, the allocation or distribution of funds under this federal act.

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school’s employee training program. Training also should be provided to school volunteers who have significant contact with students.

59-63-1150. Compliance with case law; training of school administrators.

Notwithstanding any other provision of this article, all searches conducted pursuant to this article must comply fully with the “reasonableness standard” set forth in New Jersey v. T.L.O., 469 U.S. 328 (1985). All school administrators must receive training in the “reasonableness standard” under existing case law and in district procedures established to be followed in conducting searches of persons entering the school premises and of the students attending the school.

REGULATIONS

43-166. Student and school safety.

A. School Safety Assessment
1. The State Department of Education shall develop a Model Safe Schools Checklist designed to assess schools’ safety strengths and weaknesses. The checklist must include items addressing the following topics:
   a. the existence of a comprehensive safety plan;
   b. communication of discipline policies and procedures;
   c. intra-agency and interagency emergency planning;
   d. recording of disruptive incidents;
   e. training of staff and students;
   f. assessment of buildings and grounds;
   g. procedures for handling visitors;
   h. assignment of personnel in emergencies;
   i. emergency communication and management procedures; and
   j. transportation rules and accident procedures.

2. The State Department of Education shall submit the checklist to the State Board of Education for approval prior to dissemination to the school districts. The checklist may be revised on an annual basis by the State Board of Education in compliance with relevant provisions of the Safe Schools Act of 1990.

3. Prior to September 30 of each school year, the State Department of Education shall disseminate a copy of the model safe schools checklist to every public school district in the state.

4. School districts shall be advised by the Department of Education of the requirement to use a safe schools checklist in compliance with Section 59-5-65, S.C. Code of Laws, 1976. This safety assessment should be part of the comprehensive needs assessment conducted for school improvement purposes in compliance with Section 59-20-60(4)(d), S.C. Code of Laws, 1976. In particular, a safe schools check list should be utilized in determining “school climate” needs, one of the six indicators of school effectiveness.

B. First Aid Supplies

Each school shall provide adequate first aid supplies and equipment.

C. Support for Authorities

The Board urges all citizens to continue their active and vigorous support of the local school and civil authorities in insuring the personal safety and security of all students and teachers.

D. Emergency and Disaster Plans

A plan shall be designed to provide for the protection and welfare of students in the event of any disaster (tornado, hurricane, fire, etc.) which threatens to involve the school community. Each school shall conduct at least one emergency drill within the first month of school to insure safety against such disasters.

E. Guidelines will be developed by the State Department of Education which will refer to statutory provisions relating to school safety, as well as additional information. The State Department of Education will review and update these guidelines as needed.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

By December 31, 1990, the State Department of Education, after consultation with the State Law Enforcement Division, shall develop a standard school crime reporting form which must be used by all school districts in the State. The form must define what constitutes criminal activity required to be reported and must include, but is not limited to, the following:

1. types and frequency of criminal incident;
2. crimes against the person, including:
   a. description of crime;
   b. age and sex of offender and whether the offender is a student. If the offender is a student, whether he attended the school where the crime occurred or a different school, and whether he was under school suspension or expulsion at the time of the offense;
   c. age and sex of the victim and whether the victim is a student. If the victim is a student, whether he attended the school where the crime occurred or a different school. If the victim is not a student, whether he was employed at the school and, if so, in what capacity;
   d. where, at what time, and under what circumstances the incident occurred;
   e. the cost of the crime to the school and to the victim;
   f. what action was taken by the school administration;
3. crimes against property, including:
   a. description of the crime;
   b. where, at what time, and under what circumstances the crime occurred;
   c. the cost of the crime to the school and to the victim;
   d. what action was taken by the school administration.

59-63-330. Quarterly and annual reports.
On forms prepared and supplied by the State Department of Education, each school district in the State shall report school related crime quarterly to the State Department of Education. The department shall compile the information received from the districts and annually, not later than January thirty first of the year following the districts' final quarterly reports of the school year, make a report to the General Assembly on the findings. In addition, the State Department of Education shall, upon receipt, forward all information concerning school related crime to the Attorney General's Office. This information shall be used by the Attorney General in the supervision of the prosecution of school crime.

59-63-333. School crime requirements to conform to federal "No Child Left Behind Act".
The State Department of Education shall conform the requirements of Sections 59 63 310 through 59 63 340 on school crime so as to fulfill the provisions of the 'No Child Left Behind Act of 2001' (20 U.S.C. Section 7912) which includes reports on persistently dangerous schools and on the frequency, seriousness, and incidence of violence and drug related offenses resulting in suspensions and expulsions in elementary and secondary schools. A summary of the provisions of Article 4, Chapter 63 of Title 59
required to be included in the school's student handbook each year must be revised to conform with the requirements of this section.

59-63-335. Failure of school administrator to report criminal conduct; liability.

Failure of a school administrator to report criminal conduct as set forth in Section 59 24 60 or failure to report information concerning school related crime pursuant to Section 59 63 330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59 24 60 or 59 63 330.

59-63-380. School official reporting school-related crimes; immunity.

A person affiliated with a school in an official capacity is granted immunity from criminal prosecution and civil liability when making a report of school-related crime in good faith, to the extent that the exposure to criminal prosecution or civil liability arises from the same report of school-related crime.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

59-63-230. Notices of suspensions; conferences with parents or guardian.

When a pupil is suspended from a class or a school, the administrator shall notify, in writing, the parents or legal guardian of the pupil, giving the reason for such suspension and setting a time and place when the administrator shall be available for a conference with the parents or guardian. The conference shall be set within three days of the date of the suspension. After the conference the parents or legal guardian may appeal the suspension to the board of trustees or to its authorized agent.

59-63-240. Expulsion for remainder of year; hearings.

The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59-63-210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written notification at a time and place designated by the board and a decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.


The attendance supervisor shall, upon receiving the list of nonattending children from the county superintendent of education, contact as rapidly as possible the parents or guardians of such nonattending children with the object in mind of interesting nonattending children in school work, and influencing them by means of persuasion to attend school regularly. All principals shall report to such attendance
supervisor on continuous absences which appear to be unwarranted, and the attendance supervisor shall make an earnest effort to have enrolled and keep enrolled all children of school age in the county.

REGULATIONS
No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

By December 31, 1990, the State Department of Education, after consultation with the State Law Enforcement Division, shall develop a standard school crime reporting form which must be used by all school districts in the State. The form must define what constitutes criminal activity required to be reported and must include, but is not limited to, the following:

1. types and frequency of criminal incident;
2. crimes against the person, including:
   a. description of crime;
   b. age and sex of offender and whether the offender is a student. If the offender is a student, whether he attended the school where the crime occurred or a different school, and whether he was under school suspension or expulsion at the time of the offense;
   c. age and sex of the victim and whether the victim is a student. If the victim is a student, whether he attended the school where the crime occurred or a different school. If the victim is not a student, whether he was employed at the school and, if so, in what capacity;
   d. where, at what time, and under what circumstances the incident occurred;
   e. the cost of the crime to the school and to the victim;
   f. what action was taken by the school administration;
3. crimes against property, including:
   a. description of the crime;
   b. where, at what time, and under what circumstances the crime occurred;
   c. the cost of the crime to the school and to the victim;
   d. what action was taken by the school administration.

59-63-335. Failure of school administrator to report criminal conduct; liability.
Failure of a school administrator to report criminal conduct as set forth in Section 59 24 60 or failure to report information concerning school related crime pursuant to Section 59 63 330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59 24 60 or 59 63 330.

59-63-350. Local law enforcement.
Local law enforcement officials are required to contact the Attorney General's "school safety phone line" when any felony, assault and battery of a high and aggravated nature, crime involving a weapon, or drug offense is committed on school property or at a school sanctioned or school sponsored activity or any crime reported pursuant to Section 59 24 60.
The Attorney General shall monitor all reported school crimes. The Attorney General or his designee may represent the local school district when a criminal case is appealed to an appellate court of competent jurisdiction.

59-63-380. School official reporting school related crimes; immunity.
A person affiliated with a school in an official capacity is granted immunity from criminal prosecution and civil liability when making a report of school related crime in good faith, to the extent that the exposure to criminal prosecution or civil liability arises from the same report of school related crime.

REGULATIONS

43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

C. Criminal Conduct-Level III

1. Criminal conduct is defined as those activities engaged in by student(s) which result in violence to oneself or another’s person or property or which pose a direct and serious threat to the safety of oneself or others in the school. When school officials have a reasonable belief that students have engaged in such actions, then these activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the School Resource Officer or other law enforcement authorities, and/or action by the local school board. The provisions of this regulation apply not only to within-school activities, but also to student conduct on school bus transportation vehicles, and during other school-sponsored activities.

2. Acts of criminal conduct may include, but are not limited to:
   a. Assault and battery that poses a serious threat of injury or results in physical harm;
   b. Extortion;
   c. Threat of the use of a destructive device (bomb, grenade, pipe bomb or other similar device);
   d. Possession, use, or transfer of dangerous weapons;
   e. Sexual offenses;
   f. Vandalism (major);
   g. Theft, possession, or sale of stolen property;
   h. Arson;
   i. Furnishing or selling unauthorized substances, as defined by law and/or local school board policy;
   j. Furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons);
   k. Illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities and maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images).

3. “Acts of criminal conduct,” for purposes of defining Level III conduct, do not include acts that only amount to disturbing schools, breach of peace, disorderly conduct, or affray under South Carolina law.

4. The basic enforcement procedures to be followed in instances of criminal conduct are:
   a. Upon observation or notification and verification of a criminal offense, the administrator shall contact the School Resource Officer or local law enforcement authorities immediately.
   b. An administrator shall notify the student’s parent or guardian as soon as possible.
c. An administrator shall impose the appropriate disciplinary action. If warranted, the student shall be removed immediately from the school environment.

d. Established due process procedures shall be followed when applicable.

e. A complete record of the incident shall be maintained in accordance with district policy.

5. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to:
   a. Out-of-school suspension;
   b. Assignment to alternative schools;
   c. Expulsion;
   d. Restitution of property and damages, where appropriate, shall be sought by local school authorities;
   e. Other sanctions as approved by local school authorities.

D. Extenuating, Mitigating or Aggravating Circumstances

1. A local school board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

2. A local school board may confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances shall be considered in determining the most appropriate sanction to be used.

Disclosure of school records

LAWS

59-63-370. Student's conviction or delinquency adjudication for certain offenses; notification of senior administrator at student's school; placement of information in permanent school records.

Notwithstanding any other provision of law:

(1) When a student who is convicted of or adjudicated delinquent for assault and battery against school personnel, as defined in Section 16-3-612, assault and battery of a high and aggravated nature committed on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity, a violent offense as defined in Section 16-1-60, an offense in which a weapon as defined in Section 59-63-370 was used, or for distribution or trafficking in unlawful drugs as defined in Article 3, Chapter 53 of Title 44 is assigned to the Department of Juvenile Justice, the Department of Corrections, or to the Department of Probation, Parole, and Pardon Services, that agency is required to provide immediate notice of the student’s conviction or adjudication to the senior administrator of the school in which the student is enrolled, intends to be enrolled, or was last enrolled. These agencies are authorized to request information concerning school enrollment from a student convicted of or adjudicated delinquent for an offense listed in this item.

(2) When a student convicted of or adjudicated delinquent for an offense listed in item (1) of this section is not sentenced to incarceration or probation, the presiding judge shall as part of his sentence order the clerk of the municipal, magistrate, or general sessions court to provide, within ten days, notification of the student’s sentence to the appropriate school district for inclusion in the student’s permanent record. If the student is under the jurisdiction of the family court and is not referred to the Department of Juvenile Justice, the prosecuting agency must provide notification within ten days to the appropriate school district.
(3) An administrator notified pursuant to this section is required to notify each teacher or instructor in whose class the student is enrolled of a student’s conviction of or adjudication for an offense listed in item (1) of this section. This notification must be made to the appropriate teachers or instructors every year the student is enrolled in school.

(4) If a student is convicted of or adjudicated delinquent for an offense listed in item (1) of this section, information concerning the conviction or adjudication and sentencing must be placed in the student’s permanent school record and must be forwarded with the student’s permanent school records if the student transfers to another school or school district.

A “weapon”, as used in this section, means a firearm, knife with a blade-length of over two inches, dirk, razor, metal knuckles, slingshot, bludgeon, or any other deadly instrument used for the infliction of bodily harm or death.

REGULATIONS
No relevant regulations found.

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

LAWS

59-5-65. Powers and responsibilities of State Board of Education.
The State Board of Education shall have the power and responsibility to:

(15) Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools’ safety strengths and weaknesses. The checklist must include:

(a) the existence of a comprehensive safety plan;
(b) communication of discipline policies and procedures;
(c) intraagency and interagency emergency planning;
(d) recording of disruptive incidents;
(e) training of staff and students;
(f) assessment of buildings and grounds;
(g) procedures for handling visitors;
(h) assignment of personnel in emergencies;
(i) emergency communication and management procedures; and
(j) transportation rules and accident procedures.

(16) consult with the Department of Agricultural Education of Clemson University at all steps in the development of any state plan prepared to satisfy any federal requirement related to the Carl Perkins Vocational and Applied Technology and Education Act or any successor federal law, including, but not limited to, the allocation or distribution of funds under this federal act.

59-63-333. School crime requirements to conform to federal “No Child Left Behind Act”.
The State Department of Education shall conform the requirements of Sections 59-63-310 through 59-63-340 on school crime so as to fulfill the provisions of the ‘No Child Left Behind Act of 2001’ (20 U.S.C. Section 7912) which includes reports on persistently dangerous schools and on the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary and secondary schools. A summary of the provisions of Article 4, Chapter 63 of Title 59
and Section 16-3-612 required to be included in the school’s student handbook each year must be revised to conform with the requirements of this section.

**59-63-360. Attorney General; representation of school districts.**
The Attorney General shall monitor all reported school crimes. The Attorney General or his designee may represent the local school district when a criminal case is appealed to an appellate court of competent jurisdiction.

**59-63-390. Inclusion of school crime report act summary in student handbooks.**
The senior administrator of each school is responsible for including an accurate summary of the provisions of this article and Section 16-3-612 in the school’s student handbook each year.

**REGULATIONS**

**43-166. Student and school safety.**

A. School Safety Assessment

1. The State Department of Education shall develop a Model Safe Schools Checklist designed to assess schools' safety strengths and weaknesses. The checklist must include items addressing the following topics:
   a. the existence of a comprehensive safety plan;
   b. communication of discipline policies and procedures;
   c. intra-agency and interagency emergency planning;
   d. recording of disruptive incidents;
   e. training of staff and students;
   f. assessment of buildings and grounds;
   g. procedures for handling visitors;
   h. assignment of personnel in emergencies;
   i. emergency communication and management procedures; and
   j. transportation rules and accident procedures.

2. The State Department of Education shall submit the checklist to the State Board of Education for approval prior to dissemination to the school districts. The checklist may be revised on an annual basis by the State Board of Education in compliance with relevant provisions of the Safe Schools Act of 1990.

3. Prior to September 30 of each school year, the State Department of Education shall disseminate a copy of the model safe schools checklist to every public school district in the state.

4. School districts shall be advised by the Department of Education of the requirement to use a safe schools checklist in compliance with Section 59-5-65, S.C. Code of Laws, 1976. This safety assessment should be part of the comprehensive needs assessment conducted for school improvement purposes in compliance with Section 59-20-60(4)(d), S.C. Code of Laws, 1976. In particular, a safe schools check list should be utilized in determining "school climate" needs, one of the six indicators of school effectiveness.

B. First Aid Supplies

Each school shall provide adequate first aid supplies and equipment.

C. Support for Authorities

The Board urges all citizens to continue their active and vigorous support of the local school and civil authorities in insuring the personal safety and security of all students and teachers.
D. Emergency and Disaster Plans

A plan shall be designed to provide for the protection and welfare of students in the event of any disaster (tornado, hurricane, fire, etc.) which threatens to involve the school community. Each school shall conduct at least one emergency drill within the first month of school to insure safety against such disasters.

E. Guidelines will be developed by the State Department of Education which will refer to statutory provisions relating to school safety, as well as additional information. The State Department of Education will review and update these guidelines as needed.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

5-7-12. School resource officers; procedures for certain arrests; jurisdiction; employment rights.

(A) The governing body of a municipality or county may upon the request of another governing body or of another political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event. In all circumstances in which a school resource officer arrests a student for a misdemeanor offense, the officer may issue a courtesy summons to appear to a student involved in the particular incident in connection with a school activity or school-sponsored event. Notwithstanding another provision of law, a student arrested for a misdemeanor offense by a school resource officer must have a bond hearing in magistrates court within twenty-four hours of his arrest. When acting pursuant to this section and outside of the sworn municipality or county of the school resource officer, the officer shall enjoy all authority, rights, privileges, and immunities, including coverage under the workers’ compensation laws that he would have enjoyed if operating in his sworn jurisdiction.

(B) For purposes of this section, a “school resource officer” is defined as a person who is a sworn law enforcement officer pursuant to the requirements of any jurisdiction of this State, who has completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

5-7-12. School resource officers; procedures for certain arrests; jurisdiction; employment rights.

(A) The governing body of a municipality or county may upon the request of another governing body or of another political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event. In all circumstances in which a school resource officer arrests a student for a misdemeanor offense, the officer may issue a courtesy summons to appear to a student involved in the particular incident in connection with a school activity or school-sponsored event. Notwithstanding another provision of law, a student arrested for a misdemeanor offense by a school resource officer must have a bond hearing in magistrates court within twenty-four hours of his arrest. When acting pursuant to this section and outside of the sworn
municipality or county of the school resource officer, the officer shall enjoy all authority, rights, privileges, and immunities, including coverage under the workers’ compensation laws that he would have enjoyed if operating in his sworn jurisdiction.

(B) For purposes of this section, a “school resource officer” is defined as a person who is a sworn law enforcement officer pursuant to the requirements of any jurisdiction of this State, who has completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

Attendance supervisors shall be certified by the State Board of Education. Qualifications for the certification of attendance supervisors shall be determined by the State Board of Education in the same manner as the Board now determines qualifications for all other teachers, provided, that such certification requirements shall not adversely affect attendance supervisors who were employed prior to the passage of this article.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

5-7-12. School resource officers: procedures for certain arrests; jurisdiction; employment rights.
(A) The governing body of a municipality or county may upon the request of another governing body or of another political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event. In all circumstances in which a school resource officer arrests a student for a misdemeanor offense, the officer may issue a courtesy summons to appear to a student involved in the particular incident in connection with a school activity or school-sponsored event. Notwithstanding another provision of law, a student arrested for a misdemeanor offense by a school resource officer must have a bond hearing in magistrates court within twenty-four hours of his arrest. When acting pursuant to this section and outside of the sworn municipality or county of the school resource officer, the officer shall enjoy all authority, rights, privileges, and immunities, including coverage under the workers’ compensation laws that he would have enjoyed if operating in his sworn jurisdiction.

(B) For purposes of this section, a “school resource officer” is defined as a person who is a sworn law enforcement officer pursuant to the requirements of any jurisdiction of this State, who has completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

For each county which has indicated a desire for the service of an attendance supervisor or supervisors there shall be appropriated annually for the ensuing fiscal year a sum sufficient to pay the salaries and
expenses of an attendance supervisor or supervisors for each county, one such supervisor for each ten thousand children, or fraction thereof, enrolled in each county as of the closing date of the school year immediately preceding the commencing of each such fiscal year. This sum shall be the State's portion of the attendance supervisor program. Nothing in this article shall limit the number of attendance supervisors that a county or a school district may employ at its own expense.


In each county desiring the services of an attendance supervisor, such supervisor shall, if his salary and expenses are to be paid by the State, be elected on or before July first of each year, or as soon thereafter as practicable, by the members of the county board of education whose terms of office run concurrently with or extend beyond the period of employment of such supervisor.

59-65-250. Cooperation between attendance supervisors and county and district agencies and the like.

The county attendance supervisor whose salary shall be paid from State funds and such other attendance supervisors as may be employed by the county or school districts therein shall cooperate with the social and civic organizations and agencies of the county or district, as well as with the trustees of the several school districts in the county.


The attendance supervisor shall, upon receiving the list of nonattending children from the county superintendent of education, contact as rapidly as possible the parents or guardians of such nonattending children with the object in mind of interesting nonattending children in school work, and influencing them by means of persuasion to attend school regularly. All principals shall report to such attendance supervisor on continuous absences which appear to be unwarranted, and the attendance supervisor shall make an earnest effort to have enrolled and keep enrolled all children of school age in the county.

REGULATIONS


I. Expectations for School Resource Officers in South Carolina Public Schools

School resource officers are necessary to provide law enforcement services to a safe learning environment. School resource officers shall act in accordance with policies and procedures of the local law enforcement agency or employing local governmental entity to enforce state laws and county and municipal ordinances.

II. Resource Officers Defined

A school resource officer is defined in S.C. Code Ann § 5-7-12.

III. Role of the School Resource Officer

A. Law Enforcement Officer

School resource officers shall not only be called to respond to criminal incidents, but also to assist in emergency crisis planning, building security, and training school personnel on handling crisis situations.

B. Law-Related Educator

Teachers and staff shall utilize school resource officers within the classroom to help design and present law-related topics regarding the role of law enforcement in our society.

C. Community Liaison
School administrators shall encourage school resource officers’ visibility within the school community, as well as attendance and participation at school functions, to build working relationships with school personnel, students, and parents.

D. Positive Role Model

School resource officers shall be positive role models and may be used to promote the profession of law enforcement as a career choice for students. School administrators shall support positive interactions between school resource officers and students on school campuses.

IV. Procedures

A. Student Behavior

School resource officers are not school disciplinarians and shall not ordinarily be requested or permitted to intervene in school discipline matters. The school resource officers shall be called when a student’s behavior amounts to a Level III violation for which law enforcement involvement is required (see Regulation 43-279). School resource officers shall be called to respond to any misconduct when

1. the conduct is criminal, or
2. the conduct presents an immediate safety risk to one or more people.

In addition, school administrators must also contact law enforcement consistent with S.C. Code Ann. 59-24-60.

When law enforcement referrals are required, a school resource officer shall be the first line of contact for local law enforcement to ensure that the matter is resolved expeditiously to decrease significant interruption to the learning process.

B. General provision for visitors, employees, and unauthorized persons.

The school resource officer shall be called immediately to handle a disturbance or emergency as defined in S.C. Code Ann. 16-17-420.

V. Memorandum of Understanding

Prior to placing a school resource officer at a school or in a district office, a memorandum of understanding must be executed between the school district, and the employing local law enforcement agency. The role of the school district, individual schools, local law enforcement agency, school administration, and the school resource officer shall be clearly defined in the memorandum of understanding. The role of the school resource officer must clearly be defined pursuant to S.C. Code Ann 5-7-12 and in the memorandum of understanding. The provisions of this regulation and Regulation 43-279 must be included in the memorandum of understanding.

The school district shall provide the school administration with a copy of the memorandum of understanding, and review it with the school administration and with the school resource officer prior to the start of every school year.
State Education Agency Support

State model policies and implementation support

LAWS

59-5-65. Powers and responsibilities of State Board of Education.
The State Board of Education shall have the power and responsibility to:

(15) Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools’ safety strengths and weaknesses. The checklist must include:

(a) the existence of a comprehensive safety plan;
(b) communication of discipline policies and procedures;
(c) intraagency and interagency emergency planning;
(d) recording of disruptive incidents;
(e) training of staff and students;
(f) assessment of buildings and grounds;
(g) procedures for handling visitors;
(h) assignment of personnel in emergencies;
(i) emergency communication and management procedures; and
(j) transportation rules and accident procedures.

(16) consult with the Department of Agricultural Education of Clemson University at all steps in the development of any state plan prepared to satisfy any federal requirement related to the Carl Perkins Vocational and Applied Technology and Education Act or any successor federal law, including, but not limited to, the allocation or distribution of funds under this federal act.

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.

(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

(B) The policy must include, but not be limited to, the following components:

1. a statement prohibiting harassment, intimidation, or bullying of a student;
2. a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59 63 120;
3. a description of appropriate student behavior;
4. consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;
5. procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;
6. procedures for prompt investigation of reports of serious violations and complaints;
(7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;
(8) consequences and appropriate remedial action for persons found to have falsely accused another;
(9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and
(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

REGULATIONS

43-166. Student and school safety.
A. School Safety Assessment
   1. The State Department of Education shall develop a Model Safe Schools Checklist designed to assess schools' safety strengths and weaknesses. The checklist must include items addressing the following topics:
      a. the existence of a comprehensive safety plan;
      b. communication of discipline policies and procedures;
      c. intra-agency and interagency emergency planning;
      d. recording of disruptive incidents;
      e. training of staff and students;
      f. assessment of buildings and grounds;
      g. procedures for handling visitors;
      h. assignment of personnel in emergencies;
      i. emergency communication and management procedures; and
      j. transportation rules and accident procedures.
   2. The State Department of Education shall submit the checklist to the State Board of Education for approval prior to dissemination to the school districts. The checklist may be revised on an annual basis by the State Board of Education in compliance with relevant provisions of the Safe Schools Act of 1990.
   3. Prior to September 30 of each school year, the State Department of Education shall disseminate a copy of the model safe schools checklist to every public school district in the state.
4. School districts shall be advised by the Department of Education of the requirement to use a safe schools checklist in compliance with Section 59-5-65, S.C. Code of Laws, 1976. This safety assessment should be part of the comprehensive needs assessment conducted for school improvement purposes in compliance with Section 59-20-60(4)(d), S.C. Code of Laws, 1976. In particular, a safe schools checklist should be utilized in determining “school climate” needs, one of the six indicators of school effectiveness.

B. First Aid Supplies
Each school shall provide adequate first aid supplies and equipment.

C. Support for Authorities
The Board urges all citizens to continue their active and vigorous support of the local school and civil authorities in insuring the personal safety and security of all students and teachers.

D. Emergency and Disaster Plans
A plan shall be designed to provide for the protection and welfare of students in the event of any disaster (tornado, hurricane, fire, etc.) which threatens to involve the school community. Each school shall conduct at least one emergency drill within the first month of school to insure safety against such disasters.

E. Guidelines will be developed by the State Department of Education which will refer to statutory provisions relating to school safety, as well as additional information. The State Department of Education will review and update these guidelines as needed.

**Funding appropriations**

**LAWS**

59-66-20. School safety coordinator grant program; funding; requirements.

(A) The General Assembly annually shall provide funds in the general appropriations act to be awarded to school districts which choose to employ safety coordinators in accordance with this section. State funds may be awarded for not more than one safety coordinator for each county. The amount of the award for a county for fiscal year 1995-96 may not exceed twenty-five thousand dollars, except for counties which are designated as economically distressed pursuant to Section 41-43-180. Economically distressed counties participating in the program shall receive additional state funds for fiscal year 1995-96 in the amount of five thousand five hundred dollars. The amount which may be awarded for a county, including the additional state funds for economically distressed counties, must be increased each fiscal year after 1995-96 by the same percentage as the average teacher salary.

(B) An award of state funds to school districts under this program is contingent upon a district or group of districts jointly matching the state grant with an equal amount of funds and in-kind contributions; however, school districts located primarily within an economically distressed county are not required to match any portion of the state grant. Additionally, funds only may be awarded where the duties of the safety coordinator relate exclusively to school and district safety functions. It is the intent of the General Assembly that the safety coordinator have a strong background in law enforcement, safety matters, or coordination of relevant services.

(C) If a county consists of more than one school district, any or all school districts within the county may apply jointly for funds for a safety coordinator. Each participating school district must provide a portion of the local matching funds based upon the relationship the district’s student membership bears to the total student membership of all participating districts within the county. Nonparticipating school districts in multi-district counties may begin participation in the program by contributing to the local match in the same manner as those school districts originally participating in the program.
(D) When more than one school district in a multi-district county is provided funds under this section, the safety coordinator must be an employee of the school district with the largest student membership during the immediately preceding school year, unless the participating school districts have a memorandum of agreement providing otherwise; however, the safety coordinator must provide services to all participating school districts.

(E) For purposes of this section, "student membership" means the cumulative one hundred thirty-five day average daily membership during the immediately preceding school year.

(F) The State Board of Education, through the State Department of Education, shall develop and implement regulations establishing the safety coordinator grant program.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

59-63-380. School official reporting school-related crimes; immunity.
A person affiliated with a school in an official capacity is granted immunity from criminal prosecution and civil liability when making a report of school-related crime in good faith, to the extent that the exposure to criminal prosecution or civil liability arises from the same report of school-related crime.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs.
(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

(A)(1) There is created a school safety task force to:
   (a) examine the various funding streams for school-based mental health services and determine how these streams may best be utilized in order to provide more accessible and efficient delivery of mental health programs;
   (b) examine school mental health staffing ratios and provide suggestions that allow for the full delivery of services and effective school-community partnerships, including collaboration between school districts;
   (c) develop standards for district level policies to promote effective school discipline and mental health intervention services;
   (d) examine current intra- and interagency collaboration and suggest ways to improve cooperation; and
   (e) examine how to best support multitiered systems of support.
(2) Any recommendations made by the task force must be revenue neutral.
(3) The task force shall report its findings and make recommendations concerning proposed changes to the General Assembly.
(B) The task force must be composed of:
   (1) one member appointed by the South Carolina Association of Licensed Professional Counselors;
   (2) one member appointed by the South Carolina Society for Clinical Social Work;
(3) one member appointed by the South Carolina Education Association;
(4) one member appointed by the Palmetto State Teachers Association;
(5) one member appointed by the South Carolina School Counselor Association;
(6) one member appointed by the South Carolina Association of School Psychologists;
(7) one member appointed by the South Carolina Association of School Social Workers;
(8) one member appointed by the South Carolina Association for Marriage and Family Therapy;
(9) one member appointed by the South Carolina Association of School Administrators;
(10) one member appointed by the South Carolina School Boards Association;
(11) one member appointed by the South Carolina Department of Mental Health;
(12) one member appointed by the South Carolina Association of School Resource Officers;
(13) one member appointed by the Chief of the State Law Enforcement Division;
(14) one member appointed by the Governor;
(15) one member appointed by the State Superintendent of Education;
(16) two members appointed by the Chairman of the House Education and Public Works Committee; and
(17) two members appointed by the Chairman of the Senate Education Committee.

(C) Vacancies in the membership of the task force must be filled for the remainder of the unexpired term in the manner of original appointment.

(D) Members of the task force shall serve without compensation and may not receive mileage or per diem.

(E) The staffing for the task force must be provided by the staff of the House Education and Public Works Committee and Senate Education Committee.

(F) The task force shall make a report of its recommendations to the General Assembly no later than December 31, 2014, at which time the task force must be dissolved.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

59-66-30. Public middle schools and high schools to be equipped with metal detector; training; regulations.

(A) Using funds appropriated by the General Assembly, each public middle, junior high, and high school in the State must be equipped with one hand-held metal detector.

(B) In consultation and cooperation with the Office of the Attorney General and the State Law Enforcement Division, the State Department of Education shall provide training in the use of hand-held metal detectors to school officials who shall use the equipment.

(C) The State Board of Education, through the State Department of Education, shall promulgate regulations to implement this section.
59-67-240. Other duties of driver; discipline of pupils for misconduct.

The driver of each school bus shall cooperate with the teachers in their work in the school to which he is transporting pupils by being on time in the mornings and waiting in the afternoons until all his pupils are dismissed by the school faculty and safely aboard his bus. He also shall take particular notice along his route in the mornings and give pupils within sight a reasonable time in which to board his bus. The driver shall be responsible for maintaining good conduct upon his bus and shall report promptly to the governing head of the school to or from which the pupils are transported any misconduct or any violation of the driver’s instructions by any person riding in his bus.

District boards of school trustees in this State may authorize school administrators to suspend or expel pupils from riding a school bus for misconduct on the bus or for violating instructions of the driver.

REGULATIONS
No relevant regulations found.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by South Carolina provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Bullying, South Carolina Department of Education (SCDE)</td>
<td>Provides an overview on bullying and includes links to cyberbullying resources and model policy prohibiting harassment.</td>
<td><a href="https://ed.sc.gov/districts-schools/school-safety/bullying/">https://ed.sc.gov/districts-schools/school-safety/bullying/</a></td>
</tr>
<tr>
<td>School Safety, SCDE</td>
<td>Provides links to resource about health and safety surveys, discipline related reports, safe schools, and anti-bullying resources.</td>
<td><a href="http://ed.sc.gov/districts-schools/school-safety/">http://ed.sc.gov/districts-schools/school-safety/</a></td>
</tr>
<tr>
<td>SC Safe Schools, SCDE</td>
<td>Provides resources and tools regarding active shooter, substance abuse and prevention, and school violence.</td>
<td><a href="https://ed.sc.gov/districts-schools/school-safety/resources-and-training/safety-resources/">https://ed.sc.gov/districts-schools/school-safety/resources-and-training/safety-resources/</a></td>
</tr>
<tr>
<td>Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts (May 2017), SCDE</td>
<td>Document presents State Board regulation regarding minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.</td>
<td><a href="https://www.scstatehouse.gov/CommitteeInfo/SchoolSafetyTaskForce/Regulation%2043-279.pdf">https://www.scstatehouse.gov/CommitteeInfo/SchoolSafetyTaskForce/Regulation%2043-279.pdf</a></td>
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South Dakota
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Safe Supportive Learning
Engagement | Safety | Environment
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Superintendents, principals, supervisors, and teachers have disciplinary authority over all students while the students are in school or participating in or attending school sponsored activities whether on or off school premises. Superintendents and principals may also discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.

REGULATIONS
No relevant regulations found.

Scope

LAWS

§ 13-32-1. Disciplinary authority of school personnel over students.
Superintendents, principals, supervisors, and teachers have disciplinary authority over all students while the students are in school or participating in or attending school sponsored activities whether on or off school premises. Superintendents and principals may also discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.

§ 13-32-2. Supervisory control-Use of physical force when reasonable and necessary-Delegated authority at student functions away from premises.
Superintendents, principals, supervisors, and teachers and their aids and assistants, have the authority, to use the physical force that is reasonable and necessary for supervisory control over students. Like authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
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LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

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No relevant laws found.

REGULATIONS
No relevant regulations found.

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LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

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LAWS

§ 13-32-2. Supervisory control-Use of physical force when reasonable an necessary-Delegated authority at student functions away from premises.
Superintendents, principals, supervisors, and teachers and their aids and assistants, have the authority, to use the physical force that is reasonable and necessary for supervisory control over students. Like authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses.

REGULATIONS
No relevant regulations found.

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LAWS
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LAWS


Any person adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities. Upon placement of the person in an informal adjustment or court-approved diversion program, the state's attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity.

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.
REGULATIONS

No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities

Alternative solutions.

The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:

1. The consumption or possession of beer or alcoholic beverages on the school premises or at school activities;
2. The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities; and
3. The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions or activities.

In addition to administrative and school board disciplinary action, any violation of § 13-32-7 shall be reported to local law enforcement authorities.

The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months.

However, the superintendent or chief administering officer of each local school district or system may increase or decrease the length of a firearm-related expulsion on a case-by-case basis. The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to establish administrative due process procedures for the protection of a student's rights. The administrative due process procedures shall include a requirement that the school give notice of a student's due process rights to the parent or guardian of the student at the time of suspension or expulsion. Each school district board shall provide a procedural due process hearing, if requested, for a student in accordance with such rules if the suspension or expulsion of the student extends into the eleventh school day.

This section does not preclude other forms of discipline which may include suspension or expulsion from a class or activity.

This section does not prohibit a local school district from providing educational services to an expelled student in an alternative setting.

§ 13-32-5. School property defacement ground for suspension or expulsion.

Any student, who cuts, defaces, or otherwise injures any schoolhouse, equipment, or outbuilding thereof, is liable to suspension or expulsion.
REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities

Alternative solutions.
The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:

(1) The consumption or possession of beer or alcoholic beverages on the school premises or at school activities;
(2) The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities; and
(3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions or activities.

In addition to administrative and school board disciplinary action, any violation of § 13-32-7 shall be reported to local law enforcement authorities.

The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months [...].

REGULATIONS
No relevant regulations found.

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

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities

Alternative solutions.
[...] The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months.

However, the superintendent or chief administering officer of each local school district or system may increase or decrease the length of a firearm-related expulsion on a case-by-case basis. The South
Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to establish administrative due process procedures for the protection of a student's rights. The administrative due process procedures shall include a requirement that the school give notice of a student's due process rights to the parent or guardian of the student at the time of suspension or expulsion. Each school district board shall provide a procedural due process hearing, if requested, for a student in accordance with such rules if the suspension or expulsion of the student extends into the eleventh school day.

This section does not preclude other forms of discipline which may include suspension or expulsion from a class or activity.

This section does not prohibit a local school district from providing educational services to an expelled student in an alternative setting.


Any person adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities. Upon placement of the person in an informal adjustment or court-approved diversion program, the state's attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity.
As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

No local school board may impose a lesser consequence than those established in §13-32-9, but a local school district may adopt a policy, by local school board action, with more strict consequences to meet the needs of the district.

If a suspension is reduced pursuant to § 13-32-9, a suspension for a first offense shall make the student ineligible for a minimum of two South Dakota High School Activities Association sanctioned events. If two sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until two sanctioned events for which the student is ineligible have taken place. If a suspension is reduced pursuant to § 13-32-9, a suspension for a second offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If six sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible have taken place. To count toward the minimum number of events, the student must participate in the entire activity season and may not drop out or quit the activity to avoid suspension and the failure of a student to complete the entire activity season shall result in the student being ineligible for one year from the date of adjudication, conviction, the subject of an internal adjustment or court approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season shall carry over to the next activity season in which the student participates. In addition, a suspension that is reduced pursuant to § 13-32-9 is only in effect during the South Dakota High School Activities Association's activity year, which begins on the first day of its first sanctioned event and concludes on the last day of its last sanctioned event. A reduced suspension that is not completed by the end of one activity year shall carry over to the next activity year. A suspension begins on:

(1) The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or

(2) The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association.

REGULATIONS

24:05:26.01:07. Attendance policies.
The attendance policy of a school district may not exclude a student from one or more classes or from a school for more than ten consecutive school days without providing the due process procedures in this chapter or chapter 24:07:03.
24:05:26:08. Attendance policies.
The attendance policy of a school district may not exclude a pupil from a class or from a school for more than ten days without providing due process pursuant to this chapter.

24:07:03:07. Attendance policies.
The attendance policy of a school district may not exclude a pupil from a class or from school for more than ten days without providing due process procedures pursuant to this chapter.

24:07:04:06. Attendance policies.
The attendance policy of a school district may not exclude a student from one more classes or from a school for more than ten consecutive school days without providing the due process procedures in chapter or chapter 24:07:03.

24:07:04:07. Referral to placement committee of students in need of special education or special education and related services.
If a student identified as in need of special education or special education and related services pursuant to SDCL 13-37-1 is the subject of proposed expulsion, the procedure in § 24:06:26.01:08 applies.

Administrative procedures related to suspension and expulsion

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities
Alternative solutions.
The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:

(1) The consumption or possession of beer or alcoholic beverages on the school premises or at school activities;
(2) The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities; and
(3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions or activities.
In addition to administrative and school board disciplinary action, any violation of § 13-32-7 shall be reported to local law enforcement authorities.
The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months.
However, the superintendent or chief administering officer of each local school district or system may increase or decrease the length of a firearm-related expulsion on a case-by-case basis. The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to establish administrative due process procedures for the protection of a student's rights. The administrative due process
procedures shall include a requirement that the school give notice of a student's due process rights to the
parent or guardian of the student at the time of suspension or expulsion. Each school district board shall
provide a procedural due process hearing, if requested, for a student in accordance with such rules if the
suspension or expulsion of the student extends into the eleventh school day
This section does not preclude other forms of discipline which may include suspension or expulsion from
a class or activity.
This section does not prohibit a local school district from providing educational services to an expelled
student in an alternative setting.

The school board in any district may authorize the summary suspension of pupils by principals of schools
for not more than ten school days and by the superintendent of schools for not more than ninety school
days. In case of a suspension by the superintendent for more than ten school days, the pupil or his
parents or others having his custodial care may appeal the decision of the superintendent to the Board of
Education Standards. Any suspension by a principal shall be immediately reported to the superintendent
who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall
promptly transmit to the board a full report in writing of the facts relating to the suspension, the action
taken by him and the reasons for such action; and the board, upon request, shall grant a hearing to the
appealing party. No pupil may be suspended unless:

1. The pupil is given oral or written notice of the charges against him;
2. The pupil is given an oral or written explanation of the facts that form the basis of the proposed
   suspension; and
3. The pupil is given an opportunity to present his version of the incident.

In the event of a suspension for more than ten school days, if the pupil gives notice that he wishes to
appeal the suspension to the board, the suspension shall be stayed until the board renders its decision,
unless in the judgment of the superintendent of schools, the pupil's presence poses a continuing danger
to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil
may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

The administrative due process procedures established in ARSD 24:07:04 for the protection of students' rights in an expulsion procedure apply to the early reinstatement process established in §§ 13-32-4.4 to
13-32-4.6, inclusive, and the South Dakota Board of Education Standards may promulgate rules pursuant
to chapter 1-26 to establish additional procedures for the early reinstatement process, including the
development of early reinstatement conditions by school boards.

No local school board may impose a lesser consequence than those established in §13-32-9, but a local
school district may adopt a policy, by local school board action, with more strict consequences to meet
the needs of the district.

If a suspension is reduced pursuant to § 13-32-9, a suspension for a first offense shall make the student
ineligible for a minimum of two South Dakota High School Activities Association sanctioned events. If two
sanctioned events for which the student is ineligible do not take place within the reduced suspension
period, the student's suspension remains in effect until two sanctioned events for which the student is
ineligible have taken place. If a suspension is reduced pursuant to § 13-32-9, a suspension for a second
offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If six sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible have taken place. To count toward the minimum number of events, the student must participate in the entire activity season and may not drop out or quit the activity to avoid suspension and the failure of a student to complete the entire activity season shall result in the student being ineligible for one year from the date of adjudication, conviction, the subject of an internal adjustment or court approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season shall carry over to the next activity season in which the student participates. In addition, a suspension that is reduced pursuant to § 13-32-9 is only in effect during the South Dakota High School Activities Association's activity year, which begins on the first day of its first sanctioned event and concludes on the last day of its last sanctioned event. A reduced suspension that is not completed by the end of one activity year shall carry over to the next activity year.

A suspension begins on:

1. The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or

2. The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association.

REGULATIONS

24:07:01:01. Definitions.

Terms used in this article mean:

1. "Expulsion," the action of the school board that terminates a pupil's membership in school for not more than 12 consecutive months;

2. "Long-term suspension," the exclusion of a pupil by the superintendent or school board from a class or classes or from school for more than 10 but not more than 90 school days;

3. "Parent," a parent, guardian, or person in charge of a pupil;

4. "Policy," a rule, regulation, or standard enacted by a school district board;

5. "Short-term suspension," the exclusion of a pupil by a principal or superintendent from a class or from school for not more than 10 school days.

24:07:02:01. Short-term suspension procedure.

If a short-term suspension from a class, classes, or school is anticipated because of a pupil's violation of a policy, the principal or superintendent shall give oral or written notice to the pupil as soon as possible after discovery of the alleged violation, stating the facts that form the basis for the suspension. The pupil must be given the opportunity to answer the charges. If a pupil is suspended, the principal or superintendent shall give the parent oral notice, if possible, and shall send the parent or a pupil who is 18 years of age or older or an emancipated minor a written notice which provides information regarding the
pupil's due process rights. A pupil who is an unemancipated minor may not be removed from the school premises before the end of the school day without contacting a parent unless the pupil's presence poses a continuing threat or danger, in which case the pupil may be immediately removed from the school and transferred into the custody of a parent or law enforcement.

24:07:03:01. Written report required.
The superintendent must file a sealed, written report with the school board by the end of the fifth school day following the first day of the long-term suspension and may request that a hearing be held before the school board. The report must include the facts of the situation, the action taken, the reasons for the action, and the superintendent's decision or recommendation. The report must remain in the possession of the school board secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing. The superintendent must send a copy of the report to the pupil's parent or to the pupil if the pupil is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.

24:07:03:02. Right to request hearing-Notice of hearing.
If the superintendent finds grounds for a long-term suspension from a class or classes, the superintendent may exclude the pupil from a class or classes by using the short-term suspension procedure in § 24:07:02:01. The superintendent shall give a written notice to the pupil's parent or to a pupil who is 18 years of age or older or an emancipated minor and may schedule a hearing. The notice shall contain the following minimum information:

1. The policy allegedly violated;
2. The reason for the disciplinary proceedings;
3. Notice of the right to request a hearing or waive the right to a hearing.
4. A description of the hearing procedure;
5. A statement that the pupil's records are available at the school for examination by the pupil's parent or authorized representative; and
6. A statement that the pupil may present witnesses.

If a hearing is requested, the superintendent shall give notice to each school board member of an appeal to the board for a hearing. The superintendent shall set the date, time, and place for the hearing and send notice by first class mail to each school board member and by certified mail, return receipt requested, to the pupil's parent or to a pupil who is 18 years of age or older or an emancipated minor.

If no hearing is requested or the hearing is waived, the action of the superintendent is final.

24:07:03:03. Right of waiver.
The pupil, if of the age of majority or emancipated, or the pupil's parent may waive the right to a hearing in writing to the superintendent. If the hearing is not waived, the hearing shall be held on the date, time, and place set in the notice unless a different date, time, and place are agreed to by the parties.

The school board is the hearing board and shall conduct the hearing in the following manner:

1. The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;
2. Each party may make an opening statement;
3. Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;
4. Each party may be represented by an attorney;
(5) The school administration shall present its case first;

(6) The hearing is closed to the public. A verbatim record of the hearing will be made and will be sealed pending court order;

(7) Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president or business manager;

(8) Each party may raise objections; however, objections are limited to relevancy and scope of the question;

(9) All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer;

(10) The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;

(11) Each party may make a closing statement;

(12) After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from an attorney. Consultation with any other person during deliberation may occur only if a representative of the pupil is present; and

(13) The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion must omit the name of the pupil and must state the reason for the board's action. The school board shall notify the pupil or the pupil's parents in writing of the decision. The notice must state the length of the suspension or expulsion.

24:07:03:06. Right of appeal.
The student may appeal an adverse decision by the school board to the circuit court.

24:07:03:08. Referral to placement committee of pupils in need of special education.
If a pupil identified as in need of special education or special education and related services pursuant to SDCL 13-37-1 is expelled or subjected to long-term suspension, the procedure in § 24:05:26:09 applies.

24:07:04:01. Written report required.
If expulsion is anticipated because of a student's violation of a rule or policy or for insubordination or misconduct, the superintendent must file a sealed written report with the school board no later than the end of the fifth school day following the first day of the student's removal; from one or more classes or from school and schedule a hearing before the school board. The report must include the facts of the situation, the action, the reasons for the action and the superintendent's recommendation. The report must remain in the possession of the school board secretary sealed and unavailable for review by individual school board members, until the time set for a hearing.

At the same time that the report is filed with the school board's secretary, the superintendent must send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or is an emancipated minor.

If the Superintendent finds grounds for expulsion from one or more classes or from school, the superintendent may exclude the student immediately by using the short-term suspension procedure in § 24:07:02:01. The superintendent shall give a written notice to one or both of student's parents or to a student who is 18 years of age or older or an emancipated minor. The notice must contain the following information at a minimum:
(1) The rule, regulation, or policy allegedly violated;  
(2) The reason for the disciplinary proceedings;  
(3) Notice of the right to request a hearing;  
(4) A description of the hearing procedure;  
(5) A statement that the student's records are available at the school for examination by the student's parent or parents or another authorized representative;  
(6) A statement that the student may present witnesses; and  
(7) A statement that the student may be represented by an attorney.

The superintendent shall set the date, time, and place for the school board hearing. The superintendent shall send notice of the hearing to each school board member by first class mail and to the student's parent or to a student who is 18 years of age or older or an emancipated minor by certified mail, return receipt requested. If the superintendent recommend expulsion, the school board must act on the recommendation before it is implemented.

24:07:04:03. Right of waiver.

The student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent. If the hearing is not waived, the hearing shall be held on the date and at the time and place set in the hearing notice unless a different date, time, and place are agreed to by the parties. If the hearing is waived in writing, the school board may consider the matter at a regular or special meeting without further notice to the student or the student's parents.


The school board is the hearing board and shall conduct the hearing in the following manner:

(1) The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;  
(2) Each party may make an opening statement;  
(3) Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;  
(4) Each party may be represented by an attorney;  
(5) The school administration shall present its case first;  
(6) The hearing is closed to the public. The school board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;  
(7) Witnesses may present only when testifying. All witnesses must take an oath or affirmation administered by the school board president, hearing officer or other person authorized by law to take oaths and affirmations;  
(8) Each party may rise any legal objection to evidence;  
(9) The hearing officer shall admit all relevant evidence; however, the hearing officer may limit unproductive or repetitious evidence;  
(10) The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;  
(11) Each party may take a statement;  
(12) After the hearing, the school board shall continue to meet in executive session for deliberation. No one other that the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from an attorney who has not represented any if the parties to the
hearing. Consultation with any other person during deliberation may occur only of a representative of the student is present; and

(13) The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open reason for the board's action. The school board shall notify the student's parent or parents or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the expulsion.

24:07:04:05. Right of appeal.
The student may appeal an adverse decision by the school board to the circuit Court.

24:07:04:07. Referral to placement committee of students in need of special education or special education and related services.
If a student identified as in need of special education or special education and related services pursuant to SDCl 13-37-1 is a subject of proposed expulsion, the procedure in § 24:06:26.01:08 applies.

24:05:26:01. Suspension from school.
The suspension of pupils in need of special education or special education and related services includes the general due process procedures used for all pupils and the additional steps in the process specified in this chapter that a district must take if the student is receiving special education or special education and related services under an individualized education program.

24:05:26:01.01. Suspension from school—Definitions.
Terms used in this chapter and chapter 24:05:26.01 mean:

(1) “Controlled substance,” a drug or other substance identified under SDCL 34-20B-11 to 34-20B-26, inclusive;
(2) “Dangerous weapon,” a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. The term does not include a pocket knife with a blade of less than 2 1/2 inches in length;
(3) “Illegal drug,” a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under SDCL 34-20B-11 to 34-20B-26, inclusive, or under any provision of federal law; and
(4) “Serious bodily injury,” bodily injury that involves:
   (a) A substantial risk of death;
   (b) Extreme physical pain;
   (c) Protracted and obvious disfigurement; or
   (d) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

24:05:26:01.02. Case-by-case determination.
School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this chapter, is appropriate for a student with a disability who violates a code of student conduct.

24:05:26:02. Short-term suspension procedure.
If a short-term suspension from a class, classes, or school is anticipated because of a pupil's violation of a policy, the procedure in § 24:07:02:01 applies.
24:05:26:02.01. Change of placement for disciplinary removals.

For purposes of removal of a student with a disability from the student's current educational placement under this chapter, a change of placement occurs if:

1. The removal is for more than ten consecutive school days; or
2. The student is subjected to a series of removals that constitute a pattern because:
   a. They cumulate to more than ten school days in a school year;
   b. Of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; and
   c. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals.

The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

24:05:26:02.02. Removals—Ten school days or less.

To the extent removal would be applied to students without disabilities, including alternative settings, school personnel may order the removal of a student with a disability from the student's current placement to an appropriate interim alternative educational setting or another setting, or they may order suspension for not more than ten consecutive school days, for any violation of a code of student conduct. Additional removals of not more than ten consecutive school days in that same school year may be ordered for separate incidents of misconduct if those removals do not constitute a change of placement under § 24:05:26:02.01.

24:05:26:02.03. Required services—No change of placement.

A school district need not provide services during periods of removal under § 24:05:26:02.02 to a student with a disability who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed. If a student with a disability has been removed from his or her current placement for more than ten school days in that school year, and the removal is not for more than ten consecutive school days and is not a change in placement, the district, for the remainder of the removals, shall provide services to the extent necessary to enable the student to participate in the general curriculum and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are necessary to enable the student to participate in the general curriculum and to progress toward meeting the goals set out in the student's IEP.

24:05:26.03. Written report required.

If a long-term suspension is anticipated because of a pupil's violation of a policy, the procedure in § 24:07:03:01 applies.


If the superintendent finds grounds for a long-term suspension from a class or classes, the procedure in § 24:07:03:02 applies.
24:05:26:05. Right of waiver.  
The pupil, if of the age of majority or emancipated, or the pupil's parent may waive the right to a hearing in writing to the superintendent. If the hearing is not waived, the hearing shall be held on the date, time, and place set in the notice unless a different date, time, and place are agreed to by the parties.

24:05:26:06. Hearing procedure.  
The school board is the hearing board and shall conduct the hearing in the following manner:

   (1) The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;
   (2) Each party may make an opening statement;
   (3) Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;
   (4) Each party may be represented by an attorney;
   (5) The school administration shall present its case first;
   (6) The hearing is closed to the public. The school board shall make a verbatim record of the hearing by means of an electronic or mechanical device;
   (7) Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president or business manager;
   (8) Each party may raise objections; however, objections are limited to relevancy and scope of the question;
   (9) The hearing officer shall admit all relevant evidence; however, the hearing officer may limit unproductive or repetitious evidence;
   (10) The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
   (11) Each party may make a closing statement;
   (12) After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of the pupil is present; and
   (13) The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the pupil and shall state the reason for the board's action. The school board shall notify the pupil's parents or a pupil who is 18 years of age or older or an emancipated minor in writing of the decision. The notice shall state the length of the suspension.

The pupil may appeal an adverse decision by the school board to the circuit court.

24:05:26:08.02. Authority of hearing officer.  
A hearing officer under this article hears and makes a determination regarding an appeal under this chapter. In making the determination under this section, the hearing officer may:

   (1) Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this chapter or that the student's behavior was a manifestation of the student's disability; or
(2) Order a change of placement of the student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. The procedures under this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

24:05:26:09.03. Manifestation determination review requirement.
Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the school district, the parent, and relevant members of the student's IEP team, as determined by the parent and the district, shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

(1) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or

(2) Whether the conduct in question was the direct result of the school district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the district, the parent, and relevant members of the student's IEP team determine that a condition in either subdivision (1) or (2) of this section was met.

If the district, the parent, and relevant members of the student's IEP team determine that the condition described in subdivision (2) of this section was met, the district shall take immediate steps to remedy those deficiencies.

24:05:26:09.04. Determination that behavior was a manifestation.
If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team shall either:

(1) Conduct a functional behavioral assessment, unless the district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or

(2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

In addition, and except as provided in § 24:05:26:08.01, the IEP team shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

24:05:26:09.05. Determination that behavior was not manifestation of disability-Additional authority of school personnel.
For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability pursuant to this chapter, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except as provided in this section.

A student with a disability who is removed from the student's current placement pursuant to this section or § 24:05:26:08.01 must:
(1) Continue to receive educational services, as provided in this article, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and

(2) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

24:05:26:09.06. Appeal.
The parent of a student with a disability who disagrees with any decision regarding placement under this chapter or with the manifestation determination, or a school district that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to this article.

If an appeal under this chapter has been made by either the parent or the school district, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § 24:05:26:08.01 or 24:05:26:09.05, whichever occurs first, unless the parent and the state education agency or school district agree otherwise.

24:05:26:09.08. Expedited hearing-Procedures.
If a hearing is requested under this chapter, the parents or the school district involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of this article, except as provided in this section.

The department shall arrange the expedited due process hearing, which must occur within 20 school days of the date of the complaint requesting the hearing is filed. The hearing officer shall make a determination within ten school days after the hearing.

Unless the parents and school district agree in writing to waive the resolution meeting described in this section, or agree to use the mediation process described in chapter 24:05:30:

(1) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and

(2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

The decisions on expedited due process hearings are appealable consistent with chapter 24:05:30.

24:05:26.01:01. Expulsion from school.
The expulsion of students in need of special education or special education and related services includes the general due process procedures used for all students and the additional steps in the process specified in this chapter that a district must take when the student is receiving special education or related services under an individual education plan.

24:05:26.01:01. Case-by-case determination.
School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this chapter, is appropriate for a student with a disability who violates a code of student conduct.
24:05:26.01:02. Written report required.
If an expulsion is anticipated because of a student's violation of rules or policies or for insubordination or misconduct, the procedure in § 24:07:04:01 applies.

24:05:26.01:03. Request and notice of hearing.
If the superintendent finds grounds for expulsion from school, the procedure in § 24:07:04:02 applies.

24:05:26.01:04. Right to waiver.
A competent student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent. If the hearing is not waived, the hearing shall be held on the date and at the time and place set in the hearing notice unless a different date, time, and place are agreed to by the parties. If the hearing is waived in writing, the school board may consider the matter at a regular or special meeting without further notice to the student or student's parents.

24:05:26.01:05. Hearing procedure.
The school board is the hearing board and shall conduct the hearing in the following manner:

(1) The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;

(2) Each party may make an opening statement;

(3) Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;

(4) Each party may be represented by an attorney;

(5) The school administration shall present its case first;

(6) The hearing is closed to the public. The school board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;

(7) Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president, hearing officer, or other person authorized by law to take oaths or affirmations;

(8) Each party may raise any legal objections to evidence;

(9) The hearing officer shall admit all relevant evidence; however, the hearing officer may limit unproductive or repetitious evidence;

(10) The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;

(11) Each party may make a closing statement;

(12) After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during hearing. Consultation with any other person during deliberation may occur only if a representative of the student is present; and

(13) The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the student and shall state the reason for the board's action. The school board shall notify the student's parent or parents or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the expulsion.

24:05:26.01:06. Right of appeal.
The student may appeal an adverse decision by the school board to the circuit court.
24:05:26.01:07.01. Authority of school personnel.
Weapons, drugs, and serious bodily injury. School district personnel shall follow the procedures under § 24:05:26:08.01 if an expulsion is anticipated because of a student's violation of rules or policies pertaining to weapons and drugs.

24:05:26.01:07.02. Authority of hearing officer.
The authority of a hearing officer, in an expedited due process hearing, described under § 24:05:26:08.02, applies if an expulsion is anticipated because a student's behavior is substantially likely to result in injury to the student or to others.

24:05:26.01:08.01. Applicability of suspension procedures.
The suspension procedures described in §§ 24:05:26:09.02 to 24:05:26:09.08, inclusive, apply if an expulsion is anticipated.

The procedures under § 24:05:26:14 apply for students who have not been determined eligible for special education or special education and related services if an expulsion is anticipated.

A student who has not been determined to be eligible for special education and related services under this article and who has engaged in behavior that violated any rule or code of conduct of the school district, including any behavior described in this chapter, may assert any of the protections provided for in this article if the school district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. A school district is deemed to have knowledge that a student is a student with a disability if:

(1) The parent of the student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services;

(2) The parent of the student has requested an evaluation of the student pursuant to this article; or

(3) The teacher of the student, or other personnel of the district or other public agency has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the district or to other supervisory personnel of the district.

A district is not deemed to have knowledge that the student is a student with a disability under this section, if the parent of the student has not allowed an evaluation of the student pursuant to this article, or has refused services under this article, or the district conducted an evaluation consistent with this article and determined that the student was not a student with a disability.

If the district does not have knowledge that a student is a student with a disability before taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors consistent with this chapter.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under this chapter, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability taking into consideration information from the evaluation conducted by the district and information provided by the parents, the district shall provide special
education and related services in accordance with the provisions of this article including the discipline procedures and free appropriate public education requirements.

**In-school suspension**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Return to school following removal**

**LAWS**

§ 13-32-4.3. **Enrollment in other school after suspension or expulsion-Duties of sending and receiving schools.**
If any student is under suspension or expulsion in a school district, the student may not enroll in any school district until the suspension or expulsion has expired. The superintendent or school administrator of any school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state. Upon receiving a request for a student's permanent school records from the receiving district, the sending school shall provide the receiving district with written notice of any suspension or expulsion.

§ 13-32-4.4. **Early reinstatement of expelled student.**
If a student is expelled from school as provided in § 13-32-4, the school board may grant the student an early reinstatement allowing the student to return to school before the end of the period of expulsion.

§ 13-32-4.5. **Early reinstatement with conditions.**
Any early reinstatement granted by a school board pursuant to § 13-31-4.4 may include one or more specific conditions established by the school board that the expelled student must meet, either prior to the granting of the early reinstatement or after the early reinstatement is granted and before the end of the period of expulsion. Any early reinstatement conditions established by the school board for an expelled student shall pertain to the reasons why the student was expelled, and the board shall provide notice of any early reinstatement conditions to the student's parent or guardian or to the student, if the student is at least eighteen years of age or is an emancipated minor, at the time the student is expelled.

§ 13-32-4.6. **Revocation of early reinstatement.**
If the superintendent of a school district determines that an expelled student has met the early reinstatement conditions established pursuant to § 13-32-4.5 that the student is required to meet before the student may be granted early reinstatement, the superintendent may grant the student early reinstatement and allow the student to return to school.

If a student violates an early reinstatement condition that the student was required to meet after the student's early reinstatement, but before the end of the expulsion period, the superintendent of the school district may revoke the student's early reinstatement. Within five days after revoking an early reinstatement, the superintendent shall provide written notice of the revocation including any early reinstatement condition that was violated by the student to the student's parent or guardian or to the student, if the student is at least eighteen years of age or an emancipated minor.
If a student's early reinstatement is revoked, the student's expulsion shall continue until the end of the original period of expulsion unless the student's expulsion is firearm-related and the original period of expulsion is modified by the superintendent pursuant to § 13-32-4.

The administrative due process procedures established in ARSD 24:07:04 for the protection of students' rights in an expulsion procedure apply to the early reinstatement process established in §§ 13-32-4 to 13-32-4.6, inclusive, and the South Dakota Board of Education Standards may promulgate rules pursuant to chapter 1-26 to establish additional procedures for the early reinstatement process, including the development of early reinstatement conditions by school boards.

REGULATIONS

24:05:26.01:08. Referral to placement committee for expulsion of students.
If a student identified in need of special education or special education and related services pursuant to SDCL 13-37-1 is the subject of proposed expulsion, the superintendent shall refer the matter to the IEP team.

24:05:26.08.02. Authority of hearing officer.
A hearing officer under this article hears and makes a determination regarding an appeal under this chapter. In making the determination under this section, the hearing officer may:

1. Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this chapter or that the student's behavior was a manifestation of the student's disability; or
2. Order a change of placement of the student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

The procedures under this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

If a pupil identified as in need of special education or special education and related services pursuant to SDCL 13-37-1 is the subject of long-term suspension, a referral shall be made by the superintendent or chief administering officer to the district's IEP team.

Use of restraint and seclusion

LAWS

The school board of each school district shall adopt or revise a school district policy for school district employees on the use of restraint and seclusion. The policy shall contain the following provisions:

1. A procedure for notifying the parent or guardian of the student, unless the student is emancipated, of an incident requiring the use of restraint or seclusion;
2. A prohibition on the use of prone restraint, defined as physical pressure applied to any part of the student's body to keep the student in a face down position on the floor or other surface, except when the use is necessary and reasonable in manner and moderate in degree; and
(3) A prohibition on the use of involuntary confinement of a student locked alone in a room, unless there is a clear and present danger.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities

Alternative solutions.

[…] This section does not prohibit a local school district from providing educational services to an expelled student in an alternative setting.

REGULATIONS

24:05:26:02.01. Change of placement for disciplinary removals.
For purposes of removal of a student with a disability from the student's current educational placement under this chapter, a change of placement occurs if:

(1) The removal is for more than ten consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because:
   (a) They cumulate to more than ten school days in a school year;
   (b) Of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; and
   (c) The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals.

The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

24:05:26:02.02. Removals-Ten school days or less.
To the extent removal would be applied to students without disabilities, including alternative settings, school personnel may order the removal of a student with a disability from the student's current placement to an appropriate interim alternative educational setting or another setting, or they may order suspension for not more than ten consecutive school days, for any violation of a code of student conduct. Additional removals of not more than ten consecutive school days in that same school year may be ordered for separate incidents of misconduct if those removals do not constitute a change of placement under § 24:05:26:02.01.

24:05:26:02.03. Required services-No change of placement.
A school district need not provide services during periods of removal under § 24:05:26:02.02 to a student with a disability who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed. If a student with a disability has been removed from his or her current placement for more than ten school days in that school year, and the removal is not for more than ten consecutive school days and
is not a change in placement, the district, for the remainder of the removals, shall provide services to the extent necessary to enable the student to participate in the general curriculum and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are necessary to enable the student to participate in the general curriculum and to progress toward meeting the goals set out in the student's IEP.

24:05:26:08.01. Authority of school personnel-Weapons, drugs, and serious bodily injury.
School personnel may remove a student to an appropriate interim alternative setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if:

(1) The student carries a weapon to or possesses a weapon at school, on school premises, or at school or to a school function under the jurisdiction of a state or local education agency;

(2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or

(3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state education agency or a school district.

24:05:26:08.02. Authority of hearing officer.
A hearing officer under this article hears and makes a determination regarding an appeal under this chapter. In making the determination under this section, the hearing officer may:

(1) Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this chapter or that the student's behavior was a manifestation of the student's disability; or

(2) Order a change of placement of the student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

The procedures under this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

24:05:26:09.02. Determination of interim alternative educational setting.
The student's IEP team shall determine the interim alternative educational setting in which a student is placed under §§ 24:05:26:08.01, 24:05:26:02.01, and 24:05:26:09.05.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities

Alternative solutions.
The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:

(3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions or activities.

[...] If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months.

However, the superintendent or chief administering officer of each local school district or system may increase or decrease the length of a firearm-related expulsion on a case-by-case basis [...]

§ 13-32-7. Presence of firearms on school premises or vehicles prohibited Misdemeanor-Exception for ceremonial events.

Any person, other than a law enforcement officer or school sentinel under § 13-64-1, who intentionally carries, possesses, stores, keeps, leaves, places, or puts into the possession of another person, any dangerous weapon, firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended to be used primarily for imitative or noisemaking purposes, on or in any public elementary or secondary school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for public elementary or secondary school functions, whether or not any person is endangered by any action under this section, is guilty of a Class 1 misdemeanor. The provisions of this section do not apply to:

(1) Use of a starting gun at an athletic event:
(2) Any firearm or air gun at a:
   (a) Firing range;
   (b) Gun show;
   (c) Supervised school or session for training in the use of firearms; or
   (d) Ceremonial presence of unloaded weapons at color guard ceremonies;
(3) Any nonpublic school;
(4) Any church or other house of worship; or
(5) Any nonpublic school located on the premises of a church or other house of worship.
REGULATIONS

24:05:26.01:07.01. Authority of school personnel. Weapons, drugs, and serious bodily injury. School district personnel shall follow the procedures under § 24:05:26:08.01 if an expulsion is anticipated because of a student's violation of rules or policies pertaining to weapons and drugs.

24:05:26:08.01. Authority of school personnel-Weapons, drugs, and serious bodily injury. School personnel may remove a student to an appropriate interim alternative setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if:

(1) The student carries a weapon to or possesses a weapon at school, on school premises, or at school or to a school function under the jurisdiction of a state or local education agency [...]

Other weapons

LAWS
No relevant laws found.

REGULATIONS

24:05:26.01:07.01. Authority of school personnel. Weapons, drugs, and serious bodily injury. School district personnel shall follow the procedures under § 24:05:26:08.01 if an expulsion is anticipated because of a student's violation of rules or policies pertaining to weapons and drugs.

24:05:26:08.01. Authority of school personnel-Weapons, drugs, and serious bodily injury. School personnel may remove a student to an appropriate interim alternative setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if:

(1) The student carries a weapon to or possesses a weapon at school, on school premises, or at school or to a school function under the jurisdiction of a state or local education agency[...]

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**Attendance and truancy**

**LAWS**

§ 13-27-11. **Failure to send child to school as misdemeanor.**
Any person having control of a child of compulsory school age who fails to have the child attend school as required by the provisions of this title, is guilty of a Class 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty of a Class 1 misdemeanor.

§ 13-27-15. **Attendance records maintained by superintendent or president of board-Reports required.**
Each superintendent, or the president of the school board in districts without a superintendent, is responsible for maintaining an accurate record of the attendance of all persons of compulsory school age. He shall, at regular intervals, report the names of all compulsory school age persons, not excused from school, who do not or who irregularly attend an accredited school to the truancy officer on blanks provided for that purpose. He shall include reasons for the absences in the report.

§ 13-27-20. **Complaints against persons responsible for truancy-Contents of complaint-Verification.**
Each truancy officer shall make and file truancy complaints, and any teacher, school officer, or any citizen may make and file a truancy complaint, before a circuit court judge, against any person having control of a child of compulsory school age who is not attending school or whose attendance is irregular. The complaint shall state the name of the parent, guardian, or person responsible for the control of the child. The complaint shall be verified by oath upon belief of the complainant.

§ 13-27-21. **Warrant for arrest of parent, guardian, or responsible person-Summons of witnesses.**
Upon filing of a complaint, the judge of a circuit court shall issue a warrant of arrest to the sheriff of the county directing him to bring the defendant before the court and to summon witnesses required to ascertain the facts in the case.

§ 13-27-23. **Penalties invoked on finding of guilty.**
If the judge finds the defendant guilty, he shall invoke the penal provisions of § 13-27-11 upon the defendant.

§ 13-27-28. **Disobedience of circuit court order as contempt.**
Any parent, guardian, or person in charge of a child, who refuses or neglects to obey any order of a circuit judge made as provided in this chapter, is, in addition to the penal provisions of § 13-27-11, guilty of contempt of court.

§ 13-32-4.1. **Attendance policy-Adoption by school board-Suspension and expulsion power unaffected.**
The school board of every school district may adopt an attendance policy in accordance with procedural due process rules established by the South Dakota Board of Education Standards pursuant to § 13-32-4. Any attendance policy adopted pursuant to this section is not to be construed as limiting the powers of the school board of a school district to suspend or expel students pursuant to § 13-32-4.

The following allegations of delinquency and children in need of supervision shall be treated as juvenile cited violations by law enforcement:

   (4) Truancy pursuant to subdivision 26-8B-2(1).

The issuing officer shall notify the child and the child’s parent, guardian, or custodian that a hearing on the citation for a cited violation shall be held before a judicial circuit court judge within ten days of issuance of the citation or on the next available court date and be treated as a confidential juvenile matter. The hearing shall be held pursuant to § 26-7A-36 and the case records shall be treated as confidential consistent with the provisions of §§ 26-7A-114, 26-7A-115, 26-7A-116, 26-7A-120, and 26-7A-27. A cited violation is not an adjudication or a child in need of supervision or delinquency proceeding. In lieu of a citation, pursuant to subdivision 26-7A-126(4), a school official may file a report with the state’s attorney. A report may also be filed with the state’s attorney in lieu of a citation if the conduct occurs in conjunction with another offense that is not subject to the juvenile cited violation process.


If a state’s attorney is informed that a citation or report has been issued for a juvenile cited violation, the state’s attorney may take any action permitted pursuant to § 26-7A-10, except that a state’s attorney may only file a petition pursuant to subdivision 26-7A-10(5) if:

   (1) The child is cited, or a report is filed pursuant to subdivision 26-7A-126(1), (2), or (4); or
   (2) The child is cited pursuant to subdivision 26-7A-126(3) and has two or more prior judgments for the same violation.

If the state’s attorney intends to proceed on a petition for a violation of the provisions in § 26-7A-126 pursuant to subdivision (1) or (2) in this section, the provisions of § 26-7A-11.1 apply.

REGULATIONS

24:05:26.01:07. Attendance policies.

The attendance policy of a school district may not exclude a student from one or more classes or from a school for more than ten consecutive school days without providing the due process procedures in this chapter or chapter 24:07:03.

24:05:26.08. Attendance policies.

The attendance policy of a school district may not exclude a pupil from a class or from a school for more than ten days without providing due process pursuant to this chapter.

24:07:03:07. Attendance policies.

The attendance policy of a school district may not exclude a pupil from a class or from school for more than ten days without providing due process procedures pursuant to this chapter.

24:07:04:06. Attendance policies.

The attendance policy of a school district may not exclude a student from one more classes or from a school for more than ten consecutive school days without providing the due process procedures in chapter or chapter 24:07:03.
Substance use

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline—Suspension and expulsion by the board—Grounds—Length of firearm-related suspension—Due process—Local authorities

Alternative solutions.

The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:

1. The consumption or possession of beer or alcoholic beverages on the school premises or at school activities;
2. The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities; [...]

The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days [...]


Any person adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, the person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such
determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities.

Upon placement of the person in an informal adjustment or court-approved diversion program, the state’s attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity.

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

Terms used in §§ 34-22-44.1 and 34-22-44.2 mean:

(1) "Enclosed area," any space between a floor and a ceiling that is enclosed, exclusive of doorways, on all sides by permanent or temporary walls or windows;
(2) "Place of employment," any enclosed area under the control of a public or private employer;
(3) "Public place," any enclosed area to which the public is invited or in which the public is permitted.

34-46-14. Smoking tobacco or carrying lighted tobacco product in public place or place of employment prohibited - Petty offense.
No person may smoke tobacco product or carry any lighted tobacco product in any public place or place of employment. A violation of this section is a petty offense.

34-46-20. Vapor product included in definition of tobacco product.
For the purposes of this chapter, the term, tobacco product, includes vapor product. The term, vapor product, means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term, vapor product, includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic smoking device, or similar product or device. The term, vapor product, does not include any product approved by the United States Food and Drug Administration for sale as tobacco cessation products and marketed and sold solely for that purpose.

REGULATIONS

24:05:26.01:07.01. Authority of school personnel.
Weapons, drugs, and serious bodily injury. School district personnel shall follow the procedures under § 24:05:26:08.01 if an expulsion is anticipated because of a student’s violation of rules or policies pertaining to weapons and drugs.

24:05:26:08.01. Authority of school personnel-Weapons, drugs, and serious bodily injury.
School personnel may remove a student to an appropriate interim alternative setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if:
(2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency [...]

Bullying, harassment, or hazing

LAWS

If a school district does not have a bullying policy, the school district shall follow the model bullying policy in § 13-32-19 until such time as the school district adopts its own bullying policy. Nothing in §§ 13-32-14 to 13-32-19, inclusive, supplants or preempts an existing school district policy, except that no school district policy prohibiting bullying, whether it is existing or adopted pursuant to §§ 13-32-14 to 13-32-19, inclusive, may contain any protected classes of students.

Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

(1) Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
(2) Substantially interferes with a student's educational performance; or
(3) Substantially disrupts the orderly operation of a school.

For the purposes of §§ 13-32-14 to 13-32-19, inclusive, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Each school district policy developed pursuant to §§ 13-32-14 to 13-32-19, inclusive, shall contain the following provisions:

(1) A statement prohibiting bullying and a definition of bullying that includes the definition listed in § 13-32-15;
(2) A description of the type of behavior expected from each student of the school district, and the consequences for a student of the school district who commits an act of bullying;
(3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report; and

A procedure for the prompt investigation and response to any report of bullying, including a requirement that an investigation be conducted on any alleged incident of bullying committed against a child while the child is aboard a school bus, at a school bus stop, or at a school-sponsored event.

§ 13-32-17. Immunity from liability for good faith report of bullying-No cause of action without substantial noncompliance resulting in injury.
Any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure to remedy the reported incident. Moreover, the provisions
of §§ 13-32-14 to 13-32-19, inclusive, do not create a cause of action against any school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy resulting in injury to a protected person.

**§ 13-32-18. Bullying via computers or electronic devices subject to disciplinary action regardless of time or place.**

Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in § 13-32-15.

**§ 13-32-19. Model bullying policy established.**

The model bullying policy pursuant to §§ 13-32-14 to 13-32-19 is as follows:

Prohibition of harassment, intimidation, and bullying

The School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff, or third parties is strictly prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

1. Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or
2. Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to his or her building supervisor.

This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities.

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the building principal. Any student engaging in an act of bullying is subject to discipline pursuant to the District's student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

**REGULATIONS**

No relevant regulations found.

**Other special infractions or conditions**

**LAWS**

**§ 13-32-5. School property defacement ground for suspension or expulsion.**

Any student, who cuts, defaces, or otherwise injures any schoolhouse, equipment, or outbuilding thereof, is liable to suspension or expulsion.
§ 13-32-6. Intentional disturbance of school by students or others Prohibited-Misdemeanor.

A person, whether pupil or not, who intentionally disturbs a public or nonpublic school when in session or who intentionally interferes with or interrupts the proper order or management of a public or nonpublic school by acts of violence, boisterous conduct, or threatening language, so as to prevent the teacher or any pupil from performing his duty, is guilty of a Class 2 misdemeanor.


Terms used in this section and §§13-32-11 to 13-32-13, inclusive, mean:

1) "Medication," inhaled bronchodilator or auto-injectable epinephrine, or both;
2) "Parent," any person standing in parental relation;
3) "School," any public or nonpublic school;
4) "Self-administration of prescription medication," a student's discretionary use of prescription asthma or anaphylaxis medication, or both.


Any student with asthma or anaphylaxis may possess and self-administer prescription medication while on school property or at a school-related event or activity if:

1) The prescription medication has been prescribed for that student as indicated by the prescription label on the medication;
2) The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
3) A parent of the student provides to the school:
   a) Written authorization, signed by the parent, for the student to self-administer prescription medication while on school property or at a school-related event or activity;
   b) A written statement, signed by the parent, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;
   c) A written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that states:
      i) The student has asthma or anaphylaxis or both, and is capable of self-administering the prescription medication;
      ii) The name and purpose of the medication;
      iii) The prescribed dosage for the medication;
      iv) The times at which or circumstances under which the medication may be administered; and
      v) The period for which the medication is prescribed.

The physician's or provider's statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.


If any student uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school. However, the disciplinary action may not limit or restrict the student's immediate access to the medication.
§ 13-32-13. **Applicability of provisions regarding self-administration of medication.**

The provisions of §§ 13-32-10 to 13-32-12, inclusive, do not apply to any of the following group living environments:

1. A facility operated by the Department of Corrections;
2. A facility operated by the Department of Human Services or the Department of Social Services;
3. A group care or residential treatment facility licensed by the Department of Social Services;
4. A residential treatment facility accredited by the Department of Human Services or the Department of Social Services;
5. A community support provider as defined in § 27B-1-17;
6. An intermediate care facility for individuals with intellectual disabilities;
7. A juvenile detention center or holding facility operated by a county; or
8. A hospital or health care facility as defined in § 34-12-1.1.

**REGULATIONS**

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS
No public school administrator or teacher shall refer a student for psychiatric treatment within or outside the school without the prior written consent of such student's parent or guardian.

REGULATIONS
No relevant regulations found.

Professional development

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 13-27-15. Attendance records maintained by superintendent or president of board-Reports required.
Each superintendent, or the president of the school board in districts without a superintendent, is responsible for maintaining an accurate record of the attendance of all persons of compulsory school age. He shall, at regular intervals, report the names of all compulsory school age persons, not excused from school, who do not or who irregularly attend an accredited school to the truancy officer on blanks provided for that purpose. He shall include reasons for the absences in the report.

REGULATIONS

24:05:26:03. Written report required.
If a long-term suspension is anticipated because of a pupil's violation of a policy, the procedure in § 24:07:03:01 applies.

24:07:03:01. Written report required.
The superintendent must file a sealed, written report with the school board by the end of the fifth school day following the first day of the long-term suspension and may request that a hearing be held before the school board. The report must include the facts of the situation, the action taken, the reasons for the action, and the superintendent's decision or recommendation. The report must remain in the possession of the school board secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing. The superintendent must send a copy of the report to the pupil's parent or to the pupil if the pupil is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.

24:07:04:01. Written report required.
If expulsion is anticipated because of a student's violation of a rule or policy or for insubordination or misconduct, the superintendent must file a sealed written report with the school board no later than the end of the fifth school day following the first day of the student's removal; from one or more classes or from school and schedule a hearing before the school board. The report must include the facts of the situation, the action, the reasons for the action and the superintendent's recommendation. The report must remain in the possession of the school board secretary sealed and unavailable for review by individual school board members, until the time set for a hearing.
At the same time that the report is filed with the school board's secretary, the superintendent must send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or is an emancipated minor.
**Parental notification**

**LAWS**

§ 13-27-16. **Warnings by school boards to send children to school-Report to truancy officer.**
Each school board shall warn parents or persons in control of children of compulsory school age that the children must enter school and attend regularly, and shall report the parents or persons in control of the children to the truancy officer for the district if the warning is not heeded. All school board members, superintendents, and teachers shall cooperate in the enforcement of the school attendance laws.

§ 13-32-4. **School board cooperation in enforcement of discipline-Suspension and expulsion by the board-Grounds-Length of firearm-related suspension-Due process-Local authorities**

Alternative solutions.

[...] The administrative due process procedures shall include a requirement that the school give notice of a student's due process rights to the parent or guardian of the student at the time of suspension or expulsion. Each school district board shall provide a procedural due process hearing, if requested, for a student in accordance with such rules if the suspension or expulsion of the student extends into the eleventh school day[...]

**REGULATIONS**

24:05:26.01:07.03. **Parental notification.**

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents the procedural safeguards notice described in chapter 24:05:30.

24:05:26:08.03. **Parental notification.**

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district shall notify the parents of that decision and provide the parents the procedural safeguards notice described in chapter 24:05:30.

24:07:02:01. **Short-term suspension procedure.**

If a short-term suspension from a class, classes, or school is anticipated because of a pupil's violation of a policy, the principal or superintendent shall give oral or written notice to the pupil as soon as possible after discovery of the alleged violation, stating the facts that form the basis for the suspension. The pupil must be given the opportunity to answer the charges. If a pupil is suspended, the principal or superintendent shall give the parent oral notice, if possible, and shall send the parent or a pupil who is 18 years of age or older or an emancipated minor a written notice which provides information regarding the pupil's due process rights. A pupil who is an unemancipated minor may not be removed from the school premises before the end of the school day without contacting a parent unless the pupil's presence poses a continuing threat or danger, in which case the pupil may be immediately removed from the school and transferred into the custody of a parent or law enforcement.

24:07:03:01. **Written report required.**

The superintendent must file a sealed, written report with the school board by the end of the fifth school day following the first day of the long-term suspension and may request that a hearing be held before the school board. The report must include the facts of the situation, the action taken, the reasons for the
action, and the superintendent's decision or recommendation. The report must remain in the possession of the school board secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing. The superintendent must send a copy of the report to the pupil's parent or to the pupil if the pupil is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.

24:07:03:02. Right to request hearing-Notice of hearing.
If the superintendent finds grounds for a long-term suspension from a class or classes, the superintendent may exclude the pupil from a class or classes by using the short-term suspension procedure in §24:07:02:01. The superintendent shall give a written notice to the pupil's parent or to a pupil who is 18 years of age or older or an emancipated minor and may schedule a hearing. The notice shall contain the following minimum information:

1. The policy allegedly violated;
2. The reason for the disciplinary proceedings;
3. Notice of the right to request a hearing or waive the right to a hearing.
4. A description of the hearing procedure;
5. A statement that the pupil's records are available at the school for examination by the pupil's parent or authorized representative; and
6. A statement that the pupil may present witnesses.

If a hearing is requested, the superintendent shall give notice to each school board member of an appeal to the board for a hearing. The superintendent shall set the date, time, and place for the hearing and send notice by first class mail to each school board member and by certified mail, return receipt requested, to the pupil's parent or to a pupil who is 18 years of age or older or an emancipated minor. If no hearing is requested or the hearing is waived, the action of the superintendent is final.

24:07:04:01. Written report required.
If expulsion is anticipated because of a student's violation of a rule or policy or for insubordination or misconduct, the superintendent must file a sealed written report with the school board no later than the end of the fifth school day following the first day of the students' removal; from one or more classes or from school and schedule a hearing before the school board. The report must include the facts of the situation, the action, the reasons for the action and the superintendent's recommendation. The report must remain in the possession of the school board secretary sealed and unavailable for review by individual school board members, until the time set for a hearing.

At the same time that the report is filed with the school board's secretary, the superintendent must send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or is an emancipated minor.

If the Superintendent finds grounds for expulsion from one or more classes or from school, the superintendent may exclude the student immediately by using the short-term suspension procedure in §24:07:02:01. The superintendent shall give a written notice to one or both of student's parents or to a student who is 18 years of age or older or an emancipated minor. The notice must contain the following information at a minimum:

1. The rule, regulation, or policy allegedly violated;
2. The reason for the disciplinary proceedings;
3. Notice of the right to request a hearing;
(4) A description of the hearing procedure;
(5) A statement that the student's records are available at the school for examination by the student's parent or parents or another authorized representative;
(6) A statement that the student may present witnesses; and
(7) A statement that the student may be represented by an attorney.

The superintendent shall set the date, time, and place for the school board hearing. The superintendent shall send notice of the hearing to each school board member by first class mail and to the student's parent or to a student who is 18 years of age or older or an emancipated minor by certified mail, return receipt requested. If the superintendent recommend expulsion, the school board must act on the recommendation before it is implemented.

Reporting and referrals between schools and law enforcement

LAWS

§ 13-32-4. School board cooperation in enforcement of discipline—Suspension and expulsion by the board—Grounds—Length of firearm-related suspension—Due process—Local authorities

Alternative solutions.
The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with § 13-32-4.2. The rules or policies may include prohibiting the following:
(1) The consumption or possession of beer or alcoholic beverages on the school premises or at school activities;
(2) The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities; and
(3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions or activities.

In addition to administrative and school board disciplinary action, any violation of § 13-32-7 shall be reported to local law enforcement authorities.


Any person adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting,
inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities. Upon placement of the person in an informal adjustment or court-approved diversion program, the state's attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity. As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

The following allegations of delinquency and children in need of supervision shall be treated as juvenile cited violations by law enforcement:

1. Petty theft in the second degree pursuant to § 22-30A-17.3;
2. Intentional damage to property, four hundred dollars or less, pursuant to § 22-34-1;
3. Purchase, possession, or consumption of alcoholic beverage by person under twenty-one years pursuant to § 35-9-2 in accordance with subdivision 26-8B-2(5); and
4. Truancy pursuant to subdivision 26-8B-2(1).

The issuing officer shall notify the child and the child's parent, guardian, or custodian that a hearing on the citation for a cited violation shall be held before a judicial circuit court judge within ten days of issuance of the citation or on the next available court date and be treated as a confidential juvenile matter. The hearing shall be held pursuant to § 26-7A-36 and the case records shall be treated as confidential consistent with the provisions of §§ 26-7A-114, 26-7A-115, 26-7A-116, 26-7A-120, and 26-7A-27. A cited violation is not an adjudication or a child in need of supervision or delinquency proceeding. In lieu of a citation, pursuant to subdivision 26-7A-126(4), a school official may file a report with the state's attorney. A report may also be filed with the state's attorney in lieu of a citation if the conduct occurs in conjunction with another offense that is not subject to the juvenile cited violation process.

If a state's attorney is informed that a citation or report has been issued for a juvenile cited violation, the state's attorney may take any action permitted pursuant to § 26-7A-10, except that a state's attorney may only file a petition pursuant to subdivision 26-7A-10(5) if:

(1) The child is cited, or a report is filed pursuant to subdivision 26-7A-126(1), (2), or (4); or

(2) The child is cited pursuant to subdivision 26-7A-126(3) and has two or more prior judgments for the same violation.

If the state's attorney intends to proceed on a petition for a violation of the provisions in § 26-7A-126 pursuant to subdivision (1) or (2) in this section, the provisions of § 26-7A-11.1 apply.

REGULATIONS

24:05:26.01:14. Referral to and action by law enforcement and judicial authorities.

Reporting a crime committed by a student with a disability and the transmission of student records shall be implemented consistent with § 24:05:26:15.

24:05:26:15. Referral to and action by law enforcement and judicial authorities.

Nothing in Part B of the Individuals with Disabilities Education Act prohibits a school district or other public agency from reporting a crime committed by a student with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

A school district or other public agency reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime. A school district reporting a crime under this chapter may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act, as amended to January 8, 2009.

Disclosure of school records

LAWS

No relevant laws found.

REGULATIONS

24:05:29:01. District policies and procedures on confidentiality of information.

Each school district shall develop and implement policies and procedures on the confidentiality of information consistent with this chapter.


A local educational agency shall include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children.

The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.
Consistent with the above policy, if a child transfers from one school to another, the transmission of any of the child’s records shall include both the child’s current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.

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

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.


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

**Authority and power to implement school arrest**

**LAWS**

§ 13-27-19. **Power of truancy officers to apprehend truant children-Supervisory control by secretary.**

Each truancy officer has the powers of a deputy sheriff in the exercise of his duties, and shall apprehend without warrant children of compulsory school age who absent themselves from the place where the children are required to attend without an excuse, and place the children in the custody of the person having charge of the place where the children are by law required to attend. In the administration of his duties, each truancy officer is subject to the general supervisory control of the secretary of the Department of Education.

**REGULATIONS**

No relevant regulations found.

**Certification or training**

**LAWS**

§ 13-64-3. **School sentinel training course required.**

Any person who acts as a school sentinel, pursuant to § 13-64-1, shall first successfully complete a school sentinel training course as defined by the Law Enforcement Officers Standards Commission pursuant to subdivision 23-3-35(16).

§ 23-3-35. **Powers of commission.**

In addition to powers conferred upon the Law Enforcement Officers Standards Commission elsewhere in this chapter, the commission may:

(16) Establish minimum educational and training standards for school sentinels authorized in Section 13-64-1.

**REGULATIONS**

No relevant regulations found.

**MOUs, authorization, and/or funding**

**LAWS**

§ 13-27-14. **Truancy officer employed by district-Duties-President of board acting where no officer employed.**

The school board of each school district shall annually appoint and provide for the remuneration of one or more truancy officers, to enforce, under the school board's direction, the compulsory attendance laws within the district. In a school district failing to provide a truancy officer, the president of the school board
is the truancy officer and is responsible for the enforcement of the compulsory attendance laws within the school district.

§ 13-27-15. Attendance records maintained by superintendent or president of board-Reports required.
Each superintendent, or the president of the school board in districts without a superintendent, is responsible for maintaining an accurate record of the attendance of all persons of compulsory school age. He shall, at regular intervals, report the names of all compulsory school age persons, not excused from school, who do not or who irregularly attend an accredited school to the truancy officer on blanks provided for that purpose. He shall include reasons for the absences in the report.

Each school board shall warn parents or persons in control of children of compulsory school age that the children must enter school and attend regularly, and shall report the parents or persons in control of the children to the truancy officer for the district if the warning is not heeded. All school board members, superintendents, and teachers shall cooperate in the enforcement of the school attendance laws.

Each truancy officer shall carefully check the attendance and nonattendance of all persons required by law to attend school in the district or districts within his jurisdiction and shall keep an accurate record of those persons not in attendance or whose attendance is irregular.

Any superintendent or school board president who fails to make prompt reports on attendance as required by law; any person who harbors or employs a child of compulsory school age not legally excused during the school term; the members of any school board who neglect or refuse to provide school facilities for children of their school district for at least nine months during the school year, or neglect to perform any other duties enumerated under the compulsory school attendance laws of this state; any truancy officer who neglects to perform the duties of his office; or any person who hampers or hinders a child of compulsory school age from attending a school which meets all legal requirements, or who interferes or attempts to interfere with the child's attendance is guilty of a Class 2 misdemeanor.

Each truancy officer has the powers of a deputy sheriff in the exercise of his duties, and shall apprehend without warrant children of compulsory school age who absent themselves from the place where the children are required to attend without an excuse, and place the children in the custody of the person having charge of the place where the children are by law required to attend. In the administration of his duties, each truancy officer is subject to the general supervisory control of the secretary of the Department of Education.

Each truancy officer shall make and file truancy complaints, and any teacher, school officer, or any citizen may make and file a truancy complaint, before a circuit court judge, against any person having control of a child of compulsory school age who is not attending school or whose attendance is irregular. The complaint shall state the name of the parent, guardian, or person responsible for the control of the child. The complaint shall be verified by oath upon belief of the complainant.
REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

If a school district does not have a bullying policy, the school district shall follow the model bullying policy in § 13-32-19 until such time as the school district adopts its own bullying policy. Nothing in §§ 13-32-14 to 13-32-19, inclusive, supplants or preempts an existing school district policy, except that no school district policy prohibiting bullying, whether it is existing or adopted pursuant to §§ 13-32-14 to 13-32-19, inclusive, may contain any protected classes of students.

Each school district policy developed pursuant to §§ 13-32-14 to 13-32-19, inclusive, shall contain the following provisions:

(1) A statement prohibiting bullying and a definition of bullying that includes the definition listed in § 13-32-15;

(2) A description of the type of behavior expected from each student of the school district, and the consequences for a student of the school district who commits an act of bullying;

(3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report; and

A procedure for the prompt investigation and response to any report of bullying, including a requirement that an investigation be conducted on any alleged incident of bullying committed against a child while the child is aboard a school bus, at a school bus stop, or at a school-sponsored event.

The model bullying policy pursuant to §§ 13-32-14 to 13-32-19 is as follows:

Prohibition of harassment, intimidation, and bullying

The School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity. Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff, or third parties is strictly prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

(1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or

(2) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to his or her building supervisor.
This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities.

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the building principal. Any student engaging in an act of bullying is subject to discipline pursuant to the District’s student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

**REGULATIONS**
No relevant regulations found.

**Funding appropriations**

**LAWS**

§ 34-46-10. Use of plan and moneys allocated therefor.
The tobacco prevention and reduction plan and moneys allocated therefor may be used for the following programs or grants:

1. Community based programs;
2. School based programs;
3. State-wide programs;
4. Cessation programs;
5. Public education and counter marketing;
6. Enforcement of effective tobacco laws;
7. Evaluation of tobacco programs; or
8. Administration and oversight.

**REGULATIONS**
No relevant regulations found.
#### Other or Uncategorized

**Professional immunity or liability**

**LAWS**


Any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure to remedy the reported incident. Moreover, the provisions of §§ 13-32-14 to 13-32-19, inclusive, do not create a cause of action against any school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy resulting in injury to a protected person.

**REGULATIONS**

No relevant regulations found.

**Community input or involvement**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Other or Uncategorized**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by South Dakota provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Multi-tiered System of Supports (MTSS), South Dakota Department of Education</td>
<td>Explains the history of MTSS in South Dakota, provide links to MTSS applications, MTSS and Behavior resources, external sources regarding PBIS and RTI, and presentations on MTSS, behavior support plans, and de-escalation.</td>
<td><a href="https://doe.sd.gov/sped/mtss.asp">https://doe.sd.gov/sped/mtss.asp</a></td>
</tr>
<tr>
<td>Positive Behavior Interventions and Supports, South Dakota Department of Education</td>
<td>Provides information and resources on implementing PBIS for achieving important social and learning outcomes while preventing problem behavior with all students.</td>
<td><a href="https://doe.sd.gov/sped/pbis.asp">https://doe.sd.gov/sped/pbis.asp</a></td>
</tr>
<tr>
<td>Safe and Drug, and Gun Free Schools, South Dakota Department of Education</td>
<td>Provides an overview of Safe Schools in South Dakota and contains links to Safe and Drug/Gun Free School data collection criteria, required actions, and definitions.</td>
<td><a href="http://doe.sd.gov/ofm/sdgf.aspx">http://doe.sd.gov/ofm/sdgf.aspx</a></td>
</tr>
<tr>
<td>School Safety, South Dakota Department of Education</td>
<td>Offers school safety resources for South Dakota schools including no-cost active threat training for schools and lists contact information of SD Department of Education and SD Department of Public Safety.</td>
<td><a href="https://doe.sd.gov/schoolsafety/">https://doe.sd.gov/schoolsafety/</a></td>
</tr>
<tr>
<td>Student Due Process; Suspension and Expulsion, South Dakota Department of Education</td>
<td>Addresses due process for suspension, expulsion, and possession of tobacco, alcohol, drugs and firearms.</td>
<td><a href="http://doe.sd.gov/oatq/dueprocess.aspx">http://doe.sd.gov/oatq/dueprocess.aspx</a></td>
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<td><strong>Documents</strong></td>
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<tr>
<td>South Dakota Unsafe School Choice Option (USCO) Policy, South Dakota Department of Education</td>
<td>Policy allows students who attend unsafe schools to transfer to a safe public school within the public school’s district. (Updated 2017)</td>
<td><a href="https://doe.sd.gov/ofm/documents/USCO-Policy.doc">https://doe.sd.gov/ofm/documents/USCO-Policy.doc</a></td>
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**Other Resources**

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<tr>
<td>South Dakota Youth Risk Behavior Survey (YRBS), South Dakota Department of Education</td>
<td>Youth Risk Behavior Survey (YRBS) used to monitor six priority health risk behaviors in youth.</td>
<td><a href="https://doh.sd.gov/statistics/YRBS.aspx">https://doh.sd.gov/statistics/YRBS.aspx</a></td>
</tr>
</tbody>
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Tennessee
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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The State of Tennessee contracts with LexisNexis to provide free public access to the Tennessee Code (http://www.lexisnexis.com/hottopics/tncode/). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 10. Public Libraries, Archives and Records

Chapter 7. Public Records

10-7-504. Confidential records - Exceptions

Title 37. Juveniles

Chapter 1. Juvenile Courts and Proceedings

37-1-131. Delinquent child - Disposition - Restitution
37-1-154. Law enforcement records - Inspection limited - Exceptions for certain violent offenders

Title 39. Criminal Offenses

Chapter 13. Offenses Against Person

Part 1. Assaultive Offenses
39-13-114. Communicating a threat concerning a school employee

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 3. Disorderly Conduct and Riots
39-17-308. Harassment

Part 13. Weapons
39-17-1309. Carrying weapons on school property

Title 49. Education

Chapter 1. State Administration

Part 2. Department of Education
49-1-214. Safe schools - Advisory guidelines

Chapter 2. Local Administration

49-2-116. School safety zones
49-2-120. Prohibition against hazing
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49-6-3405. Alternative school success

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49-6-4005. Adoption of different but consistent discipline policies or codes of conduct applicable to different classes of schools
49-6-4006. Civil liability
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49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons
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Part 41. School Discipline Act

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49-6-4102. Students accountable for conduct
49-6-4103. Corporal punishment
49-6-4104. Rules and regulations
49-6-4105. Arrest and prosecution for injury to student
49-6-4106. Disciplinary referrals
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Part 42. School Security Act of 1981

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Chapter 01. State Board of Education Rules, Regulations and Minimum Standards for the Operation of the Public School System

Chapter 0520-01-02. Administrative rules and regulations
0520-01-02-.09. Alternative Schools
0520-01-02-.16. Reporting Attendance Relative to Disciplinary Actions

Chapter 0520-01-03. Minimum Requirements for the Approval of Public Schools
0520-01-03-.08. Pupil Personnel Services

Chapter 0520-01-09. Special Education Programs and Services
0520-01-09-.23. Isolation and restraint for students receiving special education services

Chapter 12. Department of Education Office of the Commissioner

Chapter 0520-12-01. Standards for School Administered Child Care Programs
0520-12-01-.14. Care of children with special needs
General Provisions

Authority to develop and establish rules of conduct

LAW

(a) The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools. Such guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

(b) The department of education may prepare and distribute to LEAs guidelines for incorporating into local staff development and in-service training the materials and speakers necessary to help educators reduce gang and individual violence, to assist in drug and alcohol abuse prevention and to provide educators with the tools for nonintrusive identification of potentially violent individuals in and around schools. The department may, upon request, assist LEAs in developing comprehensive violence, drug and alcohol abuse prevention in-service training programs. Department guidelines shall encourage the sharing of resources, the development of joint or collaborative programs and the coordination of efforts with local health departments, county and city law enforcement agencies and other public agencies providing health, drug, alcohol, gang violence prevention and other related services.

(c) The department may assist LEAs in qualifying for the receipt of federal and state funds that may support local efforts to provide the in-service training programs in this section. The department shall encourage LEAs to provide written materials to assist teachers and parents working to develop a safe and secure learning environment in system schools. Within available resources, the department may provide technical assistance directly to LEAs seeking to expand teacher and student safety programs.

49-6-4001. Short title.
This part shall be known and may be cited as the "Student and Employee Safe Environment Act of 1996."

49-6-4002. Formulation and administration of behavior and discipline codes.
(a) The governing body of each LEA shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the LEA.

(b) The director of schools or other administrative head of the LEA shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school.

(c) In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel and youth-related agencies in the community.

49-6-4004. Uniform and fair application of codes.
The principal of each school shall apply the code uniformly and fairly to each student at the school without partiality or discrimination.

49-6-4005. Different codes for different classes of schools.
The governing body of the LEA may choose to adopt different but consistent codes of behavior and discipline to apply to different classes of schools, such as elementary, middle, junior high and senior high,
under its jurisdiction. The codes shall be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

49-6-4101. Short title.
This part shall be known and may be cited as the "School Discipline Act."

49-6-4102. Students accountable for conduct.
Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school. Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4109. Trauma-informed discipline policy.
(a) As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:
   (1) Balance accountability with an understanding of traumatic behavior;
   (2) Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
   (3) Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
   (4) Create consistent rules and consequences; and
   (5) Model respectful, nonviolent relationships.
(b) The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

49-6-4201. Short title.
This part shall be known and may be cited as the "School Security Act of 1981."

49-6-4203. Legislative intent.
(a) It is the intent of the general assembly in enacting this part to secure a safe environment in which the education of the students of this state may occur.
(b) The general assembly recognizes the position of the schools in loco parentis and the responsibility this places on principals and teachers within each school to secure order and to protect students from harm while in their custody.
(c) It is the intent of this part to extend further, rather than limit, the authority of principals and teachers to secure order and provide protection of students within each school.
(d) The general assembly further recognizes that a rising level of violent activity and use of drugs is occurring in some public schools, especially in urban areas, and that these activities threaten the well-being of all students in those schools.
(e) The general assembly further finds that:
   (1) The removal of dangerous weapons, drug paraphernalia and drugs from school property is necessary to lessen hazards to students and that removal can only be accomplished by searches of areas of the school buildings or grounds where those materials may be stored;
(2) On occasions when the use of dangerous weapons or drugs has reached a life or health threatening level, searches of students themselves may be necessary to protect the larger student body, and that often the searches must be conducted in emergency situations;

(3) Individual circumstances and local particularities require that individual principals must be relied on to exercise their professionally trained judgments in determining what action is appropriate within this part; and

(4) The presence on school property of students with drugs in their bodies may pose a threat to the safety and well-being of that student and other students, may be disruptive of school classes and other programs and may interfere with the educational opportunities and progress of all students.

49-6-4401. Students accountable for conduct.
Every teacher in the special school district created by § 37-5-119 is authorized to hold every juvenile pupil strictly accountable for any disorderly conduct in school.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.
(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:
   (1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
   (2) A definition of harassment, intimidation, bullying or cyber-bullying;
   (3) A description of the type of behavior expected from each student;
   (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
   (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
   (6) A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal’s designee, teacher, or school counselor. The principal or the principal’s designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;
   (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
   (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
   (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
   (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;
(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented;

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and

(14) A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

49-6-4504. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by LEA.

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

(b) Each LEA is encouraged to review the policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three (3) years. Each LEA shall transmit a copy of any changes in the policy to the commissioner in a timely manner.

REGULATIONS
No relevant regulations found.

Scope

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

(1) Willful and persistent violation of the rules of the school;

(2) Immoral or disreputable conduct or vulgar or profane language;

(3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;

(4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;

(5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);

(6) Marking, defacing or destroying school property;

(7) Possession of a pistol, gun or firearm on school property;

(8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;

(9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
(10) Unlawful use or possession of barbital or legend drugs, as defined in § 53-10-101;
(11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school or a school activity;
(12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
(13) Any other conduct prejudicial to good order or discipline in any public school; and
(14) Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process. Notwithstanding § 37-1-131 or any other law to the contrary, the principal of the school in which the student is enrolled and the director of schools shall determine the appropriate educational assignment for the student released for readmission.

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.
(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.
(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

49-6-4102. Students accountable for conduct.
Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school. Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4216. School policies and procedures - Contents - Notice to students and parents.
(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:
   (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
   (2) To impose swift, certain and severe disciplinary sanctions on any student:
      (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity;
(B) Who, while on a school bus, on school property or while attending any school event or activity:
   (i) Is under the influence of a drug;
   (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
   (iii) Assaults or threatens to assault a teacher, student or other person; or
(C) Who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention.

49-6-4502. Part definitions.
(a) As used in this part:
   (3)(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:
      (i) Physically harming a student or damaging a student's property;
      (ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
      (iii) Causing emotional distress to a student or students; or
      (iv) Creating a hostile educational environment; or
   (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

49-6-4007. Code distribution and posting.
When a code of behavior and discipline has been adopted by the governing body of an LEA, a copy of the code shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the code.

49-6-4216. School policies and procedures - Contents - Notice to students and parents.
(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:
   (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
   (2) To impose swift, certain and severe disciplinary sanctions on any student:
      (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity;
      (B) Who, while on a school bus, on school property or while attending any school event or activity:
         (i) Is under the influence of a drug;
         (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
(iii) Assaults or threatens to assault a teacher, student or other person; or

(C) Who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention.

(c) At the beginning of fall classes each school year, each local and county board of education shall provide students and their parents with written notification of the policies and procedures. Additionally, each school shall conspicuously post a summary of the policies and procedures within each school.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

(1) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

REGULATIONS

No relevant regulations found.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.
(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.
(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.
(c) The policy shall require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. Either the report shall be kept in a student discipline file and shall not become a part of the student's permanent record or it shall be filed in the student's permanent record, if the student's behavior violated the LEA's zero tolerance policy. The student is then subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee shall notify the teacher involved of the actions taken to address the behavior of the relocated student.
(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate a student under this section. Each school principal shall implement the policies and procedures of the local board of education relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardian of students. The policy shall comply with state and federal laws regarding the placements of students.
Alternatives to suspension

LAWS

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

(1) Examine the number of exclusionary discipline actions issued by an LEA and the length of each respective disciplinary action;

(2) Detail the type of offenses committed by the students that led to the exclusionary discipline action;

(3) Review the impact exclusionary discipline has on students;

(4) Examine recommendations from lawmakers, juvenile court officials, judges, district attorneys, the Tennessee commission on children and youth, and representatives from LEAs on alternatives to exclusionary discipline;

(5) Identify free resources to support teachers and parents in addressing children's social, emotional, and behavioral health, strengthening family relationships, and increasing developmental and behavioral screening; and

(6) Research the possibility of:

(A) Eliminating exclusionary discipline for non-violent offenses; and

(B) Encouraging schools to adopt restorative justice discipline practices.

(c) The department shall develop guidelines and standards for alternatives to exclusionary discipline practices based on the findings of the review required under subsection (b).

(d) The department shall present its findings and a written report to the education committees of the senate, the education administration and planning committee of the house of representatives, and the education instruction and programs committee of the house of representatives no later than May 1, 2018.

(e) After submission of the report required in subsection (d), the department shall develop a model policy for alternatives to exclusionary discipline practices that districts may adopt for students in pre-kindergarten through kindergarten (pre-K-K). If a district does not adopt the model policy developed by the department, the district shall develop and implement a policy that meets the guidelines and standards developed under subsection (c). Each LEA shall adopt the model policy or develop their own policy prior to the 2018-2019 school year.

REGULATIONS

No relevant regulations found.
Use of corporal punishment

LAWS

49-6-4103. Corporal punishment.
Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.

49-6-4104. Rules and regulations.
Each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

49-6-4107. Use of reasonable force.
(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.
(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.
(c) Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

49-6-4402. Corporal punishment.
(a) The chief administrative officer, or the chief administrative officer's designee, of any institution in which the schools are located, may use corporal punishment in a reasonable manner and in accordance with this part against any pupil for good cause in order to maintain discipline and order within such schools.
(b) Corporal punishment may be administered only in a classroom situation and only in the presence of the director of schools or chief administrative officer of the school and one (1) other faculty witness.

49-6-4403. Rules and regulations.
(a) The department of children's services shall adopt rules and regulations that specifically designate the method of imposing corporal punishment and the circumstances that warrant corporal punishment in the schools within its special school district. The rules and regulations shall provide for only corporal punishment that is reasonably necessary for the proper education of the pupil.
(b) No corporal punishment shall be imposed until the rules and regulations have been promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.
(c) The rules and regulations shall provide for a written record to be kept of all use of corporal punishment, including the name of the person requesting the punishment and a brief description of the circumstances warranting its use.

49-6-4404. Physical examination of student - Student's remedies.
(a) Within forty-eight (48) hours of the imposition of corporal punishment within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive.
(b) In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.
REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

**49-6-4204. Search of lockers, vehicles, and other property.**

(a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.

(b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.

(c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.

(d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

**49-6-4205. Search of students.**

(a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.

(b) All of the following standards of reasonableness shall be met:

1. A particular student has violated school policy;
2. The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
4. The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

**49-6-4207. Use of metal detectors.**

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or
around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

**49-6-4208. Use of animals.**

To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

**49-6-4209. Report of reasonable suspicion by principal to law enforcement officer.**

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, § 39-17-1307, or § 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or § 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or § 39-17-1307 committed on school property to the appropriate authorities.

**49-6-4210. Disposal of contraband.**

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

**49-6-4212. Training program for school principals - Notice of policies to parents and students.**

(a) The LEA and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school principals with this part and with local policies and procedures for implementing and enforcing this part.

(b) The LEA shall provide parents and students with reasonable notice of the local policies and procedures.

**49-6-4213. Testing of students for drugs - Referral information and assistance for students testing positive.**

(a)(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.

(b) As used in this section and § 49-6-4203, "drugs" means:

(1) Any scheduled drug as specified in §§ 39-17-405 - 39-17-416; and

(2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

(f)(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

(g) The LEA shall pay the cost of any testing required under this section.

(h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.

(i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

(j)(1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k)(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.
(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

(I) Each LEA participating in the drug testing of students authorized in subsection (a) of this section shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

**REGULATIONS**

No relevant regulations found.

**Other in-school disciplinary approaches**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
**Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements**

**Grounds for possible suspension or expulsion**

**LAWS**

49-2-203. Duties and powers.

(a) It is the duty of the local board of education to:

(7) Suspend, dismiss or alternatively place pupils, when the progress, safety or efficiency of the school makes it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

(1) Willful and persistent violation of the rules of the school;
(2) Immoral or disreputable conduct or vulgar or profane language;
(3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;
(4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
(5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);
(6) Marking, defacing or destroying school property;
(7) Possession of a pistol, gun or firearm on school property;
(8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;
(9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
(10) Unlawful use or possession of barbital or legend drugs, as defined in § 53-10-101;
(11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school or a school activity;
(12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
(13) Any other conduct prejudicial to good order or discipline in any public school; and
(14) Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process. Notwithstanding § 37-1-131 or any other law to the contrary, the
principal of the school in which the student is enrolled and the director of schools shall determine the appropriate educational assignment for the student released for readmission.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

(A) That adversely affects the safety and well-being of other pupils;

(B) That disrupts a class or school sponsored activity; or

(C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.
(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension.

(e) Students under in-school suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes.

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined
by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

(h) The commissioner of education shall report on a semi-annual basis to the education committee of the senate and the education committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

REGULATIONS
No relevant regulations found.
Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;
(B) The cause for the suspension; and
(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4)(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board
policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension.

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.
(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

(1) Willful and persistent violation of the rules of the school;
(2) Immoral or disreputable conduct or vulgar or profane language;
(3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;
(4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
(5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);
(6) Marking, defacing or destroying school property;

(7) Possession of a pistol, gun or firearm on school property;

(8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;

(9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;

(10) Unlawful use or possession of barbital or legend drugs, as defined in § 53-10-101;

(11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school or a school activity;

(12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;

(13) Any other conduct prejudicial to good order or discipline in any public school; and

(14) Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process. Notwithstanding § 37-1-131 or any other law to the contrary, the principal of the school in which the student is enrolled and the director of schools shall determine the appropriate educational assignment for the student released for readmission.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

(A) That adversely affects the safety and well-being of other pupils;

(B) That disrupts a class or school sponsored activity; or

(C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.
(4)(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension.
(e) Students under in-school suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes.

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

(h) The commissioner of education shall report on a semi-annual basis to the education committee of the senate and the education committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS

0520-01-02-.16 Reporting attendance relative to disciplinary actions.

(1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.
(b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.

(c) “Expulsion” shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.

(2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.

(3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of T.C.A. 49-6-3401 shall receive notices provided for therein.

In-school suspension

LAWs

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

(A) That adversely affects the safety and well-being of other pupils;

(B) That disrupts a class or school sponsored activity; or

(C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(e) Students under in-school suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes.

REGULATIONS

No relevant regulations found.
Return to school following removal

LAWS

49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance.

(b) [...] All course work completed and credits earned in the alternative schools shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(h)(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

49-10-1301. Short title.
This part shall be known and may be cited as the "Special Education Behavioral Supports Act."

49-10-1302. Purpose of part.

The purposes of this part are:

(1) To ensure that every student receiving special education services is free from the unreasonable, unsafe and unwarranted uses of isolation and restraint practices;

(2) To encourage the use of positive behavioral interventions and support methods in schools;

(3) To develop properly trained staff in order to promote positive behavioral supports that reduce dependence on isolation and restraint practices; and

(4) To ensure that teachers of students receiving special education services are properly trained to protect the student, teacher and others from physical harm, if isolation or restraint is necessary.

49-10-1303. Part definitions.

For the purposes of this part, unless the context otherwise requires:

(1) "Behavior intervention training program" means a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation;

(2) "Chemical restraint" means a medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN
medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms;

(3) "Emergency situation" means that a child's behavior poses a threat to the physical safety of the student or others nearby;

(4) "Isolation" or "seclusion":
   (A) Means the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving; and
   (B) Does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of an individual student from others;

(5) "Isolation room" means any space, structure, or area pursuant to § 49-10-1305(g) used to isolate a student;

(6) "Mechanical restraint" means the application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection;

(7) "Noxious substance" means the use of any defense spray or substance as defined by departmental rule;

(8) "Physical holding restraint" means the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body;

(9) "Positive behavioral supports" means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:
   (A) Is proactive and instructional, rather than reactive and punitive;
   (B) Operates on the following three (3) levels:
      (i) Individual;
      (ii) Group or classroom; and
      (iii) The whole school;
   (C) Includes a system of continual data collection;
   (D) Utilizes data-based decision-making;
   (E) Applies research-validated positive behavioral interventions; and
   (F) Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs; and

(10) "School personnel" means an individual employed on a full-time or part-time basis by a public school.

49-10-1304. Isolation or restraint of student - Reports and record.

(a) A student receiving special education services, as defined by § 49-10-102, may be restrained or isolated only in emergency situations.

(b) Individualized education programs that provide for the use of restraint or isolation in emergency situations shall also contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals.

(c) In the event that restraint or isolation is imposed on a student, it shall be imposed by:
(1) School personnel who have been certified for completing a behavior intervention training program; or

(2) Other school personnel when trained personnel are not immediately available.

(d)(1) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact appropriate school personnel who are designated under department rules to authorize the isolation or restraint. Such school personnel authorized by department rules shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian in compliance with this subdivision (d)(1).

(2) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time as determined by department rules, then an individual education program meeting shall be convened within ten (10) days following the use of the isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(3)(A) School personnel may report a suspected crime by calling a law enforcement official;

(B) School personnel may file a juvenile petition against a student receiving special education, only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability; or

(C) A school resource officer (SRO), as defined by § 49-6-4202, may, upon witnessing an offense, take the student into custody.

(e)(1) School personnel who must isolate or restrain a student receiving special education services, as defined by § 49-10-102, shall report the incident to the school principal or the principal's designee who shall record the use of the isolation or restraint and the facts surrounding such use. The state board of education shall promulgate rules that mandate a standard reporting format to be used by LEAs.

(2) Whenever possible, an additional school staff member should serve as an observer to any act of physical restraint performed on a student to monitor the health and safety of all involved. School personnel shall maintain a continuous direct line of sight to a student who is in isolation to monitor the health and well-being of the student.

(f) To the extent possible within the local education agency's funds, the local board of education should address § 49-6-3004(c)(1) by incorporating the following components into its behavior intervention training program:

(1) Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;

(2) Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;

(3) Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;

(4) Information describing state statutes, policies, rules, and procedures on restraint and isolation;

(5) Training in the identification and reporting of abuse and neglect in the school setting; and

(6) Certification for school personnel who have completed a behavior intervention training program which should be renewed on a periodic basis.
49-10-1305. Restrictions on administration of, or use of, isolation or restraint.

(a) Administering a chemical restraint to a student receiving special education services, as defined by §49-10-102, is prohibited; provided, that nothing in this subsection (a) shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(b) Administering a noxious substance to a student receiving special education services, as defined by §49-10-102, is prohibited.

(c) The use of any mechanical restraint on any student receiving special education services, as defined by §49-10-102, is prohibited.

(d) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by §49-10-102, is prohibited.

(e)(1) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by §49-10-102, is prohibited.

(2) Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker, as a means of coercion, punishment, convenience, or retaliation on any student receiving special education services, as defined by §49-10-102, is prohibited.

(3)(A) The use of physical holding restraint in the following circumstances is not prohibited:

(i) The brief holding by an adult in order to calm or comfort;

(ii) The minimum contact necessary to physically escort a student from one area to another;

(iii) Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or

(iv) Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.

(B) The school is not required to notify the student's parent or guardian pursuant to §49-10-1304 in any of the circumstances listed in subdivision (e)(3)(A).

(f) The use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area, is prohibited.

(g) Any space used as an isolation room shall be:

(1) Unlocked and incapable of being locked;

(2) Free of any condition that could be a danger to the student;

(3) Well ventilated and temperature controlled;

(4) Sufficiently lighted for the comfort and well-being of the student;

(5) Where school personnel are in continuous direct visual contact with the student at all times;

(6) At least forty square feet (40 sq. ft.); and

(7) In compliance with all applicable state and local fire, health, and safety codes.

(h) Notwithstanding this section, actions undertaken by school personnel to break up a fight or to take a weapon from a student are not prohibited; however, these acts shall be reported.

49-10-1306. Promulgation of rules and regulations.

(a) Each school shall maintain all records of isolation and restraint.
(b) On a semiannual basis, using existing student-level data collection systems to the extent feasible, each school shall submit a report to the local education agency that includes:

(1) The number of incidents involving the use of isolation and restraint since the previous semiannual report;
(2) The number of instances in which the school personnel imposing physical restraint or isolation were not trained and certified;
(3) Any injuries, deaths, or property damage that occurred;
(4) The timeliness of parental notification; and
(5) Demographic information to determine whether disproportionate use of these interventions exists.

(c) The local education agency shall use the information obtained from records of isolation and restraint in developing its behavior intervention training program.

(d) The local education agency shall submit information to the department of education each year on the use of isolation and restraint in the school district.

(e) Annually, this information shall be reported to the state advisory council for the education of students with disabilities established pursuant to § 49-10-105. This information must also be made readily available to the public. The council shall use this information to report annually to the state board of education with recommendations to reduce the use of isolation and restraint in public education programs. The state board of education shall use these recommendations as well as data, documentation and reports to establish policy or strategies or both to reduce or eliminate the use of isolation and restraint in schools.

(f) The state board of education, in consultation with the departments of education, mental health and substance abuse services, intellectual and developmental disabilities, and children's services, shall promulgate rules and regulations concerning the use of isolation or restraint with students who receive special education services so that isolation or restraint is not used when such procedures are unsafe, unreasonable or unwarranted. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

49-10-1307. Training and reporting on the use of restraint and isolation

If a private school or agency contracts with an LEA to provide services for students with disabilities, then such private school or agency shall, in the contract for services, certify that the staff of the facility or program has received training in the appropriate use of restraint and isolation. Further, the contracting agency shall report to a designated LEA representative each instance of the use of restraint and isolation to accomplish the parental notification provided in this part.

REGULATIONS

0520-01-09-23. Isolation and restraint for students receiving special education services.

(1) Definitions

(a) "Extended isolation" means isolation which lasts longer than one (1) minute per year of the student's age or isolation which lasts longer than the time provided in the child's individualized education program (IEP).

(b) "Extended restraint" means a physical holding restraint lasting longer than five (5) minutes or physical holding restraint which lasts longer than the time provided in the child's IEP.

(c) "Noxious substance" means a substance released in proximity to the student's face or sensitive area of the body for the purpose of limiting a student's freedom of movement or action, including but not limited to Mace and other defense sprays.
(2) Local education agencies are authorized to develop and implement training programs that include:
(a) Use of positive behavioral interventions and supports;
(b) Nonviolent crisis prevention and de-escalation;
(c) Safe administration of isolation and restraint; and
(d) Documentation and reporting requirements.
(3) Local education agencies are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.
(4) Local education agencies shall develop policies and procedures governing:
(a) Personnel authorized to use isolation and restraint;
(b) Training requirements; and
(c) Incident reporting procedures.
(5) Only the principal, or the principal's designee, may authorize the use of isolation or restraint.
(6) When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. § 49-10-1301, et seq., this rule and the IDEA procedural safeguards.
(7) An IEP meeting convened pursuant to T.C.A. § 49-10-1304 may be conducted on at least twenty-four (24) hours notice to the parents.
(8) State agencies providing educational services within a residential therapeutic setting to children in their legal and physical custody shall develop and adhere to isolation and restraint policies in such educational settings which conform to the TDMHDD (Tennessee Department of Mental Health and Developmental Disabilities) state standards as applicable and at least one of the following national standards: ACA (American Correctional Association), COA (Council on Accreditation), CMS (Centers for Medicare & Medicaid Services), JCAHO (Joint Commission for Accreditation of Healthcare Organizations), CARF (Commission on Accreditation of Rehabilitation Facilities), as they apply in the educational environment. Development of, and adherence to, such policies shall be overseen by a licensed qualified physician or licensed doctoral level psychologist.
(9) Reports.
School personnel who must isolate or restrain a student shall report the incident to the school principal or the principal's designee. The Department of Education shall develop a report form which shall be used by school personnel when reporting isolation or restraint to the school principal or the principal's designee.
(a) The report form must include the following information:
1. Student's name, age and disability;
2. Student's school and grade level;
3. Date, time and location of the isolation or restraint;
4. Length of time student was isolated or restrained;
5. Names, job titles and signatures of the personnel who administered the isolation or restraint;
6. Whether the personnel who administered the isolation or restraint were certified for completing a behavior intervention training program;
7. Names and job titles of other personnel who observed or witnessed the isolation or restraint;
8. Name of the principal or designee who was notified following the isolation or restraint and time of notification;
9. Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed;
10. A certification that any space used for isolation is at least forty (40) square feet;
11. A certification that school personnel are in continuous direct visual contact at all times with a student who is isolated;
12. How the isolation or restraint ended, including the student's demeanor at the cessation of the isolation or restraint;
13. Physical injury or death to the student, school personnel or both;
14. Medical care provided to the student, school personnel or both;
15. Description of property damage, if relevant; and
16. Date, time and method of parent notification.

(b) A copy of the report form must be provided to the local education agency’s director of special education who shall determine whether an Individualized Education Program (IEP) Team meeting must be convened pursuant to T.C.A. § 49-10-1304.

0520-12-01-.14. Care of children with special needs.

(1) When children with special needs are enrolled in a child care program, all reasonable and appropriate efforts shall be made to provide those children equal opportunity to participate in the same program activities as their peers.

(2) Parents or other appropriate individual identified by the parent shall provide information and, as appropriate, training to teachers regarding special needs/techniques/emergency measures, as utilized in the child's home to ensure the child's well-being.

(3) Adaptations to the environment shall be directed toward normalizing the lifestyle of the child with a disability by helping him/her become independent and develop self-help skills.

(4) Behavior management techniques or program activities which would tend to demean or isolate the child are prohibited.

(5) The program shall inform parents of any specialized services available from the program, and if the program is aware of any specialized services available through third parties, shall additionally inform the parent of such services.

(6) Efforts to provide specialized service (e.g., speech/hearing therapy, physical therapy, psychological evaluation, or services for intellectual disability) either directly or by referral, shall be conducted only with written permission by the parent in accordance with the Individual Family Service Plan (IFSP) or Individual Education Plan (IEP) and documented in the child's record. Any information exchange regarding these services that is shared with or received from third parties shall also be documented.

(7) The program shall have written individualized emergency plans for each child with a disability who requires more assistance in emergencies than other children of the same age or in the same group. The program shall maintain documentation that the Emergency Plan is practiced monthly.

(8) Each non-verbal child's daily activities, including, as applicable to the individual child, the time and amount of feeding, elimination, times of diaper changes, sleep patterns, and developmental progress, shall be recorded and shared with the parent(s) daily.

(9) Diapering of school-age children with special needs shall be completed as follows:
   (a) Children shall be changed in a location designated for that purpose and which provides privacy from other children and adults.
   (b) School-age children may be diapered on the floor on a nonporous washable, surface that adequately protects the floor from contamination.
   (c) The floor beneath the diapering surface shall be immediately cleaned after each diapering.
   (d) The diapering area shall be located near a hand washing lavatory. This area shall be in a separate location from food preparation/service area.
(10) Isolation and physical restraint shall be in accordance with T.C.A. §§ 49-10-1301-1305:

(a) A student receiving special education services, as defined by T.C.A. § 49-10-102(4), may be isolated or restrained only in emergency situations and only if such isolation or restraint is provided in the student's IEP in emergency situations.

(b) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact the appropriate school personnel designated to authorize isolation or restraint. The student's parent or guardian shall be notified, orally or by written communication, the same day the isolation or restraint was used.

(c) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint longer than five (5) minutes, then an individual education program meeting shall be convened within ten (10) days following the use of such isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(d) School personnel who must isolate or restrain a student receiving special education services, as defined by T.C.A. § 49-10-102(4), whether or not such isolation or restraint was in an emergency situation or provided for in the student's individual education program, shall report the incident to the appropriate school personnel designated to authorize isolation or restraint who shall record the use of such isolation or restraint and the facts surrounding such use. A copy of such record shall be made available at individual education program meetings and upon the request of the student's parent or legal guardian.

(e) If the appropriate school personnel designated to authorize isolation or any person having knowledge of the isolation or restraint, have reason to believe that such isolation or restraint was unreasonable, unsafe, or unwarranted, and such isolation or restraint caused injury to the student, the incident shall be reported pursuant to T.C.A. § 37-1-403.

(f) School personnel shall remain in the physical presence of any restrained student and shall continuously observe a student who is in isolation or being restrained to monitor the health and well-being of such student.

(g) Administering a chemical restraint to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited, provided that nothing in this subsection shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(h) Administering a noxious substance to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(i) Use of any mechanical restraint on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(j) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102(4), is prohibited.

(k) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(l) The use of physical holding restraint in the following circumstances is not prohibited:

1. The brief holding by an adult in order to calm or comfort;

2. The minimum contact necessary to physically escort a student from one area to another;
3. Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or

4. Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.

5. The program is not required to notify the student's parent or guardian pursuant to this Chapter in any of the circumstances listed in this subdivision (l).

(m) The use of a locked door, or use of any physical structure that substantially accomplishes the intent of locking a student in a room or structure, to isolate or seclude a student, is prohibited.

**Alternative placements**

**LAWS**

**49-6-3012. Truancy schools.**

(a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.

(b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.

(c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

**49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance.**

(a) Local boards of education may establish alternative schools for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) alternative school or alternative program shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any alternative school already in operation.

(b) Alternative schools and alternative programs shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in the alternative schools or alternative programs shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Students in grades seven through twelve (7-12) who have been suspended or expelled from the regular school program must be assigned to an alternative school or alternative program if there is space and staff available. Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance. The student shall be subject to all rules pertaining thereto. A violation of the rules by a student may result in the student's removal from this school for the duration of the original suspension or expulsion, but shall
not constitute grounds for any extension of the original suspension or expulsion. The final decision on removal shall be made by the chief administrator of the alternative school.

(d) Any student attending an alternative school shall continue to earn state education funds in the student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f)(1) The state board of education, in its rules and regulations for the operation of alternative schools, shall require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no child with disabilities or other special student is arbitrarily placed in an alternative school. The state board of education, in its rules and regulations, shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for alternative schools to ensure students receive specialized attention needed to maximize student success. Alternative schools shall offer alternative learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding this section or other law to the contrary, local boards of education may establish evening alternative schools for students in grades six through twelve (6-12).

(h)(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

49-6-3405. Alternative school success.

(a) Each LEA shall track the operation and performance of alternative school programs operated by the LEA or contractually operated for the LEA. LEAs shall measure and report to the department of education alternative school success through academic indicators and behavior indicators.

(1) Academic indicators shall include, but not be limited to, grade point averages or other student academic performance measures, performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments, attendance, dropout rates and graduation rates, for students in alternative schools or who have been in alternative schools.

(2) Behavioral indicators shall include, but not be limited to, disciplinary reports and subsequent remands to alternative schools.

(3) The department of education shall provide guidance in the reporting of the required data.

(b) The state board of education shall seek to improve performance of alternative school programs by promulgating or revising rules and regulations requiring greater accountability by the department of education and LEAs for outcomes of students served by alternative schools.
REGULATIONS

0520-01-02-.09. Alternative schools.
(1) Definition: An alternative school is a short term intervention program designed to develop academic and behavioral skills for students who have been suspended or expelled from the regular school program.

(2) Requirements:
   (a) The instruction shall be as nearly as practicable in accordance with the instructional program in the student's regular school.
   (b) All course work and credits earned shall be transferred and recorded in the student's regular school.
   (c) Students are subject to all rules of the school system providing the alternative school. Violation of rules may cause students to be removed from the program but shall not constitute grounds for extending the length of original suspension or expulsion.
   (d) All laws, rules, and regulations shall be followed with children eligible for special education. If a change of placement is made, due process procedures are mandated.
   (e) Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.
   (f) Teachers must have a valid Tennessee teacher license.
   (g) Support services such as counseling and psychological services must be accessible.
   (h) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
   (i) It is the responsibility of the superintendent to insure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school system emergency preparedness plan.

(3) Funding.
   (a) Students attending an alternative school shall continue to earn state education funds in the regular school system.
   (b) Other state funding shall be made according to a formula developed annually by State Commissioner of Education.

(4) Facilities:
   (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
   (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203(a)2).
   (c) A local board of education may establish its own facility.
   (d) Two or more boards may join together and establish an alternative school attended by students from any such system.
   (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another school system.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

39-17-1309. Carrying weapons on school property.
(a) As used in this section, "weapon of like kind" includes razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

(b)(1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

(2) A violation of this subsection (b) is a Class E felony.

(c)(1) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

(B) It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

(2) A violation of this subsection (c) is a Class B misdemeanor.

(d)(1) Each chief administrator of a public or private school shall display in prominent locations about the school a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

Felony. State law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed three thousand dollars ($3,000) for carrying weapons on school property.

(2) As used in this subsection (d), "prominent locations about a school" includes, but is not limited to, sports arenas, gymnasiums, stadiums and cafeterias.

(e) Subsections (b) and (c) do not apply to the following persons:

(1) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(2) Civil officers of the United States in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;
(5) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(6) Any private police employed by the administration or board of trustees of any public or private institution of higher education in the discharge of their duties;

(7) Any registered security guard/officer who meets the requirements of title 62, chapter 35, and who is discharging the officer's official duties;

(8)(A) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place;

(B) Subdivision (e)(8)(A) shall not apply if the enhanced handgun permit holder:

   (i) Possessed a handgun on property described in subdivision (e)(8)(A) that is owned or operated by a board of education, school, college, or university board of trustees, regents, or directors unless the permit holder's possession is otherwise excepted by this subsection (e); or

   (ii) Possessed a handgun in the immediate vicinity of property that was, at the time of possession, in use by any board of education, school, college or university board of trustees, regents, or directors for the administration of any public or private educational institution for the purpose of conducting an athletic event or other school-related activity on an athletic field, permanent or temporary, including but not limited to, a football or soccer field, tennis court, basketball court, track, running trail, Frisbee field, or any similar multi-use field; and

   (iii) Knew or should have known that:

      (a) An athletic event or school-related activity described in subdivision (e)(8)(B)(ii) was taking place on the property at the time of the possession; or

      (b) The property on which the possession occurred was owned or operated by a school entity described in subdivision (e)(8)(B)(ii); or

   (iv) Failed to take reasonable steps to leave the area of the athletic field or school-related activity or the property after being informed or becoming aware of:

      (a) Its use for athletic or school-related purposes; or

      (b) That it was, at the time of the possession, owned or operated by a school entity described in (e)(8)(B)(ii);

(9) Persons permitted to carry a handgun on the property of private K-12 schools by § 49-50-803, and persons permitted to carry a handgun on the property of private for-profit or nonprofit institutions of higher education pursuant to § 49-7-161; provided, that this subdivision (e)(9) shall apply only:

   (A) To the school or institution where the person is located, when that school or institution has adopted a handgun carry policy pursuant to § 49-50-803 or § 49-7-161;

   (B) While the person is on the property or grounds covered by the private school or institution's policy; and

   (C) When the person is otherwise in compliance with the policy adopted by the private school or institution;

49-6-815. People permitted to possess and carry a firearm on school grounds.

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, the following people are permitted to possess and carry a firearm on the grounds of the school at which they are assigned:

   (1) A person employed by an LEA as a faculty or staff member at a school within the LEA; or
(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

(b) In order to possess and carry a firearm on the grounds of the school pursuant to subsection (a), the person must:

1. Be authorized to possess and carry a firearm pursuant to § 39-17-1351;

2. Have the joint written authorization of the director of schools in conjunction with the principal of the school to carry or possess a firearm on school property; and

3. Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106, and be in compliance with all laws, rules and regulations of the peace officer standards and training (POST) commission, and have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training shall be approved by the LEA and the cost of the training, firearm and ammunition shall be at the expense of the person seeking authorization and not the LEA.

(c)(1) Within ten (10) days after the director of schools has authorized a person to carry or possess a firearm on school property pursuant to subdivision (a)(1) or (a)(2), the director shall notify the chief of the appropriate law enforcement agency of each such authorization.

2. The notification pursuant to this subsection (c) shall contain basic information about each such person including name, address, contact information and whether the person is authorized under subdivision (a)(1) or (a)(2).

(d) The joint written authorization of the director of schools and the principal of the school given pursuant to subdivision (b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to subdivision (c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to subdivision (c)(2), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not issued joint written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this section that is received by, transmitted to, maintained, stored or compiled by the director of schools, the principal of the school, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For
purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.
(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

49-6-4216. School policies and procedures - Contents - Notice to students and parents.
(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

  (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and

  (2) To impose swift, certain and severe disciplinary sanctions on any student:

    (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity;

    (B) Who, while on a school bus, on school property or while attending any school event or activity:

      (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

49-6-3001. School age - Entrance - Attendance - Withdrawal.

(a) The public schools shall be free to all persons residing within the state who are above five (5) years of age or who will become five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter.

(b)(1) Any child residing within the state who is five (5) years of age or who will become five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter may enter at the beginning of the term the public school designated by the local board of education having appropriate jurisdiction; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that school systems having semiannual promotions may admit at the beginning of any semester children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a pupil meets the requirements of the state board of education for transfer or admission purposes, as determined by the commissioner of education, the pupil may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

(c)(1) Every parent, guardian or other legal custodian residing within this state having control or charge of any child or children between six (6) years of age and seventeen (17) years of age, both inclusive, shall cause the child or children to attend public or nonpublic school, and in event of failure to do so, shall be subject to the penalties provided in this part. If a student transfers from a school to another school in the same LEA, the LEA shall remit copies of the student's records, including the student's disciplinary records, to the school to which the student transfers. If a student transfers from an LEA to another LEA, then the LEA from which a student transfers shall remit copies of the student's records, including the student's disciplinary records, to the LEA to which the student transfers. All records shall be remitted in accordance with the Family Education Rights and Privacy Act, codified at 20 U.S.C. § 1232g.

(2) Subdivision (c)(1) does not apply to any child who:

(A) Has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state;

(B) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED(R)) from a state-approved institution or organization or who has obtained a GED(R). Any institution or organization that enrolls a child who is under eighteen (18) years of age shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under eighteen (18) years of age. If the local board of education determines any child under eighteen (18) years of age is not making satisfactory progress, then the child shall be subject to subdivision (c)(1);
(C) Is six (6) years of age or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the director of the LEA or with the director of a church-related school; or
(D) A student enrolled in a home school who has reached seventeen (17) years of age.

(3) As used in this part, "public school" and "nonpublic school" are defined as follows:
(A) "Non-public school" means a church-related school, home school or private school;
   (i) "Church-related school" means a school as defined in § 49-50-801;
   (ii) "Home school" means a school as defined in § 49-6-3050; and
   (iii) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education; and
(B) "Public school" means any school operated by an LEA or by the state with public funds.

(4) A parent or guardian with any good and substantial reason as determined by the parent or other person having legal custody of a child, and agreed to by the respective local board of education, may withdraw the parent's or other person's child from a public school; provided, that within thirty (30) days the parent or person having legal custody of the child places the child in a public school designated by the local board of education or in a non-public school.

(5) A parent or guardian who believes that the parent's or guardian's child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school that the child would attend for a one (1) semester or one (1) year deferral in required attendance. The deferral shall be reported to the director of the LEA by the principal.

(6) Notwithstanding any other law to the contrary, a person designated as a caregiver with the power of attorney for care of a minor child pursuant to title 34, chapter 6, part 3 shall have the right to enroll the minor child in the LEA serving the area where the caregiver resides. The LEA shall allow a caregiver with a properly executed power of attorney for care of a minor child, pursuant to title 34, chapter 6, part 3, to enroll the minor child, but may require documentation of the minor child's residence with a caregiver or documentation or other verification of the validity of the stated hardship prior to enrollment. If the minor child ceases to reside with the caregiver, then the caregiver shall notify any person, school or health care provider that has been provided documentation of the power of attorney for care of a minor child. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to this title. If at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any educational decisions for the minor child, then the parent must revoke the power of attorney and provide the LEA written documentation of the revocation.

(d) Notwithstanding any other law to the contrary, children who participate in an LEA-administered prekindergarten program, a prekindergarten program administered by a private school as defined by § 49-6-3001(c)(3)(A)(iii) or a Head Start program in a Head Start classroom as defined in 42 U.S.C. § 9832 during the 2012-2013 or 2013-2014 school years may enter kindergarten in the 2013-2014, 2014-2015, or 2015-2016 school years; provided, that such children shall be five (5) years of age on or before August 31, 2015.

49-6-3007. Attendance and truancy reports - Enforcement of compulsory attendance.

(a) On or before the beginning of the school term each year, the director of schools of each school district shall furnish to the principal teacher in each school, or cause to be furnished, through any duly elected attendance teacher, as provided in this part, the names of children depending on their schools for instruction, together with the names of the parents or guardians of the children, the lists to be taken from
the census enumeration on file in the office of the director of schools, or from any other available and reliable sources.

(b) It is the duty of every principal or teacher of a public school to report to the director of schools, immediately after the opening of school, the names of all children on the list furnished to the director of schools who have not appeared for enrollment.

(c) It is the duty of the principals and teachers of all schools, public, private, denominational or parochial, to report in writing to the director of schools of the system in which the school is located the names, ages and residences of all pupils in attendance at their schools and classes within thirty (30) days after the beginning of the school year, and to make such other reports of attendance in their schools or classes, including transfers of pupils, as may be required by rule or regulation of the local board of education and of the state board of education. Notwithstanding subsection (g), this subsection (c) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (c) is applicable.

(d) All public, private and parochial schools shall keep daily reports of attendance, verified by the teacher making the record, which shall be open to inspection at all reasonable times, to the director of schools of the system in which the school is located or to the director of schools' duly authorized representative. Notwithstanding subsection (g), this subsection (d) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (d) is applicable.

(e)(1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars ($50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(h) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:
(1) "Expulsion" is defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student;

(2) "Remand" is defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school; and

(3) "Suspension" is defined as dismissed from attendance at school for any reason not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school. The school district shall remain eligible to receive funding for a suspended student.

(i)(1)(A) An LEA may enter into an agreement with the local law enforcement agency serving the area of the LEA and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

(i) Creation by the local school board of an advisory council to assist the board in formulating the agreement. The board shall include representatives of teachers, parents, administrators and other community representatives;

(ii) Receipt of input from neighborhood groups and other interested parties;

(iii) At least one (1) public hearing on the proposed plan prior to its adoption by the board;

(iv) Provisions for training teachers, principals, social workers and other personnel involved in the schools in truancy issues;

(v) Provisions for assuring the training of involved law enforcement personnel in the truancy law, including categories of students to which the law does not apply, such as private school students or home school students; and

(vi) Inclusion in the agreement of safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

(B) If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have been absent two (2) days without adequate excuse and shall continue to report each subsequent absence without adequate excuse. This means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to the children unlawfully absent from school, written notice that attendance of the children at school is required and of the provisions of this subsection (i).

(3) Under such an agreement, and for purposes of this section and § 37-1-102(b)(26)(A), a student who has been absent an aggregate three (3) days without adequate excuse may be deemed habitually truant.

(4) The director of schools or director of schools' representative may issue a list of such truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises during school hours, in a public place, in any public or private conveyance or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:
(A) The parent, foster parent, legal guardian or other person having control or custody of the child;
(B) The principal of the school in which the child is enrolled;
(C) A truancy center established by the LEA; or
(D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.

(5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.
(6) This subsection (i) shall not apply to students enrolled in home or nonpublic schools in accordance with § 49-6-3050 or § 49-50-801.
(7) Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist the officials in effectively serving the student whose record is released. Officials and authorities receiving the information shall not disclose the information to any other party without prior written consent of the parent.

49-6-3008. Truancy - Inspections and investigations.
(a) The director of schools of any local school system, or the director of schools' designated representative, has the right to visit and enter any office, factory or business house employing children belonging to schools within the director of schools' jurisdiction and to require properly attested certificates of attendance or employment permit of any child in a day school or a valid work permit for the child.
(b) When reasonable doubt exists as to the age of any child who violates this part, the director of schools or the director of schools' designated representative shall require satisfactory proof of age.
(c) Any parent, guardian or other person having charge or control of any child embraced within this part who makes a false statement concerning the age of the child or the time that the child has attended school commits a Class C misdemeanor.

49-6-3009. Penalty for violations - Alternative to prosecution - Truancy.
(a) Any parent, guardian or other person who has control of a child, or children, and who violates this part commits educational neglect, which shall be a Class C misdemeanor.
(b) Each day's unlawful absence constitutes a separate offense.
(c) As an alternative to the filing of a truancy petition or for criminal prosecution for educational neglect, a director of schools or attendance supervisor shall devise and recommend, and the school board shall adopt, progressive truancy interventions for students who violate compulsory attendance requirements. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.
(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:
   (1) The first tier of progressive truancy interventions is triggered by at least three (3) unexcused absences within a school year;
   (2) The first tier of progressive truancy interventions must include, at a minimum:
      (A) A conference with the student and the student's parent or guardian;
      (B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:
         (i) A specific description of the school's attendance expectations for the child;
(ii) The period for which the contract is effective, not to exceed ninety (90) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings to discuss the student's progress;

(3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;

(4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems;

(5) Additional interventions may consist of one (1) or more of the following:

   (A) School-based community services;

   (B) Participation in a school-based restorative justice program;

   (C) Referral to a school-based teen court; or

   (D) Saturday courses designed to improve attendance and behavior;

(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and

(7) A referral made under subdivisions (d)(1)-(5) may include participation by the child's parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and § 49-6-3007(i)(4)(D) shall be accompanied by a statement from the student's school certifying that:

   (1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and

   (2) The progressive truancy interventions failed to meaningfully address the student's school attendance.

(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).

(g) Each intervention program shall report school attendance of program participants to the director of schools or the attendance supervisor in the year following the intervention.

(h) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to the provisions of this section may present such intervention program to the commissioner of education for approval in lieu of strict compliance with the provisions specified herein.

(i) Each head of school of a private or parochial school shall recommend, and the board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that such school shall employ for violations of the compulsory attendance laws. Such policy shall contain a provision that the director of schools or the attendance supervisor in the system where the child's home of record is located shall be notified in the event that a student at such private or parochial school is expelled or withdraws from school.

(j) Parents, guardians or other persons having control of a child who is required to attend remedial instruction under § 49-6-3021 commit educational neglect as defined in subsection (a), if the child is truant from the instruction.
49-6-3012. Truancy schools.
(a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.
(b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.
(c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

REGULATIONS
No relevant regulations found.

Substance use

LAWs

(a) Any county or municipality is authorized to establish school safety zones.
(b) As used in this section, unless the content otherwise requires:
   (1) “School” means any public or private elementary, secondary or state technology center; and
   (2) “School property” means all property used for school purposes, including, but not limited to, school playgrounds.
(c) A school safety zone is the territory located within one thousand feet (1,000’) of school property.
(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends one thousand feet (1,000’) from school property and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.
(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by
the school official. Nothing in this section shall be construed to prohibit the assignment of such students
to an alternative school. Disciplinary policies and procedures for all other student offenses, including
terms of suspensions and expulsions, shall be determined by local board of education policy.

49-6-4202. Part definitions.
As used in this part, unless the context otherwise requires:

(1) "Dangerous weapon" or "weapon" means any dangerous instrument or substance that is capable of
inflicting any injury on any person;

(2) "Drug" means any controlled substance, controlled substance analogue, marijuana, alcohol, legend
drug or any other substance the possession or use of which is regulated in any manner by any
governmental authority, including the school system;

(3) "Drug paraphernalia" means all equipment, products and materials of any kind that are used,
intended for use or designed for use in planting, propagating, cultivating, growing, harvesting,
manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,
packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise
introducing into the human body a drug, as defined in subdivision (2). An electronic pager in the
possession of a student shall be included in this definition if used or intended for use as defined by this
subdivision (3)[...]

49-6-4216. School policies and procedures - Contents - Notice to students and parents.
(a) Each local and county board of education shall file annually with the commissioner of education
written policies and procedures developed and adopted by the board:

(1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and
dangerous weapons; and

(2) To impose swift, certain and severe disciplinary sanctions on any student:

(A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school
property or to any school event or activity;

(B) Who, while on a school bus, on school property or while attending any school event or activity:

(i) Is under the influence of a drug;

(ii) Possesses a drug, drug paraphernalia or dangerous weapon; or

REGULATIONS

0520-01-03.08. Pupil personnel services.
(1) Each local board of education shall develop standards and policies for:

(a) Attendance Services

(b) Guidance Services

(c) School Psychological Services

(d) School Social Work Services

(e) School Health Services

(2) The school health services program shall include but not be limited to the following:

(d) Each local school system shall have a written policy for handling drug/alcohol problems that may
arise in the schools.
Bullying, harassment, or hazing

LAWS

39-17-308. Harassment.
(a) A person commits an offense who intentionally:
   (1) Communicates a threat to another person, and the person communicating the threat:
      (A) Intends the communication to be a threat of harm to the victim; and
      (B) A reasonable person would perceive the communication to be a threat of harm;
   (2) Communicates with another person without lawful purpose, anonymously or otherwise, with the intent that the frequency or means of the communication annoys, offends, alarms, or frightens the recipient and, by this action, annoys, offends, alarms, or frightens the recipient;
   (3) Communicates to another person, with intent to harass that person, that a relative or other person has been injured or killed when the communication is known to be false; or
   (4) Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:
      (A) Maliciously intends the communication to be a threat of harm to the victim; and
      (B) A reasonable person would perceive the communication to be a threat of harm.
(b)(1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pre-trial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:
      (A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;
      (B) Made for no legitimate purpose; and
      (C) Made knowing that it will alarm or annoy the victim.
(2) If the victim of the person's offense died as the result of the offense, this subsection (b) shall apply to the deceased victim's next-of-kin.
(c)(1) Except as provided in subsection (d), a violation of subsection (a) is a Class A misdemeanor.
   (2) A violation of subsection (b) is a Class E felony.
(d) A violation by a minor of subdivision (a)(4) is a delinquent act and shall be punishable only by up to thirty (30) hours of community service, without compensation, for charitable or governmental agencies as determined by the court.
(e) As used in this section:
   (1) "Communicate" means contacting a person in writing or print or by telephone, wire, radio, electromagnetic, photoelectronic, photooptical, or electronic means, and includes text messages, facsimile transmissions, electronic mail, instant messages, and messages, images, video, sound recordings, or intelligence of any nature sent through or posted on social networks, social media, or web sites;
   (2) "Electronic communications service" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system;
   (3) "Image" includes, but is not limited to, a visual depiction, video clip or photograph of another person;
(4) "Log files" mean computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer or the usage of certain computer resources; and

(5) "Social network" means any online community of people who share interests and activities, or who are interested in exploring the interests and activities of others, and which provides ways for users to interact.

(f)(1) The offense described in this section shall not apply to an entity providing an electronic communications service to the public acting in the normal course of providing that service.

(2) The service providers described in this subsection (f) shall not be required to maintain any record not otherwise kept in the ordinary course of that service provider's business; provided, however, that if any electronic communications service provider operates a web site that offers a social network service and the electronic communications service provider provides services to consumers in this state, any log files and images or communications that have been sent, posted, or displayed on the social network service's web site and maintained by the electronic communications service provider shall be disclosed to any governmental entity responsible for enforcing this section only if the governmental entity:

(A) Obtains a warrant issued using this state's warrant procedures by a court of competent jurisdiction;

(B) Obtains a court order for the disclosure under subdivision (f)(4); or

(C) Has the consent of the person who sent, posted, or displayed any log files and images or communications on the social network service's web site maintained by the electronic communications service provider.

(3) No cause of action shall lie in any court against any provider of an electronic communications service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or warrant.

(4) A court order for disclosure under subdivision (f)(2)(B) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of an electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. A court order shall not issue if prohibited by the law of this state. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.

49-2-120. Prohibition against hazing.

(a) As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.
49-6-4006. Civil liability.

(a) In addition to criminal penalties provided by law, there is created a civil cause of action for an intentional assault, personal injury or injury to the personal property of students or school employees when the assault occurs during school hours, on school property or during school functions, including travel to and from school on school buses. A person who commits such an assault or injury shall be liable to the victim for all damages resulting from the assault, including compensatory and punitive damages. Upon prevailing, the victim shall be entitled to treble damages and reasonable attorney fees and costs.

(b) It is a defense against a civil action for damages under this section that a teacher, principal, school employee or school bus driver in the exercise of the person's lawful authority used reasonable force under § 49-6-4107 that was necessary to restrain the student or to prevent bodily harm or death to another person.

49-6-4501. Legislative findings - Safety and civility.

The general assembly finds and declares that:

(1) A safe and civil environment is necessary for students to learn and achieve high academic standards;

(2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;

(3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and

(4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

49-6-4502. Part definitions.

(a) As used in this part:

(1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;

(2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;

(3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

(i) Physically harming a student or damaging a student's property;

(ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.
49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

1. A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
2. A definition of harassment, intimidation, bullying or cyber-bullying;
3. A description of the type of behavior expected from each student;
4. A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
5. A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
6. A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;
7. A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
8. A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
9. A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
10. A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;
11. A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;
12. The identification by job title of school officials responsible for ensuring that the policy is implemented;
13. A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and
14. A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

(c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and
strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

(i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year;

(ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;

(iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;

(iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and

(v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education committee of the house of representatives and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students, and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

(d)(1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

(3) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.
49-6-4504. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by LEA.

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

(b) Each LEA is encouraged to review the policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three (3) years. Each LEA shall transmit a copy of any changes in the policy to the commissioner in a timely manner.

49-6-4505. Reprisal or retaliation prohibited - Reporting harassment, intimidation, bullying or cyber-bullying - Immunity from damages.

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation, bullying or cyber-bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

49-6-4506. Task forces, programs or other initiatives.

School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

39-13-114. Communicating a threat concerning a school employee.

(a) For purposes of this section, "school" means any:

(1) Elementary school, middle school or high school;

(2) Technology center or postsecondary vocational or technical school; or

(3) Two-year or four-year college or university.

(b) A person commits the offense of communicating a threat concerning a school employee if:

(1) The person communicates to another a threat to cause the death of or serious bodily injury to a school employee and the threat is directly related to the employee's scope of employment;

(2) The threat involves the use of a firearm or other deadly weapon;
(3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and

(4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:

(A) Are corroborative of the person's intent to commit the threatened act; and

(B) Occur close enough in time to evidence an intent and ability to commit the threatened act.

(c) Communicating a death threat concerning a school employee is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

49-6-812. Consistency with harassment and bullying policies.
Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to § 49-6-1016.

49-6-3017. Minors withdrawn from secondary school - Denial of motor vehicle license or permit.
(a) For purposes of this section:

(1) Suspension or expulsion from school or confinement in a correctional institution is not a "circumstance beyond the control of the person";

(2) "Satisfactory academic progress" means making a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any grading period; and

(3) "Withdrawal" means more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester.

(b) In accordance with title 55, chapter 50, the department of safety shall deny a license or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not at the time of application for a driver license present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person is:

(1) Enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED(R)) from a state-approved institution or organization, or has obtained a GED(R);

(2) Enrolled and making satisfactory academic progress in a secondary school of this state or any other state;

(3) Excused from such requirement due to circumstances beyond the applicant's control.

(c) The attendance teacher or director of schools shall provide documentation of enrollment status on a form approved by the department of education to any student fifteen (15) years of age or older upon request, who is properly enrolled in a school under the jurisdiction of the official for presentation to the department of safety on application for or reinstatement of an instruction permit or license to operate a motor vehicle. Whenever a student fifteen (15) years of age or older withdraws from school, except as provided in subsection (d), the attendance teacher or director of schools shall notify the department of safety of such withdrawal. Within five (5) days of receipt of the notice, the department shall send notice to the licensee that the license will be suspended under title 55, chapter 50, on the thirtieth day following the date the notice was sent, unless documentation of compliance with this section is received by the department before that time. After having withdrawn from school for the first time for the purpose of this section, a student may not be considered as being in compliance with this section until the student returns to school and makes satisfactory academic progress or attains eighteen (18) years of age. For second or subsequent withdrawals, a student shall have all driving privileges suspended until the student attains
eighteen (18) years of age. When a student licensed to operate a motor vehicle is enrolled in a secondary school and fails to maintain satisfactory academic progress based on end of semester grading, the attendance teacher or director of schools shall follow the procedure set out in this subsection (c) to notify the department of safety. A student who fails to maintain satisfactory academic progress based on end of semester grading may not be considered as being in compliance with this section until such student makes a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any subsequent grading period.

(d) Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to a GED(R) or high school diploma or the student's failure to maintain satisfactory academic progress based on end of semester grading is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice shall be sent to the department to suspend the student's motor vehicle driver license. If the student is applying for a license, the attendance teacher or director of schools shall provide the student with documentation to present to the department of safety to excuse the student from this section. The school district director of schools, or the appropriate school official of any private secondary school, with the assistance of the attendance teacher and any other staff or school personnel, shall be the sole judge of whether withdrawal or the student's failure to maintain satisfactory academic progress based on end of semester grading is due to circumstances beyond the control of the person.

(e) A copy of the notice sent to the department of safety by the attendance teacher or the director of schools upon failure of a student to maintain satisfactory academic progress shall also be mailed to that student's parents or guardian.

(f) Notwithstanding any provision of this section to the contrary, any student under eighteen (18) years of age enrolled in a course leading to a GED(R) who has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester shall not be considered as making satisfactory academic progress and the student's motor vehicle driver license shall be suspended; or if the student does not have a motor vehicle driver license, the student shall be ineligible to obtain a motor vehicle driver license until the student reaches eighteen (18) years of age. The attendance teacher, director of schools or director of a GED(R) program shall notify the department of safety whenever any student under eighteen (18) years of age enrolled in a course leading to a GED(R) has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester.

(g) By September 1 of each year, the department of safety shall report to the education committee of the senate and the education committee of the house of representatives the number of students whose driver licenses were suspended in accordance with this section and title 55, chapter 50 during the school year immediately preceding the report date. The department of safety shall also report the number of students whose licenses were reinstated during such school year after such students had their licenses suspended and the total number of licenses granted to students during the school year.

49-6-4009. Student discipline code to include provision prohibiting indecent clothing.

(a) An LEA shall include in its student discipline code a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

(b) An LEA shall specify in its student discipline code the disciplinary actions that shall be taken against a student for a violation of subsection (a).

(c) Subsection (a) shall not be enforced in a manner that discriminates against a student on the basis of race, color, religion, sex, disability, or national origin.
49-6-4214. Possession of pagers by students.
Possession of an electronic pager by a student on school property, without the permission of the school principal or the principal's designated representative, is prima facie evidence of its intended use in violation of this part.

49-6-4215. Activities of criminal gangs on school property - Promulgation of rules and regulations.
(a) The LEAs of this state are authorized to promulgate and adopt rules and regulations to prohibit the activities of criminal gangs on school property. The rules and regulations may prohibit students in grades six through twelve (6-12) from:
   (1) Wearing, while on school property, any type of clothing, apparel or accessory that denotes the students' membership in or affiliation with any criminal gang;
   (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang; and
   (3) Any conduct that is seriously disruptive to the educational process or endangers persons or property.
(b) The local law enforcement agency shall advise the local board, upon request, of criminal gangs and associated criminal gang activity.
(c) As used in this section, "criminal gang" means a formal or informal ongoing organization, association or group consisting of three (3) or more persons that has:
   (1) As one (1) of its activities the commission of criminal acts; and
   (2) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

49-6-805. Template minimum requirements.
At a minimum, the template prepared by the state-level safety team shall include:

1. The designation of an emergency response team;
2. Policies and procedures for communication with law enforcement officials, parents and guardians in the event of emergencies and incidents of or threats of violence;
3. Policies and procedures relating to school building security, including, where appropriate, the use of school resource officers, security devices or security procedures, and addressing, where appropriate, the use of the building by the public for events other than school activities and the impact the other use may have on building security;
4. Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;
5. Procedures for coordination of the school safety plan with the resources available through the department of mental health and substance abuse services, the department of intellectual and developmental disabilities or a similar local agency to assure that the school has access to federal, state or local mental health resources in the event of a violent incident;
6. Appropriate violence prevention and intervention strategies such as:
   A. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
   B. Dissemination of informative materials regarding the early detection and identification of potentially threatening behaviors and violent acts to teachers, administrators, school personnel, parents or guardians and students;
   C. Nonviolent conflict resolution training programs;
   D. Peer mediation programs and youth courts;
   E. Extended day and other school safety programs; and
   F. Comprehensive school counseling and mental health programs;
7. Policies and procedures for annual school safety training for all students, teachers, and other school personnel; and
8. Policies and procedures for the safe evacuation of all students, teachers, other school personnel and visitors to the school in the event of a serious violent incident or other emergency.

49-6-4302. Tennessee school safety center.
(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention[...]
(c)(1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution,
disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence.

(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each LEA in the same percentage that the LEA's share of basic education program (BEP) funding bears to statewide BEP funding.

(B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA.

(C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years[...]

For information on the Schools Against Violence in Education Act, which includes school safety trainings including violence prevention, see 49-6-801 through 814.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

REGULATIONS

No relevant regulations found.
Behavioral interventions and student support services

LAWS

49-6-1902. Adoption of policies - Establishment of model policy.
(a) Each LEA shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.
(b) To assist LEAs in developing policies for student suicide prevention, the department of education shall establish a model policy in consultation with the office of crisis services and suicide prevention of the department of mental health and substance abuse services and the department of health. An LEA may develop its own policy or adopt the model policy.

49-6-3009. Penalty for violations - Alternative to prosecution - Truancy.
(a) Any parent, guardian or other person who has control of a child, or children, and who violates this part commits educational neglect, which shall be a Class C misdemeanor.
(b) Each day's unlawful absence constitutes a separate offense.
(c) As an alternative to the filing of a truancy petition or for criminal prosecution for educational neglect, a director of schools or attendance supervisor shall devise and recommend, and the school board shall adopt, progressive truancy interventions for students who violate compulsory attendance requirements. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.
(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:
   (1) The first tier of progressive truancy interventions is triggered by at least three (3) unexcused absences within a school year;
   (2) The first tier of progressive truancy interventions must include, at a minimum:
      (A) A conference with the student and the student's parent or guardian;
      (B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:
         (i) A specific description of the school's attendance expectations for the child;
         (ii) The period for which the contract is effective, not to exceed ninety (90) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and
         (iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and
      (C) Regularly scheduled follow-up meetings to discuss the student's progress;
   (3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;
   (4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems;
(5) Additional interventions may consist of one (1) or more of the following:
   (A) School-based community services;
   (B) Participation in a school-based restorative justice program;
   (C) Referral to a school-based teen court; or
   (D) Saturday courses designed to improve attendance and behavior;
(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and
(7) A referral made under subdivisions (d)(1)-(5) may include participation by the child's parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and § 49-6-3007(i)(4)(D) shall be accompanied by a statement from the student's school certifying that:
   (1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and
   (2) The progressive truancy interventions failed to meaningfully address the student's school attendance.
(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).
(g) Each intervention program shall report school attendance of program participants to the director of schools or the attendance supervisor in the year following the intervention.
(h) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to the provisions of this section may present such intervention program to the commissioner of education for approval in lieu of strict compliance with the provisions specified herein.
(i) Each head of school of a private or parochial school shall recommend, and the board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that such school shall employ for violations of the compulsory attendance laws. Such policy shall contain a provision that the director of schools or the attendance supervisor in the system where the child's home of record is located shall be notified in the event that a student at such private or parochial school is expelled or withdraws from school.
(j) Parents, guardians or other persons having control of a child who is required to attend remedial instruction under § 49-6-3021 commit educational neglect as defined in subsection (a), if the child is truant from the instruction.

REGULATIONS
No relevant regulations found.

Professional development

LAWS

49-6-805. Template minimum requirements.
At a minimum, the template prepared by the state-level safety team shall include:
   (1) The designation of an emergency response team;
   (2) Policies and procedures for communication with law enforcement officials, parents and guardians in the event of emergencies and incidents of or threats of violence;
(3) Policies and procedures relating to school building security, including, where appropriate, the use of school resource officers, security devices or security procedures, and addressing, where appropriate, the use of the building by the public for events other than school activities and the impact the other use may have on building security;

(4) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

(5) Procedures for coordination of the school safety plan with the resources available through the department of mental health and substance abuse services, the department of intellectual and developmental disabilities or a similar local agency to assure that the school has access to federal, state or local mental health resources in the event of a violent incident;

(6) Appropriate violence prevention and intervention strategies such as:
   (A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
   (B) Dissemination of informative materials regarding the early detection and identification of potentially threatening behaviors and violent acts to teachers, administrators, school personnel, parents or guardians and students;
   (C) Nonviolent conflict resolution training programs;
   (D) Peer mediation programs and youth courts;
   (E) Extended day and other school safety programs; and
   (F) Comprehensive school counseling and mental health programs;

(7) Policies and procedures for annual school safety training for all students, teachers, and other school personnel; and

(8) Policies and procedures for the safe evacuation of all students, teachers, other school personnel and visitors to the school in the event of a serious violent incident or other emergency.

49-6-1901. Training for teachers and principals.
All employees of each LEA shall attend the annual in-service training in suicide prevention required to be provided to teachers and principals in accordance with § 49-6-3004(c)(1) or other equivalent training.

49-6-1902. Adoption of policies - Establishment of model policy.
(a) Each LEA shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(b) To assist LEAs in developing policies for student suicide prevention, the department of education shall establish a model policy in consultation with the office of crisis services and suicide prevention of the department of mental health and substance abuse services and the department of health. An LEA may develop its own policy or adopt the model policy.

49-6-1903. Cause of action - Imposition of duty of care.
(a) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this part or resulting from any training, or lack thereof, required by this part.
(b) The training required by this part, or the lack thereof, shall not be construed to impose any specific duty of care.

49-6-4212. Training program for school principals - Notice of policies to parents and students.
(a) The LEA and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school principals with this part and with local policies and procedures for implementing and enforcing this part.
(b) The LEA shall provide parents and students with reasonable notice of the local policies and procedures.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.
(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.
(c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.
(2) Each LEA shall also:
   (A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

49-6-4106. Disciplinary referrals.
When a member of a school's faculty or staff disciplines a student by issuing a written referral for the student's behavior, the referral shall be returned to the member of the faculty or staff with a notation of the action taken. The referral shall be kept in a student discipline file and shall not become a part of the student's permanent record. If a school district or a school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the member of the faculty or staff making the referral shall be notified of the action taken, but the notification may be made either electronically or in writing.

49-6-4301. School officials to report student offenses.
(a) Every teacher observing or otherwise having knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property shall report such action immediately to the principal of the school. Any principal having direct knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

(b) The report made to the law enforcement agency shall include, if known, the name and address of the offender, and the name and address of the victim, if any. The report shall also contain a description of the action and whatever additional information is requested by the law enforcement agency.

(c) The commissioner of education, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system that all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

(1) The type of offenders;
(2) If an offender is a student, the age and grade of the student;
(3) The location at which the incident occurred;
(4) The type of incident;
(5) Whether the incident occurred during or outside of regular school hours;
(6) Where the incident involved a weapon, whether the weapon was a firearm, knife or other weapon;
(7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
(8) Any student discipline or referral action taken against a student offender and the duration of the action; and
(9) The nature of the victim and the victim's age and grade where appropriate.
(d) The commissioner shall require a summary of the information from subsection (c) to be included, in a form prescribed by the commissioner, in the annual report published by the commissioner each year pursuant to § 49-1-211.

(e) Annually on or before February 1 of each year, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and identify specifically the schools and school districts with the least and greatest incidence of violent incidents and the least and most improvement since the previous year or years.

49-6-4302. Tennessee school safety center.

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

(b) The Tennessee school safety center shall be responsible for the collection and analysis of data related to school safety, including alleged violent or assaulitve acts against school employees and students. Analysis of data shall include the number of arrests, the charges and whether civil damages were pursued by the injured party or school system. The center shall make periodic reports to the education committee of the senate and the education administration and planning committee of the house of representatives on the status of school safety efforts.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

6) A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;

7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;

8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;

9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-
bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented;

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and

(14) A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

(d)(1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the availability of counseling and support services that may be necessary.

(3) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

49-6-4505. Reprisal or retaliation prohibited - Reporting harassment, intimidation, bullying or cyber-bullying - Immunity from damages.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

REGULATIONS

No relevant regulations found.
Parental notification

LAWS

49-6-3007. Attendance and truancy reports - Enforcement of compulsory attendance.

(e)(1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools’ designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars ($50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

49-6-3051. Parental or guardian notice to school of child's criminal offenses - List of goals - Confidentiality - Violations and penalties.

(a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b), the parents, guardians or legal custodians, including the department of children's services acting in any capacity and a school administrator of any school having previously received the same or similar notice from the juvenile court or another source, shall provide to a school principal, or a principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information when any such student:

(1) Initially enrolls in an LEA;

(2) Resumes school attendance after suspension, expulsion or adjudication of delinquency; or

(3) Changes schools within this state.
(b) The parents, guardians, or legal custodians, including the department of children’s services acting in any capacity, shall provide notification as required by subsection (a) if the student has been adjudicated delinquent:

(1) In this state for any of the following offenses, or in another state for equivalent offenses as determined by the elements of the offense:

(A) First degree murder, as defined in § 39-13-202;
(B) Second degree murder, as defined in § 39-13-210;
(C) Rape, as defined in § 39-13-503;
(D) Aggravated rape, as defined in § 39-13-502;
(E) Rape of a child, as defined in § 39-13-522;
(F) Aggravated rape of a child, as defined in § 39-13-531;
(G) Aggravated robbery, as defined in § 39-13-402;
(H) Especially aggravated robbery, as defined in § 39-13-403;
(I) Kidnapping, as defined in § 39-13-303;
(J) Aggravated kidnapping, as defined in § 39-13-304;
(K) Especially aggravated kidnapping, as defined in § 39-13-305;
(L) Aggravated assault, as defined in § 39-13-102;
(M) Felony reckless endangerment pursuant to § 39-13-103; or
(N) Aggravated sexual battery, as defined in § 39-13-504; or

(2) In this state for any of the following offenses:

(A) Voluntary manslaughter, as defined in § 39-13-211;
(B) Criminally negligent homicide, as defined in § 39-13-212;
(C) Sexual battery by an authority figure, as defined in § 39-13-527;
(D) Statutory rape by an authority figure, as defined in § 39-13-532;
(E) Prohibited weapon, as defined in § 39-17-1302;
(F) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
(G) Carrying weapons on school property, as defined in § 39-17-1309;
(H) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
(I) Handgun possession, as defined in § 39-17-1319;
(J) Providing handguns to juveniles, as defined in § 39-17-1320; or
(K) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; or

(3) An offense not listed in this subsection (b) for which a court has ordered school notification based on the circumstances surrounding the offense.

(c) When the principal or the principal's designee is notified of the student's adjudication pursuant to subsection (a), the principal or the principal's designee may convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.

(d) The abstract and information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer,
and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) and the plan shall not become a part of the child's student record.

(e) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(f) It is an offense for any school personnel to knowingly share information provided pursuant to subsection (a) with any person other than those listed in subsection (d). A violation of this subsection (f) is a Class C misdemeanor, punishable by a fine only.

(g) It is an offense for a parent or guardian to knowingly fail to provide notification as required by subsection (a). A violation of this subsection (g) is a Class C misdemeanor, punishable by a fine only. For purposes of this subsection (g), parent or legal guardian does not include the department of children's services.

(h) If it becomes apparent that any employee of the department of children's services knowingly failed to notify the school as required by subsection (a), the commissioner of children's services shall be notified and take appropriate action against the employee.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;
(B) The cause for the suspension; and
(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4)(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.
(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

49-6-4213. Testing of students for drugs - Referral information and assistance for students testing positive.

(f)(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(d)(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

REGULATIONS

0520-01-02-.16 Reporting attendance relative to disciplinary actions.

(1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

(b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.

(c) "Expulsion" shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.

(2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be
applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.

(3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of T.C.A. 49-6-3401 shall receive notices provided for therein.

Reporting and referrals between schools and law enforcement

LAWS


(a) If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare:

(1) Subject to conditions and limitations as the court prescribes, transfer temporary legal custody or grant permanent guardianship in accordance with part 8 of this chapter to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child, if the court finds that such a transfer or grant is in the best interest of the child;

(2)(A)(i) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations prescribed by the court in consultation with the supervising authority and consistent with a validated risk and needs assessment, which may include completion of substance abuse and mental health treatment services where appropriate;

(ii)(a) A child may be placed on probation for a maximum period of six (6) months, subject to this subdivision (a)(2)(A)(ii). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(1) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(2) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child; and

(b) If the requirements of subdivision (a)(2)(A)(ii)(a) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

(iii) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance;

(iv) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation, or probation may be terminated; and

(v) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the results of the previously administered validated risk and needs assessment, including ordering a transfer or grant pursuant to subdivision (a)(1). The court shall not order a child placed in the custody of the department for a violation of the conditions or limitations of probation unless:
(a) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;
(b) The child is separately adjudicated delinquent and placed pursuant to this section for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation; or
(c)(1) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and
(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(c) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that: (A) The child needs services or treatment that are available only if the child is in custody; and (B) The services or treatment the child needs are evidence-based and will be provided by a qualified provider;

(B) The court shall make a finding that the child's school shall be notified, if:
(i) The child has been adjudicated delinquent for any of the following offenses:
   (a) First degree murder, as defined in § 39-13-202;
   (b) Second degree murder, as defined in § 39-13-210;
   (c) Rape, as defined in § 39-13-503;
   (d) Aggravated rape, as defined in § 39-13-502;
   (e) Rape of a child, as defined in § 39-13-522;
   (f) Aggravated rape of a child, as defined in § 39-13-531;
   (g) Aggravated robbery, as defined in § 39-13-402;
   (h) Especially aggravated robbery, as defined in § 39-13-403;
   (i) Kidnapping, as defined in § 39-13-303;
   (j) Aggravated kidnapping, as defined in § 39-13-304;
   (k) Especially aggravated kidnapping, as defined in § 39-13-305;
   (l) Aggravated assault, as defined in § 39-13-102;
   (m) Felony reckless endangerment pursuant to § 39-13-103;
   (n) Aggravated sexual battery, as defined in § 39-13-504;
   (o) Voluntary manslaughter, as defined in § 39-13-211;
   (p) Criminally negligent homicide, as defined in § 39-13-212;
   (q) Sexual battery by an authority figure, as defined in § 39-13-527;
   (r) Statutory rape by an authority figure, as defined in § 39-13-532;
   (s) Prohibited weapon, as defined in § 39-17-1302;
   (t) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
   (u) Carrying weapons on school property, as defined in § 39-17-1309;
   (v) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
   (w) Handgun possession, as defined in § 39-17-1319;
(x) Providing handguns to juveniles, as defined in § 39-17-1320; or
(y) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; and

(ii) School attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency;

(C) The court may make a finding that the child's school shall be notified based on the circumstances surrounding the offense if the adjudication of delinquency is for an offense not listed in this subsection (a);

(D) The court shall then enter an order directing the youth service officer, probation officer, or the state agency, if the child has been committed to the custody of the state agency, to notify the school principal in writing of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled;

(E) When the principal of a school is notified, the principal of the child's school, or the principal's designee, shall convene a meeting to develop a plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, the department of children's services if the child is in state custody, the child's parent/guardian/legal caretaker if not in state custody, and other appropriate parties identified by the child, the department of children's services or parent/guardian/legal caretaker shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals;

(F) The information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of the child's student record;

(G) In no event shall a child be delayed from attending school for more than five (5) school days from the date of notice;

(H) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required;

(I) Upon the subsequent enrollment of any such student in any other LEA, the parents or custodians of the student, and the administrator of any school having previously received the same or similar notice pursuant to this section, shall notify the school in the manner specified in § 49-6-3051;

(J) A violation of the confidentiality provisions of subdivision (a)(2)(F) is a Class C misdemeanor;

(K)(i) If the court does not place the child in state custody, but orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, upon leaving that hospital or treatment resource, the principal of the child's school shall be notified and the principal of the child’s school or the principal's designee shall convene a meeting to develop a transition plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child’s parent/guardian/legal caretaker, other relevant
service providers, and other appropriate parties identified by the child and parent/guardian/legal caretaker shall be invited to the meeting;

(ii) If an information release is executed in compliance with § 33-3-109 that provides the principal or other designated school personnel access to certain information concerning the child, the principal or other designated school personnel may work with the child's mental health provider to develop this plan. The transition plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals. The information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but the information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. The notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a)(2)(K)(ii) shall not become a part of the child's student record;

(iii) In no event shall a child be delayed from attending school for more than five (5) school days;

(iv) A violation of the confidentiality provisions of subdivision (a)(2)(K)(ii) is a Class C misdemeanor;

(3) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. Pursuant to this subdivision (a)(3), the court may order detention for a maximum of forty-eight (48) hours for the delinquent child to be served only on days the school in which the child is enrolled is not in session. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;

(4)(A) Subject to the restrictions of § 37-1-129(c) and this subdivision (a)(4), commit the child to the department of children's services, which commitment shall not extend past the child’s nineteenth birthday;

(B) A child is eligible for commitment to the department only if:

(i) The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a felony if committed by an adult;

(ii)(a) The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult; and

(b) The child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or

(iii)(a) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

(b) A child placed in the custody of the department under this subdivision (a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that: (1) The child needs treatment or services that are available only if the child is in custody; and (2) The treatment or services the child needs are evidence-based and will be provided by a qualified provider;
(5) [Deleted by 2018 amendment, effective July 1, 2019.]

(6) Committing the child to the custody of the county department of children's services in those counties having such a department, but only if the child is eligible for commitment to the department under subdivision (a)(4) and subject to the conditions applicable to department commitment under § 37-1-137;

(7)(A) Ordering the child to perform community service work with such work being in compliance with federal and state child labor laws. For first-time delinquent acts involving alcohol or beer, in its order for community service work, the court may require the juvenile to spend a portion of such time in the emergency room of a hospital, only if, and to the extent, the hospital agrees with such action;

(B) No charitable organization, municipality, county or political subdivision thereof utilizing juveniles performing community service work pursuant to this chapter shall be liable for any injury sustained by the juvenile or other person, proximately caused by the juvenile, while the juvenile is performing a work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(C) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any person for any act of a juvenile while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(D) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any juvenile or the juvenile’s family for death or injuries received, proximately caused by the juvenile, while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(E) The authority and protection from liability provided by this section is supplemental and in addition to any other authority and protection provided by law;

(F) The court shall not order a child placed in the custody of the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for failure to complete community service work or satisfy conditions associated with community service work as ordered by the court; and

(8)(A) In lieu of committing a child to the custody of the department of children’s services and subject to the requirements of subdivision (a)(8)(B), the court may order any of the following if the child is found to be a delinquent child:

(i) Assign a long-term mentor to such child; or

(ii) Require that the delinquent child or any of the child's family members receive counseling services from any counseling service provided through or approved by the juvenile court;

(B) An order may be issued under subdivision (a)(8)(A) only if the funding necessary to implement such order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources.

(b)(1) If the child is found to be delinquent, the court shall determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate. The court shall identify whether a restorative justice program addressing loss resulting from a delinquent act is available and may be utilized appropriately in the place of financial restitution. Any financial obligations or restitution assessed against the child or the child's parents, legal custodians, or guardians shall be considered collectively with community service work to ensure that the order of disposition is reasonable and, where applicable, prioritizes restitution to the victim. In determining
whether an order of disposition is reasonable, the court may consider whether the child and the child’s parents, legal custodians, or guardians have the ability to complete the requirements of the order within six (6) months.

(2)(A) IF restitution is ordered pursuant to this subsection (b) in those cases where the court has made a finding that:

(i) A specified amount is owed;

(ii) Such amount is ordered to be paid pursuant to a specific payment schedule; and

(iii) The total amount of such ordered restitution is not paid by the time the juvenile court determines that discharge of a case is appropriate or no longer has jurisdiction over the child;

THEN, notwithstanding § 37-1-133(b) or any other law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection (b). The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

(3) The restitution recipient shall file a certified copy of the juvenile court’s restitution order with any court having jurisdiction over the total amount of restitution ordered.

(4) Upon receipt of such a restitution order, the court shall take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered by the juvenile court, it shall enter a judgment in favor of the restitution recipient and against the offender for the amount of the unpaid balance of such restitution.

(5) A judgment entered pursuant to this subsection (b) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments; however, such civil judgment shall not be referred to any collection service as defined by § 62-20-102.

(c)(1) This subsection (c) shall apply to a juvenile who is adjudicated delinquent, but not committed to the custody of the department of children’s services, for an act that if committed by an adult would be one (1) or more of the following offenses:

(A) First degree murder, as prohibited by § 39-13-202;

(B) Second degree murder, as prohibited by § 39-13-210;

(C) Voluntary manslaughter, as prohibited by § 39-13-211;

(D) Criminally negligent homicide, as prohibited by § 39-13-212;

(E) Rape, as prohibited by § 39-13-503;

(F) Aggravated rape, as prohibited by § 39-13-502;

(G) Rape of a child, as prohibited by § 39-13-522;

(H) Aggravated rape of a child, as prohibited by § 39-13-531;

(I) Aggravated robbery, as prohibited by § 39-13-402;

(J) Especially aggravated robbery, as prohibited by § 39-13-403;

(K) Kidnapping, as prohibited by § 39-13-303;

(L) Aggravated kidnapping, as prohibited by § 39-13-304;

(M) Especially aggravated kidnapping, as prohibited by § 39-13-305;

(N) Aggravated assault, as prohibited by § 39-13-102;

(O) Felony reckless endangerment, as prohibited by § 39-13-103;
(P) Sexual battery, as prohibited by § 39-13-505;
(Q) Aggravated sexual battery, as prohibited by § 39-13-504; or
(R) Any other Class A or Class B felony.

(2) If a court finds a juvenile to be delinquent as a result of an act listed in subdivision (c)(1), the court shall have broad discretion to issue orders and, in conjunction with representatives from the LEA, to change the educational assignment of the juvenile. The court shall involve representatives of the LEA, as necessary, to ascertain a proper educational assignment and the availability of secure educational facilities for the juvenile who, through actions of the court, is facing personal restrictions or being released with compulsory attendance in school as a condition of personal restriction or release. There shall be a presumption in favor of issuing a court order prohibiting the juvenile from attending the same educational placement as the victim.

(3) The court shall have discretion to determine how best to restrict future contact of the defendant with the victim while the victim is at school or in other public settings.

(4) When consulted by the court, the representatives of the LEA shall provide a list of alternatives to attendance at the school which is attended by the victim. This information shall include the availability of programs including another school assignment within the district, alternative school, virtual education, homebound instruction, adult education programs, and high school equivalency testing eligibility.

(5) The school resource officer shall be authorized to assist school officials in the enforcement of orders issued by the court and shall be made fully aware of the confidential nature of any order and the student's educational assignment.

(6) [Deleted by 2018 amendment, effective July 1, 2018.]

(d)(1) Notwithstanding this section to the contrary, a juvenile who is adjudicated delinquent for conduct that, if committed by an adult, would constitute one (1) of the offenses set out in subdivision (d)(3) shall be committed to the department of children's services for a period of not less than one (1) year; provided, that for the offenses listed in subdivisions (d)(3)(D) and (E), a court may, upon a finding of good cause, order a commitment for a term of less than one (1) year or decline to order a commitment.

(2) The commitment required by subdivision (d)(1) must be the least restrictive disposition permissible for an applicable juvenile, and nothing in this subsection (d) prohibits the court from:

(A) Transferring a juvenile to whom this section applies to adult court to stand trial as an adult as provided in § 37-1-134;
(B) Extending the term of commitment beyond the one-year minimum required by this subsection (d); or
(C) Any other dispositional alternative more restrictive than this subsection (d).

(3) The offenses to which this subsection (d) applies are:

(A) First degree murder, as prohibited by § 39-13-202;
(B) Second degree murder, as prohibited by § 39-13-210;
(C) Voluntary manslaughter, as prohibited by § 39-13-211;
(D) Criminally negligent homicide, as prohibited by § 39-13-212; and
(E) Reckless homicide, as prohibited by § 39-13-215.

37-1-154. Law enforcement records - Inspection limited - Exceptions for certain violent offenders.

(a) Unless a charge of delinquency is transferred for criminal prosecution under § 37-1-134, the interest of national security requires or the court otherwise orders in the interest of the child, the law enforcement records and files shall not be open to public inspection or their contents disclosed to the public; but inspection of the records and files is permitted by:
(1) A juvenile court having the child before it in any proceeding;
(2) Counsel for a party to the proceeding;
(3) The officers of public institutions or agencies to whom the child is committed;
(4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and
(5) A court in which such child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which such child is committed, or by a parole board in considering such child's parole or discharge or in exercising supervision over such child.

(b) Notwithstanding the provisions of subsection (a), petitions and orders of the court in a delinquency proceeding under this part shall be opened to public inspection and their content subject to disclosure to the public if:

(1) The juvenile is fourteen (14) years of age or older at the time of the alleged act; and
(2) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

(c) Notwithstanding the provisions of this section, if a court file or record contains any documents other than petitions and orders, including, but not limited to, a medical report, psychological evaluation or any other document, such document or record shall remain confidential.

(d)(1) Except as otherwise permitted in this section, it is an offense for a person to intentionally disclose or disseminate to the public the law enforcement records concerning a charge of delinquency, including the child's name and address.

(2) A violation of this subsection (d) shall be punished as criminal contempt of court as otherwise authorized by law.

(e) Notwithstanding other provisions of this section, where notice is required under § 49-6-3051, an abstract of the appropriate adjudication contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with § 49-6-3051.

49-6-3023. Rules to ensure incarcerated students provided educational services.

(a) The department of education shall develop rules to be adopted by the state board of education to ensure students incarcerated in detention centers licensed by the department of children's services under § 37-5-502 are provided educational services by an LEA serving the county in which the detention center is located.

(b) The rules developed under this section shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and shall include, at a minimum, procedures for:

(1) The funding in an amount equal to the per pupil state and local funds received by the LEA in which the student was enrolled at the time of incarceration on a prorated daily basis for the length of the student's incarceration to be used for the student's education; and
(2) The prompt transfer of the incarcerated student's educational records, including transcripts, from the LEA in which the student was enrolled at the time of incarceration to the LEA in which the detention center is located.

(3) Providing instruction to students incarcerated in detention centers for a minimum of four (4) hours each instructional day.
(c) The department of education shall monitor the educational services provided to students incarcerated in detention centers.

(d) The department of children's services shall ensure that detention centers licensed under § 37-5-502 comply with any rules adopted by the state board of education pursuant to this section.

49-6-3051. Parental or guardian notice to school of child's criminal offenses - List of goals - Confidentiality - Violations and penalties.

(a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b), the parents, guardians or legal custodians, including the department of children's services acting in any capacity and a school administrator of any school having previously received the same or similar notice from the juvenile court or another source, shall provide to a school principal, or a principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information when any such student:

(1) Initially enrolls in an LEA;
(2) Resumes school attendance after suspension, expulsion or adjudication of delinquency; or
(3) Changes schools within this state.

(b) The parents, guardians, or legal custodians, including the department of children’s services acting in any capacity, shall provide notification as required by subsection (a) if the student has been adjudicated delinquent:

(1) In this state for any of the following offenses, or in another state for equivalent offenses as determined by the elements of the offense:
   (A) First degree murder, as defined in § 39-13-202;
   (B) Second degree murder, as defined in § 39-13-210;
   (C) Rape, as defined in § 39-13-503;
   (D) Aggravated rape, as defined in § 39-13-502;
   (E) Rape of a child, as defined in § 39-13-522;
   (F) Aggravated rape of a child, as defined in § 39-13-531;
   (G) Aggravated robbery, as defined in § 39-13-402;
   (H) Especially aggravated robbery, as defined in § 39-13-403;
   (I) Kidnapping, as defined in § 39-13-303;
   (J) Aggravated kidnapping, as defined in § 39-13-304;
   (K) Especially aggravated kidnapping, as defined in § 39-13-305;
   (L) Aggravated assault, as defined in § 39-13-102;
   (M) Felony reckless endangerment pursuant to § 39-13-103; or
   (N) Aggravated sexual battery, as defined in § 39-13-504; or

(2) In this state for any of the following offenses:
   (A) Voluntary manslaughter, as defined in § 39-13-211;
   (B) Criminally negligent homicide, as defined in § 39-13-212;
   (C) Sexual battery by an authority figure, as defined in § 39-13-527;
   (D) Statutory rape by an authority figure, as defined in § 39-13-532;
   (E) Prohibited weapon, as defined in § 39-17-1302;
   (F) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
(G) Carrying weapons on school property, as defined in § 39-17-1309;

(H) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;

(I) Handgun possession, as defined in § 39-17-1319;

(J) Providing handguns to juveniles, as defined in § 39-17-1320; or

(K) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; or

(3) An offense not listed in this subsection (b) for which a court has ordered school notification based on the circumstances surrounding the offense.

(c) When the principal or the principal's designee is notified of the student's adjudication pursuant to subsection (a), the principal or the principal's designee may convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.

(d) The abstract and information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) and the plan shall not become a part of the child's student record.

(e) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(f) It is an offense for any school personnel to knowingly share information provided pursuant to subsection (a) with any person other than those listed in subsection (d). A violation of this subsection (f) is a Class C misdemeanor, punishable by a fine only.

(g) It is an offense for a parent or guardian to knowingly fail to provide notification as required by subsection (a). A violation of this subsection (g) is a Class C misdemeanor, punishable by a fine only. For purposes of this subsection (g), parent or legal guardian does not include the department of children's services.

(h) If it becomes apparent that any employee of the department of children's services knowingly failed to notify the school as required by subsection (a), the commissioner of children's services shall be notified and take appropriate action against the employee.

49-6-4206. Policy authorizing school security officer to patrol.

(a) As used in this section, "school security officer" means an individual who is employed exclusively by the local school board or LEA for the purpose of:

(1) Maintaining order and discipline;

(2) Preventing crime;

(3) Investigating violations of school board policies;

(4) Returning students who may be in violation of the law, school board, or LEA policies to school property or to a school-sponsored event until the officer can place the student into the custody of the school administrator or the administrator's designee, the school resources officer, or the appropriate law enforcement officer; and
(5) Ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in an assigned school.

(b) Each LEA may develop and adopt, in consultation with the appropriate local law enforcement agency, a policy that authorizes a school security officer employed by the LEA to patrol within a one-mile radius of the security officer's assigned school, but not to exceed the boundaries of the assigned school's LEA.

(c) If an LEA adopts a policy pursuant to subsection (a) then the LEA shall file a copy of the policy with the appropriate local chief law enforcement officer.

(d) In patrolling the one-mile radius of the school, the school security officer shall:

(1) Only patrol for violations of the law that involve minors, including truancy; and

(2) Immediately notify the appropriate local law enforcement agency of any violation of the law if the school security officer reasonably believes the individual committing the act to be a minor.

REGULATIONS
No relevant regulations found.

Disclosure of school records

LAWS

10-7-504. Confidential records - Exceptions.

(a)(4)(A) The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto, and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.

(B) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), codified in 20 U.S.C. § 1232g, an institution of post-secondary education shall disclose to an alleged victim of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(C) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of post-secondary education shall disclose the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.
(D) For the purpose of this section, the final results of any disciplinary proceeding:

(i) Shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student;

(ii) May include the name of any other student, such as a victim or witness, only with the written consent of that other student; and

(iii) Shall only apply to disciplinary hearings in which the final results were reached on or after October 7, 1998.

(E) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an educational institution shall disclose information provided to the institution under former § 40-39-106 [repealed], concerning registered sex offenders who are required to register under former § 40-39-103 [repealed].

(F) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of higher education shall disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol, a controlled substance or a controlled substance analogue, regardless of whether that information is contained in the student's education records, if:

(i) The student is under twenty-one (21) years of age;

(ii) The institution determines that the student has committed a disciplinary violation with respect to such use or possession; and

(iii) The final determination that the student committed such a disciplinary violation was reached on or after October 7, 1998.

(G) Notwithstanding subdivision (a)(4)(A), § 37-5-107 or § 37-1-612, the institution shall release records to the parent or guardian of a victim or alleged victim of child abuse or child sexual abuse pursuant to § 37-1-403(i)(3) or § 37-1-605(d)(2). Any person or entity that is provided access to records under this subdivision (a)(4)(G) shall be required to maintain the records in accordance with state and federal laws and regulations regarding confidentiality.

49-6-3020. Documentation of student's withdrawal and transfer.

(a) An LEA shall document a student's withdrawal from a school and transfer to another school, system or state through the best information available. Such information may include documentation provided by relatives or community contacts, court documents, requests for records from a school to which the student transferred and other reasonable means of determining whether the withdrawing student enrolled in another school or program leading to a high school diploma. A permanent record containing all pertinent information with regard to a student's withdrawal from school, including the signature of the parent or guardian requesting withdrawal, and, to the extent possible, the student's future destination shall be kept.

(b) The department of education shall require an LEA to obtain formal written proof that a child who has moved out-of-state has enrolled in a school or program leading to the award of a regular high school diploma in order not to count such student as a dropout.


This part shall be known and may be cited as the “Educational Records as Evidence Act.”

49-50-1502. Part definitions.

As used in this part, unless the context otherwise requires:
(1) "Custodian" means the educational record practitioner and the administrator or other chief officer of an educational institution in this state and its proprietor, as well as their deputies and assistants, and any other persons who are official custodians or depositories of records;

(2) "Educational institution" means a public, private or parochial school providing education to students in the twelfth grade or below or a public or private postsecondary institution providing education to students at a level above the twelfth grade;

(3) "Eligible student" means a student who has reached eighteen (18) years of age or is attending a postsecondary institution;

(4) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian; and

(5) "Student record" means an educational record that is directly related to a student and is maintained by an educational institution or by a party acting for the institution.

(a) Except as provided in § 49-50-1508, when a subpoena duces tecum is served upon a custodian of records of any educational institution in this state in an action or proceeding in which the educational institution is neither a party nor the place where any cause of action is alleged to have arisen, and the subpoena requires the production of all or any part of the records of the educational institution or of the educational institution's present or past student, it shall be sufficient compliance with the subpoena if the custodian or other officer of the educational institution within twenty (20) days after being served with a subpoena duces tecum, shall, either by personal delivery or certified or registered mail, file with the court clerk or the officer, body or tribunal conducting the hearing, a true and correct copy, which may be a copy reproduced on film or other reproducing material by microfilming, photographing, photostating, or other approximate process, or a facsimile, exemplification, or copy of such reproduction or copy, of all records described in the subpoena. Before complying with a subpoena for student records, the educational institution shall make a reasonable effort to notify the parent or the eligible student of the subpoena, so that the parent or eligible student may seek protective action, unless the subpoena was issued by a federal grand jury or for a law enforcement purpose and the court or other issuing agency ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(b) Any party intending to use this section shall furnish the adverse party or the adverse party's attorney a copy of the subpoena duces tecum no less than ten (10) days prior to the date set for the hearing of the matter for which the records may be subpoenaed.

49-50-1504. Production of subpoenaed records.
The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness and date of subpoena clearly inscribed thereon. The custodian of the record shall affix to the sealed envelope or wrapper containing student records an affidavit stating that each eligible student or parent of a student whose records are within the sealed envelope or wrapper was notified of the subpoena prior to compliance and the date on which the eligible student or parent was notified, unless the subpoena was issued by a federal grand jury or for a law enforcement purpose and the court or other issuing agency ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. The sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and directed as follows:

(1) If the subpoena directs attendance in court, to the clerk of the court or to the judge of the court;
(2) If the subpoena directs attendance at a deposition, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition, or at the officer's place of business; and

(3) In other cases, to the officer, body or tribunal conducting the hearing, at a like address.

49-50-1505. Unsealing subpoenaed records - Duties of custodian and issuing attorney.

(a)(1) Unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of records shall remain sealed and shall be opened only at the time of trial, deposition or other hearing, upon the direction of the judge, court, officer, body or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition or hearing. Before directing that the inner envelope or wrapper be opened, the judge, court, officer, body or tribunal shall first ascertain that:

(A)(i) The custodian's affidavit attesting notification of each eligible student or parent of a student whose records are contained within the sealed envelope or wrapper is affixed;
   (ii) The eligible student or parent has had sufficient time in which to move to quash the subpoena;
   and
   (iii) No motion to quash the subpoena is pending; and
(B)(i) The records have been subpoenaed at the instance of a student or parent of a student involved or the student's or parent's counsel of record;
   (ii) The student or parent involved or someone authorized in the student's or parent's behalf to do so for the student or parent has consented thereto and waived any privilege of confidentiality involved; or
   (iii) The records have been subpoenaed in a criminal proceeding.

(2) Records that are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom they were received.

(b)(1) Upon receipt of a subpoena, the custodian shall send the records to the attorney responsible for the issuance of the subpoena at the place and on or before the date designated in the subpoena, if the subpoena:

(A) States conspicuously on its face that the records are required in a tort action or domestic relations proceeding in which the student or parent has raised the issue of the student's education level, performance or attendance; and
(B) Directs the custodian's attendance at a deposition.

(2) Before opening the sealed records, the attorney responsible for the issuance of the subpoena shall ascertain that:

(A) The custodian's affidavit attesting notification of each eligible student or parent of a student whose records are contained within the sealed envelope or wrapper is affixed;
(B) Each eligible student or parent has had sufficient time in which to move to quash the subpoena; and
(C) No motion to quash the subpoena is pending.

(3) The attorney responsible for the issuance of the subpoena need not meet the requirements of subdivision (a)(2) if the attorney furnishes a copy of the records to the adversary party or their counsel.

49-50-1506. Custodian affidavit - Costs.

(a) The records shall be accompanied by an affidavit of a custodian stating in substance:
(1) That the affiant is the duly authorized custodian of the records and has authority to certify the records;
(2) That the copy is a true copy of all the records described in the subpoena;
(3) That the records were prepared by the personnel of the educational institution or persons acting under the educational institution's control in the ordinary course of business at or near the time of the act, condition or event reported therein; and
(4) Certifying the amount of the reasonable charges of the educational institution for furnishing the copies of the record.

(b) If the educational institution has none or only a portion of the records described, the custodian shall so state in the affidavit and file the affidavit and the records that are available in the manner described in §§ 49-50-1503 and 49-50-1504.

(c) The filing of the affidavit with respect to reasonable charges shall be sufficient proof of the expense, which shall be taxed as costs of court.

49-50-1507. Evidentiary value of record copies and affidavits.
(a) The copy of the record shall be admissible in evidence to the same extent as though the original of the record were offered and the custodian had been present and testified to the matters stated in the affidavit.

(b)(1) The affidavit shall be admissible in evidence and the matters stated in the affidavit shall be presumed true in the absence of a preponderance of evidence to the contrary.

(2) When more than one (1) person has knowledge of the facts, more than one (1) affidavit may be made.

49-50-1508. Requiring personal attendance of custodian - Costs.
(a) Where the personal attendance of the custodian is required, the subpoena duces tecum shall contain a clause that reads: "The procedure authorized pursuant to § 49-50-1503 will not be deemed sufficient compliance with this subpoena."

(b) Where both the personal attendance of the custodian and the production of the original record are required, the subpoena duces tecum shall contain a clause that reads: "Original records are required, and the procedure authorized pursuant to § 49-50-1503 will not be deemed sufficient compliance with this subpoena."

(c) Where the personal attendance of the custodian is required, the reasonable cost of attendance and producing the records shall be taxed as costs of court.

49-50-1509. Substitution and preparation of record copies.
(a) In view of the property right of the educational institution in its records, original records may be withdrawn after introduction into evidence and copies substituted, unless otherwise directed for good cause by the court, judge, officer, body or tribunal conducting the hearing.

(b) The custodian may prepare copies of original records in advance of testifying for the purpose of making substitution of the original record, and the reasonable charges for making the copies shall be taxed as costs of court.

(c) If copies are not prepared in advance, they can be made and substituted at any time after introduction of the original record; and the reasonable charges for making the copies shall be taxed as costs of court.

REGULATIONS
No relevant regulations found.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

49-6-3007. Attendance and truancy reports - Enforcement of compulsory attendance.

(a) On or before the beginning of the school term each year, the director of schools of each school district shall furnish to the principal teacher in each school, or cause to be furnished, through any duly elected attendance teacher, as provided in this part, the names of children depending on their schools for instruction, together with the names of the parents or guardians of the children, the lists to be taken from the census enumeration on file in the office of the director of schools, or from any other available and reliable sources.

(b) It is the duty of every principal or teacher of a public school to report to the director of schools, immediately after the opening of school, the names of all children on the list furnished to the director of schools who have not appeared for enrollment.

(c) It is the duty of the principals and teachers of all schools, public, private, denominational or parochial, to report in writing to the director of schools of the system in which the school is located the names, ages and residences of all pupils in attendance at their schools and classes within thirty (30) days after the beginning of the school year, and to make such other reports of attendance in their schools or classes, including transfers of pupils, as may be required by rule or regulation of the local board of education and of the state board of education. Notwithstanding subsection (g), this subsection (c) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (c) is applicable.

(d) All public, private and parochial schools shall keep daily reports of attendance, verified by the teacher making the record, which shall be open to inspection at all reasonable times, to the director of schools of the system in which the school is located or to the director of schools' duly authorized representative. Notwithstanding subsection (g), this subsection (d) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (d) is applicable.

(e)(1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) If the director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and
in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars ($50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(h) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(1) "Expulsion" is defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student;

(2) "Remand" is defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school; and

(3) "Suspension" is defined as dismissed from attendance at school for any reason not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school. The school district shall remain eligible to receive funding for a suspended student.

(i)(1)(A) An LEA may enter into an agreement with the local law enforcement agency serving the area of the LEA and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

(i) Creation by the local school board of an advisory council to assist the board in formulating the agreement. The board shall include representatives of teachers, parents, administrators and other community representatives;

(ii) Receipt of input from neighborhood groups and other interested parties;

(iii) At least one (1) public hearing on the proposed plan prior to its adoption by the board;

(iv) Provisions for training teachers, principals, social workers and other personnel involved in the schools in truancy issues;

(v) Provisions for assuring the training of involved law enforcement personnel in the truancy law, including categories of students to which the law does not apply, such as private school students or home school students; and

(vi) Inclusion in the agreement of safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

(B) If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have been absent two (2) days without adequate excuse and shall continue to report each subsequent absence without adequate excuse. This means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days.
(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to the children unlawfully absent from school, written notice that attendance of the children at school is required and of the provisions of this subsection (i).

(3) Under such an agreement, and for purposes of this section and § 37-1-102(b)(26)(A), a student who has been absent an aggregate three (3) days without adequate excuse may be deemed habitually truant.

(4) The director of schools or director of schools' representative may issue a list of such truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises during school hours, in a public place, in any public or private conveyance or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:

(A) The parent, foster parent, legal guardian or other person having control or custody of the child;
(B) The principal of the school in which the child is enrolled;
(C) A truancy center established by the LEA; or
(D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.

(5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.

(6) This subsection (i) shall not apply to students enrolled in home or nonpublic schools in accordance with § 49-6-3050 or § 49-50-801.

(7) Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist the officials in effectively serving the student whose record is released. Officials and authorities receiving the information shall not disclose the information to any other party without prior written consent of the parent.

49-6-3009. Penalty for violations - Alternative to prosecution - Truancy.

(a) Any parent, guardian or other person who has control of a child, or children, and who violates this part commits educational neglect, which shall be a Class C misdemeanor.

(b) Each day's unlawful absence constitutes a separate offense.

(c) As an alternative to the filing of a truancy petition or for criminal prosecution for educational neglect, a director of schools or attendance supervisor shall devise and recommend, and the school board shall adopt, progressive truancy interventions for students who violate compulsory attendance requirements. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:

(1) The first tier of progressive truancy interventions is triggered by at least three (3) unexcused absences within a school year;

(2) The first tier of progressive truancy interventions must include, at a minimum:

(A) A conference with the student and the student's parent or guardian;
(B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:

(i) A specific description of the school’s attendance expectations for the child;
(ii) The period for which the contract is effective, not to exceed ninety (90) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and
(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings to discuss the student's progress;

(3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;

(4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems;

(5) Additional interventions may consist of one (1) or more of the following:

(A) School-based community services;
(B) Participation in a school-based restorative justice program;
(C) Referral to a school-based teen court; or
(D) Saturday courses designed to improve attendance and behavior;

(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and

(7) A referral made under subdivisions (d)(1)-(5) may include participation by the child’s parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and § 49-6-3007(i)(4)(D) shall be accompanied by a statement from the student’s school certifying that:

(1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and

(2) The progressive truancy interventions failed to meaningfully address the student’s school attendance.

(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).

(g) Each intervention program shall report school attendance of program participants to the director of schools or the attendance supervisor in the year following the intervention.

(h) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to the provisions of this section may present such intervention program to the commissioner of education for approval in lieu of strict compliance with the provisions specified herein.

(i) Each head of school of a private or parochial school shall recommend, and the board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that such school shall employ for violations of the compulsory attendance laws. Such policy shall contain a provision that the director of schools or the attendance supervisor in the system where the child’s home of record is located shall be notified in the event that a student at such private or parochial school is expelled or withdraws from school.
(j) Parents, guardians or other persons having control of a child who is required to attend remedial instruction under § 49-6-3021 commit educational neglect as defined in subsection (a), if the child is truant from the instruction.

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

(1) Examine the number of exclusionary discipline actions issued by an LEA and the length of each respective disciplinary action;

(2) Detail the type of offenses committed by the students that led to the exclusionary discipline action;

(3) Review the impact exclusionary discipline has on students;

(4) Examine recommendations from lawmakers, juvenile court officials, judges, district attorneys, the Tennessee commission on children and youth, and representatives from LEAs on alternatives to exclusionary discipline;

(5) Identify free resources to support teachers and parents in addressing children's social, emotional, and behavioral health, strengthening family relationships, and increasing developmental and behavioral screening; and

(6) Research the possibility of:

(A) Eliminating exclusionary discipline for non-violent offenses; and

(B) Encouraging schools to adopt restorative justice discipline practices.

(c) The department shall develop guidelines and standards for alternatives to exclusionary discipline practices based on the findings of the review required under subsection (b).

(d) The department shall present its findings and a written report to the education committees of the senate, the education administration and planning committee of the house of representatives, and the education instruction and programs committee of the house of representatives no later than May 1, 2018.

(e) After submission of the report required in subsection (d), the department shall develop a model policy for alternatives to exclusionary discipline practices that districts may adopt for students in pre-kindergarten through kindergarten (pre-K-K). If a district does not adopt the model policy developed by the department, the district shall develop and implement a policy that meets the guidelines and standards developed under subsection (c). Each LEA shall adopt the model policy or develop their own policy prior to the 2018-2019 school year.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;
(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the
parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for
improving the behavior, which shall be made available for review by the director of schools upon
request.

(4)(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines
that an offense has been committed that would justify a suspension for more than ten (10) days, the
person may suspend a student unconditionally for a specified period of time or upon such terms and
conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice
to the parent or guardian and the student of the right to appeal the decision to suspend for more than
ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the
notice and may be filed by the parent or guardian, the student or any person holding a teaching
license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing
authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at
least one (1) licensed employee of the LEA, but no more than the number of members of the local
board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The
local board of education or the disciplinary hearing authority shall give written notice of the time and
place of the hearing to the parent or guardian, the student and the school official designated in
subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee
referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision
of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it
deems reasonable, assign the student to an alternative program or night school or suspend the student
for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings,
including a summary of the facts and the reasons supporting the decision, shall be made by the
disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within
five (5) days of the decision, request review by the board of education; provided, that local school board
policy may require an appeal to the director of schools prior to a request for review to the board. Absent
a timely appeal, the decision shall be final. The board of education, based upon a review of the record,
may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing
authority with or without a hearing before the board; provided, that the board may not impose a more
severe penalty than that imposed by the hearing authority without first providing an opportunity for a
hearing before the board. If the board conducts a hearing as a result of a request for review by a
student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the
open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be
closed to the public, unless the student or student's parent or guardian requests in writing within five (5)
days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If
the board conducts a hearing as a result of a request for review by a student, principal, principal-
teacher, or assistant principal that is closed to the public, then the board shall not conduct any
business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing
in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary
hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(h) The commissioner of education shall report on a semi-annual basis to the education committee of the senate and the education committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

49-6-4216. School policies and procedures - Contents - Notice to students and parents.

(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

(1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and

(2) To impose swift, certain and severe disciplinary sanctions on any student:

(A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity;

(B) Who, while on a school bus, on school property or while attending any school event or activity:

(i) Is under the influence of a drug;

(ii) Possesses a drug, drug paraphernalia or dangerous weapon; or

(iii) Assaults or threatens to assault a teacher, student or other person; or

(C) Who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention.

(b)(1) It is the legislative intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain, swift and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and board policies. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in § 49-6-3401(g). It is the legislative intent that the local school boards shall retain responsibility for development of disciplinary policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to an alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in § 49-6-3401(g).

(2) Nothing in this section shall be construed to alter, diminish or supersede the director's authority to modify expulsion on a case-by-case basis under § 49-6-3401(g).

(c) At the beginning of fall classes each school year, each local and county board of education shall provide students and their parents with written notification of the policies and procedures. Additionally, each school shall conspicuously post a summary of the policies and procedures within each school.

(d)(1) The state board of education shall develop a standard form for collection of statistical information relative to zero tolerance violations in local school systems. In developing the form, the state board of education shall consult the local school boards, the Tennessee school board association, the office of research and education accountability and the department of education.
(2) The form shall include, but shall not be limited to, grade level, age, gender, race, offense, disposition of each zero tolerance violation and any modification in penalty.

(3) The form shall be completed annually by the director of schools of each school system or the director's designee, and copies of the form shall be filed with the department of education and the state board of education by July 1 of each school year.

(4) [Deleted by 2016 amendment.]

(e) The department of education shall track all students expelled from their home school and report on their progress.

49-6-4302. Tennessee school safety center.

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

(b) The Tennessee school safety center shall be responsible for the collection and analysis of data related to school safety, including alleged violent or assaulitive acts against school employees and students. Analysis of data shall include the number of arrests, the charges and whether civil damages were pursued by the injured party or school system. The center shall make periodic reports to the education committee of the senate and the education administration and planning committee of the house of representatives on the status of school safety efforts.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(c)(2) Each LEA shall also:

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

(i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year;

(ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;

(iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;

(iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and

(v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education committee of the house of representatives and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students,
and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

REGULATIONS
No relevant regulations found.
Student Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officer

Authority and power to implement school arrest

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.
(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.
(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

49-10-1304. Isolation or restraint of student - Reports and record.

[...](C) A school resource officer (SRO), as defined by § 49-6-4202, may, upon witnessing an offense, take the student into custody [...]

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

49-6-805. Template minimum requirements.
At a minimum, the template prepared by the state-level safety team shall include:

(1) The designation of an emergency response team;
(2) Policies and procedures for communication with law enforcement officials, parents and guardians in the event of emergencies and incidents of or threats of violence;
(3) Policies and procedures relating to school building security, including, where appropriate, the use of school resource officers, security devices or security procedures, and addressing, where appropriate,
the use of the building by the public for events other than school activities and the impact the other use
may have on building security;

(4) Procedures for assuring that crisis response and law enforcement officials have access to floor
plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the
immediate surrounding area;

(5) Procedures for coordination of the school safety plan with the resources available through the
department of mental health and substance abuse services, the department of intellectual and
developmental disabilities or a similar local agency to assure that the school has access to federal,
state or local mental health resources in the event of a violent incident;

(6) Appropriate violence prevention and intervention strategies such as:

(A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that
school resource officers and other security personnel are adequately trained, including being trained
to de-escalate potentially violent situations, and are effectively and fairly recruited;

(B) Dissemination of informative materials regarding the early detection and identification of
potentially threatening behaviors and violent acts to teachers, administrators, school personnel,
parents or guardians and students;

(C) Nonviolent conflict resolution training programs;

(D) Peer mediation programs and youth courts;

(E) Extended day and other school safety programs; and

(F) Comprehensive school counseling and mental health programs;

(7) Policies and procedures for annual school safety training for all students, teachers, and other school
personnel; and

(8) Policies and procedures for the safe evacuation of all students, teachers, other school personnel
and visitors to the school in the event of a serious violent incident or other emergency.

49-6-3006. Attendance teachers.
(e) Training, certification and employment qualifications of attendance teachers shall be in compliance
with rules and regulations prescribed by the commissioner and approved by the state board.

49-6-4217. Employment standards for school resource officers.
(a) Training courses for school resource officers shall be designed specifically for school policing and
shall be administered by an entity or organization approved by the peace officers standards and training
(POST) commission.

(b) School resource officers shall participate in forty (40) hours of basic training in school policing within
twelve (12) months of assignment to a school. Every year thereafter they shall participate in a minimum of
sixteen (16) hours of training specific to school policing that has been approved by the POST
commission.

49-6-4219. Policy regulating use of electronic control devices.
Any law enforcement agency providing a school resource officer, school security officer or other law
enforcement officer providing security at a school shall have a policy regulating the use of electronic
control devices, which policy shall address training in the proper use of such devices, as well as
investigation, documentation and review of such use, to include final approval of any report documenting
such use by the agency’s chief executive officer or sheriff.
MOUs, authorization, and/or funding

LAWS

49-6-809. Policy authorizing off-duty law enforcement officers to serve as armed school security officers - Memorandum of understanding - List of qualified officers - Funding - Report.

(a) For purposes of this section, “law enforcement officer” means the sheriff, sheriff’s deputies, or any police officer employed by the state, a municipality, county, or political subdivision of the state certified by the peace officer standards and training (POST) commission; any commissioned member of the Tennessee highway patrol; and any Tennessee county constable authorized to carry a firearm and who has been certified by the POST commission.

(b)(1) To increase the protection and safety of students and school personnel, local boards of education may adopt a policy authorizing off-duty law enforcement officers to serve as armed school security officers during regular school hours when children are present on the school's premises, as well as during school-sponsored events.

(2) Nothing in this section shall require a local board of education to adopt a policy permitting an off-duty law enforcement officer to serve as an armed school security officer.

(c)(1) If a local board of education adopts a policy authorizing off-duty law enforcement officers to serve as armed school security officers, the LEA shall execute a written memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers selected by the chief law enforcement officer of the law enforcement agency to serve as armed school security officers.

(2) Any MOU entered into pursuant to subdivision (c)(1) shall contain the following:

(A) A provision that prescribes the types of firearms that may be carried by an armed school security officer on school premises and the manner in which the armed school security officer's firearm may be carried; provided, that the MOU shall not prohibit an off-duty law enforcement officer who is serving as an armed school security officer from carrying a loaded handgun on school premises;

(B) A provision limiting the role of armed school security officers to that of maintaining safety in the school and prohibiting armed school security officers from addressing routine school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or staff of the school;

(C) Provisions stipulating that off-duty officers serving as armed school security officers are required to follow the policies of the officer's employing law enforcement agency;

(D) Procedures for communication among the LEA, armed school security officers, school resource officers, and local law enforcement agencies;

(E) A description of any policies, procedures, or other requirements that the armed school security officers must follow when responding to an emergency on school grounds;

(F) A statement requiring that armed school security officers comply with all state and federal laws regarding the confidentiality of personally identifiable student information;

(G) Procedures for addressing complaints against armed school security officers;

(H) A provision detailing how liability will be provided for any acts or omissions of the armed school security officer within the scope of the armed school security officer's duties, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain;
(I) A provision detailing how scheduling will be determined; and

(J) The hours and wages of each armed school security officer assigned to a school in the LEA.

(3) Any MOU entered into pursuant to subdivision (c)(1) may prescribe:

(A) Whether an armed school security officer is required to be uniformed while on school premises; or

(B) Other means for proper identification of the armed school security officer.

(4)(A) If a MOU entered into pursuant to this subsection (c) would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU shall not take effect until approved in writing by the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school.

(B) Notwithstanding title 6, chapter 54, part 3, or any other law to the contrary, a law enforcement officer who is serving as an armed school security officer pursuant to this section for a school located outside of the jurisdictional boundaries of the officer's employing agency shall, while acting within the scope of the officer's employment as an armed school security officer, have the jurisdiction and authority to enforce all laws of this state and of the county or municipality in which the school at which the officer is serving as an armed school security officer is located.

(d)(1) The chief law enforcement officer of each law enforcement agency in this state shall prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this section to each LEA that is located within the law enforcement agency's jurisdictional boundaries and with which a MOU has been entered into in accordance with the provisions of this section. The chief law enforcement officer shall consider the federal Fair Labor Standards Act when considering an officer's qualification to serve as an armed school security officer.

(2) The chief law enforcement officer of a law enforcement agency may prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction for reasons the chief law enforcement officer deems sufficient, including, but not limited to, if the law enforcement officer has received a disciplinary action within the last five (5) years that resulted in, at a minimum, a written reprimand. The chief law enforcement officer shall notify any such officer the chief prohibits from serving as an armed school security officer by sending a written notice of the prohibition to the law enforcement officer and the law enforcement officer's employing agency. The law enforcement officer is entitled to compensation pursuant to this section for any service as an armed school security officer performed by the officer prior to receipt of the written notice by the earlier of the law enforcement officer or the law enforcement officer's employing agency.

(e) If an LEA adopts a policy authorizing the use of armed school security officers, then funding for the armed school security officers may come from a law enforcement agency or from the LEA, including, but not limited to, local, state, or federal funds received by the LEA, for which purpose such funds may be lawfully expended.

(f)(1) Nothing in this section shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer.

(2) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer as defined in this section to any school system within that county on the basis of the WFTEADA, as defined by § 49-3-302. The provision of armed school security officers by local law enforcement agencies shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.
(g) The use of armed school security officers shall be supplemental to school resource officers and school safety measures adopted by an LEA and shall not supplant school resource officers or other school security measures. An LEA shall not replace a school resource officer or other school security measure with an armed school security officer. A law enforcement agency shall not terminate a MOU for the provision of school resource officers based solely upon an LEA's adoption of a policy authorizing the use of armed school security officers.

(h) Following the conclusion of the 2020-2021 school year, the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that has utilized armed school security officers pursuant to this section shall submit a report to the governor, the chair of the education committee of the house of representatives, the chair of the education committee of the senate, and the commissioner of education on or before September 1, 2021, that details any school security deficiencies and that provides recommendations for security improvements for each such school. If the report requirement of this subsection (h) affects more than one (1) law enforcement agency within any one (1) county, then the affected chief law enforcement officers shall submit a single, consolidated report covering the schools that have utilized armed school security officers pursuant to this section.

49-6-815. People permitted to possess and carry a firearm on school grounds.

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, the following people are permitted to possess and carry a firearm on the grounds of the school at which they are assigned:

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA; or

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

(b) In order to possess and carry a firearm on the grounds of the school pursuant to subsection (a), the person must:

(1) Be authorized to possess and carry a firearm pursuant to § 39-17-1351;

(2) Have the joint written authorization of the director of schools in conjunction with the principal of the school to carry or possess a firearm on school property; and

(3) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106, and be in compliance with all laws, rules and regulations of the peace officer standards and training (POST) commission, and have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training shall be approved by the LEA and the cost of the training, firearm and ammunition shall be at the expense of the person seeking authorization and not the LEA.

(c)(1) Within ten (10) days after the director of schools has authorized a person to carry or possess a firearm on school property pursuant to subdivision (a)(1) or (a)(2), the director shall notify the chief of the appropriate law enforcement agency of each such authorization.

(2) The notification pursuant to this subsection (c) shall contain basic information about each such person including name, address, contact information and whether the person is authorized under subdivision (a)(1) or (a)(2).

(d) The joint written authorization of the director of schools and the principal of the school given pursuant to subdivision (b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to subdivision (c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to subdivision (c)(2), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not issued joint written authorization to
carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this section that is received by, transmitted to, maintained, stored or compiled by the director of schools, the principal of the school, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

49-6-3006. Attendance teachers.
(a) The sole responsibility and authority for the enforcement of the compulsory attendance laws, compiled in this part, are placed in the local board of education and its designated employees and officers.

(b) To facilitate the enforcement of this part, the director of schools shall designate at least one (1) qualified employee who shall be identified as the system attendance supervisor. The duties of an attendance supervisor shall include, but shall not be limited to, assisting the board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge such other duties that are necessary to effectuate enforcement of laws and local policies related to absenteeism and truancy. The attendance supervisor may also be directed to devise and recommend to the director of schools, for board approval, a progressive truancy intervention plan consistent with the provisions of this part.

(c) Any local school system that, because of its size, the paucity of its school population or other good cause, does not need the services of a full-time attendance teacher, may, with the approval of the commissioner, employ either a part-time attendance teacher or join with a neighboring school system in the joint employment of an attendance teacher, as authorized by the commissioner of education; provided, that no such authorization shall be valid for a longer period than one (1) year, but it may be renewed as often as conditions justify.

(d) (1) Each local board of education shall fix the compensation of each attendance teacher employed, payable from the school funds of the school system, and shall prescribe the duties of the attendance teacher and make rules and regulations for the performance of the duties not inconsistent with law or the rules and regulations of the state board of education that will promote the purposes of this part.

(2) Two (2) or more school systems, served by one (1) attendance teacher, shall jointly fix the compensation of the attendance teacher, payable from the school funds of the school systems concerned. The local boards of education shall prescribe the duties of the attendance teacher, jointly employed, and make rules and regulations for the performance of the duties that are not in conflict with law or with the rules and regulations of the state board of education.

(e) Training, certification and employment qualifications of attendance teachers shall be in compliance with rules and regulations prescribed by the commissioner and approved by the state board.

(f) Attendance teachers appointed under this part or other persons authorized to serve under this section shall have all the powers and duties now vested, or that hereafter may be vested, in attendance teachers by the compulsory attendance laws of this state.

(g) In the discharge of the duties of their office, attendance teachers or other persons authorized to serve under this section shall work under the direction and supervision of the director of schools and shall comply with the rules and regulations of the local board of education and of the commissioner, as approved by the state board of education.
(h) Attendance teachers employed under this part shall have the same status with respect to tenure and teacher retirement as other public school personnel under the laws of this state.

(i) Local school systems participating in the state equalizing funds may, with the approval of the commissioner, include attendance teachers in the minimum program under the rules and regulations prescribed by the state board of education.

49-6-4202. Part definitions.
As used in this part, unless the context otherwise requires:

(6) “School resource officer” means a law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA;[...]

49-6-4206. Policy authorizing school security officer to patrol.
(a) As used in this section, “school security officer” means an individual who is employed exclusively by the local school board or LEA for the purpose of:

(1) Maintaining order and discipline;
(2) Preventing crime;
(3) Investigating violations of school board policies;
(4) Returning students who may be in violation of the law, school board, or LEA policies to school property or to a school-sponsored event until the officer can place the student into the custody of the school administrator or the administrator’s designee, the school resources officer, or the appropriate law enforcement officer; and
(5) Ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in an assigned school.

(b) Each LEA may develop and adopt, in consultation with the appropriate local law enforcement agency, a policy that authorizes a school security officer employed by the LEA to patrol within a one-mile radius of the security officer's assigned school, but not to exceed the boundaries of the assigned school's LEA.

(c) If an LEA adopts a policy pursuant to subsection (a) then the LEA shall file a copy of the policy with the appropriate local chief law enforcement officer.

(d) In patrolling the one-mile radius of the school, the school security officer shall:

(1) Only patrol for violations of the law that involve minors, including truancy; and
(2) Immediately notify the appropriate local law enforcement agency of any violation of the law if the school security officer reasonably believes the individual committing the act to be a minor.

49-6-4302. Tennessee school safety center.
(d) LEAs are authorized to act in partnership with local law enforcement agencies for the purpose of hiring school resource officers under the state grant program set forth in § 38-8-115 [...]

REGULATIONS
No relevant regulations found.
**State Education Agency Support**

State model policies and implementation support

**LAWS**

**49-6-1902. Adoption of policies - Establishment of model policy.**
(a) Each LEA shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(b) To assist LEAs in developing policies for student suicide prevention, the department of education shall establish a model policy in consultation with the office of crisis services and suicide prevention of the department of mental health and substance abuse services and the department of health. An LEA may develop its own policy or adopt the model policy.

**49-6-4109. Trauma-informed discipline policy.**
(a) As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:

1. Balance accountability with an understanding of traumatic behavior;
2. Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
3. Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
4. Create consistent rules and consequences; and
5. Model respectful, nonviolent relationships.

(b) The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

**REGULATIONS**

No relevant regulations found.

**Funding appropriations**

**LAWS**

**49-6-4302. Tennessee school safety center.**
(c)(1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence.

(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each LEA in the same percentage that the LEA's share of basic education program (BEP) funding bears to statewide BEP funding.
(B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA.

(C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years [...]

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

49-6-4105. Arrest and prosecution for injury to student.
(a) No action taken by a teacher or principal pursuant to this part shall be grounds for the issuance of an arrest warrant or for the pressing of criminal charges against the teacher or principal, unless a report of an investigation by appropriate law enforcement officials along with independent medical verification of injury is presented to the judge or magistrate prior to issuing the warrant. The investigative findings shall be presented to the judge or magistrate within fifteen (15) days of receipt of notification. The law enforcement agency shall give notice to the director of schools or the director of schools' designee at the time it is notified of the allegations.
(b) When an arrest warrant has been issued against a teacher for action taken pursuant to this part, the teacher shall be summoned to an administrative office or to a location other than on school grounds, so that students shall not be present, and shall be arrested there. The teacher is not to be arrested in the classroom or before any assembly of students. This subsection (b) shall not apply if a law enforcement officer reasonably believes that the teacher will flee from arrest or attempt to leave the jurisdiction of the court that issued the warrant.

49-6-4211. Defense of school personnel by LEA - Indemnity.
(a) The LEA shall defend principals and teachers against whom suit is brought on account of any action taken in accordance with this part if:
   (1) The employees cooperate in the defense of the suit; and
   (2) In the opinion of the LEA, the actions taken were not the result of willful, wanton or malicious wrongdoing.
(b) Each LEA shall indemnify principals and teachers from judgment against them if:
   (1) The judgments result from actions or omissions arising out of performance of the duties imposed by this part and do not result from willful, wanton or malicious wrongdoing; and
   (2) The employees have cooperated with the LEA in the defense of the suit.
(c) This section shall not be construed to indicate any waiver by the state of sovereign immunity or to make the state any insurer of the public officials mentioned in this section.

49-6-4505. Reprisal or retaliation prohibited - Reporting harassment, intimidation, bullying or cyber-bullying - Immunity from damages.
(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

REGULATIONS
No relevant regulations found.
Community input or involvement

LAWS

49-6-4002. Formulation and administration of behavior and discipline codes.
(c) In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel and youth-related agencies in the community.

49-6-4506. Task forces, programs or other initiatives.
School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Tennessee provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chronic Absenteeism, TDOE</td>
<td>Addresses Chronic Absenteeism as an indicator called “Chronically Out-of-School Indicator” and provides information on the importance of indicator and data collection, including related resources and Back-to-School Attendance Toolkit.</td>
<td><a href="https://www.tn.gov/education/student-support/chronic-absenteeism.html">https://www.tn.gov/education/student-support/chronic-absenteeism.html</a></td>
</tr>
<tr>
<td>Creating Safe and Healthy Learning Environments, TDOE</td>
<td>Provides links and key terms to subtopics such as school safety, school climate, bullying, and harassment.</td>
<td><a href="https://www.tn.gov/education/health-and-safety.html">https://www.tn.gov/education/health-and-safety.html</a></td>
</tr>
<tr>
<td>School Safety, TDOE</td>
<td>Provides an overview on school safety and links to related topics including bullying and harassment, school resource officers, school discipline institute presentations, and other resources.</td>
<td><a href="https://www.tn.gov/education/health-and-safety/school-safety.html">https://www.tn.gov/education/health-and-safety/school-safety.html</a></td>
</tr>
<tr>
<td>Student Supports in Tennessee, TDOE</td>
<td>Provides a framework for seeing how all the practices, programs, and interventions fit together to meet student needs.</td>
<td><a href="https://www.tn.gov/education/student-support/student-supports-in-tn.html">https://www.tn.gov/education/student-support/student-supports-in-tn.html</a></td>
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<tr>
<td>Sample Bullying and Harassment Policy, TDOE</td>
<td>Sample policy addressing bullying and harassment in schools.</td>
<td><a href="https://www.tn.gov/content/dam/tn/education/safety/bully_harass_sample_policy.pdf">https://www.tn.gov/content/dam/tn/education/safety/bully_harass_sample_policy.pdf</a></td>
</tr>
<tr>
<td>Sample Memorandum of Understanding, TDOE</td>
<td>Sample MOU for school resource officer program in Tennessee schools.</td>
<td><a href="https://www.tn.gov/content/dam/tn/education/safety/safe_sch/safe_sch_sro_sample_mou.docx">https://www.tn.gov/content/dam/tn/education/safety/safe_sch/safe_sch_sro_sample_mou.docx</a></td>
</tr>
<tr>
<td>Other Resources</td>
<td></td>
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</tr>
<tr>
<td>Bullying and Harassment Compliance Report (Updated December 2019), TDOE</td>
<td>Document states the total number of bullying cases reported statewide (2018-19). Bullying has no place in Tennessee schools and TDOE is dedicated to responsibly and effectively addressing bullying and harassment in Tennessee public schools.</td>
<td><a href="https://www.tn.gov/content/dam/tn/education/legal/BullyingandHarassmentComplianceReport20182019FINAL.pdf">https://www.tn.gov/content/dam/tn/education/legal/BullyingandHarassmentComplianceReport20182019FINAL.pdf</a></td>
</tr>
<tr>
<td>Social and Personal Competencies, TDOE</td>
<td>Online learning modules that introduce the concept of social and personal competencies and teaching practices that support the academic, social, and emotional skills development of all students.</td>
<td><a href="https://www.tn.gov/education/health-and-safety/school-climate/social-and-personal-competencies.html">https://www.tn.gov/education/health-and-safety/school-climate/social-and-personal-competencies.html</a></td>
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<tr>
<td>State Report Card, TDOE</td>
<td>State report card provides data by school year on student characteristics, college/career readiness, accountability, education climate, and teachers/staff. Data on disciplinary actions is disaggregated by race and gender.</td>
<td><a href="https://www.tn.gov/education/data/report-card.html">https://www.tn.gov/education/data/report-card.html</a></td>
</tr>
</tbody>
</table>
| Student Discipline Institute Presentations (2019), TDOE       | Presentations on the following topics:  
• Student Discipline and the Law  
• Due Process and Student Disciplinary Hearings  
• Student Searches by School Officials and School Resource Officers  
• Legal Obligations to Address Bullying  
• Disciplining Students with Disabilities  
• Decreasing the School to Prison Pipeline  
Best Practices Panel Alternatives to Suspensions and Expulsions | https://www.tn.gov/content/dam/tn/education/safety/student_discipline_institute.zip                                                                         |
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 37.001. Student code of conduct.
(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) Specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2) Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) Outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) Self-defense;

(B) Intent or lack of intent at the time the student engaged in the conduct;

(C) A student's disciplinary history;

(D) A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student's conduct;

(E) a student’s status in the conservatorship of the Department of Family and Protective Services; or

(F) a student’s status as a student who is homeless;

(5) Provide guidelines for setting the length of a term of:

(A) A removal under Section 37.006; and

(B) An expulsion under Section 37.007;

(6) Address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) Prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions;

(8) Provide, as appropriate for students at each grade level, methods, including options, for:

(A) Managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;

(B) Disciplining students; and
(C) Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists; and

(9) Include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105(h).

(b) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(3) "Hit list" means a list of people targeted to be harmed, using:

(A) A firearm, as defined by Section 46.01(3), Penal Code;

(B) A knife, as defined by Section 46.01(7), Penal Code; or

(C) Any other object to be used with intent to cause bodily harm.

(4) "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

REGULATIONS

19 TAC 129.21. Requirements for student attendance accounting for state funding purposes.

(a) All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.

(l) Before a district or charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the local school board or governing body must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus, and the district or charter school must distribute the policy or procedures to staff and to all parents of students in the district or charter school.
Scope

LAWS

§ 37.007. Expulsion for serious offenses
(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:
   (1) On school property of another district in this state; or
   (2) While attending a school-sponsored or school-related activity of a school in another district in this state.

§ 37.0832. Bullying prevention policies and procedures.
(a-1) This section applies to:
   (1) Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
   (2) Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
   (3) Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
      (A) Interferes with a student's educational opportunities; or
      (B) Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

§ 37.001. Student code of conduct.
(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal [...]
(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct [...]

§ 37.018. Information for educators.
Each school district shall provide each teacher and administrator with a copy of this subchapter and with a copy of the local policy relating to this subchapter.

§ 37.0832. Bullying prevention policies and procedures.
(d) The policy and any necessary procedures adopted under Subsection (c) must be included:
   (1) Annually, in the student and employee school district handbooks; and
   (2) In the district improvement plan under Section 11.252.
(e) The procedure for reporting bullying established under Subsection (c) must be posted on the district's Internet website to the extent practicable.

§ 37.110. Information regarding gang-free zones.
The superintendent of each public school district and the administrator of each private elementary or secondary school located in the public school district shall ensure that the student handbook for each campus in the public school district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

§ 38.351. Mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.
(f) The practices and procedures developed under Subsection (d) must be included in:

(1) The annual student handbook; and

(2) The district improvement plan under Section 11.252, Education Code.

REGULATIONS

19 TAC 129.21. Requirements for student attendance accounting for state funding purposes.
(a) All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.

(l) Before a district or charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the local school board or governing body must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus, and the district or charter school must distribute the policy or procedures to staff and to all parents of students in the district or charter school.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

§ 37.144. Graduated sanctions for certain school offenses.
(a) A school district that commissions peace officers under Section 37.081 may develop a system of graduated sanctions that the school district may require to be imposed on a child before a complaint is filed under Section 37.145 against the child for a school offense that is an offense under Section 37.124 or 37.126 or under Section 42.01(a)(1), (2), (3), (4), or (5), Penal Code. A system adopted under this section must include multiple graduated sanctions. The system may require:

(1) A warning letter to be issued to the child and the child's parent or guardian that specifically states the child's alleged school offense and explains the consequences if the child engages in additional misconduct;

(2) A behavior contract with the child that must be signed by the child, the child's parent or guardian, and an employee of the school and that includes a specific description of the behavior that is required or prohibited for the child and the penalties for additional alleged school offenses, including additional disciplinary action or the filing of a complaint in a criminal court;

(3) The performance of school-based community service by the child; and

(4) The referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the child's behavioral problems.

(b) A referral made under Subsection (a)(4) may include participation by the child's parent or guardian if necessary.

§ 37.145. Complaint.
If a child fails to comply with or complete graduated sanctions under Section 37.144, or if the school district has not elected to adopt a system of graduated sanctions under that section, the school may file a complaint against the child with a criminal court in accordance with Section 37.146.

§ 37.147. Prosecuting attorneys.
An attorney representing the state in a court with jurisdiction may adopt rules pertaining to the filing of a complaint under this subchapter that the state considers necessary in order to:

(1) Determine whether there is probable cause to believe that the child committed the alleged offense;

(2) Review the circumstances and allegations in the complaint for legal sufficiency; and

(3) See that justice is done.

REGULATIONS
No relevant regulations found.
Teacher authority to remove students from classrooms

LAWS


(a) A teacher may send a student to the principal's office to maintain effective discipline in the classroom.

(b) A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct.

(b-1) A teacher may document any conduct by a student that does not conform to the student code of conduct adopted under Section 37.001 and may submit that documentation to the principal. A school district may not discipline a teacher on the basis of documentation submitted under this subsection.

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

(e) A student who is sent to the campus behavior coordinator's or other administrator's office under Subsection (a) or removed from class under Subsection (b) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

§ 37.0022. Removal by school bus driver.

(a) The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.
(b) Section 37.004 applies to any placement under Subsection (a) of a student with a disability who receives special education services.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

§ 37.0013. Positive behavior program.
(a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) and is not subject to Section 37.005(c). The program must:
   (1) Be age-appropriate and research-based;
   (2) Provide models for positive behavior;
   (3) Promote a positive school environment;
   (4) Provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and
   (5) Provide behavior management strategies, including:
      (A) Positive behavioral intervention and support;
      (B) Trauma-informed practices;
      (C) Social and emotional learning;
      (D) A referral for services, as necessary; and
      (E) Restorative practices.
(b) Each school district and open-enrollment charter school may annually conduct training for staff employed by the district or school on the program adopted under Subsection (a).

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

§ 37.0011 Use of corporal punishment.
(a) In this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include:
   (1) Physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education; or
   (2) The use of restraint as authorized under Section 37.0021.
(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline.

(c) To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board of trustees under Subsection (c) at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 37.005. Suspension.  
(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.  
(b) A suspension under this section may not exceed three school days.  
(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:  
   (1) Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;  
   (2) Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or  
   (3) Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
      (A) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;  
      (B) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or  
      (C) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.  
(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district’s homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, “student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a.  
(e) A school district shall provide to a student during the period of the student’s suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all course work provided in the classes in the foundation curriculum under Section 28.002(a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the course work that does not require the use of the Internet.

§ 37.0052. Placement or expulsion of students who have engaged in certain bullying behavior.  
(a) In this section:  
   (1) “Bullying” has the meaning assigned by Section 37.0832.  
   (2) “Intimate visual material” has the meaning assigned by Section 98B.001, Civil Practice and Remedies Code.
(b) A student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 or expelled if the student:

(1) Engages in bullying that encourages a student to commit or attempt to commit suicide;
(2) Incites violence against a student through group bullying; or
(3) Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

(c) Nothing in this section exempts a school from reporting a finding of intimate visual material of a minor.

§ 37.007. Expulsion for serious offenses.

(b) A student may be expelled if the student:

(1) Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Cod
(2) While on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:
   (A) Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:
      (i) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
      (ii) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
      (iii) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;
   (B) Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;
   (C) Engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or
   (D) Engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;
(3) Subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:
   (A) Engages in conduct specified by Subsection (a); or
   (B) Possesses a firearm, as defined by 18 U.S.C. Section 921;
(4) Engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property; or
(5) Engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:
   (A) The conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and
   (B) The student knowingly:
      (i) Alters, damages, or deletes school district property or information; or
      (ii) Commits a breach of any other computer, computer network, or computer system.
(c) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purposes of this subsection, "serious misbehavior" means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
   (A) Public lewdness under Section 21.07, Penal Code;
   (B) Indecent exposure under Section 21.08, Penal Code;
   (C) Criminal mischief under Section 28.03, Penal Code;
   (D) Personal hazing under Section 37.152; or
   (E) Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:

1. On school property of another district in this state; or
2. While attending a school-sponsored or school-related activity of a school in another district in this state.

§ 37.0081. Expulsion and placement of certain students in alternative settings.

(a) Subject to Subsection (h), but notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and elect to place the student in an alternative setting as provided by Subsection (a-1) if:

1. The student:
   (A) Has received deferred prosecution under Section 53.03, Family Code, for conduct defined as:
      (i) A felony offense in Title 5, Penal Code; or
      (ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
   (B) Has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:
      (i) A felony offense in Title 5, Penal Code; or
      (ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
   (C) Is charged with engaging in conduct defined as:
      (i) A felony offense in Title 5, Penal Code; or
      (ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
   (D) Has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as:
      (i) A felony offense in Title 5, Penal Code; or
      (ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
   (E) Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code;
(F) Has been convicted of a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
(G) Has been arrested for or charged with a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; and

(2) The board or the board's designee determines that the student's presence in the regular classroom:
   (A) Threatens the safety of other students or teachers;
   (B) Will be detrimental to the educational process; or
   (C) Is not in the best interests of the district's students [...]
(A) Aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
(B) Arson under Section 28.02, Penal Code;
(C) Murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;
(D) Indecency with a child under Section 21.11, Penal Code;
(E) Aggravated kidnapping under Section 20.04, Penal Code;
(F) Aggravated robbery under Section 29.03, Penal Code;
(G) Manslaughter under Section 19.04, Penal Code;
(H) Criminally negligent homicide under Section 19.05, Penal Code; or
(I) Continuous sexual abuse of young child or children under Section 21.02, Penal Code; or
(3) Engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.
(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.
(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:
(1) The superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;
(2) The district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and
(3) The district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§ 37.001. Student code of conduct.
(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made
available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must

(1) Specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2) Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) Outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) Self-defense;

(B) Intent or lack of intent at the time the student engaged in the conduct;

(C) A student’s disciplinary history; or

(D) A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct;

(E) a student’s status in the conservatorship of the Department of Family and Protective Services; or

(F) a student’s status as a student who is homeless;

(5) Provide guidelines for setting the length of a term of:

(A) A removal under Section 37.006; and

(B) An expulsion under Section 37.007;

§ 37.005. Suspension.

(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.

(b) A suspension under this section may not exceed three school days.

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1) Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;

(2) Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or

(3) Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

   (A) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

   (B) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or

   (C) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on
school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district’s homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, “student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a.

(e) A school district shall provide to a student during the period of the student’s suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all course work provided in the classes in the foundation curriculum under Section 28.002(a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the course work that does not require the use of the Internet.

§ 37.007. Expulsion for serious offenses.

(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person’s employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

1. The superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

2. The district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

3. The district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district’s discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.

(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:
(1) On school property of another district in this state; or
(2) While attending a school-sponsored or school-related activity of a school in another district in this state.

(k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

(1) At an approved target range facility that is not located on a school campus; and
(2) While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

(l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.

§ 37.021. Opportunity to complete courses during in-school and certain other placements.

(a) If a school district removes a student from the regular classroom and places the student in in-school suspension or another setting other than a disciplinary alternative education program, the district shall offer the student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.

(b) The district may provide the opportunity to complete courses by any method available, including a correspondence course, distance learning, or summer school.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§ 37.009. Conference; Hearing; Review.

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2) or 37.006, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the factors under Section 37.001(a)(4), shall order the placement of the student for a period consistent with the student code of conduct. Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action. If school district policy allows a student to appeal to the board of trustees or the
board's designee a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees.

(b) If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

(c) Before it may place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

(1) The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) The student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

(d) The board or the board's designee shall set a term for a student's placement in a disciplinary alternative education program. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) The student is a threat to the safety of other students or to district employees; or

(2) Extended placement is in the best interest of the student.

(e) A student placed in a disciplinary alternative education program shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide a course in the district's disciplinary alternative education program except as required by Section 37.008(l). At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

(f) Before a student may be expelled under Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. Before ordering the expulsion of a student, the board of trustees must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the board concerns a mandatory or discretionary action. If the decision to expel a student is made by the board's designee, the decision may
be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

(g) The board or the board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program under Section 37.001, 37.002, or 37.006 or expelling the student under Section 37.007.

(h) If the period of an expulsion is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of an expulsion may not exceed one year unless, after a review, the district determines that:

(1) The student is a threat to the safety of other students or to district employees; or
(2) Extended placement is in the best interest of the student. After a school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

(i) If a student withdraws from the district before an order for placement in a disciplinary alternative education program or expulsion is entered under this section, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time except for any period of the placement or expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

(j) If, during the term of a placement or expulsion ordered under this section, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted under this section regarding that conduct and the principal or board, as appropriate, may enter an additional order as a result of those proceedings.

§ 37.010. Court involvement.

(a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 125,000, every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

(b) If a student is expelled under Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Family Code.

(c) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding with the district's board of trustees concerning the juvenile probation department's role in supervising and providing other support services for students in disciplinary alternative education programs, a court may not order a student expelled under Section 37.007 to attend a regular classroom, a regular campus, or a school district disciplinary alternative education program as a condition of probation.

(d) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding as described by Subsection (c), if a court orders a student to attend a disciplinary alternative education program as a condition of probation once during a school year and the student is referred to juvenile court again during that school year, the juvenile court may not order the student to attend a disciplinary alternative education program in a district without the
district’s consent until the student has successfully completed any sentencing requirements the court imposes.

(e) Any placement in a disciplinary alternative education program by a court under this section must prohibit the student from attending or participating in school-sponsored or school-related activities.

(f) If a student is expelled under Section 37.007, on the recommendation of the committee established under Section 37.003 or on its own initiative, a district may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department, if the student meets the requirements for admission into the public schools established by this title, a district may not refuse to admit the student, but the district may place the student in the disciplinary alternative education program. Notwithstanding Section 37.002(d), the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher’s consent. The teacher may not be coerced to consent.

(g) If an expelled student enrolls in another school district, the board of trustees of the district that expelled the student shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a disciplinary alternative education program for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion. A district may take any action permitted by this subsection if the student was expelled by a school district in another state if:

(1) The out-of-state district provides to the district a copy of the expulsion order; and

(2) The grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.

(g-1) If a student was expelled by a school district in another state for a period that exceeds one year and a school district in this state continues the expulsion or places the student in a disciplinary alternative education program under Subsection (g), the district shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

(1) The student is a threat to the safety of other students or to district employees; or

(2) Extended placement is in the best interest of the student.

(h) A person is not liable in civil damages for a referral to juvenile court as required by this section.

§ 37.146. Requisites of complaint.

(a) A complaint alleging the commission of a school offense must, in addition to the requirements imposed by Article 45.019, Code of Criminal Procedure:

(1) Be sworn to by a person who has personal knowledge of the underlying facts giving rise to probable cause to believe that an offense has been committed; and

(2) Be accompanied by a statement from a school employee stating:

(A) Whether the child is eligible for or receives special services under Subchapter A, Chapter 29; and

(B) The graduated sanctions, if required under Section 37.144, that were imposed on the child before the complaint was filed.

(b) After a complaint has been filed under this subchapter, a summons may be issued under Articles 23.04 and 45.057(e), Code of Criminal Procedure.
(c) A complaint under this subchapter may include a recommendation by a school employee that the child attend a teen court program under Article 45.052, Code of Criminal Procedure, if the school employee believes attending a teen court program is in the best interest of the child.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

§ 37.021. Opportunity to complete courses during in-school and certain other placements.
(a) If a school district removes a student from the regular classroom and places the student in in-school suspension or another setting other than a disciplinary alternative education program, the district shall offer the student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.
(b) The district may provide the opportunity to complete courses by any method available, including a correspondence course, distance learning, or summer school.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§ 37.008. Disciplinary alternative education programs.
(a-1) The agency shall adopt minimum standards for the operation of disciplinary alternative education programs, including standards relating to:
(1) Student/teacher ratios;
(2) Student health and safety;
(3) Reporting of abuse, neglect, or exploitation of students;
(4) Training for teachers in behavior management and safety procedures; and
(5) Planning for a student's transition from a disciplinary alternative education program to a regular campus.
REGULATIONS

19 TAC 103.1201 Standards for the operation of school district disciplinary alternative education programs.

(k) The transition procedures established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

(1) An established timeline for the student's transition from the DAEP to the student's locally assigned campus; and

(2) Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

Use of restraint and seclusion

LAWS

§ 29.022. Video surveillance of special education settings.

(a) In order to promote student safety, on receipt of a written request authorized under Subsection (a-1), a school district or open-enrollment charter school shall provide equipment, including a video camera, to the school or schools in the district or the charter school campus or campuses specified in the request. A school or campus that receives equipment as provided by this subsection shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

(1) A school or campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

(2) A school or campus that receives equipment as a result of the request by a board of trustees, governing body, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to this subsection.

(a-1) For purposes of Subsection (a):

(1) A parent of a child who receives special education services in one or more self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the child receives those services;

(2) A board of trustees or governing body may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings;

(3) The principal or assistant principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the principal's or assistant principal's school or campus; and

(4) A staff member assigned to work with one or more children receiving special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.
(a-2) Each school district or open-enrollment charter school shall designate an administrator at the primary administrative office of the district or school with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this section.

(a-3) A written request must be submitted and acted on as follows:

1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the school or campus addressed in the request, and the principal or designee must provide a copy of the request to the administrator designated under Subsection (a-2);
2. A principal must submit a request by the principal to the administrator designated under Subsection (a-2); and
3. A board of trustees or governing body must submit a request to the administrator designated under Subsection (a-2), and the administrator must provide a copy of the request to the principal or the principal's designee of the school or campus addressed in the request.

(b) A school or campus that places a video camera in a classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request under Subsection (a-1). Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Except as provided by Subsection (c-1), video cameras placed under this section must be capable of:

1. Covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out; and
2. Recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

(c-1) The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

(d) Before a school or campus activates a video camera in a classroom or other special education setting under this section, the school or campus shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

(e) Except as provided by Subsection (e-1), a school district or open-enrollment charter school shall retain video recorded from a video camera placed under this section for at least three months after the date the video was recorded.

(e-1) If a person described by Subsection (i) requests to view a video recording from a video camera placed under this section, a school district or open-enrollment charter school must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.
(f) A school district or open-enrollment charter school may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms or other special education settings under this section.

(g) This section does not:

1. Waive any immunity from liability of a school district or open-enrollment charter school, or of district or school officers or employees; or

2. Create any liability for a cause of action against a school district or open-enrollment charter school or against district or school officers or employees.

(h) A school district or open-enrollment charter school may not:

1. Allow regular or continual monitoring of video recorded under this section; or

2. Use video recorded under this section for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting.

(i) A video recording of a student made according to this section is confidential and may not be released or viewed except as provided by this subsection or Subsection (i-1) or (j). A school district or open-enrollment charter school shall release a recording for viewing by:

1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the parent;

3. Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;

4. A peace officer, a school nurse, a district or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district or the governing body of the open-enrollment charter school in response to a report of an alleged incident or an investigation of district or school personnel or a report of alleged abuse committed by a student; or

5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

(i-1) A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of Subsection (i).

(j) If a person described by Subsection (i)(4) or (5) who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Section 261.406, Family Code. If any person described by Subsection (i)(3), (4), or (5) who views the recording believes that the recording documents a possible violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district or school policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against district or school personnel and shall be released at the request of the student's parent in a legal proceeding. This subsection does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law.

(k) The commissioner may adopt rules to implement and administer this section, including rules regarding the special education settings to which this section applies.
(l) A school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras under this section must:

1. Include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeals process under Section 7.057;
2. Require that the district or school provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request;
3. Except as provided by Subdivision (5), require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the agency grants an extension of time;
4. Permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:
   (A) The date on which the current school year ends; or
   (B) The 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; and
5. If a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:
   (A) The 10th school day of the fall semester; or
   (B) The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

(m) A school district, parent, staff member, or administrator may request an expedited review by the agency of the district's:

1. Denial of a request made under this section;
2. Request for an extension of time to begin operation of a video camera under Subsection (l)(3) or (5); or
3. Determination to not release a video recording to a person described by Subsection (i).

(n) If a school district, parent, staff member, or administrator requests an expedited review under Subsection (m), the agency shall notify all other interested parties of the request.

(o) If an expedited review has been requested under Subsection (m), the agency shall issue a preliminary judgment as to whether the district is likely to prevail on the issue under a full review by the agency. If the agency determines that the district is not likely to prevail, the district must fully comply with this section notwithstanding an appeal of the agency's decision. The agency shall notify the requestor and the district, if the district is not the requestor, of the agency's determination.

(p) The commissioner:

1. Shall adopt rules relating to the expedited review process under Subsections (m), (n), and (o), including standards for making a determination under Subsection (o); and
2. May adopt rules relating to an expedited review process under Subsections (m), (n), and (o) for an open-enrollment charter school.
(q) The agency shall collect data relating to requests made under this section and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

(r) A video recording under this section is a governmental record only for purposes of Section 37.10, Penal Code.

(s) This section applies to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

(t) A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

(u) In this section:

(1) “Parent” includes a guardian or other person standing in parental relation to a student.

(2) “School business day” means a day that campus or school district administrative offices are open.

(3) “Self-contained classroom” does not include a classroom that is a resource room instructional arrangement under Section 42.151.

(4) “Staff member” means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

(5) “Time-out” has the meaning assigned by Section 37.0021.

§ 37.0021. Use of confinement, restraint, seclusion, and time-out.

(a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

(1) “Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

(2) “Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

(A) Is designed solely to seclude a person; and

(B) Contains less than 50 square feet of space.

(3) “Time-out” means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

(A) That is not locked; and

(B) From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(4) “Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

(c) A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which the following law, rules, or regulations apply:
(1) The Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
(2) 40 T.A.C. Sections 720.1001-720.1013; or
(3) 25 T.A.C. Section 412.308(e).

(d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:
(1) Be consistent with:
   (A) Professional accepted practices and standards of student discipline and techniques for behavior management; and
   (B) Relevant health and safety standards; and
(2) Identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique.

(e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

(f) For purposes of this subsection, "weapon" includes any weapon described under Section 37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:
(1) The student possesses a weapon; and
(2) The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

(g) This section and any rules or procedures adopted under this section do not apply to:
(1) A peace officer performing law enforcement duties, except as provided by Subsection (i);
(2) Juvenile probation, detention, or corrections personnel; or
(3) An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

(h) This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:
(1) Is employed or commissioned by a school district; or
(2) Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

(i) A school district shall report electronically to the agency, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. A report submitted under this subsection must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

§ 37.0023. Prohibited aversive techniques.
(a) In this section, "aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:
(1) is designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011;
(2) notwithstanding Section 37.0011, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
(3) involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student’s face;
(4) denies adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom facility;
(5) ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
(6) employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
(7) impairs the student’s breathing, including any procedure that involves:
   (A) applying pressure to the student’s torso or neck; or
   (B) obstructing the student’s airway, including placing an object in, on, or over the student’s mouth or nose or placing a bag, cover, or mask over the student’s face;
(8) restricts the student’s circulation;
(9) secures the student to a stationary object while the student is in a sitting or standing position;
(10) inhibits, reduces, or hinders the student’s ability to communicate;
(11) involves the use of a chemical restraint;
(12) constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student’s individualized education program, including isolating the student by the use of physical barriers; or
(13) except as provided by Subsection (c), deprives the student of the use of one or more of the student’s senses.

(b) A school district or school district employee or volunteer or an independent contractor of a school district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a student.

(c) Notwithstanding Subsection (a)(13), an aversive technique described by Subsection (a)(13) may be used if the technique is executed in a manner that:
   (1) does not cause the student discomfort or pain; or
   (2) complies with the student’s individualized education program or behavior intervention plan.

(d) Nothing in this section may be construed to prohibit a teacher from removing a student from class under Section 37.002.

(e) In adopting procedures under this section, the commissioner shall provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (b).

REGULATIONS

19 TAC 89.1053. Procedures for use of restraint and time-out.
(a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.324(a)(2)(i), school districts and charter schools must implement the provisions of this section
regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.

(b) Definitions.

(1) Emergency means a situation in which a student's behavior poses a threat of:
   (A) Imminent, serious physical harm to the student or others; or
   (B) Imminent, serious property destruction.

(2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.

(3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
   (A) That is not locked; and
   (B) From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.

   (1) Restraint must be limited to the use of such reasonable force as is necessary to address the emergency.

   (2) Restraint must be discontinued at the point at which the emergency no longer exists.

   (3) Restraint must be implemented in such a way as to protect the health and safety of the student and others.

   (4) Restraint must not deprive the student of basic human necessities.

(d) Training on use of restraint. Training for school employees, volunteers, or independent contractors must be provided according to the following requirements.

   (1) A core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.

   (2) Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint.

   (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.

   (4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.

(e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must implement the following documentation requirements.

   (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

   (2) On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint.

   (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
(4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).

(5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must include the following:

   (A) Name of the student;
   (B) Name of the staff member(s) administering the restraint;
   (C) Date of the restraint and the time the restraint began and ended;
   (D) Location of the restraint;
   (E) Nature of the restraint;
   (F) A description of the activity in which the student was engaged immediately preceding the use of restraint;
   (G) The behavior that prompted the restraint;
   (H) The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
   (I) Information documenting parent contact and notification.

(f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include:

   (1) Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
   (2) Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
   (3) Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR, §300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
   (4) Seat belts and other safety equipment used to secure students during transportation.

(g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations.

   (1) Physical force or threat of physical force must not be used to place a student in time-out.
   (2) Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
   (3) Use of time-out must not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

(h) Training on use of time-out. Training for school employees, volunteers, or independent contractors must be provided according to the following requirements.

   (1) General or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
(2) Newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.

(3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

(4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.

(i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

(j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

(k) Data reporting. With the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency (TEA) in accordance with reporting standards specified by the TEA.

(l) Peace officers. The provisions adopted under this section apply to a peace officer only if the peace officer is employed or commissioned by the school district or provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the school district and a local law enforcement agency, except that the data reporting requirements in subsection (k) of this section apply to the use of restraint by any peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity.

(m) The provisions adopted under this section do not apply to:

(1) Juvenile probation, detention, or corrections personnel; or

(2) An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Alternative placements

LAWS

§ 25.0342. Transfer of students who Are victims of or have engaged in bullying.

(a) In this section, "bullying" has the meaning assigned by Section 37.0832.

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:

(1) Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

(2) A campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.

(b-1) The board of trustees of a school district may transfer the student who engaged in bullying to:
(1) Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

(2) A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

(b-2) Section 37.004 applies to a transfer under Subsection (b-1) of a student with a disability who receives special education services.

(c) The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section.

(d) The board of trustees or the board's designee may consider past student behavior when identifying a bully.

(e) The determination by the board of trustees or the board's designee is final and may not be appealed.

(f) A school district is not required to provide transportation to a student who transfers to another campus under Subsection (b)(2).

(g) Section 25.034 does not apply to a transfer under this section.


(a) A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct.

(b) A teacher may remove from class a student:

(1) Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or

(2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

(b-1) A teacher may document any conduct by a student that does not conform to the student code of conduct adopted under Section 37.001 and may submit that documentation to the principal. A school district may not discipline a teacher on the basis of documentation submitted under this subsection.

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or
(b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

(e) A student who is sent to the campus behavior coordinator's or other administrator's office under Subsection (a) or removed from class under Subsection (b) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

§ 37.003. Placement review committee.
(a) Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

(1) The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

(2) The principal shall choose one member from the professional staff of a campus.

(b) The teacher refusing to readmit the student may not serve on the committee.

(c) The committee's placement determination regarding a student with a disability who receives special education services under Subchapter A, Chapter 29, is subject to the requirements of the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and federal regulations, state statutes, and agency requirements necessary to carry out federal law or regulations or state law relating to special education.

§ 37.004. Placement of students with disabilities.
(a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.

(b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

(1) Functional behavioral assessments;

(2) Positive behavioral interventions, strategies, and supports;

(3) Behavioral intervention plans; and

(4) The manifestation determination review.

(c) A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

(d) A teacher in an alternative education program under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.

§ 37.0051. Placement of students committing sexual assault against another student.
(a) As provided by Section 25.0341(b)(2), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011.

(b) A limitation imposed by this subchapter on the length of a placement in a disciplinary alternative education program or a juvenile justice alternative education program does not apply to a placement under this section.
§ 37.006. Removal for certain conduct.

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terrorist threat under Section 22.07, Penal Code; or
(2) Commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:
   (A) Engages in conduct punishable as a felony;
   (B) Engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code;
   (C) Sells, gives, or delivers to another person or possesses or uses or is under the influence of:
      (i) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or
      (ii) A dangerous drug, as defined by Chapter 483, Health and Safety Code;
   (D) Sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;
   (E) Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;
   (F) Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code; or
   (G) Engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1), (2), (3), or (7), Penal Code, against an employee of the school district.

(b) Except as provided by Section 37.007(d), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct on or off of school property that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

(c) In addition to Subsections (a) and (b), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) The student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as:
   (A) A felony offense in Title 5, Penal Code; or
   (B) The felony offense of aggravated robbery under Section 29.03, Penal Code;

(2) A court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:
   (A) A felony offense in Title 5, Penal Code; or
   (B) The felony offense of aggravated robbery under Section 29.03, Penal Code; or

(3) The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as:
   (A) A felony offense in Title 5, Penal Code; or
   (B) The felony offense of aggravated robbery under Section 29.03, Penal Code.
(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure, other than information requested under Article 15.27(k-1), Code of Criminal Procedure.

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. An elementary school student may not be placed in a disciplinary alternative education program with any other student who is not an elementary school student.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(i) The student or the student's parent or guardian may appeal the superintendent's decision under Subsection (h) to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee and confirm or reverse the decision under Subsection (h). The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (j).

(j) Notwithstanding Section 7.057(e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057(b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).

(l) Notwithstanding any other provision of this code, other than Section 37.007(e)(2), a student who is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.

(m) Removal to a disciplinary alternative education program under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.
(n) A principal or other appropriate administrator may but is not required to remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

§ 37.0061. Funding for alternative education services in juvenile residential facilities.

A school district that provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board is entitled to count such students in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. If the district has a wealth per student greater than the guaranteed wealth level but less than the equalized wealth level, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between the average Foundation School Program costs per student of the district providing education services and the sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

§ 37.0062. Instructional requirements for alternative education services in juvenile residential facilities.

(a) The commissioner shall determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board or a post-adjudication secure correctional facility operated under contract with the Texas Juvenile Justice Department, including requirements relating to:

   (1) The length of the school day;
   (2) The number of days of instruction provided to students each school year; and
   (3) The curriculum of the educational program.

(b) The commissioner shall coordinate with the Texas Juvenile Justice Department in determining the instructional requirements for education services provided under Subsection (a):

   (1) In a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board; and
   (2) In a post-adjudication secure correctional facility operated under contract with the department.

(c) The commissioner shall adopt rules necessary to administer this section. The rules must ensure that:

   (1) A student who receives education services in a pre-adjudication secure detention facility described by this section is offered courses that enable the student to maintain progress toward completing high school graduation requirements; and
(2) A student who receives education services in a post-adjudication secure correctional facility described by this section is offered, at a minimum, the courses necessary to enable the student to complete high school graduation requirements.

(d) The Texas Juvenile Justice Department shall coordinate with the commissioner in establishing standards for:

(1) Ensuring security in the provision of education services in the facilities; and

(2) Providing children in the custody of the facilities access to education services.

§ 37.007. Expulsion for serious offenses.

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

(2) The district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) The district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

§ 37.008. Disciplinary alternative education programs.

(a) Each school district shall provide a disciplinary alternative education program that:

(1) Is provided in a setting other than a student's regular classroom;

(2) Is located on or off of a regular school campus;

(3) Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) Focuses on English language arts, mathematics, science, history, and self-discipline;

(5) Provides for students' educational and behavioral needs;

(6) Provides supervision and counseling; and

(7) Employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21.

(a-1) The agency shall adopt minimum standards for the operation of disciplinary alternative education programs, including standards relating to:

(1) Student/teacher ratios;

(2) Student health and safety;

(3) Reporting of abuse, neglect, or exploitation of students;

(4) Training for teachers in behavior management and safety procedures; and

(5) Planning for a student's transition from a disciplinary alternative education program to a regular campus.

(b) A disciplinary alternative education program may provide for a student's transfer to:

(1) A different campus;

(2) A school-community guidance center; or

(3) A community-based alternative school.
(c) An off-campus disciplinary alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39 or 39A.

(d) A school district may provide a disciplinary alternative education program jointly with one or more other districts.

(e) Each school district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a disciplinary alternative education program.

(f) A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program.

(g) A school district shall allocate to a disciplinary alternative education program the same expenditure per student attending the disciplinary alternative education program, including federal, state, and local funds, that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program.

(h) A school district may not place a student, other than a student suspended as provided under Section 37.005 or expelled as provided under Section 37.007, in an unsupervised setting as a result of conduct for which a student may be placed in a disciplinary alternative education program.

(i) On request of a school district, a regional education service center may provide to the district information on developing a disciplinary alternative education program that takes into consideration the district's size, wealth, and existing facilities in determining the program best suited to the district.

(j) If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. A district may take any action permitted by this subsection if:

1. The student was placed in a disciplinary alternative education program by an open-enrollment charter school under Section 12.131 and the charter school provides to the district a copy of the placement order; or

2. The student was placed in a disciplinary alternative education program by a school district in another state and:
   A. The out-of-state district provides to the district a copy of the placement order; and
   B. The grounds for the placement by the out-of-state district are grounds for placement in the district in which the student is enrolling.

(j-1) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and a school district in this state in which the student enrolls continues the placement under Subsection (j), the district shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

1. The student is a threat to the safety of other students or to district employees; or

2. Extended placement is in the best interest of the student.
(k) A program of educational and support services may be provided to a student and the student’s parents when the offense involves drugs or alcohol as specified under Section 37.006 or 37.007. A disciplinary alternative education program that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

(l) A school district is required to provide in the district’s disciplinary alternative education program a course necessary to fulfill a student’s high school graduation requirements only as provided by this subsection. A school district shall offer a student removed to a disciplinary alternative education program an opportunity to complete coursework before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this subsection.

(l-1) A school district shall provide the parents of a student removed to a disciplinary alternative education program with written notice of the district’s obligation under Subsection (l) to provide the student with an opportunity to complete coursework required for graduation. The notice must:

(1) Include information regarding all methods available for completing the coursework; and

(2) State that the methods are available at no cost to the student.

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district’s disciplinary alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on assessment instruments required under Sections 39.023(a) and (c). Academically, the mission of disciplinary alternative education programs shall be to enable students to perform at grade level.

(m-1) The commissioner shall develop a process for evaluating a school district disciplinary alternative education program electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available at the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary alternative education program data or of failing to comply with disciplinary alternative education program requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district’s disciplinary alternative education program data or of a violation of a law or rule revealed by the data, including any violation of disciplinary alternative education program requirements, or of any recommendation by the commissioner concerning the data. If the data reflect that a penal law has been violated, the commissioner shall notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. The commissioner is entitled to access to all district records the commissioner considers necessary or appropriate for the review, analysis, or approval of disciplinary alternative education program data.

§ 37.0081. Expulsion and placement of certain students in alternative settings.

(a) Subject to Subsection (h), but notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board’s designee, after an opportunity for a hearing may expel a student and elect to place the student in an alternative setting as provided by Subsection (a-1) if:

(1) The student:

(A) Has received deferred prosecution under Section 53.03, Family Code, for conduct defined as:

(i) A felony offense in Title 5, Penal Code; or

(ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;

(B) Has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:
(i) A felony offense in Title 5, Penal Code; or
(ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
(C) Is charged with engaging in conduct defined as:
(i) A felony offense in Title 5, Penal Code; or
(ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
(D) Has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as:
(i) A felony offense in Title 5, Penal Code; or
(ii) The felony offense of aggravated robbery under Section 29.03, Penal Code;
(E) Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
(F) Has been convicted of a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
(G) Has been arrested for or charged with a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; and
(2) The board or the board's designee determines that the student's presence in the regular classroom:
(A) Threatens the safety of other students or teachers;
(B) Will be detrimental to the educational process; or
(C) Is not in the best interests of the district's students.
(a-1) The student must be placed in:
(1) A juvenile justice alternative education program, if the school district is located in a county that operates a juvenile justice alternative education program or the school district contracts with the juvenile board of another county for the provision of a juvenile justice alternative education program; or
(2) A disciplinary alternative education program.
(b) Any decision of the board of trustees or the board's designee under this section is final and may not be appealed.
(c) The board of trustees or the board's designee may expel the student and order placement in accordance with this section regardless of:
(1) The date on which the student's conduct occurred;
(2) The location at which the conduct occurred;
(3) Whether the conduct occurred while the student was enrolled in the district; or
(4) Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
(d) Notwithstanding Section 37.009(c) or (d) or any other provision of this subchapter, a student expelled and ordered placed in an alternative setting by the board of trustees or the board's designee is subject to that placement until:
(1) The student graduates from high school;
(2) The charges described by Subsection (a)(1) are dismissed or reduced to a misdemeanor offense; or
(3) The student completes the term of the placement or is assigned to another program.
(e) A student placed in an alternative setting in accordance with this section is entitled to the periodic review prescribed by Section 37.009(e).
(f) Subsection (d) continues to apply to the student if the student transfers to another school district in the state.

(g) The board of trustees shall reimburse a juvenile justice alternative education program in which a student is placed under this section for the actual cost incurred each day for the student while the student is enrolled in the program. For purposes of this subsection:

1. The actual cost incurred each day for the student is determined by the juvenile board of the county operating the program; and
2. The juvenile board shall determine the actual cost each day of the program based on the board's annual audit.

(h) To the extent of a conflict between this section and Section 37.007, Section 37.007 prevails.

§ 37.0082. Assessment of academic growth of students in disciplinary alternative education programs.

(a) To assess a student's academic growth during placement in a disciplinary alternative education program, a school district shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose. The instrument shall be administered:

1. Initially on placement of the student in the program; and
2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

(b) The assessment instrument required by this section:

1. Must be designed to assess at least a student's basic skills in reading and mathematics;
2. May be:
   (A) Comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or
   (B) Based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and
3. Is in addition to the assessment instruments required to be administered under Chapter 39.

(c) The commissioner shall adopt rules necessary to implement this section.

§ 37.011. Juvenile justice alternative education program.

(a) The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Justice Department. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program. For the purposes of this subchapter, only a disciplinary alternative education program operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 125,000 or less:

1. Is not required to be approved by the department; and
2. Is not subject to Subsection (c), (d), (f), or (g).

(a-1) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if:

1. The county had a population of 125,000 or less according to the 2000 federal census; and
2. The juvenile board of the county enters into, with the approval of the Texas Juvenile Justice Department, a memorandum of understanding with each school district within the county that:
(A) Outlines the responsibilities of the board and school districts in minimizing the number of students expelled without receiving alternative educational services; and

(B) Includes the coordination procedures required by Section 37.013.

(a-2) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

(1) Has a population of 180,000 or less;
(2) Is adjacent to two counties, each of which has a population of more than 1.7 million; and
(3) Has seven or more school districts located wholly within the county's boundaries.

(a-3) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

(1) Has a population of more than 200,000 and less than 220,000;
(2) Has five or more school districts located wholly within the county's boundaries; and
(3) Has located in the county a juvenile justice alternative education program that, on May 1, 2011, served fewer than 15 students.

(a-4) A school district located in a county considered to be a county with a population of 125,000 or less under Subsection (a-3) shall provide educational services to a student who is expelled from school under this chapter. The district is entitled to count the student in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. An educational placement under this section may include:

(1) The district's disciplinary alternative education program; or
(2) A contracted placement with:
   (A) Another school district;
   (B) An open-enrollment charter school;
   (C) An institution of higher education;
   (D) An adult literacy council; or
   (E) A community organization that can provide an educational program that allows the student to complete the credits required for high school graduation.

(a-5) For purposes of Subsection (a-4), an educational placement other than a school district's disciplinary alternative education program is subject to the educational and certification requirements applicable to an open-enrollment charter school under Subchapter D, Chapter 12.

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a), (d), or (e), or for conduct that contains the elements of the offense of terroristic threat as described by Section 22.07(c-1), (d), or (e), Penal Code, the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

(1) If the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;
(2) If the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;
(3) In determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student; and
(4) Provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student.

(b-1) Subsection (b)(4) does not require that educational services be provided to a student who is not entitled to admission into the public schools of a school district under Section 25.001(b).

(c) A juvenile justice alternative education program shall adopt a student code of conduct in accordance with Section 37.001.

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under Subchapter B, Chapter 39, and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(e) A juvenile justice alternative education program may be provided in a facility owned by a school district. A school district may provide personnel and services for a juvenile justice alternative education program under a contract with the juvenile board.

(f) A juvenile justice alternative education program must operate at least seven hours per day and 180 days per year, except that a program may apply to the Texas Juvenile Justice Department for a waiver of the 180-day requirement. The department may not grant a waiver to a program under this subsection for a number of days that exceeds the highest number of instructional days waived by the commissioner during the same school year for a school district served by the program.

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Justice Department for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39 or 39A.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapters 39 and 39A, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Justice Department, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapters 39 and 39A, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The department shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 31 or 48 if the juvenile justice alternative education program receives funding from the department under this subchapter.

(i) A student transferred to a juvenile justice alternative education program must participate in the program for the full period ordered by the juvenile court unless the student's school district agrees to
accept the student before the date ordered by the juvenile court. The juvenile court may not order a period of transfer under this section that exceeds the term of any probation ordered by the juvenile court.

(j) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's professional employees and volunteers are immune from liability to the same extent as a school district's professional employees and volunteers.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) Outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) Defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of an expulsion required under Section 37.007(a), (d), or (e);

(3) Establishes that a student may be placed in the juvenile justice alternative education program if the student engages in serious misbehavior, as defined by Section 37.007(c);

(4) Identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041(d), Family Code;

(5) Establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) Establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) Establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) Establishes a plan to address special education services required by law.

(l) The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion under Section 37.007(b) and (f) but who are not eligible for admission into the juvenile justice alternative education program in accordance with the memorandum of understanding required under this section. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. The memorandum of understanding shall address the circumstances under which such students who continue to engage in serious misbehavior, as defined by Section 37.007(c), shall be admitted into the juvenile justice alternative education program.

(m) Each school district in a county with a population greater than 125,000 and the county juvenile board shall adopt a joint memorandum of understanding as required by this section not later than September 1 of each school year.

(n) If a student who is ordered to attend a juvenile justice alternative education program moves from one county to another, the juvenile court may request the juvenile justice alternative education program in the county to which the student moves to provide educational services to the student in accordance with the local memorandum of understanding between the school district and juvenile board in the receiving county.

(o) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's employees and volunteers are immune from liability to the same extent as a school district's employees and volunteers.
(p) If a district elects to contract with the juvenile board for placement in the juvenile justice alternative education program of students expelled under Section 37.007(b), (c), and (f) and the juvenile board and district are unable to reach an agreement in the memorandum of understanding, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator in which each party will pay its pro rata share of the arbitration costs. Each party must submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the school districts shall select an arbitrator, and those two arbitrators shall select an arbitrator who will decide the issues in dispute. An arbitration decision issued under this subsection is enforceable in a court in the county in which the juvenile justice alternative education program is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a juvenile justice alternative education program must provide an amount sufficient based on operation of the juvenile justice alternative education program in accordance with this chapter. In determining the amount to be paid by a school district for an expelled student enrolled in a juvenile justice alternative education program, the arbitrator shall consider the relevant factors, including evidence of:

(1) The actual average total per student expenditure in the district’s alternative education setting;

(2) The expected per student cost in the juvenile justice alternative education program as described and agreed on in the memorandum of understanding and in compliance with this chapter; and

(3) The costs necessary to achieve the accountability goals under this chapter.

(q) In accordance with rules adopted by the board of trustees for the Teacher Retirement System of Texas, a certified educator employed by a juvenile board in a juvenile justice alternative education program shall be eligible for membership and participation in the system to the same extent that an employee of a public school district is eligible. The juvenile board shall make any contribution that otherwise would be the responsibility of the school district if the person were employed by the school district, and the state shall make any contribution to the same extent as if the person were employed by a school district.

§ 37.012. Funding of juvenile justice alternative education programs.

(a) Subject to Section 37.011(n), the school district in which a student is enrolled on the date the student is expelled for conduct for which expulsion is permitted but not required under Section 37.007 shall, if the student is served by the juvenile justice alternative education program, provide funding to the juvenile board for the portion of the school year for which the juvenile justice alternative education program provides educational services in an amount determined by the memorandum of understanding under Section 37.011(k)(2).

(b) Funds received under this section must be expended on juvenile justice alternative education programs.

(c) The Office of State-Federal Relations shall assist a local juvenile probation department in identifying additional state or federal funds to assist local juvenile probation departments conducting educational or job training programs within juvenile justice alternative education programs.

(d) A school district is not required to provide funding to a juvenile board for a student who is assigned by a court to a juvenile justice alternative education program but who has not been expelled.

(e) Except as otherwise authorized by law, a juvenile justice alternative education program may not require a student or the parent or guardian of a student to pay any fee, including an entrance fee or supply fee, for participating in the program.
§ 37.019. Emergency placement or expulsion.

(a) This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in a disciplinary alternative education program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

(b) This subchapter does not prevent the principal or the principal's designee from ordering the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10th day after the date of the placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the emergency placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply under this subchapter to a student without a disability.

(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

REGULATIONS

19 TAC 89.1052. Discretionary placements in Juvenile Justice Alternative Education Programs (JJAEP).

(a) This section applies only to the expulsion of a student with a disability under:

(1) Texas Education Code (TEC), §37.007(b), (c), or (f); or

(2) TEC, §37.007(d), as a result of conduct that contains the elements of any offense listed in TEC, §37.007(b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.

(b) In a county with a Juvenile Justice Alternative Education Program (JJAEP), a local school district must invite the administrator of the JJAEP or the administrator's designee to an admission, review, and dismissal (ARD) committee meeting convened to discuss the expulsion of a student with a disability under one of the provisions listed in subsection (a) of this section, relating to offenses for which a school district may expel a student. The school district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current individualized education program (IEP) must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP.

(c) For a student with a disability who was expelled under one of the provisions listed in subsection (a) of this section and placed in the JJAEP, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the school district of specific concerns that the student's educational or behavioral needs cannot be met in the JJAEP. The school district must invite the JJAEP administrator or the administrator's designee to the meeting and must
provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's continued placement in the JJAEP.

19 TAC 103.1201 Standards for the operation of school district disciplinary alternative education programs.

(a) A disciplinary alternative education program (DAEP) established in conformance with the Tex. Educ. Code (TEC), § 37.008, and this section is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.

(b) Each school district participating in a shared services arrangement (SSA) for DAEP services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus required by the TEC, § 11.251 and § 11.252, include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

(1) Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;

(2) Attendance rates;

(3) Pre- and post-assessment results;

(4) Dropout rates;

(5) Graduation rates; and

(6) Recidivism rates.

(c) A DAEP may be located on-campus or off-campus in adherence with requirements specified in § 129.1025 of this title (relating to Adoption By Reference: Student Attendance Accounting Handbook). For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the campus the student would be attending if the student was not attending the DAEP).

(d) An individual school district or an SSA may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider.

(e) The campus of accountability for student performance must be the student's locally assigned campus, including when the individual school district or SSA contracts with a third party for DAEP services.

(f) Each school district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services.

(1) A student's four-year graduation plan (minimum, recommended, or distinguished achievement-advanced) may not be altered when the student is assigned to a DAEP. A student must be offered an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, including correspondence or distance learning opportunities or summer school. A district may not charge for a course required under this section.

(2) The school day for a DAEP shall be at least seven hours but no more than ten hours in length each day, including intermissions and recesses as required under the TEC, § 25.082(a).
(3) Notwithstanding the TEC, § 37.008(a)(3), summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

(g) A DAEP program serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with the TEC, § 37.004, and federal requirements.

(h) Each school district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in the TEC, § 22.0511, shall not be impacted.

(1) The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. Elementary grade students assigned to the DAEP shall be separated from secondary grade students assigned to the DAEP. The designation of elementary and secondary will be determined by adopted local policy.

(2) The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

(3) Students in the DAEP shall be separated from students in a juvenile justice alternative education program (JJAEP) and students who are not assigned to the DAEP.

(4) Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

(i) Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

(1) Training on the education and discipline of students with disabilities who receive special education services;

(2) Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and

(3) Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

(j) Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP, including written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success.

(k) The transition procedures established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

(1) An established timeline for the student's transition from the DAEP to the student's locally assigned campus; and

(2) Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

19 TAC 103.1203. Assessment of academic growth of students in disciplinary alternative education programs.

(a) Each school district shall be responsible for administering a pre- and post-assessment for each student assigned to the district's disciplinary alternative education program (DAEP) for a period of 90 school days or longer as required by the Tex. Educ. Code (TEC), § 37.0082. Released state
assessments for reading and mathematics for the appropriate grade may be used. A school district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills (TEKS) for reading and mathematics for the student's assigned grade. The commissioner of education will publish on the Texas Education Agency website a list of assessments approved for use in each school year.

(b) The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

(c) Each school district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten days of the student completing the post-assessment.

(d) Procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local school district policy.

(e) A student in the district's DAEP must also be assessed under the requirements of the TEC, Chapter 39.

For information on placement of student sex offenders, see Tex. Educ. Code § 37.301 through 313.
**Disciplinary Approaches Addressing Specific Infractions and Conditions**

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

**LAWS**

**§ 37.007. Expulsion for serious offenses.**

(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

(b) A student may be expelled if the student:

3. Subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:

   (A) Engages in conduct specified by Subsection (a); or

   (B) Possesses a firearm, as defined by 18 U.S.C. Section 921;

(k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

1. At an approved target range facility that is not located on a school campus; and

2. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

(l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.

**§ 37.125. Exhibition, use, or threat of exhibition or use of firearms.**

(a) A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:

   (A) In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

   (B) On a school bus being used to transport children to or from school-sponsored activities of a private or public school;

2. Threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B) and was in possession of or had immediate access to the firearm; or

3. Threatens to exhibit or use a firearm in or on property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B).

(b) An offense under Subsection (a)(1) or (2) is a third degree felony.

(c) An offense under Subsection (a)(3) is a Class A misdemeanor.
§ 46.03. Places weapons prohibited.

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a):

(1) On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) Pursuant to written regulations or written authorization of the institution; or

(B) The person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) On the premises of a polling place on the day of an election or while early voting is in progress;

(3) On the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) On the premises of a racetrack;

(5) In or into a secured area of an airport; or

(6) Within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) Going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) Possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife:

(1) On the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event;

(3) On the premises of a correctional facility;

(4) On the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(5) On the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(6) In an amusement park; or

(7) On the premises of a church, synagogue, or other established place of religious worship.
(b) It is a defense to prosecution under Subsections (a)(1)-(4) that the actor possessed a firearm while in the actual discharge of his official duties as a member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) "Amusement park" and "premises" have the meanings assigned by Section 46.035.

(3) "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(d) It is a defense to prosecution under Subsection (a)(5) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as:

(1) A member of the armed forces or national guard;
(2) A guard employed by a penal institution; or
(3) A security officer commissioned by the Texas Private Security Board if:
   (A) The actor is wearing a distinctive uniform; and
   (B) The firearm or club is in plain view; or
(4) A security officer who holds a personal protection authorization under Chapter 1702, Occupations Code, provided that the officer is either:
   (A) Wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's firearm in plain view; or
   (B) Not wearing the uniform of a security officer and carrying the officer's firearm in a concealed manner.

(e) It is a defense to prosecution under Subsection (a)(5) that the actor checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area.

(e-1) It is a defense to prosecution under Subsection (a)(5) that the actor:

(1) Possessed, at the screening checkpoint for the secured area, a concealed handgun that the actor was licensed to carry under Subchapter H, Chapter 411, Government Code; and
(2) Exit the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun.

(e-2) A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a concealed handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, may not arrest the actor for the offense unless:

(1) The officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and
(2) The actor does not immediately exit the checkpoint upon completion of the required screening processes.

(f) Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(g) Except as provided by Subsection (g-1), an offense under this section is a felony of the third degree.

(g-1) If the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, except that the offense is a felony of the third degree if the offense is committed under Subsection (a)(1).
(h) It is a defense to prosecution under Subsection (a)(4) that the actor possessed a firearm or club while traveling to or from the actor’s place of assignment or in the actual discharge of duties as a security officer commissioned by the Texas Board of Private Investigators and Private Security Agencies, if:

1. The actor is wearing a distinctive uniform; and
2. The firearm or club is in plain view.

(i) It is an exception to the application of Subsection (a)(6) that the actor possessed a firearm or club:

1. While in a vehicle being driven on a public road; or
2. At the actor’s residence or place of employment.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 37.005. Suspension.
(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.

(b) A suspension under this section may not exceed three school days.

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

1. Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
   (A) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
   (B) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
   (C) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district’s homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, “student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a.

(e) A school district shall provide to a student during the period of the student’s suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all course work provided in the classes in the foundation curriculum under
Section 28.002(a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the course work that does not require the use of the Internet.

§ 37.007. Expulsion for serious offenses.
(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:
   (1) Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§ 25.001. Admission.
(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to the benefits of the available school fund.

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:
   (1) The person and either parent of the person reside in the school district;
   (2) The person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;
   (3) The person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;
   (4) The person has established a separate residence under Subsection (d);
(5) The person is homeless, as defined by 42 U.S.C. Section 11302, regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6) The person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7) The person resides at a residential facility located in the district;

(8) The person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed; or

(9) The person does not reside in the school district but the grandparent of the person:

   (A) Resides in the school district; and

   (B) Provides a substantial amount of after-school care for the person as determined by the board.

(b-1) A person who is 21 years of age or older and is admitted by a school district for the purpose stated in Subsection (b) is not eligible for placement in a disciplinary alternative education program or a juvenile justice alternative education program if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in conduct that would otherwise require such placement, the district shall revoke admission of the student into the public schools of the district.

(b-2) A person who is 21 years of age or older who is admitted by a school district to complete the requirements for a high school diploma and who has not attended school in the three preceding school years may not be placed with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity. Nothing in this subsection prevents a student described by this subsection from attending a school-sponsored event that is open to the public as a member of the public.

(c) The board of trustees of a school district or the board's designee may require evidence that a person is eligible to attend the public schools of the district at the time the board or its designee considers an application for admission of the person. The board of trustees or its designee shall establish minimum proof of residency acceptable to the district. The board of trustees or its designee may make reasonable inquiries to verify a person's eligibility for admission.

(d) For a person under the age of 18 years to establish a residence for the purpose of attending the public schools separate and apart from the person's parent, guardian, or other person having lawful control of the person under a court order, it must be established that the person's presence in the school district is not for the primary purpose of participation in extracurricular activities. The board of trustees shall determine whether an applicant for admission is a resident of the school district for purposes of attending the public schools and may adopt reasonable guidelines for making a determination as necessary to protect the best interests of students. The board of trustees is not required to admit a person under this subsection if the person:

   (1) Has engaged in conduct or misbehavior within the preceding year that has resulted in:

   (A) Removal to a disciplinary alternative education program; or

   (B) Expulsion;

   (2) Has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct; or

   (3) Has been convicted of a criminal offense and is on probation or other conditional release.

(e) A school district may request that the commissioner waive the requirement that the district admit a foreign exchange student who meets the conditions of Subsection (b)(6). The commissioner shall
respond to a district's request not later than the 60th day after the date of receipt of the request. The commissioner shall grant the request and issue a waiver effective for a period not to exceed three years if the commissioner determines that admission of a foreign exchange student would:

(1) Create a financial or staffing hardship for the district;
(2) Diminish the district's ability to provide high quality educational services for the district's domestic students; or
(3) Require domestic students to compete with foreign exchange students for educational resources.

(f) A child placed in foster care by an agency of the state or by a political subdivision shall be permitted to attend the public schools in the district in which the foster parents reside free of any charge to the foster parents or the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by the school district.

(g) A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of the Department of Family and Protective Services and who is placed at a residence outside the attendance area for the school or outside the school district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

(g-1) If a student who is in the conservatorship of the department is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of the department, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the school district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

(h) In addition to the penalty provided by Section 37.10, Penal Code, a person who knowingly falsifies information on a form required for enrollment of a student in a school district is liable to the district if the student is not eligible for enrollment in the district but is enrolled on the basis of the false information. The person is liable, for the period during which the ineligible student is enrolled, for the greater of:

1. The maximum tuition fee the district may charge under Section 25.038; or
2. The amount the district has budgeted for each student as maintenance and operating expenses.

(i) A school district may include on an enrollment form notice of the penalties provided by Section 37.10, Penal Code, and of the liability provided by Subsection (h) for falsifying information on the form.

(j) For the purposes of this subchapter, the board of trustees of a school district by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under an order of a court.

§ 25.085. Compulsory student attendance.

(a) A child who is required to attend school under this section shall attend school each school day for the entire period the program of instruction is provided.

(b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th birthday shall attend school.

(c) On enrollment in prekindergarten or kindergarten, a child shall attend school.
(d) Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend:

1. An extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084;
2. An accelerated reading instruction program to which the student is assigned under Section 28.006(g);
3. An accelerated instruction program to which the student is assigned under Section 28.0211;
4. A basic skills program to which the student is assigned under Section 29.086; or
5. A summer program provided under Section 37.008(l) or Section 37.021.

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087, except a school district may not revoke the enrollment of a person under this subsection on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 65.003(a), Family Code, does not apply to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

(g) After the third unexcused absence of a person described by Subsection (e), a school district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

(h) As an alternative to revoking a person's enrollment under Subsection (e), a school district may impose a behavior improvement plan described by Section 25.0915(a-1)(1).

§ 25.0915. Truancy prevention measures.

(a) A school district shall adopt truancy prevention measures designed to:

1. Address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003(a), Family Code; and
2. Minimize the need for referrals to truancy court for conduct described by Section 65.003(a), Family Code.

(a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

1. Impose:
   (A) A behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student’s parent or guardian, and that includes:
      (i) A specific description of the behavior that is required or prohibited for the student;
      (ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or
      (iii) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
   (B) School-based community service; or
(2) Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.

(a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

(1) Pregnancy;
(2) Being in the state foster program;
(3) Homelessness; or
(4) Being the principal income earner for the student's family.

(a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.

(b) Each referral to truancy court for conduct described by Section 65.003(a), Family Code, must:

(1) Be accompanied by a statement from the student's school certifying that:
   (A) The school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and
   (B) The truancy prevention measures failed to meaningfully address the student's school attendance; and
(2) Specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054, Family Code, if the court determines that the school district's referral:

(1) Does not comply with Subsection (b);
(2) Does not satisfy the elements required for truant conduct;
(3) Is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or
(4) Is otherwise substantively defective.

(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

(f) The agency shall adopt rules:

(1) Creating minimum standards for truancy prevention measures adopted by a school district under this section; and
(2) Establishing a set of best practices for truancy prevention measures.

(g) The agency shall adopt rules to provide for sanctions for a school district found to be not in compliance with this section.
§ 25.093. Parent contributing to nonattendance.

(a) If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 65.003(a), Family Code, the parent commits an offense.

(b) The attendance officer or other appropriate school official shall file a complaint against the parent in:

1. The constitutional county court of the county in which the parent resides or in which the school is located, if the county has a population of 1.75 million or more;
2. A justice court of any precinct in the county in which the parent resides or in which the school is located; or
3. A municipal court of the municipality in which the parent resides or in which the school is located.

(c) An offense under Subsection (a) is a misdemeanor, punishable by fine only, in an amount not to exceed:

1. $100 for a first offense;
2. $200 for a second offense;
3. $300 for a third offense;
4. $400 for a fourth offense; or
5. $500 for a fifth or subsequent offense.

(c-1) Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051, Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.

(d) A fine collected under this section shall be deposited as follows:

1. One-half shall be deposited to the credit of the operating fund of, as applicable:
   A. The school district in which the child attends school;
   B. The open-enrollment charter school the child attends; or
   C. The juvenile justice alternative education program that the child has been ordered to attend; and
2. One-half shall be deposited to the credit of:
   A. The general fund of the county, if the complaint is filed in the justice court or the constitutional county court; or
   B. The general fund of the municipality, if the complaint is filed in municipal court.

(e) At the trial of any person charged with violating this section, the attendance records of the child may be presented in court by any authorized employee of the school district or open-enrollment charter school, as applicable.

(f) The court in which a conviction, deferred adjudication, or deferred disposition for an offense under Subsection (a) occurs may order the defendant to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the students' unexcused absences and in developing strategies for resolving those problems if a program is available.

(g) If a parent refuses to obey a court order entered under this section, the court may punish the parent for contempt of court under Section 21.002, Government Code.

(h) It is an affirmative defense to prosecution for an offense under Subsection (a) that one or more of the absences required to be proven under Subsection (a) was excused by a school official or should be excused by the court. The burden is on the defendant to show by a preponderance of the evidence that
the absence has been or should be excused. A decision by the court to excuse an absence for purposes of this section does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

(i) In this section, "parent" includes a person standing in parental relation.

§ 25.094. Failure to attend school.

(a) An individual commits an offense if the individual:

(1) Is 12 years of age or older and younger than 18 years of age;
(2) Is required to attend school under Section 25.085; and
(3) Fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period.

(b) An offense under this section may be prosecuted in:

(1) The constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of 1.75 million or more;
(2) A justice court of any precinct in the county in which the individual resides or in which the school is located; or
(3) A municipal court in the municipality in which the individual resides or in which the school is located.

(c) On a finding by the county, justice, or municipal court that the individual has committed an offense under Subsection (a) or on a finding by a juvenile court in a county with a population of less than 100,000 that the individual has engaged in conduct that violates Subsection (a), the court may enter an order that includes one or more of the requirements listed in Article 45.054, Code of Criminal Procedure, as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001.

(d) If the county, justice, or municipal court believes that a child has violated an order issued under Subsection (c), the court may proceed as authorized by Article 45.050, Code of Criminal Procedure.

(d-1) Pursuant to an order of the county, justice, or municipal court based on an affidavit showing probable cause to believe that an individual has committed an offense under this section, a peace officer may take the individual into custody. A peace officer taking an individual into custody under this subsection shall:

(1) Promptly notify the individual's parent, guardian, or custodian of the officer's action and the reason for that action; and
(2) Without unnecessary delay:
   (A) Release the individual to the individual's parent, guardian, or custodian or to another responsible adult, if the person promises to bring the individual to the county, justice, or municipal court as requested by the court; or
   (B) Bring the individual to a county, justice, or municipal court with venue over the offense.

(e) An offense under this section is a Class C misdemeanor.

(f) It is an affirmative defense to prosecution under this section that one or more of the absences required to be proven under Subsection (a) were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense under this section. The burden is on the defendant to show by a preponderance of the evidence that the absence has been excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this section does not affect the ability of the school district to determine whether to excuse the absence for another purpose.
(g) It is an affirmative defense to prosecution under this section that one or more of the absences required to be proven under Subsection (a) was involuntary. The burden is on the defendant to show by a preponderance of the evidence that the absence was involuntary.

§ 25.095. Warning notices.

(a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year:

(1) The student's parent is subject to prosecution under Section 25.093; and

(2) The student is subject to referral to a truancy court for truant conduct under Section 65.003(a), Family Code.

(b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

(1) Inform the parent that:

(A) It is the parent's duty to monitor the student's school attendance and require the student to attend school; and

(B) The student is subject to truancy prevention measures under Section 25.0915; and

(2) Request a conference between school officials and the parent to discuss the absences.

(c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense under Section 25.093 or under Section 65.003(a), Family Code.

(d) In this section, "parent" includes a person standing in parental relation.

§ 25.0951. School district complaint or referral for failure to attend school.

(a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Section 65.003(a), Family Code.

(b) If a student fails to attend school without excuse as specified by Subsection (a), a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence. In this subsection, "parent" includes a person standing in parental relation.

(c) A court shall dismiss a complaint made by a school district under Subsection (b) that:

(1) Does not comply with this section;

(2) Does not allege the elements required for the offense;

(3) Is not timely filed, unless the school district delayed the referral under Subsection (d); or

(4) Is otherwise substantively defective.

(d) Notwithstanding Subsection (a), a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the school district:

(1) Is applying truancy prevention measures to the student under Section 25.0915; and

(2) Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

§ 25.0952. Procedures applicable to school attendance-related offenses.

In a proceeding based on a complaint under Section 25.093, the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45, Code of Criminal Procedure.
REGULATIONS

19 TAC 129.21. Requirements for student attendance accounting for state funding purposes.
(a) All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.

(l) Before a district or charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the local school board or governing body must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus, and the district or charter school must distribute the policy or procedures to staff and to all parents of students in the district or charter school.

The minimum standards for the truancy prevention measure(s) implemented by a school district under Texas Education Code, § 25.0915, include:

(1) identifying the root cause of the student's unexcused absences and actions to address each cause;

(2) maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;

(3) establishing reasonable timelines for completion of the truancy prevention measure; and

(4) establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

19 TAC 129.1045. Best practices.
(a) A school district shall consider the following best practices for truancy prevention measures.

(1) Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Texas Education Code (TEC), Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the school year.

(2) Create a culture of attendance that includes training staff to talk meaningfully with students and parents about the attendance policy and the root causes of unexcused absences.

(3) Create incentives for perfect attendance and improved attendance.

(4) Educate students and their families on the positive impact of school attendance on performance.

(5) Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.

(6) Develop collaborative partnerships, including planning, referral, and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.

(7) Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.

(8) Use existing school programs such as Communities In Schools, 21st Century Community Learning Centers, Restorative Discipline, and Positive Behavior Interventions and Supports (PBIS) to provide students and their parents with services.
(9) At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the school district and the community that a school, a student, or a student’s parent or guardian may access to address the student’s barriers to attendance and make the information available to staff, students, and parents. The information must include, but is not limited to:

(A) services for pregnant and parenting students;
(B) services for students experiencing homelessness;
(C) services for students in foster care;
(D) federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;
(E) state programs including, but not limited to, State Compensatory Education programs;
(F) dropout prevention programs and programs for "at risk" youth;
(G) programs that occur outside of school time;
(H) counseling services;
(I) tutoring programs and services available at no or low cost;
(J) mental health services;
(K) alcohol and substance abuse prevention and treatment programs;
(L) mentoring programs and services;
(M) juvenile justice services and programs;
(N) child welfare services and programs;
(O) other state or locally funded programs for truancy prevention and intervention; and
(P) other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.

(10) After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.

(11) School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students’ attendance barriers.

(b) In determining services offered to students identified in TEC, § 25.0915(a-3), a school district shall consider:

(1) offering an optional flexible school day program and evening and online alternatives;
(2) working with businesses that employ students to help students coordinate job and school responsibilities; and
(3) offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

19 TAC 129.1047. Sanctions.

(a) An aggrieved party may file a written complaint with the Texas Education Agency (TEA) regarding an allegation that a school district has failed to comply with the provisions set forth in Texas Education Code (TEC), § 25.0915, or this subchapter related to truancy prevention measures.
(b) TEA may request that a school district provide documentation regarding its compliance with required truancy prevention measures in response to a complaint filed with the TEA. If, after a review of this documentation or a school district’s failure to provide this documentation, TEA determines that the school district is not in compliance with required truancy prevention measure provisions, TEA may issue a preliminary report of its findings to the school district in accordance with § 157.1122 of this title (relating to Notice).

(c) A school district may request in writing an informal review of TEA’s preliminary report of findings in accordance with § 157.1123 of this title (relating to Informal Review). Following the informal review, or if no informal review is requested by the deadline, a final report will be issued.

(d) The commissioner of education may implement any sanction listed in TEC, § 39.102(a), against a school district found to be out of compliance with TEC, § 25.0915, or this subchapter.

Substance use

LAWS

§ 37.005. Suspension.
(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.

(b) A suspension under this section may not exceed three school days.

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

1. Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
   A. Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
   B. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
   C. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district’s homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, “student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a.

(e) A school district shall provide to a student during the period of the student’s suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all course work provided in the classes in the foundation curriculum under Section 28.002(a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the course work that does not require the use of the Internet.
§ 37.007. Expulsion for serious offenses.
(b) A student may be expelled if the student:

(1) Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) While on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property:

(1) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;

(2) A dangerous drug, as defined by Chapter 483, Health and Safety Code;

(3) An abusable glue or aerosol paint, as defined by Chapter 485, Health and Safety Code, or a volatile chemical, as listed in Chapter 484, Health and Safety Code, if the substance is used or sold for the purpose of inhaling its fumes or vapors; or

(4) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

§ 37.122. Possession of intoxicants on public school grounds.
(a) A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

(1) On the grounds or in a building of a public school; or

(2) Entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

(b) An officer of this state who sees a person violating this section shall immediately seize the intoxicating beverage and, within a reasonable time, deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor.

(c) An offense under this section is a Class C misdemeanor.

§ 38.006. E-Cigarettes and Tobacco Products on School Property.
(a) In this section, “e-cigarette” has the meaning assigned by Section 161.081, Health and Safety Code.

(b) The board of trustees of a school district shall:
(1) prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property;
(2) prohibit students from possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property; and
(3) ensure that school personnel enforce the policies on school property.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 25.0342. Transfer of students who are victims of or have engaged in bullying.
(a) In this section, "bullying" has the meaning assigned by Section 37.0832.
(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:
   (1) Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
   (2) A campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.
(b-1) The board of trustees of a school district may transfer the student who engaged in bullying to:
   (1) Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
   (2) A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.
(b-2) Section 37.004 applies to a transfer under Subsection (b-1) of a student with a disability who receives special education services.
(c) The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section.
(d) The board of trustees or the board's designee may consider past student behavior when identifying a bully.
(e) The determination by the board of trustees or the board's designee is final and may not be appealed.
(f) A school district is not required to provide transportation to a student who transfers to another campus under Subsection (b)(2).
(g) Section 25.034 does not apply to a transfer under this section.

§ 37.0052. Placement or expulsion of students who have engaged in certain bullying behavior.
(a) In this section:
   (1) "Bullying" has the meaning assigned by Section 37.0832.
   (2) "Intimate visual material" has the meaning assigned by Section 98B.001, Civil Practice and Remedies Code.
(b) A student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 or expelled if the student:

(1) Engages in bullying that encourages a student to commit or attempt to commit suicide;
(2) Incites violence against a student through group bullying; or
(3) Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

(c) Nothing in this section exempts a school from reporting a finding of intimate visual material of a minor.

§ 37.083. Discipline management programs; Sexual harassment policies.

(a) Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. The program must provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles.

(b) Each school district may develop and implement a sexual harassment policy to be included in the district improvement plan under Section 11.252.

§ 37.0832. Bullying prevention policies and procedures.

(a) In this section:

(1) "Bullying":

(A) Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a-1), and that:

(i) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;

(ii) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

(iii) Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

(iv) Infringes on the rights of the victim at school; and

(B) Includes cyberbullying.

(2) "Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

(a-1) This section applies to:

(1) Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;

(2) Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and

(3) Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

(A) Interferes with a student's educational opportunities; or
(B) Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

(b) Repealed by Acts 2017, 85th Leg., R.S., Ch. 522 (S.B. 179), Sec. 15, eff. September 1, 2017.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) Prohibits the bullying of a student;

(2) Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(3) Establishes a procedure for providing notice of an incident of bullying to:

(A) A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and

(B) A parent or guardian of the alleged bully within a reasonable amount of time after the incident;

(4) Establishes the actions a student should take to obtain assistance and intervention in response to bullying;

(5) Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(6) Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(7) Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(8) Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(d) The policy and any necessary procedures adopted under Subsection (c) must be included:

(1) Annually, in the student and employee school district handbooks; and

(2) In the district improvement plan under Section 11.252.

(e) The procedure for reporting bullying established under Subsection (c) must be posted on the district's Internet website to the extent practicable.

(f) Each school district may establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students that:

(1) Interfere with a student's educational opportunities; or

(2) Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity.

§ 37.152. Personal hazing offense.

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) Recklessly permits hazing to occur; or

(4) Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and
knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Chapter 42A, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.


(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

(1) A fine of not less than $ 5,000 nor more than $ 10,000; or

(2) If the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than $ 5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

§ 37.154. Consent not a defense.

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

§ 37.155. Immunity from prosecution or civil liability.

(a) In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.

(b) Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

(1) reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution’s investigation of the incident; and

(2) as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.

(c) Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) A person is not immune under Subsection (b) if the person:

(1) reports the person’s own act of hazing; or

(2) reports an incident of hazing in bad faith or with malice.
§ 37.156. Offenses in addition to other penal provisions.
This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

§ 37.157. Reporting by medical authorities.
A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

(1) May report the suspected hazing activities to police or other law enforcement officials; and
(2) Is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

§ 37.217. Community education relating to Internet safety.
(a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(3) The prevention, detection, and reporting of bullying or threats occurring over the Internet.

§ 42.07. Harassment.
(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) Initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
(2) Threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
(3) Conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
(4) Causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
(5) Makes a telephone call and intentionally fails to hang up or disengage the connection;
(6) Knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or
(7) Sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. The term includes:
   (A) A communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
   (B) A communication made to a pager.
(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) The actor has previously been convicted under this section; or

(2) The offense was committed under Subsection (a)(7) and:

(A) The offense was committed against a child under 18 years of age with the intent that the child:

(i) Commit suicide; or

(ii) Engage in conduct causing serious bodily injury to the child; or

(B) The actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.

§ 129A.001. Definition.
In this chapter, "cyberbullying" has the meaning assigned by Section 37.0832(a), Education Code.

§ 129A.002. Injunctive relief.
(a) A recipient of cyberbullying behavior who is younger than 18 years of age at the time the cyberbullying occurs or a parent of or person standing in parental relation to the recipient may seek injunctive relief under this chapter against the individual who was cyberbullying the recipient or, if the individual is younger than 18 years of age, against a parent of or person standing in parental relation to the individual.

(b) A court may issue a temporary restraining order, temporary injunction, or permanent injunction appropriate under the circumstances to prevent any further cyberbullying, including an order or injunction:

(1) Enjoining a defendant from engaging in cyberbullying; or

(2) Compelling a defendant who is a parent of or person standing in parental relation to an individual who is younger than 18 years of age to take reasonable actions to cause the individual to cease engaging in cyberbullying.

(c) A plaintiff in an action for injunctive relief brought under this section is entitled to a temporary restraining order on showing that the plaintiff is likely to succeed in establishing that the individual was cyberbullying the recipient. The plaintiff is not required to plead or prove that, before notice can be served and a hearing can be held, immediate and irreparable injury, loss, or damage is likely to result from past or future cyberbullying by the individual against the recipient.

(d) A plaintiff is entitled to a temporary or permanent injunction under this section on showing that the individual was cyberbullying the recipient.

(e) A court granting a temporary restraining order or temporary injunction under this section may, on motion of either party or sua sponte, order the preservation of any relevant electronic communication. The temporary restraining order or temporary injunction is not required to:

(1) Define the injury or state why it is irreparable;

(2) State why the order was granted without notice; or

(3) Include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

§ 129A.003. Promulgation of forms.
(a) The supreme court shall, as the court finds appropriate, promulgate forms for use as an application for initial injunctive relief by individuals representing themselves in suits involving cyberbullying and instructions for the proper use of each form or set of forms.
(b) The forms and instructions:
   (1) Must be written in language that is easily understood by the general public;
   (2) Shall be made readily available to the general public in the manner prescribed by the supreme court; and
   (3) Must be translated into the Spanish language.
(c) The Spanish language translation of a form must:
   (1) State:
       (A) That the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the court; and
       (B) That the English language version of the form must be submitted to the court; or
   (2) Be incorporated into the English language version of the form in a manner that is understandable to both the court and members of the general public.
(d) Each form and its instructions must clearly and conspicuously state that the form is not a substitute for the advice of an attorney.
(e) The attorney general and the clerk of a court shall inform members of the general public of the availability of a form promulgated by the supreme court under this section as appropriate and make the form available free of charge.
(f) A court shall accept a form promulgated by the supreme court under this section unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

§ 129A.004. Inapplicability.
(a) An action filed under this chapter may not be joined with an action filed under Title 1, 4, or 5, Family Code.
(b) Chapter 27 does not apply to an action under this chapter.

§ 129A.005. Certain conduct excepted.
This chapter does not apply to a claim brought against an interactive computer service, as defined by 47 U.S.C. Section 230, for cyberbullying.

REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

§ 37.082. Possession of paging devices.
(a) The board of trustees of a school district may adopt a policy prohibiting a student from possessing a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property. The policy may establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the paging device.
(b) The policy may provide for the district to:
   (1) Dispose of a confiscated paging device in any reasonable manner after having provided the student’s parent and the company whose name and address or telephone number appear on the device
30 days' prior notice of its intent to dispose of that device. The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and

(2) Charge the owner of the device or the student's parent an administrative fee not to exceed $15 before it releases the device.

(c) In this section, "paging device" means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The term does not include an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.

§ 37.0831. Dating violence policies.
(a) Each school district shall adopt and implement a dating violence policy to be included in the district improvement plan under Section 11.252.
(b) A dating violence policy must:
   (1) Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and
   (2) Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

§ 37.110. Information regarding gang-free zones.
The superintendent of each public school district and the administrator of each private elementary or secondary school located in the public school district shall ensure that the student handbook for each campus in the public school district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

§ 37.121. Fraternities, sororities, secret societies, and gangs.
(a) A person commits an offense if the person:
   (1) Is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or
   (2) Is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.
(b) A school district board of trustees or an educator shall recommend placing in a disciplinary alternative education program any student under the person's control who violates Subsection (a).
(c) An offense under this section is a Class C misdemeanor.
(d) In this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.
§ 37.123. Disruptive activities.

(a) A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.

(b) For purposes of this section, disruptive activity is:

(1) Obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;

(2) Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;

(3) Preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;

(4) Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

(5) Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

(c) An offense under this section is a Class B misdemeanor.

(d) Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from this state before the second anniversary of the third conviction.

(e) This section may not be construed to infringe on any right of free speech or expression guaranteed by the constitution of the United States or of this state.

§ 37.124. Disruption of classes.

(a) A person other than a primary or secondary grade student enrolled in the school commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

(b) An offense under this section is a Class C misdemeanor.

(c) In this section:

(1) "Disrupting the conduct of classes or other school activities" includes:

   (A) Emitting noise of an intensity that prevents or hinders classroom instruction;

   (B) Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;

   (C) Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and

   (D) Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.

(2) "Public property" includes a street, highway, alley, public park, or sidewalk.

(3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.
§ 37.126. Disruption of transportation.
(a) Except as provided by Section 37.125, a person other than a primary or secondary grade student commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:
   (1) To or from school on a vehicle owned or operated by a county or independent school district; or
   (2) To or from an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.
(b) An offense under this section is a Class C misdemeanor.
(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

§ 37.151. Definitions.
In this subchapter:
(1) “Educational institution” includes a public or private high school.
(2) “Pledge” means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
(3) “Pledging” means any action or activity related to becoming a member of an organization.
(4) “Student” means any person who:
   (A) Is registered in or in attendance at an educational institution;
   (B) Has been accepted for admission at the educational institution where the hazing incident occurs; or
   (C) Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
(5) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.
(6) “Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:
   (A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
   (B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
   (C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
   (D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
   (E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:
      (i) a drug; or
(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 11.252. District-Level planning and decision-making.
(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Sections 39.053(c)(1)-(4). The district improvement plan must include provisions for:

(3) Strategies for improvement of student performance that include:
   (A) Instructional methods for addressing the needs of student groups not achieving their full potential;
   (B) Methods for addressing the needs of students for special programs, including:
       (i) Suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;
       (ii) Conflict resolution programs;
       (iii) Violence prevention programs; [...] 
   (C) Dropout reduction;
   (D) Integration of technology in instructional and administrative programs;
   (E) Discipline management;

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(2) An enrichment curriculum that includes:
   (B) Health, with emphasis on;
       (i) Physical health, including the importance of proper nutrition and exercise; and
       (ii) Mental health, including instruction about mental health conditions and substance abuse;

(r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based

(s) In this subsection, "bullying" has the meaning assigned by Section 37.0832 and "harassment" has the meaning assigned by Section 37.001. In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills
that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

(w) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of nonmedical use of prescription drugs. The agency shall compile a list of evidence-based prescription drug misuse awareness programs from which a school district may choose a program to use in the district's middle school, junior high school, and high school health curriculums. In this subsection, an "evidence-based prescription drug misuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent nonmedical use of prescription drugs among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

§ 28.004. Local school health advisory council and health education instruction.

(a) The board of trustees of each school district shall establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

(b) A school district must consider the recommendations of the local school health advisory council before changing the district's health education curriculum or instruction.

(c) The local school health advisory council's duties include recommending:

   (1) The number of hours of instruction to be provided in health education;

   (2) Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns through coordination of:

      (A) Health education;

      (B) Physical education and physical activity;

      (C) Nutrition services;

      (D) Parental involvement;

      (E) Instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;

      (F) School health services;

      (G) Counseling and guidance services;

      (H) A safe and healthy school environment; and

      (I) School employee wellness;

   (3) Appropriate grade levels and methods of instruction for human sexuality instruction;

   (4) Strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

      (A) School health services;

      (B) Counseling and guidance services;

      (C) A safe and healthy school environment; and

      (D) School employee wellness; and

   (5) If feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies.

(d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are
not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

1. Public school teachers;
2. Public school administrators;
3. District students;
4. Health care professionals;
5. The business community;
6. Law enforcement;
7. Senior citizens;
8. The clergy;
9. Nonprofit health organizations; and
10. Local domestic violence programs.

(d-1) The local school health advisory council shall meet at least four times each year.

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

1. Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
2. Devote more attention to abstinence from sexual activity than to any other behavior;
3. Emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

(f) A school district may not distribute condoms in connection with instruction relating to human sexuality.

(g) A school district that provides human sexuality instruction may separate students according to sex for instructional purposes.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with Subsections (e), (f), and (g).

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
   (A) Review curriculum materials as provided by Subsection (j); and
(B) Remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(3) Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of Subsection (i).

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available for reasonable public inspection.

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

(1) A statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(l);

(2) A statement of:

(A) The number of times during the preceding year the district's school health advisory council has met;

(B) Whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Section 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities; and

(3) A statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year.

(l) The local school health advisory council shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The council must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The council shall ensure that local community values are reflected in any policy recommendation made to the district under this subsection.

(l-1) The local school health advisory council shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students.

(m) In addition to performing other duties, the local school health advisory council shall submit to the board of trustees, at least annually, a written report that includes:

(1) Any council recommendation concerning the school district's health education curriculum and instruction or related matters that the council has not previously submitted to the board;

(2) Any suggested modification to a council recommendation previously submitted to the board;

(3) A detailed explanation of the council's activities during the period between the date of the current report and the date of the last prior written report; and

(4) Any recommendations made by the physical activity and fitness planning subcommittee.

(n) Any joint use agreement that a school district and community organization or agency enter into based on a recommendation of the local school health advisory council under Subsection (c)(5) must address liability for the school district and community organization or agency in the agreement.
§ 30.106. Reading and behavior plan.

(a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Juvenile Justice Department shall not only fulfill the department’s duties under state and federal law to provide general and special educational services to students in department educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(c) To increase the positive social behaviors of students in department educational programs and to create an educational environment that facilitates learning, the department shall:

(1) Adopt system-wide classroom and individual positive behavior supports that incorporate a continuum of prevention and intervention strategies that:
   (A) Are based on current behavioral research; and
   (B) Are systematically and individually applied to students consistent with the demonstrated level of need;

(2) Require each teacher and other educational staff member in a department educational program to be trained in implementing the positive behavior support system adopted under Subdivision (1); and

(3) Adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the following criteria:
   (A) Documentation of school-related disciplinary referrals, disaggregated by the type, location, and time of infraction and by subgroups designated under department rule;
   (B) Documentation of school-related disciplinary actions, including time-out, placement in security, and use of restraints and other aversive control measures, disaggregated by subgroups designated under department rule;
   (C) Validated measurement of systemic positive behavioral support interventions; and
   (D) The number of minutes students are out of the regular classroom because of disciplinary reasons.

(d) The department shall consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

§ 37.0013. Positive behavior program.

(a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) and is not subject to Section 37.005(c). The program must:

(1) Be age-appropriate and research-based;

(2) Provide models for positive behavior;

(3) Promote a positive school environment;

(4) Provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and

(5) Provide behavior management strategies, including:
   (A) Positive behavioral intervention and support;
   (B) Trauma-informed practices;
   (C) Social and emotional learning;
(D) A referral for services, as necessary; and
(E) Restorative practices.

(b) Each school district and open-enrollment charter school may annually conduct training for staff
employed by the district or school on the program adopted under Subsection (a).

§ 37.083. Discipline management programs; Sexual harassment policies.
(a) Each school district shall adopt and implement a discipline management program to be included in the
district improvement plan under Section 11.252. The program must provide for prevention of and
education concerning unwanted physical or verbal aggression and sexual harassment in school, on
school grounds, and in school vehicles [...]

§ 37.201. Definition.
In this subchapter, "center" means the Texas School Safety Center.

The purpose of the center is to serve as:
(1) A central location for school safety and security information, including research, training, and
technical assistance related to successful school safety and security programs;
(2) A central registry of persons providing school safety and security consulting services in the state; and
(3) A resource for the prevention of youth violence and the promotion of safety in the state.

§ 37.205. Safety training programs.
The center shall conduct for school districts a safety training program that includes:
(1) Development of a positive school environment and proactive safety measures designed to address
local concerns;
(2) School safety courses for law enforcement officials, with a focus on school district police officers and
school resource officers;
(3) Discussion of school safety issues with parents and community members; and
(4) Assistance in developing a multihazard emergency operations plan for adoption under Section
37.108.

§ 37.218. Programs on dangers of students sharing visual material depicting minor engaged in
sexual conduct.
(a) In this section:
(1) "Bullying" has the meaning assigned by Section 37.0832.
(2) "Cyberbullying" has the meaning assigned by Section 37.0832.
(3) "Harassment" has the meaning assigned by Section 37.001.
(4) "Sexual conduct" has the meaning assigned by Section 43.25, Penal Code.
(b) The center, in consultation with the office of the attorney general, shall develop programs for use by
school districts that address:
(1) The possible legal consequences, including criminal penalties, of sharing visual material depicting a
minor engaged in sexual conduct;
(2) Other possible consequences of sharing visual material depicting a minor engaged in sexual
conduct, including:
(A) Negative effects on relationships;
(B) Loss of educational and employment opportunities; and
(C) Possible removal, if applicable, from certain school programs or extracurricular activities;
(3) The unique characteristics of the Internet and other communications networks that could affect visual material depicting a minor engaged in sexual conduct, including:
(A) Search and replication capabilities; and
(B) A potentially worldwide audience;
(4) The prevention of, identification of, responses to, and reporting of incidents of bullying; and
(5) The connection between bullying, cyberbullying, harassment, and a minor sharing visual material depicting a minor engaged in sexual conduct.

(c) Each school district shall annually provide or make available information on the programs developed under Subsection (b) to parents and students in a grade level the district considers appropriate. Each district shall provide or make available the information by any means the district considers appropriate.

§ 38.351. Mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

(a) The department, in coordination with the Texas Education Agency and regional education service centers, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified under Subsection (a-1) for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each school district may select from the list a program or programs appropriate for implementation in the district.

(a-1) The list must include programs and practices in the following areas:

(1) Early mental health intervention;
(2) Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
(3) Substance abuse prevention;
(4) Substance abuse intervention;
(5) Suicide prevention;
(6) trauma-informed practices;
(7) Positive school climates; and
(8) Positive behavior supports.

(a-2) The department, the Texas Education Agency, and each regional education service center shall make the list easily accessible on their websites.

(a-3) For purposes of Subsection (a-1), "school climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the school district, parents of those students, and personnel employed by the district.

(b) The suicide prevention programs on the list must include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

(1) Recognize students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying;
(2) Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance,
depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others; and

(3) Intervene effectively with students described by Subdivision (1) or (2) by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian.

(c) In developing the list of best practice-based programs and research-based practices, the department and the Texas Education Agency shall consider:

(1) Any existing suicide prevention method developed by a school district; and

(2) Any Internet or online course or program developed in this state or another state that is based on best practices recognized by the Substance Abuse and Mental Health Services Administration or the Suicide Prevention Resource Center.

(c-1) Except as otherwise provided by this subsection, each school district shall provide training described in the components set forth under Subsection (b) for teachers, counselors, principals, and all other appropriate personnel. A school district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on the list to satisfy the requirements of this subsection.

(c-2) If a school district provides the training under Subsection (c-1):

(1) A school district employee described under that subsection must participate in the training at least one time; and

(2) The school district shall maintain records that include the name of each district employee who participated in the training.

(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(2) Include a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3) Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(4) Set out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

(e) The practices and procedures developed under Subsection (d) must prohibit the use without the prior consent of a student’s parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

(f) The practices and procedures developed under Subsection (d) must be included in:

(1) The annual student handbook; and

(2) The district improvement plan under Section 11.252, Education Code.
(g) The department may accept donations for purposes of this section from sources without a conflict of interest. The department may not accept donations for purposes of this section from an anonymous source.

(h) Expired.

(i) Nothing in this section is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with this section are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. Nothing in this section shall be construed as giving school districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

REGULATIONS
No relevant regulations found.

Behavioral interventions and student support services

LAWS

§ 21.462. Resources regarding students with mental health or substance abuse conditions.
The agency, in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for school district or open-enrollment charter school employees regarding working with students with mental health conditions or who engage in substance abuse. The agency must include on the Internet website information about:

1. Grief-informed and trauma-informed practices;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Positive behavior interventions and supports; and
4. A safe and supportive school climate.

§ 25.0915. Truancy prevention measures.
(a) A school district shall adopt truancy prevention measures designed to:

1. Address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003(a), Family Code; and
2. Minimize the need for referrals to truancy court for conduct described by Section 65.003(a), Family Code.

(a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

1. Impose:
   A behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:
   i. A specific description of the behavior that is required or prohibited for the student;
   ii. The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or
(iii) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

(B) School-based community service; or

(2) Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.

(a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

(1) Pregnancy;

(2) Being in the state foster program;

(3) Homelessness; or

(4) Being the principal income earner for the student's family.

(a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.

(b) Each referral to truancy court for conduct described by Section 65.003(a), Family Code, must:

(1) Be accompanied by a statement from the student's school certifying that:

(A) The school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and

(B) The truancy prevention measures failed to meaningfully address the student's school attendance; and

(2) Specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054, Family Code, if the court determines that the school district's referral:

(1) Does not comply with Subsection (b);

(2) Does not satisfy the elements required for truant conduct;

(3) Is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or

(4) Is otherwise substantively defective.

(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

(f) The agency shall adopt rules:

(1) Creating minimum standards for truancy prevention measures adopted by a school district under this section; and
(2) Establishing a set of best practices for truancy prevention measures.

(g) The agency shall adopt rules to provide for sanctions for a school district found to be not in compliance with this section.

§ 29.081. Compensatory, intensive, and accelerated instruction.

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years;

2. If the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

3. Did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

4. If the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

5. Is pregnant or is a parent;

6. Has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

7. Has been expelled in accordance with Section 37.007 during the preceding or current school year;

8. Is currently on parole, probation, deferred prosecution, or other conditional release;

9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

10. Is a student of limited English proficiency, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation.

(d-1) Notwithstanding Subsection (d)(1), a student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student's parent.

(e) A school district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered:

1. At a campus; or

2. Through the use of an Internet online program that leads to a high school diploma and prepares the student to enter the workforce.

(e-1) A campus-based dropout recovery education program must:
(1) Provide not less than four hours of instructional time per day;
(2) Employ as faculty and administrators persons with baccalaureate or advanced degrees;
(3) Provide at least one instructor for each 28 students;
(4) Perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and
(5) Comply with this title and rules adopted under this title except as otherwise provided by this subsection.

(e-2) An Internet online dropout recovery education program must:

(1) Include as a part of its curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state;
(2) Employ as faculty and administrators persons with baccalaureate or advanced degrees;
(3) Provide an academic coach and local advocate for each student;
(4) Use an individual learning plan to monitor each student's progress;
(5) Establish satisfactory requirements for the monthly progress of students according to standards set by the commissioner;
(6) Provide a monthly report to the student's school district regarding the student's progress;
(7) Perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and
(8) Comply with this title and rules adopted under this title except as otherwise provided by this subsection.

(f) The commissioner shall include students in attendance in a program under Subsection (e) in the computation of the district's average daily attendance for funding purposes.

(g) In addition to students described by Subsection (d), a student who satisfies local eligibility criteria adopted by the board of trustees of a school district may receive instructional services under this section. The number of students receiving services under this subsection during a school year may not exceed 10 percent of the number of students described by Subsection (d) who received services from the district during the preceding school year.

§ 30.106. Reading and behavior plan.

(a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Juvenile Justice Department shall not only fulfill the department's duties under state and federal law to provide general and special educational services to students in department educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(c) To increase the positive social behaviors of students in department educational programs and to create an educational environment that facilitates learning, the department shall:

(1) Adopt system-wide classroom and individual positive behavior supports that incorporate a continuum of prevention and intervention strategies that:

(A) Are based on current behavioral research; and

(B) Are systematically and individually applied to students consistent with the demonstrated level of need;

(2) require each teacher and other educational staff member in a department educational program to be trained in implementing the positive behavior support system adopted under Subdivision (1); and
(3) Adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the following criteria:

(A) Documentation of school-related disciplinary referrals, disaggregated by the type, location, and time of infraction and by subgroups designated under department rule;

(B) Documentation of school-related disciplinary actions, including time-out, placement in security, and use of restraints and other aversive control measures, disaggregated by subgroups designated under department rule;

(C) Validated measurement of systemic positive behavioral support interventions; and

(D) The number of minutes students are out of the regular classroom because of disciplinary reasons.

d) The department shall consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

e) A student in a department educational program may not be released on parole from the department unless the student participates, to the extent required by department rule, in the positive behavior support system under Subsection (c). A student in a department educational program who exhibits deficits in reading on the assessments adopted under Subsection (b)(1) must also participate in reading instruction to the extent required by this section and by department rule before the student may be released on parole.

§ 37.0013. Positive behavior program.

(a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) and is not subject to Section 37.005(c). The program must:

(1) Be age-appropriate and research-based;

(2) Provide models for positive behavior;

(3) Promote a positive school environment;

(4) Provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and

(5) Provide behavior management strategies, including:

(A) Positive behavioral intervention and support;

(B) Trauma-informed practices;

(C) Social and emotional learning;

(D) A referral for services, as necessary; and

(E) Restorative practices.

(b) Each school district and open-enrollment charter school may annually conduct training for staff employed by the district or school on the program adopted under Subsection (a).

§ 37.051. Establishment.

Each school district may establish a school-community guidance center designed to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders. Each center shall coordinate the efforts of school district personnel, local police departments, school attendance officers, and probation officers in working with
students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

§ 37.052. Cooperative programs.
The board of trustees of a school district may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct.

§ 37.053. Cooperation of governmental agencies.
(a) Each governmental agency that is concerned with children and that has jurisdiction in the school district shall cooperate with the school-community guidance centers on the request of the superintendent of the district and shall designate a liaison to work with the centers in identifying and correcting problems affecting school-age children in the district.
(b) The governmental agency may establish or finance a school-community guidance center jointly with the school district according to terms approved by the governing body of each entity participating in the joint establishment or financing of the center.

§ 37.054. Parental notice, consent, and access to information.
(a) Before a student is admitted to a school-community guidance center, the administrator of the center must notify the student's parent or guardian that the student has been assigned to attend the center.
(b) The notification must include:
   (1) The reason that the student has been assigned to the center;
   (2) A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
   (3) A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.
(c) If, after notification, a parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.
(d) A parent or guardian of a student attending a center is entitled to inspect:
   (1) Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
   (2) The results of any treatment, testing, or guidance method involving the student.
(e) The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

§ 37.055. Parental involvement.
(a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:
   (1) A statement of the student's behavioral and learning objectives;
   (2) A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
   (3) The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation.
(b) The superintendent of the school district may obtain a court order from a district court in the school
district requiring a parent to comply with an agreement made under this section. A parent who violates a
court order issued under this subsection may be punished for contempt of court.

(c) In this section, "parent" includes a legal guardian.

§ 37.056. Court supervision.
(a) In this section, "court" means a juvenile court or alternate juvenile court designated under Chapter 51,
Family Code. The court may delegate responsibility under this section to a referee appointed under
Section 51.04, Family Code.
(b) If a representative of the school district, the student, and the parent or guardian for any reason fail to
reach an agreement under Section 37.055, the court may, on the request of any party and after a hearing,
enter an order establishing the responsibilities and duties of each of the parties as the court considers
appropriate.
(c) The court may compel attendance at any hearing held under this section through any legal process,
including subpoena and habeas corpus.
(d) If the parties reach an agreement under Section 37.055, and if the written agreement so provides, the
court may enter an order that incorporates the terms of the agreement.
(e) Any party who violates an order issued under this section may be punished for contempt of court.
(f) A school district may enter into an agreement to share the costs incurred by a county under this
section.

§ 37.115. Threat assessment and safe and supportive school program and team.
(a) In this section:
   (1) "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self
       harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual
       harassment, dating violence, stalking, or assault, by a student that could result in:
       (A) specific interventions, including mental health or behavioral supports;
       (B) in-school suspension;
       (C) out-of-school suspension; or
       (D) the student’s expulsion or removal to a disciplinary alternative education program or a juvenile
           justice alternative education program.
   (2) "Team" means a threat assessment and safe and supportive school team established by the board
       of trustees of a school district under this section.
(b) The agency, in coordination with the Texas School Safety Center, shall adopt rules to establish a safe
and supportive school program. The rules shall incorporate research-based best practices for school
safety, including providing for:
   (1) physical and psychological safety;
   (2) a multiphase and multihazard approach to prevention, mitigation, preparedness, response, and
       recovery in a crisis situation;
   (3) a systemic and coordinated multitiered support system that addresses school climate, the social and
       emotional domain, and behavioral and mental health; and
   (4) multidisciplinary and multiagency collaboration to assess risks and threats in schools and provide
       appropriate interventions, including rules for the establishment and operation of teams.
(c) The board of trustees of each school district shall establish a threat assessment and safe and
supportive school team to serve at each campus of the district and shall adopt policies and procedures for
the teams. The team is responsible for developing and implementing the safe and supportive school program under Subsection (b) at the district campus served by the team. The policies and procedures adopted under this section must:

(1) be consistent with the model policies and procedures developed by the Texas School Safety Center;
(2) require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; and
(3) require each team established under this section to report the information required under Subsection (k) regarding the team’s activities to the agency.

(d) The superintendent of the district shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that each district campus is assigned a team.

(e) The superintendent of a school district may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility under this subsection must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

(f) Each team shall:

(1) conduct a threat assessment that includes:
   (A) assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted under Subsection (c); and
   (B) gathering and analyzing data to determine the level of risk and appropriate intervention, including:
      (i) referring a student for mental health assessment; and
      (ii) implementing an escalation procedure, if appropriate based on the team’s assessment, in accordance with district policy;

(2) provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

(3) support the district in implementing the district’s multihazard emergency operations plan.

(g) A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent required by this subsection must be submitted on a form developed by the school district that complies with all applicable state and federal law. The student’s parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

(h) On a determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team’s determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. The requirements of this subsection do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

(i) A team identifying a student at risk of suicide shall act in accordance with the district’s suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team
shall conduct a threat assessment in addition to actions taken in accordance with the district’s suicide prevention program.

(j) A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

(k) A team must report to the agency in accordance with guidelines developed by the agency the following information regarding the team’s activities and other information for each school district campus the team serves:

1. the occupation of each person appointed to the team;
2. the number of threats and a description of the type of the threats reported to the team;
3. the outcome of each assessment made by the team, including:
   A. any disciplinary action taken, including a change in school placement;
   B. any action taken by law enforcement; or
   C. a referral to or change in counseling, mental health, special education, or other services;
4. the total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
   A. citations issued for Class C misdemeanor offenses;
   B. arrests;
   C. incidents of uses of restraint;
   D. changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program;
   E. referrals to or changes in counseling, mental health, special education, or other services;
   F. placements in in-school suspension or out-of-school suspension and incidents of expulsion;
   G. unexcused absences of 15 or more days during the school year; and
   H. referrals to juvenile court for truancy; and
5. the number and percentage of school personnel trained in:
   A. a best-practices program or research-based practice under Section 161.325, Health and Safety Code, including the number and percentage of school personnel trained in:
      i. suicide prevention; or
      ii. grief and trauma-informed practices;
   B. mental health or psychological first aid for schools;
   C. training relating to the safe and supportive school program established under Subsection (b); or
   D. any other program relating to safety identified by the commissioner.

(l) The commissioner may adopt rules to implement this section.

§ 38.351. Mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

(a) The department, in coordination with the Texas Education Agency and regional education service centers, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified under Subsection (a-1) for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each school district may select from the list a program or programs appropriate for implementation in the district.
(a-1) The list must include programs and practices in the following areas:
   (1) Early mental health intervention;
   (2) Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
   (3) Substance abuse prevention;
   (4) Substance abuse intervention;
   (5) Suicide prevention;
   (6) Trauma-informed practices;
   (7) Positive school climates; and
   (8) Positive behavior supports.

(a-2) The department, the Texas Education Agency, and each regional education service center shall make the list easily accessible on their websites.

(a-3) For purposes of Subsection (a-1), "school climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the school district, parents of those students, and personnel employed by the district.

(b) The suicide prevention programs on the list must include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:
   (1) Recognize students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying;
   (2) Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others; and
   (3) Intervene effectively with students described by Subdivision (1) or (2) by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian.

(c) In developing the list of best practice-based programs and research-based practices, the department and the Texas Education Agency shall consider:
   (1) Any existing suicide prevention method developed by a school district; and
   (2) Any Internet or online course or program developed in this state or another state that is based on best practices recognized by the Substance Abuse and Mental Health Services Administration or the Suicide Prevention Resource Center.

(c-1) Except as otherwise provided by this subsection, each school district shall provide training described in the components set forth under Subsection (b) for teachers, counselors, principals, and all other appropriate personnel. A school district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on the list to satisfy the requirements of this subsection.

(c-2) If a school district provides the training under Subsection (c-1):
   (1) A school district employee described under that subsection must participate in the training at least one time; and
   (2) The school district shall maintain records that include the name of each district employee who participated in the training.
(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(2) Include a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3) Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(4) Set out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

(e) The practices and procedures developed under Subsection (d) must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

(f) The practices and procedures developed under Subsection (d) must be included in:

(1) The annual student handbook; and

(2) The district improvement plan under Section 11.252, Education Code.

(g) The department may accept donations for purposes of this section from sources without a conflict of interest. The department may not accept donations for purposes of this section from an anonymous source.

(h) Expired.

(i) Nothing in this section is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with this section are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. Nothing in this section shall be construed as giving school districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

REGULATIONS
No relevant regulations found.

Professional development

LAWS


(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
(1) Be provided through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code; and

(2) Include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.


(d) Continuing education requirements for a classroom teacher must provide that at least 25 percent of the training required every five years include instruction regarding:

(1) Collecting and analyzing information that will improve effectiveness in the classroom;

(2) Recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) Digital learning, digital teaching, and integrating technology into classroom instruction;

(4) Educating diverse student populations, including:

   (A) Students who are eligible to participate in special education programs under Subchapter A, Chapter 29;

   (B) Students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

   (C) Students with mental health conditions or who engage in substance abuse;

   (D) Students with intellectual or developmental disabilities;

   (E) Students who are educationally disadvantaged;

   (F) Students of limited English proficiency; and

   (G) Students at risk of dropping out of school;

(5) understanding appropriate relationships, boundaries, and communications between educators and students; and

(6) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(d-1) The instruction required under Subsection (d) may include two or more listed topics together.

(d-2) The instruction required under subsection (d)(6) must be:

   (1) based on relevant best practice-based programs and research-based practices; and

   (2) approved by the commissioner, in consultation with the Health and Human Services Commission.

(e) Continuing education requirements for a principal must provide that at least 25 percent of the training required every five years include instruction regarding:

(1) Effective and efficient management, including:

   (A) Collecting and analyzing information;

   (B) Making decisions and managing time; and

   (C) Supervising student discipline and managing behavior;

(2) Recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) Digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4) Effective implementation of a comprehensive school counseling program under Section 33.005;

(5) Mental health programs addressing a mental health condition;

(6) Educating diverse student populations, including:
(A) Students who are eligible to participate in special education programs under Subchapter A, Chapter 29;
(B) Students with intellectual or developmental disabilities;
(C) Students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
(D) Students with mental health conditions or who engage in substance abuse;
(E) Students who are educationally disadvantaged;
(F) Students of limited English proficiency; and
(G) Students at risk of dropping out of school; and
(7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; and
(8) How mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma
(e-2) The instruction required under Subsection (e)(8) must be:
(1) based on relevant best practice-based programs and research-based practices; and
(2) approved by the commissioner, in consultation with the Health and Human Services Commission.
(f) Continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction regarding:
(1) Assisting students in developing high school graduation plans;
(2) Implementing dropout prevention strategies; and
(3) Informing students concerning:
   (A) College admissions, including college financial aid resources and application procedures; and
   (B) Career opportunities;
(4) Counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
(5) effective implementation of a comprehensive school counseling programs under Section 33.005.

§ 21.451. Staff development requirements.
(d) The staff development:
(1) may include training in:
   (A) technology;
   (B) positive behavior intervention and support strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Chapter 37; and
   (C) digital learning;
(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 U.S.C. Section 7801), and that:
   (A) relates to instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
   (B) is designed for educators who work primarily outside the area of special education; and
(3) must include training on:
(A) suicide prevention;
(B) recognizing signs of mental health conditions and substance abuse;
(C) strategies for establishing and maintaining positive relationships among students, including conflict resolution;
(D) how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
(E) preventing, identifying, responding to, and reporting incidents of bullying.

(d-1) The training required by Subsection (d)(3):
(1) must:
   (A) be provided:
      (i) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and
      (ii) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule; and
   (B) use a best practice-based program recommended by the Health and Human Services Commission in coordination with the agency under Section 38.351; and
(2) may include two or more listed topics together.

(d-2) The suicide prevention training required by Subsection (d)(3) may be satisfied through independent review of suicide prevention training material that:
   (1) complies with the guidelines developed by the agency; and
   (2) is offered online.

(d-3) The digital learning training provided by Subsection (d)(1)(E) must:
   (1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
   (2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

(e) A school district is required to provide the training described by Subsection (d)(2) to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

(f) In developing or maintaining the training required by Subsection (d)(2), a school district must consult with persons with expertise in research-based practices for students with disabilities. Persons who may be consulted under this subsection include colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district. This subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level.

(g) The staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.
§ 30.106. Reading and behavior plan.
(a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Juvenile Justice Department shall not only fulfill the department's duties under state and federal law to provide general and special educational services to students in department educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.
(c) To increase the positive social behaviors of students in department educational programs and to create an educational environment that facilitates learning, the department shall:
   (2) require each teacher and other educational staff member in a department educational program to be trained in implementing the positive behavior support system adopted under Subdivision (1); and

§ 37.0013. Positive behavior program.
(a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) and is not subject to Section 37.005(c). The program must:
   (1) Be age-appropriate and research-based;
   (2) Provide models for positive behavior;
   (3) Promote a positive school environment;
   (4) Provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and
   (5) Provide behavior management strategies, including:
       (A) Positive behavioral intervention and support;
       (B) Trauma-informed practices;
       (C) Social and emotional learning;
       (D) A referral for services, as necessary; and
       (E) Restorative practices.
(b) Each school district and open-enrollment charter school may annually conduct training for staff employed by the district or school on the program adopted under Subsection (a).

§ 38.351. Mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.
(c-1) Except as otherwise provided by this subsection, each school district shall provide training described in the components set forth under Subsection (b) for teachers, counselors, principals, and all other appropriate personnel. A school district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on the list to satisfy the requirements of this subsection.
(c-2) If a school district provides the training under Subsection (c-1):
   (1) A school district employee described under that subsection must participate in the training at least one time; and
   (2) The school district shall maintain records that include the name of each district employee who participated in the training.
REGULATIONS

19 TAC 89.1053. Procedures for use of restraint and time-out.

(h) Training on use of time-out. Training for school employees, volunteers, or independent contractors must be provided according to the following requirements.

(1) General or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.

(2) Newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.

(3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

(4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 37.020. Reports relating to expulsions and disciplinary alternative education program placements.

(a) In the manner required by the commissioner, each school district shall annually report to the commissioner the information required by this section.

(b) For each placement in a disciplinary alternative education program established under Section 37.008, the district shall report:

(1) Information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) Information indicating whether the placement was based on:
   (A) Conduct violating the student code of conduct adopted under Section 37.001;
   (B) Conduct for which a student may be removed from class under Section 37.002(b);
   (C) Conduct for which placement in a disciplinary alternative education program is required by Section 37.006; or
   (D) Conduct occurring while a student was enrolled in another district and for which placement in a disciplinary alternative education program is permitted by Section 37.008(j);

(3) The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

(4) The number of placements that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(c) For each expulsion under Section 37.007, the district shall report:

(1) Information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) Information indicating whether the expulsion was based on:
   (A) Conduct for which expulsion is required under Section 37.007, including information specifically indicating whether a student was expelled on the basis of Section 37.007(e); or
   (B) Conduct for which expulsion is permitted under Section 37.007;

(3) The number of full or partial days the student was expelled;

(4) Information indicating whether:
   (A) The student was placed in a juvenile justice alternative education program under Section 37.011;
   (B) The student was placed in a disciplinary alternative education program; or
   (C) The student was not placed in a juvenile justice or other disciplinary alternative education program; and

(5) The number of expulsions that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(f) For each out-of-school suspension under Section 37.005, the district shall report:
(a) Each board of trustees shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner. The annual report must also include:

(1) Campus performance objectives established under Section 11.253 and the progress of each campus toward those objectives, which shall be available to the public;

(2) Information indicating the district’s accreditation status and identifying each district campus awarded a distinction designation under Subchapter G or considered an unacceptable campus under Chapter 39A;

(3) The district’s current special education compliance status with the agency;

(4) A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g);

(5) Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;

(6) The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.); and

(7) Information received under Section 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner.

(b) Supplemental information to be included in the reports shall be determined by the board of trustees. Performance information in the annual reports on the indicators described by Sections 39.053 and 39.301 and descriptive information required by this section shall be provided by the agency.

(c) The board of trustees shall hold a hearing for public discussion of the report. The board of trustees shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notification must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. After the hearing the report shall be widely disseminated within the district in a manner to be determined under rules adopted by the commissioner.

(d) The report must also include a comparison provided by the agency of:

(1) The performance of each campus to its previous performance and to state-established standards; and

(2) The performance of each district to its previous performance and to state-established standards.

(d-1) The report must also include the number of school counselors providing counseling services at each campus.

(e) The report may include the following information:

(1) Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
(2) Financial information, including revenues and expenditures;

(3) Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held, teacher and administrator salaries, and teacher turnover;

(4) Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

(5) The number of students placed in a disciplinary alternative education program under Chapter 37.

(f) The commissioner by rule shall authorize the combination of this report with other reports and financial statements and shall restrict the number and length of reports that school districts, school district employees, and school campuses are required to prepare.

(g) The report must include a statement of the amount, if any, of the school district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

REGULATIONS

19 TAC 89.1053. Procedures for use of restraint and time-out.

(e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must implement the following documentation requirements.

(1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

(2) On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint.

(3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.

(4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).

(5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must include the following:

(A) Name of the student;

(B) Name of the staff member(s) administering the restraint;

(C) Date of the restraint and the time the restraint began and ended;

(D) Location of the restraint;

(E) Nature of the restraint;

(F) A description of the activity in which the student was engaged immediately preceding the use of restraint;

(G) The behavior that prompted the restraint;

(H) The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and

(I) Information documenting parent contact and notification.

(i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to
judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

(k) Data reporting. With the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency (TEA) in accordance with reporting standards specified by the TEA.

19 TAC 100.1211. Students.

(c) Notice of expulsion or withdrawal. A charter holder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

Parental notification

LAWS

§ 25.095. Warning notices.

(a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year:

(1) The student's parent is subject to prosecution under Section 25.093; and

(2) The student is subject to referral to a truancy court for truant conduct under Section 65.003(a), Family Code.

(b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

(1) Inform the parent that:

(A) It is the parent's duty to monitor the student's school attendance and require the student to attend school; and

(B) The student is subject to truancy prevention measures under Section 25.0915; and

(2) Request a conference between school officials and the parent to discuss the absences.

(c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense under Section 25.093 or under Section 65.003(a), Family Code.

(d) In this section, "parent" includes a person standing in parental relation.

§ 37.0012. Designation of campus behavior coordinator.

(a) A person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

(d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

(1) Promptly contacting the parent or guardian by telephone or in person; and

(2) Making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.
(e) If a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

(f) If a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d), the principal or other designee shall provide the notice.

§ 37.0091. Notice to noncustodial parent.

(a) A noncustodial parent may request in writing that a school district or school, for the remainder of the school year in which the request is received, provide that parent with a copy of any written notification relating to student misconduct under Section 37.006 or 37.007 that is generally provided by the district or school to a student's parent or guardian.

(b) A school district or school may not unreasonably deny a request authorized by Subsection (a).

(c) Notwithstanding any other provision of this section, a school district or school shall comply with any applicable court order of which the district or school has knowledge.

§ 37.054. Parental notice, consent, and access to information.

(a) Before a student is admitted to a school-community guidance center, the administrator of the center must notify the student's parent or guardian that the student has been assigned to attend the center.

(b) The notification must include:

(1) The reason that the student has been assigned to the center;

(2) A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and

(3) A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

(c) If, after notification, a parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

(d) A parent or guardian of a student attending a center is entitled to inspect:

(1) Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and

(2) The results of any treatment, testing, or guidance method involving the student.

(e) The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

§ 37.055. Parental involvement.

(a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

(1) A statement of the student's behavioral and learning objectives;

(2) A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

(3) The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation.
(b) The superintendent of the school district may obtain a court order from a district court in the school district requiring a parent to comply with an agreement made under this section. A parent who violates a court order issued under this subsection may be punished for contempt of court.

(c) In this section, "parent" includes a legal guardian.

§ 37.144. Graduated sanctions for certain school offenses.
(a) A school district that commissions peace officers under Section 37.081 may develop a system of graduated sanctions that the school district may require to be imposed on a child before a complaint is filed under Section 37.145 against the child for a school offense that is an offense under Section 37.124 or 37.126 or under Section 42.01(a)(1), (2), (3), (4), or (5), Penal Code. A system adopted under this section must include multiple graduated sanctions. The system may require:

(1) a warning letter to be issued to the child and the child's parent or guardian that specifically states the child's alleged school offense and explains the consequences if the child engages in additional misconduct;

(2) a behavior contract with the child that must be signed by the child, the child's parent or guardian, and an employee of the school and that includes a specific description of the behavior that is required or prohibited for the child and the penalties for additional alleged school offenses, including additional disciplinary action or the filing of a complaint in a criminal court;

REGULATIONS

19 TAC 89.1053. Procedures for use of restraint and time-out.
(e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must implement the following documentation requirements.

(1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

(2) On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint.

(3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.

(4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).

(5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must include the following:

(A) Name of the student;

(B) Name of the staff member(s) administering the restraint;

(C) Date of the restraint and the time the restraint began and ended;

(D) Location of the restraint;

(E) Nature of the restraint;

(F) A description of the activity in which the student was engaged immediately preceding the use of restraint;

(G) The behavior that prompted the restraint;
(H) The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and

(I) Information documenting parent contact and notification.

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

**LAWS**

§ 15.27. Notification to schools required.

(a) A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile board who the agency believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h), shall attempt to ascertain whether the person is so enrolled. If the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, the head of the agency or a person designated by the head of the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or before the next school day, whichever is earlier. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, the head of the agency or a person designated by the head of the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or before the next school day, whichever is earlier. If the individual is a student, the superintendent or the superintendent's designee shall immediately notify all instructional and support personnel who have responsibility for supervision of the student. All personnel shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate this subsection. Within seven days after the date the oral notice is given, the head of the law enforcement agency or the person designated by the head of the agency shall mail written notification, marked “PERSONAL and CONFIDENTIAL” on the mailing envelope, to the superintendent or the person designated by the superintendent. The written notification must include the facts contained in the oral notification, the name of the person who was orally notified, and the date and time of the oral notification. Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or the superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. The information contained in the notice shall be considered by the superintendent or the superintendent's designee in making such a determination.

(a-1) The superintendent or a person designated by the superintendent in the school district shall send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice under Subsection (a).

(b) On conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of an individual enrolled as a student in a public primary or secondary school, for an offense or for any conduct listed in Subsection (h) of this article, the office of the prosecuting attorney acting in the case shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of the conviction or adjudication and whether the student is required to register as a sex offender under Chapter 62. Oral notification must be given within 24 hours of the time of the order or before the next school day, whichever is earlier. The superintendent shall, within 24 hours of receiving notification from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student. Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written
notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender under Chapter 62.

(c) A parole, probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Juvenile Justice Department, having jurisdiction over a student described by Subsection (a), (b), or (e) who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred shall within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier, notify the superintendent or a person designated by the superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal or a school employee designated by the principal of the school to which the student transfers or is returned of the arrest or referral in a manner similar to that provided for by Subsection (a) or (e)(1), or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2). The superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal of the school to which the student transfers or is returned shall, within 24 hours of receiving notification under this subsection or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 5, eff. June 15, 2007.

(e)(1) A law enforcement agency that arrests, or refers to a juvenile court under Chapter 52, Family Code, an individual who the law enforcement agency knows or believes is enrolled as a student in a private primary or secondary school shall make the oral and written notifications described by Subsection (a) to the principal or a school employee designated by the principal of the school in which the student is enrolled.

(2) On conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of an individual enrolled as a student in a private primary or secondary school, the office of prosecuting attorney shall make the oral and written notifications described by Subsection (b) of this article to the principal or a school employee designated by the principal of the school in which the student is enrolled.

(3) The principal of a private school in which the student is enrolled or a school employee designated by the principal shall send to a school employee having direct supervisory responsibility over the student the information contained in the confidential notice, for the same purposes as described by Subsection (a-1) of this article.

(f) A person who receives information under this article may not disclose the information except as specifically authorized by this article. A person who intentionally violates this article commits an offense. An offense under this subsection is a Class C misdemeanor.

(g) The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a disciplinary alternative education program under Section 37.006, Education Code, if:

(1) prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

(2) the court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

(h) This article applies to any felony offense and the following misdemeanors:

(1) An offense under Section 20.02, 21.08, 22.01, 22.05, 22.07, or 71.02, Penal Code;
(2) The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana, as defined by Chapter 481, Health and Safety Code; or

(3) The unlawful possession of any of the weapons or devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a weapon listed as a prohibited weapon under Section 46.05, Penal Code.

(i) A person may substitute electronic notification for oral notification where oral notification is required by this article. If electronic notification is substituted for oral notification, any written notification required by this article is not required.

(j) The notification provisions of this section concerning a person who is required to register as a sex offender under Chapter 62 do not lessen the requirement of a person to provide any additional notification prescribed by that chapter.

(k) Oral or written notice required under this article must include all pertinent details of the offense or conduct, including details of any:

   (1) Assaultive behavior or other violence;

   (2) Weapons used in the commission of the offense or conduct; or

   (3) Weapons possessed during the commission of the offense or conduct.

(l) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under Subsection (a), (a-1), or (b), the board of trustees shall report the failure to the State Board for Educator Certification. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under Subsection (e), and the principal holds a certificate issued under Subchapter B, Chapter 21, Education Code, the governing body shall report the failure to the State Board for Educator Certification.

(m) If the superintendent of a school district in which the student is enrolled learns of a failure of the head of a law enforcement agency or a person designated by the head of the agency to provide a notification under Subsection (a), the superintendent or principal shall report the failure to notify to the Texas Commission on Law Enforcement.

(n) If a juvenile court judge or official designated by the juvenile board learns of a failure by the office of the prosecuting attorney to provide a notification required under Subsection (b) or (g), the official shall report the failure to notify to the elected prosecuting attorney responsible for the operation of the office.

(o) If the supervisor of a parole, probation, or community supervision department officer learns of a failure by the officer to provide a notification under Subsection (c), the supervisor shall report the failure to notify to the director of the entity that employs the officer.

§ 37.006. Removal for certain conduct.

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any
violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

§ 37.010. Court involvement.
(a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 125,000, every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.
(b) If a student is expelled under Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Family Code.

§ 37.013. Coordination between school districts and juvenile boards.
The board of trustees of the school district or the board's designee shall at the call of the president of the board of trustees regularly meet with the juvenile board for the county in which the district's central administrative office is located or the juvenile board's designee concerning supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs. Matters for discussion shall include service by probation officers at the disciplinary alternative education program site, recruitment of volunteers to serve as mentors and provide tutoring services, and coordination with other social service agencies.

§ 37.015. Reports to local law enforcement; Liability.
(a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:
(1) Conduct that may constitute an offense listed under Section 508.149, Government Code;
(2) Deadly conduct under Section 22.05, Penal Code;
(3) A terroristic threat under Section 22.07, Penal Code;
(4) The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Health and Safety Code;
(5) The possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code;
(6) Conduct that may constitute a criminal offense under Section 71.02, Penal Code; or
(7) Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d), or (e).
(b) A person who makes a notification under this section shall include the name and address of each student the person believes may have participated in the activity.

(c) A notification is not required under Subsection (a) if the person reasonably believes that the activity does not constitute a criminal offense.

(d) The principal of a public or private primary or secondary school may designate a school employee who is under the supervision of the principal to make the reports required by this section.

(e) The person who makes the notification required under Subsection (a) shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

(f) A person is not liable in civil damages for reporting in good faith as required by this section.

§ 37.0151. Report to local law enforcement regarding certain conduct constituting assault or harassment; liability.

(a) The principal of a public primary or secondary school, or a person designated by the principal under Subsection (c), may make a report to any school district police department, if applicable, or the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 or 42.07(a)(7), Penal Code.

(b) A person who makes a report under this section may include the name and address of each student the person believes may have participated in the conduct.

(c) The principal of a public primary or secondary school may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report under this section.

(d) A person who is not a school employee but is employed by an entity that contracts with a district or school to use school property is not required to make a report under this section and may not be designated by the principal of a public primary or secondary school to make a report. A person who voluntarily makes a report under this section is immune from civil or criminal liability.

(e) A person who takes any action under this section is immune from civil or criminal liability or disciplinary action resulting from that action.

(f) Notwithstanding any other law, this section does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act under this section.

(g) A school district and school personnel and school volunteers are immune from suit resulting from an act under this section, including an act under related policies and procedures.

(h) An act by school personnel or a school volunteer under this section, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district or the district's employees.

§ 37.017. Destruction of certain records.

Information received by a school district under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed.
§ 37.084. Interagency sharing of records.
(a) A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Section 58.0051, Family Code.
(b) The commissioner may enter into an interagency agreement to share educational information for research and analytical purposes with the:
   (1) Texas Juvenile Justice Department; and
   (2) Texas Department of Criminal Justice.
(c) This section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

§ 37.146. Requisites of complaint.
(a) A complaint alleging the commission of a school offense must, in addition to the requirements imposed by Article 45.019, Code of Criminal Procedure:
   (1) Be sworn to by a person who has personal knowledge of the underlying facts giving rise to probable cause to believe that an offense has been committed; and
   (2) Be accompanied by a statement from a school employee stating:
      (A) Whether the child is eligible for or receives special services under Subchapter A, Chapter 29; and
      (B) The graduated sanctions, if required under Section 37.144, that were imposed on the child before the complaint was filed.
(b) After a complaint has been filed under this subchapter, a summons may be issued under Articles 23.04 and 45.057(e), Code of Criminal Procedure.
(c) A complaint under this subchapter may include a recommendation by a school employee that the child attend a teen court program under Article 45.052, Code of Criminal Procedure, if the school employee believes attending a teen court program is in the best interest of the child.

§ 42.07. Harassment.
(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
   (1) Initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
   (2) Threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
   (3) Conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
   (4) Causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
   (5) Makes a telephone call and intentionally fails to hang up or disengage the connection;
   (6) Knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or
   (7) Sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
(b) In this section:

(1) “Electronic communication” means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) A communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) A communication made to a pager.

(2) “Family” and “household” have the meaning assigned by Chapter 71, Family Code.

(3) “Obscene” means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) The actor has previously been convicted under this section; or

(2) The offense was committed under Subsection (a)(7) and:

(A) The offense was committed against a child under 18 years of age with the intent that the child:

(i) Commit suicide; or

(ii) Engage in conduct causing serious bodily injury to the child; or

(B) The actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.

§ 129A.001. Definition.

In this chapter, “cyberbullying” has the meaning assigned by Section 37.0832(a), Education Code.

§ 129A.002. Injunctive relief.

(a) A recipient of cyberbullying behavior who is younger than 18 years of age at the time the cyberbullying occurs or a parent of or person standing in parental relation to the recipient may seek injunctive relief under this chapter against the individual who was cyberbullying the recipient or, if the individual is younger than 18 years of age, against a parent of or person standing in parental relation to the individual.

(b) A court may issue a temporary restraining order, temporary injunction, or permanent injunction appropriate under the circumstances to prevent any further cyberbullying, including an order or injunction:

(1) Enjoining a defendant from engaging in cyberbullying; or

(2) Compelling a defendant who is a parent of or person standing in parental relation to an individual who is younger than 18 years of age to take reasonable actions to cause the individual to cease engaging in cyberbullying.

(c) A plaintiff in an action for injunctive relief brought under this section is entitled to a temporary restraining order on showing that the plaintiff is likely to succeed in establishing that the individual was cyberbullying the recipient. The plaintiff is not required to plead or prove that, before notice can be served and a hearing can be held, immediate and irreparable injury, loss, or damage is likely to result from past or future cyberbullying by the individual against the recipient.

(d) A plaintiff is entitled to a temporary or permanent injunction under this section on showing that the individual was cyberbullying the recipient.
(e) A court granting a temporary restraining order or temporary injunction under this section may, on motion of either party or sua sponte, order the preservation of any relevant electronic communication. The temporary restraining order or temporary injunction is not required to:

(1) Define the injury or state why it is irreparable;
(2) State why the order was granted without notice; or
(3) Include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

§ 129A.003. Promulgation of forms.
(a) The supreme court shall, as the court finds appropriate, promulgate forms for use as an application for initial injunctive relief by individuals representing themselves in suits involving cyberbullying and instructions for the proper use of each form or set of forms.
(b) The forms and instructions:

(1) Must be written in language that is easily understood by the general public;
(2) Shall be made readily available to the general public in the manner prescribed by the supreme court; and
(3) Must be translated into the Spanish language.
(c) The Spanish language translation of a form must:

(1) State:
   (A) That the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the court; and
   (B) That the English language version of the form must be submitted to the court; or
(2) Be incorporated into the English language version of the form in a manner that is understandable to both the court and members of the general public.
(d) Each form and its instructions must clearly and conspicuously state that the form is not a substitute for the advice of an attorney.
(e) The attorney general and the clerk of a court shall inform members of the general public of the availability of a form promulgated by the supreme court under this section as appropriate and make the form available free of charge.
(f) A court shall accept a form promulgated by the supreme court under this section unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

§ 129A.004. Inapplicability.
(a) An action filed under this chapter may not be joined with an action filed under Title 1, 4, or 5, Family Code.
(b) Chapter 27 does not apply to an action under this chapter.

§ 129A.005. Certain conduct excepted.
This chapter does not apply to a claim brought against an interactive computer service, as defined by 47 U.S.C. Section 230, for cyberbullying.

REGULATIONS
No relevant regulations found.
Disclosure of school records

LAWS

§ 29.022. Video surveillance of special education settings.

(a) In order to promote student safety, on receipt of a written request authorized under Subsection (a-1), a school district or open-enrollment charter school shall provide equipment, including a video camera, to the school or schools in the district or the charter school campus or campuses specified in the request. A school or campus that receives equipment as provided by this subsection shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

(1) A school or campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent’s child is in regular attendance or to which the staff member is assigned, as applicable; and

(2) A school or campus that receives equipment as a result of the request by a board of trustees, governing body, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to this subsection.

(a-1) For purposes of Subsection (a):

(1) a parent of a child who receives special education services in one or more self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the child receives those services;

(2) a board of trustees or governing body may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings;

(3) the principal or assistant principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the principal's or assistant principal's school or campus; and

(4) a staff member assigned to work with one or more children receiving special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

(a-2) Each school district or open-enrollment charter school shall designate an administrator at the primary administrative office of the district or school with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this section.

(a-3) A written request must be submitted and acted on as follows:

(1) A parent, staff member, or assistant principal must submit a request to the principal or the principal’s designee of the school or campus addressed in the request, and the principal or designee must provide a copy of the request to the administrator designated under Subsection (a-2);

(2) A principal must submit a request by the principal to the administrator designated under Subsection (a-2); and

(3) A board of trustees or governing body must submit a request to the administrator designated under Subsection (a-2), and the administrator must provide a copy of the request to the principal or the principal's designee of the school or campus addressed in the request.
(b) A school or campus that places a video camera in a classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request under Subsection (a-1). Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Except as provided by Subsection (c-1), video cameras placed under this section must be capable of:

1. Covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out; and
2. Recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

(c-1) The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

(d) Before a school or campus activates a video camera in a classroom or other special education setting under this section, the school or campus shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

(e) Except as provided by Subsection (e-1), a school district or open-enrollment charter school shall retain video recorded from a video camera placed under this section for at least three months after the date the video was recorded.

(e-1) If a person described by Subsection (i) requests to view a video recording from a video camera placed under this section, a school district or open-enrollment charter school must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

(f) A school district or open-enrollment charter school may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms or other special education settings under this section.

(g) This section does not:

1. Waive any immunity from liability of a school district or open-enrollment charter school, or of district or school officers or employees; or
2. Create any liability for a cause of action against a school district or open-enrollment charter school or against district or school officers or employees.

(h) A school district or open-enrollment charter school may not:

1. Allow regular or continual monitoring of video recorded under this section; or
(2) Use video recorded under this section for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting.

(i) A video recording of a student made according to this section is confidential and may not be released or viewed except as provided by this subsection or Subsection (i-1) or (j). A school district or open-enrollment charter school shall release a recording for viewing by:

(1) An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the employee;

(2) A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the parent;

(3) Appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;

(4) A peace officer, a school nurse, a district or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district or the governing body of the open-enrollment charter school in response to a report of an alleged incident or an investigation of district or school personnel or a report of alleged abuse committed by a student; or

(5) Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

(i-1) A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of Subsection (i).

(j) If a person described by Subsection (i)(4) or (5) who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Section 261.406, Family Code. If any person described by Subsection (i)(3), (4), or (5) who views the recording believes that the recording documents a possible violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district or school policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against district or school personnel and shall be released at the request of the student's parent in a legal proceeding. This subsection does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law.

(k) The commissioner may adopt rules to implement and administer this section, including rules regarding the special education settings to which this section applies.

(l) A school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras under this section must:

(1) Include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeals process under Section 7.057;

(2) Require that the district or school provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request;

(3) Except as provided by Subdivision (5), require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school
(4) Permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

(A) The date on which the current school year ends; or

(B) The 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; and

(5) If a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:

(A) The 10th school day of the fall semester; or

(B) The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

(m) A school district, parent, staff member, or administrator may request an expedited review by the agency of the district's:

(1) Denial of a request made under this section;

(2) Request for an extension of time to begin operation of a video camera under Subsection (l)(3) or (5); or

(3) Determination to not release a video recording to a person described by Subsection (i).

(n) If a school district, parent, staff member, or administrator requests an expedited review under Subsection (m), the agency shall notify all other interested parties of the request.

(o) If an expedited review has been requested under Subsection (m), the agency shall issue a preliminary judgment as to whether the district is likely to prevail on the issue under a full review by the agency. If the agency determines that the district is not likely to prevail, the district must fully comply with this section notwithstanding an appeal of the agency's decision. The agency shall notify the requestor and the district, if the district is not the requestor, of the agency's determination.

(p) The commissioner:

(1) Shall adopt rules relating to the expedited review process under Subsections (m), (n), and (o), including standards for making a determination under Subsection (o); and

(2) May adopt rules relating to an expedited review process under Subsections (m), (n), and (o) for an open-enrollment charter school.

(q) The agency shall collect data relating to requests made under this section and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

(r) A video recording under this section is a governmental record only for purposes of Section 37.10, Penal Code.

(s) This section applies to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

(t) A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

(u) In this section:
(1) "Parent" includes a guardian or other person standing in parental relation to a student.
(2) "School business day" means a day that campus or school district administrative offices are open.
(3) "Self-contained classroom" does not include a classroom that is a resource room instructional arrangement under Section 42.151.
(4) "Staff member" means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.
(5) "Time-out" has the meaning assigned by Section 37.0021.

§ 37.022. Notice of disciplinary action.
(b) If a district or school takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the governing body of the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

§ 37.084. Interagency sharing of records.
(a) A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Section 58.0051, Family Code.
(b) The commissioner may enter into an interagency agreement to share educational information for research and analytical purposes with the:
   (1) Texas Juvenile Justice Department; and
   (2) Texas Department of Criminal Justice.
(c) This section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

REGULATIONS
No relevant regulations found.

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

LAWS

§ 11.252. District level planning and decision making.
(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Sections 39.053(c)(1)-(4). The district improvement plan must include provisions for:
   (1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;
(2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) Strategies for improvement of student performance that include:
   (A) Instructional methods for addressing the needs of student groups not achieving their full potential;
   (B) Methods for addressing the needs of students for special programs, including:
      (i) Suicide prevention programs, in accordance with Subchapter G, Chapter 38, which include a parental or guardian notification procedure;
      (ii) Conflict resolution programs
      (iii) Violence prevention programs; and
      (iv) Dyslexia treatment programs;
   (C) Dropout reduction;
   (D) Integration of technology in instructional and administrative programs;
   (E) Positive behavior interventions and support;
   (F) Staff development for professional staff of the district;
   (G) Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and
   (H) Accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
   (A) Higher education admissions and financial aid opportunities;
   (B) The TEXAS grant program and the Teach for Texas grant program established under Chapter 56;
   (C) The need for students to make informed curriculum choices to be prepared for success beyond high school; and
   (D) Sources of information on higher education admissions and financial aid;

(5) Resources needed to implement identified strategies;

(6) Staff responsible for ensuring the accomplishment of each strategy;

(7) Timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance;

(9) The policy under Section 38.0041 addressing sexual abuse and other maltreatment of children; and

(10) The trauma-informed care policy required under Section 38.036.

(b) A district's plan for the improvement of student performance is not filed with the agency, but the district must make the plan available to the agency on request.

(c) In a district that has only one campus, the district- and campus-level committees may be one committee and the district and campus plans may be one plan.

(d) At least every two years, each district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision-making and planning to ensure that they are effectively structured to positively impact student performance.
(e) The district-level committee established under Section 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from the agency for the purpose of discussing the performance of the district and the district performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. This section does not create a new cause of action or require collective bargaining.

(f) A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program.

§ 30.106. Reading and behavior plan.

(a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Juvenile Justice Department shall not only fulfill the department's duties under state and federal law to provide general and special educational services to students in department educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(c) To increase the positive social behaviors of students in department educational programs and to create an educational environment that facilitates learning, the department shall:

(3) Adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the following criteria:

(A) Documentation of school-related disciplinary referrals, disaggregated by the type, location, and time of infraction and by subgroups designated under department rule;

(B) Documentation of school-related disciplinary actions, including time-out, placement in security, and use of restraints and other aversive control measures, disaggregated by subgroups designated under department rule;

(C) Validated measurement of systemic positive behavioral support interventions; and

(D) The number of minutes students are out of the regular classroom because of disciplinary reasons.

(d) The department shall consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

REGULATIONS

19 TAC 89.1053. Procedures for use of restraint and time-out.

(e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must implement the following documentation requirements.

(1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

(2) On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint.

(3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.

(4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review,
and dismissal (ARD) committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).

(5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must include the following:

(A) Name of the student;
(B) Name of the staff member(s) administering the restraint;
(C) Date of the restraint and the time the restraint began and ended;
(D) Location of the restraint;
(E) Nature of the restraint;
(F) A description of the activity in which the student was engaged immediately preceding the use of restraint;
(G) The behavior that prompted the restraint;
(H) The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
(I) Information documenting parent contact and notification.

(i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

(k) Data reporting. With the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency (TEA) in accordance with reporting standards specified by the TEA.

(l) Peace officers. The provisions adopted under this section apply to a peace officer only if the peace officer is employed or commissioned by the school district or provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the school district and a local law enforcement agency, except that the data reporting requirements in subsection (k) of this section apply to the use of restraint by any peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity.

19 TAC 100.1211. Students.

(d) Data reporting. A charter holder shall report timely and accurate information required by the commissioner of education to the Texas Education Agency, except as expressly waived by the commissioner.

19 TAC 103.1201. Standards for the operation of school district disciplinary alternative education programs.

(a) A disciplinary alternative education program (DAEP) established in conformance with the Tex. Educ. Code (TEC), § 37.008, and this section is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.

(b) Each school district participating in a shared services arrangement (SSA) for DAEP services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus required by the TEC, § 11.251 and § 11.252, include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:
(1) Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;

(2) Attendance rates;

(3) Pre- and post-assessment results;

(4) Dropout rates;

(5) Graduation rates; and

(6) Recidivism rates [...]

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

Authority and power to implement school arrest

LAWS

§ 25.091. Powers and duties of peace officers and other attendance officers.
(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:
(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:
   (6) At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.
(b-1) A peace officer who has probable cause to believe that a child is in violation of the compulsory school attendance law under Section 25.085 may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

§ 2.127. School marshals.
(a) Except as provided by Subsection (b), a school marshal may:
   (1) Make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by:
      (A) The board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;
      (B) The governing body of a private school under Section 37.0813, Education Code; or
      (C) The governing board of a public junior college under Section 51.220, Education Code; and
   (2) Only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.
(a-1) In this section, "private school" means a school that:
   (1) Offers a course of instruction for students in one or more grades from prekindergarten through grade 12;
   (2) Is not operated by a governmental entity; and
   (3) Is not a school whose students meet the definition provided by Section 29.916(a)(1), Education Code.
(b) A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(c) A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

(d) A person may not serve as a school marshal unless the person is:

(1) Licensed under Section 1701.260, Occupations Code; and

(2) Appointed by:

(A) The board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(B) The governing body of a private school under Section 37.0813, Education Code; or

(C) The governing board of a public junior college under Section 51.220, Education Code.

§ 37.0812. Training policy: School district peace officers and school resource officers.

(a) A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement.

(b) A school district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

§ 1701.001. Definitions

In this chapter:

(8) "School marshal" means a person who:

(A) Is appointed to serve as a school marshal by:

(i) The board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(ii) The governing body of a private school under Section 37.0813, Education Code; or

(iii) The governing board of a public junior college under Section 51.220, Education Code;

(B) Is licensed under Section 1701.260; and

(C) Has powers and duties described by Article 2.127, Code of Criminal Procedure.

§ 1701.260. Training for holders of license to carry a handgun; Certification of eligibility for appointment as school marshal.

(a) The commission shall establish and maintain a training program open to any employee of a school district, open-enrollment charter school, private school, or public junior college who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(a-1) In this section, "private school" has the meaning assigned by Article 2.127, Code of Criminal Procedure.

(b) The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(c) The training program shall include 80 hours of instruction designed to:

(1) Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;
(2) Educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) Introduce the trainee to effective law enforcement strategies and techniques;

(4) Improve the trainee's proficiency with a handgun; and

(5) Enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the examination indicate that the trainee is psychologically fit to carry out those duties.

(e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of a school marshal license a reasonable fee to cover the cost to the commission of renewing the person's license.

(f) The commission shall license a person who is eligible for appointment as a school marshal who:

(1) Completes training under this section to the satisfaction of the commission staff; and

(2) Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.

(g) A person's license under this section expires on the first birthday of the person occurring after the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on the person's birth date, two years after the expiration of the previous license.

(h) A person may renew the school marshal license under this section by:

(1) Successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;

(2) Demonstrating appropriate knowledge on an examination designed and administered by the commission;

(3) Demonstrating handgun proficiency to the satisfaction of the commission staff; and

(4) Demonstrating psychological fitness on the examination described in Subsection (d).

(i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) Furnishing proof to the commission that the person's handgun license has been reinstated; and

(2) Completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

(j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1) The director of the Department of Public Safety;

(2) The person's employer, if the person is employed by a school district, open-enrollment charter school, private school, or public junior college;

(3) The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a school district, open-enrollment charter school, private school, or public junior college located within a municipality;
(4) The sheriff of the county if the person is employed at a campus of a school district, open-enrollment charter school, private school, or public junior college that is not located within a municipality; and

(5) The chief administrator of any peace officer commissioned under Section 37.081 or 51.203, Education Code, if the person is employed at a school district or public junior college that has commissioned a peace officer under either section.

(k) The commission shall immediately report the expiration or revocation of a school marshal license to the persons listed in Subsection (j).

(l) All information collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

§ 1701.262. Training for school district peace officers and school resource officers.

(a) In this section:

(1) "Center" means the Texas School Safety Center at Texas State University.

(2) "Institute" means an institute dedicated to providing training to law enforcement and the development of law enforcement policies, such as the Law Enforcement Management Institute of Texas at Sam Houston State University or the Caruth Police Institute.

(3) "School district peace officer" means a peace officer commissioned under Section 37.081, Education Code.

(4) “School resource officer” has the meaning assigned by Section 1701.601.

(b) The commission, in consultation with an institute or the center, shall create, adopt, and distribute a model training curriculum for school district peace officers and school resource officers.

(c) The curriculum developed under this section must incorporate learning objectives regarding:

(1) Child and adolescent development and psychology;

(2) Positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques;

(3) De-escalation techniques and techniques for limiting the use of force, including the use of physical, mechanical, and chemical restraints;

(4) The mental and behavioral health needs of children with disabilities or special needs; and

(5) Mental health crisis intervention.

(d) Before adopting and distributing any curriculum under this section, the commission shall provide a 30-day period for public comment.

(e) The commission shall provide the curriculum developed under this section and any supplemental education materials created for the curriculum to:

(1) School district police departments;

(2) Law enforcement agencies that place peace officers in a school as school resource officers under a memorandum of understanding; and

(3) Any entity that provides training to school district peace officers or school resource officers.

(f) The commission shall review curriculum developed and adopted under this section and update subject matter contained in the curriculum as needed at least once every four years.

§ 1701.263. Education and training program for school district peace officers and school resource officers.

(a) In this section:

(1) “School district peace officer” has the meaning assigned by Section 1701.262.
(2) "School resource officer" has the meaning assigned by Section 1701.601.

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district to successfully complete an education and training program described by this section before or within 180 days of the officer's commission by or placement in the district or a campus of the district. The program must:

1. Consist of at least 16 hours of training;
2. Be approved by the commission; and
3. Provide training in accordance with the curriculum developed under Section 1701.262 in each subject area listed in Subsection (c) of that section.

(b-1) Notwithstanding Subsection (b) or a rule adopted under that section, a school district peace officer or school resource officer is not required to successfully complete the education and training program required by this section if the officer has successfully completed the advanced training course conducted by the National Association of School Resource Officers or a training course equivalent to that advanced training course, as determined by the commission.

(c) The education and training program required under this section may not require a peace officer to pass an examination, except that the commission shall administer an examination to qualify officers to provide the education and training to other officers. The examination to qualify officers to provide the education and training must test the officer's knowledge and recognition of the subject areas listed in Section 1701.262(c).

(d) The commission shall issue a professional achievement or proficiency certificate to a peace officer who completes the education and training program under this section.

§ 1701.301. License required.
Except as provided by Sections 1701.310, 1701.311, and 1701.405, a person may not appoint or employ a person to serve as an officer, county jailer, school marshal, public security officer, or telecommunicator unless the person holds an appropriate license issued by the commission.

§ 1701.601. Definition.
In this subchapter, "school resource officer" means a peace officer who is assigned by the officer's employing political subdivision to provide:

1. A police presence at a public school;
2. Safety or drug education to students of a public school; or
3. Other similar services.

§ 1701.602. License required.
A peace officer who is a visiting school resource officer in a public school must be licensed as provided by this chapter.

§ 1701.603. Firearms accident prevention program.
(a) A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident prevention program, as determined by the school district.

(b) A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle Gun Safe Program, including animated videos and activity books.
REGULATIONS

37 TAC 221.43. School-Based law enforcement proficiency certificate.
(a) To qualify for a school-based law enforcement proficiency certificate, an applicant must complete a course approved by the commission under Texas Occupations Code § 1701.262.
(b) School district peace officers and school resource officers providing law enforcement at a school district with an enrollment of 30,000 or more students must obtain a school-based law enforcement proficiency certificate within 120 days of the officer's commission or placement in the district or campus of the district.
(c) The effective date of this section is February 1, 2016.

MOUs, authorization, and/or funding

LAWS

§ 2.127. School marshals.
(a) Except as provided by Subsection (b), a school marshal may:
   (1) Make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by:
      (A) The board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;
      (B) The governing body of a private school under Section 37.0813, Education Code; or
      (C) The governing board of a public junior college under Section 51.220, Education Code; and
   (2) Only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.
   (a-1) In this section, "private school" means a school that:
      (1) Offers a course of instruction for students in one or more grades from prekindergarten through grade 12;
      (2) Is not operated by a governmental entity; and
      (3) Is not a school whose students meet the definition provided by Section 29.916(a)(1), Education Code.
   (b) A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.
   (c) A school marshal is not entitled to state benefits normally provided by the state to a peace officer.
   (d) A person may not serve as a school marshal unless the person is:
      (1) Licensed under Section 1701.260, Occupations Code; and
      (2) Appointed by:
         (A) The board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;
         (B) The governing body of a private school under Section 37.0813, Education Code; or
         (C) The governing board of a public junior college under Section 51.220, Education Code.

§ 25.088. School attendance officer.
The school attendance officer may be selected by:
(1) The county school trustees of any county;
(2) The board of trustees of any school district or the boards of trustees of two or more school districts jointly; or
(3) The governing body of an open-enrollment charter school.

§ 25.089. Compensation of attendance officer; Dual service.
(a) An attendance officer may be compensated from the funds of the county, independent school district, or open-enrollment charter school, as applicable.
(b) An attendance officer may be the probation officer or an officer of the juvenile court of the county.

§ 25.090. Attendance officer not selected.
(a) In those counties and independent school districts where an attendance officer has not been selected, the duties of attendance officer shall be performed by the school superintendents and peace officers of the counties and districts.
(b) If the governing body of an open-enrollment charter school has not selected an attendance officer, the duties of attendance officer shall be performed by the peace officers of the county in which the school is located.
(c) Additional compensation may not be paid for services performed under this section.

§ 25.091. Powers and duties of peace officers and other attendance officers.
(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:
(1) To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;
(2) To enforce compulsory school attendance requirements by:
   (A) Applying truancy prevention measures adopted under Section 25.0915 to the student; and
   (B) If the truancy prevention measures fail to meaningfully address the student's conduct:
      (i) Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Section 65.003(a), Family Code; or
      (ii) Filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;
(3) To serve court-ordered legal process;
(4) To review school attendance records for compliance by each student investigated by the officer;
(5) To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record; and
(6) To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.
(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:
(1) To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
(2) To enforce compulsory school attendance requirements by:
   (A) Applying truancy prevention measures adopted under Section 25.0915 to the student; and
   (B) If the truancy prevention measures fail to meaningfully address the student's conduct:
       (i) Referring the student to a truancy court if the student has unexcused absences for the amount of
ten time specified under Section 65.003(a), Family Code; and
       (ii) Filing a complaint in a county, justice, or municipal court against a parent who violates Section
           25.093;
(3) To monitor school attendance compliance by each student investigated by the officer;
(4) To maintain an investigative record on each compulsory school attendance requirement violation
and related court action and, at the request of a court, the board of trustees of a school district, or the
commissioner, to provide a record to the individual or entity requesting the record;
(5) To make a home visit or otherwise contact the parent of a student who is in violation of compulsory
school attendance requirements, except that the attendance officer may not enter a residence without
permission of the parent or of the owner or tenant of the residence; and
(6) At the request of a parent, to escort a student from any location to a school campus to ensure the
student's compliance with compulsory school attendance requirements.

(b-1) A peace officer who has probable cause to believe that a child is in violation of the compulsory
school attendance law under Section 25.085 may take the child into custody for the purpose of returning
the child to the school campus of the child to ensure the child's compliance with compulsory school
attendance requirements.

(c) In this section:
   (1) "Parent" includes a person standing in parental relation.
   (2) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

§ 25.0915. Truancy prevention measures.
(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or
juvenile case manager to implement the truancy prevention measures required by this section and any
other effective truancy prevention measures as determined by the school district or campus. At least
annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures
with a case manager or other individual designated by a truancy court to provide services to students of
the school district in truancy cases.
(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing
district employee or juvenile case manager to implement the truancy prevention measures required by
this section and any other effective truancy prevention measures as determined by the school district or
campus.

§ 37.0021. Use of confinement, restraint, seclusion, and time-out.
(g) This section and any rules or procedures adopted under this section do not apply to:
   (1) A peace officer performing law enforcement duties, except as provided by Subsection (i);
   (2) Juvenile probation, detention, or corrections personnel; or
   (3) An educational services provider with whom a student is placed by a judicial authority, unless the
       services are provided in an educational program of a school district.
(h) This section and any rules or procedures adopted under this section apply to a peace officer only if the
peace officer:
   (1) Is employed or commissioned by a school district; or
(2) Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency [...] 

§ 37.081. School district peace officers, school resource officers, and security personnel.

(a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel.

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1) Has the powers, privileges, and immunities of peace officers;

(2) May enforce all laws, including municipal ordinances, county ordinances, and state laws; and

(3) May, in accordance with Chapter 52, Family Code, or Article 45.058, Code of Criminal Procedure, take a juvenile into custody; and,

(4) May dispose of cases in accordance with Section 52.03 or 52.031, Family Code.

(c) A school district peace officer may provide assistance to another law enforcement agency. A school district may contract with a political subdivision for the jurisdiction of a school district peace officer to include all territory in the jurisdiction of the political subdivision.

(d) A school district peace officer shall perform administrative and law enforcement duties for the school district as determined by the board of trustees of the school district. Those duties must include protecting:

(1) The safety and welfare of any person in the jurisdiction of the peace officer; and

(2) The property of the school district.

(e) The board of trustees of the district shall determine the scope of the on-duty and off-duty law enforcement activities of school district peace officers. A school district must authorize in writing any off-duty law enforcement activities performed by a school district peace officer.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent. School district police officers shall be supervised by the chief of police of the school district or the chief of police’s designee and shall be licensed by the Texas Commission on Law Enforcement.

(g) A school district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies.

(h) A peace officer assigned to duty and commissioned under this section shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board of trustees, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. The bond may be sued on in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement.

§ 37.0811. School marshals: public schools.

(a) The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than the greater of:
(1) One school marshal per 200 students in average daily attendance per campus; or

(2) For each campus, one school marshal per building of the campus at which students regularly receive classroom instruction.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may select for appointment as a school marshal under this section an applicant who is an employee of the school district or open-enrollment charter school and certified as eligible for appointment under Section 1701.260, Occupations Code. The board of trustees or governing body may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under that section.

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry or possess a handgun on the physical premises of a school, but only:

(1) In the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) At a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

(e) A school marshal may access a handgun under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

(f) A school district or charter school employee's status as a school marshal becomes inactive on:

(1) Expiration of the employee's school marshal license under Section 1701.260, Occupations Code;

(2) Suspension or revocation of the employee's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code;

(3) Termination of the employee's employment with the district or charter school; or

(4) Notice from the board of trustees of the district or the governing body of the charter school that the employee's services as school marshal are no longer required.

(g) The identity of a school marshal appointed under this section is confidential, except as provided by Section 1701.260(j), Occupations Code, and is not subject to a request under Chapter 552, Government Code.

(h) If a parent or guardian of a student enrolled at a school inquires in writing, the school district or open-enrollment charter school shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed a school marshal. The notice may not disclose information that is confidential under Subsection (g).

§ 37.2121. Memoranda of understanding and mutual aid agreements.

(a) The center shall identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety and security.
(b) The center shall develop guidelines regarding memoranda of understanding and mutual aid agreements between school districts and the entities identified in accordance with Subsection (a). The guidelines:

(1) Must include descriptions of the provisions that should customarily be included in each memorandum or agreement with a particular type of entity;

(2) May include sample language for those provisions; and

(3) Must be consistent with the Texas Statewide Mutual Aid System established under Subchapter E-1, Chapter 418, Government Code.

(c) The center shall encourage school districts to enter into memoranda of understanding and mutual aid agreements with entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

(d) Each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security shall, at the center's request, provide the following information to the center:

(1) The name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement;

(2) The effective date of each memorandum or agreement; and

(3) A summary of each memorandum or agreement.

(e) The center shall include information regarding the center's efforts under this section in the report required by Section 37.216.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 21.462. Resources Regarding Students with Mental Health or Substance Abuse Conditions.
The agency, in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for school district or open-enrollment charter school employees regarding working with students with mental health conditions or who engage in substance abuse. The agency must include on the Internet website information about:

1. grief-informed and trauma-informed practices;
2. building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. positive behavior interventions and supports; and
4. a safe and supportive school climate.

§ 37.220. Model threat assessment team policies and procedures.
(a) The center, in coordination with the agency, shall develop model policies and procedures to assist school districts in establishing and training threat assessment teams.
(b) The model policies and procedures developed under Subsection (a) must include procedures, when appropriate, for:

1. the referral of a student to a local mental health authority or health care provider for evaluation or treatment;
2. the referral of a student for a full individual and initial evaluation for special education services under Section 29.004; and
3. a student or school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

§ 38.251. Rubric to identify resources.
(a) The agency shall develop a rubric for use by regional education service centers in identifying resources related to student mental health that are available to schools in their respective regions. The agency shall develop the rubric in conjunction with:

1. the Health and Human Services Commission;
2. the Department of Family and Protective Services;
3. the Texas Juvenile Justice Department;
4. the Texas Higher Education Coordinating Board;
5. the Texas Child Mental Health Care Consortium;
6. the Texas Workforce Commission; and
7. any other state agency the agency considers appropriate.
(b) The rubric developed by the agency must provide for the identification of resources relating to:

1. training and technical assistance on practices that support the mental health of students;
2. school-based programs that provide prevention or intervention services to students;
(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;  
(4) Communities In Schools programs described by Subchapter E, Chapter 33;  
(5) school-based mental health providers; and  
(6) public and private funding sources available to address the mental health of students.

(c) Not later than December 1 of each odd-numbered year, the agency shall revise the rubric as necessary to reflect changes in resources that may be available to schools and provide the rubric to each regional education service center.

§ 38.252. Regional inventory on mental health resources.
(a) Each regional education service center shall use the rubric developed under Section 38.251 to identify resources related to student mental health available to schools in the center's region, including evidence-based and promising programs and best practices, that:

(1) create school environments that support the social, emotional, and academic development of students;  
(2) identify students who may need additional behavioral or mental health support before issues arise;  
(3) provide early, effective interventions to students in need of additional support;  
(4) connect students and their families to specialized services in the school or community when needed; and  
(5) assist schools in aligning resources necessary to address the mental health of students.

(b) A regional education service center may consult with any entity the center considers necessary in identifying resources under Subsection (a), including:

(1) school districts;  
(2) local mental health authorities;  
(3) community mental health services providers;  
(4) education groups;  
(5) hospitals; and  
(6) institutions of higher education.

(c) Not later than March 1 of each even-numbered year, each regional education service center shall:

(1) use the revised rubric received from the agency under Section 38.251 to identify, in the manner provided by this section, any additional resources that may be available to schools in the center's region; and  
(2) submit to the agency a report on resources identified through the process, including any additional resources identified under Subdivision (1).

§ 38.253. Statewide inventory of mental health resources.
(a) The agency shall develop a list of statewide resources available to school districts to address the mental health of students, including:

(1) training and technical assistance on practices that support the mental health of students;  
(2) school-based programs that provide prevention or intervention services to students;  
(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;  
(4) school-based mental health providers; and
(5) public and private funding sources available to address the mental health of students.

(b) In developing the list required under Subsection (a), the agency shall collaborate with:

(1) the Health and Human Services Commission;
(2) the Department of Family and Protective Services;
(3) the Texas Juvenile Justice Department;
(4) the Texas Higher Education Coordinating Board;
(5) the Texas Child Mental Health Care Consortium;
(6) the Texas Workforce Commission;
(7) one or more representatives of Communities In Schools programs described by Subchapter E, Chapter 33, who are designated by the Communities In Schools State Office;
(8) hospitals or other health care providers;
(9) community service providers;
(10) parent, educator, and advocacy groups; and
(11) any entity the agency determines can assist the agency in compiling the list.

(c) The agency shall include on the list any resource available through an entity identified as a resource under Subsection (b), including an entity described by Subsection (b), that provides evidence-based and promising programs and best practices that:

(1) create school environments that support the social, emotional, and academic development of students;
(2) identify students who may need additional behavioral or mental health support before issues arise;
(3) provide early, effective interventions to students in need of additional support; and
(4) connect students and their families to specialized services in the school or community when needed.

(d) The agency shall revise the list not later than March 1 of each even-numbered year.

§ 38.254. Statewide plan for student mental health.

(a) The agency shall develop a statewide plan to ensure all students have access to adequate mental health resources. The agency shall include in the plan:

(1) a description of any revisions made to the rubric required by Section 38.251;
(2) the results of the most recent regional inventory of mental health resources required by Section 38.252, including any additional resources identified;
(3) the results of the most recent statewide inventory of mental health resources required by Section 38.253, including any additional resources identified;
(4) the agency’s goals for student mental health access to be applied across the state, including goals relating to:
   (A) methods to objectively measure positive school climate;
   (B) increasing the availability of early, effective school-based or school-connected mental health interventions and resources for students in need of additional support; and
   (C) increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school;
(5) a list of actions the commissioner may take without legislative action to help all districts reach the agency’s goals described by the plan; and
(6) recommendations to the legislature on methods to ensure that all districts can meet the agency's goals described in the plan through legislative appropriations or other action by the legislature.
(b) In developing the agency’s goals under Subsection (a)(4), the agency shall consult with any person the agency believes is necessary to the development of the goals, including:

(1) educators;
(2) mental health practitioners;
(3) advocacy groups; and
(4) parents.

c) The agency shall revise the plan not later than April 1 of each even-numbered year.

d) As soon as practicable after completing or revising the plan, the agency shall:

(1) submit an electronic copy of the plan to the legislature;
(2) post the plan on the agency’s Internet website; and
(3) hold public meetings in each regional education service center’s region to present the statewide plan and shall provide an opportunity for public comment at each meeting.

§ 38.255. Agency use of statewide plan.

(a) The agency shall use the statewide plan for student mental health required by Section 38.254 to develop and revise the agency’s long-term strategic plan.

(b) The agency shall use the recommendations to the legislature required by Section 38.254(a)(6) to develop each agency legislative appropriations request.

§ 38.256. Reports to legislature.

In addition to any other information required to be provided to the legislature under this chapter, not later than November 1 of each even-numbered year the agency shall provide to the legislature:

(1) a description of any changes the agency has made to the rubric required by Section 38.251; and
(2) an analysis of each region’s progress toward meeting the agency’s goals developed under Section 38.254.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

§ 38.351. Mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

(g) The department may accept donations for purposes of this section from sources without a conflict of interest. The department may not accept donations for purposes of this section from an anonymous source.

§ 42.168. School safety allotment.

(a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:
(A) improvements to school infrastructure;
(B) the use or installation of physical barriers; and
(C) the purchase and maintenance of:
   (i) security cameras or other security equipment; and
   (ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:
   (A) employing school district peace officers, private security officers, and school marshals; and
   (B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security training and planning, including:
   (A) active shooter and emergency response training;
   (B) prevention and treatment programs relating to addressing adverse childhood experiences; and
   (C) the prevention, identification, and management of emergencies and threats, including:
      (i) providing mental health personnel and support;
      (ii) providing behavioral health services; and
      (iii) establishing threat reporting systems; and

(4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.

(e) The commissioner may adopt rules to implement this section.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

§ 22.0512. Immunity from disciplinary proceedings for professional employees.
(a) A professional employee of a school district may not be subject to disciplinary proceedings for the employee’s use of physical force against a student to the extent justified under Section 9.62, Penal Code.
(b) In this section, “disciplinary proceeding” means:
   (1) an action brought by the school district employing a professional employee of a school district to discharge or suspend the employee or terminate or not renew the employee’s term contract; or
   (2) an action brought by the State Board for Educator Certification to enforce the educator’s code of ethics adopted under Section 21.041(b)(8).
(c) This section does not prohibit a school district from:
   (1) enforcing a policy relating to corporal punishment; or
   (2) notwithstanding Subsection (a), bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment.

§ 37.010. Court involvement.
(h) A person is not liable in civil damages for a referral to juvenile court as required by this section.

§ 37.015. Reports to local law enforcement; Liability.
(f) A person is not liable in civil damages for reporting in good faith as required by this section.

A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property:
   (1) Marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;
   (2) A dangerous drug, as defined by Chapter 483, Health and Safety Code;
   (3) An abusable glue or aerosol paint, as defined by Chapter 485, Health and Safety Code, or a volatile chemical, as listed in Chapter 484, Health and Safety Code, if the substance is used or sold for the purpose of inhaling its fumes or vapors; or
   (4) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

§ 37.019. Emergency placement or expulsion.
(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

§ 37.155. Immunity from prosecution or civil liability.
(a) In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.
(b) Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

1. reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution’s investigation of the incident; and
2. as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.

(c) Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) A person is not immune under Subsection (b) if the person:

1. reports the person’s own act of hazing; or
2. reports an incident of hazing in bad faith or with malice.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

§ 11.252. District level planning and decision making.
(e) The district-level committee established under Section 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from the agency for the purpose of discussing the performance of the district and the district performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. This section does not create a new cause of action or require collective bargaining.

(f) A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program.

§ 28.004. Local school health advisory council and health education instruction.
(a) The board of trustees of each school district shall establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district’s health education instruction.

(b) A school district must consider the recommendations of the local school health advisory council before changing the district’s health education curriculum or instruction.

(c) The local school health advisory council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns through coordination of:
   A. Health education;
   B. Physical education and physical activity;
(C) Nutrition services;
(D) Parental involvement;
(E) Instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;
(F) School health services;
(G) Counseling and guidance services;
(H) A safe and healthy school environment; and
(I) School employee wellness;

(3) Appropriate grade levels and methods of instruction for human sexuality instruction;

(4) Strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:
   (A) School health services;
   (B) Counseling and guidance services;
   (C) A safe and healthy school environment; and
   (D) School employee wellness; and

(5) If feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies.

(d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:
   (1) Public school teachers;
   (2) Public school administrators;
   (3) District students;
   (4) Health care professionals;
   (5) The business community;
   (6) Law enforcement;
   (7) Senior citizens;
   (8) The clergy;
   (9) Nonprofit health organizations; and
   (10) Local domestic violence programs.

(d-1) The local school health advisory council shall meet at least four times each year.

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:
   (1) Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
   (2) Devote more attention to abstinence from sexual activity than to any other behavior;
   (3) Emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection
with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;

(4) Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and

(5) Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

(f) A school district may not distribute condoms in connection with instruction relating to human sexuality.

(g) A school district that provides human sexuality instruction may separate students according to sex for instructional purposes.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with Subsections (e), (f), and (g).

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;

(2) A statement of the parent's right to:
   
   (A) Review curriculum materials as provided by Subsection (j); and
   
   (B) Remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(3) Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of Subsection (i).

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available for reasonable public inspection.

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

(1) A statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(l);

(2) A statement of:

   (A) The number of times during the preceding year the district's school health advisory council has met;

   (B) Whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

   (C) Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Section 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities; and
(3) A statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year.

(i) The local school health advisory council shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The council must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The council shall ensure that local community values are reflected in any policy recommendation made to the district under this subsection.

(l-1) The local school health advisory council shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students.

(m) In addition to performing other duties, the local school health advisory council shall submit to the board of trustees, at least annually, a written report that includes:

(1) Any council recommendation concerning the school district's health education curriculum and instruction or related matters that the council has not previously submitted to the board;

(2) Any suggested modification to a council recommendation previously submitted to the board;

(3) A detailed explanation of the council's activities during the period between the date of the current report and the date of the last prior written report; and

(4) Any recommendations made by the physical activity and fitness planning subcommittee.

(n) Any joint use agreement that a school district and community organization or agency enter into based on a recommendation of the local school health advisory council under Subsection (c)(5) must address liability for the school district and community organization or agency in the agreement.

§ 30.106. Reading and behavior plan.

(a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Juvenile Justice Department shall not only fulfill the department's duties under state and federal law to provide general and special educational services to students in department educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(d) The department shall consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

§ 37.144. Graduated sanctions for certain school offenses.

(a) A school district that commissions peace officers under Section 37.081 may develop a system of graduated sanctions that the school district may require to be imposed on a child before a complaint is filed under Section 37.145 against the child for a school offense that is an offense under Section 37.124 or 37.126 or under Section 42.01(a)(1), (2), (3), (4), or (5), Penal Code. A system adopted under this section must include multiple graduated sanctions. The system may require:

(4) The referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the child's behavioral problems.

§ 37.217. Community education relating to Internet safety.

(a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(1) The potential dangers of allowing personal information to appear on an Internet website;

(2) The manner in which to report an inappropriate online solicitation; and
(3) The prevention, detection, and reporting of bullying or threats occurring over the Internet.

(b) In developing the program, the center shall:

(1) Solicit input from interested stakeholders; and
(2) To the extent practicable, draw from existing resources and programs.

(c) The center shall make the program available to public schools.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

§ 37.0012. Designation of campus behavior coordinator.
(a) A person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

(b) The campus behavior coordinator is primarily responsible for maintaining student discipline and the implementation of this subchapter.

(c) Except as provided by this chapter, the specific duties of the campus behavior coordinator may be established by campus or district policy. Unless otherwise provided by campus or district policy:

(1) A duty imposed on a campus principal or other campus administrator under this subchapter shall be performed by the campus behavior coordinator; and
(2) A power granted to a campus principal or other campus administrator under this subchapter may be exercised by the campus behavior coordinator.

(d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

(1) Promptly contacting the parent or guardian by telephone or in person; and
(2) Making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

(e) If a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

(f) If a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d), the principal or other designee shall provide the notice.

(a) A school administrator, school resource officer, or school district peace officer of a school district may refuse to allow a person to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

(1) The person poses a substantial risk of harm to any person; or
(2) The person behaves in a manner that is inappropriate for a school setting and:

(A) the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and

(B) The person persists in that behavior.

(b) Identification may be required of any person on the property.

(c) Each school district shall maintain a record of each verbal warning issued under Subsection (a)(2)(A), including the name of the person to whom the warning was issued and the date of issuance.

(d) At the time a person is refused entry to or ejected from a school district's property under this section, the district shall provide to the person written information explaining the appeal process established under Subsection (h).

(e) If a parent or guardian of a child enrolled in a school district is refused entry to the district's property under this section, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

(f) The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

(g) A school district shall post on the district's Internet website and each district campus shall post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process established under Subsection (h).

(h) The commissioner shall adopt rules to implement this section, including rules establishing a process for a person to appeal to the board of trustees of the school district the decision under Subsection (a) to refuse the person's entry to or eject the person from the district's property.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Texas provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

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<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>Coordinated School Health - Bullying and</td>
<td>Defines bullying and cyberbullying and provides links to laws and resources</td>
<td><a href="https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Coordinated_School_Health/Coordinated_School_Health_-_Bullying_and_Cyberbullying/">https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Coordinated_School_Health/Coordinated_School_Health_-_Bullying_and_Cyberbullying/</a></td>
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<td>Cyberbullying, Texas Education Agency (TEA)</td>
<td>related to bullying and cyberbullying.</td>
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<tr>
<td>Healthy and Safe School Environment of the</td>
<td>Provides an overview on health and safe school environment of the</td>
<td><a href="http://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Coordinated_School_Health/Healthy_and_Safe_School_Environment_of_the_Coordinated_School_Health_Model">http://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Coordinated_School_Health/Healthy_and_Safe_School_Environment_of_the_Coordinated_School_Health_Model</a></td>
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<tr>
<td>Coordinated School Health Model, TEA</td>
<td>coordinated school health model and links to laws and resources related to</td>
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<td>health and safety including bullying and school climate.</td>
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<tr>
<td>Restorative Discipline Practices in Texas,</td>
<td>Provides an overview on restorative discipline practices with definitions,</td>
<td><a href="https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Restorative_Discipline_Practices_in_Texas">https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Restorative_Discipline_Practices_in_Texas</a></td>
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<tr>
<td>TEA</td>
<td>data collections tools, lesson plans, and training sessions.</td>
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<tr>
<td>School Safety, TEA</td>
<td>Addresses school safety in Texas schools and provides an overview on</td>
<td><a href="https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools">https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools</a></td>
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<tr>
<td></td>
<td>Senate Bill 11 including links to related topics such as restorative</td>
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<td>discipline practices.</td>
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<tr>
<td>Texas School Safety Center</td>
<td>Serves as a central location for school safety information providing schools</td>
<td><a href="https://txssc.txstate.edu/">https://txssc.txstate.edu/</a></td>
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<tr>
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<td>with research, training, and technical support relating to school safety.</td>
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Documents

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<tr>
<th>Title</th>
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<tr>
<td>Chapter 37-Safe Schools, TEA</td>
<td>Chapter 37 - Discipline, Law, and Order in Texas Education Code establishes the statutes related to student discipline, law and order in public schools. Individual school districts write and enforce student disciplinary policies that comply with the statutes.</td>
<td><a href="https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Chapter_37_-_Safe_Schools">https://tea.texas.gov/Texas_Schools/Safe_and_Healthy_Schools/Chapter_37_-_Safe_Schools</a></td>
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**Other Resources**

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<th>Title</th>
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<tbody>
<tr>
<td>Discipline Action Group Summary-State, TEA</td>
<td>Summary provides counts of students and discipline actions by student categories and discipline action groups</td>
<td><a href="https://rptsrv1.tea.texas.gov/adhocrt/Disciplinary_Data_Products/DAG_Summaries/Download_State_DAG_Summaries.html">https://rptsrv1.tea.texas.gov/adhocrt/Disciplinary_Data_Products/DAG_Summaries/Download_State_DAG_Summaries.html</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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LAWS

§ 53G-4-402. Powers and duties generally.
(15)(a) A local school board shall make and enforce policies necessary for the control and management of the district schools.
(b) Local school board policies shall be in writing, filed, and referenced for public access.

(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.
(2)(a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.
(b) A district or charter school shall base its policies on the principle that every student is expected:
   (i) to follow accepted standards of conduct; and
   (ii) to show respect for other people and to obey persons in authority at the school.
(c)(i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
   (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

§ 53G-8-203. Conduct and discipline policies and procedures.
(1) The conduct and discipline policies required under Section 53G-8-202 shall include:
   (a) provisions governing student conduct, safety, and welfare;
   (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
   (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
   (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
(e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

(i) the school;
(ii) school property;
(iii) a person associated with the school; or
(iv) property associated with a person described in Subsection (1)(e)(iii);

(f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;

(g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;

(h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and

(i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(2)(a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.

(b)(i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.

(ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.

(c) The policy described in Subsection (2)(a) shall provide for:

(i) notice to the parent of a student prior to holding the student after school on a particular day; and

(ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

§ 53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled substances - Rulemaking authority - Assistance from the Division of Substance Abuse and Mental Health.

(1) The state board shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:

(a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;

(b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and

(c) discouraging the use of alcohol, tobacco, and controlled substances.

REGULATIONS

R277-606-1. Authority and purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Section 53A-15-1903, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program;
(c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:
(a) develop policies related to an LEA's dropout prevention and recovery program; and
(b) set reporting requirements for LEAs with a dropout prevention and recovery program.

R277-609-1. Authority and purpose.
(1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
(c) Subsection 53A-1-402(1)(b), which requires the Board to establish rules concerning discipline and control;
(d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;
(e) Section 53A-11-1603, which requires the Board to adopt rules regarding training programs for school principals and school resource officers; and
(f) Section 53A-11-901, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

(2)(a) The purpose of this rule is to outline requirements for school discipline plans and policies.
(b) An LEA's written policies shall include provisions to develop, implement, and monitor the policies for the use of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.

R277-613-1. Authority and purpose.
(1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
(b) Subsection 53E-3-401(4)(a) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of the rule is to:
(a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;
(b) require for regular and meaningful training of school employees and students;
(c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; and
(d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.

R277-615-2. Authority and purpose.
A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53G-8-509 that directs the Board and LEAs to
adopt rules to protect students against unreasonable and excessive intrusion of personal rights and privacy on school property or at school-sponsored activities, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to direct LEAs to adopt rules or policies or both to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

R277-709-1. Authority and purpose.

(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board;
   (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
   (c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in custody.

(2) The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs.

Scope

LAWS

§ 53G-8-203. Conduct and discipline policies and procedures.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:
   (a) provisions governing student conduct, safety, and welfare;
   (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
   (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
   (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
   (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
      (i) the school;
      (ii) school property;
      (iii) a person associated with the school; or
      (iv) property associated with a person described in Subsection (1)(e)(iii);
   (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
   (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
   (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
(i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(2)(a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.

(b)(i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.

(ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.

(c) The policy described in Subsection (2)(a) shall provide for:

(i) notice to the parent of a student prior to holding the student after school on a particular day; and

(ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

§ 53G-8-602. Possession or consumption of alcoholic beverages at school or school-sponsored activities - Penalty.

(1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:

(a) inside or on the grounds of any building owned or operated by a part of the public education system; or

(b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.

(2)(a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.

(b)(i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.

(ii) The property may not be used for school purposes at any time during the lease period.

(3) Violation of this section is a class B misdemeanor.

REGULATIONS

R277-613-4. LEA responsibility to create or update bullying policies.

(3) Subject to the parental consent requirements of Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

Communication of policy

LAWS

§ 53G-4-402. Powers and duties generally.

(15)(a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

(b) Local school board policies shall be in writing, filed, and referenced for public access.

§ 53G-8-204. Suspension and expulsion procedures - Notice to parents - Distribution of policies.

(1)(a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.
(b)(i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board.

(2)(a) Each local school board or charter school governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

§ 53G-9-605. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(4) A copy of a policy shall be:

(a) included in student conduct handbooks;

(b) included in employee handbooks; and

(c) provided to a parent of a student enrolled in the charter school or school district.

REGULATIONS

R277-609-4. LEA responsibility to develop plans.

(3) A plan described in Subsection (1) shall include:

(u) provisions that account for an individual LEA's or school's unique needs or circumstances, including:

(iii) a provision for publication of notice to parents and school employees of policies by reasonable means.

R277-613-4. LEA responsibility to create or update bullying policies.

(1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:

(a) develop, update, and implement policies as required by Subsection 53G-9-605 and this rule, which shall include a prohibition on:

(i) bullying;

(ii) cyber-bullying;

(iii) hazing;

(iv) retaliation; and

(v) making a false report.

(b) post a copy of the LEA's policy on the LEA website;

(c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and

(d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

(1) This rule incorporates by reference the LRBI Technical Assistance Manual, dated September 2015, provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:
   (a) promote positive behaviors while preventing negative or risky behaviors; and
   (b) create a safe learning environment that enhances all student outcomes.
(2) A copy of the manual is located at:
   (a) http://www.schools.utah.gov/sars/Behavior.aspx; and
   (b) the Utah State Board of Education.

R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
   (m) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.
(3) An LEA shall implement positive behavior interventions and supports as part of the LEA's continuum of behavior interventions strategies.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Alternatives to suspension

LAWS

§ 53G-8-207. Alternatives to suspension or expulsion.
(1) Each local school board or charter school governing board shall establish:
   (a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and
   (b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.
(2) If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
(3) The parent of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
(4) The state superintendent, in cooperation with school districts and charter schools, shall:
   (a) research methods of motivating and providing incentives to students that:
      (i) directly and regularly reward or recognize appropriate behavior;
      (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
      (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
   (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
   (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
   (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel;
   (e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and
   (f) maintain data for purposes of accountability, later reporting, and future analysis.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

§ 53G-8-301. Definitions.
As used in this part:
(1) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

(2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

(3) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

(4) "School" means a public or private elementary school, secondary school, or preschool.

(5) "Student" means an individual who is:
   (a) under the age of 19 and receiving educational services; or
   (b) under the age of 23 and receiving educational services as an individual with a disability.

§ 53G-8-302. Prohibition of corporal punishment - Use of reasonable and necessary physical restraint.

(1) A school employee may not inflict or cause the infliction of corporal punishment upon a student.

(2) A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:
   (a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
   (b) protect a student or another individual from physical injury;
   (c) remove from a situation a student who is violent; or
   (d) protect property from being damaged, when physical safety is at risk.

(3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).

(4)(a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

   (b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

(5) A parochial or private school that does not receive state funds to provide for the education of a student may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents of students in the school of the exemption.

(6) This section does not apply to a law enforcement officer as defined in Section 53G-13-103.


(1)(a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

   (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.

(2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.

(3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.
§ 53G-8-304. Liability.
(1)(a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.
   (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.
(2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

§ 53G-8-305. Exception.
Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53E-7-204 is excepted from this part.

REGULATIONS

R277-608-1. Definitions.
A. "Board" means the Utah State Board of Education.
B. "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.
C. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and the Utah Schools for the Deaf and the Blind.
D. "USOE" means the Utah State Office of Education.

R277-608-2. Authority and purpose.
A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities and Sections 53G-8-301 through 53G-8-305 which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.
B. The purpose of this rule is to direct LEAs to have policies in place that prohibit corporal punishment consistent with the law.

R277-608-3. Reporting requirements.
A. Each LEA shall incorporate in the LEA plan submitted to the USOE annually, the prohibition of corporal punishment consistent with the law.
B. An LEA policy shall incorporate a prohibition of corporal punishment consistent with the law, appropriate sanctions and appeal procedures for LEA employees disciplined under this rule and the corresponding state statute.

R277-608-4. Special education exception(s) to this rule.
LEAs shall have in place, as part of their LEA special education plans, procedures or manuals, criteria and procedures for using appropriate behavior reduction intervention in accordance with state and federal law.

R277-609-5. Physical restraint and seclusionary time out.
(5) An LEA may not use physical restraint as a means of discipline or punishment.
(11) A public education employee may not use seclusionary time out as a means of discipline or punishment.
Use of student and locker searches

LAWS

§ 53G-8-508. Admissibility of evidence in civil and criminal actions.
(1) Evidence relating to violation of Section 53G-8-505, 53G-8-506, 53G-8-507, or 53G-8-509, which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.
(2) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

§ 53G-8-509. Board rules to ensure protection of individual rights.
The state board and LEA governing boards shall adopt rules or policies to implement this part. The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

REGULATIONS

R277-615-1. Definitions.
A. "Board" means the Utah State Board of Education.
C. "Law enforcement authorities" means officers working under the direct supervision and in the employment of police or law enforcement, as opposed to under the supervision of a public education agency. Law enforcement authorities have received police officer training and are acting in that capacity.
D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and the Utah Schools for the Deaf and the Blind.
E. "Reasonable suspicion" means a particularized and objective basis, supported by objective and articulable facts leading the searcher to believe that there is a moderate chance of finding evidence of wrongdoing. Reasonableness considers the totality of the circumstances including such factors as the scope and manner of the intrusion, the justification for the search, the nature of the infraction, the place where the search is conducted, the student's age, history and school record, the prevalence and seriousness of the problem in the school, the exigency requiring the search without delay, the reliability of the information used as a justification for the search, and the school official's prior experience with the student. The search shall be reasonable both in inception of the search and the scope of the search.
F. "School official" means a school superintendent, associate superintendent, school district specialist, school principal or assistant principal or charter school employee who is a director, principal, headmaster, or assistant administrator.
G. "Weapon" means any item capable of causing death or serious bodily injury or a facsimile or representation of the item.

R277-615-2. Authority and Purpose.
A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53G-8-509 that directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights and
privacy on school property or at school-sponsored activities, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to direct LEAs to adopt rules or policies or both to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

A. The Board shall provide consistent definitions for LEAs to include in policies.
B. The Board shall develop a model policy as guidance for LEAs.
C. The Board shall include an assurance for LEAs regarding the student search policy required under Section 53G-8-509 in the Utah Consolidated Report, beginning with the 2012-13 school year.

R277-615-4. LEA responsibilities.
A. LEAs shall develop a policy for searching students for controlled substances as required under Utah law and for weapons before June 30, 2012.
B. LEAs shall include appropriate interested parties in the development of student search policies, including parents, school employees, and licensed school employees.
C. LEA policies shall ensure protection of individual student rights against excessive and unreasonable intrusion.
D. LEAs shall make policies available to parents electronically and in materials provided to parents and students upon enrollment as soon as reasonably possible following adoption of policies.
E. LEAs shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.
(1) A student may be suspended or expelled from a public school for any of the following reasons:
   (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
   (b) willful destruction or defacing of school property;
   (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
   (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
   (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
   (f) possession or use of pornographic material on school property...

§ 53G-8-212. Defacing or injuring school property - Student's liability - Voluntary work program alternative.
(1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.
(2)(a) If a school's property has been lost or willfully cut, defaced, or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages.
   (b) The student's parent is liable for damages as otherwise provided in Section 78A-6-1113.
(3)(a) If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of the payment.
   (b) The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.
(4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.
(5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
(6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, the student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.
REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students[...]

REGULATIONS
No relevant regulations found.
Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.
(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204 (1)[...]

§ 53G-8-206. Delegation of authority to suspend or expel a student - Procedure for suspension - Readmission.
(1)(a) A local school board may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to ten school days.
   (b) A charter school governing board may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to ten school days.
(2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.
(3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.
(4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:
   (a) that the student has been suspended;
   (b) the grounds for the suspension;
   (c) the period of time for which the student is suspended; and
   (d) the time and place for the parent to meet with a designated school official to review the suspension.
   (5)(a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.
   (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:
      (i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or
      (ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.
   (c) A suspension may not extend beyond ten school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

REGULATIONS
No relevant regulations found.
Administrative procedures related to suspension and expulsion

LAWS

§ 53G-8-206. Delegation of authority to suspend or expel a student -Procedure for suspension - Readmission.

(1)(a) A local school board may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to ten school days.

(b) A charter school governing board may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to ten school days.

(2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.

(3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.

(4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:

(a) that the student has been suspended;

(b) the grounds for the suspension;

(c) the period of time for which the student is suspended; and

(d) the time and place for the parent to meet with a designated school official to review the suspension.

(5)(a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.

(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:

(i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

(ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.

(c) A suspension may not extend beyond ten school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

§ 53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board shall establish:
(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.
(2)(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
   (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
   (ii) the superintendent, chief administrator, or designee shall determine:
       (A) what conditions must be met by the student and the student's parent for the student to return to school;
       (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
       (C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students[...]

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months [...]

§ 53G-8-206. Delegation of authority to suspend or expel a student - Procedure for suspension - Readmission.
(5)(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:
   (i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or
   (ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.

REGULATIONS
No relevant regulations found.
Use of restraint and seclusion

LAWS

§ 53G-8-203. Conduct and discipline policies and procedures.
(1) The conduct and discipline policies required under Section 53G-8-202 shall include:

(d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;

§ 53G-8-301. Definitions.
As used in this part:

(1) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

(2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

(3) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

(4) "School" means a public or private elementary school, secondary school, or preschool.

(5) "Student" means an individual who is:

(a) under the age of 19 and receiving educational services; or

(b) under the age of 23 and receiving educational services as an individual with a disability.

§ 53G-8-302. Prohibition of corporal punishment - Use of reasonable and necessary physical restraint.
(1) A school employee may not inflict or cause the infliction of corporal punishment upon a student.

(2) A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

(b) protect a student or another individual from physical injury;

(c) remove from a situation a student who is violent; or

(d) protect property from being damaged, when physical safety is at risk.

(3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).

(4)(a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

(5) A parochial or private school that does not receive state funds to provide for the education of a student may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents of students in the school of the exemption.

(6) This section does not apply to a law enforcement officer as defined in Section 53-13-103.
(1)(a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.
   (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.
(2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.
(3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

§ 53G-8-304. Liability.
(1)(a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.
   (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.
(2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

§ 53G-8-305. Exception.
Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53E-7-204 is excepted from this part.

REGULATIONS

R277-608-2. Authority and purpose.
A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities and Sections 53G-8-301 through 53G-8-305 which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.
B. The purpose of this rule is to direct LEAs to have policies in place that prohibit corporal punishment consistent with the law.

R277-609-1. Authority and purpose.
(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
   (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
   (c) Subsection 53A-1-402(1)(b), which requires the Board to establish rules concerning discipline and control;
   (d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;
(e) Section 53A-11-1603, which requires the Board to adopt rules regarding training programs for school principals and school resource officers; and

(f) Section 53A-11-901, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

(2)(a) The purpose of this rule is to outline requirements for school discipline plans and policies.

(b) An LEA's written policies shall include provisions to develop, implement, and monitor the policies for the use of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.

**R277-609-2. Definitions.**

(1) "Discipline" includes:

(a) imposed discipline; and

(b) self-discipline.

(2) "Disruptive student behavior" includes:

(a) the grounds for suspension or expulsion described in Section 53G-8-205; and

(b) the conduct described in Subsection 53G-8-209 (2)(b).

(3)(a) "Emergency safety intervention" means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others.

(b) An "emergency safety intervention" is not for disciplinary purposes.

(4) "Functional Behavior Assessment" or "FBA" means a systematic process of identifying problem behaviors and the events that reliably predict occurrence and non-occurrence of those behaviors and maintain the behaviors across time.

(5) "Immediate danger" means the imminent danger of physical violence or aggression towards self or others, which is likely to cause serious physical harm.

(6) "Imposed discipline" means a code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives.

(7) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(8) "Physical restraint" means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

(9) "Plan" means an LEA and school-wide written model for prevention and intervention addressing student behavior management and discipline procedures for students.

(10) "Program" means an instructional or behavioral program, including a program:

(a) provided by contract private providers under the direct supervision of public school staff;

(b) that receives public funding; or

(c) for which the Board has regulatory authority.

(11) "Policy" means standards and procedures that include:

(a) the provisions of Section 53A-11-901 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:

(i) defines hazing, bullying, cyber-bullying, and harassment;

(ii) prohibits hazing and bullying;
(iii) requires annual discussion and training designed to prevent hazing, bullying, cyber-bullying, discipline, emergency safety interventions, and harassment among school employees and students; and

(iv) provides for enforcement through employment action or student discipline.

(12) "Qualifying minor" means a school-age minor who:
   (a) is at least nine years old; or
   (b) turns nine years old at any time during the school year.

(13) "School" means any public elementary or secondary school or charter school.

(14) "School board" means:
   (a) a local school board; or
   (b) a local charter board.

(15) "School employee" means:
   (a) a school teacher;
   (b) a school staff member;
   (c) a school administrator; or
   (d) any other person employed, directly or indirectly, by an LEA.

(16) "Seclusionary time out" means that a student is:
   (a) placed in a safe enclosed area by school personnel in accordance with the requirements of Rules R392-200 and R710-4;
   (b) purposefully isolated from adults and peers; and
   (c) prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

(17) "Section 504 accommodation plan," required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(18) "Self-Discipline" means a personal system of organized behavior designed to promote self-interest while contributing to the welfare of others.


(1) This rule incorporates by reference the LRBI Technical Assistance Manual, dated September 2015, provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:
   (a) promote positive behaviors while preventing negative or risky behaviors; and
   (b) create a safe learning environment that enhances all student outcomes.

(2) A copy of the manual is located at:
   (a) http://www.schools.utah.gov/sars/Behavior.aspx; and
   (b) the Utah State Board of Education.

R277-609-4. LEA responsibility to develop plans.

(1) An LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline.
(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation so as to create a community sense of participation, ownership, support, and responsibility.

(3) A plan described in Subsection (1) shall include:

(a) the definitions of Section 53G-8-210;
(b) written standards for student behavior expectations, including school and classroom management;
(c) effective instructional practices for teaching student expectations, including:
   (i) self-discipline;
   (ii) citizenship;
   (iii) civic skills; and
   (iv) social skills;
(d) systematic methods for reinforcement of expected behaviors;
(e) uniform methods for correction of student behavior;
(f) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;
(g) an ongoing staff development program related to development of:
   (i) student behavior expectations;
   (ii) effective instructional practices for teaching and reinforcing behavior expectations;
   (iii) effective intervention strategies; and
   (iv) effective strategies for evaluation of the efficiency and effectiveness of interventions;
(h) procedures for ongoing training of appropriate school personnel in:
   (i) crisis intervention training;
   (ii) emergency safety intervention professional development; and
   (iii) LEA policies related to emergency safety interventions consistent with evidence-based practice;
(i) policies and procedures relating to the use and abuse of alcohol and controlled substances by students;
(j) policies and procedures, consistent with requirements of Rule R277-613, related to:
   (i) bullying;
   (ii) cyber-bullying;
   (iii) harassment;
   (iv) hazing; and
   (v) retaliation;
(k) policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:
   (i) physical restraint, subject to the requirements of Section R277-609-5, except when a student:
      (A) presents a danger of serious physical harm to self or others; or
      (B) is destroying property;
      (ii) prone, or face-down, physical restraint;
      (iii) supine, or face-up, physical restraint;
      (iv) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;
(v) mechanical restraint, except:
   (A) protective or stabilizing restraints;
   (B) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and
   (C) any device used by a law enforcement officer in carrying out law enforcement duties;
(vi) chemical restraint, except as:
   (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
   (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
(vii) seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and
(viii) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:
   (A) school personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in Section R277-608-5 have been attempted;
   (B) a FBA has been conducted; and
   (C) a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

(l) direction for dealing with bullying and disruptive students;
(m) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
(n) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;
(o) identification of individuals who shall receive notices of disruptive and bullying student behavior;
(p) a requirement to provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
(q) strategies to provide for necessary adult supervision;
(r) a requirement that policies be clearly written and consistently enforced;
(s) notice to employees that violation of this rule may result in employee discipline or action;
(t) gang prevention and intervention policies in accordance with Subsection 53E-3-509 (1); and
(u) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
   (i) the role of law enforcement; and
   (ii) emergency medical services; and
   (iii) a provision for publication of notice to parents and school employees of policies by reasonable means.

(4) A plan described in Subsection (1) may include:
   (a) the provisions of Subsection 53E-3-509 (2); and
   (b) a plan for training administrators and school resource officers in accordance with Section 53A-11-1603.
R277-609-5. Physical restraint and seclusionary time out.

(1) When used consistently with an LEA plan under Subsection R277-609-4(1);
   (a) a physical restraint must be immediately terminated when:
      (i) a student is no longer an immediate danger to self or others; or
      (ii) a student is in severe distress; and
   (b) the use of physical restraint shall be for the minimum time necessary to ensure safety and a release criteria, as outlined in LEA policies, must be implemented.

(2) If a public education employee physically restrains a student, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.

(3) A public education employee may not use physical restraint on a student for more than 30 minutes.

(4) In addition to the notice described in Subsection (2), if a public education employee physically restrains a student for more than fifteen minutes, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.

(5) An LEA may not use physical restraint as a means of discipline or punishment.

(6) If a public education employee uses seclusionary time out, the public education employee shall:
   (a) use the minimum time necessary to ensure safety;
   (b) use release criteria as outlined in LEA policies;
   (c) ensure that any door remains unlocked;
   (d) maintain the student within line of sight of the public education employee;
   (e) use the seclusionary time out consistent with the LEA’s plan described in Section R277-609-4; and
   (f) ensure that the enclosed area meets the fire and public safety requirements described in R392-200 and R710-4.

(7) If a student is placed in seclusionary time out, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.

(8) A public education employee may not place a student in a seclusionary time out for more than 30 minutes.

(9) In addition to the notice described in Subsection (7), if a public education employee places a student in seclusionary time out for more than fifteen minutes, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.

(10) Seclusionary time out may only be used for maintaining safety.

(11) A public education employee may not use seclusionary time out as a means of discipline or punishment.

(1) An LEA shall implement strategies and policies consistent with the LEA’s plan required in Section R277-609-4.

(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.

(3) An LEA shall implement positive behavior interventions and supports as part of the LEA’s continuum of behavior interventions strategies.

(4)(a) An LEA shall provide a formal written assessment of a habitually disruptive student as part of a student’s suspension or expulsion process that results in court involvement, once an LEA receives information from the court that disruptive student behavior will result in court action.

   (b) An LEA shall use assessment information to connect parents and students with supportive school and community resources.

(5) Nothing in state law or this rule restricts an LEA from implementing policies to allow for suspension of students of any age consistent with due process requirements and consistent with all requirements of the Individuals with Disabilities Education Act 2004.


(7) The LEA ESI Committee:

   (a) shall include:

      (i) at least two administrators;

      (ii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and

      (iii) at least two certified educational professionals with behavior training and knowledge in both state rules and LEA discipline policies;

   (b) shall meet often enough to monitor the use of emergency safety intervention in the LEA;

   (c) shall determine and recommend professional development needs; and

   (d) shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.

(8) An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA.

(9) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection (8).

(10) An LEA shall provide documentation of any school, program or LEA’s use of emergency safety interventions to the Superintendent annually.

R277-609-7. Special education exception(s) to this rule.

(1) An LEA shall have in place, as part of its LEA special education policies, procedures, or practices, criteria and steps for using emergency safety interventions consistent with state and federal law.

(2) The Superintendent shall periodically review:

   (a) all LEA special education behavior intervention plans, procedures, or manuals; and

   (b) emergency safety intervention data as related to IDEA eligible students in accordance with Utah’s Program Improvement and Planning System.

(1) Through school administrative and juvenile court referral consequences, LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

(2) An LEA shall establish policies that:

(a) provide notice to parents and information about resources available to assist a parent in resolving the parent's school-age minors' disruptive behavior;

(b) provide for notices of disruptive behavior to be issued by schools to qualifying minors and parents consistent with:

   (i) numbers of disruptions and timelines in accordance with Section 53G-8-210;

   (ii) school resources available;

   (iii) cooperation from the appropriate juvenile court in accessing student school records, including:

       (A) attendance;

       (B) grades;

       (C) behavioral reports; and

       (D) other available student school data; and

   (iv) provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

(3)(a) When a crisis situation occurs that requires the use of an emergency safety intervention to protect the student or others from harm, a school shall notify the LEA and the student's parent or guardian as soon as possible and no later than the end of the school day.

   (b) In addition to the notice described in Subsection (3)(a), if a crisis situation occurs for more than fifteen minutes, the school shall immediately notify:

       (i) the student's parent or guardian; and

       (ii) school administration.

   (d) A notice described in Subsection (3)(a) shall be documented within student information systems (SIS) records.

(4)(a) A school shall provide a parent or guardian with a copy of any notes or additional documentation taken during a crisis situation upon request of the parent or guardian.

   (b) Within 24 hours of a crisis situation, a school shall notify a parent or guardian that the parent or guardian may request a copy of any notes or additional documentation taken during a crisis situation.

   (c) A parent or guardian may request a time to meet with school staff and administration to discuss a crisis situation.


(1) The Superintendent shall develop, review regularly, and provide to LEA boards model policies to address disruptive student behavior and appropriate consequences.

(2) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of physical force and emergency safety interventions to the extent of resources available.

R277-609-10. LEA compliance.

If an LEA fails to comply with this rule, the Superintendent may withhold funds in accordance with Rule R277-114 or impose any other sanction authorized by law.
Alternative placements

LAWS

§ 53G-8-207. Alternatives to suspension or expulsion.
(1) Each local school board or charter school governing board shall establish:
   (a) policies providing that prior to suspending or expelling a student for repeated acts of willful
disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme
nature that immediate removal is required, good faith efforts shall be made to implement a remedial
discipline plan that would allow the student to remain in school; and
   (b) alternatives to suspension, including policies that allow a student to remain in school under an in-
school suspension program or under a program allowing the parent, with the consent of the student's
teacher or teachers, to attend class with the student for a period of time specified by a designated
school official.
(2) If the parent does not agree or fails to attend class with the student, the student shall be suspended in
accordance with the conduct and discipline policies of the district or the school.
(3) The parent of a suspended student and the designated school official may enlist the cooperation of
the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if
necessary, in dealing with the student's suspension.
(4) The state superintendent, in cooperation with school districts and charter schools, shall:
   (a) research methods of motivating and providing incentives to students that:
      (i) directly and regularly reward or recognize appropriate behavior;
      (ii) impose immediate and direct consequences on students who fail to comply with district or school
standards of conduct; and
      (iii) keep the students in school, or otherwise continue student learning with appropriate supervision
or accountability;
   (b) explore funding resources to implement methods of motivating and providing incentives to students
that meet the criteria specified in Subsection (4)(a);
   (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that
meet the criteria specified in Subsection (4)(a);
   (d) publish a report that incorporates the research findings, provides model plans with suggested
resource pools, and makes recommendations for local school boards and school personnel;
   (e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and
   (f) maintain data for purposes of accountability, later reporting, and future analysis.

§ 53G-8-208. Student suspended or expelled -Responsibility of parent or guardian -Application for
students with disabilities.
(1) If a student is suspended or expelled from a public school under this part for more than ten school
days, the parent is responsible for undertaking an alternative education plan which will ensure that the
student's education continues during the period of suspension or expulsion.
(2)(a) The parent shall work with designated school officials to determine how that responsibility might
best be met through private education, an alternative program offered by or through the district or charter
school, or other alternative which will reasonably meet the educational needs of the student.
(b) The parent and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.

(3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent.

(4)(a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.

(b) The district or charter school shall contact the parent of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

(5)(a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.

(b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

REGULATIONS

R277-709-1. Authority and purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in custody.

(2) The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs.


(1) "Accreditation" means the formal process for evaluation and approval from a regional accrediting body.

(2) "Custody" means the status of being legally subject to the control of another person or a public agency.

(3)(a) "Youth in Custody" means a person for whom the Board is responsible to provide educational services under Subsections 53E-3-503(2)(a) and 62A-15-609(1).

(b) "Youth in custody" does not include a person taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.

R277-709-3. Student evaluation, education plans, and LEA programs.

(1) Each student meeting the eligibility definition of youth in custody shall have a written plan for college and career readiness defining the student's academic achievement, which shall specify known in-school and extra-school factors which may affect the student's school performance.

(2) A student, school staff and parent/guardian shall annually review the student's plan for college and career readiness maintained in the student's file.
(3) A program receiving a youth in custody student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation, which may include a special education eligibility evaluation, as quickly as possible so that unnecessary delay in developing a student's education program is avoided.

(4) The LEA in which a youth in custody program is located has the responsibility to conduct IDEA child find activities within the program, consistent with Section R277-750-2 and Utah State Board of Education Special Education Rule II.A.

(5)(a) A youth in custody program shall prepare appropriate plan for college and career readiness and, as needed, an Individualized Education Program for each eligible youth in custody based upon the results of the student evaluation.

(b) A youth in custody program shall review and update the plans required under Subsection (5)(a) at least once each year or immediately following transfer of a student from one program to another, whichever is sooner.

(c) A youth in custody program shall develop the plans required under Subsection (5)(a) in cooperation with appropriate representatives of other service agencies working with a student.

(d) The plans required under Subsection (5)(a) shall specify the responsibilities of each of the agencies towards the student and shall be signed by each agency's representative.

(6)(a) All provisions of the IDEA and state special education rules apply to youth in custody programs.

(b) The USBE Special Education Department shall include youth in custody programs in annual general supervision monitoring annually.

(7)(a) An LEA shall provide an education program for the student which conforms as closely as possible to the student's education plan.

(b) An LEA shall provide educational services in the least restrictive environment appropriate for the student's behavior and educational performance.

(8) An LEA shall consider youth in custody who do not require educational services or supervision beyond students not in custody to be part of the district's regular enrollment and provided education services.

(9) An LEA shall not assign or allow youth in custody to remain in restrictive or non-mainstream programs simply because of:

(a) their custodial status;

(b) past behavior that does not put others at risk; or

(c) the inappropriate behavior of other students.

(10)(a) Education programs to which youth in custody are assigned shall meet the standards which are adopted by the Board for that type program.

(b) The Superintendent shall monitor compliance in periodic review visits.

(11) An LEA shall accept credit earned in youth in custody programs that are accredited at face value in Utah's public schools consistent with Section R277-410-9, Transfer or Acceptance of Credit.

(12) A youth in custody program shall sufficiently coordinate educational services with non-custody programs to enable youth in custody to continue their education with minimal disruption following discharge from custody.

(13)(a) A youth in custody program shall admit youth in custody to classes within five school days following arrival at a new residential placement.

(b) If a youth in custody program cannot complete an evaluation and plan for college and career readiness or IEP development within five school days, the program shall enroll the student temporarily based upon the best information available.
(c) A temporary schedule may be modified to meet the student's needs after the evaluation and planning process is complete.

(14)(a) Following a student's release from custody or transfer to a new program, the sending program shall bring all available school records up to date and forward them to the receiving program consistent with Section 53G-6-604.

(b) An LEA shall maintain all grades, attendance records and special education SCRAM records in the LEA's SIS system in compliance with Rule R277-484, Data Standards.

R277-709-4. Program fiscal and accountability procedures.

(1) The Superintendent shall allocate state funds appropriated for youth in custody, including the Utah State Hospital, in accordance with Section 53E-3-503 and Section 62A-15-609.

(2) Funds appropriated for youth in custody programs shall be subject to Board accounting, auditing, and budgeting rules and policies.

(3) The Superintendent shall, through an annually submitted and approved state application and plan, contract with LEAs to provide educational services for youth in custody.

(a) A contract required by Subsection (3) shall include the respective responsibilities of the Board, LEAs, and other local service providers for education

(b) An LEA may subcontract with local non-district educational service providers for the provision of educational services.

(4) The Superintendent may only contract through an RFP process with an appropriate entity if the Board Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.

(5) Youth in custody students receiving education services by or through an LEA are students of that LEA.

(6) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded youth in custody program.

(7) The Superintendent shall allocate state funds appropriated for youth in custody on the basis of an annually submitted and approved application made by the LEA where a youth in custody program resides.

(8) The Superintendent shall base the share of funds distributed to an LEA upon criteria which include:

(a) the number of youth in custody served by the LEA;

(b) the type of program required for the youth;

(c) the setting for providing services; and

(d) the length of the program.

(9) A youth in custody program shall expend funds approved for youth in custody projects solely for the purposes described in the respective funding application.

(10) The Superintendent may retain no more than five percent of the total youth in custody annual legislative appropriation for administration, oversight, monitoring, and evaluation of youth in custody programs and their compliance with law and this rule.

(11) Up to three percent of the five percent of administrative funds allowed under Subsection (9) may be withheld by the Superintendent and directed to students attending youth in custody programs for short periods of time or to new or beginning youth in custody programs or initiatives benefitting youth in custody students.
(12) The Superintendent may withhold federal or state funds for noncompliance with state policy and procedures and associated reporting timelines in accordance with Rule R277-114.

(13) The Superintendent or its designee shall develop uniform forms, deadlines, reporting and accounting procedures and guidelines to govern the youth in custody school-based programs and Utah State Hospital funded programs.

**R277-709-5. Youth in custody programs and students with disabilities.**

(1) The youth in custody program is separate from and not conducted under the state's education program for students with disabilities.

(2) Custodial status alone does not qualify a youth in custody student as a student with a disability under laws regulating education for students with disabilities.

(3) Youth in custody students may be eligible for special education funding and services based upon special education rules and regulations.

(4) Youth in custody students qualifying for special education services shall receive educational instruction as defined in R277-750, Education Programs for Students with Disabilities.

(5) Special education procedural safeguards shall apply to all IDEA eligible youth in custody students regardless of instructional location.

(6) The Superintendent shall monitor special education programs provided through youth in custody programs on an annual basis in accordance with special education rules and policies.

**R277-709-6. Youth in custody program staffing and monitoring.**

(1) Education staff assigned to youth in custody shall be qualified and appropriate for their assignments accordance with Board licensing rules.

(2) Youth in custody programs shall maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410, Accreditation of Schools.

(3) The Superintendent shall evaluate youth in custody programs through regular site monitoring visits and monthly desk monitoring.

(4) Monitored programs shall prepare and submit to the Superintendent a written corrective action plan for each monitoring finding, as requested by the Superintendent.

(5) A youth in custody program's failure to resolve monitoring findings as soon as possible, and, in no case, later than one calendar year from date of notice, may result in the termination of state funding as provided in Rule R277-114.

(6) The Superintendent may review LEA or State Hospital records and practices for compliance with the law and this rule.

**R277-709-7. Youth in custody/LEA fiscal procedures.**

(1) Ten percent of state youth in custody funds or educational contract funds not expended in the current fiscal year may be carried over by eligible LEAs and spent in the next fiscal year with written approval of the Superintendent.

(2) An LEA shall submit a request to carry over funds for approval by August 1.

(3) If approved, an LEA shall detail carry over amounts in a revised budget submitted to the Superintendent no later than October 1 in the year requested.

(4) The Superintendent shall consider excess funds in determining the LEA's allocation for the next fiscal year.
(5)(a) The Superintendent shall annually recapture fund balances in excess of ten percent or $50,000 no later than February 1

(b) The Superintendent shall reallocate funds recaptured in accordance with Subsection (5)(a) to the youth in custody programs based on the criteria and procedures provided by this rule.

(1) Youth in custody programs shall offer courses consistent with the Utah Core standards under Rule R277-700.

(2) A youth in custody program may modify or adjust Utah core standards and teaching strategies to meet the individual needs of youth in custody students.

(3) Youth in custody programs shall stress course content mastery rather than completion of predetermined seat time in a classroom.

(4) The Superintendent shall make available written course descriptions for GED Test preparation for youth in custody students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.

(1) An LEA shall issue transcripts and diplomas prepared for youth in custody in the name of an existing LEA, which also serves non-custodial youth and shall not bear references to custodial status.

(2) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless student records if retained by the LEA.

(3)(a) Members of the interagency team which design and oversee student education plans shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies.

(b) The records and information obtained from the records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency, the student's legal guardian, or the eligible student as defined under 20 U.S.C. 1232g(d).

(4) Youth in custody programs shall comply with all state and federal privacy requirements for student records.

R277-709-10. Coordinating council.
(1)(a) The Department of Human Services and the Board shall appoint a coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.

(b) The coordinating council shall operate under guidelines developed and approved by the Department of Human Services and the Board.

(2) Coordinating council membership shall include a representative of the following:

(a) the Department of Human Services;
(b) the Division of Substance Abuse and Mental Health;
(c) the Division of Juvenile Justice Services;
(d) the Division of Child and Family Services;
(e) the Board;
(f) the Administrative Office of the Courts;
(g) school district superintendents; and
(h) a Native American tribe.

**R277-709-11. Advisory councils.**

(1)(a) Each LEA serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs.

(b) Members of council required under Subsection (1)(a) shall include, if applicable to the LEA, the following:

(i) a representative of the Division of Child and Family Services;
(ii) a representative of the Division of Juvenile Justice Services;
(iii) directors of agencies located in an LEA such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;
(iv) a representative of community-based alternative programs for custodial juveniles; and
(v) a representative of the LEA.

(2) A local interagency advisory council required under Subsection (1)(a) shall
(a) adopt by-laws for its operation; and
(b) meet at least quarterly.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 53G-8-510. Notification of teachers of weapons on school property -Immunity from civil and criminal liability.
(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.
(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

§ 76-3-203.2. Definitions -Use of dangerous weapon in offenses committed on or about school premises -Enhanced penalties.
(1)(a) As used in this section "on or about school premises" means:
   (i)(A) in a public or private elementary or secondary school; or
   (B) on the grounds of any of those schools;
   (ii)(A) in a public or private institution of higher education; or
   (B) on the grounds of a public or private institution of higher education;
   (iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii) and
   (iv) in or on the grounds of a preschool or child care facility.
   (b) As used in this section:
      (i) "Dangerous weapon" has the same definition as in Section 76-1-601.
      (ii) "Educator" means a person who is:
         (A) employed by a public school district; and
         (B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.
      (iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator’s employer to perform the duties of employment.
(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-601, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).
(3)(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).
   (b) As used in Subsection (3)(a), "offense" means:
      (i) an offense under Title 76, Chapter 5, Offenses Against the Person; and
(ii) an offense under Title 76, Chapter 6, Part 3, Robbery.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:

(a) class B misdemeanor is a class A misdemeanor;
(b) class A misdemeanor is a third degree felony;
(c) third degree felony is a second degree felony; or
(d) second degree felony is a first degree felony.

(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and
(b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.

(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

(7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.

(8) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:
   (i) a grievous sexual offense;
   (ii) child kidnapping under Section 76-5-301.1;
   (iii) aggravated kidnapping under Section 76-5-302; or
   (iv) forcible sexual abuse under Section 76-5-404; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

§ 76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises - Penalties.

(1) As used in this section, "on or about school premises" means:

(a)(i) in a public or private elementary or secondary school; or
(iii) on the grounds of any of those schools;

(b)(i) in a public or private institution of higher education; or
(ii) on the grounds of a public or private institution of higher education; and

(iii)(A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3)(a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the possession is approved by the responsible school administrator;

(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or

(d) the possession is:

(i) at the person's place of residence or on the person's property; or

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students[...]

§ 53G-8-510. Notification of teachers of weapons on school property - Immunity from civil and criminal liability.

(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.

(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§ 53G-6-203. Truancy - Notice of truancy - Failure to cooperate with school authorities - Habitual truant citation.

(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.

(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is truant.

(3) A local school board or charter school governing board:

   (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and

   (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.

(4) The notice of truancy described in Subsection (3):

   (a) may not be issued until the school-age minor has been truant at least five times during the school year;
(b) may not be issued to a school-age minor who is less than 12 years old;
(c) may not be issued to a minor exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
(d) shall direct the school-age minor and the parent of the school-age minor to:
   (i) meet with school authorities to discuss the school-age minor's truancies; and
   (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age minor; and
(e) shall be mailed to, or served on, the school-age minor's parent.

§ 53G-8-203. Conduct and discipline policies and procedures.
(1) The conduct and discipline policies required under Section 53G-8-202 shall include:
   (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and

§ 53G-8-210. Disruptive student behavior.
(1) As used in this section:
   (a) "Disruptive student behavior" includes:
      (i) the grounds for suspension or expulsion described in Section 53G-8-205; and
      (ii) the conduct described in Subsection 53G-8-209 (2)(b) [...]
(2) A local school board, school district, charter school governing board, or charter school may impose administrative penalties on a school-age minor who violates this part.
(3)(a) A local school board or charter school governing board shall:
      (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
      (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
      (b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
      (c) A local school board or charter school governing board shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.
(4) The notice of disruptive student behavior described in Subsection (4)(a):
   (a) shall be issued to a qualifying minor who:
      (i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or
      (ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;
   (b) shall require that the qualifying minor and a parent of the qualifying minor:
      (i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and
      (ii) cooperate with the local school board or charter school governing board in correcting the school-age minor's disruptive student behavior;
(c) shall contain a statement indicating:

(i) the number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation; and

(ii) that the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and

(d) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(5) A habitual disruptive student behavior citation:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii)(A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board to issue habitual disruptive student behavior citations.

(6)(a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.

(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (3)(c).

REGULATIONS

R277-609-4. LEA responsibility to develop plans.

(3) A plan described in Subsection (1) shall include:

(m) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

Attendance and truancy

LAWS

§ 53G-6-201. Definitions.

For purposes of this part:

(1)(a) “Absence” or “absent” means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.
(2) "Habitual truant" means a school-age minor who:
   (a) is at least 12 years old;
   (b) is subject to the requirements of Section 53G-6-202; and
   (c)(i) is truant at least 10 times during one school year; or
       (ii) fails to cooperate with efforts on the part of school authorities to resolve the minor’s attendance
           problem as required under Section 53G-6-206.
(3) "Minor" means a person under the age of 18 years.
(4) "Parent" includes:
   (a) a custodial parent of the minor;
   (b) a legally appointed guardian of a minor; or
   (c) any other person purporting to exercise any authority over the minor which could be exercised by a
       person described in Subsection (4)(a) or (b).
(5) "School-age minor" means a minor who:
   (a) is at least six years old, but younger than 18 years old; and
   (b) is not emancipated.
(6) "School year" means the period of time designated by a local school board or charter school
    governing board as the school year for the school where the school-age minor:
    (a) is enrolled; or
    (b) should be enrolled, if the school-age minor is not enrolled in school.
(7) "Truant" means absent without a valid excuse.
(8) "Truant minor" means a school-age minor who:
    (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
    (b) is truant.
(9) "Valid excuse" means:
    (a) an illness, which may be either mental or physical;
    (b) a family death;
    (c) an approved school activity;
    (d) an absence permitted by a school-age minor’s:
        (i) individualized education program, developed pursuant to the Individuals with Disabilities Education
            Improvement Act of 2004, as amended; or
        (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as
            amended; or
        (e) any other excuse established as valid by a local school board, charter school governing board, or
            school district.

(1) For purposes of this section:
   (a) "Intentionally" is as defined in Section 76-2-103.
   (b) "Recklessly" is as defined in Section 76-2-103.
   (c) "Remainder of the school year" means the portion of the school year beginning on the day after the
       day on which the notice of compulsory education violation described in Subsection (3) is served and
       ending on the last day of the school year.
(d) “School-age child” means a school-age minor under the age of 14.

(2) Except as provided in Section 53G-6-204 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):
   (a) shall direct the parent of the school-age child to:
      (i) meet with school authorities to discuss the school-age child's school attendance problems; and
      (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;
   (b) shall designate the school authorities with whom the parent is required to meet;
   (c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:
      (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
      (ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;
   (d) shall be served on the school-age child's parent by personal service or certified mail; and
   (e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53G-6-204 or 53A-11-102.5.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:
   (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or
   (b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.

(8) If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
   (a) identifying information of the child and the child’s parent who received the notice of compulsory education violation;
   (b) information regarding the longest number of consecutive school days the school-age minor has been absent from school and the percentage of school days the child has been absent during each relevant school term;
   (c) whether the child has made adequate educational progress;
   (d) whether the requirements of Section 53G-6-206 have been met;
(e) whether the child is two or more years behind the local public school’s age group expectations in one or more basic skills; and
(f) whether the child is receiving special education services or systematic remediation efforts.

§ 53G-6-203. Truancy -Notice of truancy -Failure to cooperate with school authorities -Habitual truant citation.
(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.

(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is truant.

(3) A local school board or charter school governing board:
   - (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and
   - (b) shall establish a procedure for a school-age minor, or the school-age minor’s parents, to contest a notice of truancy.

(4) The notice of truancy described in Subsection (3):
   - (a) may not be issued until the school-age minor has been truant at least five times during the school year;
   - (b) may not be issued to a school-age minor who is less than 12 years old;
   - (c) may not be issued to a minor exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
   - (d) shall direct the school-age minor and the parent of the school-age minor to:
     - (i) meet with school authorities to discuss the school-age minor's truancies; and
     - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age minor; and
   - (e) shall be mailed to, or served on, the school-age minor's parent.

§ 53G-6-204. Minors exempt from school attendance.
(1)(a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:
   - (i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed grade 8; or
   - (ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:
     - (A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);
     - (B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;
     - (C) proper influences and adequate opportunities for education are provided in connection with the school-age minor's employment; or
(D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

(i) school part time as prescribed by the local school board or charter school governing board; or
(ii) a home school part time.

(c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.

(d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.

(2)(a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53A-2-201, that:

(i) the school-age minor will attend a home school; and
(ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53A-11-102.5.

(b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:

(i) the school-age minor attends a home school; and
(ii) the school district where the affidavit was filed remains the school-age minor's district of residence.

(c) A parent of a school-age minor who attends a home school is solely responsible for:

(i) the selection of instructional materials and textbooks;
(ii) the time, place, and method of instruction; and
(iii) the evaluation of the home school instruction.

(d) A local school board may not:

(i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;
(ii) require credentials for individuals providing home school instruction;
(iii) inspect home school facilities; or
(iv) require standardized or other testing of home school students.

(e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

(f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.

(g) A local school board shall issue a certificate excusing a school-age minor from attendance:

(i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to this Subsection (2); and
(ii) on or before August 1 each year thereafter unless:

(A) the school-age minor enrolls in a school within the school district;
(B) the school-age minor’s parent notifies the school district that the school-age minor no longer attends a home school; or

(C) the school-age minor’s parent notifies the school district that the school-age minor’s school district of residence has changed.

(3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53G-6-202 (2), (5), and (6).

(4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent of a minor attending a home school.

§ 53G-6-205. Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age minor as a valid excuse under Subsection 53G-6-201 (9)(e), a local school board, charter school governing board, or school district shall approve the absence if the local school board, charter school governing board, or school district determines that the extended absence will not adversely impact the school-age minor’s education.

§ 53G-6-206. Duties of a school board, local charter board, or school district in resolving attendance problems -Parental involvement -Liability not imposed.

(1)(a) Except as provided in Subsection (1)(b), a local school board, charter school governing board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(b) A minor exempt from school attendance under Section 53G-6-204 or 53G-6-702 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53G-6-203;

(c) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53G-6-202;

(d) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

(e) considering alternatives proposed by a parent;

(f) monitoring school attendance of the minor;

(g) voluntary participation in truancy mediation, if available; and

(h) providing a school-age minor’s parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor’s attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible in accordance with Section 53G-8-211.

(4) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.
§ 53G-6-207. Truancy specialists.
A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

§ 53G-6-208. Taking custody of a person believed to be a truant minor - Disposition - Receiving centers - Reports - Immunity from liability.
(1) A peace officer or public-school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
(2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
   (a) the principal of the minor's school;
   (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
   (c) a truancy center established under Subsection (5).
(3) If the minor refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
(4) If the parents cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.
(5)(a) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
   (b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
(6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken.
(7) The Utah Governmental Immunity Act applies to all actions taken under this section.
(8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

§ 53G-6-209. Truancy support centers.
(1) A school district may establish one or more truancy support centers for:
   (a) truant minors taken into custody under Section 53G-6-208; or
   (b) students suspended or expelled from school.
(2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
   (a) assessments of the truant minor's needs and abilities;
   (b) support for the parents and truant minor through counseling and community programs; and
(c) tutoring for the truant minor during the time spent at the center.

(3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.

(4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.

(5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents or guardian.

REGULATIONS

R277-607-1. Authority and Purpose.
(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board;
   (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state; and
   (c) Section 53G-6-206, which directs educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or who should be enrolled in an LEA.

(2) The purpose of this rule is to direct an LEA to create policies for truancy procedures and compulsory education.

(1) "Absence" means the same as that term is defined in Subsection 53G-6-201(1).
(2) "Habitual truant" means the same as that term is defined in Subsection 53G-6-201(2).
(3) "Habitual truant citation" is a citation issued only consistent with Section 53G-6-203.
(4) "Truant" means the same as that term is defined in Subsection 53G-6-201(7).
(5) "Unexcused absence" means a student's absence from school for reasons other than those authorized under the LEA policy.
(6) "Valid excuse" means the same as that term is defined in Subsection 53G-6-201(9).

(1) An LEA shall:
   (a) develop a truancy policy that encourages regular, punctual attendance of students, consistent with Section 53G-8-211 and Title 53G Public Education System - Local Administration, Chapter 6 Participation in Public Schools, Part 2 Compulsory Education;
   (b) review the LEA's truancy policy annually;
   (c) review attendance data annually and consider revisions to the truancy policy to encourage student attendance; and
   (d) make the truancy policy available for review by parents or interested parties.
(2) An LEA may issue a habitual truant citation to a student consistent with the LEA's truancy policy and Section 53G-6-203.

**R277-607-4. Compulsory Education Procedures.**

(1) An LEA shall develop compulsory education procedures as part of the LEA's truancy policy described in Section R277-607-3.

(2) The compulsory education procedures shall:

   (a) provide a process for notice to parents about the truancy policy;
   
   (b) require notice to parents regarding the progress of a student's discipline and consequences for violation of the truancy policy;
   
   (c) provide an appeals process to contest:

      (i) a notice of truancy; or
      
      (ii) any disciplinary actions against a student pursuant to the truancy policy or;
   
   (d) establish definitions not provided in law or this rule necessary to implement the truancy policy and compulsory education procedures;
   
   (e) include definitions of "approved school activity" under Subsection 53G-6-201(9)(c) and "any other excuse" under Subsection 53G-6-201(9)(e);
   
   (f) include criteria and procedures for preapproval of extended absences consistent with Section 53G-6-205; and
   
   (g) establish programs and meaningful incentives which promote regular, punctual student attendance.

(3) An LEA shall publish the appeals process described in Subsection R277-607-4(2)(c) for use by a student or the student's parents.

**Substance use**

**LAWS**

**§ 53G-8-205. Grounds for suspension or expulsion from a public school.**

(1) A student may be suspended or expelled from a public school for any of the following reasons:

   (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;

(2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:

   (C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; [...]  

**§ 53G-8-505. Definitions.**

(1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to this part.

(2) As used in this part:

   (a) "Prohibited act" means an act punishable under Section 53G-4-402, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b.

   (b) "School" means a public or private elementary or secondary school.
§ 53G-8-602. Possession or consumption of alcoholic beverages at school or school-sponsored activities - Penalty.
(1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:
   (a) inside or on the grounds of any building owned or operated by a part of the public education system; or
   (b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.
(2)(a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.
   (b)(i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.
   (ii) The property may not be used for school purposes at any time during the lease period.
(3) Violation of this section is a class B misdemeanor.

REGULATIONS
R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
   (i) policies and procedures relating to the use and abuse of alcohol and controlled substances by students;

Bullying, harassment, or hazing

LAWS
§ 53B-17-1202. SafeUT Crisis Line established.
The University Neuropsychiatric Institute shall:
(1) establish a SafeUT Crisis Line to provide:
   (a) a means for an individual to anonymously report:
      (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
(2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and
(3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
   (a) school officials; and
   (b) law enforcement officials.

As used in this part:
(1)(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.
   (b) A single act does not constitute abusive conduct.
(2) “Bullying” means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

   (a) causing physical or emotional harm to the school employee or student;
   (b) causing damage to the school employee's or student's property;
   (c) placing the school employee or student in reasonable fear of:
      (i) harm to the school employee's or student's physical or emotional well-being; or
      (ii) damage to the school employee's or student's property;
   (d) creating a hostile, threatening, humiliating, or abusive educational environment due to:
      (i) the pervasiveness, persistence, or severity of the actions; or
      (ii) a power differential between the bully and the target; or
   (e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

(5)(a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

   (i)(A) endangers the mental or physical health or safety of a school employee or student;
       (B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
       (C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
       (D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
   (ii)(A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
       (B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

(b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(6) “LEA governing board” means a local school board or charter school governing board.

(7) "Policy" means an LEA governing board policy described in Section 53G-9-605.

(8) "Retaliate" means an act or communication intended:
(a) as retribution against a person for reporting bullying or hazing; or
(b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

(9) “School” means a public elementary or secondary school, including a charter school.

(10) “School employee” means an individual working in the individual's official capacity as:
(a) a school teacher;
(b) a school staff member;
(c) a school administrator; or
(d) an individual:
   (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and
   (ii) who works on a school campus.

(1) A school employee or student may not engage in bullying a school employee or student:
   (a) on school property;
   (b) at a school related or sponsored event;
   (c) on a school bus;
   (d) at a school bus stop; or
   (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).

(2) A school employee or student may not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

§ 53G-9-603. Retaliation and making false allegation prohibited.
(1) A school employee or student may not engage in retaliation against:
   (a) a school employee;
   (b) a student; or
   (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.

(2) A school employee or student may not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

§ 53G-9-605. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.
(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board’s bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(2) A policy shall:
   (a) be developed only with input from:
      (i) students;
      (ii) parents;
      (iii) teachers;
      (iv) school administrators;
      (v) school staff; or
(vi) local law enforcement agencies; and
(b) provide protection to a student, regardless of the student's legal status.

(3) A policy shall include the following components:
(a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;
(b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
(c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this part;
(d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
(e) as required in Section 53G-9-604, parental notification of:
   (i) a student's threat to commit suicide; and
   (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;
(f) a grievance process for a school employee who has experienced abusive conduct;
(g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
(h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
   (i) school employee;
   (ii) student who is at least eight years old; and
   (iii) parent of a student enrolled in the charter school or school district.

(4) A copy of a policy shall be:
(a) included in student conduct handbooks;
(b) included in employee handbooks; and
(c) provided to a parent or a guardian of a student enrolled in the charter school or school district.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

(6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

§ 53G-9-608. Other forms of legal redress.
(1) Nothing in this part prohibits a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or criminal law.
(2) This section does not create or alter tort liability.

§ 76-5-107.5. Prohibition of "hazing" - Definitions - Penalties.
(1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:
   (a)(i) endangers the mental or physical health or safety of another;
   (ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
   (iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
(iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and

(b)(i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or

(ii) if the actor knew that the victim is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.

(2) It is not a defense to prosecution of hazing that a person under 21, against whom the hazing was directed, consented to or acquiesced in the hazing activity.

(3) An actor who hazes another is guilty of a:

(a) class B misdemeanor except as provided in Subsection (3)(b), (c), (d), or (e);

(b) class A misdemeanor if the act involves:

(i) the operation or other use of a motor vehicle;

(ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or

(iii) the consumption of a drug or a substance as defined in Section 76-5-113;

(c) third degree felony if the act involves the use of a dangerous weapon as defined in Section 76-1-601;

(d) third degree felony if the hazing results in serious bodily injury to a person; or

(e) second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon as defined in Section 76-1-601.

(4) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.

(5)(a) This section does not apply to military training or other official military activities.

(b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.

(6)(a) A prosecution under this section does not bar a prosecution of the actor for:

(i) any other offense for which the actor may be liable as a party for conduct committed by the person hazed; or

(ii) any offense, caused in the course of the hazing, that the actor commits against the person who is hazed.

(b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.

(c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

§ 76-9-201. Electronic communication harassment - Definitions - Penalties.

(1) As used in this section:

(a) “Adult” means an individual 18 years of age or older.

(b) “Electronic communication” means a communication by electronic, electro-mechanical, or electro-optical communication device for the transmission and reception of audio, image, or text but does not include broadcast transmissions or similar communications that are not targeted at a specific individual.

(c) “Electronic communication device” includes a telephone, a facsimile machine, electronic mail, a pager, a computer, or another device or medium that can be used to communicate electronically.

(d) “Minor” means an individual who is younger than 18 years of age.
(e) “Personal identifying information” means the same as that term is defined in Section 76-6-1102.

(2) A person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to intimidate, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the person:
(a)(i) makes repeated contact by means of electronic communications, regardless of whether a conversation ensues; or
(ii) after the recipient has requested or informed the person not to contact the recipient, and the person repeatedly or continuously:
   (A) contacts the electronic communication device of the recipient; or
   (B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication;
(b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;
(c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or
(d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.

(3) A person who electronically publishes, posts, or otherwise discloses personal identifying information of another individual in a public online site or forum with the intent to abuse, threaten, or disrupt the other individual's electronic communication and without the other individual's permission is guilty of electronic communication harassment.

(4)(a)(i) Electronic communication harassment committed against an adult is a class B misdemeanor, except under Subsection (4)(a)(ii).
(ii) A second or subsequent offense under Subsection (4)(a)(i) is:
   (A) a class A misdemeanor if all prior violations of this section were committed against adults; and
   (B) a third degree felony if a prior violation of this section was committed against a minor.
(b)(i) Electronic communication harassment committed against a minor is a class A misdemeanor, except as provided under Subsection (4)(b)(ii).
(ii) A second or subsequent offense under Subsection (4)(b)(i) is a third degree felony, regardless of whether a prior violation of this section was committed against a minor or an adult.

(5) Except as provided under Subsection (5)(b), criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.

(b) This section does not create a civil cause of action based on electronic communications made for legitimate business purposes.

HB 372. 63C-21-101. Title.
(1) This chapter is known as the “Digital Wellness, Citizenship, and Safe Technology Commission.”
(2) This part is known as “General Provisions.”

HB 372. 63C-21-102. Definitions.
As used in this chapter:
(1) "Commission" means the Digital Wellness, Citizenship, and Safe Technology Commission created in Section 63C-21-201.

(2) "Cyber-bullying" means the same as that term is defined in Section 53G-9-601.

(3) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.

(4) "Local education agency" or "LEA" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.

(5) "State board" means the State Board of Education.

(6) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

(7) "Student" means a child who is under the age of 18.

HB 372. 63C-21-201. Commission established - Members.

(1) There is created the Digital Wellness, Citizenship, and Safe Technology Commission to advance the goal of reaching every student, parent, and student's support network with training and ongoing support in digital citizenship, composed of the following 11 members:

(a) one member of the Senate, appointed by the president of the Senate who shall serve as co-chair of the commission;

(b) one member of the House of Representatives, appointed by the speaker of the House of Representatives who shall serve as co-chair of the commission;

(c) two members appointed by the state superintendent, that may include:
   (i) a current or former classroom teacher; and
   (ii) a parent of a student;

(d) the governor or the governor's designee;

(e) the attorney general or the attorney general's designee; and

(f) five members with experience and expertise related to digital citizenship training and education, recommended by the co-chairs of the commission and jointly approved by the president of the Senate and the speaker of the House of Representatives, that may include:
   (i) a mental health professional;
   (ii) a facilitator of a school community council;
   (iii) a media literacy librarian; and
   (iv) a representative of the Utah Education and Telehealth Network created in Section 53B-17-105.

(2)(a) A majority of the members of the commission constitutes a quorum of the commission.

(b) The action by a majority of the members of a quorum constitutes the action of the commission.

(3)(a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:
   (i) Sections 63A-3-106 and 63A-3-107; and
   (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The Office of Legislative Research and General Counsel shall provide staff support to the commission.
(5) The commission shall meet up to seven times per year.

(1) To ensure students are digital media-literate, and able to use technology safely and ethically, the commission shall:
   (a) identify best practices for reaching every student with training in digital citizenship;
   (b) identify, compile, and publish resources that an LEA or a parent may use to educate students, parents, or a student's support network in digital citizenship;
   (c) identify and compile emerging research on digital citizenship and educating students, parents, or a student's support network in digital citizenship;
   (d) collaborate and coordinate efforts with programs related to cyber-bullying, suicide prevention, anti-pornography, and social and emotional learning to provide resources for promoting digital citizenship to LEAs, students, teachers, and parents; and
   (e) administer funds appropriated by the Legislature for the purposes described in this part, in accordance with the intent of the Legislature for the appropriation.

(2) The commission shall annually report to the Education Interim Committee and the state board on:
   (a) objectives for training students in digital citizenship;
   (b) a template for a plan that an LEA may use to achieve the objectives described in Subsection (2)(a);
   (c) involving parents in promoting digital citizenship, including resources for educating students and parents at home;
   (d) approved providers to deliver training in digital citizenship to teachers and students in LEAs; and
   (e) the expenditure of the funds described in Subsection (1)(e).

REGULATIONS
R277-609-4. LEA responsibility to develop plans.
(1) An LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline.

(3) A plan described in Subsection (1) shall include:
   (j) policies and procedures, consistent with requirements of Rule R277-613, related to:
      (i) bullying;
      (ii) cyber-bullying;
      (iii) harassment;
      (iv) hazing; and
      (v) retaliation;
   (l) direction for dealing with bullying and disruptive students;
   (m) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
   (n) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;
   (o) identification of individuals who shall receive notices of disruptive and bullying student behavior;
R277-613-1. Authority and Purpose.
(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
   (b) Subsection 53E-3-401(4)(a) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
(2) The purpose of the rule is to:
   (a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;
   (b) provide for regular and meaningful training of school employees and students;
   (c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; and
   (d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.

R277-613-2. Definitions.
(1) "Abusive conduct" means the same as that term is defined in Subsection 53G-9-601(1).
(2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-601(2).
   (b) "Bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
   (c) The conduct described in Subsection 53G-9-601(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
(3) "Civil rights violations," for purposes of this rule, means bullying, cyber-bullying, hazing, or retaliation that is targeted at a federally protected class.
(4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-601(4).
(5) "Disruptive student behavior" means the same as that term is defined in Subsection 53G-8-210(1)(a).
(6) "Federally protected class" means any group protected from discrimination under the following federal laws:
   (a) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;
   (b) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
   (c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability; and
   (d) other areas included under these acts described in Subsection (5)(a) through (c), which prohibit discrimination on the basis of religion.
(7) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5).
(8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
(9) "Participant" means any student, employee or volunteer coach participating in a public school sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club or activity.
(10) "Policy" means standards and procedures that:
   (a) are required in Section 53G-9-605;
   (b) include the provisions of Section 53G-8-202; and
(c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:
   (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct; and
   (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
   (iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, and retaliation among school employees and students; and
   (iv) provide for enforcement through employment action or student discipline.

(11) "Restorative justice practice" means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

(12) "Retaliate" or "retaliation" means the same as that term is defined in Subsection 53G-9-601(7).

(13) "School employee" means the same as that term is defined in Subsection 53G-9-601(10).

(14) "Trauma-Informed Care" means a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for targets to rebuild a sense of control and empowerment.

(1) Subject to availability of funds, the Superintendent shall provide:
   (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;
   (b) model training and training opportunities on:
      (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation, that an LEA may use to train the LEA’s employees, contract employees, and volunteers, including coaches; and
      (ii) the reporting and review requirements in Section R277-613-5;
   (c) evidence-based practices and policies related to the prevention of bullying, cyber-bullying, hazing, and retaliation.

(2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).

(3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:
   (a) Title 53G, Chapter 9, Bullying and Hazing; and
   (b) this rule.

(4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this R277-613, LEAs are required to comply with applicable federal requirements.

R277-613-4. LEA Responsibility to Create or Update Bullying Policies.
(1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:
   (a) develop, update, and implement policies as required by Subsection 53G-9-605 and this rule, which shall include a prohibition on:
      (i) bullying;
      (ii) cyber-bullying;
(iii) hazing;
(iv) retaliation; and
(v) making a false report.

(b) post a copy of the LEA's policy on the LEA website;

(c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and

(d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.

(2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:

(i) a parent's student's threat to commit suicide; or

(ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a targeted individual or an individual who is alleged to have engaged in prohibited conduct.

(b) An LEA shall:

(i) notify a parent described in Subsection (2)(a) in a timely manner;

(ii) designate the appropriate school employee to provide parental notification; and

(iii) designate the format in which notification is provided to parents and maintained by the LEA.

(3) Subject to the parental consent requirements of Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

(4) An LEA shall take strong responsive action against retaliation, including assistance to targeted individuals and their parents in reporting subsequent problems and new incidents.

(5)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to provide such training.

(b) The training described in Subsection (5)(a) shall:

(i) include information on various types of aggression and bullying, including:

(A) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(B) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(C) sexual aggression or acts of a sexual nature or with sexual overtones;

(D) cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and

(E) civil rights violations, including bullying, cyber-bullying, hazing, and retaliation based upon the students’ or employees' actual or perceived identities and conformance or failure to conform with stereotypes;

(ii) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and

(iii) include information on when issues relating to this rule may lead to student or employee discipline.
(6) The training described in Subsection (5) shall be offered to:
(a) new school employees, coaches, and volunteers; and
(b) all school employees, coaches, and volunteers at least once every three years.

(7)(a) An LEA's policies developed under this section shall complement existing school policies and research-based school discipline plans.
(b) Consistent with Rule R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation and disruptive students.
(c) An LEA shall ensure that a discipline plan required by Rule R277-609:
   (i) directs schools to determine the range of behaviors and establish the continuum of administrative procedures to be used by school personnel to address the behavior of students;
   (ii) provides for identification, by position, of individuals designated to issue notices of disruptive student behavior, bullying, cyber-bullying, hazing, and retaliation;
   (iii) designates to whom notices shall be provided;
   (iv) provides for documentation of disruptive student behavior in the LEA's student information system;
   (v) includes strategies to provide for necessary adult supervision;
   (vi) is clearly written and consistently enforced; and
   (vii) includes administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility.

R277-613-5. Reporting and Incident Review of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.
(1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:
   (a) review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
   (b) provide an individual who reviews allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting a review.
(2)(a) An LEA shall review allegations of incidents described in Subsection (1)(a) by interviewing at least the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct.
   (b) An LEA may also interview the following as part of a review:
      (i) parents of the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct;
      (ii) any witnesses;
      (iii) school staff; and
      (iv) other individuals who may provide additional information.
   (c) An individual who reviews an allegation of an incident shall inform an individual being interviewed that:
      (i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
      (ii) further reports of bullying will become part of the review.
(3) The confidentiality requirement in Subsection (2)(c) does not apply to:
(a) conversations with law enforcement professionals;
(b) requests for information pursuant to a warrant or subpoena;
(c) a state or federal reporting requirement; or
(d) other reporting required by this rule.

(4) In conducting a review under this section, an LEA may:
(a) review disciplinary reports of involved students; and
(b) review physical evidence, which may include:
   (i) video or audio;
   (ii) notes;
   (iii) email;
   (iv) text messages;
   (v) social media; or
   (vi) graffiti.

(5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

(6) Following a review of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:
(a) in accordance with the requirements in Subsection (6), take positive restorative justice practice action, in accordance with policies established by the LEA; and
(b) support involved students through trauma-informed practices, if appropriate.

(6)(a) An alleged targeted individual is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in Subsection (5)(a).

(b) If an LEA would like an alleged targeted individual who is a student to participate in a restorative justice practice, the LEA shall notify the alleged targeted individual's parent of the restorative justice practice and obtain consent from the alleged targeted individual's parent before including the alleged targeted individual in the process.

(7) A grievance process required under Subsection 53G-9-605(3)(f) shall be consistent with the LEA's established grievance process.

(8) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:
(a) a copy of LEA's policy required in Section R277-613-4;
(b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);
(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
(d) incidents of bullying, cyber-bullying, hazing, and retaliation; and
(e) the number of incidents described in Subsection (8)(d) that included a student who:
   (i) is part of a federally protected class; or
   (ii) was bullied, cyber-bullied, hazed, or retaliated against because of the student's disability, race, national origin, religion, sex, gender identity, or sexual orientation.
R277-613-6. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

(1)(a) Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training.

(b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.

(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.

(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.

R277-613-7. Abusive Conduct.

(1) An LEA shall prohibit abusive conduct.

(2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section 53G-9-605 and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in Subsection 53G-9-605(3)(f).

Other special infractions or conditions

LAWS

§ 53E-3-509. Gang prevention and intervention policies.

(1)(a) The state board shall adopt rules that require a local school board or charter school governing board to enact gang prevention and intervention policies for all schools within the state board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

(ii) emphasizing the school's concern for safety; and
(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:
   (i) advocating or promoting a gang or any gang-related activities;
   (ii) marking school property, books, or school work with gang names, slogans, or signs;
   (iii) conducting gang initiations;
   (iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;
   (v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a person’s presence or support;
   (vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one’s clothing, person, or personal property that is disruptive to the school environment; and
   (vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

(3) The rules described in Subsection (1) may require a local school board or charter school governing board to publicize the policies enacted by the local school board or charter school governing board in accordance with the rules described in Subsection (1) to all students, parents, and faculty through school websites, handbooks, letters to parents, or other reasonable means of communication.

(4) The state board may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).

§ 53G-8-203. Conduct and discipline policies and procedures.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:
   (a) provisions governing student conduct, safety, and welfare;
   (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
   (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
   (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
   (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
      (i) the school;
      (ii) school property;
      (iii) a person associated with the school; or
      (iv) property associated with a person described in Subsection (1)(e)(iii);
   (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
   (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
(h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and

(i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(2)(a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.

(b)(i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through six.

(ii) The board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.

(c) The policy described in Subsection (2)(a) shall provide for:

(i) notice to the parent of a student prior to holding the student after school on a particular day; and

(ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

§ 53G-8-209. Extracurricular activities -Prohibited conduct -Reporting of violations -Limitation of liability.

(1) The Legislature recognizes that:

(a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

(b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;

(c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;

(d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and

(e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

(2)(a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):

(i) use of foul, abusive, or profane language while engaged in school related activities;

(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not
normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3)(a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

§ 53G-8-212. Defacing or injuring school property - Student's liability - Voluntary work program alternative.

(1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.

(2)(a) If a school's property has been lost or willfully cut, defaced, or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages.

(b) The student's parent is liable for damages as otherwise provided in Section 78A-6-1113.

(3)(a) If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of the payment.

(b) The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.

(4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.

(5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.

(6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, the student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

§ 53G-8-603. Criminal trespass upon school property - Penalty.

(1) A person is guilty of criminal trespass upon school property if the person does the following:

(a) enters or remains unlawfully upon school property, and:

(i) intends to cause annoyance or injury to a person or damage to property on the school property;

(ii) intends to commit a crime; or

(iii) is reckless as to whether the person's presence will cause fear for the safety of another; or

(b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:

(i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;

(ii) the posting of signs reasonably likely to come to the attention of trespassers;
(iii) fencing or other enclosure obviously designed to exclude trespassers; or
(iv) a current order of suspension or expulsion.

(2) As used in this section:
(a) "Enter" means intrusion of the entire body.
(b) "School official" means a public or private school administrator or person in charge of a school program or activity.
(c) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied for a school activity or program.

(3) Violation of this section is a class B misdemeanor.

§ 53G-8-604. Traffic ordinances on school property - Enforcement.
(1) A local political subdivision in which real property is located that belongs to, or is controlled by, the state board, an LEA governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.
(2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

§ 76-5-102.3. Assault against school employees.
(1) Any person who commits an assault as defined in Section 76-5-102 or commits a threat of violence as defined in Section 76-5-107, against an employee of a public or private school, with knowledge that the individual is an employee, and when the employee is acting within the scope of his authority as an employee, is guilty of a class A misdemeanor.
(2) As used in this section, "employee" includes a volunteer.

§ 76-8-1402. Disruption of activities in or near school building - Failure to leave - Reentry - Penalties.
(1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:
(a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and
(b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.
(2)(a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.
(b) (i) The first and second violation of Subsection (1) are class B misdemeanors.
   (ii) A third and any subsequent violations of Subsection (1) are class A misdemeanors.

§ 76-9-106. Disrupting the operation of a school.
(1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.
(2) For purposes of this section, "school property" includes property being used by a public or private school for a school function.
(3) Disrupting the operation of a school is a class B misdemeanor.

§ 76-9-107. Unauthorized entry of school bus - Posting of warning on school buses.

(1) As used in this section:
   (a) "Driver" means the driver of the school bus.
   (b) "School bus" means every publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.

(2) A person is guilty of a class B misdemeanor if the person:
   (a) enters a school bus with the intent to commit a criminal offense;
   (b) enters a school bus and disrupts or interferes with the driver; or
   (c) enters a school bus and refuses to leave the bus after being ordered to leave by the driver and the person:
      (i) is not a peace officer acting within the scope of his or her authority as a peace officer;
      (ii) is not authorized by the school district to board the bus as a student or as an individual employed by the school district or volunteering as a participant in a school activity;
      (iii) causes or attempts to cause a disruption or an annoyance to any passenger on the bus; or
      (iv) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.

(3) Each school district shall ensure that clearly legible signs be placed on each school bus, next to each entrance to the bus, warning that unauthorized entry of a school bus is a violation of state law.

§ 76-10-1235. Accessing pornographic or indecent material on school property.

(1) As used in this section:
   (a) "Pornographic or indecent material" means any material:
      (i) defined as harmful to minors in Section 76-10-1201;
      (ii) described as pornographic in Section 76-10-1203; or
      (iii) described in Section 76-10-1227.
   (b) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.

(2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:
   (a) distributing pornographic material as specified in Section 76-10-1204;
   (b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
   (c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
   (d) indecent public displays as specified in Section 76-10-1228.

(3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:
   (a) investigation of a violation of this section; or
   (b) enforcement of this section.

(4) Each separate offense under this section is:
   (a) a class A misdemeanor if the person is 18 years of age or older; and
(b) a class B misdemeanor if the person is under 18 years of age.

(5) This section does not prohibit disciplinary action for actions that violate this section.

REGULATIONS

R277-495-1. Authority and Purpose.

(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
   (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
   (c) Subsection 53G-8-202(2)(c)(i), which directs the Superintendent to develop a conduct and discipline policy model for elementary and secondary public schools; and
   (d) 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with internet access to certify they have internet safety policies and technology protection measures in place to receive discounted internet access and services.

(2) The purpose of this rule is to direct all LEAs and public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices including:
   (a) both LEA-owned and privately-owned, while on public school premises or during participation in school activities; and
   (b) for LEA-owned devices, wherever the LEA-owned devices are used.


(1) "Acceptable use policy" means a document stipulating constraints and practices that a user shall accept prior to a user accessing an LEA's, or any school within an LEA's, network or the Internet.

(2) "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
   (a) a smart phone;
   (b) a smart or electronic watch;
   (c) a tablet; or
   (d) a virtual reality device.

(3) "Guest" means an individual:
   (a) who is not a student, employee, or designated volunteer of a public school; and
   (b) who is on school property or at the site of a school-sponsored activity or event.

(4) "Inappropriate matter" means pornographic or indecent material as defined in Subsection 76-10-1253(1)(a).

(5) "LEA" includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(6) "LEA-owned electronic device" means a device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is identified as being owned, provided, issued or lent by the LEA to a student or employee.

(7) "Policy" means an electronic device use policy as required by this rule that contains:
   (a) permissible uses of an electronic device under certain circumstances; or
   (b) restricted uses of an electronic devices under certain circumstances.
(8) "Privately-owned electronic device" means a device, including an electronic device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is not owned or issued by the LEA to a student, or employee.

(9) "Public school" means a school or public school program, grades kindergarten through 12, that is part of the Utah public school system, including a school with a distance learning program or alternative program.

(10) "Student," for purposes of this rule, means an individual enrolled as a student at an LEA regardless of the part-time nature of the enrollment or the age of the individual.

(11) (a) "The Children's Internet Protection Act (CIPA)" means federal regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC.

(11) (b) CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal technology funds to comply with certain Internet filtering and policy requirements.

(12) "Utah Education Telehealth Network or UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.


(1) An LEA shall require all schools under the LEA's supervision to have a policy or policies for students, employees and, where appropriate, for guests, governing the use of electronic devices on school premises and at school sponsored activities.

(2) An LEA shall review and approve policies regularly.

(3) An LEA shall encourage schools to involve teachers, parents, students, school employees, school community councils, and community members in developing the local policies.

(4) An LEA shall provide copies of the LEA's policies or clear electronic links to policies at LEA offices, in schools and on the LEA's website in the same location as the LEA's data governance plan required in R277-487.

(5) An LEA and all schools within the LEA shall cooperate to ensure that all policies within a school or school district are consistent and accessible to parents and community members.

(6) An LEA shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised acceptable use policy.

(7) An LEA shall retain documentation of the policy review and adoption actions.


(1) An LEA's policy shall include at least the following:

(a) definitions of electronic devices covered by policy;

(b) prohibitions on the use of electronic devices in ways that:

(i) bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests, consistent with R277-609 and R277-613; or

(ii) violate local, state, or federal laws;

(c) the prohibition of access by students, LEA employees and guests to inappropriate matter on the internet and world wide web while using LEA equipment, services, or connectivity whether on or off school property;

(e) directives on the safety and security of students when using social media and other forms of electronic communications;
(f) directives on unauthorized access, including hacking and other unlawful activities by a user of an LEA electronic device; and

(g) directives on unauthorized disclosure, use and dissemination of personal student information under R277-487 and the Family Educational Rights and Privacy Act (FERPA)34 CFR, Part 99.

(2) In addition to the requirements of Subsection (1), an LEA's policies for student use of electronic devices shall include directives regarding the following:

(a) the use of privately-owned electronic devices during standardized assessments;

(b) administrative penalties for misuse of electronic devices during school hours or at a school-sponsored;

(c) violations of an LEA's acceptable use policies that may result in confiscation of LEA-owned electronic devices or restricted access on the LEA's;

(d) a student's personal responsibility for devices assigned or provided to a student by the LEA, both for loss or damage of electronic devices and use of electronic devices consistent with the LEA's directives;

(e) use of electronic devices in violation of an LEA's or teacher's instructional policies may result in the confiscation of privately-owned electronic devices for a designated period; and

(f) uses of privately-owned electronic devices to bully or harass other students or employees during school hours or at school-sponsored activities that may result in the student being subject to LEA disciplinary action.

(3) In addition to the provisions of Subsections (1) and (2), directives for employee use of electronic devices shall include:

(a) notice that use of electronic devices to access inappropriate matter on LEA-owned electronic devices or privately-owned electronic devices on school property, at school-sponsored events or using school connectivity may have criminal, employment or student disciplinary consequences, and if appropriate, may be reported to law enforcement;

(b) notice that an employee is responsible for LEA-issued electronic devices at all times and misuse of an electronic device may have employment consequences, regardless of the user; and

(c) required staff responsibilities in educating minors on appropriate online activities, as required by Section 53G-7-1202, and in supervising such activities.

(4) An LEA's policies shall also include the following:

(a) prohibitions or restrictions on unauthorized use that would cause invasions of reasonable expectations of student and employee privacy;

(b) procedures to report the misuse of electronic devices; and

(c) potential disciplinary actions toward students or employees for violation of local policies regarding the use of electronic devices; and

(d) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any.

(5) An LEA shall certify annually through UETN, and as required by the FCC, that the LEA has a CIPA-compliant acceptable use policy.

**R277-495-5. Required School Level Training.**

(1) A school shall provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers:

(a) the contents of the school's policy;

(b) the importance of digital citizenship;
(c) the LEA’s conduct and discipline related consequences as related to a violation of the school’s policy;
(d) the LEA’s general conduct and discipline policies as described in Section 53G-8-202; and
(e) the benefits of connecting to the Internet and utilizing the school's Internet filters, while on school premises.

(2) A school that adopts a permissible use policy shall:
(a) within the first 45 days of each school-year, provide school-wide or in-classroom training to employees and students that covers:
   (i) the elements described in Subsections (1)(a) through (e); and
   (ii) specific rules governing the permissible and restricted uses of personal electronic devices while in a classroom; and
(b) require that each educator who allows the use of a personal electronic device in the classroom clearly communicates to parents and students the conditions under which the use of a personal electronic device is allowed.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 53F-5-206. Grant awards for elementary suicide prevention programs.

(1) To foster peer-to-peer suicide prevention, resiliency, and anti-bullying programs in elementary schools, the public education suicide prevention coordinator, described in Section 53G-9-702, shall, subject to legislative appropriations, award grants to elementary schools.

(2) A grant award may not exceed $500 per school per year.

(3) The application for a grant shall contain:

(a) a requested award amount;

(b) a budget; and

(c) a narrative plan of the peer-to-peer suicide prevention, resiliency, or anti-bullying program.

(4) When awarding a grant under this section, the public education suicide prevention coordinator shall consider:

(a) the content of a grant application; and

(b) whether an application is submitted in the manner and form prescribed.

§ 53G-4-402. Powers and duties generally.

(18)(a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The plan shall:

(i) include prevention, intervention, and response components;

(ii) be consistent with the student conduct and discipline policies required for school districts under Chapter 11, Part 2, Miscellaneous Requirements;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan;

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent.

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).
(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(1) (a) An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).

(b) An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.

(2) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:

(a) the establishment of a bullying task force; or

(b) the involvement of school employees, students, or law enforcement.

(4) The state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

§ 53G-9-702. Youth suicide prevention programs required in secondary schools - State board to develop model programs - Reporting requirements.
(1) As used in the section:

(a) “Intervention” means an effort to prevent a student from attempting suicide.

(b) “Postvention” means mental health intervention after a suicide attempt or death to prevent or contain contagion.

(c) “Program” means a youth suicide prevention program described in Subsection (2).

(d) “Public education suicide prevention coordinator” means an individual designated by the state board as described in Subsection (3).

(e) “Secondary grades”:

(i) means grades 7 through 12; and

(ii) if a middle or junior high school includes grade 6, includes grade 6.

(f) “State suicide prevention coordinator” means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school, in the secondary grades of the school district or charter school, shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:

(a) bullying and cyberbullying, as those terms are defined in Section 53G-9-601;

(b) prevention of youth suicide;

(c) increased risk of suicide among youth who are not accepted by family for any reason, including lesbian, gay, bisexual, transgender, or questioning youth;

(d) youth suicide intervention;

(e) postvention for family, students, and faculty;
(f) underage drinking of alcohol;
(g) methods of strengthening the family; and
(h) methods of strengthening a youth’s relationships in the school and community.

(3) The state board shall:
   (a) designate a public education suicide prevention coordinator; and
   (b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:
      (i) program training; and
      (ii) resources regarding the required components described in Subsection (2)(b).

(4) The public education suicide prevention coordinator shall:
   (a) oversee the youth suicide prevention programs of school districts and charter schools;
   (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator; and
   (c) award grants in accordance with Section 53F-5-206.

(5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.

(6)(a) Subject to legislative appropriation, the state board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
   (b) The state board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least $1,000.
   (c)(i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
       (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

(1)(a) Except as provided in Subsection (3), a school district shall offer a seminar for parents of students in the school district that:
   (i) is offered at no cost to parents;
   (ii) begins at or after 6 p.m.;
   (iii) is held in at least one school located in the school district; and
   (iv) covers the topics described in Subsection (2).
(b)(i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
   (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.
(c) A school district may:
   (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
   (ii) use the curriculum developed by the state board under Subsection (2).
(d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.
(2) The state board shall:
   (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:
      (i) substance abuse, including illegal drugs and prescription drugs and prevention;
      (ii) bullying;
      (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;
      (iv) Internet safety, including pornography addiction; and
      (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
   (b) provide the curriculum, including resources and training, to school districts upon request.

(3)(a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

   (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the state board and provide the reasons why the local school board chose not to offer the parent seminar.

§ 53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled substances - Rulemaking authority - Assistance from the Division of Substance Abuse and Mental Health.

(1) The state board shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:
   (a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;
   (b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and
   (c) discouraging the use of alcohol, tobacco, and controlled substances.

(2) At the request of the state board, the Division of Substance Abuse and Mental Health shall cooperate with the state board in developing programs to provide this instruction.

(3) The state board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.


(1) As used in this section:
   (a) "Advisory council" means the Underage Drinking Prevention Program Advisory Council created in this section.
   (b) "Program" means the Underage Drinking Prevention Program created in this section.
   (c) "School-based prevention presentation" means an evidence-based program intended for students aged 13 and older that:
      (i) is aimed at preventing underage consumption of alcohol;
      (ii) is delivered by methods that engage students in storytelling and visualization;
      (iii) addresses the behavioral risk factors associated with underage drinking; and
      (iv) provides practical tools to address the dangers of underage drinking.

(2) There is created the Underage Drinking Prevention Program that consists of:
(a) a school-based prevention presentation for students in grade 8; and
(b) a school-based prevention presentation for students in grade 10 that increases awareness of the dangers of driving under the influence of alcohol.

(3)(a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 8 and grade 10.

(b) An LEA shall select from the providers qualified by the state board under Subsection (6) to offer the program.

(4) The state board shall administer the program with input from the advisory council.

(5) There is created the Underage Drinking Prevention Program Advisory Council comprised of the following members:

(a) the executive director of the Department of Alcoholic Beverage Control or the executive director's designee;
(b) the executive director of the Department of Health or the executive director's designee;
(c) the director of the Division of Substance Abuse and Mental Health or the director's designee;
(d) the director of the Division of Child and Family Services or the director's designee;
(e) the director of the Division of Juvenile Justice Services or the director's designee;
(f) the state superintendent or the state superintendent's designee; and
(g) two members of the state board, appointed by the chair of the state board.

(6)(a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall qualify one or more providers to provide the program to an LEA.

(b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
   (i) whether the provider's program complies with the requirements described in this section;
   (ii) the extent to which the provider's underage drinking prevention program aligns with core standards for Utah public schools; and
   (iii) the provider's experience in providing a program that is effective at reducing underage drinking.

(7)(a) The state board shall use money from the Underage Drinking Prevention Program Restricted Account described in Section 53F-9-304 for the program.

(b) The state board may use money from the Underage Drinking Prevention Program Restricted Account to fund up to .5 of a full-time equivalent position to administer the program.

(8) The state board shall make rules that:

(a) beginning with the 2018-19 school year, require an LEA to offer the Underage Drinking Prevention Program each school year to each student in grade 8 and grade 10; and
(b) establish criteria for the state board to use in selecting a provider described in Subsection (6).

REGULATIONS


(1) An LEA shall provide a school comprehensive violence prevention and intervention strategies as part of a school's regular curriculum including:

(a) resource lessons and materials on anger management;
(b) conflict resolution; and
(c) respect for diversity and other cultures.
(2) As part of a violence prevention and intervention strategy in subsection (1), a school may provide age-appropriate instruction on firearm safety including appropriate steps to take if a student sees a firearm or facsimile in school.

(3) An LEA shall also develop student assistance programs including:
   (a) care teams;
   (b) school intervention programs; and
   (c) interagency case management teams.

(4) In developing student assistance programs, an LEA may coordinate with other state agencies and the Superintendent.

R277-436-1. Definitions.
A. "Student at risk" means any student who because of his individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options.
B. "Board" means the Utah State Board of Education.
C. "Gang" (as defined in this rule) means a group of three or more people who form an allegiance and engage in a range of anti-social behaviors that may include violent or unlawful activity or both. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.
D. "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families. These components shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.
E. "Gang intervention" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships within or outside of the school which may impact the individual's susceptibility to gang membership or gang-like activities or both.
F. "Gang Prevention and Intervention Program" means specifically designed projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society[...]

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-17a-166(1)(b) which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
B. The purpose of this rule is to establish standards and procedures for distributing funding for gang prevention and intervention programs in public schools.

R277-436-3. Application, distribution of funds, and administrative support.
A. Awards shall be made to individual schools and funds allocated to charter schools or to school districts to distribute to designated schools.
B. School districts may submit a single district-wide proposal for one or more schools within the district. The proposal shall:
(1) provide for distribution of funds to individual schools; and
(2) provide explanations of prevention and intervention activities and strategies planned for individual schools.

C. Charter schools may submit independent or joint proposals.

D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:
   (1) administrative oversight;
   (2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and
   (3) professional and technical services.

E. Proposals/applications shall be provided by the USOE.

F. Awards per school shall be based on funds available.

G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.

H. Proposals receiving funding shall be notified by July 1.

I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated proposal form provided by the USOE.

J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:
   (1) an amount not to exceed 2.5 percent for:
      (a) site visits; and
      (b) professional development, as determined and guided by the USOE.
   (2) an amount not to exceed 2.5 percent for:
      (a) administrative oversight; and
      (b) statewide coordination training.

A. School districts and charter schools or consortia shall provide the USOE with a year-end evaluation report by June 30 for the previous fiscal year.

B. The year-end report shall include:
   (1) an expenditure report;
   (2) a narrative description of all activities funded;
   (3) copies of any and all products developed;
   (4) effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and
   (5) other information or data as required by the USOE.

C. The USOE may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.

R277-436-5. Waivers.
The superintendent may grant a written request for a waiver of a requirement or deadline which a district or school finds unduly restrictive.
R277-460-1. Definitions.
A. "Board" means the Utah State Board of Education.
B. "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.
C. "Evaluation" means a review by a person or group which assesses procedures, results and products specific to a program.
D. "Local Substance Abuse Authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.
E. "Prevention education" means proactive educational activities designed to eliminate any illegal use of controlled substances.
F. "Superintendent" means the State Superintendent of Public Instruction.
G. "USOE" means the Utah State Office of Education.
H. "Utah Substance Abuse Prevention Guiding Principles" means criteria established by the Utah Division of Substance Abuse and Mental Health to be used in selecting or developing substance abuse prevention materials.

R277-460-2. Authority and purpose.
A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53G-10-405 which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by Section 51-9-405 which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:
   (1) substance abuse prevention and education;
   (2) substance abuse prevention training for teachers and administrators; and
   (3) school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.
B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account. [...]

R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
   (t) gang prevention and intervention policies in accordance with Subsection 53E-3-509 (1);

R277-613-6. Training by LEAs specific to participants in public school athletic programs and school clubs.
(1)(a) Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training.
   (b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.
(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.
(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.
Behavioral interventions and student support services

LAWS

§ 53G-6-209. Truancy support centers.
(1) A school district may establish one or more truancy support centers for:
   (a) truant minors taken into custody under Section 53G-6-208; or
   (b) students suspended or expelled from school.
(2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
   (a) assessments of the truant minor's needs and abilities;
   (b) support for the parents and truant minor through counseling and community programs; and
   (c) tutoring for the truant minor during the time spent at the center.
(3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
(4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.
(5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents or guardian.

REGULATIONS

(1) There is created the State Safety and Support Program.
(2) The state board shall:
   (a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:
      (i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;
      (ii) procedures for referrals to law enforcement; and
      (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
   (b) provide training:
      (i) in school safety;
      (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
      (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
(iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;

(v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;

(c) conduct and disseminate evidence-based research on school safety concerns;

(d) disseminate information on effective school safety initiatives;

(e) encourage partnerships between public and private sectors to promote school safety;

(f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;

(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident;

(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;

(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:

   (i) requiring an LEA to:

      (A) create or adopt and disseminate a school climate survey; and

      (B) disseminate the school climate survey;

   (ii) recommending the distribution method, survey frequency, and sample size of the survey; and

   (iii) specifying the areas of content for the school climate survey; and

   (j) collect aggregate data and school climate survey results from each LEA.

(3) Nothing in this section requires an individual to respond to a school climate survey.

As used in Section 53G-9-802:

(1) "Attainment goal" means earning:

   (a) a high school diploma;

   (b) a Utah High School Completion Diploma, as defined in state board rule;

   (c) an Adult Education Secondary Diploma, as defined in state board rule; or

   (d) an employer-recognized, industry-based certificate that is:

      (i) likely to result in job placement; and

      (ii) included in the state board's approved career and technical education industry certification list.

(2) "Cohort" means a group of students, defined by the year in which the group enters grade 9.

(3) "Designated student" means a student:

   (a)(i) who has withdrawn from an LEA before earning a diploma;

      (ii) who has been dropped from average daily membership; and

      (iii) whose cohort has not yet graduated; or

   (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined by the student's LEA, using risk factors defined in rules made by the state board.
(4) "Graduation rate" means:
   (a) for a school district or a charter school that includes grade 12, the graduation rate calculated by
   the state board for federal accountability and reporting purposes; or
   (b) for a charter school that does not include grade 12, a proxy graduation rate defined in rules made
   by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(5) "Local education agency" or "LEA" means a school district or charter school that serves students in
   grade 9, 10, 11, or 12.
(6) "Nontraditional program" means a program, as defined in rules made by the State Board of
   Education under Subsection 53E-3-501(1)(e), in which a student receives instruction through:
   (a) distance learning;
   (b) online learning;
   (c) blended learning; or
   (d) competency-based learning.
(7) "Statewide graduation rate" means:
   (a) for a school district or a charter school that includes grade 12, the statewide graduation rate, as
   annually calculated by the state board; or
   (b) for a charter school that does not include grade 12, the average graduation rate for all charter
   schools that do not include grade 12.
(8) "Third party" means:
   (a) a private provider; or
   (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

§ 53G-9-802. Dropout prevention and recovery - Flexible enrollment options - Contracting -
   Reporting.
(1)(a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a
   designated student, including:
   (i) engaging with or attempting to recover a designated student;
   (ii) developing a learning plan, in consultation with a designated student, to identify:
       (A) barriers to regular school attendance and achievement;
       (B) an attainment goal; and
       (C) a means for achieving the attainment goal through enrollment in one or more of the programs
           described in Subsection (2);
   (iii) monitoring a designated student's progress toward reaching the designated student's attainment
       goal; and
   (iv) providing tiered interventions for a designated student who is not making progress toward
       reaching the student's attainment goal.
(b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):
   (i) throughout the calendar year; and
   (ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated
       student while enrolled in the LEA.
(c)(i) A designated student's school district of residence shall provide dropout recovery services if the
   designated student:
       (A) was enrolled in a charter school that does not include grade 12; and
(B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section 53G-5-303.

(ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53G-6-302, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).

(iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.

(2)(a) An LEA shall provide flexible enrollment options for a designated student that:

(i) are tailored to the designated student's learning plan developed under Subsection (1)(a)(ii); and

(ii) include two or more of the following:

(A) enrollment in the LEA in a traditional program;

(B) enrollment in the LEA in a nontraditional program;

(C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or

(D) enrollment in a program offered by another LEA.

(b) A designated student may enroll in:

(i) a program offered by the LEA under Subsection (2)(a), in accordance with this public education code, rules established by the state board, and policies established by the LEA; or

(ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4, Part 5, Statewide Online Education Program.

(c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).

(3) Beginning with the 2017-18 school year and except as provided in Subsection (4), an LEA shall enter into a contract with a third party to provide the dropout prevention and recovery services described in Subsection (1)(a) for any school year in which the LEA meets the following criteria:

(a) the LEA's graduation rate is lower than the statewide graduation rate; and

(b)(i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or

(ii) during the previous calendar year, at least 10% of the LEA's designated students have not:

(A) reached the students' attainment goals; or

(B) made a year's worth of progress toward the students' attainment goals.

(4) An LEA that is in the LEA's first three years of operation is not subject to the requirement described in Subsection (3).

(5) An LEA described in Subsection (3) shall ensure that:

(a) a third party with whom the LEA enters into a contract under Subsection (3) has a demonstrated record of effectiveness engaging with and recovering designated students; and

(b) a contract with a third party requires the third party to:

(i) provide the services described in Subsection (1)(a); and

(ii) regularly report progress to the LEA.

(6) An LEA shall annually submit a report to the state board on dropout prevention and recovery services provided under this section, including:
(a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);

(b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (6)(a);

(c) the number of designated students who reach the designated students’ attainment goals identified under Subsection (1)(a)(ii)(B); and

(d) funding allocated to provide dropout prevention and recovery services.

(7) The state board shall:

(a) ensure that an LEA described in Subsection (3) contracts with a third party to provide dropout prevention and recovery services in accordance with Subsections (3) and (5); and

(b) report on the provisions of this section in accordance with Section 53E-1-203, including a summary of the reports submitted under Subsection (6).


(1) For purposes of this section:

(a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

(b) "Secondary school student":

(i) means a student enrolled in a secondary school; and

(ii) includes a student in grade 6 if the student attends a secondary school.

(2) A school district or charter school shall implement programs for secondary school students to attain the competency levels and graduation requirements established by the state board.

(3)(a) A school district or charter school shall establish remediation programs for secondary school students who do not meet competency levels in English, mathematics, science, or social studies.

(b) Participation in the programs is mandatory for secondary school students who fail to meet the competency levels based on classroom performance.

(4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school students requiring remediation who would otherwise be scheduled to enter their first year of high school to complete their remediation program during that first year.

(5)(a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.

(b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.

(6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs.


(1) An LEA shall provide a school comprehensive violence prevention and intervention strategies as part of a school's regular curriculum including:

(a) resource lessons and materials on anger management;

(b) conflict resolution; and

(c) respect for diversity and other cultures.
(2) As part of a violence prevention and intervention strategy in subsection (1), a school may provide age-appropriate instruction on firearm safety including appropriate steps to take if a student sees a firearm or facsimile in school.

(3) An LEA shall also develop student assistance programs including:
   (a) care teams;
   (b) school intervention programs; and
   (c) interagency case management teams.

(4) In developing student assistance programs, an LEA may coordinate with other state agencies and the Superintendent.

R277-606-1. Authority and purpose.

(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
   (b) Section 53A-15-1903, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program;
   (c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:
   (a) develop policies related to an LEA's dropout prevention and recovery program; and
   (b) set reporting requirements for LEAs with a dropout prevention and recovery program.


For purposes of this rule:

(1) "Attainment goal" has the same meaning as that term is defined in Section 53A-15-1902.

(2) "Average daily membership" means the same as that term is defined in Section 53A-17a-103.

(3) "Cohort" means the same as that term is defined in Section 53A-15-1902.

(4) "College and career readiness work" means the same as that term is defined in Section 53A-15-1902.

(5) "Designated student" means a student:
   (a)(i) who has withdrawn from a secondary school prior to earning a diploma;
   (ii) who was dropped from average daily membership; and
   (iii) whose cohort has not yet graduated; or
   (b) who is at risk of meeting the criteria described in Subsection (5)(a), as determined by the student's LEA, using the risk factors described in Subsection (10).

(6) "Graduation rate" means the same as that term is defined in Section 53A-15-1902.

(7) "LEA" means the same as that term is defined in Section 53A-15-1902.

(8) "Nontraditional program" means the same as that term is defined in Section 53A-15-1902.

(9) "Proxy graduation rate" means a rate calculated:
   (a) in a manner similar to the regular graduation rate for each year of grades 9 through 12;
   (b) treating a student as having graduated if the student returned after each grade year; and
   (c) treating a student as dropping out if the student:
(i) did not return after each year; or
(ii) the student did not have an acceptable exit code entered into the Board's UTREx system.

(10) "Risk factors" means:
(a) low academic performance, as measured by grades, test scores, or course failure;
(b) poor behavior, as measured by office disciplinary referrals, suspensions, or expulsions; and
(c) absenteeism, whether excused or unexcused absences, and including days tardy and truant.

(11) "Third party" means the same as that term is defined in Section 53A-15-1902.

R277-606.3. LEA dropout prevention and recovery programs.
(1) Beginning with the 2016-17 school year, an LEA that serves students in grades 9, 10, 11, or 12 shall provide a dropout prevention and recovery program for a designated student with the dropout prevention and recovery services described in Section 53A-15-1903.

(2) An LEA that enrolls a designated student in a dropout prevention and recovery program shall:
(a) develop a written policy that describes:
   (i) how the LEA or the LEA's third party will measure and report if the designated student made a year's worth of progress toward an attainment goal as required in Section R277-606-4; and
   (ii) how membership days will be determined for the designated student in accordance with the LEA's established school schedule and enrollment policies; and
(b) indicate that the designated student is enrolling in the LEA's dropout prevention and recovery program in accordance with current UTREx specifications.

(3)(a) If a designated student chooses to enroll in a dropout prevention and recovery program, the LEA, in consultation with the designated student, shall prepare, in accordance with the LEA's written policy described in Subsection (2), a learning plan for the designated student that includes an attainment goal for the designated student
(b) If an LEA is required to contract with a third party to provide dropout prevention and recovery services, the third party shall:
   (i) work with the LEA to prepare a learning plan for a designated student described in Subsection (3)(a);
   (ii) regularly report a designated student's progress toward the designated student's attainment goal in accordance with the LEA's written policy described in Subsection (2); and
   (iii) maintain documentation required by the LEA for the LEA to meet the requirements of Subsection R277-606-4(4).

(4)(a) If a designated student is a student with a disability and an LEA provides dropout prevention and recovery services without using a third party, the LEA shall:
   (i) prepare an IEP or Section 504 plan for the designated student; and
   (ii) provide the dropout prevention and recovery services in accordance with the designated student's IEP or Section 504 plan.
(b) If a designated student is a student with a disability and an LEA contracts with a third party to provide dropout prevention and recovery services to the designated student:
   (i) the LEA shall prepare an IEP or Section 504 plan for the designated student; and
   (ii) the third party shall provide the dropout prevention and recovery services to the designated student in accordance with the designated student's IEP or Section 504 plan.
R277-606-4. Reporting requirements and audits.
(1)(a) Beginning with the 2016-17 school year, on or before August 1, 2017 and on or before August 1 each year thereafter, an LEA shall submit a report to the Superintendent on the LEA's dropout prevention and recovery services.

(b) The report described in Subsection (1)(a) shall include:
(i) the information described in Section 53A-15-1903;
(ii) the total number of designated students in the LEA; and
(iii) if applicable, the name of a third party the LEA is contracting with to provide dropout prevention and recovery services.

(2) A third party working with an LEA on the LEA's dropout prevention and recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).

(3) The Superintendent shall:
(a) review LEA reports described in Subsection (1);
(b) by April 1 each year, inform an LEA that the LEA is required to enter into a contract with a third party as described in Subsection 53A-15-1903(3); and
(c) ensure that an LEA described in Subsection 53A-15-1903(3) and Subsection R277-606-3(3) contracts with a third party as required in Section 53A-15-1903 and Section R277-606-3.

(4)(a) An LEA shall maintain documentation to comply with the requirements of Section 53A-15-1903 and this rule.

(b) The Board or the Superintendent may request an audit of an LEA's dropout prevention and recovery program.

(1) This rule incorporates by reference the LRBI Technical Assistance Manual, dated September 2015, provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:
(a) promote positive behaviors while preventing negative or risky behaviors; and
(b) create a safe learning environment that enhances all student outcomes.

(2) A copy of the manual is located at:
(a) http://www.schools.utah.gov/sars/Behavior.aspx; and
(b) the Utah State Board of Education.

R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
(t) gang prevention and intervention policies in accordance with Subsection 53E-3-509 (1); and

(1) An LEA shall implement strategies and policies consistent with the LEA's plan required in Section R277-609-4.

(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior
expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.

(3) An LEA shall implement positive behavior interventions and supports as part of the LEA’s continuum of behavior interventions strategies.

(4)(a) An LEA shall provide a formal written assessment of a habitually disruptive student as part of a student’s suspension or expulsion process that results in court involvement, once an LEA receives information from the court that disruptive student behavior will result in court action.

(b) An LEA shall use assessment information to connect parents and students with supportive school and community resources.

Professional development

LAWS

§ 53E-3-509. Gang prevention and intervention policies.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

(ii) emphasizing the school’s concern for safety; and

(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;


(1) There is created the State Safety and Support Program.

(2) The state board shall:

(a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:

(i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;

(ii) procedures for referrals to law enforcement; and
(iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;

(b) provide training:
   (i) in school safety;
   (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
   (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
   (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
   (v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
   (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;

(c) conduct and disseminate evidence-based research on school safety concerns;

(d) disseminate information on effective school safety initiatives;

(e) encourage partnerships between public and private sectors to promote school safety;

(f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;

(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident;

(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;

(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:
   (i) requiring an LEA to:
      (A) create or adopt and disseminate a school climate survey; and
      (B) disseminate the school climate survey;
   (ii) recommending the distribution method, survey frequency, and sample size of the survey; and
   (iii) specifying the areas of content for the school climate survey; and

(j) collect aggregate data and school climate survey results from each LEA.

(3) Nothing in this section requires an individual to respond to a school climate survey.


(1) (a) An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).

   (b) An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.

(2) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to
provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:
   (a) the establishment of a bullying task force; or
   (b) the involvement of school employees, students, or law enforcement.

(4) The state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

§ 53G-9-704. Youth suicide prevention training for employees.

(1) A school district or charter school shall require a licensed employee to complete two hours of professional development training on youth suicide prevention within the employee's license cycle described in Section 53E-6-201.

(2) The state board shall:
   (a) develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention; and
   (b) incorporate in rule the training described in Subsection (1) into professional development training described in Section 53E-6-201.

REGULATIONS

R277-495-5. Required School Level Training.

(1) A school shall provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers:
   (a) the contents of the school's policy;
   (b) the importance of digital citizenship;
   (c) the LEA's conduct and discipline related consequences as related to a violation of the school's policy;
   (d) the LEA's general conduct and discipline policies as described in Section 53G-8-202; and
   (e) the benefits of connecting to the Internet and utilizing the school's Internet filters, while on school premises.

(2) A school that adopts a permissible use policy shall:
   (a) within the first 45 days of each school-year, provide school-wide or in-classroom training to employees and students that covers:
      (i) the elements described in Subsections (1)(a) through (e); and
      (ii) specific rules governing the permissible and restricted uses of personal electronic devices while in a classroom; and
   (b) require that each educator who allows the use of a personal electronic device in the classroom clearly communicates to parents and students the conditions under which the use of a personal electronic device is allowed.

R277-609-4. LEA responsibility to develop plans.

(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation so as to create a community sense of participation, ownership, support, and responsibility.

(3) A plan described in Subsection (1) shall include:
(g) an ongoing staff development program related to development of:
   (i) student behavior expectations;
   (ii) effective instructional practices for teaching and reinforcing behavior expectations;
   (iii) effective intervention strategies; and
   (iv) effective strategies for evaluation of the efficiency and effectiveness of interventions;
(h) procedures for ongoing training of appropriate school personnel in:
   (i) crisis intervention training;
   (ii) emergency safety intervention professional development; and
   (iii) LEA policies related to emergency safety interventions consistent with evidence-based practice;

R277-613-4. LEA responsibility to create or update bullying policies.
(5)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to provide such training.
(b) The training described in Subsection (5)(a) shall:
   (i) include information on various types of aggression and bullying, including:
      (A) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
      (B) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
      (C) sexual aggression or acts of a sexual nature or with sexual overtones;
      (D) cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and
      (E) civil rights violations, including bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived identities and conformance or failure to conform with stereotypes;
   (ii) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and
   (iii) include information on when issues relating to this rule may lead to student or employee discipline.
(6) The training described in Subsection (5) shall be offered to:
   (a) new school employees, coaches, and volunteers; and
   (b) all school employees, coaches, and volunteers at least once every three years.

R277-613-6. Training by LEAs specific to participants in public school athletic programs and school clubs.
(1)(a) Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training. 
(b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.
(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.

(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

(1) For purposes of this section:
   (a) “Intentionally” is as defined in Section 76-2-103.
   (b) “Recklessly” is as defined in Section 76-2-103.
   (c) “Remainder of the school year” means the portion of the school year beginning on the day after the
day on which the notice of compulsory education violation described in Subsection (3) is served and
ending on the last day of the school year.
   (d) “School-age child” means a school-age minor under the age of 14.
(2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age minor shall enroll
and send the school-age minor to a public or regularly established private school.
(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a
school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a
parent of a school-age child if the school-age child is absent without a valid excuse at least five times
during the school year.
(4) The notice of compulsory education violation, described in Subsection (3):
   (a) shall direct the parent of the school-age child to:
      (i) meet with school authorities to discuss the school-age child’s school attendance problems; and
      (ii) cooperate with the local school board, charter school governing board, or school district in
           securing regular attendance by the school-age child;
   (b) shall designate the school authorities with whom the parent is required to meet;
   (c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or
       recklessly:
      (i) fail to meet with the designated school authorities to discuss the school-age child’s school
          attendance problems; or
      (ii) fail to prevent the school-age child from being absent without a valid excuse five or more times
          during the remainder of the school year;
   (d) shall be served on the school-age child’s parent by personal service or certified mail; and
   (e) may not be issued unless the school-age child has been truant at least five times during the school
       year.
(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to
enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under
Section 53G-6-204 or 53G-6-702.
(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of
compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:
   (a) fail to meet with the school authorities designated in the notice of compulsory education violation to
discuss the school-age child’s school attendance problems; or
(b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.

(8) If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:

(a) identifying information of the child and the child’s parent who received the notice of compulsory education violation;

(b) information regarding the longest number of consecutive school days the school-age minor has been absent from school and the percentage of school days the child has been absent during each relevant school term;

(c) whether the child has made adequate educational progress;

(d) whether the requirements of Section 53G-6-206 have been met;

(e) whether the child is two or more years behind the local public school’s age group expectations in one or more basic skills; and

(f) whether the child is receiving special education services or systematic remediation efforts.

§ 53G-8-209. Extracurricular activities -Prohibited conduct -Reporting of violations -Limitation of liability.

(1) The Legislature recognizes that:

(a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

(b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;

(c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;

(d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and

(e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

(2)(a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):

(i) use of foul, abusive, or profane language while engaged in school related activities;
(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3)(a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section 53G-4-405 apply to this section.

For purposes of Sections 53G-8-502 through 53G-8-504:

(1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.

(2) "Prohibited act" means an act prohibited by Section 53G-4-402, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

§ 53G-8-503. Reporting procedure.
(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

§ 53G-8-506. Reporting of prohibited acts affecting a school -Confidentiality.
(1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:

(a) the principal;
(b) an administrator of the affected school;
(c) the superintendent of the affected school district; or
(d) an administrator of the affected school district.
(2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.

(3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.

(4) The identity of persons making reports pursuant to this section shall be kept confidential.

§ 53B-17-1202. SafeUT Crisis Line established.

The University Neuropsychiatric Institute shall:

(1) establish a SafeUT Crisis Line to provide:
   (a) a means for an individual to anonymously report:
      (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;
      (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
      (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and
   (b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;

(2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and

(3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
   (a) school officials; and
   (b) law enforcement officials.

REGULATIONS

R277-608-3. Reporting requirements.

A. Each LEA shall incorporate in the LEA plan submitted to the USOE annually, the prohibition of corporal punishment consistent with the law.

B. An LEA policy shall incorporate a prohibition of corporal punishment consistent with the law, appropriate sanctions and appeal procedures for LEA employees disciplined under this rule and the corresponding state statute.

Parental notification

LAWS


(1) For purposes of this section:
   (a) “Intentionally” is as defined in Section 76-2-103.
   (b) “Recklessly” is as defined in Section 76-2-103.
   (c) “Remainder of the school year” means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.
   (d) “School-age child” means a school-age minor under the age of 14.
(2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):
   (a) shall direct the parent of the school-age child to:
      (i) meet with school authorities to discuss the school-age child’s school attendance problems; and
      (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;
   (b) shall designate the school authorities with whom the parent is required to meet;
   (c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:
      (i) fail to meet with the designated school authorities to discuss the school-age child’s school attendance problems; or
      (ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;
   (d) shall be served on the school-age child’s parent by personal service or certified mail; and
   (e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:
   (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child’s school attendance problems; or
   (b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.

(8) If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
   (a) identifying information of the child and the child’s parent who received the notice of compulsory education violation;
   (b) information regarding the longest number of consecutive school days the school-age minor has been absent from school and the percentage of school days the child has been absent during each relevant school term;
   (c) whether the child has made adequate educational progress;
   (d) whether the requirements of Section 53G-6-206 have been met;
(e) whether the child is two or more years behind the local public school’s age group expectations in one or more basic skills; and
(f) whether the child is receiving special education services or systematic remediation efforts.

§ 53G-6-203. Truancy -Notice of truancy -Failure to cooperate with school authorities -Habitual truant citation.
(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.
(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is truant.
(3) A local school board or charter school governing board:
   (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and
   (b) shall establish a procedure for a school-age minor, or the school-age minor’s parents, to contest a notice of truancy.
(4) The notice of truancy described in Subsection (3):
   (a) may not be issued until the school-age minor has been truant at least five times during the school year;
   (b) may not be issued to a school-age minor who is less than 12 years old;
   (c) may not be issued to a minor exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
   (d) shall direct the school-age minor and the parent of the school-age minor to:
      (i) meet with school authorities to discuss the school-age minor's truancies; and
      (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age minor; and
   (e) shall be mailed to, or served on, the school-age minor’s parent.

§ 53G-6-208. Taking custody of a person believed to be a truant minor -Disposition -Receiving centers -Reports -Immunity from liability.
(1) A peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
(2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
   (a) the principal of the minor's school;
   (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
   (c) a receiving center established under Subsection (5).
(3) If the minor refuses to return to school or go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
(4) If the parents cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.
(5) (a) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with
existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

(b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken [...]

§ 53G-8-204. Suspension and expulsion procedures -Notice to parents -Distribution of policies.
(1)(a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b)(i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board.

(2)(a) Each local school board or charter school governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

§ 53G-8-210. Disruptive student behavior.
(1) As used in this section:

(a) "Disruptive student behavior" includes:

(i) the grounds for suspension or expulsion described in Section 53G-8-205; and

(ii) the conduct described in Subsection 53G-8-209(2)(b).

(b) "Parent" includes:

(i) a custodial parent of a school-age minor;

(ii) a legally appointed guardian of a school-age minor; or

(iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).

(c) "Qualifying minor" means a school-age minor who:

(i) is at least nine years old; or

(ii) turns nine years old at any time during the school year.

(d) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age minor is enrolled.
(2) A local school board, school district, charter school governing board, or charter school may impose 
administrative penalties in accordance with Section 53G-8-211 on a school-age minor who violates this 
part.

(3)(a) A local school board or charter school governing board shall:

(i) authorize a school administrator or a designee of a school administrator to issue notices of 
disruptive student behavior to qualifying minors; and

(ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of 
disruptive student behavior.

(b) A school representative shall provide to a parent of a school-age minor, a list of resources available 
to assist the parent in resolving the school-age minor's disruptive student behavior problem.

(c) A local school board or charter school governing board shall establish procedures for a school 
counselor or other designated school representative to work with a qualifying minor who engages in 
disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior 
problems.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

(a) shall be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times 
during the school year; or

(ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the 
school year;

(b) shall require that the qualifying minor and a parent of the qualifying minor:

(i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and

(ii) cooperate with the local school board or charter school governing board in correcting the school-
age minor's disruptive student behavior; and

(c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(5) A habitual disruptive student behavior notice:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six 
times during the school year;

(ii)(A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least 
three times during the school year; and

    (B) engages in disruptive student behavior, that results in suspension or expulsion, at least once 
during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice 
during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy 
specialist, who is authorized by a local school board or charter school governing board to issue a 
habitual disruptive student behavior notice.

(6)(a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection 
(5) may not be referred to the juvenile court.

(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a 
representative of the school district or charter school shall provide documentation, to a parent of the 
qualifying minor who receives the notice, of the efforts made by a school counselor or representative 
under Subsection (3)(c).
§ 53G-9-604. Parental notification of certain incidents and threats required.

(1) A school shall:
   (a) notify a parent if the parent's student threatens to commit suicide; or
   (b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.

(2)(a) If a school notifies a parent of an incident or threat required to be reported under Subsection (1), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.

   (b) A school shall maintain a record described in Subsection (2)(a) in accordance with the requirements of:
      (i) Title 53E, Chapter 9, Part 2, Student Privacy;
      (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
      (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
      (iv) 34 C.F.R. Part 99.

(3) A local school board or charter school governing board shall adopt a policy regarding the process for:
   (a) notifying a parent as required in Subsection (1); and
   (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (2).

(4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).

(5) A school shall:
   (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and
   (b) expunge a record maintained in accordance with this section that relates to a student if the student:
      (i) has graduated from high school; and
      (ii) requests the record be expunged.

§ 53G-9-605. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(3) The policy shall include the following components:
   (i) Title 53E, Chapter 9, Part 2, Student Privacy;
   (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
   (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
   (iv) 34 C.F.R. Part 99.

REGULATIONS


A. LEAs shall:
   (1) establish definitions not provided in law or this rule necessary to implement a compulsory attendance policy;
(2) include definitions of approved school activity under Section 53G-6-201 (9)(c) and excused absence to be provided locally under Section 53G-6-201 (9)(e);
(3) include criteria and procedures for preapproval of extended absences consistent with Section 53A-11-101.3; and
(4) establish programs and meaningful incentives which promote regular, punctual student attendance.

B. LEAs shall include in their policies provisions for:
(1) notice to parents of the policy;
(2) notice to parents as discipline or consequences progress; and
(3) the opportunity to appeal disciplinary measures.

C. LEAs shall establish and publish procedures for use by school-age minors or their parents to contest notices of truancy.

R277-609-4. LEA responsibility to develop plans.
(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation so as to create a community sense of participation, ownership, support, and responsibility.
(3) A plan described in Subsection (1) shall include:
   (u) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
      (iii) a provision for publication of notice to parents and school employees of policies by reasonable means.

R277-609-5. Physical restraint and seclusionary time out.
(2) If a public education employee physically restrains a student, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.
(4) In addition to the notice described in Subsection (2), if a public education employee physically restrains a student for more than fifteen minutes, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.
(7) If a student is placed in seclusionary time out, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.
(9) In addition to the notice described in Subsection (7), if a public education employee places a student in seclusionary time out for more than fifteen minutes, the school or the public education employee shall immediately notify:
   (a) the student's parent or guardian; and
   (b) school administration.

(1) Through school administrative and juvenile court referral consequences, LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

(2) An LEA shall establish policies that:
   (a) provide notice to parents and information about resources available to assist a parent in resolving the parent's school-age minors' disruptive behavior;
   (b) provide for notices of disruptive behavior to be issued by schools to qualifying minors and parents consistent with:
      (i) numbers of disruptions and timelines in accordance with Section 53G-8-210;
      (ii) school resources available;
      (iii) cooperation from the appropriate juvenile court in accessing student school records, including:
         (A) attendance;
         (B) grades;
         (C) behavioral reports; and
         (D) other available student school data; and
      (iv) provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

(3)(a) When a crisis situation occurs that requires the use of an emergency safety intervention to protect the student or others from harm, a school shall notify the LEA and the student's parent or guardian as soon as possible and no later than the end of the school day.

   (b) In addition to the notice described in Subsection (3)(a), if a crisis situation occurs for more than fifteen minutes, the school shall immediately notify:
      (i) the student's parent or guardian; and
      (ii) school administration.

   (d) A notice described in Subsection (3)(a) shall be documented within student information systems (SIS) records.

(4)(a) A school shall provide a parent or guardian with a copy of any notes or additional documentation taken during a crisis situation upon request of the parent or guardian.

   (b) Within 24 hours of a crisis situation, a school shall notify a parent or guardian that the parent or guardian may request a copy of any notes or additional documentation taken during a crisis situation.

   (c) A parent or guardian may request a time to meet with school staff and administration to discuss a crisis situation.

R277-613-4. LEA responsibility to create or update bullying policies.

(2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:
   (i) a parent's student's threat to commit suicide; or
   (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a targeted individual or an individual who is alleged to have engaged in prohibited conduct.

   (b) An LEA shall:
      (i) notify a parent described in Subsection (2)(a) in a timely manner;
      (ii) designate the appropriate school employee to provide parental notification; and
      (iii) designate the format in which notification is provided to parents and maintained by the LEA.
(3) Subject to the parental consent requirements of Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

(4) An LEA shall take strong responsive action against retaliation, including assistance to targeted individuals and their parents in reporting subsequent problems and new incidents.

R277-613-5. Reporting and Incident Review of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

(6)(a) An alleged targeted individual is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in Subsection (5)(a).

(b) If an LEA would like an alleged targeted individual who is a student to participate in a restorative justice practice, the LEA shall notify the alleged targeted individual's parent of the restorative justice practice and obtain consent from the alleged targeted individual's parent before including the alleged targeted individual in the process.

Reporting and referrals between schools and law enforcement

LAWS

§ 53G-4-402. Powers and duties generally.

(23) A local school board may establish or partner with a certified youth court program, in accordance with Section 78A-6-1203, or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

§ 53G-8-210. Disruptive student behavior.

(1) As used in this section:

(a) "Disruptive student behavior" includes:

(i) the grounds for suspension or expulsion described in Section 53G-8-205; and

(ii) the conduct described in Subsection 53G-8-209(2)(b).

(b) "Parent" includes:

(i) a custodial parent of a school-age minor;

(ii) a legally appointed guardian of a school-age minor; or

(iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).

(c) "Qualifying minor" means a school-age minor who:

(i) is at least nine years old; or

(ii) turns nine years old at any time during the school year.

(d) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age minor is enrolled.

(2) A local school board, school district, charter school governing board, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age minor who violates this part.

(3)(a) A local school board or charter school governing board shall:
(i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and

(ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

(b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.

(c) A local school board or charter school governing board shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

(a) shall be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

(ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;

(b) shall require that the qualifying minor and a parent of the qualifying minor:

(i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and

(ii) cooperate with the local school board or charter school governing board in correcting the school-age minor's disruptive student behavior; and

(c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(5) A habitual disruptive student behavior notice:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board to issue a habitual disruptive student behavior notice.

(6)(a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.

(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

§ 53G-8-211. Responses to school-based behavior.

(1) As used in this section:

(a) "Evidence-based" means a program or practice that has:
(i) had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
(ii) been rated as effective by a standardized program evaluation tool; or
(iii) been approved by the state board.
(b) "Mobile crisis outreach team" means the same as that term is defined in Section 78A-6-105.
(c) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.
(d) “School administrator” means a principal of a school.
(e) “School is in session” means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
(f) “School resource officer” means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.
(g)(i) “School-sponsored activity” means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
   (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
   (B) the activity uses the local education agency or public school's facilities, equipment, or other school resources; or
   (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
(ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
(h)(i) “Status offense” means a violation of the law that would not be a violation but for the age of the offender.
   (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation that by statute is made a misdemeanor or felony.
(2) This section applies to a minor enrolled in school who is alleged to have committed an offense at the school where the student is enrolled:
(a) on school property where the student is enrolled:
   (i) when school is in session; or
   (ii) during a school-sponsored activity; or
(b) that is truancy.
(3)(a) If the alleged offense is a class C misdemeanor, an infraction, a status offense on school property, or truancy, the minor may not be referred to law enforcement or court but may be referred to evidence-based alternative interventions, including:
   (i) a mobile crisis outreach team, as defined in Section 78A-6-105;
   (ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 62A-7-104;
   (iii) a youth court or comparable restorative justice program;
(iv) evidence-based interventions created and developed by the school or school district; and
(v) other evidence-based interventions that may be jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health, or the Department of Human Services.

(b) Notwithstanding Subsection (3)(a), a school resource officer may:
(i) investigate possible criminal offenses and conduct, including conducting probable cause searches;
(ii) consult with school administration about the conduct of a minor enrolled in a school;
(iii) transport a minor enrolled in a school to a location if the location is permitted by law;
(iv) take temporary custody of a minor pursuant to Subsection 78A-6-112(1); or
(v) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.

(c) Notwithstanding other provisions of this section, a law enforcement officer who has cause to believe a minor has committed an offense on school property when school is not in session nor during a school-sponsored activity, the law enforcement officer may refer the minor to court or may refer the minor to evidence-based alternative interventions at the discretion of the law enforcement officer.

(4)(a) Notwithstanding Subsection (3)(a) and subject to the requirements of this Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor committed on school property or for being a habitual truant, as defined in Section 53G-6-201, if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).

(b)(i) When a minor is referred to court under Subsection (4)(a), the school shall appoint a school representative to continue to engage with the minor and the minor’s family through the court process.

(ii) A school representative appointed under this Subsection (4)(b) may not be a school resource officer.

(c) A school district or school shall include the following in its referral to the court:
(i) attendance records for the minor;
(ii) a report of evidence-based alternative interventions used by the school before referral, including outcomes;
(iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor’s family; and
(iv) any other information the school district or school considers relevant.

(d) A minor referred to court under this Subsection (4), may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-1101 when the underlying offense is a class C misdemeanor occurring on school property or habitual truancy.

(e) If a minor is referred to court under this Subsection (4), the court may use, when available, the resources of the Division of Juvenile Justice Services or the Division of Substance Abuse and Mental Health to address the minor.

(5) If the alleged offense is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to the juvenile court by the school administrator, the school administrator’s designee, or a school resource officer, or the minor may be referred to the evidence-based alternative interventions in Subsection (3)(a).

§ 53G-8-402. Notification by juvenile court and law enforcement agencies.
(1) Notifications received from the juvenile court or law enforcement agencies by the school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(b) are governed by this part.
(2) School districts may enter into agreements with law enforcement agencies for notification under Subsection (1).

§ 53G-8-403. Superintendent required to notify school.
(1) Within three days of receiving the information from the juvenile court or a law enforcement agency, the district superintendent shall notify the principal of the school the juvenile attends or last attended.
(2) Upon receipt of the information, the principal shall:
   (a) make a notation in a secure file other than the student's permanent file; and
   (b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.
(3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.
(4) Access to secure files shall be limited to persons authorized to receive information under this part.

§ 53G-8-506. Reporting of prohibited acts affecting a school - Confidentiality.
(1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:
   (a) the principal;
   (b) an administrator of the affected school;
   (c) the superintendent of the affected school district; or
   (d) an administrator of the affected school district.
(2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
(3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.
(4) The identity of persons making reports pursuant to this section shall be kept confidential.

(1) There is created the State Safety and Support Program.
(2) The state board shall:
   (a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:
      (i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;
      (ii) procedures for referrals to law enforcement; and
      (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
   (b) provide training:
      (i) in school safety;
      (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
      (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
(iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;

(v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;

(c) conduct and disseminate evidence-based research on school safety concerns;

(d) disseminate information on effective school safety initiatives;

(e) encourage partnerships between public and private sectors to promote school safety;

(f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;

(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident;

(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;

(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:

(i) requiring an LEA to:

(A) create or adopt and disseminate a school climate survey; and

(B) disseminate the school climate survey;

(ii) recommending the distribution method, survey frequency, and sample size of the survey; and

(iii) specifying the areas of content for the school climate survey; and

(j) collect aggregate data and school climate survey results from each LEA.

(3) Nothing in this section requires an individual to respond to a school climate survey.

§ 76-5-102.3. Assault against school employees.

(1) Any person who commits an assault as defined in Section 76-5-102 or commits a threat of violence as defined in Section 76-5-107, against an employee of a public or private school, with knowledge that the individual is an employee, and when the employee is acting within the scope of his authority as an employee, is guilty of a class A misdemeanor.

(2) As used in this section, "employee" includes a volunteer.

§ 76-5-107.5. Prohibition of "hazing" - Definitions - Penalties.

(1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:

(a)(i) endangers the mental or physical health or safety of another;

(ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or

(iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and
(b)(i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or

(ii) if the actor knew that the victim is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.

(2) It is not a defense to prosecution of hazing that a person under 21, against whom the hazing was directed, consented to or acquiesced in the hazing activity.

(3) An actor who hazes another is guilty of a:

(a) class B misdemeanor except as provided in Subsection (3)(b), (c), (d), or (e);

(b) class A misdemeanor if the act involves:

(i) the operation or other use of a motor vehicle;

(ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or

(iii) the consumption of a drug or a substance as defined in Section 76-5-113;

(c) third degree felony if the act involves the use of a dangerous weapon as defined in Section 76-1-601;

(d) third degree felony if the hazing results in serious bodily injury to a person; or

(e) second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon as defined in Section 76-1-601.

(4) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.

(5)(a) This section does not apply to military training or other official military activities.

(b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.

(6)(a) A prosecution under this section does not bar a prosecution of the actor for:

(i) any other offense for which the actor may be liable as a party for conduct committed by the person hazed; or

(ii) any offense, caused in the course of the hazing, that the actor commits against the person who is hazed.

(b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.

(c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

§ 76-8-1402. Disruption of activities in or near school building - Failure to leave - Reentry - Penalties.

(1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:

(a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and

(b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.

(2)(a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.

(b)(i) The first and second violation of Subsection (1) are class B misdemeanors.

(ii) A third and any subsequent violations of Subsection (1) are class A misdemeanors.
§ 76-9-106. Disrupting the operation of a school.
(1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.
(2) For purposes of this section, "school property" includes property being used by a public or private school for a school function.
(3) Disrupting the operation of a school is a class B misdemeanor.

§ 76-9-107. Unauthorized entry of school bus - Posting of warning on school buses.
(1) As used in this section:
   (a) "Driver" means the driver of the school bus.
   (b) "School bus" means every publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.
(2) A person is guilty of a class B misdemeanor if the person:
   (a) enters a school bus with the intent to commit a criminal offense;
   (b) enters a school bus and disrupts or interferes with the driver; or
   (c) enters a school bus and refuses to leave the bus after being ordered to leave by the driver and the person:
      (i) is not a peace officer acting within the scope of his or her authority as a peace officer;
      (ii) is not authorized by the school district to board the bus as a student or as an individual employed by the school district or volunteering as a participant in a school activity;
      (iii) causes or attempts to cause a disruption or an annoyance to any passenger on the bus; or
      (iv) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.
(3) Each school district shall ensure that clearly legible signs be placed on each school bus, next to each entrance to the bus, warning that unauthorized entry of a school bus is a violation of state law.

§ 76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises - Penalties.
(1) As used in this section, "on or about school premises" means:
   (a)(i) in a public or private elementary or secondary school; or
   (ii) on the grounds of any of those schools;
   (b)(i) in a public or private institution of higher education; or
   (ii) on the grounds of a public or private institution of higher education; and
   (iii)(A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
   (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.
(3)(a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;
(b) the possession is approved by the responsible school administrator;
(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
(d) the possession is:
   (i) at the person’s place of residence or on the person’s property; or
   (ii) in any vehicle lawfully under the person’s control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

§ 76-10-1235. Accessing pornographic or indecent material on school property.

(1) As used in this section:

(a) “Pornographic or indecent material” means any material:
   (i) defined as harmful to minors in Section 76-10-1201;
   (ii) described as pornographic in Section 76-10-1203; or
   (iii) described in Section 76-10-1227.
(b) “School property” means property, including land and improvements, that a school district or charter school owns, leases, or occupies.

(2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:

(a) distributing pornographic material as specified in Section 76-10-1204;
(b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
(c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
(d) indecent public displays as specified in Section 76-10-1228.

(3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:

(a) investigation of a violation of this section; or
(b) enforcement of this section.

(4) Each separate offense under this section is:

(a) a class A misdemeanor if the person is 18 years of age or older; and
(b) a class B misdemeanor if the person is under 18 years of age.

(5) This section does not prohibit disciplinary action for actions that violate this section.
REGULATIONS

R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
   (p) a requirement to provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
   (u) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
      (i) the role of law enforcement; and

(1) Through school administrative and juvenile court referral consequences, LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

Disclosure of school records

LAWS

§ 53E-9-202. Application of state and federal law to the administration and operation of public schools - Local school board and charter school governing board policies.
(1) As used in this section "education entity" means:
   (a) the state board;
   (b) a local school board or charter school governing board;
   (c) a school district;
   (d) a public school; or
   (e) the Utah Schools for the Deaf and the Blind.
(2) An education entity and an employee, student aide, volunteer, third party contractor, or other agent of an education entity shall protect the privacy of a student, the student's parents, and the student's family and support parental involvement in the education of their children through compliance with the protections provided for family and student privacy under this part and the Family Educational Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h, in the administration and operation of all public-school programs, regardless of the source of funding.
(3) A local school board or charter school governing board shall enact policies governing the protection of family and student privacy as required by this part.

§ 53E-9-203. Activities prohibited without prior written consent - Validity of consent - Qualifications - Training on implementation.
(1) Except as provided in Subsection (7), Section 53G-9-604, and Section 53G-9-702, policies adopted by a school district or charter school under Section 53E-9-202 shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:
   (a) political affiliations or, except as provided under Section 53G-10-202 or rules of the state board, political philosophies;
   (b) mental or psychological problems;
(c) sexual behavior, orientation, or attitudes;
(d) illegal, anti-social, self-incriminating, or demeaning behavior;
(e) critical appraisals of individuals with whom the student or family member has close family relationships;
(f) religious affiliations or beliefs;
(g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
(h) income, except as required by law.

(2) Prior written consent under Subsection (1) is required in all grades, kindergarten through grade 12.

(3) Except as provided in Subsection (7), Section 53G-9-604, and Section 53G-9-702, the prohibitions under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent has been obtained.

(4)(a) Written parental consent is valid only if a parent has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:

(i) records or information, including information about relationships, that may be examined or requested;
(ii) the means by which the records or information shall be examined or reviewed;
(iii) the means by which the information is to be obtained;
(iv) the purposes for which the records or information are needed;
(v) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
(vi) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

(b) For a survey described in Subsection (1), written notice described in Subsection (4)(a) shall include an Internet address where a parent can view the exact survey to be administered to the parent's student.

(5)(a) Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court, disclosure to a parent must be given at least two weeks before information protected under this section is sought.

(b) Following disclosure, a parent may waive the two week minimum notification period.

(c) Unless otherwise agreed to by a student's parent and the person requesting written consent, the authorization is valid only for the activity for which it was granted.

(d) A written withdrawal of authorization submitted to the school principal by the authorizing parent terminates the authorization.

(e) A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this section.

(6)(a) This section does not limit the ability of a student under Section 53G-10-203 to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.

(b)(i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay.
(ii) If, however, the matter has been reported to the Division of Child and Family Services with the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.

(iii) The division may be exempted from the notification requirements described in this Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

(7)(a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

(i) referring the student to appropriate prevention services; and

(ii) informing the student's parent or legal guardian.

(b) On or before September 1, 2014, a school district or charter school shall develop and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while requiring the minimum degree of intervention to accomplish the goals of this section.

(8) Local school boards and charter school governing boards shall provide inservice for teachers and administrators on the implementation of this section.

(9) The board shall provide procedures for disciplinary action for violations of this section.


(1) As used in this section, "education record" means the same as that term is defined in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

(2) A local school board or charter school governing board shall require each public school to:

(a) create and maintain a list that includes the name and position of each school employee who the public school authorizes, in accordance with Subsection (4), to have access to an education record; and

(b) provide the list described in Subsection (2)(a) to the school's local school board or charter school governing board.

(3) A local school board or charter school governing board shall:

(a) provide training on student privacy laws; and

(b) require a school employee on the list described in Subsection (2) to:

(i) complete the training described in Subsection (3)(a); and

(ii) provide to the local school board or charter school governing board a certified statement, signed by the school employee, that certifies that the school employee completed the training described in Subsection (3)(a) and that the school employee understands student privacy requirements.

(4)(a) Except as provided in Subsection (4)(b), a local school board, charter school governing board, public school, or school employee may only share an education record with a school employee if:

(i) that school employee's name is on the list described in Subsection (2); and

(ii) federal and state privacy laws authorize the education record to be shared with that school employee.

(b) A local school board, charter school governing board, public school, or school employee may share an education record with a school employee if the board, school, or employee obtains written consent from:

(i) the parent of the student to whom the education record relates, if the student is younger than 18 years old; or
(ii) the student to whom the education record relates, if the student is 18 years old or older.

§ 53G-8-404. Board to set procedures.
The state board shall make rules governing the dissemination of the information.

§ 53G-8-405. Liability for release of information.
(1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.

(2) A person receiving information under Subsection 78A-6-112(3)(b), 78A-6-117(1)(b), or Section 53G-8-403 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

§ 53G-9-604. Parental notification of certain incidents and threats required.
(1) A school shall:
   (a) notify a parent if the parent's student threatens to commit suicide; or
   (b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.

(2)(a) If a school notifies a parent of an incident or threat required to be reported under Subsection (1), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.

   (b) A school shall maintain a record described in Subsection (2)(a) in accordance with the requirements of:
      (i) Title 53E, Chapter 9, Part 2, Student Privacy;
      (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
      (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
      (iv) 34 C.F.R. Part 99.

(3) A local school board or charter school governing board shall adopt a policy regarding the process for:
   (a) notifying a parent as required in Subsection (1); and
   (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (2).

(4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).

(5) A school shall:
   (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and
   (b) expunge a record maintained in accordance with this section that relates to a student if the student:
      (i) has graduated from high school; and
      (ii) requests the record be expunged.
REGULATIONS

(1) An LEA shall issue transcripts and diplomas prepared for youth in custody in the name of an existing LEA, which also serves non-custodial youth and shall not bear references to custodial status.
(2) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless student records if retained by the LEA.
(3)(a) Members of the interagency team which design and oversee student education plans shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies.
   (b) The records and information obtained from the records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency, the student's legal guardian, or the eligible student as defined under 20 U.S.C. 1232g(d).
(4) Youth in custody programs shall comply with all state and federal privacy requirements for student records.

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

LAWS

§ 53E-3-301. Appointment - Qualifications - Duties.
(3) The state superintendent shall perform duties assigned by the state board, including:
   (a) investigating all matters pertaining to the public schools;
   (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;
   (c) holding and conducting meetings, seminars, and conferences on educational topics;
   (d) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:
      (i) data that are:
         (A) comparable across schools and school districts;
         (B) appropriate for use in longitudinal studies; and
         (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
      (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
         (A) retrieve school and school district level data electronically;
         (B) interpret the data visually; and
         (C) draw conclusions that are statistically valid; and
      (iii) procedures for the collection and management of education data that:
         (A) require the state superintendent to:
            (I) collaborate with school districts and charter schools in designing and implementing uniform data standards and definitions;
            (II) undertake or sponsor research to implement improved methods for analyzing education data;
(III) provide for data security to prevent unauthorized access to or contamination of the data; and
(IV) protect the confidentiality of data under state and federal privacy laws; and
(B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3) (d);
(e) administering and implementing federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs; and
(f) with the approval of the state board, preparing and submitting to the governor a budget for the state board to be included in the budget that the governor submits to the Legislature.

§ 53E-3-516. School disciplinary and law enforcement action report - Rulemaking authority.
(1) As used in this section:
(a) “Disciplinary action” means an action by a public school meant to formally discipline a student of that public school that includes a suspension or expulsion.
(b) “Law enforcement agency” means the same as that term is defined in Section 77-7a-103.
(c) “Minor” means the same as that term is defined in Section 53G-6-201.
(d) “Other law enforcement activity” means a significant law enforcement interaction with a minor that does not result in an arrest, including:
(i) a search and seizure by an SRO;
(ii) issuance of a criminal citation;
(iii) issuance of a ticket or summons;
(iv) filing a delinquency petition; or
(v) referral to a probation officer.
(e) “School is in session” means the hours of a day during which a public school conducts instruction for which student attendance is counted toward calculating average daily membership.
(f)(i) “School-sponsored activity” means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
(A) the activity is managed or supervised by a school district, public school, or public school employee;
(B) the activity uses the school district or public school facilities, equipment, or other school resources; or
(C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school’s activity funds or Minimum School Program dollars.
(ii) “School-sponsored activity” includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
(g) “Student resource officer” or “SRO” means the same as that term is defined in Section 53G-8-701.
(2) Beginning on July 1, 2020, the state board, in collaboration with school districts, charter schools, and law enforcement agencies, shall develop an annual report regarding the following incidents that occur on school grounds while school is in session or during a school-sponsored activity:
(a) arrests of a minor;
(b) other law enforcement activities; and
(c) disciplinary actions.
(3) The report described in Subsection (2) shall include the following information by school district and charter school:

(a) the number of arrests of a minor, including the reason why the minor was arrested;
(b) the number of other law enforcement activities, including the following information for each incident:
   (i) the reason for the other law enforcement activity; and
   (ii) the type of other law enforcement activity used;
(c) the number of disciplinary actions imposed, including:
   (i) the reason for the disciplinary action; and
   (ii) the type of disciplinary action; and
(d) the number of SROs employed.

(4) The report described in Subsection (2) shall include the following information, in aggregate, for each element described in Subsections (3)(a) through (c):

(a) age;
(b) grade level;
(c) race;
(d) sex; and
(e) disability status.

(5) Information included in the annual report described in Subsection (2) shall comply with:

(a) Chapter 9, Part 3, Student Data Protection;
(b) Chapter 9, Part 2, Student Privacy; and
(c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

(6) The state board shall make rules to compile the report described in Subsection (2).

(7) The state board shall provide the report described in Subsection (2) in accordance with Section 53E-1-203 for incidents that occurred during the previous school year.

§ 53E-9-301. Definitions.
As used in this part:

(1) "Adult student" means a student who:
   (a) is at least 18 years old;
   (b) is an emancipated student; or
   (c) qualifies under the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

(2) "Aggregate data" means data that:
   (a) are totaled and reported at the group, cohort, school, school district, region, or state level with at least 10 individuals in the level;
   (b) do not reveal personally identifiable student data; and
   (c) are collected in accordance with state board rule.

(3)(a) "Biometric identifier" means a:
   (i) retina or iris scan;
   (ii) fingerprint;
   (iii) human biological sample used for valid scientific testing or screening; or
(iv) scan of hand or face geometry.

(b) “Biometric identifier” does not include:
   (i) a writing sample;
   (ii) a written signature;
   (iii) a voiceprint;
   (iv) a photograph;
   (v) demographic data; or
   (vi) a physical description, such as height, weight, hair color, or eye color.

(4) “Biometric information” means information, regardless of how the information is collected, converted, stored, or shared:
   (a) based on an individual’s biometric identifier; and
   (b) used to identify the individual.

(5) “Data breach” means an unauthorized release of or unauthorized access to personally identifiable student data that is maintained by an education entity.

(6) “Data governance plan” means an education entity’s comprehensive plan for managing education data that:
   (a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
   (b) describes the role, responsibility, and authority of an education entity data governance staff member;
   (c) provides for necessary technical assistance, training, support, and auditing;
   (d) describes the process for sharing student data between an education entity and another person;
   (e) describes the education entity’s data expungement process, including how to respond to requests for expungement;
   (f) describes the data breach response process; and
   (g) is published annually and available on the education entity’s website.

(7) “Education entity” means:
   (a) the state board;
   (b) a local school board;
   (c) a charter school governing board;
   (d) a school district;
   (e) a charter school; or
   (f) the Utah Schools for the Deaf and the Blind.

(8) “Expunge” means to seal or permanently delete data, as described in state board rule made under Section 53E-9-306.

(9) “General audience application” means an Internet website, online service, online application, mobile application, or software program that:
   (a) is not specifically intended for use by an audience member that attends kindergarten or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from 1 to 12; and
   (b) is not subject to a contract between an education entity and a third-party contractor.

(10) “Local education agency” or “LEA” means:
(a) a school district;
(b) a charter school; or
(c) the Utah Schools for the Deaf and the Blind.

(11) “Metadata dictionary” means a record that:
(a) defines and discloses all personally identifiable student data collected and shared by the education entity;
(b) comprehensively lists all recipients with whom the education entity has shared personally identifiable student data, including:
   (i) the purpose for sharing the data with the recipient;
   (ii) the justification for sharing the data, including whether sharing the data was required by federal law, state law, or a local directive; and
   (iii) how sharing the data is permitted under federal or state law; and
(c) without disclosing personally identifiable student data, is displayed on the education entity’s website.

(12) “Necessary student data” means data required by state statute or federal law to conduct the regular activities of an education entity, including:
(a) name;
(b) date of birth;
(c) sex;
(d) parent contact information;
(e) custodial parent information;
(f) contact information;
(g) a student identification number;
(h) local, state, and national assessment results or an exception from taking a local, state, or national assessment;
(i) courses taken and completed, credits earned, and other transcript information;
(j) course grades and grade point average;
(k) grade level and expected graduation date or graduation cohort;
(l) degree, diploma, credential attainment, and other school exit information;
(m) attendance and mobility;
(n) drop-out data;
(o) immunization record or an exception from an immunization record;
(p) race;
(q) ethnicity;
(r) tribal affiliation;
(s) remediation efforts;
(t) an exception from a vision screening required under Section 53G-9-404 or information collected from a vision screening described in Section 53G-9-404;
(u) information related to the Utah Registry of Autism and Developmental Disabilities, described in Section 26-7-4;
(v) student injury information;
(w) a disciplinary record created and maintained as described in Section 53E-9-306;
(x) juvenile delinquency records;
(y) English language learner status; and
(z) child find and special education evaluation data related to initiation of an IEP.

(13)(a) “Optional student data” means student data that is not:
   (i) necessary student data; or
   (ii) student data that an education entity may not collect under Section 53E-9-305.

(b) “Optional student data” includes:
   (i) information that is:
      (A) related to an IEP or needed to provide special needs services; and
      (B) not necessary student data;
   (ii) biometric information; and
   (iii) information that is not necessary student data and that is required for a student to participate in a federal or other program.

(14) “Parent” means:
   (a) a student’s parent;
   (b) a student’s legal guardian; or
   (c) an individual who has written authorization from a student’s parent or legal guardian to act as a parent or legal guardian on behalf of the student.

(15)(a) “Personally identifiable student data” means student data that identifies or is used by the holder to identify a student.

(b) “Personally identifiable student data” includes:
   (i) a student’s first and last name;
   (ii) the first and last name of a student’s family member;
   (iii) a student’s or a student’s family’s home or physical address;
   (iv) a student’s email address or other online contact information;
   (v) a student’s telephone number;
   (vi) a student’s social security number;
   (vii) a student’s biometric identifier;
   (viii) a student’s health or disability data;
   (ix) a student’s education entity student identification number;
   (x) a student’s social media user name and password or alias;
   (xi) if associated with personally identifiable student data, the student’s persistent identifier, including:
      (A) a customer number held in a cookie; or
      (B) a processor serial number;
   (xii) a combination of a student’s last name or photograph with other information that together permits a person to contact the student online;
   (xiii) information about a student or a student’s family that a person collects online and combines with other personally identifiable student data to identify the student; and
   (xiv) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
(16) “School official” means an employee or agent of an education entity, if the education entity has authorized the employee or agent to request or receive student data on behalf of the education entity.

(17)(a) “Student data” means information about a student at the individual student level.

(b) “Student data” does not include aggregate or de-identified data.

(18) “Student data manager” means:

(a) the state student data officer; or

(b) an individual designated as a student data manager by an education entity under Section 53E-9-303, who fulfills the duties described in Section 53E-9-308.

(19)(a) “Targeted advertising” means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student’s online behavior, usage of applications, or student data.

(b) “Targeted advertising” does not include advertising to a student:

(i) at an online location based upon that student’s current visit to that location; or

(ii) in response to that student’s request for information or feedback, without retention of that student’s online activities or requests over time for the purpose of targeting subsequent ads.

(20) “Third-party contractor” means a person who:

(a) is not an education entity; and

(b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

(21) “Written consent” means written authorization to collect or share a student’s student data, from:

(a) the student’s parent, if the student is not an adult student; or

(b) the student, if the student is an adult student.


(1)(a) An education entity or a third-party contractor who collects, uses, stores, shares, or deletes student data shall protect student data as described in this part.

(b) The state board shall make rules to administer this part, including student data protection standards for public education employees, student aides, and volunteers.

(2) The state board shall oversee the preparation and maintenance of:

(a) a statewide data governance plan; and

(b) a state-level metadata dictionary.

(3) As described in this Subsection (3), the state board shall establish advisory groups to oversee student data protection in the state and make recommendations to the state board regarding student data protection.

(a) The state board shall establish a student data policy advisory group:

(i) composed of members from:

(A) the Legislature;

(B) the state board and state board employees; and

(C) one or more LEAs;

(ii) to discuss and make recommendations to the state board regarding:

(A) enacted or proposed legislation; and
(B) state and local student data protection policies across the state;
(iii) that reviews and monitors the state student data governance plan; and
(iv) that performs other tasks related to student data protection as designated by the state board.

(b) The state board shall establish a student data governance advisory group:
(i) composed of the state student data officer and other state board employees; and
(ii) that performs duties related to state and local student data protection, including:
   (A) overseeing data collection and usage by state board program offices; and
   (B) preparing and maintaining the state board’s student data governance plan under the direction of
   the student data policy advisory group.

(c) The state board shall establish a student data users advisory group:
(i) composed of members who use student data at the local level; and
(ii) that provides feedback and suggestions on the practicality of actions proposed by the student data
    policy advisory group and the student data governance advisory group.

(4)(a) The state board shall designate a state student data officer.

(b) The state student data officer shall:
(i) act as the primary point of contact for state student data protection administration in assisting the
    state board to administer this part;
(ii) ensure compliance with student privacy laws throughout the public education system, including:
    (A) providing training and support to applicable state board and LEA employees; and
    (B) producing resource materials, model plans, and model forms for local student data protection
        governance, including a model student data collection notice;
(iii) investigate complaints of alleged violations of this part;
(iv) report violations of this part to:
    (A) the state board;
    (B) an applicable education entity; and
    (C) the student data policy advisory group; and
(v) act as a state level student data manager.

(5) The state board shall designate:
(a) at least one support manager to assist the state student data officer; and
(b) a student data protection auditor to assist the state student data officer.

(6) The state board shall establish a research review process for a request for data for the purpose of
research or evaluation.

§ 53E-9-303. Local student data protection governance.
(1) An LEA shall adopt policies to protect student data in accordance with this part and state board rule,
taking into account the specific needs and priorities of the LEA.

(2)(a) An LEA shall designate an individual to act as a student data manager to fulfill the responsibilities
of a student data manager described in Section 53E-9-308.

(b) If possible, an LEA shall designate the LEA’s records officer as defined in Section 63G-2-103, as the
student data manager.

(3) An LEA shall create and maintain an LEA:
(a) data governance plan; and
(b) metadata dictionary.

(4) An LEA shall establish an external research review process for a request for data for the purpose of external research or evaluation.

§ 53E-9-304. Student data ownership - Notification in case of breach.

(1)(a) A student owns the student’s personally identifiable student data.

(b) An education entity shall allow the following individuals to access a student’s student data that is maintained by the education entity:

(i) the student’s parent;
(ii) the student; and
(iii) in accordance with the education entity’s internal policy described in Section 53E-9-303 and in the absence of a parent, an individual acting as a parent to the student.

(2)(a) If a significant data breach occurs at an education entity, the education entity shall notify:

(i) the student, if the student is an adult student; or
(ii) the student’s parent, if the student is not an adult student.

(b) The state board shall make rules to define a significant data breach described in Subsection (2)(a).


(1) An education entity may not collect a student’s:

(a) social security number; or
(b) except as required in Section 78A-6-112, criminal record.

(2) An education entity that collects student data shall, in accordance with this section, prepare and distribute, except as provided in Subsection (3), to parents and students a student data collection notice statement that:

(a) is a prominent, stand-alone document;
(b) is annually updated and published on the education entity’s website;
(c) states the student data that the education entity collects;
(d) states that the education entity will not collect the student data described in Subsection (1);
(e) states the student data described in Section 53E-9-308 that the education entity may not share without written consent;
(f) includes the following statement:

“The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.”;
(g) describes in general terms how the education entity stores and protects student data; and
(h) states a student’s rights under this part.

(3) The state board may publicly post the state board’s collection notice described in Subsection (2).

(4) An education entity may collect the necessary student data of a student if the education entity provides a student data collection notice to:

(a) the student, if the student is an adult student; or
(b) the student’s parent, if the student is not an adult student.

(5) An education entity may collect optional student data if the education entity:
(a) provides, to an individual described in Subsection (4), a student data collection notice that includes a description of:
   (i) the optional student data to be collected; and
   (ii) how the education entity will use the optional student data; and
(b) obtains written consent to collect the optional student data from an individual described in Subsection (4).

(6) An education entity may collect a student’s biometric identifier or biometric information if the education entity:
   (a) provides, to an individual described in Subsection (4), a biometric information collection notice that is separate from a student data collection notice, which states:
      (i) the biometric identifier or biometric information to be collected;
      (ii) the purpose of collecting the biometric identifier or biometric information; and
      (iii) how the education entity will use and store the biometric identifier or biometric information; and
   (b) obtains written consent to collect the biometric identifier or biometric information from an individual described in Subsection (4).

(7) Except under the circumstances described in Subsection 53G-8-211(2), an education entity may not refer a student to an evidence-based alternative intervention described in Subsection 53G-8-211(3) without written consent.

(1) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act the state board shall make rules regarding using and expunging student data, including:
   (a) a categorization of cumulative disciplinary records that includes the following levels of maintenance:
      (i) one year;
      (ii) three years; and
      (iii) except as required in Subsection (3), as determined by the education entity;
(b) the types of student data that may be expunged, including:
      (i) medical records; and
      (ii) behavioral test assessments; and
(c) the types of student data that may not be expunged, including:
      (i) grades;
      (ii) transcripts;
      (iii) a record of the student’s enrollment; and
      (iv) assessment information.
(2) In accordance with state board rule, an education entity may create and maintain a cumulative disciplinary record for a student.
(3)(a) An education entity shall, in accordance with state board rule, expunge a student's student data that is stored by the education entity if:
      (i) the student is at least 23 years old; and
      (ii) the student requests that the education entity expunge the student data.
(b) An education entity shall retain and dispose of records in accordance with Section 63G-2-604 and state board rule.
The state board shall make rules that:

(1) using reasonable data industry best practices, prescribe the maintenance and protection of stored student data by:
   (a) an education entity; and
   (b) a third-party contractor; and

(2) state requirements for an education entity's metadata dictionary.

§ 53E-9-308. Sharing student data - Prohibition - Requirements for student data manager.
(1)(a) Except as provided in Subsection (1)(b), an education entity, including a student data manager, may not share personally identifiable student data without written consent.

(b) An education entity, including a student data manager, may share personally identifiable student data:
   (i) in accordance with the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h;
   (ii) as required by federal law; and
   (iii) as described in Subsections (3), (5), and (6).

(2) A student data manager shall:
   (a) authorize and manage the sharing, outside of the student data manager’s education entity, of personally identifiable student data for the education entity as described in this section;
   (b) act as the primary local point of contact for the state student data officer described in Section 53E-9-302; and
   (c) fulfill other responsibilities described in the data governance plan of the student data manager’s education entity.

(3) A student data manager may share a student’s personally identifiable student data with a caseworker or representative of the Department of Human Services if:
   (a) the Department of Human Services is:
      (i) legally responsible for the care and protection of the student, including the responsibility to investigate a report of educational neglect, as provided in Subsection 62A-4a-409(5); or
      (ii) providing services to the student;
   (b) the student’s personally identifiable student data is not shared with a person who is not authorized:
      (i) to address the student’s education needs; or
      (ii) by the Department of Human Services to receive the student’s personally identifiable student data; and
   (c) the Department of Human Services maintains and protects the student’s personally identifiable student data.

(4) The Department of Human Services, a school official, or the Utah Juvenile Court may share personally identifiable student data to improve education outcomes for youth:
   (a) in the custody of, or under the guardianship of, the Department of Human Services;
   (b) receiving services from the Division of Juvenile Justice Services;
   (c) in the custody of the Division of Child and Family Services;
   (d) receiving services from the Division of Services for People with Disabilities; or
   (e) under the jurisdiction of the Utah Juvenile Court.
(5)(a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.

(b) A person who receives personally identifiable student data under Subsection (5)(a) may not use the personally identifiable student data outside of the use described in the subpoena.

(6)(a) A student data manager may share student data, including personally identifiable student data, in response to a request to share student data for the purpose of research or evaluation, if the student data manager:

(i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);

(ii) submits the request to the education entity’s research review process; and

(iii) fulfills the instructions that result from the review process.

(b)(i) In accordance with state and federal law, and subject to Subsection (6)(b)(ii), the state board shall share student data, including personally identifiable student data, as requested by the Utah Registry of Autism and Developmental Disabilities described in Section 26-7-4.

(ii)(A) At least 30 days before the state board shares student data in accordance with Subsection (6)(b)(i), the education entity from which the state board received the student data shall provide notice to the parent of each student for which the state board intends to share student data.

(B) The state board may not, for a particular student, share student data as described in Subsection (6)(b)(i) if the student’s parent requests that the state board not share the student data.

(iii) A person who receives student data under Subsection (6)(b)(i):

(A) shall maintain and protect the student data in accordance with state board rule described in Section 53E-9-307;

(B) may not use the student data for a purpose not described in Section 26-7-4; and

(C) is subject to audit by the state student data officer described in Section 53E-9-302.


(1) A third-party contractor shall use personally identifiable student data received under a contract with an education entity strictly for the purpose of providing the contracted product or service within the negotiated contract terms.

(2) When contracting with a third-party contractor, an education entity shall require the following provisions in the contract:

(a) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and state board rule;

(b) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;

(c) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;

(d) except as provided in Subsection (4) and if required by the education entity, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and

(e) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity’s designee may audit the third-party contractor to verify compliance with the contract.
(3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.

(4) A third-party contractor may:

(a) use student data for adaptive learning or customized student learning purposes;
(b) market an educational application or product to a parent or legal guardian of a student if the third-party contractor did not use student data, shared by or collected on behalf of an education entity, to market the educational application or product;
(c) use a recommendation engine to recommend to a student:
   (i) content that relates to learning or employment, within the third-party contractor's internal application, if the recommendation is not motivated by payment or other consideration from another party; or
   (ii) services that relate to learning or employment, within the third-party contractor's internal application, if the recommendation is not motivated by payment or other consideration from another party;
(d) respond to a student request for information or feedback, if the content of the response is not motivated by payment or other consideration from another party;
(e) use student data to allow or improve operability and functionality of the third-party contractor's internal application; or
(f) identify for a student nonprofit institutions of higher education or scholarship providers that are seeking students who meet specific criteria:
   (i) regardless of whether the identified nonprofit institutions of higher education or scholarship providers provide payment or other consideration to the third-party contractor; and
   (ii) except as provided in Subsection (5), only if the third-party contractor obtains written consent:
       (A) of a student's parent or legal guardian through the student's school or LEA; or
       (B) for a student who is age 18 or older or an emancipated minor, from the student.

(5) A third-party contractor is not required to obtain written consent under Subsection (4)(f)(ii) if the third-party contractor:

(a) is a national assessment provider; and
(b)(i) secures the express written consent of the student or the student's parent; and
   (ii) the express written consent is given in response to clear and conspicuous notice that the national assessment provider requests consent solely to provide access to information on employment, educational scholarships, financial aid, or postsecondary educational opportunities.

(6) At the completion of a contract with an education entity, if the contract has not been renewed, a third-party contractor shall return or delete upon the education entity's request all personally identifiable student data under the control of the education entity unless a student or the student's parent consents to the maintenance of the personally identifiable student data.

(7)(a) A third-party contractor may not:

(i) except as provided in Subsections (5) and (7)(b), sell student data;
(ii) collect, use, or share student data, if the collection, use, or sharing of the student data is inconsistent with the third-party contractor's contract with the education entity; or
(iii) use student data for targeted advertising.
(b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.
(8) A provider of an electronic store, gateway, marketplace, or other means of purchasing an external application is not required to ensure that the external application obtained through the provider complies with this section.

(9) The provisions of this section do not:

(a) apply to the use of an external application, including the access of an external application with login credentials created by a third-party contractor's internal application;

(b) apply to the providing of Internet service; or

(c) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

§ 53E-9-310. Penalties.

(1)(a) A third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:

(i) except as provided in Subsection (1)(b), may not enter into a future contract with an education entity;

(ii) may be required by the state board to pay a civil penalty of up to $25,000; and

(iii) may be required to pay:

(A) the education entity's cost of notifying parents and students of the unauthorized sharing or use of student data; and

(B) expenses incurred by the education entity as a result of the unauthorized sharing or use of student data.

(b) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:

(i) the state board or education entity determines that the third-party contractor has corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and

(ii) the third-party contractor demonstrates:

(A) if the third-party contractor is under contract with an education entity, current compliance with this part; or

(B) an ability to comply with the requirements of this part.

(c) The state board may assess the civil penalty described in Subsection (1)(a)(ii) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(d) The state board may bring an action in the district court of the county in which the office of the state board is located, if necessary, to enforce payment of the civil penalty described in Subsection (1)(a)(ii).

(e) An individual who knowingly or intentionally permits unauthorized collecting, sharing, or use of student data may be found guilty of a class A misdemeanor.

(2)(a) A parent or student may bring an action in a court of competent jurisdiction for damages caused by a knowing or reckless violation of Section 53E-9-309 by a third-party contractor.

(b) If the court finds that a third-party contractor has violated Section 53E-9-309, the court may award to the parent or student:

(i) damages; and

(ii) costs.
(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.
(2)(a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.
   (b) A district or charter school shall base its policies on the principle that every student is expected:
      (i) to follow accepted standards of conduct; and
      (ii) to show respect for other people and to obey persons in authority at the school.
(c)(i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
    (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

§ 53G-8-205. Grounds for suspension or expulsion from a public school.
(5) Each local school board and governing board of a charter school shall prepare an annual report for the State Board of Education on:
   (a) each violation committed under this section; and
   (b) each action taken by the school district against a student who committed the violation.

(1) There is created the State Safety and Support Program.
(2) The state board shall:
   (a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:
      (i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;
      (ii) procedures for referrals to law enforcement; and
      (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
   (b) provide training:
      (i) in school safety;
      (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
      (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
(iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
(v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
(vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;
(c) conduct and disseminate evidence-based research on school safety concerns;
(d) disseminate information on effective school safety initiatives;
(e) encourage partnerships between public and private sectors to promote school safety;
(f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident;
(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;
(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:
   (i) requiring an LEA to:
      (A) create or adopt and disseminate a school climate survey; and
      (B) disseminate the school climate survey;
   (ii) recommending the distribution method, survey frequency, and sample size of the survey; and
   (iii) specifying the areas of content for the school climate survey; and
(j) collect aggregate data and school climate survey results from each LEA.
(3) Nothing in this section requires an individual to respond to a school climate survey.

REGULATIONS

R277-606-4. Reporting requirements and audits.
(1)(a) Beginning with the 2016-17 school year, on or before August 1, 2017 and on or before August 1 each year thereafter, an LEA shall submit a report to the Superintendent on the LEA's dropout prevention and recovery services.
   (b) The report described in Subsection (1)(a) shall include:
      (i) the information described in Section 53A-15-1903;
      (ii) the total number of designated students in the LEA; and
      (iii) if applicable, the name of a third party the LEA is contracting with to provide dropout prevention and recovery services.
(2) A third party working with an LEA on the LEA's dropout prevention and recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).
(3) The Superintendent shall:
   (a) review LEA reports described in Subsection (1);
(b) by April 1 each year, inform an LEA that the LEA is required to enter into a contract with a third party as described in Subsection 53A-15-1903(3); and
(c) ensure that an LEA described in Subsection 53A-15-1903 and Subsection R277-606-3(3) contracts with a third party as required in Section 53A-15-1903 and Section R277-606-3.
(4)(a) An LEA shall maintain documentation to comply with the requirements of Section 53A-15-1903 and this rule.
(b) The Board or the Superintendent may request an audit of an LEA's dropout prevention and recovery program.

(1) An LEA shall:
(a) develop a truancy policy that encourages regular, punctual attendance of students, consistent with Section 53G-8-211 and Title 53G Public Education System - Local Administration, Chapter 6 Participation in Public Schools, Part 2 Compulsory Education;
(b) review the LEA's truancy policy annually;
(c) review attendance data annually and consider revisions to the truancy policy to encourage student attendance; and
(d) make the truancy policy available for review by parents or interested parties.
(2) An LEA may issue a habitual truant citation to a student consistent with the LEA's truancy policy and Section 53G-6-203.

R277-609-4. LEA responsibility to develop plans.
(3) A plan described in Subsection (1) shall include:
(f) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;

(8) An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA.
(9) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection (8).
(10) An LEA shall provide documentation of any school, program or LEA's use of emergency safety interventions to the Superintendent annually.

(1) Subject to availability of funds, the Superintendent shall provide:
(ii) the reporting and review requirements in Section R277-613-5;

R277-613-5. Reporting and Incident Review of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.
(1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:
(a) review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
(b) provide an individual who reviews allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting a review.
(2)(a) An LEA shall review allegations of incidents described in Subsection (1)(a) by interviewing at least the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct.

(b) An LEA may also interview the following as part of a review:
   (i) parents of the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct;
   (ii) any witnesses;
   (iii) school staff; and
   (iv) other individuals who may provide additional information.

(c) An individual who reviews an allegation of an incident shall inform an individual being interviewed that:
   (i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
   (ii) further reports of bullying will become part of the review.

(3) The confidentiality requirement in Subsection (2)(c) does not apply to:
   (a) conversations with law enforcement professionals;
   (b) requests for information pursuant to a warrant or subpoena;
   (c) a state or federal reporting requirement; or
   (d) other reporting required by this rule.

(4) In conducting a review under this section, an LEA may:
   (a) review disciplinary reports of involved students; and
   (b) review physical evidence, which may include:
      (i) video or audio;
      (ii) notes;
      (iii) email;
      (iv) text messages;
      (v) social media; or
      (vi) graffiti.

(5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

(6) Following a review of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:
   (a) in accordance with the requirements in Subsection (6), take positive restorative justice practice action, in accordance with policies established by the LEA; and
   (b) support involved students through trauma-informed practices, if appropriate.

(6)(a) An alleged targeted individual is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in Subsection (5)(a).

   (b) If an LEA would like an alleged targeted individual who is a student to participate in a restorative justice practice, the LEA shall notify the alleged targeted individual’s parent of the restorative justice practice and obtain consent from the alleged targeted individual’s parent before including the alleged targeted individual in the process.

(7) A grievance process required under Subsection 53G-9-605(3)(f) shall be consistent with the LEA’s established grievance process.
(8) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

(a) a copy of LEA's policy required in Section R277-613-4;
(b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);
(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
(d) incidents of bullying, cyber-bullying, hazing, and retaliation; and
(e) the number of incidents described in Subsection (8)(d) that included a student who:
   (i) is part of a federally protected class; or
   (ii) was bullied, cyber-bullied, hazed, or retaliated against because the of the student's disability, race, national origin, religion, sex, gender identity, or sexual orientation.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§ 53G-6-208. Taking custody of a person believed to be a truant minor - Disposition - Receiving centers - Reports - Immunity from liability.

(1) A peace officer or public-school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

(2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
   (a) the principal of the minor's school;
   (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
   (c) a truancy center established under Subsection (5).

(3) If the minor refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.

(4) If the parents cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.

(5)(a) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

   (b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken.

(7) The Utah Governmental Immunity Act applies to all actions taken under this section.

(8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

REGULATIONS

No relevant regulations found.
Certification or training

LAWS

§ 53G-8-702. School resource officer training - Curriculum.

(1) The state board shall make rules that prepare and make available a training program for school principals and school resource officers to attend.

(2) To create the curriculum and materials for the training program described in Subsection (1), the state board shall:

(a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;

(b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;

(c) solicit input from local law enforcement and other interested community stakeholders; and

(d) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.

(3) The training program described in Subsection (1) may include training on the following:

(a) childhood and adolescent development;

(b) responding age-appropriately to students;

(c) working with disabled students;

(d) techniques to de-escalate and resolve conflict;

(e) cultural awareness;

(f) restorative justice practices;

(g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;

(h) student privacy rights;

(i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;

(j) strategies to reduce juvenile justice involvement; and

(k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure.

(4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies and procedures that govern student resource officers.

§ 53G-8-703. Contracts between an LEA and law enforcement for school resource officer services - Requirements.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA governing board shall require in the contract:

(f) a detailed description of:

(i) job duties;

(ii) training requirements; and
(iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;

(g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702;

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year […]

§ 53G-6-203. Truancy -Notice of truancy -Failure to cooperate with school authorities -Habitual truant citation.
(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.

(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is truant.

(3) A local school board or charter school governing board:
   (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and
   (b) shall establish a procedure for a school-age minor, or the school-age minor’s parents, to contest a notice of truancy.

(4) The notice of truancy described in Subsection (3):
   (a) may not be issued until the school-age minor has been truant at least five times during the school year;
   (b) may not be issued to a school-age minor who is less than 12 years old;
   (c) may not be issued to a minor exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
   (d) shall direct the school-age minor and the parent of the school-age minor to:
      (i) meet with school authorities to discuss the school-age minor’s truancies; and
      (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age minor; and
   (e) shall be mailed to, or served on, the school-age minor’s parent.
§ 53G-6-207. Truancy specialists.
A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

§ 53G-8-701. Definitions.
As used in this part:

(1) “Law enforcement agency” means the same as that term is defined in Section 53-1-102.

(2) “School resource officer” or “SRO” means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.

§ 53G-8-703. Contracts between an LEA and law enforcement for school resource officer services - Requirements.
(1) An LEA may contract with a law enforcement agency or an individual to provide school resource officer services at the LEA if the LEA governing board reviews and approves the contract.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA governing board shall require in the contract:

(a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

(iv) emphasize the use of restorative approaches to address negative behavior; and

(v) at the request of the LEA, teach a vocational law enforcement class;

(b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA to:

(i) maintain safe schools;

(ii) improve school climate; and

(iii) support educational opportunities for students;

(c) a designation of student offenses that the SRO shall confer with the LEA to resolve, including an offense that:

(i) is a minor violation of the law; and

(ii) would not violate the law if the offense was committed by an adult;

(d) a designation of student offenses that are administrative issues that an SRO shall refer to a school administrator for resolution in accordance with Section 53G-8-211;

(e) a detailed description of the rights of a student under state and federal law with regard to:

(i) searches;

(ii) questioning; and

(iii) information privacy;

(f) a detailed description of:

(i) job duties;
(ii) training requirements; and
(iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;

(g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal’s designee, will jointly complete the SRO training described in Section 53G-8-702; and

(h) if the contract is between an LEA and a law enforcement agency, that:
   (i) both parties agree to jointly discuss SRO applicants; and
   (ii) the law enforcement agency will accept feedback from an LEA about an SRO's performance.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 53E-3-509. Gang prevention and intervention policies.

(1)(a) The State Board of Education shall adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents and guardians of students in the school:

   (i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

   (ii) emphasizing the school's concern for safety; and

   (iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:

   (i) advocating or promoting a gang or any gang-related activities;

   (ii) marking school property, books, or school work with gang names, slogans, or signs;

   (iii) conducting gang initiations;

   (iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;

   (v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a person's presence or support;
(vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one’s clothing, person, or personal property that is disruptive to the school environment; and
(vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

(3) The rules described in Subsection (1) may require a local school board or governing board of a charter school to publicize the policies enacted by the local school board or governing board of a charter school in accordance with the rules described in Subsection (1) to all students, parents, guardians, and faculty through school websites, handbooks, letters to parents and guardians, or other reasonable means of communication.

(4) The State Board of Education may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).


(1) There is created the State Safety and Support Program.

(2) The state board shall:
(a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:
   (i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;
   (ii) procedures for referrals to law enforcement; and
   (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
(b) provide training:
   (i) in school safety;
   (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
   (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
   (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
   (v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
   (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;
(c) conduct and disseminate evidence-based research on school safety concerns;
(d) disseminate information on effective school safety initiatives;
(e) encourage partnerships between public and private sectors to promote school safety;
(f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident;
(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;
(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:
   (i) requiring an LEA to:
       (A) create or adopt and disseminate a school climate survey; and
       (B) disseminate the school climate survey;
   (ii) recommending the distribution method, survey frequency, and sample size of the survey; and
   (iii) specifying the areas of content for the school climate survey; and
(j) collect aggregate data and school climate survey results from each LEA.

(3) Nothing in this section requires an individual to respond to a school climate survey.

§ 53G-9-605. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(2) A policy shall:
   (a) be developed only with input from:
       (i) students;
       (ii) parents;
       (iii) teachers;
       (iv) school administrators;
       (v) school staff; or
       (vi) local law enforcement agencies; and
   (b) provide protection to a student, regardless of the student's legal status.

(3) A policy shall include the following components:
   (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;
   (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
   (c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this part;
   (d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
   (e) as required in Section 53G-9-604, parental notification of:
       (i) a student's threat to commit suicide; and
       (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;
   (f) a grievance process for a school employee who has experienced abusive conduct;
   (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
   (h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
       (i) school employee;
       (ii) student who is at least eight years old; and
       (iii) parent of a student enrolled in the charter school or school district.
(4) A copy of a policy shall be:
    (a) included in student conduct handbooks;
    (b) included in employee handbooks; and
    (c) provided to a parent or a guardian of a student enrolled in the charter school or school district.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

(6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

(1) On or before September 1, 2018, the state board shall:
    (a) update the state board’s model policy on bullying, cyber-bullying, hazing, and retaliation to include abusive conduct; and
    (b) post the model policy described in Subsection (1)(a) on the state board’s website.

(2) The state board shall require an LEA governing board to report annually to the state board on:
    (a) the LEA governing board’s policy, including implementation of the signed statement requirement described in Subsection 53G-9-605(3)(g);
    (b) the LEA governing board’s training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607; and
    (c) other information related to this part, as determined by the state board.

REGULATIONS

(1) The Superintendent shall develop, review regularly, and provide to LEA boards model policies to address disruptive student behavior and appropriate consequences.

(2) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of physical force and emergency safety interventions to the extent of resources available.

Funding appropriations

LAWS

§ 53F-5-206. Grant awards for elementary suicide prevention programs.
(1) To foster peer-to-peer suicide prevention, resiliency, and anti-bullying programs in elementary schools, the public education suicide prevention coordinator, described in Section 53G-9-702, shall, subject to legislative appropriations, award grants to elementary schools.

(2) A grant award may not exceed $500 per school per year.

(3) The application for a grant shall contain:
    (a) a requested award amount;
    (b) a budget; and
    (c) a narrative plan of the peer-to-peer suicide prevention, resiliency, or anti-bullying program.
(4) When awarding a grant under this section, the public education suicide prevention coordinator shall consider:

(a) the content of a grant application; and
(b) whether an application is submitted in the manner and form prescribed.

§ 53G-9-702. Youth suicide prevention programs required in secondary schools - State board to develop model programs - Reporting requirements.
(6)(a) Subject to legislative appropriation, the state board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
(b) The state board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least $1,000.
(c)(i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
(ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

REGULATIONS

R277-436-3. Application, distribution of funds, and administrative support.
A. Awards shall be made to individual schools and funds allocated to charter schools or to school districts to distribute to designated schools.
B. School districts may submit a single district-wide proposal for one or more schools within the district. The proposal shall:
(1) provide for distribution of funds to individual schools; and
(2) provide explanations of prevention and intervention activities and strategies planned for individual schools.
C. Charter schools may submit independent or joint proposals.
D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:
(1) administrative oversight;
(2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and
(3) professional and technical services.
E. Proposals/applications shall be provided by the USOE.
F. Awards per school shall be based on funds available.
G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.
H. Proposals receiving funding shall be notified by July 1.
I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated proposal form provided by the USOE.
J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:
(1) an amount not to exceed 2.5 percent for:
   (a) site visits; and
(b) professional development, as determined and guided by the USOE.

(2) an amount not to exceed 2.5 percent for:

(a) administrative oversight; and

(b) statewide coordination training.

**R277-460-2. Authority and purpose.**

A. This rule is authorized by *Utah Constitution, Article X, Section 3* which vests general control and authority over public education in the Board, by *Section 53G-10-405* which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by *Section 51-9-405* which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:

1. substance abuse prevention and education;
2. substance abuse prevention training for teachers and administrators; and
3. school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account.

**R277-460-3. Fund allocations.**

A. The USOE shall retain sufficient funds to pay for the salary, benefits and indirect costs of a .5 FTE Program Administrator at a salary level to be determined by the Board.

B. The remaining funds shall be allocated as follows:

1. An amount not to exceed fifteen percent shall remain at the USOE to purchase educational materials to support and supplement existing Utah's Substance Abuse Prevention Program, Prevention Dimensions.
2. An amount not to exceed fifteen percent shall remain at the USOE to encourage and support statewide substance abuse prevention training for school district/charter school teachers and administrators.
3. An amount not to exceed fifteen percent shall remain at the USOE to promote Utah's Substance Abuse Prevention Program and encourage its classroom use by Utah educators.
4. A minimum of fifty-five percent shall be distributed to school districts, charter schools or consortia for use by the school district, individual schools, charter schools or consortia in a cooperative substance abuse prevention effort based on application.

**R277-460-4. Applications.**

A. Applications shall be provided by the USOE.

B. School districts, charter schools or consortia shall submit applications to the specialist designated by the USOE.

C. The USOE specialist shall make funding recommendations to the USOE Finance Committee as soon as reasonably possible after the application deadline.

D. Awards per school districts, charter schools or consortia shall be based on funds available and specific funding amounts shall be provided in the USOE application.

E. Only applications for funding that propose projects or programs consistent with the Utah Substance Abuse Prevention Guiding Principles shall be considered for funding.

1. Applications shall address the following:
(a) the applicant's intention to collaborate with the local substance abuse authority and community groups within the school district, including shared plans and strategies for activities and intervention;
(b) the applicant's plan for professional development and teachers' use of Prevention Dimensions materials within their classrooms;
(c) the use of funds to implement applicant's plan;
(d) teacher reports of classroom implementation and plans for classroom monitoring visits;
(e) applicant's enhancement of Prevention Dimensions with additional substance abuse activities and strategies; and
(f) applicant's implementation of Prevention Dimensions with school-based behavioral/health or coordinated school health initiatives.

F. Projects receiving funding shall be notified of funding approval by the USOE Finance Committee.

R277-460.5. Limitations on funds.
A. Funds shall be used by the USOE, school districts, charter schools and consortia exclusively for purposes set forth in Section 51-9-405.
B. Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the USOE.
C. Funds received by school districts, charter schools or consortia shall not be used to supplant either currently available school district or charter school funds or funds available from other state or local sources.

A. An applicant that accepts a USOE Substance Abuse Prevention award shall provide the USOE with a year-end evaluation report before July 1 of the fiscal year in which the award was made.
B. The year-end report shall include:
   (1) an expenditure report;
   (2) a narrative description of activities funded; and
   (3) copies of all products and materials developed with USOE Substance Abuse Prevention funds.

R277-460.7. Waivers.
The Superintendent may grant a written request for a waiver of a requirement or deadline which a school district, charter school or consortia finds unduly restrictive.

R277-609.10. LEA compliance.
If an LEA fails to comply with this rule, the Superintendent may withhold funds in accordance with Rule R277-114 or impose any other sanction authorized by law.

R277-613.3. Superintendent Responsibilities.
(1) Subject to availability of funds, the Superintendent shall provide:
   (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;
   (b) model training and training opportunities on:
      (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and
(ii) the reporting and review requirements in Section R277-613-5;
(c) evidence-based practices and policies related to the prevention of bullying, cyber-bullying, hazing, and retaliation.

(2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).

(3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:
   (a) Title 53G, Chapter 9, Bullying and Hazing; and
   (b) this rule.

(4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this R277-613, LEAs are required to comply with applicable federal requirements.

R277-709-4. Program fiscal and accountability procedures.
(1) The Superintendent shall allocate state funds appropriated for youth in custody, including the Utah State Hospital, in accordance with Section 53E-3-503 and Section 62A-15-609.
(2) Funds appropriated for youth in custody programs shall be subject to Board accounting, auditing, and budgeting rules and policies.
(3) The Superintendent shall, through an annually submitted and approved state application and plan, contract with LEAs to provide educational services for youth in custody.
   (a) A contract required by Subsection (3) shall include the respective responsibilities of the Board, LEAs, and other local service providers for education
   (b) An LEA may subcontract with local non-district educational service providers for the provision of educational services.
(4) The Superintendent may only contract through an RFP process with an appropriate entity if the Board Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.
(5) Youth in custody students receiving education services by or through an LEA are students of that LEA.
(6) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded youth in custody program.
(7) The Superintendent shall allocate state funds appropriated for youth in custody on the basis of an annually submitted and approved application made by the LEA where a youth in custody program resides.
(8) The Superintendent shall base the share of funds distributed to an LEA upon criteria which include:
   (a) the number of youth in custody served by the LEA;
   (b) the type of program required for the youth;
   (c) the setting for providing services; and
   (d) the length of the program.
(9) A youth in custody program shall expend funds approved for youth in custody projects solely for the purposes described in the respective funding application.
(10) The Superintendent may retain no more than five percent of the total youth in custody annual legislative appropriation for administration, oversight, monitoring, and evaluation of youth in custody programs and their compliance with law and this rule.

(11) Up to three percent of the five percent of administrative funds allowed under Subsection (9) may be withheld by the Superintendent and directed to students attending youth in custody programs for short periods of time or to new or beginning youth in custody programs or initiatives benefitting youth in custody students.

(12) The Superintendent may withhold federal or state funds for noncompliance with state policy and procedures and associated reporting timelines in accordance with Rule R277-114.

(13) The Superintendent or its designee shall develop uniform forms, deadlines, reporting and accounting procedures and guidelines to govern the youth in custody school-based programs and Utah State Hospital funded programs.

R277-709-6. Youth in custody program staffing and monitoring.

(1) Education staff assigned to youth in custody shall be qualified and appropriate for their assignments in accordance with Board licensing rules.

(2) Youth in custody programs shall maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410, Accreditation of Schools.

(3) The Superintendent shall evaluate youth in custody programs through regular site monitoring visits and monthly desk monitoring.

(4) Monitored programs shall prepare and submit to the Superintendent a written corrective action plan for each monitoring finding, as requested by the Superintendent.

(5) A youth in custody program's failure to resolve monitoring findings as soon as possible, and, in no case, later than one calendar year from date of notice, may result in the termination of state funding as provided in Rule R277-114.

(6) The Superintendent may review LEA or State Hospital records and practices for compliance with the law and this rule.

R277-709-7. Youth in custody/LEA fiscal procedures.

(1) Ten percent of state youth in custody funds or educational contract funds not expended in the current fiscal year may be carried over by eligible LEAs and spent in the next fiscal year with written approval of the Superintendent.

(2) An LEA shall submit a request to carry over funds for approval by August 1.

(3) If approved, an LEA shall detail carry over amounts in a revised budget submitted to the Superintendent no later than October 1 in the year requested.

(4) The Superintendent shall consider excess funds in determining the LEA's allocation for the next fiscal year.

(5)(a) The Superintendent shall annually recapture fund balances in excess of ten percent or $50,000 no later than February 1

(b) The Superintendent shall reallocate funds recaptured in accordance with Subsection (5)(a) to the youth in custody programs based on the criteria and procedures provided by this rule.
Other or Uncategorized

Professional immunity or liability

LAWS

§ 53G-6-206. Duties of a school board, local charter board, or school district in resolving attendance problems -Parental involvement -Liability not imposed.

(1)(a) Except as provided in Subsection (1)(b), a local school board, charter school governing board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(b) A minor exempt from school attendance under Section 53G-6-204 or 53G-6-702 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53G-6-203;

(c) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53G-6-202;

(d) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

(e) considering alternatives proposed by a parent;

(f) monitoring school attendance of the minor;

(g) voluntary participation in truancy mediation, if available; and

(h) providing a school-age minor’s parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor’s attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible in accordance with Section 53G-8-211.

(4) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.


(1)(a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

(b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.

(2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.
(3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

§ 53G-8-304. Liability.

(1) (a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.

(b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.

(2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

§ 53G-8-405. Liability for release of information.

(1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.

(2) A person receiving information under Subsection 78A-6-112(3)(b), 78A-6-117(1)(b), or Section 53G-8-403 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.


For purposes of Sections 53G-8-502 through 53G-8-504:

(1) “Educator” means a person employed by a public school, but excludes those employed by institutions of higher education.

(2) “Prohibited act” means an act prohibited by Section 53G-4-402, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.


If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school’s designated educator.

§ 53G-8-503. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the “designated educator” to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student’s parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student’s parent the identity of the educator who made the initial report.

§ 53G-8-504. Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53G-8-502 and 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.
§ 53G-8-507. Immunity from civil or criminal liability.
Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

§ 53G-8-510. Notification of teachers of weapons on school property -Immunity from civil and criminal liability.
(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.
(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

§ 53B-17-1201. Definitions.
As used in this part:
(1) “Commission” means the SafeUT and School Safety Commission established in Section 53B-17-1203.
(2) “University Neuropsychiatric Institute” means the mental health and substance abuse treatment institute within the University of Utah Hospitals and Clinics.

§ 53B-17-1202. SafeUT Crisis Line established.
The University Neuropsychiatric Institute shall:
(1) establish a SafeUT Crisis Line to provide:
   (a) a means for an individual to anonymously report:
      (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;
      (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
      (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and
   (b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;
(2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and
(3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
   (a) school officials; and
   (b) law enforcement officials.
§ 53B-17-1203. SafeUT and School Safety Commission established - Members.

(1) There is created the SafeUT and School Safety Commission composed of the following members:

(a) one member who represents the Office of the Attorney General, appointed by the attorney general;
(b) one member who represents the Utah Public Education System, appointed by the State Board of Education;
(c) one member who represents the Utah System of Higher Education, appointed by the State Board of Regents;
(d) one member who represents the Utah Department of Health, appointed by the executive director of the Department of Health;
(e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
(f) one member of the Senate, appointed by the president of the Senate;
(g) one member who represents the University Neuropsychiatric Institute, appointed by the chair of the commission;
(h) one member who represents law enforcement who has extensive experience in emergency response, appointed by the chair of the commission;
(i) one member who represents the Utah Department of Human Services who has experience in youth services or treatment services, appointed by the executive director of the Department of Human Services; and
(j) two members of the public, appointed by the chair of the commission.

(2)(a) Except as provided in Subsection (2)(b), members of the commission shall be appointed to four-year terms.

(b) The length of the terms of the members shall be staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership of the commission, the replacement shall be appointed for the unexpired term.

(3)(a) The attorney general's designee shall serve as chair of the commission.

(b) The chair shall set the agenda for commission meetings.

(4) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.

(5) Formal action by the commission requires a majority vote of a quorum.

(6)(a) Except as provided in Subsection (6)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(7) The Office of the Attorney General shall provide staff support to the commission.

§ 53B-17-1204. SafeUT and School Safety Commission duties - LEA governing board duties - Fees.

(1) As used in this section:

(a) "LEA governing board" means:
   (i) for a school district, the local school board;
   (ii) for a charter school, the charter school governing board; or
(iii) for the Utah Schools for the Deaf and the Blind, the State Board of Education.

(b) "Local education agency" or "LEA" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(2) The commission shall coordinate:

(a) statewide efforts related to the SafeUT Crisis Line; and

(b) with the State Board of Education and the State Board of Regents to promote awareness of the services available through the SafeUT Crisis Line.

(3) An LEA governing board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

(4)(a) Except as provided in Subsection (4)(b), the University Neuropsychiatric Institute may charge a fee to an institution of higher education or other entity for the use of the SafeUT Crisis Line in accordance with the method described in Subsection (4)(c).

(b) The University Neuropsychiatric Institute may not charge a fee to the State Board of Education or a local education agency for the use of the SafeUT Crisis Line.

(c) The commission shall establish a standard method for charging a fee described in Subsection (4)(a).

§ 53E-3-509. Gang prevention and intervention policies.

(2) The rules described in Subsection (1) may include the following provisions:

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(4) The State Board of Education may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).


(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

(2)(a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.

(b) A district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted standards of conduct; and

(ii) to show respect for other people and to obey persons in authority at the school.

(c)(i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.

(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

§ 53G-9-605. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(2) A policy shall:

(a) be developed only with input from:
   (i) students;
   (ii) parents;
   (iii) teachers;
   (iv) school administrators;
   (v) school staff; or
   (vi) local law enforcement agencies; and
(b) provide protection to a student, regardless of the student's legal status.

(3) A policy shall include the following components:

(a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;
(b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
(c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this part;
(d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
(e) as required in Section 53G-9-604, parental notification of:
   (i) a student's threat to commit suicide; and
   (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;
(f) a grievance process for a school employee who has experienced abusive conduct;
(g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
(h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
   (i) school employee;
   (ii) student who is at least eight years old; and
   (iii) parent of a student enrolled in the charter school or school district.

(4) A copy of a policy shall be:
   (a) included in student conduct handbooks;
   (b) included in employee handbooks; and
   (c) provided to a parent or a guardian of a student enrolled in the charter school or school district.
(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

(6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

§ 53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled substances - Rulemaking authority - Assistance from the Division of Substance Abuse and Mental Health.

(2) At the request of the state board, the Division of Substance Abuse and Mental Health shall cooperate with the state board in developing programs to provide this instruction.

(3) The state board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

REGULATIONS

R277-609-4. LEA responsibility to develop plans.

(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation so as to create a community sense of participation, ownership, support, and responsibility.


(4)(b) An LEA shall use assessment information to connect parents and students with supportive school and community resources.


(7) The LEA ESI Committee:

(a) shall include:

(i) at least two administrators;

(ii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and

(iii) at least two certified educational professionals with behavior training and knowledge in both state rules and LEA discipline policies;

(b) shall meet often enough to monitor the use of emergency safety intervention in the LEA;

(c) shall determine and recommend professional development needs; and

(d) shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.

R277-709-10. Coordinating council.

(1)(a) The Department of Human Services and the Board shall appoint a coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.

(b) The coordinating council shall operate under guidelines developed and approved by the Department of Human Services and the Board.

(2) Coordinating council membership shall include a representative of the following:

(a) the Department of Human Services;

(b) the Division of Substance Abuse and Mental Health;
(c) the Division of Juvenile Justice Services;
(d) the Division of Child and Family Services;
(e) the Board;
(f) the Administrative Office of the Courts;
(g) school district superintendents; and
(h) a Native American tribe.

(1)(a) Each LEA serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs.
(b) Members of council required under Subsection (1)(a) shall include, if applicable to the LEA, the following:
   (i) a representative of the Division of Child and Family Services;
   (ii) a representative of the Division of Juvenile Justice Services;
   (iii) directors of agencies located in an LEA such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;
   (iv) a representative of community-based alternative programs for custodial juveniles; and
   (v) a representative of the LEA.
(2) A local interagency advisory council required under Subsection (1)(a) shall
   (a) adopt by-laws for its operation; and
   (b) meet at least quarterly.

Other or Uncategorized

LAWS

§ 53B-17-1201. Definitions.
As used in this part:
(1) “Commission” means the SafeUT and School Safety Commission established in Section 53B-17-1203.
(2) “University Neuropsychiatric Institute” means the mental health and substance abuse treatment institute within the University of Utah Hospitals and Clinics.

§ 53B-17-1202. SafeUT Crisis Line established.
The University Neuropsychiatric Institute shall:
(1) establish a SafeUT Crisis Line to provide:
   (a) a means for an individual to anonymously report:
      (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;
      (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
      (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and
   (b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;
(2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and
(3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
   (a) school officials; and
   (b) law enforcement officials.

§ 53B-17-1203. SafeUT and School Safety Commission established - Members.
(1) There is created the SafeUT and School Safety Commission composed of the following members:
   (a) one member who represents the Office of the Attorney General, appointed by the attorney general;
   (b) one member who represents the Utah Public Education System, appointed by the State Board of Education;
   (c) one member who represents the Utah System of Higher Education, appointed by the State Board of Regents;
   (d) one member who represents the Utah Department of Health, appointed by the executive director of the Department of Health;
   (e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
   (f) one member of the Senate, appointed by the president of the Senate;
   (g) one member who represents the University Neuropsychiatric Institute, appointed by the chair of the commission;
   (h) one member who represents law enforcement who has extensive experience in emergency response, appointed by the chair of the commission;
   (i) one member who represents the Utah Department of Human Services who has experience in youth services or treatment services, appointed by the executive director of the Department of Human Services; and
   (j) two members of the public, appointed by the chair of the commission.
(2)(a) Except as provided in Subsection (2)(b), members of the commission shall be appointed to four-year terms.
   (b) The length of the terms of the members shall be staggered so that approximately half of the committee is appointed every two years.
   (c) When a vacancy occurs in the membership of the commission, the replacement shall be appointed for the unexpired term.
(3)(a) The attorney general's designee shall serve as chair of the commission.
   (b) The chair shall set the agenda for commission meetings.
(4) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.
(5) Formal action by the commission requires a majority vote of a quorum.
(6)(a) Except as provided in Subsection (6)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.
   (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
(7) The Office of the Attorney General shall provide staff support to the commission.
§ 53B-17-1204. SafeUT and School Safety Commission duties - LEA governing board duties - Fees.

(1) As used in this section:
   (a) “LEA governing board” means:
       (i) for a school district, the local school board;
       (ii) for a charter school, the charter school governing board; or
       (iii) for the Utah Schools for the Deaf and the Blind, the State Board of Education.
   (b) “Local education agency” or “LEA” means:
       (i) a school district;
       (ii) a charter school; or
       (iii) the Utah Schools for the Deaf and the Blind.

(2) The commission shall coordinate:
   (a) statewide efforts related to the SafeUT Crisis Line; and
   (b) with the State Board of Education and the State Board of Regents to promote awareness of the services available through the SafeUT Crisis Line.

(3) An LEA governing board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

(4)(a) Except as provided in Subsection (4)(b), the University Neuropsychiatric Institute may charge a fee to an institution of higher education or other entity for the use of the SafeUT Crisis Line in accordance with the method described in Subsection (4)(c).
   (b) The University Neuropsychiatric Institute may not charge a fee to the State Board of Education or a local education agency for the use of the SafeUT Crisis Line.
   (c) The commission shall establish a standard method for charging a fee described in Subsection (4)(a).

REGULATIONS

R277-217-1. Authority and purpose.

(1) This rule is authorized by:
   (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
   (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
   (c) Subsection 53E-3-501(1)(a), which directs the Board to make rules regarding the certification of educators; and
   (d) Title 53E, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices.

(2) The purpose of this rule is to:
   (a) establish statewide ethical standards for educators;
   (b) establish reporting requirements for educators and LEAs; and
   (c) recognize that educators are professionals and share common professional standards, expectations, and role model responsibilities.

An educator may not:

(1) be convicted of a felony;
(2) be convicted of a misdemeanor offense that:
   (a) adversely affects the educator’s ability to perform an assigned duty and carry out the educator’s responsibilities; or
   (b) adversely affects the well being of students;
(3) be convicted of, or engage in conduct of a sexual nature described in Subsection 53E-6-603(2);
(4) participate in sexual, physical, or emotional harassment towards any colleague or public school-age student;
(5) engage in:
   (a) a single egregious instance or pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or (b) a single egregious instance or pattern of boundary violations with a student;
(6) solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;
(7) accept an inappropriate gift from, or give an inappropriate gift to, a student;
(8) be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of child;
(9) use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Section 53G-8-302;
(10) provide alcohol or unauthorized drugs to a student or allow a student under the educator’s supervision or control to consume or obtain alcohol or unauthorized drugs;
(11) attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or an illegal drug;
(12) attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a prescription medication that may impair the educator;
(13) possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed to the educator;
(14) be convicted of an alcohol-related offense;
(15) use or attempt to use an LEA computer or information system to access information that may be detrimental to young people or inconsistent with the educator’s role model responsibility;
(16) knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;
(17) use school equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;
(18) knowingly use, view, create, distribute, or store pornographic or indecent material involving children;
(19) expose students to material the educator knows or should have known to be inappropriate given the age and maturity of the students.
(20) violate state laws regarding the possession of a firearm while on school property or at a school-sponsored activity;
(21) knowingly allow a student to violate an LEA policy or law concerning possession or access to a weapon;
(22) interfere with or discourage a student’s or colleague’s legitimate exercise of constitutional, legal, or civil rights, acting consistent with the law and an LEA’s policy;
(23) exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of:
   (a) race;
   (b) color;
   (c) creed;
   (d) sex;
   (e) national origin;
   (f) marital status;
   (g) political or religious belief;
   (h) physical or mental condition;
   (i) family, social, or cultural background;
   (j) sexual orientation; or
   (k) gender identity;
(24) knowingly or intentionally permit unauthorized collection, sharing, or use of student data;
(25) knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose;
(26) violate:
   (i) Title 67, Chapter 16, Utah Public Officers’ and Employees’ Ethics Act;
   (ii) Title 53E, Chapter 9, Student Privacy and Data Protection;
   (iii) Rule R277-107, Educational Services Outside of an Educator’s Regular Employment; or
   (iv) Section R277-120-5, Classroom Materials Developed by Utah Educators.

An educator shall:
(1) comply with all federal, state, and local laws;
(2) maintain a professional educator/student relationship, including by:
   (a) treating a student with dignity and respect by promoting the health, safety and well being of students; and
   (b) maintaining appropriate verbal, emotional and social boundaries;
(3) take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment;
(4) take prompt and appropriate action to protect a student from any known condition detrimental to the student’s physical health, mental health, safety, or learning;
(5) report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 62A-4a-409;
(6) cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding
potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(7) take appropriate steps to notify a student’s parents and refer a student to appropriate prevention services if a student threatens suicide or self harm as required by Subsections 53E-9-203(7) and 53G-9-604(2);

(8) provide truthful, accurate, and complete information in:
   (a) licensing, transfer, and employment applications or other documentation;
   (b) evaluations of the educator, other educators, or students;
   (c) proceedings related to educator licensure, employment, or related benefits;
   (d) student IEP plans and related special education documentation;

(9) be forthcoming with truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;

(10) notify the Superintendent at the time of application for licensure of:
   (a) current investigations involving professional misconduct in another jurisdiction;
   (b) prior licensing disciplinary action in another jurisdiction; and
   (c) past criminal convictions;

(11) report an arrest, citation, charge or conviction to the educator’s LEA in accordance with Section R277-217-4;

(12) conduct financial business with integrity by honestly accounting for all funds committed to the educator’s charge, as school responsibilities require, consistent with LEA policy;

(13) follow an LEA’s fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in R277-113; and

(14) demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404.

R277-217-4. Educator reporting of arrests, citations, charges, and convictions.

(1) An educator who is arrested, cited or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator’s district superintendent, charter school director, or the LEA’s designee, or to the Executive Secretary if not employed:
   (a) any matters involving an alleged sex offense;
   (b) any matters involving an alleged drug-related offense;
   (c) any matters involving an alleged alcohol-related offense;
   (d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;
   (e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
   (f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and
(g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (1)(a) through (f).

(2) An educator shall report any conviction or plea in abeyance for a felony or misdemeanor offense to the educator's LEA, or the Executive Secretary if not employed, within 48 hours, or as soon as possible thereafter.

(3) An LEA superintendent, director, or designee shall report conviction, arrest, or offense information received from an educator to the Superintendent within 48 hours of receipt of information from an educator.

(4) The Superintendent shall provide a form on the Board's website for reports required under this section.

(5) An educator shall report for work following an arrest and provide notice to the licensed educator's employer unless directed not to report for work by the employer, consistent with LEA policy.

R277-217-5. LEA reporting of misconduct to UPPAC.

(1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or administrative proceeding, or internal LEA investigation, to have violated the educator standards described in Sections R277-217-2 or R277-217-3.

(2) The Executive Secretary shall provide a form for an LEA to make a notification required under Subsection (1).

(3) Upon submitting a notification under Subsection (1), an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA.

(4) If no related criminal charge is filed, an LEA is not responsible to notify UPPAC of an allegation if the LEA's internal investigation establishes that the allegation is unsupported.
Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Utah provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
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<tbody>
<tr>
<td>Prevention and At-Risk Programs, Utah State Board of Education (USBE)</td>
<td>Provides information and links to absenteeism and dropout prevention, bullying prevention, restorative practices, and other related topics.</td>
<td><a href="https://www.schools.utah.gov/prevention">https://www.schools.utah.gov/prevention</a></td>
</tr>
<tr>
<td>Safe and Healthy Schools, USBE</td>
<td>Provides an overview of Utah’s framework for school safety that includes 8 conditions schools may follow to create comprehensive safe and healthy school policies, plans, protocols and partnerships.</td>
<td><a href="https://www.schools.utah.gov/safehealthyschools">https://www.schools.utah.gov/safehealthyschools</a></td>
</tr>
<tr>
<td>Supporting Safe and Positive Utah Schools, USBE</td>
<td>Provides an overview of Utah School Safety Resource Center and links to related topics including safety, training, data, crisis response, and bullying prevention.</td>
<td><a href="https://www.schools.utah.gov/scep/safeschools">https://www.schools.utah.gov/scep/safeschools</a></td>
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<tr>
<td>Documents</td>
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<tr>
<td>Bullying, Cyberbullying, Harassment, Hazing, and Retaliation Model Policy (Revised July 2018), USBE</td>
<td>Model policy addressing bullying, cyberbullying, harassment, hazing, and retaliation in Utah schools.</td>
<td><a href="https://schools.utah.gov/file/86110147-0c87-43be-a6cd-21617e053cf5">https://schools.utah.gov/file/86110147-0c87-43be-a6cd-21617e053cf5</a></td>
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<tr>
<td>XYZ School District Student Discipline Model Policy (including Safe School Policy), USBE</td>
<td>Model policy addressing student discipline in Utah schools.</td>
<td><a href="https://schools.utah.gov/file/4516c544-dcb9-48ec-9a9a-97cfd49cab8">https://schools.utah.gov/file/4516c544-dcb9-48ec-9a9a-97cfd49cab8</a></td>
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<tr>
<td>Student Suspension/Expulsion Model Policy (December 2003), USBE</td>
<td>Model policy addressing suspension and expulsion in Utah schools.</td>
<td><a href="https://schools.utah.gov/file/a9185614-c0a1-40e1-9f9f-54b69a1fb0ed">https://schools.utah.gov/file/a9185614-c0a1-40e1-9f9f-54b69a1fb0ed</a></td>
</tr>
<tr>
<td>Electronic Device Model Policy, USBE</td>
<td>Model policy addressing the permissive and restrictive use of electronic devices in Utah schools.</td>
<td><a href="https://schools.utah.gov/file/f9238285-76c4-4128-9615-6517887d3a52">https://schools.utah.gov/file/f9238285-76c4-4128-9615-6517887d3a52</a></td>
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**Other Resources**

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<tbody>
<tr>
<td>Data and Statistics - Reports, Utah State Board of Education</td>
<td>Superintendent's annual report of incidents of prohibited behavior in school or school-related activities.</td>
<td><a href="https://www.schools.utah.gov/data/reports?mid=1424&amp;tid=6">https://www.schools.utah.gov/data/reports?mid=1424&amp;tid=6</a></td>
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Vermont
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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§ 5225. Preliminary hearing; risk assessment
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Section 35. Agency of education; restorative justice practices

Vermont Regulations

The State of Vermont contracts with LexisNexis to provide free public access to the Vermont Regulations (http://www.lexisnexis.com/hottopics/codeofvtrules/). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

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Chapter 003. State Board Rule 2000 Education Quality Standards

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General Provisions

Authority to develop and establish rules of conduct

LAWS

16 V.S.A. § 140. Tobacco use prohibited on public school grounds.
No person shall be permitted to use tobacco or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.
(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the commissioner. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the commissioner.
(d) Duties of the commissioner. The commissioner shall:
   (1) Develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and
   (2) Establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state board and the house and senate committees on education. […]

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:
   (1) The school's approach to classroom management and response to disruptive behavior, including the use of alternative educational settings.
   (2) The manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation, and anger management.
   (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.
   (4) The school's response to significant disruptions, such as threats or use of bombs or weapons.
   (5) A description of how the school will ensure that all staff and contractors who routinely have unsupervised contact with students periodically receive training on the maintenance of a safe, orderly, civil, and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school's discipline policies, and positive youth development models.
   (6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined therein.
(7) Standard due process procedures for suspension and expulsion of a student.

16 V.S.A. § 1165. Alcohol and drug abuse.
(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth: recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

16 V.S.A. § 1166. Possession of a firearm at school.
(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:
   (1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.
   (2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:
      (A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.
      (B) The student did not intend to use the firearm to threaten or endanger others.
      (C) The student has a disability and the misconduct is related to the student's disability.
      (D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

REGULATIONS

22 000 003. Section 2122.1. School facilities and the learning environment.
Each school shall maintain a safe, orderly, civil, flexible and positive learning environment, which is free from hazing, harassment and bullying and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced. The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, and safety, chemical and architectural standards. Each school's comprehensive plan for responding to student misbehavior, as required by 16 V.S.A. §1161a(a), shall address student behavior, language, classroom attendance, clothing and treatment of property, as well as consequences for violations of policy, and shall be clear and consistently enforced. Each school shall observe due process requirements as set forth in Rule 4300 et seq.

22 000 009. Section 4212. Policy requirements.
School districts shall adopt an alcohol and drug abuse policy which shall contain the following:
4212.1. Statement of philosophy.
This policy shall be concerned with the health and well-being of all students and the policy shall take into consideration the individual needs of students with problems as well as the right of the majority of students to an education. […]
Scope

LAWS

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined therein.

16 V.S.A. § 1162. Suspension or expulsion of pupils.
(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) On school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) Not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) Not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

REGULATIONS

22 000 036. Section 4500. Use of restraint and seclusion in schools.
4500.2. Applicability.
These rules are applicable to all learning environments that receive public funding, or over which the Vermont Department of Education has regulatory authority.
Communication of policy

LAWS

16 V.S.A. § 570f. Harassment; notice and response.
(a)(1) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person's parent or guardian. [...]  

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.
(c) Notice. Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying.

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:
(3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.

REGULATIONS

22 000 036. Section 4506. Annual Notification.
Annually, at or before the beginning of the academic year, each school (defined in 4500.3(10)) shall inform all school personnel, and parents of students enrolled in the school of the policies pertaining to the use of physical restraint and seclusion and the intent to emphasize the use of positive behavioral interventions and supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
16 V.S.A. § 1161a. Discipline.
(b) For the purpose of this chapter, corporal punishment means the intentional infliction of physical pain upon the body of a pupil as a disciplinary measure.
(c) No person employed by or agent of a public or approved independent school shall inflict or cause to be inflicted corporal punishment upon a student attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:
   (1) To quell a disturbance;
   (2) To obtain possession of weapons or other dangerous objects upon the person of or within the control of a student;
   (3) For the purpose of self defense; or
   (4) For the protection of persons or property.

REGULATIONS
No relevant regulations found.
Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

HB95. Section 35. Agency of education; restorative justice practices.
The Agency of Education shall explore the use of restorative and similar practices regarding school climate and culture, truancy, bullying and harassment, and school discipline. The Agency shall consider the research that demonstrates that restorative approaches lead to reductions in absenteeism, suspensions, and expulsions and to improved educational outcomes.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined therein.

(7) Standard due process procedures for suspension and expulsion of a student.

16 V.S.A. § 1162. Suspension or expulsion of pupils.
(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) On school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) Not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) Not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

REGULATIONS

No relevant regulations found.
Grounds for mandatory suspension or expulsion

LAWS

16 V.S.A. § 1166. Possession of a firearm at school.
(a) In this section, the terms “to school” and “firearm” shall have the same meaning that the terms have in 18 U.S.C. § 921. The school board may expand the definitions, however, provided they remain consistent with federal law.
(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:
   (1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.
   (2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:
      (A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.
      (B) The student did not intend to use the firearm to threaten or endanger others.
      (C) The student has a disability and the misconduct is related to the student's disability.
      (D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.
(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

16 V.S.A. § 1162. Suspension or expulsion of pupils.
(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:
   (1) On school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;
   (2) Not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or
(3) Not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

REGULATIONS
No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

16 V.S.A. §1163. Transfer of suspension or expulsion to other schools.

(a) If a student transfers from one Vermont public or independent school to another, then upon application by the student and after a review of whether the school can provide the student with appropriate services, the new school may choose to continue a suspension or expulsion imposed by the original school.

(b) During a period of suspension or expulsion imposed under section 1162 of this title, a student, or parent or guardian, shall not be subject to the provisions of subchapter 3 of this chapter regarding compulsory attendance at school unless the conditions of the suspension or expulsion include participation in a program in the school or an alternative program outside the school. Further, nothing in this section shall prohibit a suspended or expelled student from applying to a different Vermont public or independent school during the period of suspension or expulsion and attending if accepted.

(c) A school district that provides for the education of a suspended or expelled student by paying tuition to a public or approved independent school may, at the discretion of the school board, provide for the education of the student during the period of suspension or expulsion by paying tuition to another public or approved independent school.

REGULATIONS

22 000 006. Section 2365.1.6.17. Expedited Due Process Hearings.

(a) An expedited due process hearing procedure shall be available for disciplinary issues in accordance with Rule 4313.3.

(b) The expedited procedure shall provide a full due process hearing consistent with the requirements of Rules 2365.1.6.2(c) and (g), 2365.1.6.3, 2365.1.6.4, 2365.1.6.7, 2365.1.6.8, 2365.1.6.10 through 2365.1.6.16, but under a restricted time schedule as set out in subsections (c) - (j) of this section.

(c) Expedited hearings shall:

(1) Not exceed two days; and

(2) Be scheduled to be heard within 20 school days where the issue before the hearing officer will be whether there is a substantial likelihood of injury to self or others if the child is returned to the placement from which the child was removed.
(d) Upon being appointed, the hearing officer shall immediately arrange with the parties two days of hearing to occur within 20 school days of the filing of a complaint under Rule 2365.1.17(c)(2). At the same time, the hearing officer shall schedule an expedited resolution session to be held no later than seven days of the receipt of the written complaint. Unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the complaint, the due process hearing may proceed. The hearing officer shall schedule a prehearing conference prior to the hearing.

(e) At least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and evidence to be offered at the hearing, and recommendations based on the offering party's evaluations that the party intends to use at the hearing. Any party to the hearing has the right to request that the hearing officer prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least five business days before the hearing.

(f) Except for the timelines in subsections (c)(2), (d), (e), and (i), the hearing officer may waive any of the procedures in this section in a case, but only to the extent necessary to preserve the full and fair nature of the due process hearing. At the agreement of both parties, the hearing officer may reduce the timelines in subsections (c)(2), (d), (e), and (h).

(g) The hearing officer shall render a decision, including findings of fact and conclusions of law.

(h) The hearing officer shall mail a written decision to the parties by first class mail within 10 school days following the hearing.

(i) Any party aggrieved by a decision of the hearing officer may appeal the decision as provided in Rule 2365.1.8.

22 000 006. Section 2365.1.8. Finality of a Due Process Hearing Decision; Appeal.

(a) The decision of a hearing officer is final unless appealed to a state or federal court of competent jurisdiction.

(b) Parties have right to appeal the hearing decision by filing a civil action in a federal district court or a state court of competent jurisdiction in accordance with Rule 2365.1.9.

22 000 009. Section 4311. Procedures.

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

4311.1 In all cases of short-term suspension from school, which is generally regarded as 10 days or less, the student and his or her parent/guardian shall be given an opportunity for an informal hearing before an appropriately designated school official. Except for cases set forth in the last paragraph 4311.3, the hearing must precede the suspension and the district shall provide:

1. Notice of the charges;
2. Explanation of the evidence against the student;
3. Opportunity for the student to tell his or her side of the story;
4. Decision in writing to the parent/guardian.

4311.2 In cases of a long term suspension which is generally more than 10 days unless a school district establishes a shorter period, the student and his or her parent/guardian shall be given an opportunity for a formal hearing before the school board and the district shall provide:

1. Written notice of the following:
   a. Nature of charges against the student;
   b. Date, time and place of hearing;
   c. Right to legal representation;
(d) Possible penalties involved;
(2) Opportunity to present evidence;
(3) Opportunity to cross-examine witnesses;
(4) Decision in writing to parent/guardian.

4311.3

(1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter. In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such expulsion is modified in accordance with the provisions of 16 V.S.A. § 1166(b)(2) in circumstances such as but not limited to:

(a) The student is unaware that he or she has brought a weapon to school,
(b) The student did not intend to use the weapon to threaten or endanger others,
(c) The student is disabled and the misconduct is related to the disability,
(d) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

(2) In situations where a student with a disability brings a weapon to school, the provisions of regulation 4312(2) shall apply. In any such situation, an opportunity for a hearing prior to an expulsion must be provided prior to the expulsion, pursuant to 16 V.S.A. § 1166(b)(2).

22 000 009. Section 4312. Discipline Procedures for Children Who are Not Eligible for Special Education Services, but Who Are or May Be Qualified Individuals with Disabilities under Section 504 of The Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104 et seq.).

In addition to the general disciplinary procedures found within Rule 4311, and in accordance with 34 C.F.R. §104.36, the following procedures apply to children who are qualified individuals with disabilities as defined by Section 504 of the Rehabilitation Act of 1973 (hereinafter Section 504).

(1) A Section 504 child shall not be removed from his or her current educational placement for disciplinary reasons for more than 10 consecutive school days in a school year unless the following procedures have been completed:

(a) Are-evaluation, as defined by 34 C.F.R. §104.35; and
(b) A determination by the child’s Section 504 team that the conduct is not a manifestation of his or her disability.

(2) A Section 504 child shall not be removed from his or her current educational placement for disciplinary reasons for more than 10 cumulative days in a school year when the removals constitute a change in placement as defined in Rule 2360.2(d)(1) unless the following procedures have been completed:

(a) Are-evaluation, as defined by 34 C.F.R. §104.35; and
(b) A determination by the child's Section 504 team that the conduct is not a manifestation of his or her disability.

(3) When it is determined by a child's 504 team that the conduct is not a manifestation of the child's qualifying disability, the child may be disciplined in the same manner, and subject to the same disciplinary consequences, as a non-disabled child, including suspension or expulsion without the provision of services.
(4) When it is determined by a child's Section 504 team that the conduct is a manifestation of his or her qualifying disability, a change in program or placement may be implemented by the child's Section 504 team and the child's Section 504 team may respond to the conduct by designing, amending and/or enforcing a plan of behavior management.

(5) If, at the time of the occurrence of conduct that gives rise to consideration of removal of a child from his or her current educational placement for more than 10 consecutive school days in a school year, the child is believed to be a qualified individual with a disability under Section 504, a Section 504 evaluation shall be completed prior to imposition of the removal.

(a) If the evaluation results in a determination that the child is a qualified individual with a disability under Section 504, the discipline procedures in this rule shall be followed.

(b) If the evaluation results in a determination that the child is not a qualified individual with a disability under Section 504, the discipline procedures in Rule 4311 shall be followed.

(6) If, at the time of the occurrence of conduct that gives rise to consideration of removal of a child who is believed to be a qualified individual with a disability under Section 504 for more than 10 cumulative school days in a school year, and the removals constitute a change in placement as defined in Rule 2360.2(d)(1), a Section 504 evaluation shall be completed prior to imposition of the removal.

(a) If the evaluation results in a determination that the child is a qualified individual with a disability under Section 504, the discipline procedures in this rule shall be followed.

(b) If the evaluation results in a determination that the child is not a qualified individual with a disability under Section 504, the discipline procedures in Rule 4311 shall be followed.

(7) If a child who is a qualified individual under Section 504 possesses or carries a weapon, as defined in Rule 4313.9(a), to school or at a school function, he or she may be placed in an interim alternative educational setting (IAES) in accordance with the procedures set forth in Rule 4313.9 and Rule 1253. The child's 504 team shall determine the IAES, and the services provided in the IAES, in accordance with the procedures set forth in Rule 4313.9. It is the intent of this section to discipline a child who is a qualified individual under Section 504 in the same manner as children who are eligible for special education when they possess weapons at school or at school functions.

(8) When a parent disagrees with disciplinary action taken by a LEA, the parent may request an impartial due process hearing, and the procedures in Rules 2365.1.6(c) through 2365.1.9 shall apply. In addition to or in lieu of a due process hearing a parent may file a complaint with the U.S. Department of Education Office for Civil Rights.

(9) A hearing officer may order a change in the placement of a child who is a qualified individual under Section 504 to an appropriate IAES for not more than 45 calendar days, if the hearing officer, in an expedited due process hearing:

(a) Determines that the LEA has demonstrated by substantial evidence, which for purposes of this section shall mean a preponderance of the evidence, that maintaining the current placement of the child is substantially likely to result in injury to the child or others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the LEA has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the IAES that is proposed by school personnel will enable the child to continue to progress in the general curriculum. The services provided to and modifications made for the child in the IAES shall be designed to address and prevent the child's offending behavior.

(10) This Rule (4312) shall not apply when a responsible agency takes disciplinary action against a Section 504 child if:
(a) The misconduct for which the child is being disciplined pertains to the use or possession of illegal drugs or alcohol at school or at a school function; and

(b) The child is currently engaging in the use of alcohol or illegal drugs.

In this instance, the Section 504 child shall be disciplined in accordance with Rule 4311.

22 000 009. Section 4313.1. Authority of school personnel.
(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a child with a disability who violates a code of child conduct.

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel in consultation with the special education administrator may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(e) Manifestation determination

(1) Except for removals that will be for not more than 10 consecutive school days and will not constitute a change of placement under Rule 4313.7, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of child conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

   (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

   (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct shall be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall-

(1) Either-

   (i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

   (ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

22 000 009. Section 4313.2. Determination of setting.
The interim alternative educational setting referred to in Rule 4313.1(c) and (g) is determined by the IEP Team.
22 000 009. Section 4313.3. Appeal.
(a) General. The parent of a child with a disability who disagrees with any decision regarding placement under Rules 4313.1 and 4313.2, or the manifestation determination under Rule 4313.1 (e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may request a hearing.

(b) Authority of hearing officer.
(1) A hearing officer in an impartial due process hearing hears, and makes a determination regarding, an appeal requested under paragraph (a) of this section.
(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may-
   (i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of Rule 4313.1 or that the child's behavior was a manifestation of the child's disability; or
   (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.
(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes the child would be dangerous if returned to the original placement.

(c) Expedited hearing.
(1) Whenever a hearing is requested under paragraph (a) of this section, the procedures of Rule 2365.1.6.17 shall be followed and the parents and LEA involved in the dispute shall have an opportunity for an impartial due process hearing consistent with the requirements of the rules relating to Resolution Sessions and Impartial Due Process Hearings, except as provided in paragraph (c)(2) through (5) of this section.
(2) The LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.
(3) Except as provided in a written waiver of the resolution session or in an agreement to mediate
   (i) A resolution session meeting shall occur within seven days of the date the hearing is requested, and
   (ii) The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the hearing request.
(4) The decisions on expedited due process hearings are appealable consistent with those rules associated with due process hearing appeals.

22 000 009. Section 4313.4. Placement during appeals.
When an appeal under Rule 4313.3 has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in Rule 4313.1(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

22 000 009. Section 4313.5. Protections for children not yet eligible for special education and related services.
(a) General. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of child conduct, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with
paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) Basis of knowledge. An LEA shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

(2) The parent of the child requested an evaluation of the child pursuant to the rules relating to Procedures for Evaluation and Determination of Eligibility; or

(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency in accordance with the agency's established child find or special education referral system.

(c) Exception. A LEA would not be deemed to have knowledge under paragraph (b) of this section and the child would not receive special education protections available only to children with a disability or suspected of having a disability, if:

(1) The parent of the child:

(i) Has not allowed an evaluation of the child pursuant to special education evaluation procedures; or

(ii) Has refused services under this part; or

(2) The child has been evaluated and determined not to be a child eligible for special education.

(d) Conditions that apply if no basis of knowledge.

(1) If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2)(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under Rule 4313.1, the evaluation shall be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, including the requirements of Rules 4313.1 through 4313.7 and Section 1412(a)(1)(A) of the Individuals with Disabilities Education Improvement Act, as amended.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

16 V.S.A. § 1167. School resource officer; memorandum of understanding.
(a) Neither the State Board nor the Agency shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.
(b) School boards and law enforcement agencies are encouraged to enter into memoranda of understanding relating to:
   (1) The possession and use of weapons and devices by a school resource officer on school property; and
   (2) The nature and scope of assistance that a school resource officer will provide to the school system.

REGULATIONS

22 000 036. Section 4500. Use of restraint and seclusion in schools.
4500.1. Statement of Purpose.
The purposes of these rules are to:
   a. Create and maintain a positive and safe learning environment in schools;
   b. Promote positive behavioral interventions and supports in schools; and
   c. Ensure that students are not subjected to inappropriate use of restraint or seclusion.
4500.2. Applicability.
These rules are applicable to all learning environments that receive public funding, or over which the Vermont Department of Education has regulatory authority
4500.3. Definitions.
For purposes of these rules, the following definitions apply:
   1. Behavioral Intervention Plan means a plan that details strategies to address behaviors that impede learning, or are ongoing, and do not readily respond to general intervention or classroom management techniques, by teaching pro-social skills and other positive replacement behaviors. The plan may include positive strategies, program or curricular modifications, and supplementary aids and supports required to address problem behaviors.
   2. Chemical Restraint means a drug, medication or chemical used on a student to control behavior or restrict movement that is not:
      a. Prescribed by a student's licensed physician for the standard treatment of a student's medical or psychiatric condition; and
      b. Administered as prescribed by the licensed physician.
3. Functional Behavioral Assessment means the analysis of a student's behavior patterns before, during, and after rule-breaking or other inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.

4. Mechanical Restraint means the use of any device or object that restricts a student's movement or limits a student's sensory or motor functions unless under the direction of a healthcare professional for medical or therapeutic purposes. The term does not include devices implemented by trained school personnel, or utilized by a student for the specific and approved therapeutic and safety purposes for which such devices were designed including:
   a. Restraints for medical immobilization,
   b. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment;
   c. Vehicle safety restraints including a seat belt or harness used for balance or safety on a car or bus; or
   d. Seat belts in wheelchairs or on toilets.

7. Physical Restraint means the use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others. Physical restraint does not include:
   a. Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either
      i. To prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or
      ii. To remove a disruptive student who is unwilling to leave the area voluntarily;
   b. The minimum contact necessary to physically escort a student from one place to another;
   c. Hand-over-hand assistance with feeding or task completion; or
   d. Techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment.

8. Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:
   a. Is based on evidence-based practices;
   b. Is proactive and instructional, rather than reactive;
   c. Can operate on individual, group, classroom, or school wide levels;
   d. Includes a system of continual data collection; and
   e. Relies on data-driven decisions.

9. Prone Physical Restraint means holding a student face down on his or her stomach using physical force for the purpose of controlling the student's movement.

12. Seclusion means the confinement of a student alone in a room or area from which the student is prevented or reasonably believes he or she will be prevented from leaving. Seclusion does not include time-out where a student is not left alone and is under adult supervision.

22 000 036. Section 4501. Prohibitions.

4501.1 School personnel and contract service providers are prohibited from imposing on a student any of the following as defined in rule 4500.3:
   a. Mechanical restraint,
b. Chemical restraint,

c. Any physical restraint, escort or seclusion that restricts or limits breathing or communication, causes pain or is imposed without maintaining direct visual contact.

4501.2 Physical restraint or seclusion shall not be used:

a. For convenience of staff;

b. As a substitute for an educational program;

c. As a form of discipline or punishment;

d. As a substitute for inadequate staffing or training;

e. In response to a student's use of profanity or other verbal or gestural display of disrespect; or

f. In response to a verbal threat unaccompanied by demonstrated means of or intent to carry out the threat.

4501.3 The restraints and seclusion prohibited by these Rules shall not be considered "reasonable and necessary force" as that term is used in 16 VSA §1161a(c).

4501.4 Schools may have policies and procedures for the use of physical restraint and seclusion in school-wide safety plans, provided such plans are consistent with these Rules.

22 000 036. Section 4502. Permissible use of restraint and seclusion.

4502.1 Permissible Use of Physical Restraint

Physical restraint, not otherwise prohibited by these Rules, may be used only:

a. When a student's behavior poses an imminent and substantial risk of physical injury to the student or others;

b. Within the limits set forth in 16 VSA § 1161 a;

c. Less restrictive interventions have failed or would be ineffective in stopping such imminent danger of physical injury or property damage;

d. In accordance with a school-wide safety plan that is consistent with these rules; and

e. In a manner that is safe, proportionate to and sensitive to the student's:

i. Severity of behavior;

ii. Chronological and developmental age;

iii. Physical size;

iv. Gender;

v. Ability to communicate;

vi. Cognitive ability; and

vii. Known physical, medical, psychiatric condition, and personal history, including any history of physical, emotional or sexual abuse or trauma.

4502.1.1 Prone and supine physical restraints are more restrictive than other forms of physical restraint and may be used only when the student's size and severity of behavior require such a restraint because a less restrictive restraint has failed or would be ineffective to prevent harm to the student or others.

4502.2 Permissible Use of Seclusion

Seclusion, not otherwise prohibited by these rules, may be used only:

a. When a student's behavior poses an imminent and substantial risk of physical injury to the student or others;
When less restrictive interventions have failed or would be ineffective in stopping such imminent risk of physical injury;

c. As a temporary intervention;

d. When physical restraint is contraindicated;

e. When there is no known developmental, medical, psychological or other contraindication to its use;

f. When the student is visually monitored at all times by an adult; and

g. In a space large enough to permit safe movement that is adequately lit, heated, ventilated, free of sharp or otherwise dangerous objects; and in compliance with all fire and safety codes.

4502.3 In rare circumstances where the use of physical restraint or seclusion may be necessary due to a student's pattern of dangerous behavior that is not responsive to less restrictive interventions, physical restraint and/or seclusion may be included in an individual safety plan only if all of the following conditions apply:

a. School personnel have reviewed and agreed to the safety plan;

b. The use of physical restraint and seclusion complies with these Rules;

c. The student has a documented history showing a series of behaviors in the preceding six (6) months that have created an imminent and substantial risk of physical injury to the student or others in the school;

d. A comprehensive, data-driven, functional behavioral assessment has been conducted;

e. A behavioral intervention plan, emphasizing positive behavioral interventions and supports, has been implemented;

f. The educational planning team, IEP team or Section 504 team has reviewed the student's program and placement to determine whether it is sufficient to meet the student's unique needs;

g. The criteria for use are clearly identified;

h. Any contraindications for use are identified;

i. Staff implementing the individual safety plan have received training from a state-recommended training program;

j. The parents are fully informed of the inherent risks of using restraint and seclusion;

k. The parents provide informed consent to the use of restraint and/or seclusion, which shall be revocable at any time; and

l. The ongoing need for an individual safety plan is reviewed and revised, as appropriate, and in any event at least annually.

4502.3.1 Any restraint or seclusion imposed as a result of an individual safety plan is subject to all the reporting, documentation and debriefing requirements set forth in 4503, 4504 and 4505 below.

4502.4 Physical restraint or seclusion shall only be imposed:

a. By school personnel or contract service providers who have been trained to provide the selected intervention unless, due to the unforeseeable nature of the danger of the circumstance, trained personnel are not immediately available;

b. When a restrained student is monitored face-to-face by school personnel or contract service providers; or

b. If personnel safety is significantly compromised by face-to-face monitoring, or the student is in seclusion, school personnel or a contract service provider are in direct visual contact with the student.

4502.5 Physical restraint or seclusion shall be terminated as soon as:
a. The student demonstrates that he/she is in unnecessary pain or significant physical distress indicating a possible need for emergency medical assistance or that his/her breathing or communication is compromised; or
b. The student's behavior no longer poses an imminent danger of physical injury to the student or others or danger to property; or
c. Less restrictive interventions would be effective in stopping such imminent danger of physical injury or property damage.

4502.6 Following termination of any physical restraint or seclusion, the student shall be evaluated and monitored for the remainder of the school day on which physical restraint or seclusion is imposed. The evaluation shall include a routine physical/medical assessment conducted by someone not involved in the restraint or seclusion, and documentation of any injury received by the student as a result of the restraint or seclusion.

22 000 036. Section 4503. Reporting the use of restraint and seclusion.

4503.1 To the School Administrator.
Any person who imposes a restraint or seclusion shall report its use to the school administrator as soon as possible, but in no event later than the end of the school day of its use.

4503.2 To Parents.
   a. The school administrator shall make a documented attempt to provide verbal or electronic notice of any incident of restraint or seclusion to the student's parents (as defined in 4500.3(13)) as soon as practical but in no event later than the end of the school day of its use; and
   b. Shall provide written notice to the parents within 24 hours of each use of restraint or seclusion that includes:
      i. The date and time of its use;
      ii. A description of the restraint and other intervention used;
      iii. The date and time when the debriefing session will occur; including notice that the parents have the opportunity to participate in the debriefing; and
      iv. The name and telephone number of the contact person who can provide further information.

4503.3 To the Superintendent.
The school administrator shall report the use of restraint or seclusion to the superintendent of the Supervisory Union whenever:
   a. There is death, injury or hospitalization to staff or student as a result of a restraint or seclusion; or
   b. An individual employee or contracted service provider has engaged in the use of physical restraint or seclusion three (3) separate times on one (1) or more students; or
   c. Physical restraint has been used for more than fifteen (15) minutes; or
   d. Any student has been restrained or secluded three (3) or more times per school year; or
   e. A student has been restrained or secluded more than once in a school day; or
   f. A student is restrained or secluded who is not on a behavioral intervention plan; or
   g. Restraint or seclusion has been used in violation of these rules, including the use of any prohibited form of restraint.

Reports to the Superintendent shall be made within three school days of the incident that requires reporting and shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.
4503.3.1 Learning environments other than public schools shall fulfill this reporting requirement by reporting to the Superintendent of the Supervisory Union that is the LEA or sending district for the student. If there is no sending district or LEA, this requirement shall be fulfilled by reporting to the Commissioner of the Department of Education in accordance with Rule 4503.4.

4503.4 To the Commissioner of the Department of Education.

The Superintendent of the supervisory union shall report the use of restraint or seclusion to the Commissioner of the Department of Education within three (3) school days of receipt of a report indicating any the following:

a. There is death, injury requiring outside medical treatment or hospitalization to staff or student as a result of a restraint or seclusion; or
b. Physical restraint or seclusion has been used for more than thirty (30) minutes or
c. Physical restraint or seclusion has been used in violation of these rules, including the use of any prohibited restraint or seclusion.

The report shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

22 000 036. Section 4504. Documentation.

Each school shall maintain written records of each use of restraint and seclusion. The records shall be maintained by the school administrator and shall include the following:

a. The name, age, gender and grade of the student;
b. The date, time and duration of the restraint or seclusion;
c. Any injuries, death or hospitalization to student or staff resulting from the use of restraint or seclusion;
d. The location where the restraint or seclusion occurred;
e. The precipitating event[s] leading up to the restraint or seclusion;
f. A list of school personnel who participated in the application, monitoring and supervision of the student while restrained or secluded;
g. The type of restraint or seclusion used;
h. The reason for the restraint or seclusion;
i. A description of all the interventions used prior to the application of the restraint or seclusion;
j. Whether the student has a behavioral intervention plan and/or individualized education plan, Section 504 plan or educational support plan; and
k. The date notification was provided to the student's parents.

22 000 036. Section 4505. Debriefing following use of restraint or seclusion.

Following each incident of restraint or seclusion, the school administrator shall implement follow-up procedures that include:

a. Within two (2) school days, a proper staff person reviewing the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior[s] that precipitated the use of restraint or seclusion;
b. Within two (2) school days, reviewing the incident with the staff person(s) who administered the restraint or seclusion to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion;
c. An opportunity for parents to participate in the review of an incident of restraint or seclusion within four (4) school days:
i. Parents shall receive prior written (including e-mail) notice of the review meeting; and
ii. The meeting shall be convened at a mutually acceptable time and place; and
d. Determining, in consultation with the parents, any specific follow up actions to be taken.

22 000 036. Section 4506. Annual notification.
Annually, at or before the beginning of the academic year, each school (defined in 4500.3(10)) shall inform all school personnel, and parents of students enrolled in the school of the policies pertaining to the use of physical restraint and seclusion and the intent to emphasize the use of positive behavioral interventions and supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.

22 000 036. Section 4507. Complaints and investigations.
4507.1 Filing a Complaint
a. A parent (as defined in 4500.3(13)) or school personnel may file a complaint regarding the use of restraint or seclusion at any time in accordance with school district policy.
b. The complaint shall be in writing and shall be directed to the principal, director or administrator of the school in which the student participates.
c. If the person filing the complaint is unable to submit the complaint in writing, the recipient of the complaint shall complete the form based on a verbal complaint. In this case, the complainant shall be provided with a copy of the complaint.

4507.2 Investigation
All complaints shall be investigated by the school or district and written findings issued within thirty (30) days;

4507.3 Unresolved Complaints
Unresolved complaints shall be directed to the superintendent of the Supervisory Union where the student resides in accordance with the school board's established complaint process. A student on an individualized education plan (IEP) or Section 504 Plan may also use the dispute resolution options available under Rules 2365.1.4 - 2365.1.6, if appropriate.

22 000 036. Section 4508. Monitoring and corrective action.
The commissioner of the Department of Education shall review reports received pursuant to Rule 4503.4 and identify those schools in need of additional training and, when those reports reflect an over-use of these interventions, shall direct the school to work with the department to develop a corrective action plan.

22 000 036. Section 4509. State recommended training.
The Department of Education shall maintain a directory of recommended physical restraint training programs, which must include at least the following elements:
  a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of dangerous behavior, relationship-building, and the use of alternatives to physical restraint;
  b. Identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm to determine if physical restraint is warranted;
  c. Simulated experience in administering and in receiving a variety of physical restraint techniques, across a range of increasingly restrictive interventions;
  d. Instruction regarding the effects of physical restraint on the person restrained, including monitoring physical signs of distress and how to obtain medical assistance;
e. Instruction regarding investigation of injuries and complaints.

A school may use a training program that is not on the state recommended list if it submits a plan to the Secretary of Education demonstrating how that training program meets the purposes of these Rules and contains the elements listed above.

22 000 036. Section 4510. Effective date.

These Rules shall become effective on August 15, 2011, however schools shall have until September 30, 2011, to have trained staff available.

Alternative placements

LAWS

16 V.S.A. § 1162. Suspension or expulsion of pupils.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

REGULATIONS

22 000 009. Section 4312. Discipline Procedures for Children Who are Not Eligible for Special Education Services, but Who Are or May Be Qualified Individuals with Disabilities under Section 504 of The Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104 et seq.).

(7) If a child who is a qualified individual under Section 504 possesses or carries a weapon, as defined in Rule 4313.9(a), to school or at a school function, he or she may be placed in an interim alternative educational setting (IAES) in accordance with the procedures set forth in Rule 4313.9 and Rule 1253. The child's 504 team shall determine the IAES, and the services provided in the IAES, in accordance with the procedures set forth in Rule 4313.9. It is the intent of this section to discipline a child who is a qualified individual under Section 504 in the same manner as children who are eligible for special education when they possess weapons at school or at school functions.

22 000 009. Section 4313.1. Authority of school personnel.

(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a child with a disability who violates a code of child conduct.

(b) General.

(1) Under this section, the school principal/designee, in consultation with the special education case manager may remove a child with a disability who violates a code of child conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Rule 4313.7).

(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the LEA shall provide services to the extent required under paragraph (d) of this section.
(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to paragraph (e) of this section, school personnel in consultation with the special education administrator may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) Except as provided in paragraphs (d)(3) and (d)(4) of this section, a child with a disability who is removed from the child's current placement pursuant to paragraphs (b), (c), or (g) of this section shall-

(i) Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1) of this section may be provided in an interim alternative educational setting.

(3) A LEA need not provide services during periods of removal under paragraph (b) of this section to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under Rule 4313.7, school personnel, in consultation with the child's special education case manager, determine the extent to which services are needed under paragraph (d)(1) of this section, if any, and the location in which services, if any, will be provided.

(5) If the removal is for more than 10 consecutive school days or is a change of placement under Rule 4313.7, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section and the location in which services will be provided.

(e) Manifestation determination

(1) Except for removals that will be for not more than 10 consecutive school days and will not constitute a change of placement under Rule 4313.7, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of child conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct shall be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall-

(1) Either-
(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child-

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. Not later than the date on which the decision to take disciplinary action is made, the LEA must notify the parents of that decision, and provide the parents a copy of their Parents’ Rights in Special Education.

22 000 009. Section 4313.2. Determination of setting.

The interim alternative educational setting referred to in Rule 4313.1(c) and (g) is determined by the IEP Team.

22 000 009. Section 4313.3. Appeal.

(b) Authority of hearing officer.

(1) A hearing officer in an impartial due process hearing hears, and makes a determination regarding, an appeal requested under paragraph (a) of this section.

(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may-

(i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of Rule 4313.1 or that the child's behavior was a manifestation of the child's disability; or

(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes the child would be dangerous if returned to the original placement.

22 000 009. Section 4313.4. Placement during appeals.

When an appeal under Rule 4313.3 has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in Rule 4313.1(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.
22 000 009. Section 4313.7. Change of placement because of disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under Rules 4313.1 through 4314.4, a change of placement occurs if:

(a) The removal is for more than 10 consecutive school days; or

(b) The child has been subjected to a series of removals that constitute a pattern-

(1) Because the series of removals total more than 10 school days in a school year;

(2) Because the child's behavior is substantially similar to the child's behavior in the incidents that resulted in the series of removals, taken cumulatively, is determined, under Rule 4313.1(f), to have been a manifestation of the child's disability; and

(3) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

13 V.S.A. § 4004. Possession of dangerous or deadly weapon in a school bus or school building or on school property.

(a) No person shall knowingly possess a firearm or a dangerous or deadly weapon while within a school building or on a school bus. A person who violates this section shall, for the first offense, be imprisoned for not more than one year or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than three years or fined not more than $5,000.00, or both.

(b) No person shall knowingly possess a firearm or a dangerous or deadly weapon on any school property with the intent to injure another person. A person who violates this section shall, for the first offense, be imprisoned for not more than three years or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than five years or fined not more than $5,000.00, or both.

(c) This section shall not apply to:

1. A law enforcement officer while engaged in law enforcement duties.

2. Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.

(d) As used in this section:

1. "School property" means any property owned by a school, including motor vehicles.

2. "Owned by the school" means owned, leased, controlled, or subcontracted by the school.

3. "Dangerous or deadly weapon" shall have the same meaning as in section 4016 of this title.

4. "Firearm" shall have the same meaning as in section 4016 of this title.

5. "Law enforcement officer" shall have the same meaning as in section 4016 of this title.

(e) The provisions of this section shall not limit or restrict any prosecution for any other offense, including simple assault or aggravated assault.

16 V.S.A. § 1166. Possession of a firearm at school

(a) In this section, the terms "to school" and "firearm" shall have the same meaning that the terms have in 18 U.S.C. § 921. The school board may expand the definitions, however, provided they remain consistent with federal law.

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

1. A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

2. A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student
who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.
(B) The student did not intend to use the firearm to threaten or endanger others.
(C) The student has a disability and the misconduct is related to the student's disability.
(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

16 V.S.A. § 1126. Failure to attend; notice by teacher.
When a student between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning of the academic year, or being enrolled, fails to attend the school, and when a student who is at least 16 years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall notify the truant officer and either the superintendent or the school board unless the teacher or principal is satisfied that the student is absent on account of illness.

16 V.S.A. § 1127. Notice and complaint by truant officer; penalty.
(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent
from school without cause, and shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than $1,000.00 pursuant to subsection (c) of this section.

(c) The truant officer shall enter a complaint to the town grand juror of the town in which such person resides, or to the State's Attorney of the county, and shall provide a statement of the evidence upon which the complaint is based. The grand juror or State's Attorney shall prosecute the person. In the prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the respondent (naming the respondent) having the control of a child of school age (naming the child) neglects to send that child to a public school or an approved or recognized independent school or a home study program as required by law.

16 V.S.A. § 1128. Legal pupil taken to school; nonresident child living in district.

(a) A superintendent may and the truant officer shall stop a child between the ages of six and 16 years or a child 16 years of age or over and enrolled in public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take the child to the school which she or he should attend.

(b) A child of legal school age who is not exempt from school attendance and who has not finished the elementary school course, and is living in a district other than the place of legal residence shall, with the school board's approval, be admitted immediately to a school in the district where he is found. If the child is not admitted to school, then immediate action shall be taken by the truant officer to cause the return of the child to the district of his residence.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

16 V.S.A. § 140. Tobacco use prohibited on public school grounds.

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

16 V.S.A. § 1165. Alcohol and drug abuse.

(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth: recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in
accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

(d) [Repealed.]

(e) No municipality, school district, or officer or employee of the school district shall be liable for civil damages in connection with the implementation of the purposes of this section so long as they have acted in good faith and not knowingly in violation of the constitutional or civil rights of any person.

(f), (g) [Repealed.]

REGULATIONS

22 000 009. Section 4211. Definition.
Alcohol and drug abuse (substance abuse) shall be defined as: "the ingestion of a substance in such a way that it interferes with a person's ability to perform physically, intellectually, emotionally or socially." Vermont Office of Alcohol and Drug Abuse Programs.

22 000 009. Section 4212. Policy requirements.
School districts shall adopt an alcohol and drug abuse policy which shall contain the following:

4212.1. Statement of philosophy.
This policy shall be concerned with the health and well-being of all students and the policy shall take into consideration the individual needs of students with problems as well as the right of the majority of students to an education.

4212.2. Education program.
The policy shall define an educational program consistent with the Vermont Alcohol and Drug Education Curriculum Plan.

4212.3. Support and referral systems and cooperative agreements.
The policy shall provide for a support and referral system for students in distress due to their own or another's use of alcohol or other drugs. Such a system shall include both a clearly defined in-school process for initial assessment, support, and if necessary, referral to community resources of such students, and a written referral agreement with at least one community substance abuse treatment provider approved by the Office of Alcohol and Drug Abuse Programs. Such an agreement should define the process for making an effective referral and the nature and extent of information to be provided during and after such a referral to all parties involved.

4212.3A. Immediate procedures.
The policy shall provide for the handling of any alcohol/drug-related incident until the student has been discharged to the parent, guardian, social service, medical or law enforcement agency.

4212.3B. Emergency.
The school district policy shall establish procedures for administering emergency first-aid related to alcohol and drug abuse. The procedures will define the roles of the personnel involved.

Bullying, harassment, or hazing

LAWS

16 V.S.A. § 11. Classifications and definitions.
(a) As used in this title, unless the context otherwise clearly requires:
(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) "Harassment" includes conduct that violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.

(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

(30)(A) "Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with an educational institution; and that is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating, or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off the campus of an educational institution. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

(i) The goals are approved by the educational institution; and

(ii) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

(B) The definitions of "educational institution," "organization," "pledging," and "student" shall be the same as those in section 570i of this title.

(32) "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and that:

(A) Is repeated over time;

(B) Is intended to ridicule, humiliate, or intimidate the student; and
(C)(i) Occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) Does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student’s right to access educational programs.

16 V.S.A. § 164. State Board; general powers and duties.

The State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engage local school board members and the broader education community; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

(17) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.

(a) State policy. It is the policy of the state of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the commissioner. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the commissioner.

(c) Notice. Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

(d) Duties of the commissioner. The commissioner shall:
(1) Develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

(2) Establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state board and the house and senate committees on education. The council shall include:

(A) The executive director of the Vermont Principals' Association or designee;
(B) The executive director of the Vermont School Boards Association or designee;
(C) The executive director of the Vermont Superintendents Association or designee;
(D) The president of the Vermont-National Education Association or designee;
(E) The executive director of the Vermont Human Rights Commission or designee;
(F) The executive director of the Vermont Independent Schools Association or designee; and

(G) Other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

(e) Definitions. In this subchapter:

(1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.

(2) "Organization," "pledging," and "student" have the same meanings as in subdivisions 140a(2), (3), and (4) of this title.

(3) "Harassment," "hazing," and "bullying" have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.

(4) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

16 V.S.A. § 570a. Harassment.

(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that harassment, as defined in subdivision 11(a)(26) of this title, is prohibited and may constitute a violation of the public accommodations act as more fully described in article 2 of this subchapter 5.

(2) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.

(3) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(4) A description of the circumstances under which harassment may be reported to a law enforcement agency.

(5) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (7) of this subsection. All internal reviews of the school's initial determination, including the issuance of a final decision, shall,
unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

(8) A procedure for publicizing the availability of the Vermont Human Rights Commission and the federal Department of Education's Office of Civil Rights and other appropriate State and federal agencies to receive complaints of harassment.

(9) A statement that acts of retaliation for the reporting of harassment or for cooperating in an investigation of harassment are unlawful pursuant to 9 V.S.A. § 4503.

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Secretary of Education and the Human Rights Commission and maintained by the Secretary. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The Secretary may adopt rules implementing this subsection.

16 V.S.A. § 570b. Hazing.
The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:
(1) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited and may be subject to civil penalties pursuant to article 3 of this subchapter 5;
(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints;
(3) A procedure for investigating reports of violations and complaints;
(4) A description of the circumstances under which hazing may be reported to a law enforcement agency;
(5) Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or suspension of an organization’s permission to operate or exist within the institution’s purview if that organization knowingly permits, authorizes, or condones hazing;
(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to hazing; and
(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people’s availability.

16 V.S.A. § 570c. Bullying.
The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:
(1) A statement that bullying, as defined in subdivision 11(a)(32) of this title, is prohibited.
(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.
(3) A procedure for investigating reports of violations and complaints.
(4) A description of the circumstances under which bullying may be reported to a law enforcement agency.
(5) Consequences and appropriate remedial action for students who commit bullying.
(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying.
(7) Annual designation of two or more people at each school campus to receive complaints and a procedure both for publicizing the availability of those people and clarifying that their designation does not preclude a student from bringing a complaint to any adult in the building.

16 V.S.A. § 570f. Harassment; notice and response.
(a)(1) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person’s parent or guardian. Nothing in this section shall be construed to prohibit educational institutions from investigating and imposing disciplinary consequences upon students for misconduct. Elementary and secondary school officials shall strive to implement the plan developed in accordance with subdivision 1161a(a)(6) of this title in order to prevent misconduct from escalating to the level of harassment.
(2) If, after notice, the educational institution finds that the alleged conduct occurred and that it constitutes harassment, the educational institution shall take prompt and appropriate remedial action reasonably calculated to stop the harassment.
(b) A claim may be brought under the Fair Housing and Public Accommodations Act pursuant to 9 V.S.A. chapter 139 only after the administrative remedies available to the claimant under the policy adopted by the educational institution pursuant to subsection 166(e) or section 570 of this title or pursuant to the harassment policy of a postsecondary school have been exhausted. Such a showing shall not be necessary where the claimant demonstrates that:

(1) The educational institution does not maintain such a policy;
(2) A determination has not been rendered within the time limits established under section 570a of this title;
(3) The health or safety of the complainant would be jeopardized otherwise;
(4) Exhaustion would be futile; or
(5) Requiring exhaustion would subject the student to substantial and imminent retaliation.

(c) To prevail in an action alleging unlawful harassment filed pursuant to this section and 9 V.S.A. chapter 139, the plaintiff shall prove both of the following:

(1) The student was subjected to unwelcome conduct based on the student's or the student's family member's actual or perceived membership in a category protected by law by 9 V.S.A. § 4502.

(2) The conduct was either:

(A) For multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student’s equal access to educational opportunities or benefits provided by the educational institution; or
(B) For a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student’s equal access to educational opportunities or benefits provided by the educational institution.

(d) As used in this article:

(1) "Designated employee" means an employee who has been designated by an educational institution to receive complaints of harassment pursuant to section 570a of this title or in accordance with the harassment policy of a postsecondary school.

(2) "Educational institution" means a Vermont public or independent school or a postsecondary school that offers or operates a program of college or professional education for credit or degree in Vermont.

(3) "Notice" means a written complaint or oral information that harassment may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the harassment, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the complaint is oral, the designated employee shall promptly reduce the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

16 V.S.A. § 570i. Definitions.

As used in this subchapter:

(1) "Educational institution" means a Vermont public or independent school, or a postsecondary school which offers or operates a program of college or professional education for credit or a degree in Vermont.

(2) "Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

(3) "Pledging" means any action or activity related to becoming a member of an organization.

(4) "Student" means any person who:
(A) Is registered in or in attendance at an educational institution;
(B) Has been accepted for admission at the educational institution where the hazing incident occurs;
or
(C) Intends to attend an educational institution during any of its regular sessions after an official academic break.

16 V.S.A. § 570j. Unlawful conduct.
(a) For purposes of this subchapter, "hazing" means any intentional, knowing, or reckless act committed by a student, whether individually or in concert with others, against another student:
   (1) In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and
   (2) Which is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.
(b) Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:
   (1) The goals are approved by the educational institution; and
   (2) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.
(c) It shall be unlawful to:
   (1) Engage in hazing;
   (2) Solicit, direct, aid, or attempt to aid, or abet another person engaged in hazing; or
   (3) Knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing.
(d) It is not a defense in an action under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

16 V.S.A. § 570k. Civil penalty; Judicial Bureau; waiver penalty.
(a) A person who commits an unlawful act under this subchapter shall be subject to a civil penalty of not more than $5,000.00.
(b) Any law enforcement officer may issue a summons and complaint for an act of hazing, which shall be heard by the Judicial Bureau pursuant to the procedures provided in 4 V.S.A. chapter 29.
(c) The Court Administrator shall appoint a panel of Judicial Bureau hearing officers to establish a waiver penalty for an act of hazing.
(d) Nothing in this section shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

16 V.S.A. § 570l. Criminal prosecution and civil action.
Nothing in this subchapter shall limit or preclude a criminal prosecution or any criminal or civil action based on any act that may constitute hazing.

REGULATIONS
No relevant regulations found.
Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

16 V.S.A. § 165. Standards of quality for public schools; equal educational opportunities.
(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following education quality standards:

(1) The school, through a process including parents, teachers, students, and community members, develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve its goals. The plan shall also address the effectiveness of efforts made since the previous continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

(8) The school maintains a safe, orderly, civil, and positive learning environment that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.
(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the commissioner. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the commissioner.

(d) Duties of the commissioner. The commissioner shall:

(1) Develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

(2) Establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. […]

(a) The Secretary, in conjunction with the Alcohol and Drug Abuse Council, and where appropriate, with the Division of Health Promotion, shall develop a sequential alcohol and drug abuse prevention education curriculum for elementary and secondary schools. The curriculum shall include teaching about the effects and legal consequences of the possession and use of tobacco products.

(b) The Secretary shall:

(1) Provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention and on the effects and legal consequences of the possession and use of tobacco products. At least one training program shall be made available in electronic format. Each superintendent shall determine the content, duration, and frequency of training on issues concerning alcohol and drug abuse for the districts in his or her supervisory union.
(2) Provide teaching materials that are appropriate to the age and learning ability of the students.
(3) Provide technical assistance to the local school districts for implementation of the curriculum.
(4) Encourage coordination of effort with existing community resources.

REGULATIONS

22 000 009. Section 4212. Policy requirements.
School districts shall adopt an alcohol and drug abuse policy which shall contain the following:
4212.2. Education program.
The policy shall define an educational program consistent with the Vermont Alcohol and Drug Education Curriculum Plan.

Behavioral interventions and student support services

LAWS

16 V.S.A. § 570a. Harassment.
(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan
for implementation shall include:
   (2) Consequences and appropriate remedial action for staff or students who commit harassment. At all
stages of the investigation and determination process, school officials are encouraged to make
available to complainants alternative dispute resolution methods, such as mediation, for resolving
complaints.

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan
for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive
development of youth. The plan shall include:
   (1) The school's approach to classroom management and response to disruptive behavior, including the
use of alternative educational settings.
   (2) The manner in which the school will provide information and training to students in methods of
conflict resolution, peer mediation, and anger management.
   (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student
misconduct, and for working with parents to improve student behavior.
   (4) The school's response to significant disruptions, such as threats or use of bombs or weapons.
   (5) A description of how the school will ensure that all staff and contractors who routinely have
unsupervised contact with students periodically receive training on the maintenance of a safe, orderly,
civil, and positive learning environment. The training shall be appropriate to the role of the staff member
being trained and shall teach classroom and behavior management, enforcement of the school's
discipline policies, and positive youth development models.
   (6) A description of behaviors on and off school grounds that constitute misconduct, including
harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The
plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this
title that, although serious, does not rise to the level of harassment or bullying as those terms are
defined therein.
   (7) Standard due process procedures for suspension and expulsion of a student.
16 V.S.A. § 1165. Alcohol and drug abuse.

(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth: recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

16 V.S.A. § 2902. Tiered system of supports and education support team.

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team, instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom and may include intensive, individualized interventions for any student requiring a higher level of support.

(b) The tiered system of supports shall:

(1) be aligned as appropriate with the general education curriculum;
(2) be designed to enhance the ability of the general education system to meet the needs of all students;
(3) be designed to provide necessary supports promptly, regardless of an individual student's eligibility for categorical programs;
(4) seek to identify and respond to students in need of support for emotional or behavioral challenges and to students in need of specialized, individualized behavior supports;
(5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students;
(6) promote collaboration with families, community supports, and the system of health and human services; and
(7) provide professional development, as needed, to support all staff in full implementation of the multi-tiered system of support.

(c) The educational support team for each public school in the district shall be composed of staff from a variety of teaching and support positions and shall:

(1) Determine which enrolled students require additional assistance to be successful in school or to complete secondary school based on indicators set forth in guidelines developed by the Secretary, such
as academic progress, attendance, behavior, or poverty. The educational support team shall pay particular attention to students during times of academic or personal transition.

(2) Identify the classroom accommodations, remedial services, and other supports to be provided to the identified student.

(3) Assist teachers to plan for and provide services and accommodations to students in need of classroom supports or enrichment activities.

(4) Develop an individualized strategy, in collaboration with the student's parents or legal guardian whenever possible, to assist the identified student to succeed in school and to complete his or her secondary education.

(5) Maintain a written record of its actions.

(6) [Repealed.]

(d) No individual entitlement or private right of action is created by this section.

(e) The Secretary shall establish guidelines for teachers and administrators in following federal laws relating to provision of services for children with disabilities and the implementation of this section. The Secretary shall develop and provide to supervisory unions information to share with parents of children suspected of having a disability that describes the differences between the tiered system of academic and behavioral supports required under this section, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, and the Individuals with Disabilities Education Act, 20 U.S.C. chapter 33, including how and when school staff and parents of children having a suspected disability may request interventions and services under those entitlements.

(f) It is the intent of the General Assembly that a gifted and talented student shall be able to take advantage of services that an educational support team can provide. It is not the intent of the General Assembly that funding under chapter 101 of this title shall be available for a gifted and talented student unless the student has been otherwise determined to be a student for whom funding under that chapter is available.

(g) The tiered system of academic and behavioral supports required under this section shall not be used by a school district to deny a timely initial comprehensive special education evaluation for children suspected of having a disability. The Agency of Education shall adopt policies and procedures to ensure that a school district's evaluation of a child suspected of having a disability is not denied because of implementation of the tiered system of academic and behavioral supports. The policies and procedures shall include:

(1) the definition of what level of progress is sufficient for a child to stop receiving instructional services and supports through the tiered system of academic and behavioral supports;

(2) guidance on how long children are to be served in each tier; and

(3) guidance on how a child's progress is to be measured.

REGULATIONS

22 000 003. Section 2121.5. Tiered system of support.

In accordance with 16 V.S.A. §2902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan.

School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The services shall address students' academic, career, personal and social development.
Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.

Staffing shall be filled by licensed school counselors and other student support personnel with sufficient staff to carry out the school counseling services, such as guidance counselors, Student Assistance Program counselors, home-school coordinators, English-as-a-Second-Language coordinators and school-based clinicians. At the elementary level, there shall be no more than 300 students per school counselor and other student support personnel. Schools with fewer than 300 students shall employ a school counselor and other student support personnel on a pro-rata basis. At the secondary level, there shall be no more than 200 students per school counselor and other student support personnel.

Health services, including health appraisal and counseling, communicable disease control, mental health, and emergency and first aid care, shall be made available in a confidential manner to students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources. The Vermont Department of Health recommends that schools and supervisory unions implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage across their district or supervisory union.

Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse on a pro-rata basis.

The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act (20 U.S.C. §1232h).

22 000 009. Section 4212. Policy requirements.

School districts shall adopt an alcohol and drug abuse policy which shall contain the following:

4212.3. Support and referral systems and cooperative agreements.

The policy shall provide for a support and referral system for students in distress due to their own or another's use of alcohol or other drugs. Such a system shall include both a clearly defined in-school process for initial assessment, support, and if necessary, referral to community resources of such students, and a written referral agreement with at least one community substance abuse treatment provider approved by the Office of Alcohol and Drug Abuse Programs. Such an agreement should define the process for making an effective referral and the nature and extent of information to be provided during and after such a referral to all parties involved.

22 000 009. Section 4313.1. Authority of school personnel.

(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a child with a disability who violates a code of child conduct.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall-

(1) Either-

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

22 000 036. Section 4500. Use of restraint and seclusion in schools.

4500.3. Definitions.

For purposes of these rules, the following definitions apply:

1. Behavioral Intervention Plan means a plan that details strategies to address behaviors that impede learning, or are ongoing, and do not readily respond to general intervention or classroom management techniques, by teaching pro-social skills and other positive replacement behaviors. The plan may include positive strategies, program or curricular modifications, and supplementary aids and supports required to address problem behaviors.

3. Functional Behavioral Assessment means the analysis of a student's behavior patterns before, during, and after rule-breaking or other inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.

8. Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:
   a. Is based on evidence-based practices;
   b. Is proactive and instructional, rather than reactive;
   c. Can operate on individual, group, classroom, or school wide levels;
   d. Includes a system of continual data collection; and
   e. Relies on data-driven decisions.

Professional development

LAWS

16 V.S.A. § 570a. Harassment.

(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

   (6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment.

16 V.S.A. § 570b. Hazing.

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

   (6) a description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to hazing; and

16 V.S.A. § 570c. Bullying.

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

   (6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying.

(b) The Secretary shall:

(1) Provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention and on the effects and legal consequences of the possession and use of tobacco products. At least one training program shall be made available in electronic format. Each superintendent shall determine the content, duration, and frequency of training on issues concerning alcohol and drug abuse for the districts in his or her supervisory union.

(2) Provide teaching materials that are appropriate to the age and learning ability of the students.

(3) Provide technical assistance to the local school districts for implementation of the curriculum.

(4) Encourage coordination of effort with existing community resources.

16 V.S.A. § 1161a. Discipline.

(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

(5) A description of how the school will ensure that all staff and contractors who routinely have unsupervised contact with students periodically receive training on the maintenance of a safe, orderly, civil, and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school's discipline policies, and positive youth development models.

REGULATIONS

22 000 036. Section 4509. State Recommended Training.

The Department of Education shall maintain a directory of recommended physical restraint training programs, which must include at least the following elements:

a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of dangerous behavior, relationship-building, and the use of alternatives to physical restraint;

b. Identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm to determine if physical restraint is warranted;

c. Simulated experience in administering and in receiving a variety of physical restraint techniques, across a range of increasingly restrictive interventions;

d. Instruction regarding the effects of physical restraint on the person restrained, including monitoring physical signs of distress and how to obtain medical assistance;

e. Instruction regarding investigation of injuries and complaints.

A school may use a training program that is not on the state recommended list if it submits a plan to the Secretary of Education demonstrating how that training program meets the purposes of these Rules and contains the elements listed above.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

16 V.S.A. § 1166. Possession of a firearm at school.
(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

REGULATIONS

22 000 036. Section 4503. Reporting the use of restraint and seclusion.
4503.1 To the School Administrator.
Any person who imposes a restraint or seclusion shall report its use to the school administrator as soon as possible, but in no event later than the end of the school day of its use.
4503.3 To the Superintendent.
The school administrator shall report the use of restraint or seclusion to the superintendent of the Supervisory Union whenever:
   a. There is death, injury or hospitalization to staff or student as a result of a restraint or seclusion; or
   b. An individual employee or contracted service provider has engaged in the use of physical restraint or seclusion three (3) separate times on one (1) or more students; or
   c. Physical restraint has been used for more than fifteen (15) minutes; or
   d. Any student has been restrained or secluded three (3) or more times per school year; or
   e. A student has been restrained or secluded more than once in a school day; or
   f. A student is restrained or secluded who is not on a behavioral intervention plan; or
   g. Restraint or seclusion has been used in violation of these rules, including the use of any prohibited form of restraint.
Reports to the Superintendent shall be made within three school days of the incident that requires reporting and shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.
4503.3.1 Learning environments other than public schools shall fulfill this reporting requirement by reporting to the Superintendent of the Supervisory Union that is the LEA or sending district for the student. If there is no sending district or LEA, this requirement shall be fulfilled by reporting to the Commissioner of the Department of Education in accordance with Rule 4503.4.
4503.4 To the Commissioner of the Department of Education.
The Superintendent of the supervisory union shall report the use of restraint or seclusion to the Commissioner of the Department of Education within three (3) school days of receipt of a report indicating any the following:
   a. There is death, injury requiring outside medical treatment or hospitalization to staff or student as a result of a restraint or seclusion; or
   b. Physical restraint or seclusion has been used for more than thirty (30) minutes or
c. Physical restraint or seclusion has been used in violation of these rules, including the use of any prohibited restraint or seclusion.

The report shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

22 000 036. Section 4504. Documentation.

Each school shall maintain written records of each use of restraint and seclusion. The records shall be maintained by the school administrator and shall include the following:

a. The name, age, gender and grade of the student;
b. The date, time and duration of the restraint or seclusion;
c. Any injuries, death or hospitalization to student or staff resulting from the use of restraint or seclusion;
d. The location where the restraint or seclusion occurred;
e. The precipitating event[s] leading up to the restraint or seclusion;
f. A list of school personnel who participated in the application, monitoring and supervision of the student while restrained or secluded;
g. The type of restraint or seclusion used;
h. The reason for the restraint or seclusion;
i. A description of all the interventions used prior to the application of the restraint or seclusion;
j. Whether the student has a behavioral intervention plan and/or individualized education plan, Section 504 plan or educational support plan; and
k. The date notification was provided to the student's parents.

22 000 036. Section 4507. Complaints and investigations.

4507.1 Filing a Complaint

a. A parent (as defined in 4500.3(13)) or school personnel may file a complaint regarding the use of restraint or seclusion at any time in accordance with school district policy.
b. The complaint shall be in writing and shall be directed to the principal, director or administrator of the school in which the student participates.
c. If the person filing the complaint is unable to submit the complaint in writing, the recipient of the complaint shall complete the form based on a verbal complaint. In this case, the complainant shall be provided with a copy of the complaint.

4507.2 Investigation

All complaints shall be investigated by the school or district and written findings issued within thirty (30) days;

4507.3 Unresolved Complaints

Unresolved complaints shall be directed to the superintendent of the Supervisory Union where the student resides in accordance with the school board's established complaint process. A student on an individualized education plan (IEP) or Section 504 Plan may also use the dispute resolution options available under Rules 2365.1.4 - 2365.1.6, if appropriate.
Parental notification

LAWS

16 V.S.A. § 1127. Notice and complaint by truant officer; penalty.
(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause, and shall also notify that person to cause the child to attend school regularly thereafter.

16 V.S.A. § 1161a. Discipline.
(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:
   (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.

REGULATIONS

22 000 036. Section 4503. Reporting the use of restraint and seclusion.
4503.2 To Parents.
a. The school administrator shall make a documented attempt to provide verbal or electronic notice of any incident of restraint or seclusion to the student's parents (as defined in 4500.3(13)) as soon as practical but in no event later than the end of the school day of its use; and
b. Shall provide written notice to the parents within 24 hours of each use of restraint or seclusion that includes:
   i. The date and time of its use;
   ii. A description of the restraint and other intervention used;
   iii. The date and time when the debriefing session will occur; including notice that the parents have the opportunity to participate in the debriefing; and
   iv. The name and telephone number of the contact person who can provide further information.

22 000 036. Section 4505. Debriefing following use of restraint or seclusion.
c. An opportunity for parents to participate in the review of an incident of restraint or seclusion within four (4) school days:
   i. Parents shall receive prior written (including e-mail) notice of the review meeting; and
   ii. The meeting shall be convened at a mutually acceptable time and place; and

22 000 009. Section 4311. Procedures.
When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:
4311.1 In all cases of short-term suspension from school, which is generally regarded as 10 days or less, the student and his or her parent/guardian shall be given an opportunity for an informal hearing before an appropriately designated school official. Except for cases set forth in the last paragraph 4311.3, the hearing must precede the suspension and the district shall provide:
(1) Notice of the charges;
(2) Explanation of the evidence against the student;
(3) Opportunity for the student to tell his or her side of the story;
(4) Decision in writing to the parent/guardian.

4311.2 In cases of a long term suspension which is generally more than 10 days unless a school district establishes a shorter period, the student and his or her parent/guardian shall be given an opportunity for a formal hearing before the school board and the district shall provide:

(1) Written notice of the following:
   (a) Nature of charges against the student;
   (b) Date, time and place of hearing;
   (c) Right to legal representation;
   (d) Possible penalties involved;
(2) Opportunity to present evidence;
(3) Opportunity to cross-examine witnesses;
(4) Decision in writing to parent/guardian.

22 000 009. Section 4313.1. Authority of school personnel.
(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a child with a disability who violates a code of child conduct.

(h) Notification. Not later than the date on which the decision to take disciplinary action is made, the LEA shall notify the parents of that decision, and provide the parents a copy of their Parents' Rights in Special Education.

Reporting and referrals between schools and law enforcement

LAWS

13 V.S.A. § 4004. Possession of dangerous or deadly weapon in a school bus or school building or on school property.
(a) No person shall knowingly possess a firearm or a dangerous or deadly weapon while within a school building or on a school bus. A person who violates this section shall, for the first offense, be imprisoned for not more than one year or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than three years or fined not more than $5,000.00, or both.

(b) No person shall knowingly possess a firearm or a dangerous or deadly weapon on any school property with the intent to injure another person. A person who violates this section shall, for the first offense, be imprisoned for not more than three years or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than five years or fined not more than $5,000.00, or both.

(c) This section shall not apply to:
   (1) A law enforcement officer while engaged in law enforcement duties.
   (2) Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.
(d) As used in this section:
(1) "School property" means any property owned by a school, including motor vehicles.
(2) "Owned by the school" means owned, leased, controlled, or subcontracted by the school.
(3) "Dangerous or deadly weapon" shall have the same meaning as in section 4016 of this title.
(4) "Firearm" shall have the same meaning as in section 4016 of this title.
(5) "Law enforcement officer" shall have the same meaning as in section 4016 of this title.
(e) The provisions of this section shall not limit or restrict any prosecution for any other offense, including simple assault or aggravated assault.

16 V.S.A. § 140. Tobacco use prohibited on public school grounds.
No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

16 V.S.A. § 570a. Harassment.
(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:
(4) A description of the circumstances under which harassment may be reported to a law enforcement agency.

16 V.S.A. § 570b. Hazing.
The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:
(4) A description of the circumstances under which hazing may be reported to a law enforcement agency;

16 V.S.A. § 570c. Bullying.
The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:
(4) A description of the circumstances under which bullying may be reported to a law enforcement agency.

16 V.S.A. § 1166. Possession of a firearm at school.
(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:
(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

33 V.S.A. § 5225. Preliminary hearing; Risk assessment.
(a) Preliminary hearing. A preliminary hearing shall be held at the time and date specified on the citation or as otherwise ordered by the court. If a child is taken into custody prior to the preliminary hearing, the preliminary hearing shall be at the time of the temporary care hearing. Counsel for the child shall be assigned prior to the preliminary hearing.
(b) Risk and needs screening.
(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

(3) If a charge is brought in the Family Division, the risk level result shall be provided to the child's attorney.

(c) Referral to diversion. Based on the results of the risk and needs screening, if a child presents a low to moderate risk to reoffend, the State's Attorney shall refer the child directly to court diversion unless the State's Attorney states on the record why a referral to court diversion would not serve the ends of justice. If the court diversion program does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

(d) Guardian ad litem. At the preliminary hearing, the court shall appoint a guardian ad litem for the child. The guardian ad litem may be the child's parent, guardian, or custodian. On its own motion or motion by the child's attorney, the court may appoint a guardian ad litem other than a parent, guardian, or custodian.

(e) Admission; denial. At the preliminary hearing, a denial shall be entered to the allegations of the petition, unless the juvenile, after adequate consultation with the guardian ad litem and counsel, enters an admission. If the juvenile enters an admission, the disposition case plan required by section 5230 of this title may be waived and the court may proceed directly to disposition, provided that the juvenile, the custodial parent, the State's Attorney, the guardian ad litem, and the Department agree.

(f) Conditions. The court may order the child to abide by conditions of release pending a merits or disposition hearing.

33 V.S.A. § 5232. Disposition order.

(a) If a child is found to be a delinquent child, the court shall make such orders at disposition as may provide for:

1. The child's supervision, care, and rehabilitation;
2. The protection of the community;
3. Accountability to victims and the community for offenses committed; and
4. The development of competencies to enable the child to become a responsible and productive member of the community.

(b) In carrying out the purposes outlined in subsection (a) of this section, the court may:

1. Place the child on probation subject to the supervision of the Commissioner, upon such conditions as the court may prescribe. The length of probation shall be as prescribed by the court or until further order of the court.
(2) Order custody of the child be given to the custodial parent, guardian, or custodian. For a fixed period of time following disposition, the court may order that custody be subject to such conditions and limitations as the court may deem necessary and sufficient to provide for the safety of the child and the community. Conditions may include protective supervision for up to six months following the disposition order unless further extended by court order. The court shall hold review hearings pursuant to section 5320 of this title to determine whether the conditions continue to be necessary.

(3) Transfer custody of the child to a noncustodial parent, relative, or person with a significant connection to the child. The court may order that custody be subject to such conditions and limitations as the court may deem necessary and sufficient to provide for the safety of the child and community, including protective supervision, for up to six months unless further extended by court order. The court shall hold review hearings pursuant to section 5320 of this title to determine whether the conditions continue to be necessary.

(4) Transfer custody of the child to the Commissioner.

(5) Terminate parental rights and transfer custody and guardianship to the Department without limitation as to adoption.

(6) Issue an order of permanent guardianship pursuant to 14 V.S.A. § 2664.

(7) Refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subdivision shall not require the court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the court for disposition.

(c) If the court orders the transfer of custody of the child pursuant to subdivisions (b)(4) and (5) of this section, the court shall establish a permanency goal for the child and adopt a case plan prepared by the Department designed to achieve the permanency goal. If the court determines that the plan proposed by the Department does not adequately support the permanency goal for the child, the court may reject the plan proposed by the Department and order the Department to prepare and submit a revised plan for court approval.

REGULATIONS

22 000 009. Section 4313.6. Referral to and action by law enforcement and judicial authorities.

(a) Rule of construction. Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Disclosure of school records

LAWS

No relevant laws found.
REGULATIONS

22 000 003. Section 2124. Reporting of results.
As required in 16 V.S.A. §165(a)(2), each school shall report student and system performance results to the community at least annually in a format selected by the school board. The report shall at minimum include those elements listed in 16 V.S.A. §165a(2)(A-K).

The performance criteria of the school shall be clear and be communicated to administrators, educators and other building staff.

Each supervisory union shall establish a secure student data system that enables regular access for teachers and administrators. Teachers shall have access to data on individual students whom they teach and aggregate data on student and system performance results. Administrators shall have access to individual student data and on student and system performance results.

For aggregate school data, in no case shall personally identifiable information on any student be revealed.

22 000 006. Section 2365.2.11. Consent.
(c) Disclosure of special education and disciplinary records may be made without the prior written consent of the parent or a student aged 18 or older, if:

(1) It is made in compliance with a lawfully issued subpoena or court order, and the school has made reasonable attempts to notify the parent or the student aged 18 or older of the order or subpoena before complying with the request, so he or she may seek protective action from the court, such as limiting the scope of the subpoena or quashing it; and

(2) The subpoena or court order mandating disclosure specifies that the existence or the contents of, or the information furnished in response to, such subpoena or court order should not be disclosed by the receiving party; or

(3) It is to law enforcement or other appropriate parties, and, if the required information from the educational records is needed in connection with an emergency and knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(4) If a parent refuses to give written consent when required for disclosure of personally identifiable information, the responsible LEA may seek an order from a due process hearing officer allowing disclosure.

22 000 006. Section 2365.2.15. Disciplinary Information in Student Records.
(a) A participating agency shall include in the records of a child receiving special education services a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of children not receiving special education services.

(b) The statement shall include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.

(c) If the child transfers from one school to another, the transmission of any of the child's records shall include both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child as consistent with subsection (a) of this section.

22 000 009. Section 4313.6. Referral to and action by law enforcement and judicial authorities.
(b) Transmittal of records.
(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

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

LAWS

16 V.S.A. § 164. State Board; general powers and duties.

The State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engage local school board members and the broader education community; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

(17) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.

(d) Duties of the commissioner. The commissioner shall:

(2) Establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state board and the house and senate committees on education. […]

16 V.S.A. § 570a. Harassment.

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Secretary of Education and the Human Rights Commission and maintained by the Secretary. Individuals shall be
placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The Secretary may adopt rules implementing this subsection.

16 V.S.A. § 1166. Possession of a firearm at school.

(a) In this section, the terms "to school" and "firearm" shall have the same meaning that the terms have in 18 U.S.C. § 921. The school board may expand the definitions, however, provided they remain consistent with federal law.

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.
REGULATIONS

22 000 003. Section 2124. Reporting of results.
As required in 16 V.S.A. §165(a)(2), each school shall report student and system performance results to
the community at least annually in a format selected by the school board. The report shall at minimum
include those elements listed in 16 V.S.A. §165a(2)(A-K).
The performance criteria of the school shall be clear and be communicated to administrators, educators
and other building staff.
Each supervisory union shall establish a secure student data system that enables regular access for
teachers and administrators. Teachers shall have access to data on individual students whom they teach
and aggregate data on student and system performance results. Administrators shall have access to
individual student data and on student and system performance results.
For aggregate school data, in no case shall personally identifiable information on any student be
revealed.

22 000 003. Section 2125. Continuous improvement plan.
A Continuous Improvement Plan, as required in 16 V.S.A. §165, shall be developed and implemented in
each public school district. The plan shall be designed to improve the performance of all students enrolled
in the district. If a school district comprises more than one school building, a combined plan for some or
all the buildings may be developed. The plan, however, may reflect the different needs of individual
schools.
The plan should be the overall planning and implementation document for the school, incorporating other
planning requirements (either from the state, the federal government, local requirements, or external
grant requirements) into a single planning document.
The plan shall be developed with the involvement of school board members, students, teachers,
administrators, parents and other community members. The plan shall be reviewed at least annually for
effectiveness toward meeting the stated goals, and shall be revised as necessary.
The plan shall include indicators provided by the Vermont Agency of Education as well as additional
indicators determined locally. These indicators will identify student performance data obtained from state
and local assessments and other information related to student performance which may include, but is
not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates.
Indicators may also include data on school practices and leadership.
Agency support shall be differentiated in accordance with school needs, and shall work to reduce
interventions for schools where student performance data indicates growth and success.
The school board shall approve the plan, which at minimum shall contain
   a. Goals and objectives for improved student learning;
   b. Educational strategies and activities specifically designed to achieve these goals, including
      professional learning of administrative and instructional staff;
   c. Strategies and supports to ensure the school maintains a safe, orderly, civil and positive learning
      environment which is free from harassment, hazing and bullying; and
   d. Required technical assistance from the Vermont Agency of Education as appropriate or determined
      by law.

22 000 036. Section 4505. Debriefing following use of restraint or seclusion.
Following each incident of restraint or seclusion, the school administrator shall implement follow-up
procedures that include:
a. Within two (2) school days, a proper staff person reviewing the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior[s] that precipitated the use of restraint or seclusion;
b. Within two (2) school days, reviewing the incident with the staff person(s) who administered the restraint or seclusion to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion;
c. An opportunity for parents to participate in the review of an incident of restraint or seclusion within four (4) school days:
   i. Parents shall receive prior written (including e-mail) notice of the review meeting; and
   ii. The meeting shall be convened at a mutually acceptable time and place; and
d. Determining, in consultation with the parents, any specific follow up actions to be taken.

22 000 036. Section 4508. Monitoring and corrective action.
The commissioner of the Department of Education shall review reports received pursuant to Rule 4503.4 and identify those schools in need of additional training and, when those reports reflect an over-use of these interventions, shall direct the school to work with the department to develop a corrective action plan.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

16 V.S.A. § 1128. Legal pupil taken to school; nonresident child living in district.
(a) A superintendent may and the truant officer shall stop a child between the ages of six and 16 years or a child 16 years of age or over and enrolled in public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take the child to the school which she or he should attend.
(b) A child of legal school age who is not exempt from school attendance and who has not finished the elementary school course, and is living in a district other than the place of legal residence shall, with the school board's approval, be admitted immediately to a school in the district where he is found. If the child is not admitted to school, then immediate action shall be taken by the truant officer to cause the return of the child to the district of his residence.

16 V.S.A. § 1129. Jurisdiction of nonresidents.
The superintendent of a school in which a nonresident pupil is enrolled and a truant officer having jurisdiction of the pupils in such school shall have the same authority and jurisdiction over such nonresident pupil and the person having the control of such pupil as they have over resident pupils and the persons having control of such pupils.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

16 V.S.A. § 1125. Truant officers.
(a) A school board shall annually appoint one or more truant officers and record their appointments with the clerk of the school district on or before July 3. State police, sheriffs, deputy sheriffs, constables and police officers shall be truant officers ex officio.
(b) Truant officers shall receive remuneration for time actually spent in performance of their duties and shall be allowed their necessary expenses incurred in connection therewith.
16 V.S.A. § 1126. Failure to attend; notice by teacher.

When a student between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning of the academic year, or being enrolled, fails to attend the school, and when a student who is at least 16 years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall notify the truant officer and either the superintendent or the school board unless the teacher or principal is satisfied that the student is absent on account of illness.

16 V.S.A. § 1127. Notice and complaint by truant officer; penalty.

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause, and shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than $1,000.00 pursuant to subsection (c) of this section.

(c) The truant officer shall enter a complaint to the town grand juror of the town in which such person resides, or to the State's Attorney of the county, and shall provide a statement of the evidence upon which the complaint is based. The grand juror or State's Attorney shall prosecute the person. In the prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the respondent (naming the respondent) having the control of a child of school age (naming the child) neglects to send that child to a public school or an approved or recognized independent school or a home study program as required by law.

16 V.S.A. § 1128. Legal pupil taken to school; nonresident child living in district.

(a) A superintendent may and the truant officer shall stop a child between the ages of six and 16 years or a child 16 years of age or over and enrolled in public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take the child to the school which she or he should attend.

(b) A child of legal school age who is not exempt from school attendance and who has not finished the elementary school course, and is living in a district other than the place of legal residence shall, with the school board's approval, be admitted immediately to a school in the district where he is found. If the child is not admitted to school, then immediate action shall be taken by the truant officer to cause the return of the child to the district of his residence.

16 V.S.A. § 1129. Jurisdiction of nonresidents.

The superintendent of a school in which a nonresident pupil is enrolled and a truant officer having jurisdiction of the pupils in such school shall have the same authority and jurisdiction over such nonresident pupil and the person having the control of such pupil as they have over resident pupils and the persons having control of such pupils.

16 V.S.A. § 1167. School resource officer; memorandum of understanding.

(a) Neither the State Board nor the Agency shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.

(b) School boards and law enforcement agencies are encouraged to enter into memoranda of understanding relating to:
(1) The possession and use of weapons and devices by a school resource officer on school property; and
(2) The nature and scope of assistance that a school resource officer will provide to the school system.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

16 V.S.A. § 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards.

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following education quality standards:

(1) The school, through a process including parents, teachers, students, and community members, develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve its goals. The plan shall also address the effectiveness of efforts made since the previous continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional career technical center, the community means the school districts in the service region. The school report shall include:

(A) Information indicating progress toward meeting standards from the most recent measure taken.

(B) Repealed.

(C) Information indicating progress toward meeting the goals of an annual continuous improvement plan.

(D) Any other statistical information about the school or community that the school board deems necessary to place student performance results in context.

(E)-(G) Repealed.

(H) A description of how the school ensures that each student receives appropriate career counseling and program information regarding availability of education and apprenticeship program offerings at career technical centers.

(I) Repealed.

(J) If the school is a secondary school, information and supporting data presented in a manner designed to protect student confidentiality on the dropout and graduation rates.

(K) Data provided by the Secretary that enable a comparison with other schools, or school districts if school level data are not available, for cost-effectiveness. The Secretary shall establish which data are to be included pursuant to this subdivision and, notwithstanding that the other elements of the report are to be presented in a format selected by the school board, shall develop a common format to be used by each school in presenting the data to community members. The Secretary shall provide the most recent data available to each school no later than October 1 of each year. Data to be presented include student-to-teacher ratio, administrator-to-student ratio, administrator-to-teacher ratio, and cost per pupil.
(3) The school substantially meets standards adopted by rule of the State Board regarding conditions, practices and resources of schools. The standards shall address those aspects of the following that are most closely associated with improving student performance:

(A) School leadership, staffing, and support services;

(B) Instructional practices and curriculum leadership, content, and coordination;

(C) Educational materials and school facilities;

(D) Access to current technology.

(4) The school shall provide for and the staff shall use needs-based professional development designed to improve the quality of education provided to the students and directly connected to standards for student performance established by the State Board and any other educational performance goals established by the school board.

(5) The school uses staff evaluation to advance educational performance objectives.

(6) The school ensures that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical centers. In addition, the school, if it is a secondary school, offers a genuine opportunity to access career technical education programs.

(7) The school ensures that students are furnished educational services in accordance with any State or federal entitlements and in a nondiscriminatory manner.

(8) The school maintains a safe, orderly, civil, and positive learning environment that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

[Subsection (b) effective until July 1, 2020; see also subsection (b) effective July 1, 2020 set out below.]

(b) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

(1) Continue technical assistance;

(2) Adjust supervisory union boundaries or responsibilities of the superintendency;

(3) Assume administrative control only to the extent necessary to correct deficiencies; or

(4) Close the school and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title.

[Subsection (b) effective July 1, 2020; see also subsection (b) effective until July 1, 2020 set out above.]

(b) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient
progress within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

(1) The Agency continue to provide technical assistance for one more cycle of review;
(2) The State Board adjust supervisory union boundaries or responsibilities of the superintendency pursuant to section 261 of this title;
(3) The Secretary assume administrative control of an individual school, school district, or supervisory union, including budgetary control to ensure sound financial practices, only to the extent necessary to correct deficiencies;
(4) The State Board close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title; or
(5) The State Board require two or more school districts to consolidate their governance structures.

(c) The State Board, after offering the school board an opportunity for a hearing, shall either dismiss the Secretary's recommendation or order that one or more of the actions listed in subsection (b) of this section be taken. The action ordered by the State Board shall be the least intrusive consistent with the need to provide students attending the school substantially equal educational opportunities. A school board aggrieved by an order of the State Board may appeal the order in accordance with the Rules of Civil Procedure.

(d) Nothing in this section shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district. Further, nothing in this section shall create a private right of action.

(e) If the Secretary determines at any time that the failure of a school to meet the education quality standards listed in subsection (a) of this section is severe or pervasive, potentially results in physical or emotional harm to students, or significant deprivation of equal education opportunities, and the school has either unreasonably refused to remedy the problem or its efforts have proved ineffective, he or she may recommend to the State Board one or more of the actions listed in subsection (b) of this section. The State Board shall then follow the procedure of subsection (c) of this section.

(f) In order to be designated an independent school meeting education quality standards, an independent school shall participate in the education quality standards process of subsection (b) of this section. An independent school shall receive technical assistance in accordance with the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this section. The school shall be an independent school meeting education quality standards unless the State Board, after opportunity for hearing, finds that:

(1) The school has discontinued its participation in the education quality standards process; or
(2) Two or more years following a determination that the school is not meeting the education quality standards or that the school is making insufficient progress in improving student performance, the school fails to meet the standards or make sufficient progress toward meeting the standards.

REGULATIONS

22 000 003. Section 2125. Continuous improvement plan.
A Continuous Improvement Plan, as required in 16 V.S.A. §165, shall be developed and implemented in each public school district. The plan shall be designed to improve the performance of all students enrolled in the district. If a school district comprises more than one school building, a combined plan for some or all the buildings may be developed. The plan, however, may reflect the different needs of individual schools.
The plan should be the overall planning and implementation document for the school, incorporating other planning requirements (either from the state, the federal government, local requirements, or external grant requirements) into a single planning document.

The plan shall be developed with the involvement of school board members, students, teachers, administrators, parents and other community members. The plan shall be reviewed at least annually for effectiveness toward meeting the stated goals, and shall be revised as necessary.

The plan shall include indicators provided by the Vermont Agency of Education as well as additional indicators determined locally. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates. Indicators may also include data on school practices and leadership.

Agency support shall be differentiated in accordance with school needs, and shall work to reduce interventions for schools where student performance data indicates growth and success.

The school board shall approve the plan, which at minimum shall contain

a. Goals and objectives for improved student learning;

b. Educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;

c. Strategies and supports to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and bullying; and

d. Required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

Funding appropriations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

16 V.S.A. § 1165. Alcohol and drug abuse.

(e) No municipality, school district, or officer or employee of the school district shall be liable for civil damages in connection with the implementation of the purposes of this section so long as they have acted in good faith and not knowingly in violation of the constitutional or civil rights of any person.

**REGULATIONS**

No relevant regulations found.

**Community input or involvement**

**LAWS**

16 V.S.A. § 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards.

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following education quality standards:

1. The school, through a process including parents, teachers, students, and community members, develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve its goals. The plan shall also address the effectiveness of efforts made since the previous continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

2. The school maintains a safe, orderly, civil, and positive learning environment that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

16 V.S.A. § 570. Harassment, hazing, and bullying prevention policies.

(d) Duties of the commissioner. The commissioner shall:

1. Develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

2. Establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state board and the house and senate committees on education. The council shall include:

   A. The executive director of the Vermont Principals' Association or designee;

   B. The executive director of the Vermont School Boards Association or designee;
(C) The executive director of the Vermont Superintendents Association or designee;
(D) The president of the Vermont-National Education Association or designee;
(E) The executive director of the Vermont Human Rights Commission or designee;
(F) The executive director of the Vermont Independent Schools Association or designee; and
(G) Other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

(e) Definitions. In this subchapter:
(1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.
(2) "Organization," "pledging," and "student" have the same meanings as in subdivisions 140a(2), (3), and (4) of this title.
(3) "Harassment," "hazing," and "bullying" have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.
(4) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

REGULATIONS

22 000 009. Section 4212. Policy requirements.
School districts shall adopt an alcohol and drug abuse policy which shall contain the following:
4212.3. Support and referral systems and cooperative agreements.
The policy shall provide for a support and referral system for students in distress due to their own or another's use of alcohol or other drugs. Such a system shall include both a clearly defined in-school process for initial assessment, support, and if necessary, referral to community resources of such students, and a written referral agreement with at least one community substance abuse treatment provider approved by the Office of Alcohol and Drug Abuse Programs. Such an agreement should define the process for making an effective referral and the nature and extent of information to be provided during and after such a referral to all parties involved.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Vermont provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
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<tr>
<th>Title</th>
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Documents

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<tr>
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<tr>
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<td>School reports on student support services and enrollment data by school and grade level.</td>
<td><a href="http://education.vermont.gov/data-and-reporting/school-reports">http://education.vermont.gov/data-and-reporting/school-reports</a></td>
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Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.
Each school board shall develop and implement a policy to prohibit, at any time, the use and distribution of any tobacco product or nicotine vapor product, as those terms are defined in Section 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity. Such policy shall include (i) provisions for its enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and (ii) referrals to resources to help staff and students overcome tobacco addiction. Each school board shall work to ensure adequate notice of this policy.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.
B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America’s Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially
review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than $2,500, either or both.

D. Each school board shall include in its code of student conduct, by July 1, 2014, policies and procedures that include a prohibition against bullying. Such policies and procedures shall be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco product or nicotine vapor product, as those terms defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

REGULATIONS

8 VAC 20-671-620. Student conduct.

A. Each school shall provide a schoolwide environment that reinforces appropriate behaviors and assists students in becoming actively engaged in their own learning, academic, and behavioral success.

B. Each school shall have written policies and procedures that address standards of student conduct and procedures for enforcement to include attendance, truancy, suspension, expulsion, alcohol, drugs, weapons, fighting, bullying, sexual and disability harassment, pornography, and other areas as appropriate.

C. The parent shall be notified on the date on which the decision is made to suspend or expel a student because of a violation of a code of student conduct. When a publicly placed student is suspended or expelled, the student's home school division shall be notified within 24 hours.
Scope

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.
Each school board shall develop and implement a policy to prohibit, at any time, the use and distribution of any tobacco product or nicotine vapor product, as those terms are defined in Section 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.
Such policy shall include (i) provisions for its enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and (ii) referrals to resources to help staff and students overcome tobacco addiction.
Each school board shall work to ensure adequate notice of this policy.

§ 22.1-277. Suspensions and expulsions of pupils generally.
A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.
B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.
C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.
D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.
E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of § 54.1-3408.3 for the possession or use of such oil in accordance with the student’s individualized health plan and in compliance with a policy adopted by the school board.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.
E. As used in this section:
"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco product or nicotine vapor product, as those terms defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

REGULATIONS
No relevant regulations found.
Communication of Policy

LAWS

§ 22.1-279.3. Parental responsibility and involvement requirements.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.

E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

REGULATIONS


A. Each school shall develop and implement written policies and procedures that emphasize positive behavior interventions.

B. Behavior techniques that are used or available for use shall be listed in the order of their relative degree of restrictiveness and specify the staff members who may authorize the use of each technique.

C. Staff shall consider behavior management data in their annual review of the school's policies and procedures.

D. When substantive revisions are made to policies and procedures governing management of student behavior, written information concerning the revisions shall be provided to students, parents, placing agencies, and the department prior to implementation.
E. The parent shall be provided access to the school's behavior management policy and procedures upon enrollment and at the beginning of each school year and provided a written copy upon request.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

§ 22.1-276.2. Removal of students from classes.

A. Teachers shall have the initial authority to remove a student for disruptive behavior from a class.

B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6:
   1. Criteria for teachers to remove disruptive students from their classes;
   2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class;
   3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease;
   4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals; and
   5. Procedures for the return of students to class, for teacher participation in any decision by the principal to return a student to the class from which he has been removed, and for the resolution of any disagreements between such principal and teacher regarding such return.

C. The principal shall, unless a student who has been removed from class is suspended or expelled from school attendance, ensure that such student continues to receive an education.

D. Any teacher whose evaluation indicates deficiencies in the management of student conduct may be required by the school board to attend professional development activities designed to improve classroom management and disciplinary skills.

E. Application of this section to students with disabilities shall be in accordance with state and federal law and regulations.

F. This section shall not be construed to limit or restrict other school board policies and regulations for maintaining order in the classroom.

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.

B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school,
unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.

C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.

D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.

E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of § 54.1-3408.3 for the possession or use of such oil in accordance with the student’s individualized health plan and in compliance with a policy adopted by the school board.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS

§ 22.1-16.6. Guidelines for alternatives to suspension.
The Board of Education shall establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. Such alternatives may include positive behavior incentives, mediation, peer-to-peer counseling, community service, and other intervention alternatives.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

A. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.
B. In determining whether a person was acting within the exceptions provided in this section, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth.

C. For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subdivision (i) of subsection A of this section or the use of reasonable and necessary force as permitted by subdivisions (ii), (iii), (iv), and (v) of subsection A of this section, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

REGULATIONS

The following actions are prohibited:

1. Restraint and seclusion, except when it is necessary to protect the student or others from personal harm, injury, or death and other less restrictive interventions were unsuccessful;
2. Prone "face down" restraints, mechanical restraints, pharmacological restraints, and any other restraint that restricts breathing or harms the child or interferes with the child's ability to communicate;
3. Deprivation of drinking water or food;
4. Limitation on contacts and visits from the student's probation officer, social worker, placing agency representative, or other service provider as appropriate;
5. Any action that is humiliating, degrading, or abusive;
6. Corporal punishment;
7. Deprivation of approved prescription medication or other necessary services;
8. Denial of access to toilet facilities;
9. Application of aversive stimuli;
10. Strip and body cavity searches; and
11. Discipline, restraint, or implementation of behavior management plans by other students.

A. Each school shall have written policies and procedures made available annually to students, parents, and placing agencies that include, but are not limited to:

1. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.
2. A statement that corporal punishment and abusive techniques and interventions are not authorized, permitted, or condoned.
3. A statement that behavior management techniques are applied in order of their degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained personnel.

B. Physical restraint or seclusion is allowed only in an emergency situation and only when it is necessary to protect the student or another person from imminent danger of serious physical harm after less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate.
1. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, a revision of behavioral strategies currently in place to address dangerous behavior. If positive behavioral strategies are not in place, staff shall develop them.

2. In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school shall have a plan developed in consultation with the parent for (i) teaching and supporting more appropriate behavior and (ii) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.

3. Physical restraint or seclusion shall not be used for disciplinary reasons, as a punishment, or retaliation, or for staff's convenience.

4. Each student is entitled to be completely free from any unnecessary use of physical restraint or seclusion.

5. Staff shall continuously monitor the use of physical restraint and seclusion and shall not rely on an electronic surveillance device.

6. Physical restraint may only be implemented, monitored, or discontinued by staff who have received proper training.

7. The door to any room in which a student is secluded may be held shut only when a staff member is personally securing it. The door must immediately disengage when the staff member steps away from it. The room must meet specification including size and viewing panels that ensure the student's safety at all times including during a fire or other emergency.

8. Schools shall permit parents to inspect any area used during an emergency for the purpose of seclusion.

9. The parent shall be informed on the day of each incident of physical restraint or seclusion. The student's home school division and placing agency shall be informed as soon as possible but within 24 hours of the occurrence.

10. Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, justification for the physical restraint or seclusion, behavior antecedents, less restrictive interventions that were unsuccessfully attempted prior to using physical restraint or seclusion, duration, description of method or methods of physical restraint techniques used, signature of the person completing the report and date, and reviewer's signature and date. The written report shall be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff.

11. Schools shall collect and annually report to the department the number of times restraint and seclusion were used during the school year. The data shall be disaggregated by students and number of occurrences.

Use of student and locker searches

LAWS

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student
conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

§ 22.1-279.7. Guidelines for student searches.
The Board of Education shall develop, in consultation with the Office of the Attorney General, guidelines for school boards for the conduct of student searches, including random locker searches, voluntary and mandatory drug testing, and strip searches, consistent with relevant state and federal laws and constitutional principles.
School boards shall adopt and revise, in accordance with the requirements of this section, regulations governing student searches that are consistent with the guidelines of the Board.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 22.1-277. Suspensions and expulsions of pupils generally.
A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.
B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.
C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.
D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.
E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of § 54.1-3408.3 for the possession or use of such oil in accordance with the student’s individualized health plan and in compliance with a policy adopted by the school board.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.
A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))
   1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.
B. Short-term removals.
   1. A short-term removal is for a period of time of up to 10 consecutive school days or 10 cumulative school days in a school year. (34 CFR 300.530(b))
      a. School personnel may short-term remove a child with a disability from the child's current educational setting to an appropriate interim alternative educational setting, another setting, or suspension, to the extent those alternatives are applied to a child without disabilities.
Grounds for mandatory suspension or expulsion

LAWS

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.
A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

§ 22.1-277.08. Expulsion of students for certain drug offenses.
A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled
substance, imitation controlled substance, or marijuana as defined in § 18.2-247 onto school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

REGULATIONS
No relevant regulations found.

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

LAWS

§ 22.1-277. Suspensions and expulsions of pupils generally.
A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.
B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.
C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.
D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.
E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of § 54.1-3408.3 for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

§ 22.1-277.04. Short-term suspension; procedures; readmission.
A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what
occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as practicable thereafter.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.

A. A pupil may be suspended from attendance at school for 11 to 45 school days after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within 30 days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee’s decision is not unanimous, the pupil or his parent may appeal the committee’s decision to the full school board. Such appeal shall be decided by the school board within 30 days.

B. A school board shall include in the written notice of a suspension for 11 to 45 school days required by this section notification of the length of the suspension. In the case of a suspension for 11 to 45 school days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department. Such definition shall include a consideration of a student’s disciplinary history.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

§ 22.1-277.04. Short-term suspension; procedures; readmission.

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what
occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as practicable thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil’s behavior.

The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board; however, the decision of the division superintendent or his designee shall be final if so prescribed by school board regulations.

The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student’s right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.
A. A pupil may be suspended from attendance at school for 11 to 45 school days after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within 30 days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee’s decision is not unanimous, the pupil or his parent may appeal the committee’s decision to the full school board. Such appeal shall be decided by the school board within 30 days.

B. A school board shall include in the written notice of a suspension for 11 to 45 school days required by this section notification of the length of the suspension. In the case of a suspension for 11 to 45 school days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-
277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department. Such definition shall include a consideration of a student's disciplinary history.

§ 22.1-277.06. Expulsions; procedures; readmission.
A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the expulsion of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within 30 days.

The regulations shall also provide for subsequent confirmation or disapproval of the proposed expulsion by the school board, or a committee thereof, as may be provided in regulation, regardless of whether the pupil exercised the right to a hearing.

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this section to attend an alternative education program provided by the school board for the term of such expulsion.

If the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

C. Recommendations for expulsion for actions other than those specified in §§ 22.1-277.07 and 22.1-277.08 shall be based on consideration of the following factors:

1. The nature and seriousness of the violation;
2. The degree of danger to the school community;
3. The student's disciplinary history, including the seriousness and number of previous infractions;
4. The appropriateness and availability of an alternative education placement or program;
5. The student's age and grade level;
6. The results of any mental health, substance abuse, or special education assessments;
7. The student's attendance and academic records; and
8. Such other matters as he deems appropriate.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection shall be deemed to preclude a school board from considering any of these factors as "special circumstances" for purposes of §§ 22.1-277.07 and 22.1-277.08.

§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.
A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to § 22.1-277.06. The excluding school board shall not impose additional conditions for readmission to school.

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.

C. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the school board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.
D. The school board may permit students excluded pursuant to this section to attend an alternative education program provided by the school board for the term of such exclusion.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

§ 22.1-277.06. Expulsions; procedures; readmission.

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this section to attend an alternative education program provided by the school board for the term of such expulsion.

If the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of
the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.
A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.
In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to § 22.1-277.06. The excluding school board shall not impose additional conditions for readmission to school.
If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.
B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.
C. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the school board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.
D. The school board may permit students excluded pursuant to this section to attend an alternative education program provided by the school board for the term of such exclusion.

§ 22.1-279.3. Parental responsibility and involvement requirements.
F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school
principal or his designee determines that readmission, without parent conference, is appropriate for the student.

**REGULATIONS**

No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**

§ 22.1-279.1:1. The use of seclusion and restraint in public schools; Board of Education regulations.

The Board shall adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion: Resource Document; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students. The Board shall specifically (1) identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and (2) establish safety standards for seclusion.

**REGULATIONS**


The following actions are prohibited:

1. Restraint and seclusion, except when it is necessary to protect the student or others from personal harm, injury, or death and other less restrictive interventions were unsuccessful;
2. Prone "face down" restraints, mechanical restraints, pharmacological restraints, and any other restraint that restricts breathing or harms the child or interferes with the child's ability to communicate;
3. Deprivation of drinking water or food;
4. Limitation on contacts and visits from the student's probation officer, social worker, placing agency representative, or other service provider as appropriate;
5. Any action that is humiliating, degrading, or abusive;
6. Corporal punishment;
7. Deprivation of approved prescription medication or other necessary services;
8. Denial of access to toilet facilities;
9. Application of aversive stimuli;
10. Strip and body cavity searches; and
11. Discipline, restraint, or implementation of behavior management plans by other students.


A. Each school shall have written policies and procedures made available annually to students, parents, and placing agencies that include, but are not limited to:
1. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

2. A statement that corporal punishment and abusive techniques and interventions are not authorized, permitted, or condoned.

3. A statement that behavior management techniques are applied in order of their degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained personnel.

B. Physical restraint or seclusion is allowed only in an emergency situation and only when it is necessary to protect the student or another person from imminent danger of serious physical harm after less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate.

1. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, a revision of behavioral strategies currently in place to address dangerous behavior. If positive behavioral strategies are not in place, staff shall develop them.

2. In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school shall have a plan developed in consultation with the parent for (i) teaching and supporting more appropriate behavior and (ii) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.

3. Physical restraint or seclusion shall not be used for disciplinary reasons, as a punishment, or retaliation, or for staff's convenience.

4. Each student is entitled to be completely free from any unnecessary use of physical restraint or seclusion.

5. Staff shall continuously monitor the use of physical restraint and seclusion and shall not rely on an electronic surveillance device.

6. Physical restraint may only be implemented, monitored, or discontinued by staff who have received proper training.

7. The door to any room in which a student is secluded may be held shut only when a staff member is personally securing it. The door must immediately disengage when the staff member steps away from it. The room must meet specification including size and viewing panels that ensure the student's safety at all times including during a fire or other emergency.

8. Schools shall permit parents to inspect any area used during an emergency for the purpose of seclusion.

9. The parent shall be informed on the day of each incident of physical restraint or seclusion. The student's home school division and placing agency shall be informed as soon as possible but within 24 hours of the occurrence.

10. Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, justification for the physical restraint or seclusion, behavior antecedents, less restrictive interventions that were unsuccessfully attempted prior to using physical restraint or seclusion, duration, description of method or methods of physical restraint techniques used, signature of the person completing the report and date, and reviewer's signature and date. The written report shall be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff.

11. Schools shall collect and annually report to the department the number of times restraint and seclusion were used during the school year. The data shall be disaggregated by students and number of occurrences.
Alternative Placements

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Juvenile Justice's Division of Education and the relevant division superintendent as requiring a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned to any regional alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program.

B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants’ respective jurisdictions; and the Department of Juvenile Justice.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and
opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.

10. The number of children who may be assigned to the regional alternative education program during the school year.

11. A plan for transitioning the enrolled students into the relevant school division's regular program.

12. A current program of staff development and training.

C. Beginning with the first year of program implementation, the Department of Education shall be entitled to deduct annually from the locality's share for the education of its students a sum equal to the actual local expenditure per pupil for the support of those students placed by the relevant school division in any such program. The amount of the actual transfers shall be based on data accumulated during the prior school year.

D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

E. For the purposes of this section, "regional alternative education program" means a program supported and implemented by two or more school divisions which are either geographically contiguous or have a community of interest.

F. For the purposes of this section, "one school year" means no more than 180 teaching days.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection C of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.
The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

§ 22.1-269.1. Alternative attendance programs.

A. The Board of Education shall promulgate regulations for the voluntary participation of school divisions in programs to allow each school-age child to receive educational services at another public school, either in the division in which the child resides or in another division, as selected by the child's parent or guardian. Each public school in a school division participating in an alternative attendance program shall be eligible to participate in an alternative attendance program unless exceptional circumstances, as defined by the Board of Education, render the participation of the school contrary to public interest.

B. The Board's regulations shall be promulgated under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) and shall include, but shall not be limited to, provisions which address the following: the required acknowledgement by a local school of its decision to participate in an alternative attendance program, including school board resolutions for intradistrict programs and agreements between divisions participating in interdistrict programs; the equitable allocation of places to accommodate students when there are insufficient places to serve such students; transportation and school bus scheduling needs within the local school divisions; school enrollment capacity, class size, pupil-teacher ratios, and staffing levels for related instructional, administrative, and supervisory personnel as required by the Standards of Quality and the Standards for Accrediting Public Schools; the adequacy of school resources to accommodate an increase in student enrollment, grade level designations, and course offerings; the enrollment of students whose education is subject to an individualized education plan (I.E.P.) as required under P.L. 94-142 as amended; the preservation of the uniqueness of schools established for particular educational purposes; the fiscal impact of accommodating parental preference on local school divisions; in the case of interdistrict attendance programs, the establishment of tuition charges authorized by § 22.1-5; and the need to maintain racial balance in the public schools. The regulations shall also establish the value of educational services, based on consideration of per pupil expenditures and state aid in the affected school. Any local school board which has been ordered by a state or federal court to achieve racial balance in its public schools shall maintain such racial balance when accommodating preference in the assignment of children to a school.

C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.

§ 22.1-276.01. Definitions.

A. For the purposes of this article, unless the context requires a different meaning:

"Alternative education program" includes night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.
§ 22.1-276.2. Removal of students from classes.
B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6:

4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals;

§ 22.1-277.04. Short-term suspension; procedures; readmission.
The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.
A. A pupil may be suspended from attendance at school for 11 to 45 school days after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within 30 days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee’s decision is not unanimous, the pupil or his parent may appeal the committee’s decision to the full school board. Such appeal shall be decided by the school board within 30 days.

B. A school board shall include in the written notice of a suspension for 11 to 45 school days required by this section notification of the length of the suspension. In the case of a suspension for 11 to 45 school days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department. Such definition shall include a consideration of a student's disciplinary history.
§ 22.1-277.06. Expulsions; procedures; readmission.
B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this section to attend an alternative education program provided by the school board for the term of such expulsion.

If the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

School boards shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the school board or a committee thereof, or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or a committee of the school board denies such petition, the student may petition the school board for review of such denial.

§ 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative education program.
A. A school board may, in accordance with the procedures set forth in this article, require any student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (ii) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) found to have committed a serious offense or repeated offenses in violation of school board policies; (iv) suspended pursuant to § 22.1-277.05; or (v) expelled pursuant to § 22.1-277.06, 22.1-277.07, or 22.1-277.08, or subsection C of § 22.1-277, to attend an alternative education program. A school board may require such student to attend such programs regardless of where the crime occurred. School boards may require any student who has been found, in accordance with the procedures set forth in this article, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A
after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

C. A school board may adopt regulations authorizing the principal or his designee to impose a short-term suspension, pursuant to § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in subsection G of § 16.1-260, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.

B. Short-term removals.

1. A short-term removal is for a period of time of up to 10 consecutive school days or 10 cumulative school days in a school year. (34 CFR 300.530(b))

   a. School personnel may short-term remove a child with a disability from the child's current educational setting to an appropriate interim alternative educational setting, another setting, or suspension, to the extent those alternatives are applied to a child without disabilities.

   b. Additional short-term removals may apply to a child with a disability in a school year for separate instances of misconduct as long as the removals do not constitute a pattern. If the short-term removals constitute a pattern, the requirements of subsection C of this section apply.

      (1) The local educational agency determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern. (2) These removals only constitute a change in placement if the local educational agency determines there is a pattern.

   2. Services during short-term removals.

      a. The local educational agency is not required to provide services during the first 10 school days in a school year that a child with a disability is short-term removed if services are not provided to a child without a disability who has been similarly removed. (34 CFR 300.530(b)(2))

      b. For additional short-term removals, which do not constitute a pattern, the local educational agency shall provide services to the extent determined necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals of the student's IEP. School personnel, in consultation with the student's special education teacher, make the service determinations. (34 CFR 300.530(b)(2))

      c. For additional short-term removals that do not constitute a pattern, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and divisionwide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20-81-20. (20 USC § 1412(a)(16)(A))

C. Long-term removals.

1. A long-term removal is for more than 10 consecutive school days; or (34 CFR 300.530; 34 CFR 300.536)

2. The child has received a series of short-term removals that constitutes a pattern:
3. The local educational agency determines on a case-by-case basis whether a pattern of removals constitutes a change in placement. This determination is subject to review through due process and judicial proceedings. (34 CFR 300.530(a) and (b) and 34 CFR 300.536)

4. On the date on which the decision is made to long-term remove the student because of a violation of a code of student conduct, the local educational agency shall notify the parent(s) of the decision and provide the parent(s) with the procedural safeguards. (34 CFR 300.530(h))

5. Special circumstances. (34 CFR 300.530(g))

a. School personnel may remove a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if:

   (1) The child carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or

   (2) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education; or

   (3) The child inflicts serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a local educational agency or the Virginia Department of Education.

b. For purposes of this part, "weapon," "controlled substance," and "serious bodily injury" have the meaning given the terms under 8 VAC 20-81-10.


a. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to: (34 CFR 300.530(d))

   (1) Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;

   (2) Continue to receive those services and modifications including those described in the child's current IEP that will enable the child to progress toward meeting the IEP goals; and

   (3) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

b. For long-term removals, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and divisionwide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20-81-20. (20 USC § 1412(a)(16)(A))

c. The IEP team determines the services needed for the child with a disability who has been long-term removed. (34 CFR 300.530(d)(5) and 34 CFR 300.531)

D. Manifestation determination. (34 CFR 300.530(c), (e), (f), and (g))
1. Manifestation determination is required if the local educational agency is contemplating a removal that constitutes a change in placement for a child with a disability who has violated a code of student conduct of the local educational agency that applies to all students.

2. The local educational agency, the parent(s), and relevant members of the child's IEP team, as determined by the parent and the local educational agency, constitute the IEP team that shall convene immediately, if possible, but not later than 10 school days after the date on which the decision to take the action is made.

3. The IEP team shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent(s).

4. The IEP team then shall determine the conduct to be a manifestation of the child's disability:
   (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
   (2) If the conduct in question was the direct result of the local educational agency's failure to implement the child's IEP.

5. If the IEP team determines that the local educational agency failed to implement the child's IEP, the local educational agency shall take immediate steps to remedy those deficiencies.

6. If the IEP team determines that the child's behavior was a manifestation of the child's disability:
   a. The IEP team shall return the child to the placement from which the child was removed unless the parent and the local educational agency agree to a change in placement as part of the modification of the behavioral intervention plan. The exception to this provision is when the child has been removed for not more than 45 school days to an interim alternative educational setting for matters described in subdivision C 5 a of this section. In that case, school personnel may keep the student in the interim alternative educational setting until the expiration of the 45-day period.
      (1) Conduct a functional behavioral assessment, unless the local educational agency had conducted this assessment before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan for the child.
         (a) A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.
         (b) If the IEP team determines that the functional behavioral assessment will include obtaining new testing data or evaluation, then the parent is entitled to an independent educational evaluation in accordance with 8 VAC 20-81-170 B if the parent disagrees with the evaluation or a component of the evaluation obtained by the local educational agency; or
      (2) If a behavioral intervention plan already has been developed, review this plan, and modify it, as necessary, to address the behavior.

7. If the IEP team determines that the child's behavior was not a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except that services shall be provided in accordance with subdivision C 6 a of this section.

E. Appeal. (34 CFR 300.532(a) and (c))

1. If the child's parent(s) disagrees with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement under these disciplinary procedures, the parent(s) may request an expedited due process hearing.

2. A local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may request an expedited due process hearing.
3. The local educational agency is responsible for arranging the expedited due process in accordance with the Virginia Department of Education's hearing procedures at 8 VAC 20-81-210.
   a. The hearing shall occur within 20 school days of the date the request for the hearing is filed.
   b. The special education hearing officer shall make a determination within 10 school days after the hearing.
   c. Unless the parent(s) and the local educational agency agree in writing to waive the resolution meeting, or agree to use the mediation process:
      (1) A resolution meeting shall occur within 7 calendar days of receiving the request for a hearing.
      (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the request for a hearing.
   d. The decisions on expedited due process hearings are appealable consistent with 8 VAC 20-81-210.

F. Authority of the special education hearing officer. (34 CFR 300.532(a) and (b))
   1. A local educational agency may request an expedited due process hearing under the Virginia Department of Education's due process hearing procedures to effect a change in placement of a child with a disability for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the local educational agency believes that the child's behavior is substantially likely to result in injury to self or others.
   2. The special education hearing officer under 8 VAC 20-81-210 may:
      a. Return the child with a disability to the placement from which the child was removed if the special education hearing officer determines that the removal was a violation of subsections C and D of this section, or that the child's behavior was a manifestation of the child's disability; or
      b. Order a change in the placement to an appropriate interim alternative educational setting for not more than 45 school days if the special education hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the student or others.
   3. A local educational agency may ask the special education hearing officer for an extension of 45 school days for the interim alternative educational setting of a child with a disability when school personnel believe that the child's return to the regular placement would result in injury to the student or others.

G. Placement during appeals. (34 CFR 300.533)
   1. The child shall remain in the interim alternative educational setting pending the decision of the special education hearing officer; or
   2. Until the expiration of the time for the disciplinary period set forth in this section, whichever comes first, unless the parent and the local educational agency agree otherwise.

H. Protection for children not yet eligible for special education and related services. (34 CFR 300.534)
   1. A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct of the local educational agency may assert any of the protections provided in this chapter if the local educational agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
   2. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:
(a) The parent(s) of the child expressed concern in writing (or orally if the parent(s) does not know how to write or has a disability that prevents a written statement) to school personnel that the child is in need of special education and related services;
(b) The parent(s) of the child requested an evaluation of the child to be determined eligible for special education and related services; or
(c) A teacher of the child or school personnel expressed concern about a pattern of behavior demonstrated by the child directly to the director of special education of the local educational agency or to other supervisory personnel of the local educational agency.

3. A local educational agency would not be deemed to have knowledge that a child is a child with a disability if:
   (a) The parent of the child has not allowed a previous evaluation of the child or has refused services; or
   (b) The child has been evaluated in accordance with 8 VAC 20-81-70 and 8 VAC 20-81-80 and determined ineligible for special education and related services.

4. If the local educational agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to a child without a disability who engages in comparable behaviors.

5. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this section, the evaluation shall be conducted in an expedited manner.
   a. Until the evaluation is completed, the child remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
   b. If the child is determined to be a child with a disability, taking into consideration information from the evaluations conducted by the local educational agency and information provided by the parent(s), the local educational agency shall provide special education and related services as required for a child with a disability who is disciplined.

I. Referral to and action by law enforcement and judicial authorities. (34 CFR 300.535)
   1. Nothing in this chapter prohibits a local educational agency from reporting a crime by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.
   2. In reporting the crime, the local educational agency shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom school personnel report the crime. Transmission of such records shall be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150).

J. Information on disciplinary actions. (34 CFR 300.229)
   1. The Virginia Department of Education requires that local educational agencies include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.
   2. Local educational agencies are responsible for transmitting the statement to the Virginia Department of Education upon request to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.
   3. The statement may include:
      a. A description of any behavior engaged in by the child who required disciplinary action;
      b. A description of the disciplinary action; and
c. Any other information that is relevant to the safety of the child and other individuals involved with the child.

4. If the child transfers from one school to another, the transmission of any of the child's records shall include the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.


Schools may provide students, 16 years of age to 18 years of age who choose to prepare for the Tests of General Educational Development (GED) certificate, an Individualized Student Alternative Education Plan (ISAEP) program. Implementation of the ISAEP program requires submission of an application and approval by the department.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.
§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America’s Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America’s Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America’s Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily
assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

Notwithstanding any other provision of law to the contrary, each school division may develop and implement procedures addressing disciplinary actions against students, and may establish disciplinary policies prohibiting the possession of firearms on school property, school buses, and at school-sponsored activities.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.
A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other
than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America’s Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.
F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

Any child permitted by any parent, guardian, or other person having control thereof to be habitually absent from school contrary to the provisions of this article may be proceeded against as a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§ 16.1-260. Intake; petition; investigation.
B. [...] If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan, provided that (a) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (b) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within 10 school days with the pupil, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 15 school days after the sixth absence. Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance
officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.
The attendance officer or the division superintendent or his designee shall check the reports submitted pursuant to subsection A of § 22.1-260 with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer or the division superintendent or his designee shall, within five days after receiving all reports submitted pursuant to subsection A of § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It shall be the duty of the attendance officer, on behalf of the local school board, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 22.1-265. Inducing children to absent themselves.
Any person who induces or attempts to induce any child to be absent unlawfully from school or who knowingly employs or harbors, while school is in session, any child absent unlawfully shall be guilty of a Class 3 misdemeanor and may be subject to the penalties provided by subdivision 5 a of subsection B of § 16.1-278.5 or § 18.2-371. Upon a finding that a person knowingly and willfully violated the provisions of this section and that such person has been convicted previously of a violation of this section, such person shall be guilty of a Class 2 misdemeanor.

§ 22.1-266. Law-enforcement officers and truant children.
A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.
C. For the purposes of this section, “truancy center” means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

Any child permitted by any parent, guardian, or other person having control thereof to be habitually absent from school contrary to the provisions of this article may be proceeded against as a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

§ 22.1-268. Duty of attorneys for the Commonwealth to prosecute cases arising under article; jurisdiction of offenses.
It shall be the duty of the attorneys for the Commonwealth of the several counties and cities to prosecute all cases arising under this article. Juvenile and domestic relations district courts shall have exclusive original jurisdiction for the trial of such cases.

§ 22.1-269. Board to enforce.
The Board of Education shall have the authority and it shall be its duty to see that the provisions of this article are properly enforced throughout the Commonwealth.

§ 22.1-277. Suspensions and expulsions of pupils generally.
A. Students may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.
B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.
C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.
D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.
E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner in accordance with subsection B of § 54.1-3408.3 for the possession or use of such oil in accordance with the student’s individualized health plan and in compliance with a policy adopted by the school board.

REGULATIONS
No relevant regulations found.
Substance use

LAWS

§ 22.1-79.5. Policy regarding electronic cigarettes.
Each school board shall develop and implement a policy to prohibit, at any time, the use and distribution of any tobacco product or nicotine vapor product, as those terms are defined in Section 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

Such policy shall include (i) provisions for its enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and (ii) referrals to resources to help staff and students overcome tobacco addiction.

Each school board shall work to ensure adequate notice of this policy.

§ 22.1-277.08. Expulsion of students for certain drug offenses.
A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § 18.2-247 onto school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

§ 22.1-279.3:1. Reports of certain acts to school authorities.
A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; (iv) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (v) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; (vi) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vii) any illegal act involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (viii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (vii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.
B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.
Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, “parent” or “parents” means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco product or nicotine vapor product, as those terms defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.

It shall be unlawful to haze so as to cause bodily injury, any student at any school, college, or university. Any person found guilty thereof shall be guilty of a Class 1 misdemeanor.

Any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student hazing another student, sanction and discipline such student in accordance with the institution's policies and procedures. The institution’s policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case and shall be consistent with the model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable. The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall take such action as he deems appropriate.

For the purposes of this section, "hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a
club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

§ 22.1-276.01. Definitions.
A. For the purposes of this article, unless the context requires a different meaning:

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct: school board regulations.
A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies. [...]
Other special infractions or conditions

LAWS

§ 18.2-46.2. Prohibited criminal street gang participation; penalty.
A. Any person who actively participates in or is a member of a criminal street gang and who knowingly and willfully participates in any predicate criminal act committed for the benefit of, at the direction of, or in association with any criminal street gang shall be guilty of a Class 5 felony. However, if such participant in or member of a criminal street gang is age eighteen years or older and knows or has reason to know that such criminal street gang also includes a juvenile member or participant, he shall be guilty of a Class 4 felony.
B. Violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

§ 18.2-46.33. Enhanced punishment for gang activity taking place in a gang-free zone; penalties.
Any person who violates § 18.2-46.2 (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or postsecondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; (iii) on any school bus as defined in § 46.2-100; or (iv) upon the property, including buildings and grounds, of any publicly owned or operated community center or any publicly owned or operated recreation center is guilty of a felony punishable as specified in § 18.2-46.2, and shall be sentenced to a mandatory minimum term of imprisonment of two years. A person who violates subsection A of § 18.2-46.3 upon any property listed in this section is guilty of a Class 6 felony, except that any person 18 years of age or older who violates subsection A of § 18.2-46.3 upon any property listed in this section, when such offense is committed against a juvenile, is guilty of a Class 5 felony. Any person who violates subsection B of § 18.2-46.3 upon any property listed in this section is guilty of a Class 5 felony. It is a violation of this section if the person violated § 18.2-46.2 or 18.2-46.3 on the property described in clauses (i) through (iii) regardless of where the person intended to commit such violation.

§ 22.1-280.4. School board action regarding destruction of property.
A school board may take action against a pupil or the pupil's parent for any actual loss, breakage, or destruction of or failure to return property, owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies. Such action may include seeking reimbursement from a pupil or the pupil's parent for any such loss, breakage, or destruction of or failure to return school property.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;

5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

6. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

7. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth; and

11. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school
resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of Section 22.1-280.2:3.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-206. Instruction concerning drugs, alcohol, and substance abuse, and tobacco and nicotine products.
A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.
B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Virginia Alcoholic Beverage Control Authority shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.
C. The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall distribute to each local school division educational materials concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products, as such terms are defined in Section 18.2-371.2. Instruction concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products, as such terms are defined in Section 18.2-371.2, shall be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education’s family life education guidelines.
B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on (i) the prevention of dating violence, domestic abuse, sexual harassment, including sexual harassment using electronic means, sexual violence, and human trafficking and (ii) the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.
C. Any family life education curriculum offered in any elementary school, middle school, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals.
D. Any family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation; associated criminal penalties; and the rights of the victim, including any civil action pursuant to § 8.01-42.5.
E. Any family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse.

§ 22.1-208.01. Character education required.
A. Each school board shall establish, within its existing programs or as a separate program, a character education program in its schools, which may occur during the regular school year, during the summer in a
youth development academy offered by the school division, or both. The Department of Education shall develop curricular guidelines for school divisions to use in establishing a character education program through a summer youth development academy. The purpose of the character education program shall be to instill in students civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems, and develop civic-minded students of high character. The components of each program shall be developed in cooperation with the students, their parents, and the community at large. The basic character traits taught may include (i) trustworthiness, including honesty, integrity, reliability, and loyalty; (ii) respect, including the precepts of the Golden Rule, tolerance, and courtesy; (iii) responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance, and self-control; (iv) fairness, including justice, consequences of bad behavior, principles of nondiscrimination, and freedom from prejudice; (v) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and (vi) citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness.

Classroom instruction may be used to supplement a character education program; however, each program shall be interwoven into the school procedures and environment and structured to instruct primarily through example, illustration, and participation, in such a way as to complement the Standards of Learning. The program shall also address the inappropriateness of bullying, as defined in § 22.1-276.01.

This provision is intended to educate students regarding those core civic values and virtues that are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 1-500, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.

B. The Board of Education shall establish criteria for character education programs, consistent with the provisions of this section. The Department of Education shall assist school divisions in implementing character education programs and practices that are designed to promote the development of personal qualities as set forth in this section and the Standards of Quality and that will improve family and community involvement in the public schools. With such funds as are made available for this purpose, the Department of Education shall provide resources and technical assistance to school divisions regarding successful character education programs and shall (i) identify and analyze effective character education programs and practices and (ii) collect and disseminate among school divisions information regarding such programs and practices and potential funding and support sources. The Department of Education may also provide resources supporting professional development for administrators and teachers in the delivery of any character education programs.

C. The Department of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs, including a summer youth development academy.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

C. [...] Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include prevention of hazing. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. School boards are encouraged to develop and use a network of volunteer services in implementing these prevention activities.

§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local school boards' authority; Board of Education to promulgate regulations.

A. As used in this section:

"School crime line" means a confidential, anonymous system providing inducements for students to report any unlawful act occurring in school buildings or on school grounds or during school-sponsored activities to local law-enforcement authorities which is established as a cooperative alliance between the local school board, news media, the community, and law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors or as part of a local "Crime Stoppers" program.

B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities to receive, screen, and reward student reports of unlawful acts committed in school buildings or on school grounds or at school functions, when such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement personnel shall staff every school crime line program, receive reported information from anonymous student callers, screen such information, and direct information for further investigation, as may be appropriate.

C. Such programs may be established (i) by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a separate nonprofit corporation initiated jointly by the local school board, news media, the community, and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime Stoppers" program.

The governing board of any separate nonprofit school crime line corporation shall include broad-based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and formulate a system of rewards. Prior to implementation of any school crime line program and annually thereafter, the local school board shall review and approve, as complying with the Board of Education's regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers" corporation operating a school crime line. No school crime line program shall be implemented or revised without first obtaining the local school board's approval. Every local school board developing a school crime line program shall also notify all students and their parents or other custodian of the procedures and policies governing the program prior to implementation and annually thereafter.

D. By July 1, 1994, the Board of Education shall promulgate regulations for the implementation of school crime lines, including, but not limited to, appropriate fund raising, and the appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of law, including the civic duty to report crime without compensation.
E. Local school boards may establish, as a separate account, a school crime line fund, consisting of private contributions, local appropriations specifically designated for such purposes, and such funds as may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or local funds appropriated for educational purposes shall be used to implement a school crime line.

REGULATIONS

8 VAC 20-310-10. Health education program.
The Board of Education recognizes that the illegal and inappropriate use of certain substances constitutes a hazard to the development of students. Elementary and secondary schools shall include in the health education program instruction in drugs and drug abuse. Therefore, the public schools of the Commonwealth shall:

1. Be concerned with education and prevention in all areas of substance use and abuse.
2. Establish and maintain a realistic, meaningful substance abuse prevention and education program that shall be developed and incorporated in the total education program.
3. Establish and maintain an ongoing in-service substance abuse prevention program for all school personnel.
4. Cooperate with government and approved private agencies involved with health of students relating to the abuse of substances.
5. Encourage and support pupil-run organizations and activities that will develop a positive peer influence in the area of substance abuse.
6. Create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear of reprisal.

8 VAC 20-620-10. School guidance and counseling services.
A. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services:

3. Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant (e.g., divorce, abuse or aggressive behavior).

Behavioral interventions and student support services

LAWS

§ 9.1-102. Powers and duties of the Board and the Department.
The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;
52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

§ 22.1-79.4. Threat assessment teams and oversight committees.
A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety (the Center) in accordance with Section 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

E. Each threat assessment team established pursuant to this section shall collect and report to the Center quantitative data on its activities using the case management tool developed by the Center.

F. Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Sections 19.2-389 and 19.2-389.1, and health records, as provided in Section 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.
REGULATIONS

8 VAC 20-81-160. Discipline procedures.

A. General. (§ 22.1-277 of the Code of Virginia; 34 CFR 300.530(a); 34 CFR 300.324(a)(2)(i))

1. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the Code of Virginia and the local educational agency's disciplinary policies and procedures.

2. In the event that the child's behavior impedes the child's learning or that of others, the IEP team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior.

   The IEP team shall consider either:

   a. Developing goals and services specific to the child's behavioral needs; or
   b. Conducting a functional behavioral assessment and determining the need for a behavioral intervention plan to address the child's behavioral needs.

3. School personnel may consider any unique circumstances on a case-by-case basis when deciding whether or not to order a change in placement for a child with a disability that violates a code of student conduct.

   a. In reviewing the disciplinary incident, school personnel may review the child's IEP and any behavioral intervention plan, or consult with the child's teacher(s) to provide further guidance in considering any unique circumstances related to the incident.
   b. School personnel may convene an IEP team for this purpose.

C. Long-term removals


   a. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to: (34 CFR 300.530(d))

      (1) Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;
      (2) Continue to receive those services and modifications including those described in the child's current IEP that will enable the child to progress toward meeting the IEP goals; and
      (3) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

   b. For long-term removals, the local educational agency shall ensure that children with disabilities are included in the Virginia Department of Education and divisionwide assessment programs in accordance with the provisions of subdivision 4 of 8 VAC 20-81-20. (20 USC § 1412(a)(16)(A))

   c. The IEP team determines the services needed for the child with a disability who has been long-term removed. (34 CFR 300.530(d)(5) and 34 CFR 300.531)

8 VAC 20-620-10. School guidance and counseling services.

A. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services:

3. Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant (e.g., divorce, abuse or aggressive behavior).
A. Each school shall develop and implement written policies and procedures that emphasize positive behavior interventions.
B. Behavior techniques that are used or available for use shall be listed in the order of their relative degree of restrictiveness and specify the staff members who may authorize the use of each technique.
C. Staff shall consider behavior management data in their annual review of the school's policies and procedures.
D. When substantive revisions are made to policies and procedures governing management of student behavior, written information concerning the revisions shall be provided to students, parents, placing agencies, and the department prior to implementation.
E. The parent shall be provided access to the school's behavior management policy and procedures upon enrollment and at the beginning of each school year and provided a written copy upon request.

8 VAC 20-730-10. Definitions.
"Multi-disciplinary team" means a school-based team that may be convened to review student records and to participate in prevention, early intervention, and provision of support services to address unexcused absences, including school-based case management. These services should address academic, social, emotional, and familial issues in order to improve regular school attendance. Team members may include, but are not limited to, the following: an administrator, school counselor, social worker or psychologist, student assistance specialist, special education and regular education teacher, and attendance officer.

8 VAC 20-730-20. Unexcused absences intervention process and responsibilities.
A. Each local school board shall provide guidance regarding what would constitute an excused absence in order to address when the explanation provided by the parent will be determined to be reasonable and acceptable.
B. Each local school board shall develop procedures to ensure that appropriate interventions will be implemented when a student engages in a pattern of absences less than a full day, the explanation for which, if it were a full-day absence, would not be deemed an excused absence.
C. The following intervention steps shall be implemented to respond to unexcused absences from school and to engage students in regular school attendance.
   1. Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, the school principal or designee, attendance officer, or other school personnel or volunteer will notify the parent by phone or email or any other electronic means to obtain an explanation. The school staff shall record the student's absence for each day as "excused" or "unexcused." Early intervention with the student and parent or parents shall take place for repeated unexcused absences.
   2. When a student has received five unexcused absences, the school principal or designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent. The parent shall be contacted in a face-to-face conference, by telephone, or through the use of other communication devices. During the direct contact with the parent and the student (if appropriate), reasons for nonattendance shall be documented and the consequences of nonattendance explained. An attendance plan shall be made with the student and parent or parents to resolve the nonattendance issues. The student and parent may be referred to a school-based multi-disciplinary team for assistance implementing the attendance plan and case management.
3. The school principal or designee or the attendance officer shall schedule a face-to-face attendance conference, or an interaction that is conducted through the use of communication technology, within 10 school days from the date of the student's sixth unexcused absence for the school year. The attendance conference must be held within 15 school days from the date of the sixth unexcused absence. The conference shall include the parent, student, and school personnel (which may be a representative or representatives from the multi-disciplinary team) and may include community service providers.

4. The school principal or designee shall notify the attendance officer or division superintendent of the student's seventh unexcused absence for the school year. The division superintendent or designee shall contact the Juvenile and Domestic Relations Court intake to file a complaint alleging the student is a child in need of supervision (CHINSup) or to institute proceedings against the parent. In addition to documentation of compliance with the notice provisions of § 22.1-258 of the Code of Virginia, all records of intervention regarding the student's unexcused absences, such as copies of the conference meeting notes, attendance plan, and supports shall be presented to the intake worker.

D. A record shall be maintained of each meeting that includes the attendance plan, the name of individuals in attendance at each conference meeting (including via telephone or electronic devices), the location and date of the conference, a summary of what occurred, and follow-up steps.

Professional development

LAWS
No relevant laws found.

REGULATIONS

8 VAC 20-70-360. In-service training.
In-service training (at least two hours before the opening of the school year and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and knowledge, including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers. In-service training should include, but is not limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, student information and confidentiality, and local policies and procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file in the school division.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 16.1-260. Intake; petition; investigation.
B. […]Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

§ 22.1-276.2. Removal of students from classes.
B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6: […]

2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class; […]

§ 22.1-277.04. Short-term suspension; procedures; readmission.
[...] Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior. […]

§ 22.1-279.3:1. Reports of certain acts to school authorities.
A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an
incident occurring on a school bus, on school property, or at a school-sponsored activity, including the
charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-
enforcement authorities shall report, and the principal or his designee and the division superintendent
shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the
offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-
3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or
would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of
subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or
more, is released on bond. As part of any report concerning an offense that would be an adult
misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-
enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information
regarding terms of release from detention, court dates, and terms of any disposition orders entered by the
court, to the superintendent of such student's school division, upon request by the superintendent, if, in
the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure
would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant
to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record
retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives
notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant
to subsection G of § 16.1-260 shall report such information to the principal of the school in which the
juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to
this section to the superintendent of the school division. The division superintendent shall annually report
all such incidents to the Department of Education for the purpose of recording the frequency of such
incidents on forms that shall be provided by the Department and shall make such information available to
the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate
any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported
by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting
requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who
knowingly fails to comply or secure compliance with the reporting requirements of this section shall be
subject to sanctions prescribed by the local school board, which may include, but need not be limited to,
demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required
pursuant to this section to be reported, regardless of whether disciplinary action is taken against such
student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's
involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be
required to participate in such prevention and intervention activities as deemed appropriate by the
superintendent or his designee. Prevention and intervention activities shall be identified in the local school
division's drug and violence prevention plans developed pursuant to the federal Improving America's
Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall
immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of
subsection A that may constitute a criminal offense and may report to the local law-enforcement agency
any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency
charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court. Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor’s authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

§ 16.1-260. Intake; petition; investigation.
B. [...] Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court. [...]  

§ 22.1-209.1:2. Regional alternative education programs for certain students.
D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.
[...] Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and
supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance. [...] 

§ 22.1-276.2. Removal of students from classes.
B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6: [...] 

3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease; [...] 

§ 22.1-277.04. Short-term suspension; procedures; readmission.
Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.
The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board; however, the decision of the division superintendent or his designee shall be final if so prescribed by school board regulations.
The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

§ 22.1-277.06. Expulsions; procedures; readmission.
A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board. [...] 

B. The written notice required by this section shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student. [...]
§ 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to § 22.1-277.06. The excluding school board shall not impose additional conditions for readmission to school.

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board. […]

§ 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative education program.

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board. […]

§ 22.1-279.3:1. Reports of certain acts to school authorities.

C. […] The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against
such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. [...] Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

§ 22.1-279.4. Information regarding prosecution for certain crimes.

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but shall not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

REGULATIONS

8 VAC 20-671-620. Student conduct.

A. Each school shall provide a schoolwide environment that reinforces appropriate behaviors and assists students in becoming actively engaged in their own learning, academic, and behavioral success.

B. Each school shall have written policies and procedures that address standards of student conduct and procedures for enforcement to include attendance, truancy, suspension, expulsion, alcohol, drugs, weapons, fighting, bullying, sexual and disability harassment, pornography, and other areas as appropriate.

C. The parent shall be notified on the date on which the decision is made to suspend or expel a student because of a violation of a code of student conduct. When a publicly placed student is suspended or expelled, the student's home school division shall be notified within 24 hours.


A. Each school shall have written policies and procedures made available annually to students, parents, and placing agencies that include, but are not limited to:

1. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

2. A statement that corporal punishment and abusive techniques and interventions are not authorized, permitted, or condoned.

3. A statement that behavior management techniques are applied in order of their degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained personnel.

B. Physical restraint or seclusion is allowed only in an emergency situation and only when it is necessary to protect the student or another person from imminent danger of serious physical harm after less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate.
1. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, a revision of behavioral strategies currently in place to address dangerous behavior. If positive behavioral strategies are not in place, staff shall develop them.

2. In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school shall have a plan developed in consultation with the parent for (i) teaching and supporting more appropriate behavior and (ii) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.

3. Physical restraint or seclusion shall not be used for disciplinary reasons, as a punishment, or retaliation, or for staff's convenience.

4. Each student is entitled to be completely free from any unnecessary use of physical restraint or seclusion.

5. Staff shall continuously monitor the use of physical restraint and seclusion and shall not rely on an electronic surveillance device.

6. Physical restraint may only be implemented, monitored, or discontinued by staff who have received proper training.

7. The door to any room in which a student is secluded may be held shut only when a staff member is personally securing it. The door must immediately disengage when the staff member steps away from it. The room must meet specification including size and viewing panels that ensure the student's safety at all times including during a fire or other emergency.

8. Schools shall permit parents to inspect any area used during an emergency for the purpose of seclusion.

9. The parent shall be informed on the day of each incident of physical restraint or seclusion. The student's home school division and placing agency shall be informed as soon as possible but within 24 hours of the occurrence.

10. Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, justification for the physical restraint or seclusion, behavior antecedents, less restrictive interventions that were unsuccessfully attempted prior to using physical restraint or seclusion, duration, description of method or methods of physical restraint techniques used, signature of the person completing the report and date, and reviewer's signature and date. The written report shall be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff.

11. Schools shall collect and annually report to the department the number of times restraint and seclusion were used during the school year. The data shall be disaggregated by students and number of occurrences.

8 VAC 20-730-20. Unexcused absences intervention process and responsibilities.
A. Each local school board shall provide guidance regarding what would constitute an excused absence in order to address when the explanation provided by the parent will be determined to be reasonable and acceptable.

B. Each local school board shall develop procedures to ensure that appropriate interventions will be implemented when a student engages in a pattern of absences less than a full day, the explanation for which, if it were a full-day absence, would not be deemed an excused absence.

C. The following intervention steps shall be implemented to respond to unexcused absences from school and to engage students in regular school attendance.
1. Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, the school principal or designee, attendance officer, or other school personnel or volunteer will notify the parent by phone or email or any other electronic means to obtain an explanation. The school staff shall record the student's absence for each day as "excused" or "unexcused." Early intervention with the student and parent or parents shall take place for repeated unexcused absences.

2. When a student has received five unexcused absences, the school principal or designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent. The parent shall be contacted in a face-to-face conference, by telephone, or through the use of other communication devices. During the direct contact with the parent and the student (if appropriate), reasons for nonattendance shall be documented and the consequences of nonattendance explained. An attendance plan shall be made with the student and parent or parents to resolve the nonattendance issues. The student and parent may be referred to a school-based multi-disciplinary team for assistance implementing the attendance plan and case management.

3. The school principal or designee or the attendance officer shall schedule a face-to-face attendance conference, or an interaction that is conducted through the use of communication technology, within 10 school days from the date of the student's sixth unexcused absence for the school year. The attendance conference must be held within 15 school days from the date of the sixth unexcused absence. The conference shall include the parent, student, and school personnel (which may be a representative or representatives from the multi-disciplinary team) and may include community service providers.

4. The school principal or designee shall notify the attendance officer or division superintendent of the student's seventh unexcused absence for the school year. The division superintendent or designee shall contact the Juvenile and Domestic Relations Court intake to file a complaint alleging the student is a child in need of supervision (CHINSup) or to institute proceedings against the parent. In addition to documentation of compliance with the notice provisions of § 22.1-258 of the Code of Virginia, all records of intervention regarding the student's unexcused absences, such as copies of the conference meeting notes, attendance plan, and supports shall be presented to the intake worker.

D. A record shall be maintained of each meeting that includes the attendance plan, the name of individuals in attendance at each conference meeting (including via telephone or electronic devices), the location and date of the conference, a summary of what occurred, and follow-up steps.

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

**LAWS**

§ 16.1-260. Intake; petition; investigation.

B. [...] If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan, provided that (a) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (b) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs,
cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile’s compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.v […]

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1;
13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or
14. A threat pursuant to § 18.2-60.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition. The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.
§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other than violations of motor vehicle laws committed by juveniles. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. If a chief of police, sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police, sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police, sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police, sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

§ 16.1-305.1. Disclosure of disposition in certain delinquency cases.

Upon a court's disposition of a proceeding where a juvenile is charged with a crime listed in subsection G of § 16.1-260 in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the clerk of the court in which the disposition is entered shall, within 15 days of the expiration of the appeal period, if there has been no notice of an appeal, provide written notice of the disposition ordered by the court, including the nature of the offense upon which the disposition was based, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If the court defers disposition, or the charges are nolle prosequi, withdrawn, or dismissed the clerk shall, within 15 days of such action, provide written notice of such action to the superintendent of the school division in which the child is enrolled at such time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If charges are withdrawn in intake or handled informally without a court disposition, the intake officer shall, within 15 days of such action, provide written notification of the action.
to the superintendent of the school division in which the child is enrolled at that time or, if he is not then
enrolled in school, the division in which he was enrolled at the time of the offense.

If the child is not enrolled in the school division that receives notification under this section, the
superintendent of that division may forward the notification to the superintendent of the school division
where the child is enrolled.

A superintendent who receives notification under this section may disclose the information received to
anyone to whom he or a principal disclosed that a petition had been filed. Further disclosure of
information received under this section by the superintendent to school personnel is authorized only as
provided in § 22.1-288.2.

§ 16.1-305.2. Disclosure of notice of the filing of a petition and certain reports by division
superintendent.

Except as otherwise provided in this section, a division superintendent shall not disclose information
contained in or derived from a (i) notice of petition received pursuant to § 16.1-260 or (ii) report received
pursuant to § 66-25.2:1. If the juvenile is not enrolled as a student in a public school in the division to
which the notice or report was given, the superintendent shall promptly so notify the intake officer of the
juvenile court in which the petition was filed or the Director of the Department who sent the report and
may forward the notice of petition or report to the superintendent of the division in which the juvenile is
enrolled, if known.

If the division superintendent believes that disclosure of information regarding a petition to school
personnel is necessary to ensure the physical safety of the juvenile, other students or school personnel
within the division, he may at any time prior to receipt of the notice of disposition in accordance with §
16.1-305.1, disclose the fact of the filing of the petition and the nature of the offense to the principal of the
school in which the juvenile who is the subject of the petition is enrolled. The principal may further
disseminate the information regarding a petition, after the juvenile has been taken into custody, whether
or not the child has been released, only to those students and school personnel having direct contact with
the juvenile and need of the information to ensure physical safety or the appropriate educational
placement or other educational services.

If the division superintendent believes that disclosure of information regarding a report received pursuant
to § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the juvenile, other
students, or school personnel within the division he may disclose the information to the principal of the
school in which the juvenile is enrolled. The principal may further disseminate the information regarding
such report only to school personnel as necessary to protect the juvenile, the subject or subjects of the
danger, other students, or school personnel.


files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii) participates
in the investigation of allegations which form the basis of a petition, (iv) is interviewed concerning such
allegations and whose information is derived solely from such interview or (v) is present during any court
proceeding, who discloses or makes use of or knowingly permits the use of identifying information not
otherwise available to the public concerning a juvenile who is suspected of being or is the subject of a
proceeding within the jurisdiction of the juvenile court pursuant to subdivisions A 1 through 5 or
subdivision A 7 of § 16.1-241 or who is in the custody of the State Department of Juvenile Justice, which
information is directly or indirectly derived from the records or files of a law-enforcement agency, court or
the Department of Juvenile Justice or acquired in the course of official duties, is guilty of a Class 3
misdemeanor.
B. The provisions of this section shall not apply to any law-enforcement officer or school employee who discloses to school personnel identifying information concerning a juvenile who is suspected of committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is committed or alleged to have been committed on school property during a school-sponsored activity or on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school personnel to take appropriate disciplinary action within the school setting against the juvenile. Further, the provisions of this section shall not apply to school personnel who disclose information obtained pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made in compliance with those sections.

§ 22.1-279.3:1. Reports of certain acts to school authorities.
B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court. Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

§ 22.1-279.4. Information regarding prosecution for certain crimes.
School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but shall not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.
§ 22.1-288.2. Receipt, dissemination and maintenance of records of certain law-enforcement information.

C. When a superintendent receives notice of the filing of a petition from the intake officer in accordance with § 16.1-260, or upon request of a court services unit for information made in conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent shall provide information regarding the student's educational and attendance status to the intake officer or court services unit, as the case may be. Whenever a division superintendent receives notice of a student's commitment to the Department of Juvenile Justice, the superintendent or his designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

I. Referral to and action by law enforcement and judicial authorities. (34 CFR 300.535)

1. Nothing in this chapter prohibits a local educational agency from reporting a crime by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.

2. In reporting the crime, the local educational agency shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom school personnel report the crime. Transmission of such records shall be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150).

8 VAC 20-660-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the text clearly indicates otherwise:

"Educational programs" means educational programs that are designed to provide educational services to eligible students who are receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes /centers, or state-operated programs.

"Educational status" includes but is not limited to the most recent assessment results, including standardized tests, inclusion of a student's special education eligibility and related evaluations, most recent Individualized Education Plan (IEP), if applicable, academic credits and partial credits earned, and participation in career and technical programs, if applicable.

"Eligible" means of school age or eligible for special education services as defined in §§ 22.1-1, 22.1-5, and 22.1-213 of the Code of Virginia.

"Final reenrollment plan" means the written documentation developed by the receiving school division that addresses the student's education program, placement, and support services upon reenrollment.

"Preliminary reenrollment plan" means the written documentation for a person to be released from Department of Juvenile Justice custody who is of school attendance age or is eligible for special education services pursuant to § 22.1-213 of the Code of Virginia. The plan describes the student's educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following reenrollment, and recommendations for student supports, such as counseling services.

"Receiving school division" means the school division or state-operated program where the student will enroll upon release from the custody of the Department of Juvenile Justice.
“Reenrollment” means the process of transitioning eligible youth released from Department of Juvenile Justice custody into attendance in public schools.

“Reenrollment coordinator” means the school division or state-operated program staff person designated to work with the parole officer, the Department of Correctional Education or detention home/center educational personnel, the transition team, the reenrollment team, and the IEP team, if applicable, to coordinate the development of the reenrollment plan.

“Reenrollment team” means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the reenrollment of the student. The reenrollment team shall include, at a minimum, the guidance counselor, the special education director or qualified designee as appropriate, the principal or assistant principal if designated, the reenrollment coordinator, and the parole officer. The student’s parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the reenrollment team. The reenrollment team shall consult the student. If a student is eligible for special education services, the reenrollment team shall coordinate planning with the student’s IEP team.

“Scholastic record” means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs.

The term “scholastic record” does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Also, in accordance with § 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student’s scholastic record.

“Students in detention homes/centers” means those students residing in detention homes or centers for more than 30 calendar days.

“Transition team” means the Department of Correctional Education (DCE) or detention home/center principal or assistant principal, the DCE or detention home/center counselor, the DCE transition specialist or the detention home/center teacher, the juvenile correctional center counselor, a representative of the student’s IEP team, if applicable, and the student’s parole officer. This team assembles the student’s scholastic record and other relevant documents, develops the preliminary reenrollment plan in consultation with the student, and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the reenrollment coordinator. Transition team members may also be part of the reenrollment team.


Reenrollment plans shall include but not be limited to:

1. Educational status and recommendations prior to commitment;
2. Educational status and recommendations of the Department of Correctional Education during the student’s stay at the Reception and Diagnostic Center;
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice;
4. Educational and reentry goals for the student developed in coordination with the student’s IEP team, if applicable;
5. Other student supports needed to promote the student's successful reentry to public school, such as counseling services;

6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for reenrollment;

7. Establishment of school placement upon release; and

8. Contact information for representatives of detention homes/centers, if applicable, the Department of Juvenile Justice, the Department of Correctional Education, and the reenrollment coordinator of the school division.

8 VAC 20-660-30. Reenrollment process and responsibilities.

A. Notification and convening of teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center's counselor, shall provide written notification to the Department of Correctional Education principal, detention home/center educational program principal or designated educational authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.

2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the reenrollment plan. Also upon notification, the Department of Correctional Education or detention home/center superintendent will provide a letter of pending release and an informative outline of the reenrollment process within five business days to the reenrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education or detention home/center within five business days.

3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education or detention home educational program shall forward the student's scholastic record and a preliminary reenrollment plan developed in consultation with the student to the school division reenrollment coordinator.

4. Within 10 business days of receipt of the materials, the reenrollment coordinator shall convene the reenrollment team to review the preliminary reenrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the reenrollment coordinator to attend a meeting where the final reenrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him at the meeting. The student shall be consulted in the development of the plan.

5. Notice of the scheduled meeting to develop the reenrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.

6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the reenrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of final reenrollment plan.

1. The reenrollment team shall develop a final reenrollment plan that clearly states:
   a. The educational placement of the student and timeframe for placement,
   b. The names of persons with responsibility and authority for prompt enrollment and their contact information,
   c. The student's scheduled academic program and other supportive activities or services as appropriate,
   d. The names and contact information of the members of transition and reenrollment teams, and
e. Any other required components including an approved IEP if the student is enrolled in special education.

2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and reenrollment plan members no later than 10 calendar days prior to release.

C. Reenrollment.

1. The reenrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.

2. After the Department of Juvenile Justice gives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he was committed.

3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.

4. Upon reenrollment the student shall received weekly counseling for a determined period of time.

5. The receiving school division shall protect the confidentiality of the student's juvenile justice record according to applicable federal and state laws and regulations.

8 VAC 20-660-40. Maintenance and transfer of the scholastic record.

A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.

B. The reenrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or detention home education program within five business days of receipt of the probation officer's request.

C. The school division where the student was last enrolled (sending school division) will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education or detention home education program will provide copies of year-end transcripts to the reenrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.

D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.

E. School divisions shall provide current contact information for reenrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

Disclosure of school records

LAWS

§ 22.1-3.2. Notice of student’s school status required as condition of admission; penalty.

A. Prior to admission to any public school of the Commonwealth, a school board shall require the parent, guardian, or other person having control or charge of a child of school age to provide, upon registration:

1. A sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record.
2. A sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained as provided in § 22.1-288.2.

B. When the child is registered as a result of a foster care placement as defined in § 63.2-100, the information required under this section shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

C. Any person making a materially false statement or affirmation shall be guilty upon conviction of a Class 3 misdemeanor.

§ 22.1-287. Limitations on access to records.

A. No teacher, principal or employee of any public school nor any school board member shall permit access to any records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

1. Either parent of such pupil or such pupil; provided that a school board may require that such pupil, if he be less than 18 years of age, as a condition precedent to access to such records, furnish written consent of his or her parent for such access;

2. A person designated in writing by such pupil if the pupil is 18 years of age or older or by either parent of such pupil if the pupil is less than 18 years of age;

3. The principal, or someone designated by him, of a school where the pupil attends, has attended, or intends to enroll;

4. The current teachers of such pupil;

5. State or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties;

6. The Superintendent of Public Instruction, a member of his staff, the division superintendent of schools where the pupil attends, has attended, or intends to enroll or a member of his staff;

7. An officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

B. A parent or pupil entitled to see the records pursuant to subdivision A 1 shall have access to all records relating to such pupil maintained by the school except as otherwise provided by law and need only appear in person during regular hours of the school day and request to see such records. No material concerning such pupil shall be edited or withheld except as otherwise provided by law, and the parent or pupil shall be entitled to read such material personally.

C. The giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information shall be governed by the provisions of § 22.1-287.1.

D. Notwithstanding the restrictions imposed by this section:

1. A division superintendent of schools may, in his discretion, provide information to the staff of an institution of higher education or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the institution of higher education or educational research and development organization or laboratory and if no pupil will be identified by name in the information provided for research;

2. The name and address of a pupil, the record of a pupil's daily attendance, a pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents, a pupil's date and
place of birth, and the names and addresses of other schools a pupil has attended may be released to
an officer or employee of the United States government seeking this information in the course of his
duties when the pupil is a veteran of military service with the United States, an orphan or dependent of
such veteran, or an alien;
3. The record of a pupil’s daily attendance shall be open for inspection and reproduction to an employee
of a local department of social services who needs the record to determine the eligibility of the pupil's
family for public assistance and social services;
4. The principal or his designee may disclose identifying information from a pupil’s scholastic record for
the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to
adjudication. In addition to those agencies or personnel identified in subdivisions A 5 and 7, the
principal or his designee may disclose identifying information from a pupil’s scholastic record to
attorneys for the Commonwealth, court services units, juvenile detention centers or group homes,
mental and medical health agencies, state and local children and family service agencies, and the
Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such
scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the
principal or his designee that the information will not be disclosed to any other party, except as provided
under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is
18 years of age or older.

§ 22.1-287.02. Students’ personally identifiable information.
A. The Department of Education shall develop and make publicly available on its website policies to
ensure state and local compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C.
§ 1232g) and state law applicable to students’ personally identifiable information, including policies for (i)
access to students’ personally identifiable information and (ii) the approval of requests for student data
from public and private entities and individuals for the purpose of research.
B. In cases in which electronic records containing personally identifiable information are reasonably
believed by the Department of Education or a local school division to have been disclosed in violation of
the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) or other federal or state law
applicable to such information, the Department or local school division shall notify, as soon as practicable,
the parent of any student affected by such disclosure, except as otherwise provided in § 32.1-127.1:05 or
18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii)
type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures
taken or planned in response to the disclosure.

§ 22.1-288.2. Receipt, dissemination and maintenance of records of certain law-enforcement
information.
A. A division superintendent shall disseminate the notice or information regarding an adjudication of
delinquency or conviction for an offense listed in subsection G of § 16.1-260, contained in a notice
received by him pursuant to § 16.1-305.1 to school personnel responsible for the management of student
records and to other relevant school personnel, including, but not limited to, the principal of the school in
which the student is enrolled. The principal shall further disseminate such information to licensed
instructional personnel and other school personnel who (i) provide direct educational or support services
to the student and (ii) have a legitimate educational interest in such information.
B. A parent, guardian or other person having control or charge of a student in a public school and, with
consent of a parent or in compliance with a court order, the court in which the disposition was rendered,
shall be notified in writing of any disciplinary action taken with regard to any incident upon which the
adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260 was based
and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to
request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, the notice shall become a part of the student's disciplinary record.

C. When a superintendent receives notice of the filing of a petition from the intake officer in accordance with § 16.1-260, or upon request of a court services unit for information made in conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent shall provide information regarding the student's educational and attendance status to the intake officer or court services unit, as the case may be. Whenever a division superintendent receives notice of a student's commitment to the Department of Juvenile Justice, the superintendent or his designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" also shall not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.
Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

§ 22.1-289.01. School service providers; school-affiliated entities; student personal information.

A. For the purposes of this section:

"Elementary and secondary school purposes" means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel, or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

"Machine-readable format" means a structured format that can automatically be read and processed by a computer such as comma-separated values (CSV), Javascript Object Notation (JSON), or Extensible Markup Language (XML). "Machine-readable format" does not include portable document format (PDF).

"Personal profile" does not include account information that is collected and retained by a school service provider and remains under control of a student, parent, or elementary or secondary school.
“School-affiliated entity” means any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth. "School-affiliated entity" includes alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

"School service" means a website, mobile application, or online service that (i) is designed and marketed primarily for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is (a) used for the purposes of college and career readiness assessment or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies a currently or formerly enrolled individual student or is linked to information that identifies a currently or formerly enrolled individual student.

"Targeted advertising" means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information. "Targeted advertising" does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or (b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.

B. In operating a school service pursuant to a contract with a local school division, each school service provider shall:

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;

2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;

3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;

4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;

5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;

6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information.
information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service;

7. Require any successor entity or third party with whom it contracts to abide by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information; and

8. Upon the request of the school or school division, delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider; and

9. Provide, either directly to the student or his parent or through the school, access to an electronic copy of such student's personal information in a manner consistent with the functionality of the school service. Contracts between local school boards and school service providers may require that such electronic copy be in a machine-readable format.

C. In operating a school service pursuant to a contract with a local school division, no school service provider shall knowingly:

1. Use or share any student personal information for the purpose of targeted advertising to students;

2. Use or share any student personal information to create a personal profile of a student other than for elementary and secondary school purposes authorized by the school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider; or

3. Sell student personal information, except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with, or otherwise acquires the school service provider, subject to the provisions of subdivision B 7.

D. Nothing in this section shall be construed to prohibit school service providers from:

1. Using student personal information for purposes of adaptive learning, personalized learning, or customized education;

2. Using student personal information for maintaining, developing, supporting, improving, or diagnosing the school service;

3. Providing recommendations for employment, school, educational, or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;

4. Disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability, or (iii) protect the security or integrity of its school service; or

5. Disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by subdivision B 7, and (iii) requires the service provider to comply with the requirements set forth in subsection B and prohibitions set forth in subsection C.

E. Nothing in this section shall be construed to:

1. Impose a duty upon a provider of an electronic store, gateway, marketplace, forum, or means for purchasing or downloading software or applications to review or enforce compliance with this section with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum, or means;
2. Impose liability on an interactive computer service, as that term is defined in 47 U.S.C. Section 230(f), for content provided by another individual; or
3. Prohibit any student from downloading, exporting, transferring, saving, or maintaining his personal information, data, or documents.

F. No school service provider in operation on June 30, 2016, shall be subject to the provisions of this section until such time as the contract to operate a school service is renewed.

REGULATIONS

8 VAC 20-81-160. Discipline procedures.

J. Information on disciplinary actions. (34 CFR 300.229)
   1. The Virginia Department of Education requires that local educational agencies include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.
   2. Local educational agencies are responsible for transmitting the statement to the Virginia Department of Education upon request to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.
   3. The statement may include:
      a. A description of any behavior engaged in by the child who required disciplinary action;
      b. A description of the disciplinary action; and
      c. Any other information that is relevant to the safety of the child and other individuals involved with the child.
   4. If the child transfers from one school to another, the transmission of any of the child’s records shall include the child’s current IEP and any statement of current or previous disciplinary action that has been taken against the child.

8 VAC 20-660-40. Maintenance and transfer of the scholastic record.

A. Within two business days of the court’s order of commitment to the Department of Juvenile Justice, the student’s probation/parole officer will request the scholastic record from the school division where the student was last enrolled.
B. The reenrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or detention home education program within five business days of receipt of the probation officer’s request.
C. The school division where the student was last enrolled (sending school division) will maintain the student’s scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education or detention home education program will provide copies of year-end transcripts to the reenrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.
D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.
E. School divisions shall provide current contact information for reenrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.
A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:
   4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to Section 22.1-79.4;

§ 22.1-269.1. Alternative attendance programs.
C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.

The Department of Education shall annually collect from each school board and publish on its website data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. Such data shall (i) be published in a manner that protects the identities of individual students; (ii) be disaggregated by local school division and by student race, ethnicity, gender, and disability; and (iii) include:
   1. The number of students enrolled in alternative education programs pursuant to each of the five clauses set forth in subsection A of Section 22.1-277.2:1;
   2. The number of students enrolled in alternative education programs who have received (i) a short-term suspension, (ii) a long-term suspension, or (iii) an expulsion;
   3. The current availability of various categories of alternative education programs available to all students and not solely special education students, including full-day programs with on-site, in-school teacher instruction; full-day programs with off-site, out-of-school teacher instruction; primarily virtual instruction; home-based or home-bound instruction; partial-day instruction; and any other category that the Department of Education may identify;
   4. The average length of enrollment in an alternative education program per program during each school year;
   5. The number of students who transition within the same school year from an alternative education program back into the school at which they were enrolled immediately preceding enrollment in the alternative education program; and
   6. Relevant student achievement data, as determined by the Department of Education.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.
B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.
REGULATIONS

8 VAC 20-560-10. Reportable incidents.
The principal of each public school shall collect and maintain information on the following events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semi-annually to the division superintendent on dates established by the superintendent. The division superintendent shall submit annually to the Department of Education, on forms provided by the department, an aggregate report of such incidents on or before the last day of October.

1. Incidences of crime and violence.
   a. Physical battery.
      (1) On school personnel by students.
      (2) On students by students.
      (3) On students by persons other than students.
   b. Sexual battery.
      (1) On school personnel by students.
      (2) On students by students.
      (3) On students by persons other than students.
   c. Homicides.
      (1) On school personnel by students.
      (2) On students by students.
      (3) On students by persons other than students.
   d. Possession of weapons.
   e. Possession of alcohol.
   f. Possession of drugs.
   g. Possession of tobacco products.

2. Students involved in incident of crime and violence.
   a. Total number of students involved in physical assaults.
      (1) Perpetrator (categorized by grade and gender).
      (2) Victims (categorized by grade and gender).
   b. Total number of students involved in sexual battery.
      (1) Perpetrator (categorized by grade and gender).
      (2) Victims (categorized by grade and gender).
   c. Total number of students involved in homicides.
      (1) Perpetrator (categorized by grade and gender).
      (2) Victims (categorized by grade and gender).
   d. Total number of students involved in possession of weapons (categorized by grade and gender).
   e. Total number of students involved in possession of alcohol (categorized by grade and gender).
   f. Total number of students referred (by self or others) for assistance with substance abuse problems (categorized by grade and gender).
   g. Total number of students involved in possession of drugs (categorized by grade and gender).

A. Each school shall have written policies and procedures made available annually to students, parents, and placing agencies that include, but are not limited to:

1. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.
2. A statement that corporal punishment and abusive techniques and interventions are not authorized, permitted, or condoned.
3. A statement that behavior management techniques are applied in order of their degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained personnel.

B. Physical restraint or seclusion is allowed only in an emergency situation and only when it is necessary to protect the student or another person from imminent danger of serious physical harm after less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate.

1. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, a revision of behavioral strategies currently in place to address dangerous behavior. If positive behavioral strategies are not in place, staff shall develop them.
2. In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school shall have a plan developed in consultation with the parent for (i) teaching and supporting more appropriate behavior and (ii) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.
3. Physical restraint or seclusion shall not be used for disciplinary reasons, as a punishment, or for staff's convenience.
4. Each student is entitled to be completely free from any unnecessary use of physical restraint or seclusion.
5. Staff shall continuously monitor the use of physical restraint and seclusion and shall not rely on an electronic surveillance device.
6. Physical restraint may only be implemented, monitored, or discontinued by staff who have received proper training.
7. The door to any room in which a student is secluded may be held shut only when a staff member is personally securing it. The door must immediately disengage when the staff member steps away from it. The room must meet specification including size and viewing panels that ensure the student's safety at all times including during a fire or other emergency.
8. Schools shall permit parents to inspect any area used during an emergency for the purpose of seclusion.
9. The parent shall be informed on the day of each incident of physical restraint or seclusion. The student’s home school division and placing agency shall be informed as soon as possible but within 24 hours of the occurrence.
10. Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, justification for the physical restraint or seclusion, behavior antecedents, less restrictive interventions that were unsuccessfully attempted prior to using physical restraint or seclusion, duration, description of method or methods of physical restraint techniques used, signature of the person completing the report and date, and reviewer's signature and date. The written report shall be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff.
11. Schools shall collect and annually report to the department the number of times restraint and seclusion were used during the school year. The data shall be disaggregated by students and number of occurrences.

8 VAC 20-730-30. Data collection and reporting.
Data collection shall begin on the first day students attend for the school year. Each school division shall provide student level attendance data for each student that includes the number of unexcused absences in a manner prescribed by the Virginia Department of Education. A student's attendance is cumulative and begins on the first official day of the school year or the first day the student is officially enrolled. All nonattendance days are cumulative and begin with the first absence. For purposes of this data collection, truancy shall start with the first unexcused absence and will be cumulative.

Excused and unexcused absences shall be counted for each individual student and shall be reported to the Virginia Department of Education as follows:

1. All excused and unexcused absences as defined in this chapter for each individual student shall be collected.
2. For each student with five unexcused absences, whether an attendance plan was developed, and if not, the reason.
3. For each student with six unexcused absences, whether an attendance conference was scheduled, and if not, the reason.
4. For each student with six unexcused absences, whether an attendance conference was actually held, and if not, the reason.
5. For each student with seven unexcused absences, whether a court referral was made or if proceedings against the parent or parents were initiated and, if not, the reason.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§ 22.1-266. Law-enforcement officers and truant children.
A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.
B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.
C. For the purposes of this section, “truancy center” means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

§ 9.1-102. Powers and duties of the Board and the Department.
The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.
The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

54. Establish compulsory minimum training standards for certification and recertification of law enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; and

§ 9.1-114.1. Compliance with minimum training standards by school resource officers.
Every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, shall comply with the compulsory minimum training standards for school resource officers established by the Board within a period of time fixed by the Board. The Department shall ensure that such required training is available throughout the Commonwealth.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

Local school boards and private or religious schools may employ school security officers, as defined in § 9.1-101, for the purposes set forth therein. Such school security officer may carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board or private or religious school he (a) was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth or (b) was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer as defined in § 9.1-101; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications described in subsection C of § 18.2-308.016; (iv) he has provided proof of completion of a training course that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment to the Department of Criminal Justice Services pursuant to subdivision 42 of § 9.1-102, provided that if he received such training from a local law-enforcement agency he received the training in the locality in which he is employed; (v) the local school board or private or religious school solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from
possessing, purchasing, or transporting a firearm; and (vi) the local school board or private or religious school grants him the authority to carry a firearm in the performance of his duties.

REGULATIONS

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Approved instructor" means a person who has been approved by the department to instruct in the school security officer training course.

"Approved training" means training approved by the department to meet compulsory minimum training standards.

"Approved training session" means a training session that is approved by the department for the specific purpose of training school security officers.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as school security officers.

"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the board.

"Date of hire" means the date any employee of a school board or system is hired to provide security services for a school and whom the department must regulate.

"Department" means the Department of Criminal Justice Services or any successor agency.

"Director" means the chief administrative officer of the department or his designee.

"In-service training requirement" means the compulsory in-service training standards adopted by the board for school security officers.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"This chapter" means the Regulations Relating to School Security Officers (6VAC20-240).

"Training certification" means verification of the successful completion of any training requirement established by this chapter.

"Training requirement" means any entry-level or in-service training or retraining standard established by this chapter.

A. In addition to meeting all the hiring requirements of the employing school board, all school security officers who enter upon the duties of such office on or after September 1, 2004, are required to meet the following minimum certification and training requirements. Such person shall:

1. Undergo a background investigation to include fingerprint-based criminal history record inquiry of both the Central Criminal Records Exchange (CCRE) and the Federal Bureau of Investigation (FBI). Results of such inquiries shall be examined by the employing school division within 30 days of date of hire;
2. Have a high school diploma, have passed the General Educational Development exam, or have passed the National External Diploma Program;

3. Be a minimum of 21 years of age;

4. Possess a valid driver's license if required by the duties of office to operate a motor vehicle;

5. Successfully complete basic first aid training. The level and substance of such training shall be at the discretion of the employing school division;

6. Comply with compulsory minimum entry-level training requirements approved by the board:
   a. Every school security officer hired on or after September 1, 2004, is required to comply with the compulsory minimum training standards within 60 days of the date of hire as a school security officer.
   b. The compulsory minimum training shall consist of a Department of Criminal Justice Services-approved security officer training course developed by the department. Such training shall include but not be limited to:
      (1) The role and responsibility of school security officers;
      (2) Relevant state and federal laws;
      (3) School and personal liability issues;
      (4) Security awareness in the school environment;
      (5) Mediation and conflict resolution;
      (6) Disaster and emergency response; and
      (7) Student behavioral dynamics.
   c. The compulsory minimum training shall include a test for each module approved and provided by the department with a minimum passing grade of 80% on each module;

7. Submit to the department a properly completed and signed application for certification from the localities in a format provided by the department.

B. All costs associated with the background investigation, submission of fingerprints for criminal history record inquiries, and basic first aid training to meet the hiring requirements are the responsibility of that locality.

C. The department may grant an extension of the time limit for completion of the compulsory minimum training standards under the following documented conditions:
   1. Illness or injury;
   2. Military service;
   3. Special duty required and performed in the public interest;
   4. Administrative leave, full-time educational leave or suspension pending investigation or adjudication of a crime; or
   5. Any other reasonable situation documented by the employing school division superintendent or designee.

D. The director may grant an exemption or partial exemption from the compulsory minimum training standards set forth in this chapter to a law-enforcement officer of the Commonwealth who has had previous experience and training as provided in § 9.1-114 of the Code of Virginia.
MOUs, authorization and/or funding

LAWS

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or private or religious school on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § 9.1-101, in middle and high schools within the relevant school division. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety and prevent truancy and violence in schools.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school
resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of Section 22.1-280.2:3.

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.
Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within 10 school days with the pupil, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 15 school days after the sixth absence. Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.
Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.
The attendance officer or the division superintendent or his designee shall check the reports submitted pursuant to subsection A of § 22.1-260 with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer or the division superintendent or his designee shall, within five days after receiving all reports submitted pursuant to subsection A of § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It shall be the duty of the attendance officer, on behalf of the local school board, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 22.1-266. Law-enforcement officers and truant children.
A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or (ii) the law-enforcement officer or attendance officer reasonably determines to be a public school student and by reason of the child's age and circumstances is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the appropriate public school, alternative education program, or truancy center and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

Local school boards and private or religious schools may employ school security officers, as defined in § 9.1-101, for the purposes set forth therein. Such school security officer may carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board or private or religious school he (a) was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth or (b) was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer as defined in § 9.1-101; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications described in subsection C of § 18.2-308.016; (iv) he has provided proof of completion of a training course that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment to the Department of Criminal Justice Services pursuant to subdivision 42 of § 9.1-102, provided that if he received such training from a local law-enforcement agency he received the training in the locality in which he is employed; (v) the local...
school board or private or religious school solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the local school board or private or religious school grants him the authority to carry a firearm in the performance of his duties.

REGULATIONS

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Approved instructor" means a person who has been approved by the department to instruct in the school security officer training course.

"Approved training" means training approved by the department to meet compulsory minimum training standards.

"Approved training session" means a training session that is approved by the department for the specific purpose of training school security officers.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as school security officers.

"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the board.

"Date of hire" means the date any employee of a school board or system is hired to provide security services for a school and whom the department must regulate.

"Department" means the Department of Criminal Justice Services or any successor agency.

"Director" means the chief administrative officer of the department or his designee.

"In-service training requirement" means the compulsory in-service training standards adopted by the board for school security officers.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"This chapter" means the Regulations Relating to School Security Officers (6VAC20-240).

"Training certification" means verification of the successful completion of any training requirement established by this chapter.

"Training requirement" means any entry-level or in-service training or retraining standard established by this chapter.
State Education Agency Support

State model policies and implementation support

LAWS

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than $2,500, either or both.

D. Each school board shall include in its code of student conduct, policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal to notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.
Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco product or nicotine vapor product, as those terms defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Juvenile Justice’s Division of Education and the relevant division superintendent as requiring a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned
to any regional alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program.

B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.

10. The number of children who may be assigned to the regional alternative education program during the school year.

11. A plan for transitioning the enrolled students into the relevant school division's regular program.

12. A current program of staff development and training.

§ 22.1-269.1. Alternative attendance programs.

C. From such funds as may be appropriated, the Board shall provide for the independent evaluation of this alternative attendance program and shall submit the evaluation to the Governor, the Senate, and the House of Delegates by January 1 of each year.
§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America’s Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America’s Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; an

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

REGULATIONS
Other or Uncategorized

Professional immunity or liability

LAWS

§ 8.01-47. Immunity of persons investigating or reporting certain incidents at school.
In addition to any other immunity he may have, any person who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials or other similar devices as described in clauses (vi) and (vii) of subsection A of § 22.1-279.3:1, alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, or information that an individual poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure.

§ 8.01-220.1:2. Civil immunity for teachers under certain circumstances.
A. Any teacher employed by a local school board in the Commonwealth shall not be liable for any civil damages for any acts or omissions resulting from the supervision, care or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct.
B. No school employee or school volunteer shall be liable for any civil damages arising from the prompt good faith reporting of alleged acts of bullying or crimes against others to the appropriate school official in compliance with §§ 22.1-279.6 and 22.1-291.4 and specified procedures.
C. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, to affect any claim occurring prior to the effective date of this law, or to prohibit any person subject to bullying or a criminal act from seeking redress under any other provision of law.

A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii) participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed concerning such allegations and whose information is derived solely from such interview or (v) is present during any court proceeding, who discloses or makes use of or knowingly permits the use of identifying information not otherwise available to the public concerning a juvenile who is suspected of being or is the subject of a proceeding within the jurisdiction of the juvenile court pursuant to subdivisions A 1 through 5 or subdivision A 7 of § 16.1-241 or who is in the custody of the State Department of Juvenile Justice, which information is directly or indirectly derived from the records or files of a law-enforcement agency, court or the Department of Juvenile Justice or acquired in the course of official duties, is guilty of a Class 3 misdemeanor.
B. The provisions of this section shall not apply to any law-enforcement officer or school employee who discloses to school personnel identifying information concerning a juvenile who is suspected of committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is
committed or alleged to have been committed on school property during a school-sponsored activity or on
the way to or from such activity, if the disclosure is made solely for the purpose of enabling school
personnel to take appropriate disciplinary action within the school setting against the juvenile. Further, the
provisions of this section shall not apply to school personnel who disclose information obtained pursuant
to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made in compliance with those sections.

§ 22.1-266. Law-enforcement officers and truant children.
A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9.1-101 or
any attendance officer may pick up any child who (i) is reported to be truant from a public school by a
school principal or division superintendent or (ii) the law-enforcement officer or attendance officer
reasonably determines to be a public school student and by reason of the child's age and circumstances
is either truant from public school or has been expelled from school and has been required to attend an
alternative education program pursuant to § 22.1-254 or § 22.1-277.2:1, and may deliver such child to the
appropriate public school, alternative education program, or truancy center and personnel thereof without
charging the parent or guardian of such child with a violation of any provision of law.
B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any
acts or omissions resulting from picking up or delivering a public school child as provided in subsection A
when such acts or omissions are within the scope of the employment of such law-enforcement officer or
attendance officer and are taken in good faith, unless such acts or omissions were the result of gross
negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any
defense or immunity already existing in statutory or common law or to affect any claim occurring prior to
the effective date of this law.
C. For the purposes of this section, "truancy center" means a facility or site operated by a school division,
sometimes jointly with the local law-enforcement agency, and designated for receiving children who have
been retrieved by a law-enforcement officer or attendance officer for truancy from school.

§ 22.1-279.3. Parental responsibility and involvement requirements.

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by
petition to the juvenile and domestic relations court, proceed against such parent for willful and
unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as
follows

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

§ 22.1-209.1:2. Regional alternative education programs for certain students.
B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing
bodies to offer a regional alternative education option as provided in subsection A, and a plan for the
apportionment of responsibilities for the administration, management, and support of the program,
including, but not limited to, the facilities and location for the program, daily operation and oversight,
staffing, instructional materials and resources, transportation, funding and in-kind services, and the
program of instruction.
2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.

10. The number of children who may be assigned to the regional alternative education program during the school year.

11. A plan for transitioning the enrolled students into the relevant school division's regular program.

12. A current program of staff development and training.

§ 22.1-279.3. Parental responsibility and involvement requirements.

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local school boards' authority; Board of Education to promulgate regulations.

A. As used in this section:

"School crime line" means a confidential, anonymous system providing inducements for students to report any unlawful act occurring in school buildings or on school grounds or during school-sponsored activities to local law-enforcement authorities which is established as a cooperative alliance between the local school board, news media, the community, and law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors or as part of a local "Crime Stoppers" program.

B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance.
with news media, the community, and law-enforcement authorities to receive, screen, and reward student reports of unlawful acts committed in school buildings or on school grounds or at school functions, when such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement personnel shall staff every school crime line program, receive reported information from anonymous student callers, screen such information, and direct information for further investigation, as may be appropriate.

C. Such programs may be established (i) by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a separate nonprofit corporation initiated jointly by the local school board, news media, the community, and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime Stoppers" program.

The governing board of any separate nonprofit school crime line corporation shall include broad-based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and formulate a system of rewards. Prior to implementation of any school crime line program and annually thereafter, the local school board shall review and approve, as complying with the Board of Education's regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers" corporation operating a school crime line. No school crime line program shall be implemented or revised without first obtaining the local school board's approval. Every local school board developing a school crime line program shall also notify all students and their parents or other custodian of the procedures and policies governing the program prior to implementation and annually thereafter.

D. By July 1, 1994, the Board of Education shall promulgate regulations for the implementation of school crime lines, including, but not limited to, appropriate fund raising, and the appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of law, including the civic duty to report crime without compensation.

E. Local school boards may establish, as a separate account, a school crime line fund, consisting of private contributions, local appropriations specifically designated for such purposes, and such funds as may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or local funds appropriated for educational purposes shall be used to implement a school crime line.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Virginia provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>School Climate, VDOE</td>
<td>Provides updates on school climate and working conditions survey, information on school engagement, models for implementation and other related resources to school climate.</td>
<td><a href="http://www.doe.virginia.gov/support/school-climate/index.shtml">http://www.doe.virginia.gov/support/school-climate/index.shtml</a></td>
</tr>
<tr>
<td>Student Support and Conduct, VDOE</td>
<td>Provides links to guidelines and model policies to aid schools in the development and implementation of codes of student conduct and related policies.</td>
<td><a href="http://www.doe.virginia.gov/support/student_conduct/index.shtml">http://www.doe.virginia.gov/support/student_conduct/index.shtml</a></td>
</tr>
<tr>
<td>Virginia Tiered Systems of Support (VTSS), VDOE</td>
<td>Provides resources and information supporting implementation of the Virginia Tiered System of Supports (VTSS) to align academics, behavior and social emotional wellness into a single decision-making framework.</td>
<td><a href="https://vtss-ric.org/">https://vtss-ric.org/</a></td>
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**Documents**
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<th>Title</th>
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<tr>
<td>Discipline of Children with Disabilities (Revised 2010), VDOE</td>
<td>Guidance document providing technical assistance to school administrators, parents, teachers as they make decisions about discipline in accordance with IDEA.</td>
<td><a href="http://www.doe.virginia.gov/support/student_conduct/discipline_children_disabilities.pdf">http://www.doe.virginia.gov/support/student_conduct/discipline_children_disabilities.pdf</a></td>
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<td><strong>Other Resources</strong></td>
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**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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**General Provisions**

Authority to develop and establish rules of conduct

**LAWS**

**RCW 28A.150.300. Corporal punishment prohibited - Adoption of policy.**

The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts.

**RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(1) By September 1, 2003, each school district board of directors shall adopt a policy that addresses the following issues:

   (a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm";

   (b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

   (c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student.

(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

**RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.**

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public
instruction under **RCW 28A.600.015**. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

(3) Suspend, expel, or discipline pupils in accordance with **RCW 28A.600.015**.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

**RCW 28A.600.015. Rules incorporating due process guarantees of pupils with regard to expulsions and suspensions.**

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible:

PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

**RCW 28A.600.040. Pupils to comply with rules and regulations.**

All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.
(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

REGULATIONS


(1) Each school district must adopt a harassment, intimidation, and bullying prevention policy and procedure as provided for in RCW 28A.300.285.

(2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district's procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district's harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

(3) This section is not intended to limit the scope of RCW 28A.300.285 or the use of a school district's procedures adopted under RCW 28A.300.285.

WAC 392-400-015. Authority.
The authority for this chapter is RCW 28A.600.015 and 28A.600.020, which require the office of superintendent of public instruction to establish rules that prescribe the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, school districts.

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;
(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student’s perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;

(k) Provide a process for students who have been suspended or expelled to petition for readmission; and

(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district’s discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district’s discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.
Scope

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

RCW 28A.225.005. Information for students and parents.
(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.
(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

RCW 28A.320.211. Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review.
(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.
(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.
(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

RCW 28A.600.010. Enforcement of rules of conduct - Due process guarantees - Computation of days for short-term and long-term suspensions.
Every board of directors, unless otherwise specifically provided by law, shall:
(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such
substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

RCW 28A.600.486. District policy on the use of isolation and restraint - Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.

Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created.

REGULATIONS

WAC 392-190-058. Sexual harassment - Notification.

(1) The school district's or public charter school's sexual harassment policy must be easily understood and conspicuously posted throughout each school building and provided to each employee.

(2) Information about the school district's or public charter school's sexual harassment policy and complaint procedure must appear in any publication of a school, school district, or public charter school that sets forth the rules, regulations, procedures, and standards of conduct for the school, school district, or charter school. School districts and public charter schools that do not provide such a publication must provide written information about the district's or charter school's sexual harassment policy and complaint procedure to each student, parent or guardian, employee, and volunteer.

(3) Each school district and public charter school must develop a process for discussing the district's or charter school's sexual harassment policy. The process must ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

WAC 392-190-060. Compliance - School district or public charter school - Designation of responsible employee - Notification.

(1) The superintendent of each school district or the public charter school governing board must designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with this chapter and the guidelines adopted under WAC 392-190-005. The employee designated under this section is also responsible for ensuring that all complaints communicated to the school district or public charter school under WAC 392-190-065 are promptly investigated and resolved.

(2) Each school district and public charter school must, once each year or more often as deemed necessary, publish notice in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees of the complaint procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075. School districts and public charter schools must provide this notice in a language that each parent and guardian can understand, which may require language assistance for parents and guardians with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.
(3) Each school district and public charter school must include a nondiscrimination statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees. The statement must include:

(a) Notice that the district or public charter school may not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal;

(b) The name or title, office address, and telephone number of the employee or employees designated under this section, as well as the employees designated to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972; and

(c) Pursuant to the Boy Scouts of America Equal Access Act, notice that the school district or public charter school provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.

(4) School districts and public charter schools must not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under this chapter or have the effect of discouraging any person from utilizing the complaint procedure in WAC 392-190-065 through 392-190-075. School districts and public charter schools must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by this chapter or the guidelines adopted under WAC 392-190-005 or because the individual has made a complaint or participated in an investigation under this chapter.

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an
opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;

(k) Provide a process for students who have been suspended or expelled to petition for readmission; and

(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

WAC 392-405-010. Purpose.
The purpose of this chapter is to establish the requirements school districts must meet when communicating the district's harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

WAC 392-405-020. School district rules defining harassment, intimidation and bullying prevention policies and procedures - Distribution of rules.

(1) A school district's harassment, intimidation and bullying policy and procedure must be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis.

(2) A school district must, at a minimum, the following materials:

(a) The district's policy and procedure;

(b) A harassment, intimidation, and bullying incident reporting form; and

(c) Current contact information for the district's harassment, intimidation and bullying compliance officer.

(3) If a school district does not distribute the policy and procedure to all parents or guardians, students, employees, and volunteers, the district must provide notice that describes the contents of the policy and procedure and specifies the person(s) to contact for a copy. The notice must be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.
(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

REGULATIONS

WAC 392-400-025. Definitions.
As used in this chapter the terms:
(2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in WAC 392-400-330 and 392-400-335. Classroom exclusion does not include actions that result in missed instruction for a brief duration when:
(a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
(b) The student remains under the supervision of the teacher or other school personnel during such brief duration.

WAC 392-400-330. Classroom exclusions - Conditions and limitations.
(1) Authority to administer classroom exclusions.
(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.
(b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's
discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

(2) Other forms of discipline. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student’s presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(3) Limitations on classroom exclusion.

(a) Duration of classroom exclusion. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(b) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(4) Assignments and tests. The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

WAC 392-400-335. Classroom exclusion - Notice and procedure.

Following a classroom exclusion under WAC 392-400-330:

(1) Notice to principal. The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

(2) Notice to parents. The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(3) Emergency circumstances. When a teacher or school personnel administers a classroom exclusion on the grounds that the student’s presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

(a) The teacher or other school personnel must immediately notify the principal or designee; and

(b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

Alternatives to suspension

LAWS


(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in
connection with the short-term suspension of students to the extent constitutionally permissible:

Provided, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;
(b) An offense in RCW 13.04.155;
(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or
(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.

(7) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.
RCW 28A.600.410. Alternatives to suspension - Encouraged.
School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

RCW 28A.150.300. Corporal punishment prohibited - Adoption of policy.
The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts.

REGULATIONS

WAC 392-400-825. Corporal punishment, restraint, and isolation.
(1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:
   (a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
   (b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
   (c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.
(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

Use of student and locker searches

LAWS

RCW 28A.225.031. Alcohol or controlled substances testing - Authority to order.
The authority of a court to issue an order for testing to determine whether the child has consumed or used alcohol or controlled substances applies to all persons subject to a petition under RCW 28A.225.030 regardless of whether the petition was filed before July 27, 1997.
The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

RCW 28A.600.220. School locker searches - No expectation of privacy.
No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240.

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:
   (a) The methods used are reasonably related to the objectives of the search; and
   (b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

RCW 28A.600.240. School locker searches - Notice and reasonable suspicion requirements.
(1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW 28A.600.230(2).

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.
REGULATIONS

WAC 392-400-825. Corporal punishment, restraint, and isolation.

(1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or

(c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.

(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

RCW 28A.600.455. Gang activity - Suspension or expulsion.
(1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.
(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.
(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.
(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

REGULATIONS

WAC 392-400-025. Definitions.
(6) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
(7) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
(14) "Suspension" means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.
   (a) "In-school suspension" means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
   (b) "Long-term suspension" means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
   (c) "Short-term suspension" means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents’ or students’ grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;

(k) Provide a process for students who have been suspended or expelled to petition for readmission; and

(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of
1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

1. Parent involvement. A school district must:
   (a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and
   (b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

2. Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

3. Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

4. Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

5. Reentry. After suspending or expelling a student, a school district must:
   (a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.
   (b) Allow the student to petition for readmission at any time.

6. Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

7. Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

8. End date.
   (a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.
   (b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:
      (i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;
      (ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or
      (iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-510. Emergency expulsions - Conditions and limitations.

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:
(1) Sufficient cause. The school district must have sufficient cause to believe that the student's presence poses:
   (a) An immediate and continuing danger to other students or school personnel; or
   (b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) Determination of immediate and continuing threat of disruption. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:
   (a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
   (b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) Time limit. An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:
   (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
   (b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

Grounds for mandatory suspension or expulsion

LAWS

RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.
(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

RCW 28A.635.060. Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected.
(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil
responsible for the damage or loss until the pupil or the pupil’s parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils’ rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child’s records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

RCW 28A.635.090. Interference by force or violence - Penalty.

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment.

REGULATIONS

WAC 392-400-025. Definitions.

(6) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.

(7) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.

(14) "Suspension" means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

(a) “In-school suspension” means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) “Long-term suspension” means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) “Short-term suspension” means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

**RCW 28A.320.123. School-based threat assessment program.**

(1) At a minimum, a school-based threat assessment program must:

(a) Provide for timely and methodical school-based threat assessment and management;

(b) Be prompted by the behavior of a student rather than some combination of a student’s demographic and personal characteristics;

(c) Convene a multidisciplinary, multiagency team, including special education teachers and practicing educational staff associates, to:

(i) Identify and assess the behavior of a student that is threatening, or potentially threatening, to self, other students, staff, school visitors, or school property;

(ii) Gather and analyze information about the student’s behavior to determine a level of concern for the threat that focuses on situational variables, rather than the student’s demographic or personal characteristics;

(iii) Depending on the determined level of concern, develop and implement intervention strategies to manage the student’s behavior in ways that promote a safe, supportive teaching and learning environment, without excluding the student from the school; and

(iv) In the case of the threatening, or potentially threatening, behavior of a student with disabilities, align intervention strategies with the student’s individualized education program or plan developed under section 504 of the rehabilitation act of 1973 by coordinating with the student’s individualized education program or section 504 plan team;

(d) Create guidelines for each threat assessment team to collect, report, and review quantitative data on its activities; and

(e) Prohibit suspension or expulsion based merely on threat assessment referral or performance.

(2) By the beginning of the 2020-21 school year, each school district shall adopt a policy and procedure to establish a school-based threat assessment program that meets the requirements of subsection (1) of this section. The school district policy and procedure must be consistent with the model policy and procedure developed under RCW 28A.300.640, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) “School-based threat assessment” means the formal process, established by a school district, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the threat is likely to be carried out.

(b) “School-based threat management” means the development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students.
**RCW 28A.600.015. Rules incorporating due process guarantees of pupils - Informal due process procedures for short-term suspension of students.**

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible:

PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;
(b) An offense in RCW 13.04.155;
(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or
(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in
returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

REGULATIONS

WAC 392-400-115. Completing academic requirements.
A school district may not:

(1) Suspend the provision of educational services to a student in response to behavioral violations; or

(2) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

Administrative procedures related to suspension and expulsion

LAWS

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors.
under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;
(b) An offense in RCW 13.04.155;
(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or
(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.
A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280; or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

**RCW 28A.600.022. Suspended or expelled students - Reengagement plan.**

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.
RCW 28A.635.060. Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected.

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

REGULATIONS

WAC 392-400-010. Purpose.

The purpose of this chapter is to ensure that school districts in Washington:

1. Provide due process to students;
2. Implement culturally responsive discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;
3. Engage school personnel, students, parents, families, and the community in decisions related to the development and implementation of discipline policies and procedures;
4. Ensure fairness and equity in the administration of discipline;
5. Administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;
6. Provide educational services that students need to complete their education without disruption;
7. Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion; and
8. Provide a safe and supportive learning environment for all students.

WAC 392-400-020. Application.

1. This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.
(2) This chapter must be construed in a manner consistent with the following laws and rules:
   (a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;
   (b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;
   (c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;
   (d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;
   (e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and
   (f) RCW 28A.415.410 and 28A.415.420, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

**WAC 392-400-330. Classroom exclusions - Conditions and limitations.**

(1) Authority to administer classroom exclusions.
   (a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.
   (b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

(2) Other forms of discipline. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(3) Limitations on classroom exclusion.
   (a) Duration of classroom exclusion. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.
   (b) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(4) Assignments and tests. The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.
WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.
A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

1. Parent involvement. A school district must:
   a. Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and
   b. Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

2. Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

3. Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

4. Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

5. Reentry. After suspending or expelling a student, a school district must:
   a. Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.
   b. Allow the student to petition for readmission at any time.

6. Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

7. Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

8. End date.
   a. An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.
   b. If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:
      i. The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;
      ii. The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or
      iii. The student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-435. Short-term and in-school suspensions - Additional conditions and limitations.
(1) Other forms of discipline. Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
(2) Length of exclusion. A school district may not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

(3) Grade-level limitations.
   (a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term; and
   (b) A school district may not administer a short-term or in-school suspension for a student in grades five through twelve:
      (i) For more than fifteen cumulative school days during any single semester; or
      (ii) For more than ten cumulative school days during any single trimester.

(4) School personnel. When administering an in-school suspension, a school district must ensure school personnel:
   (a) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and
   (b) Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes as required under WAC 392-400-610.

WAC 392-400-440. Long-term suspensions - Additional conditions and limitations.

(1) Other forms of discipline. Before administering a long-term suspension, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Limitations on long-term suspensions. A school district may only administer a long-term suspension:
   (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
   (b) After the school district has determined that, if the student returned to school before completing a long-term suspension:
      (i) The student would pose an imminent danger to students or school personnel; or
      (ii) The student would pose an imminent threat of material and substantial disruption of the educational process.

(3) Length of exclusion.
   (a) A long-term suspension may not exceed the length of an academic term.
   (b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

(4) Grade-level limitations. Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade.

WAC 392-400-450. Suspensions and expulsions - Initial hearing with student.

(1) Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:
   (a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;
   (b) An explanation of the evidence regarding the behavioral violation;
   (c) An explanation of the discipline that may be administered; and
(d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

(2) Parent participation.

(a) Short-term and in-school suspensions. At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) Long-term suspensions and expulsions. At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

(3) Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

(4) Language assistance. The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-455. Suspensions and expulsions - Notice to student and parents.**

(1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

   (a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

   (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

   (c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

   (d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

   (e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

   (f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and

   (g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-460. Suspensions and expulsions - Optional conference with principal.**

(1) Requesting a conference. If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the
principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) Time limit. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) Conference. During the informal conference, the principal or designee must provide the student and parents the opportunity to:

(a) Share the student's perspective and explanation regarding the behavioral violation;
(b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
(c) Discuss other forms of discipline that may be administered.

(4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.


(1) Requesting an appeal. A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) Short-term and in-school suspensions.

(a) Appeal. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
(b) Appeal decision. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

(i) The decision to affirm, reverse, or modify the suspension;
(ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
(iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and
(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.

(a) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(i) The time, date, and location of the appeal hearing;
(ii) The name(s) of the official(s) presiding over the appeal;
(iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
(iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
(v) The student's and parents' rights under (f) of this subsection; and
(vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) Appeal hearing. The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.
   (i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
   (ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
   (iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
      (A) The district made a reasonable effort to produce the witness; and
      (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) Student and parent rights. During the appeal hearing, the student and parents have the right to:
   (i) Be represented by legal counsel;
   (ii) Question witnesses;
   (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
   (iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(h) Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:
   (i) The findings of fact;
   (ii) A determination whether:
      (A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;
(B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and

(C) The suspension or expulsion is affirmed, reversed, or modified;

(iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.

(5) Language assistance. The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) Pending appeal. If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

(a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;

(b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;

(c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

WAC 392-400-470. Suspensions and expulsions - Review and reconsideration.

(1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC 392-400-465.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the decision must be made by the school board.
(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and

(c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-475. Discipline appeal council.**

A school board may designate a discipline appeal council to hear and decide appeals under WAC 392-400-465 or to review and reconsider the district's appeal decisions under WAC 392-400-470. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

**WAC 392-400-480. Petition to extend expulsion.**

(1) Petition. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:

(a) The behavioral violation that resulted in the expulsion and the public health or safety concerns;

(b) The student's academic, attendance, and discipline history;

(c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;

(d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;

(e) The proposed extended length of the expulsion; and

(f) The student's reengagement plan.

(2) Time limit. The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee may petition to extend an expulsion at any time.

(3) Notice. The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:

(a) A copy of the petition;

(b) The student's and parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and

(c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.
(4) Written decision. The school district superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student’s previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

(a) If the petition is granted, the written decision must include:

(i) The date on which the extended expulsion will end;

(ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and

(iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.

(b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.

(5) Review and reconsideration.

(a) Requesting review. The students or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.

(b) Time limit. A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.

(c) Review procedure.

   (i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.

   (ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC 392-400-465.

(d) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

   (i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and

   (ii) The date on which the extended expulsion will end.

(6) Duration. Any extension of an expulsion may not exceed the length of an academic term.

(7) Language assistance. The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(8) Annual reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

**WAC 392-400-510. Emergency expulsions - Conditions and limitations.**

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:
(1) Sufficient cause. The school district must have sufficient cause to believe that the student's presence poses:
   (a) An immediate and continuing danger to other students or school personnel; or
   (b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) Determination of immediate and continuing threat of disruption. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:
   (a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
   (b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) Time limit. An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:
   (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
   (b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

WAC 392-400-520. Emergency expulsions - Optional conference with principal.
(1) Requesting a conference. If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) Time limit. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) Conference. During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

(4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525.

WAC 392-400-525. Emergency expulsions - Appeal.
(1) Requesting an appeal. A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.
(2) Time limit. A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.

(3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(a) The time, date, and location of the appeal hearing;
(b) The name(s) of the official(s) presiding over the appeal;
(c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
(d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
(e) The student's and parents' rights under subsection (7) of this section.

(4) Appeal hearing. The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

(5) Presiding official(s). The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) Evidence and witnesses.

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and
(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) Student and parent rights. The student and parents have the right to:

(a) Be represented by legal counsel;
(b) Question witnesses;
(c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) Appeal decision. The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:
(a) The findings of fact;
(b) A determination whether the student's presence continues to pose:
   (i) An immediate and continuing danger to students or school personnel; or
   (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
(c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480; and
(d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) Language assistance. The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-530. Emergency expulsions - Review and reconsideration.**

(1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) Review procedure.
   (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.
   (b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
   (c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:
   (a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:
      (i) An immediate and continuing danger to students or school personnel; or
      (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
   (b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the
school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-805. Fundamental rights.**

When administering discipline under this chapter, the school district must not:

1. Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;

2. Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;

3. Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;

4. Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or

5. Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

**WAC 392-400-815. Behavior agreements.**

1. General. A school district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.

2. Policies and procedures. A school district entering into behavior agreements under this section must adopt written policies and procedures authorizing the agreements.

3. Reengagement meetings and educational services. A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided under WAC 392-400-610.

4. Duration. The duration of behavior agreements must not exceed the length of an academic term.

5. Subsequent behavioral violations. Nothing in this section precludes a school district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

6. Language assistance. The school district must ensure any behavior agreement under this section is provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**In-school suspension**

**LAWS**

No relevant laws found.
REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

RCW 28A.600.022. Suspended or expelled students - Reengagement plan.
(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

REGULATIONS

(1) Requesting an appeal. A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) Short-term and in-school suspensions.
   (a) Appeal. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
   (b) Appeal decision. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:
      (i) The decision to affirm, reverse, or modify the suspension;
      (ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
      (iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and
      (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.
(a) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(i) The time, date, and location of the appeal hearing;
(ii) The name(s) of the official(s) presiding over the appeal;
(iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
(iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
(v) The student's and parents' rights under (f) of this subsection; and
(vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) Appeal hearing. The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.

(i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
   (A) The district made a reasonable effort to produce the witness; and
   (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) Student and parent rights. During the appeal hearing, the student and parents have the right to:

(i) Be represented by legal counsel;
(ii) Question witnesses;
(iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
(iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.
(h) Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:

(i) The findings of fact;

(ii) A determination whether:

(A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;

(B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and

(C) The suspension or expulsion is affirmed, reversed, or modified;

(iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.

(5) Language assistance. The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) Pending appeal. If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

(a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;

(b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;

(c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

WAC 392-400-710. Student reengagement after long-term suspension or expulsion.

(1) Reengagement meeting. When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:

(a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or

(b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

(2) Reengagement plan. The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual
circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:

(a) The nature and circumstances of the incident that led to the student's suspension or expulsion;
(b) As appropriate, students’ cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
(c) Shortening the length of time that the student is suspended or expelled;
(d) Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
(e) Supporting the student, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

(3) Documentation. The school district must document the reengagement plan and provide a copy of the plan to the student and parents.

(4) Language assistance. The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Student and parent rights. Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

**WAC 392-400-810. Exceptions for the purpose of protecting victims.**

In accordance with RCW 28A.600.460, a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows:

(1) Teacher victim. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher’s classroom for the duration of the student’s attendance at that school or any other school where the teacher is assigned;

(2) Student victim. A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student’s attendance at that school or any other school where the victim is enrolled.

**Use of restraint and seclusion**

**LAWS**

**RCW 9A.16.100. Use of force on children - Policy - Actions presumed unreasonable.**

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child’s parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child’s breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be
considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

**RCW 28A.600.485. Restraint of students- Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973- Procedures- Summary of incidents of isolation or restraint- Publishing to web site.**

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

   (a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

   (b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

   (c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.

(2) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities.

(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

   (b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.

(4) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:
(a) The date and time of the incident;
(b) The name and job title of the individual who administered the restraint or isolation;
(c) A description of the activity that led to the restraint or isolation;
(d) The type of restraint or isolation used on the student, including the duration;
(e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and
(f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

    (b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

RCW 28A.600.486. District policy on the use of isolation and restraint - Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.

Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created.

REGULATIONS

WAC 392-172A-02076. Prohibited practices.

(1) School district personnel are prohibited from using aversive interventions with a student eligible for special education, and are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined in WAC 392-172A-01092 and 392-172A-01109.

(2) There are certain practices that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or their illegality. The purpose of this section is to prohibit the use of certain practices with students eligible for special education as follows:

    (a) Electric current. No student may be stimulated by contact with electric current including, but not limited to, tasers.

    (b) Food services. A student who is willing to consume subsistence food or liquid when the food or liquid is customarily served must not be denied or subjected to an unreasonable delay in the provision of the food or liquid.
(c)(i) Force and restraint in general. A district must not use force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law. See RCW 9A.16.100, which prohibits the following uses of force or restraint including:

(A) Throwing, kicking, burning, or cutting a student.

(B) Striking a student with a closed fist.

(C) Shaking a student under age three.

(D) Interfering with a student's breathing.

(E) Threatening a student with a deadly weapon.

(F) Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

(ii) The statutory listing of worst case uses of force or restraint described in this subsection may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(d) Hygiene care. A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care.

(e) Isolation. A student must not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110.

(f) Medication. A student must not be denied or subjected to an unreasonable delay in the provision of medication.

(g) Noise. A student must not be forced to listen to noise or sound that the student finds painful.

(h) Noxious sprays. A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.

(i) Physical restraints. A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172A-02110.

(j) Taste treatment. A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration.

(k) Water treatment. A student's head must not be partially or wholly submerged in water or any other liquid.


(1) If the parent and the school district determine that a student requires advanced educational planning, the parent and the district may develop emergency response protocols to be used in the case of emergencies that pose an imminent likelihood of serious harm, as defined in this section. Emergency response protocols, if developed, must be incorporated into a student's IEP. Emergency response protocols shall not be used as a substitute for the systematic use of a behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior. Emergency response protocols are subject to the conditions and limitations as follows:

(a) The student's parent provides consent, as defined in WAC 392-172A-01040, in advance, to the emergency response protocols to be adopted;

(b) The emergency response protocols specify:

(i) The emergency conditions under which isolation, restraint, or restraint devices, if any, may be used;
(ii) The type of isolation, restraint, and/or restraint device, if any, that may be used;
(iii) The staff members or contracted positions permitted to use isolation, restraint, or restraint devices with the student, updated annually, and identify any required training associated with the use of isolation, restraint, or restraint device for each staff member or contracted position;
(iv) Any other special precautions that must be taken.

(c) Any use of isolation, restraint, and/or restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.

(d) Any staff member or other adults using isolation, restraint, or a restraint device must be trained and certified by a qualified provider in the use of isolation, restraint, or a restraint device.

(2) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485, regardless of whether the use of isolation, restraint, or restraint device is included in the student's emergency response protocols.

(3) Nothing in this section is intended to limit the application of a school district's policy developed under RCW 28A.600.485 to protect the general safety of students and staff from an imminent likelihood of serious harm.

(4) Nothing in this section is intended to limit the provision of a free and appropriate public education under Part B of the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973.

WAC 392-172A-02110. Isolation and restraint - conditions.

Any use of isolation, restraint, and/or restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The limited use of isolation, restraint, or restraint device not prohibited in WAC 392-172A-02076 is conditioned upon compliance with the following procedural and substantive safeguards:

(1) Isolation. The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The isolation must be discontinued as soon as the likelihood of serious harm has dissipated.
(b) The isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.
(c) The isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure.
(d) An adult responsible for supervising the student shall remain in visual or auditory range of the student at all times.
(e) Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.
(f) Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(2) Restraint. The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The restraint must be discontinued as soon as the likelihood of serious harm has dissipated.
(b) The restraint shall not interfere with the student's breathing.
(c) Any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.
(3) Restraint device. The use of a restraint device as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.
(b) The restraint device shall not interfere with the student's breathing.
(c) Either the student shall be capable of releasing himself or herself from the restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.
(d) Any staff member or other adults using a restraint device must be trained and certified by a qualified provider in the use of such restraint devices, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(4) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485.

WAC 392-400-825. Corporal punishment, restraint, and isolation.
(1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
(c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.
(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

Alternative placements

LAWS

RCW 28A.150.305. Alternative educational service providers - Student eligibility.
(1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

(a) Other schools;
(b) Alternative education programs not operated by the school district;
(c) Education centers;
(d) Skills [Skill] centers;
(e) The Washington national guard youth challenge program;
(f) Dropout prevention programs; or
(g) Other public or private organizations, excluding sectarian or religious organizations.
(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take a test to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district.

RCW 28A.300.360. Grants for programs and services - Truant, at-risk, and expelled students.
The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.
(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

REGULATIONS

WAC 392-172A-05140. Purpose.
The purpose of WAC 392-172A-05140 through 392-172A-05175 is to ensure that students eligible for special education services are not improperly excluded from school for disciplinary reasons and are provided services in accordance with WAC 392-172A-05145, 392-172A-05148, and 392-172A-05149. Each school district shall take steps to ensure that each employee, contractor, and other agent is knowledgeable of the disciplinary procedures to be followed for students eligible for special education and students who may be deemed to be eligible for special education, and knowledgeable of the rules and procedures contained in chapter 392-400 WAC governing discipline for all students.

WAC 392-172A-05145. Authority of school personnel.
(1) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student eligible for special education services, who violates a code of student conduct.
(2)(a) School personnel may remove a student eligible for special education who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational
setting, another setting, or suspension, for not more than ten consecutive school days to the extent those alternatives are applied to students without disabilities under this section, and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 392-172A-05155.

(b) A school district is only required to provide services during periods of removal to a student eligible for special education who has been removed from his or her current placement for ten school days or less in that school year, if it provides services to a student without disabilities who is similarly removed. The services may be provided in an interim alternative educational setting.

(3) After a student eligible for special education has been removed from his or her current placement for ten school days in the same school year, and the removal is a change of placement under WAC 392-172A-05155, during any subsequent days of removal the student must continue to receive educational services, that provide a FAPE, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student's IEP team determines appropriate services. The services may be provided in an interim alternative educational setting.

(4) After a student eligible for special education has been removed from his or her current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement under WAC 392-172A-05155, during any subsequent days of removals, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The services may be provided in an interim alternative educational setting.


On the date on which the decision is made to make a removal that constitutes a change of placement of a student eligible for special education because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents the procedural safeguards notice.

WAC 392-172A-05155. Change of placement because of disciplinary removals.

(1) For purposes of removals of a student eligible for special education from the student's current educational placement, because of disciplinary removals, a change of placement occurs if:

(a) The removal is for more than ten consecutive school days; or

(b) The student has been subjected to a series of removals that constitute a pattern:

(i) Because the series of removals total more than ten school days in a school year;

(ii) Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

(iii) Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

(2) The school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

(3) The determination regarding a disciplinary change of placement is subject to review through due process and judicial proceedings.

WAC 392-172A-05160. Appeal of placement decisions and manifestation determinations.

(1) The parent of a student eligible for special education who disagrees with any decision regarding placement under WAC 392-172A-05145 and 392-172A-05155, or the manifestation determination under
WAC 392-172A-05146, or a school district that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a due process hearing. The hearing is requested by filing a due process hearing request pursuant to WAC 392-172A-05080 and 392-172A-05085.

(2)(a) An administrative law judge under WAC 392-172A-05095 hears, and makes a determination regarding an appeal under subsection (1) of this section.

(b) In making the determination under (a) of this subsection, the administrative law judge may:

   (i) Return the student to the placement from which the student was removed if the administrative law judge determines that the removal was a violation of WAC 392-172A-05145 through 392-172A-05155 or that the student's behavior was a manifestation of the student's disability; or

   (ii) Order a change of placement of the student to an appropriate interim alternative educational setting for not more than forty-five school days if the administrative law judge determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(c) The procedures under subsection (1) of this section and (b) of this subsection may be repeated, if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

(3) Whenever a hearing is requested under subsection (1) of this section, the parents and the school district involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of WAC 392-172A-05080 through 392-172A-05090 and 392-172A-05100 through 392-172A-05110, except:

   (a) The due process hearing must be expedited, and must occur within twenty school days of the date the due process hearing request is filed. The administrative law judge must make a determination within ten school days after the hearing.

   (b) Unless the parents and school district agree in writing to waive the resolution meeting described in (b)(i) of this subsection, or agree to use the mediation process:

      (i) A resolution meeting must occur within seven days of receiving notice of the due process hearing request; and

      (ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen days of the receipt of the due process hearing request.

(4) The administrative hearing decisions on expedited due process hearings may be appealed, by initiating a civil action consistent with WAC 392-172A-05115.

**WAC 392-172A-05165. Placement during an appeal through a due process hearing.**

When either the parent or the school district requests a due process hearing, the student must remain in the interim alternative educational setting pending the decision of the administrative law judge or until the expiration of the time period specified in WAC 392-172A-05148 or 392-172A-05149, whichever occurs first, unless the parent and the school district agree otherwise.

**WAC 392-172A-05170. Protections for students not determined eligible for special education and related services.**

(1) A student who has not been determined to be eligible for special education and related services under this chapter and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this chapter if the school district had knowledge as determined in accordance with subsection (2) of this section that the student was a student eligible for special education before the behavior that precipitated the disciplinary action occurred.
(2) Basis of knowledge. A school district must be deemed to have knowledge that a student is eligible for special education if before the behavior that precipitated the disciplinary action occurred:

(a) The parent of the student expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services;

(b) The parent of the student requested an evaluation of the student pursuant to WAC 392-172A-03005; or

(c) The teacher of the student, or other personnel of the school district, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school district.

(3) A school district would not be deemed to have knowledge under subsection (2) of this section if:

(a) The parent of the student:

(i) Has not allowed an evaluation of the student pursuant to WAC 392-172A-03000 through 392-172A-03080; or

(ii) Has refused services under this chapter; or

(b) The student has been evaluated in accordance with WAC 392-172A-03005 through 392-172A-03080 and determined to not be eligible for special education and related services under this part.

(4)(a) If a school district does not have knowledge that a student is eligible for special education prior to taking disciplinary measures against the student, the student may be disciplined using the same disciplinary measures applied to students without disabilities who engage in comparable behaviors consistent with (b) of this subsection.

(b)(i) If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under WAC 392-172A-05145, 392-172A-05148, or 392-172A-05149 the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion.

(iii) If the student is determined to be eligible for special education services, taking into consideration information from the evaluation conducted by the school district and information provided by the parents, the agency must provide special education and related services in accordance with this chapter and follow the discipline requirements, including the provision of a free appropriate public education for students suspended or expelled from school.

WAC 392-172A-05175. Referral to and action by law enforcement and judicial authorities.

(1) Nothing in this chapter prohibits a school district or other agency from reporting a crime committed by a student to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student eligible for special education.

(2) An agency reporting a crime committed by a student eligible for special education must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

WAC 392-400-010. Purpose.

The purpose of this chapter is to ensure that school districts in Washington:

(1) Provide due process to students;
(2) Implement culturally responsive discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;

(3) Engage school personnel, students, parents, families, and the community in decisions related to the development and implementation of discipline policies and procedures;

(4) Ensure fairness and equity in the administration of discipline;

(5) Administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;

(6) Provide educational services that students need to complete their education without disruption;

(7) Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion; and

(8) Provide a safe and supportive learning environment for all students.

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
(k) Provide a process for students who have been suspended or expelled to petition for readmission; and
(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:
(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and
(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.
A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:
(1) Parent involvement. A school district must:
(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and
(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) Considerations. Before administering any suspension or expulsion, a school district must consider the student’s individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:
(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.
(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.
(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.
(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-610. Educational services during suspension, expulsion, or emergency expulsion.  

(1) Educational services.

(a) A school district may not suspend the provision of educational services to a student in response to behavioral violations.

(b) During the suspension, expulsion, or emergency expulsion of a student, a school district must provide the student the opportunity to receive educational services. The educational services must enable the student to:

(i) Continue to participate in the general education curriculum;

(ii) Meet the educational standards established within the district; and

(iii) Complete subject, grade-level, and graduation requirements.

(c) When providing a student the opportunity to receive educational services under this section, the school district must consider:

(i) Meaningful input from the student, parents, and the student's teachers;

(ii) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and

(iii) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

(d) A school district may provide educational services to the student in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

(2) Notice. As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

(a) A description of the educational services that will be provided; and

(b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

(3) Exclusions for up to five days. For students subject to suspension or emergency expulsion for up to five consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;
(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(4) Exclusions for six to ten days. For students subject to suspension or emergency expulsion for six to ten consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;

(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:

   (i) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

   (ii) Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(5) Long-term suspensions and expulsions. For students subject to expulsion or suspension for more than ten consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.

(6) Language assistance. The school district must ensure that notices and communications required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

RCW 9.41.280. Possessing dangerous weapons on school facilities - Penalty - Exceptions.

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated
mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.
(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**RCW 28A.600.420. Firearms on school premises, transportation, or facilities - Penalty - Exemptions.**

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

   (a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or
   
   (b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or
   
   (c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

**REGULATIONS**

**WAC 392-400-820. Firearm exceptions.**

As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.
(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;
(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or
(c) Any student while participating in a rifle competition authorized by the school district.

Other weapons

LAWS

RCW 9.41.280. Possessing dangerous weapons on school facilities - Penalty - Exceptions.
(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;
(b) Any other dangerous weapon as defined in RCW 9.41.250;
(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;
(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or
(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or
(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.
(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student’s parent or guardian regarding any allegation or indication of such violation.
Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) “GUN-FREE ZONE” signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**RCW 28A.320.130. Weapons incidents - Reporting.**

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

**RCW 28A.600.210. School locker searches - Findings.**

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

**REGULATIONS**

No relevant regulations found.

**Students with chronic disciplinary issues**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
Attendance and truancy

LAWS

RCW 28A.225.005. Information for students and parents.
(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school’s expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

RCW 28A.225.010. Attendance mandatory - Age - Exceptions.
(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220;

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of
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RCW 28A.150.250 and 28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; or

(f) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

RCW 28A.225.015. Attendance mandatory - Six or seven year olds - Unexcused absences - Petition.

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child
required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child’s custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child’s absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child’s absences. These steps shall include, where appropriate, adjusting the child’s school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

**RCW 28A.225.018. Conferences to identify barriers to child’s school attendance.**

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child’s regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor’s note has been provided and an academic plan is put in place so that the child does not fall behind.

**RCW 28A.225.020. School’s duties upon child’s failure to attend school.**

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:
(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the fifth unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026.

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(ii) Has failed to meet the school district's policy for excused absences; or

(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.
(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

**RCW 28A.225.023. Youth dependent pursuant to chapter 13.34 RCW - Review of unexpected or excessive absences - Support for youth's school work.**

A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

**RCW 28A.225.025. Community truancy boards.**

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNs) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).
RCW 28A.225.026. Community truancy boards - Memoranda of understanding with juvenile courts - Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.


(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;
(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.


(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARN) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

RCW 28A.225.030. Petition to juvenile court for violations by a parent or child - School district responsibilities.

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires
court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:
   (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
   (b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
   (c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community truancy board - Transfer of jurisdiction upon relocation.

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:
   (a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
   (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
   (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.
   (b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty
days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.
(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**RCW 28A.225.060. Custody and disposition of child absent from school without excuse.**

Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

**RCW 28A.225.090. Court orders - Penalties - Parents’ defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2)(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;
(iii) A requirement that the child meet with a mentor for a specified number of times; or
(iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seventy-two hours. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**RCW 28A.225.140. Enforcing officers not personally liable for costs.**

No officer performing any duty under any of the provisions of RCW 28A.225.010 through 28A.225.140, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW 28A.225.010 through 28A.225.140.

**RCW 28A.300.046. "Student absence from school" - Rules - Collection of attendance and discipline data.**

(1)(a) The superintendent of public instruction shall adopt rules establishing a standard definition of student absence from school. In adopting the definition, the superintendent shall review current practices in Washington school districts, definitions used in other states, and any national standards or definitions used by the national center for education statistics or other national groups. The superintendent shall also consult with the building bridges work group established under RCW 28A.175.075.
(b) Using the definition of student absence adopted under this section, the superintendent shall establish an indicator for measuring student attendance in high schools for purposes of the PASS program under RCW 28A.175.130.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of:

(i) Student attendance data using the definitions of student absence adopted under this section; and

(ii) Student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and

(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year.

REGULATIONS

WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) Parent involvement. A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.
(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student’s regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

Substance use

LAWS

RCW 28A.225.031. Alcohol or controlled substances testing - Authority to order.
The authority of a court to issue an order for testing to determine whether the child has consumed or used alcohol or controlled substances applies to all persons subject to a petition under RCW 28A.225.030 regardless of whether the petition was filed before July 27, 1997.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district’s policies and procedures related to transgender students under RCW 28A.642.080; and
(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district’s policies and procedures relating to transgender students under RCW 28A.642.080.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors’ association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction’s school safety center web site, and must also provide the office of the superintendent of public instruction with a link to the school district’s web site for further information. The school district’s primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its web site, with a link to the school safety center web site, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts’ communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors’ association model transgender student policy and procedure as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) “Electronic” means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) “Harassment, intimidation, or bullying” means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student’s property;

(B) Has the effect of substantially interfering with a student’s education;
(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

**RCW 28A.600.480. Reporting of harassment, intimidation, or bullying - Retaliation prohibited - Immunity.**

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

**RCW 28A.642.080. Transgender student policy and procedure.**

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district’s policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district’s policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.
(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors’ association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction’s rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors’ association must maintain the model policy and procedure on each agency’s web site at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction’s rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

REGULATIONS

WAC 392-190-0555. Discriminatory harassment.

(1) For purposes of administrative enforcement of this chapter under WAC 392-190-060 through 392-190-081, a school district or public charter school violates a student's rights regarding discriminatory harassment, including sexual harassment as defined under WAC 392-190-056, when the following conditions are met:

(a) The alleged conduct is based on a student's sex, race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, honorably discharged veteran or military status, presence of any sensory, mental, or physical disability, or use of a trained dog guide or service animal; (b) The alleged conduct is sufficiently severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the school district's or public charter school's course offerings, including any educational program or activity (i.e., creates a hostile environment); and

(c) The school district or public charter school, upon notice, fails to take prompt and appropriate action to investigate or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

(2) For purposes of administrative enforcement of this chapter under WAC 392-190-060 through 392-190-081, the office of superintendent of public instruction deems a school district or public charter school to have notice of discriminatory harassment if a reasonable employee knew, or in the exercise of reasonable care should have known, about the harassment.
(3) Nothing in this chapter is intended to diminish or otherwise modify an individual's right to bring an action under state or federal law alleging that the individual has been harmed by conduct or communication related to the individual's sex, race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, presence of any sensory, mental, or physical disability, or use of a trained dog guide or service animal that creates a hostile or abusive educational or workplace environment.

**WAC 392-190-056. Sexual harassment- Definitions.**

(1) As used in this chapter, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

   (a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

   (b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

   (c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(2) For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

**WAC 392-190-057. Sexual harassment policy - Adoption date - Required criteria.**

In order to eliminate sexual harassment in connection with any responsibility, function, or activity within the jurisdiction of a school district or public charter school, a sexual harassment policy must be adopted and implemented by each district and charter school. This policy must apply to all school district and public charter school employees, volunteers, parents, and students including, but not limited to, conduct between students. This policy must incorporate the following criteria:

(1) Definitions consistent with WAC 392-190-056;

(2) Responsibilities of employees and volunteers;

(3) Investigative and complaint procedures consistent with WAC 392-190-065 through 392-190-075;

(4) Remedies available to targets of sexual harassment;

(5) Disciplinary actions against violators, which must conform with collective bargaining agreements and state and federal laws;

(6) Reprisal, retaliation, and false accusations prohibition;

(7) Dissemination and implementation of the policy; and

(8) Internal review of the policy.

**WAC 392-190-058. Sexual harassment - Notification.**

(1) The school district's or public charter school's sexual harassment policy must be easily understood and conspicuously posted throughout each school building and provided to each employee.

(2) Information about the school district's or public charter school's sexual harassment policy and complaint procedure must appear in any publication of a school, school district, or public charter school that sets forth the rules, regulations, procedures, and standards of conduct for the school, school district, or charter school. School districts and public charter schools that do not provide such a publication must
provide written information about the district's or charter school's sexual harassment policy and complaint procedure to each student, parent or guardian, employee, and volunteer.

(3) Each school district and public charter school must develop a process for discussing the district's or charter school's sexual harassment policy. The process must ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.


(1) Each school district must adopt a harassment, intimidation, and bullying prevention policy and procedure as provided for in RCW 28A.300.285.

(2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district's procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district's harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

(3) This section is not intended to limit the scope of RCW 28A.300.285 or the use of a school district's procedures adopted under RCW 28A.300.285.

WAC 392-190-060. Compliance - School district or public charter school- Designation of responsible employee- Notification.

(1) The superintendent of each school district or the public charter school governing board must designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with this chapter and the guidelines adopted under WAC 392-190-005. The employee designated under this section is also responsible for ensuring that all complaints communicated to the school district or public charter school under WAC 392-190-065 are promptly investigated and resolved.

(2) Each school district and public charter school must, once each year or more often as deemed necessary, publish notice in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees of the complaint procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075. School districts and public charter schools must provide this notice in a language that each parent and guardian can understand, which may require language assistance for parents and guardians with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

(3) Each school district and public charter school must include a nondiscrimination statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees. The statement must include:
(a) Notice that the district or public charter school may not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal;

(b) The name or title, office address, and telephone number of the employee or employees designated under this section, as well as the employees designated to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972; and

(c) Pursuant to the Boy Scouts of America Equal Access Act, notice that the school district or public charter school provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.

(4) School districts and public charter schools must not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under this chapter or have the effect of discouraging any person from utilizing the complaint procedure in WAC 392-190-065 through 392-190-075. School districts and public charter schools must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by this chapter or the guidelines adopted under WAC 392-190-005 or because the individual has made a complaint or participated in an investigation under this chapter.

WAC 392-405-005. Authority.
The authority for this chapter is RCW 28A.300.285, which provides that the superintendent of public instruction shall adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

WAC 392-405-010. Purpose.
The purpose of this chapter is to establish the requirements school districts must meet when communicating the district's harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers.

WAC 392-405-020. School district rules defining harassment, intimidation and bullying prevention policies and procedures - Distribution of rules.

(1) A school district's harassment, intimidation and bullying policy and procedure must be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis.

(2) A school district must publish, at a minimum, the following materials:

   (a) The district's policy and procedure;

   (b) A harassment, intimidation, and bullying incident reporting form; and

   (c) Current contact information for the district's harassment, intimidation and bullying compliance officer.

(3) If a school district does not distribute the policy and procedure to all parents or guardians, students, employees, and volunteers, the district must provide notice that describes the contents of the policy and procedure and specifies the person(s) to contact for a copy. The notice must be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.
Other special infractions or conditions

LAWS

School district boards of directors may adopt policies that limit the possession of (1) paging telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones.

RCW 28A.320.140. Schools with special standards - Dress codes.
(1) School district boards of directors may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are required to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district.
(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are regularly counseled and encouraged to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district.
(3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.
(4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.
(5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel.
(6) School district boards of directors may not adopt a dress and grooming code policy which precludes students who participate in nationally recognized youth organizations from wearing organization uniforms on days that the organization has a scheduled activity or prohibit students from wearing clothing in observance of their religion.

RCW 28A.600.455. Gang activity - Suspension or expulsion.
(1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.
(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

REGULATIONS
No relevant regulations found.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**

**RCW 28A.170.075. Findings - Intent.**

(1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) Substance abuse awareness programs funded under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

**RCW 28A.170.080. Grants - Substance abuse intervention.**

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

(a) Individual and family counseling, including preventive counseling;

(b) Assessment and referral for treatment;

(c) Referral to peer support groups;

(d) Aftercare;

(e) Development and supervision of student mentor programs;

(f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and

(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same
qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under Washington professional educator standards board rules adopted pursuant to RCW 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

RCW 28A.300.270. Violence prevention training.
The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state.

RCW 28A.300.280. Conflict resolution program.
The superintendent of public instruction and the office of the attorney general, in cooperation with the Washington state bar association and statewide dispute resolution organizations, shall develop a volunteer-based conflict resolution and mediation program for use in community groups such as neighborhood organizations and the public schools. The program shall use lawyers or certified mediators to train students who in turn become trainers and mediators for their peers in conflict resolution.

RCW 28A.300.2851. School bullying and harassment - Work group.
(1) The office of the superintendent of public instruction and the office of the education ombudsman shall convene a work group on school bullying and harassment prevention to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington. The superintendent of public instruction or a designee shall serve as the chair of the work group.

(2) The work group shall:

(a) Consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data;

(b) Examine possible procedures for anonymous reporting of incidents of bullying and harassment;

(c) Identify curriculum and best practices for school districts to improve school climate, create respectful learning environments, and train staff and students in de-escalation and intervention techniques;

(d) Identify curriculum and best practices for incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment;
(e) Recommend best practices for informing parents about the harassment, intimidation, and bullying prevention policy and procedure under RCW 28A.300.285 and involving parents in improving school climate;

(f) Recommend training for district personnel who are designated as the primary contact regarding the policy and procedure and for school resource officers and other school security personnel;

(g) Recommend educator preparation and certification requirements in harassment, intimidation, and bullying prevention and de-escalation and intervention techniques for teachers, educational staff associates, and school administrators;

(h) Examine and recommend policies for discipline of students and staff who harass, intimidate, or bully; and

(i) In collaboration with the state board for community and technical colleges, examine and recommend policies to protect K-12 students attending community and technical colleges from harassment, intimidation, and bullying.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

(4) The work group shall submit a biennial progress and status report to the governor and the education committees of the legislature, beginning December 1, 2011, with additional reports by December 1, 2013, and December 1, 2015.

(5) The work group is terminated effective January 1, 2016.

**RCW 28A.300.288. Youth suicide prevention activities.**

(1) The office of the superintendent of public instruction shall work with state agency and community partners to assist schools in implementing youth suicide prevention activities, which may include the following:

(a) Training for school employees, parents, community members, and students in recognizing and responding to the signs of suicide;

(b) Partnering with local coalitions of community members interested in preventing youth suicide; and

(c) Responding to communities determined to be in crisis after a suicide or attempted suicide to prevent further instances of suicide.

(2) The office of the superintendent of public instruction, working with state and community partners, shall prioritize funding appropriated for subsection (1) of this section to communities identified as the highest risk.

**RCW 28A.300.490. Task force on gangs in schools - Reports.**

(1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the office of the superintendent of public instruction’s school safety center, the school safety and student well-being advisory committee established in section 4 of this act, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.
RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

REGULATIONS

WAC 392-190-060. Compliance- School district or public charter school- Designation of responsible employee- Notification.

(1) The superintendent of each school district or the public charter school governing board must designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with this chapter and the guidelines adopted under WAC 392-190-005. The employee designated under this section is also responsible for ensuring that all complaints communicated to the school district or public charter school under WAC 392-190-065 are promptly investigated and resolved.

(2) Each school district and public charter school must, once each year or more often as deemed necessary, publish notice in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees of the complaint procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075. School districts and public charter schools must provide this notice in a language that each parent and guardian can understand, which may require language assistance for parents and guardians with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

(3) Each school district and public charter school must include a nondiscrimination statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees. The statement must include:

(a) Notice that the district or public charter school may not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal;

(b) The name or title, office address, and telephone number of the employee or employees designated under this section, as well as the employees designated to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972; and

(c) Pursuant to the Boy Scouts of America Equal Access Act, notice that the school district or public charter school provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.

(4) School districts and public charter schools must not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under this chapter or have the effect of discouraging any person from utilizing the complaint procedure in WAC 392-190-065 through 392-190-075. School districts and public charter schools must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by this chapter or the guidelines adopted under WAC 392-190-005 or because the individual has made a complaint or participated in an investigation under this chapter.
**WAC 392-400-020. Application.**

(1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

(2) This chapter must be construed in a manner consistent with the following laws and rules:
   (a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;
   (b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;
   (c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;
   (d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;
   (e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and
   (f) RCW 28A.415.410 and 28A.415.420, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

**Behavioral interventions and student support services**

**LAWS**

**RCW 28A.170.075. Findings - Intent.**

(1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) Substance abuse awareness programs funded under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

**RCW 28A.170.080. Grants - Substance abuse intervention.**

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and
addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

(a) Individual and family counseling, including preventive counseling;
(b) Assessment and referral for treatment;
(c) Referral to peer support groups;
(d) Aftercare;
(e) Development and supervision of student mentor programs;
(f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under Washington professional educator standards board rules adopted pursuant to RCW 28A.410.210;
(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;
(c) A qualified professional employed by the department of social and health services;
(d) A psychologist licensed under chapter 18.83 RCW; or
(e) A children's mental health specialist as defined in RCW 71.34.020.

RCW 28A.225.018. Conferences to identify barriers to child's school attendance.

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.
RCW 28A.225.020. School's duties upon child's failure to attend school.

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the fifth unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026.

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(ii) Has failed to meet the school district's policy for excused absences; or
(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

RCW 28A.225.023. Youth dependent pursuant to chapter 13.34 RCW - Review of unexpected or excessive absences - Support for youth's school work.

A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth, to include the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.


(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).
RCW 28A.225.026. Community truancy boards - Memoranda of understanding with juvenile courts - Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.


(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;
(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.


(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

RCW 28A.225.030. Petition to juvenile court for violations by a parent or child - School district responsibilities.

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires
court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:
   (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
   (b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
   (c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community truancy board - Transfer of jurisdiction upon relocation.

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:
   (a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
   (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
   (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

   (b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty
days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend
and the agreement under this subsection shall be between the truancy board, the school district, and the
child's parent. The court may permit the truancy board or truancy prevention counselor to provide
continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply
with the agreement within the timeline for completion set by the community truancy board, the community
truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the
juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if
other actions by the court would substantially reduce the child's unexcused absences. Such actions may
include referral to an existing community truancy board, use of the Washington assessment of risks and
needs of students (WARNS) or other assessment tools to identify the specific needs of individual children,
the provision of community-based services, and the provision of evidence-based treatments that have
been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is
held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the
parent is not fluent in English, notice should be provided in a language in which the parent is fluent as
indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means
of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the
school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial
truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead
enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a
petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by
legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the
request of the school district, the court shall permit a school district representative who is not an attorney
to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the
court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall
grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined
by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to
most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter.
In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any
additional unexcused absences by the child, actions taken by the school district, and an update on the
child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date
that the court assumes jurisdiction.
(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**RCW 28A.225.090. Court orders - Penalties - Parents’ defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2)(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding.
against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seventy-two hours. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**RCW 28A.300.139. Washington integrated student supports protocol.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfiling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.
(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:
   (i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.
   (ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.
   (iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.
   (iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

**RCW 28A.300.273. Annual school safety summits.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety advisory and student well-being committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.
   (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.
   (b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.
   (c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

**RCW 28A.300.280. Conflict resolution program.**

The superintendent of public instruction and the office of the attorney general, in cooperation with the Washington state bar association and statewide dispute resolution organizations, shall develop a volunteer-based conflict resolution and mediation program for use in community groups such as
neighborhood organizations and the public schools. The program shall use lawyers or certified mediators
to train students who in turn become trainers and mediators for their peers in conflict resolution.

RCW 28A.310.500. Youth suicide screening and referral - Response to emotional or behavioral
distress in students - Training for educators and staff - Suicide prevention training.

(1) Each educational service district shall develop and maintain the capacity to offer training for educators
and other school district staff on youth suicide screening and referral, and on recognition, initial screening,
and response to emotional or behavioral distress in students, including but not limited to indicators of
possible substance abuse, violence, and youth suicide. An educational service district may demonstrate
capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals
or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to
school districts or educators if funds are appropriated specifically for this purpose or made available
through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the
University of Washington shall convene a one-day in-person training of student support staff from the
educational service districts to deepen the staff’s capacity to assist schools in their districts in responding
to concerns about suicide. Educational service districts shall send staff members to the one-day in-person
training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these
relationships with the educational service districts, Forefront at the University of Washington must
continue to meet with the educational service districts via videoconference on a monthly basis to
answer questions that arise for the educational service districts, and to assess the feasibility of
collaborating with the educational service districts to develop a multiyear, statewide rollout of a
comprehensive school suicide prevention model involving regional trainings, on-site coaching, and
cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the
University of Washington must work to develop public-private partnerships to support the rollout of a
comprehensive school suicide prevention model across Washington’s middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include
procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and
recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to
recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to
support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of
behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15,
2017, Forefront at the University of Washington shall report to the appropriate committees of the
legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district
trainings, any public-private partnership developments, and recommendations on ways to work with the
educational service districts or others to implement suicide prevention.
**RCW 28A.600.022. Suspended or expelled students - Reengagement plan.**

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

**RCW 28A.600.410. Alternatives to suspension - Encouraged.**

School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.

**REGULATIONS**

No relevant regulations found.

**Professional development**

**LAWS**

**RCW 28A.300.270. Violence prevention training.**

The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state.

**RCW 28A.300.288. Youth suicide prevention activities.**

(1) The office of the superintendent of public instruction shall work with state agency and community partners to assist schools in implementing youth suicide prevention activities, which may include the following:
(a) Training for school employees, parents, community members, and students in recognizing and responding to the signs of suicide;

RCW 28A.310.500. Youth suicide screening and referral - Response to emotional or behavioral distress in students - Training for educators and staff - Suicide prevention training.

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

   (i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

   (ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

   (iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

   (iv) Enhanced community-based linkages of support; and

   (v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.
RCW 28A.345.100. Cultural competency training for school board directors and superintendents.
The Washington state school directors' association, in consultation with the office of the superintendent of public instruction, the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270.

RCW 28A.405.106. Professional development program to support evaluation systems - Duties of the office of the superintendent of public instruction - Web site with professional development materials.
(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.
(2) The training program must include, but not be limited to, the following topics:
   (a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;
   (b) Orientation to and use of instructional frameworks;
   (c) Orientation to and use of the leadership frameworks;
   (d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;
   (e) Strategies for achieving maximum rater agreement;
   (f) Evaluator feedback protocols in the evaluation systems;
   (g) Examples of high quality teaching and leadership; and
   (h) Methods to link the evaluation process to ongoing educator professional development.
(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.
(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.
(5) The professional development program must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
(b) Delivery in person or online; and
(c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

**RCW 28A.405.120. Training for evaluators.**

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition.

**RCW 28A.410.035. Qualifications - Coursework on issues of abuse; sexual abuse and exploitation of a minor; and emotional or behavioral distress in students, including possible substance abuse, violence, and youth suicide.**

(1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. To receive initial certification after August 31, 2014, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.
RCW 28A.415.410. Training to support discipline policies under chapter 28A.600 RCW.
(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.
(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.
(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.
(4) The trainings must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
   (b) Delivery in person or online; and
   (c) Use in a self-directed manner.

RCW 28A.415.420. Cultural competence professional development and training.
(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.
(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.
(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.
(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.
   (b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction.
   (c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:
(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district’s policies and procedures related to transgender students under RCW 28A.642.080; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district’s policies and procedures relating to transgender students under RCW 28A.642.080.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors’ association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction’s school safety center web site, and must also provide the office of the superintendent of public instruction with a link to the school district’s web site for further information. The school district’s primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its web site, with a link to the school safety center web site, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts’ communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors’ association model transgender student policy and procedure as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.
(a) “Electronic” means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) “Harassment, intimidation, or bullying” means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:
   (A) Physically harms a student or damages the student’s property;
   (B) Has the effect of substantially interfering with a student’s education;
   (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
   (D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

RCW 28A.642.080. Transgender student policy and procedure.
(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:
   (A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;
   (B) Receive copies of all formal and informal complaints relating to transgender students;
   (C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district’s policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and
   (D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district’s policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors’ association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.
(b) The elements of the model transgender student policy and procedure must, at a minimum:
Incorporate the office of the superintendent of public instruction’s rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors’ association must maintain the model policy and procedure on each agency’s web site at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction’s rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

REGULATIONS

WAC 392-400-020. Application.

(1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

(2) This chapter must be construed in a manner consistent with the following laws and rules:

(a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;

(b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;

(c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;

(d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;

(e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and

(f) RCW 28A.415.410 and 28A.415.420, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

**RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.**

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280; or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.
RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

RCW 28A.600.485. Restraint of students - Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 - Procedures - Summary of incidents of isolation or restraint - Publishing to web site.

(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:

(a) The date and time of the incident;
(b) The name and job title of the individual who administered the restraint or isolation;
(c) A description of the activity that led to the restraint or isolation;
(d) The type of restraint or isolation used on the student, including the duration;
(e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and
(f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

RCW 28A.600.485. Restraint of students - Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 - Procedures - Summary of incidents of isolation or restraint - Publishing to web site.

(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in RCW 70.968.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall
adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.

(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

REGULATIONS

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;
(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;
(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;
(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;
(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;
(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;
(h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;
(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;
(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
(k) Provide a process for students who have been suspended or expelled to petition for readmission; and
(l) Be consistent with the model policy developed under RCW 28A.345.090.
(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

   (a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

   (b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district’s discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

WAC 392-400-335. Classroom exclusion - Notice and procedure.

Following a classroom exclusion under WAC 392-400-330:

   (1) Notice to principal. The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

   (2) Notice to parents. The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

   (3) Emergency circumstances. When a teacher or school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

      (a) The teacher or other school personnel must immediately notify the principal or designee; and

      (b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

   (1) Parent involvement. A school district must:

      (a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

      (b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

   (2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

   (3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.
(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-450. Suspensions and expulsions - Initial hearing with student.

(1) Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

(a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;

(b) An explanation of the evidence regarding the behavioral violation;

(c) An explanation of the discipline that may be administered; and

(d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

(2) Parent participation.

(a) Short-term and in-school suspensions. At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) Long-term suspensions and expulsions. At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.
(3) Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

(4) Language assistance. The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

WAC 392-400-455. Suspensions and expulsions - Notice to student and parents.

(1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

(d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

(e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

(f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and

(g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

WAC 392-400-515. Emergency expulsions - Notice to student and parents.

(1) Initial notice. After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

(2) Written notice. Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;

(b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
(c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;

(d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and

(e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**WAC 392-400-525. Emergency expulsions - Appeal.**

(1) Requesting an appeal. A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.

(3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

   (a) The time, date, and location of the appeal hearing;

   (b) The name(s) of the official(s) presiding over the appeal;

   (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;

   (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and

   (e) The student's and parents' rights under subsection (7) of this section.

(4) Appeal hearing. The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

(5) Presiding official(s). The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) Evidence and witnesses.

   (a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

   (b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

   (c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
(i) The district made a reasonable effort to produce the witness; and
(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) Student and parent rights. The student and parents have the right to:
   (a) Be represented by legal counsel;
   (b) Question witnesses;
   (c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
   (d) Introduce relevant documentary, physical, or testimonial evidence.

(8) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) Appeal decision. The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:
   (a) The findings of fact;
   (b) A determination whether the student's presence continues to pose:
      (i) An immediate and continuing danger to students or school personnel; or
      (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
   (c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480; and
   (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) Language assistance. The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

WAC 392-400-530. Emergency expulsions - Review and reconsideration.

(1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) Review procedure.
   (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.
   (b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:
   (i) An immediate and continuing danger to students or school personnel; or
   (ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

Reporting and referrals between schools and law enforcement

LAWS

RCW 9.41.280. Possessing dangerous weapons on school facilities - Penalty - Exceptions.

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her
concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
(h) Any law enforcement officer of the federal, state, or local government agency.
(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.
(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.
(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.
(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**RCW 28A.225.026. Community truancy boards - Memoranda of understanding with juvenile courts - Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.**

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.
(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.
(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.
(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.


(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board; and

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.


(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of
individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**RCW 28A.225.030. Petition to juvenile court for violations by a parent or child - School district responsibilities.**

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

   (a) Enter into an agreement with a student and parent that establishes school attendance requirements;

   (b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

   (c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.
(b) Actions taken by the school district have not been successful in substantially reducing the child’s absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child’s absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child’s parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child’s current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child’s parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child’s unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child’s truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child’s parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child’s unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.
(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**RCW 28A.225.060. Custody and disposition of child absent from school without excuse.**

Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

**RCW 28A.225.090. Court orders - Penalties - Parents' defense.**

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;
(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2)(a) If the child fails to comply with the court order, the court may impose:

   (i) Community restitution;
   (ii) Nonresidential programs with intensive wraparound services;
   (iii) A requirement that the child meet with a mentor for a specified number of times; or
   (iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seventy-two hours. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.
(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Nothing in this section shall be construed to limit the court’s inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**RCW 28A.320.130. Weapons incidents - Reporting.**

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

**RCW 28A.600.475. Exchange of information with law enforcement and juvenile court officials - Notification of parents and students.**

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Except as provided in RCW 13.40.480, parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

**REGULATIONS**

**WAC 392-172A-05175. Referral to and action by law enforcement and judicial authorities.**

(1) Nothing in this chapter prohibits a school district or other agency from reporting a crime committed by a student to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student eligible for special education.

(2) An agency reporting a crime committed by a student eligible for special education must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.
Disclosure of school records

LAWS

RCW 13.04.155. Notification to school principal of conviction, adjudication, or diversion agreement - Provision of information to teachers and other personnel - Confidentiality.

(1) Whenever a minor enrolled in any common school is convicted in adult criminal court, or adjudicated or entered into a diversion agreement with the juvenile court on any of the following offenses, the court must notify the principal of the student’s school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made:
   (a) A violent offense as defined in RCW 9.94A.030;
   (b) A sex offense as defined in RCW 9.94A.030;
   (c) Inhaling toxic fumes under chapter 9.47A RCW;
   (d) A controlled substances violation under chapter 69.50 RCW;
   (e) A liquor violation under RCW 66.44.270; and
   (f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.

(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student’s record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

(3) Any information received by a principal or school personnel under this section is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

RCW 13.50.010. Definitions - Conditions when filing petition or information - Duties to maintain accurate records and access - Confidential child welfare records.

(1) For purposes of this chapter:
   (a) “Good faith effort to pay” means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;
   (b) “Juvenile justice or care agency” means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children’s oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;
   (c) “Official juvenile court file” means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, findings of the court and court orders, agreements, judgments, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers;
   (d) “Records” means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;
(e) “Social file” means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services or the department of children, youth, and families relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency who will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.
(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of social and health services may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of current and former foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting current or former foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

RCW 28A.300.046. "Student absence from school" - Rules - Collection of attendance and discipline data.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of:

(i) Student attendance data using the definitions of student absence adopted under this section; and

(ii) student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and

(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year.
RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.

(1) By September 1, 2003, each school district board of directors shall adopt a policy that addresses the following issues:

(b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

RCW 28A.635.060. Defacing or injuring school property - Liability of pupil, parent, or guardian - Withholding grades, diploma, or transcripts - Suspension and restitution - Voluntary work program as alternative - Rights protected.

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil’s parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils’ rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child’s records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

REGULATIONS

No relevant regulations found.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

RCW 28A.170.090. Selection of grant recipients - Program rules.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

RCW 28A.225.151. Student-level truancy data- reports- data protocols and guidance for school districts.

(1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;
(b) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;
(c) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;
(d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:
   (i) Referral to a community truancy board;
   (ii) Other coordinated means of intervention;
   (iii) A hearing in the juvenile court; or
   (iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and
(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

RCW 28A.300.042. Collection and submittal of student-level data - Student data-related reports - Disaggregation of data by subgroups - Modification of statewide student data systems.

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:
(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;
(b) Further disaggregation of countries of origin for Asian students;
(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and
(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:
   (a) Gender;
   (b) Foster care;
   (c) Homeless, if known;
   (d) School district;
   (e) School;
   (f) Grade level;
   (g) Behavior infraction code, including:
      (i) Bullying;
      (ii) Tobacco;
      (iii) Alcohol;
      (iv) Illicit drug;
      (v) Fighting without major injury;
      (vi) Violence without major injury;
      (vii) Violence with major injury;
      (viii) Possession of a weapon; and
      (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
   (h) Intervention applied, including:
      (i) Short-term suspension;
      (ii) Long-term suspension;
      (iii) Emergency expulsion;
      (iv) Expulsion;
      (v) Interim alternative education settings;
(vi) No intervention applied; and
(vii) Other intervention applied that is not described in this subsection (4)(h)

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and
(j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;
(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;
(c) Behavior infraction code; and
(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

RCW 28A.300.046. "Student absence from school" - Rules - Collection of attendance and discipline data.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of:

(i) Student attendance data using the definitions of student absence adopted under this section; and
(ii) Student discipline data with a focus on suspensions and expulsions from school.

(b) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and
(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year.

RCW 28A.300.490. Task force on gangs in schools - Reports.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.

RCW 28A.320.130. Weapons incidents - Reporting.

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding
the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

**RCW 28A.320.211. Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review.**

(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

**RCW 28A.400.110. Principal to assure appropriate student discipline - Building discipline standards - Classes to improve classroom management skills.**

Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills.

**RCW 28A.600.460. Classroom discipline - Policies - Classroom placement of student offenders - Data on disciplinary actions.**

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

**RCW 28A.600.485. Restraint of students - Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 - Procedures - Summary of incidents of isolation or restraint - Publishing to web site.**

(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

**RCW 28A.600.490. Discipline task force - Development of standard definitions - Development of data collection standards - Membership - Statewide student data system revision.**

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district.
The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor’s office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

RCW 43.41.400. Education data center.

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on
the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies’ collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system;

(i) Prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

REGULATIONS


(1) If the parent and the school district determine that a student requires advanced educational planning, the parent and the district may develop emergency response protocols to be used in the case of emergencies that pose an imminent likelihood of serious harm, as defined in this section. Emergency response protocols, if developed, must be incorporated into a student's IEP. Emergency response protocols shall not be used as a substitute for the systematic use of a behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior. Emergency response protocols are subject to the conditions and limitations as follows:

(a) The student's parent provides consent, as defined in WAC 392-172A-01040, in advance, to the emergency response protocols to be adopted;

(b) The emergency response protocols specify:
(i) The emergency conditions under which isolation, restraint, or restraint devices, if any, may be used;
(ii) The type of isolation, restraint, and/or restraint device, if any, that may be used;
(iii) The staff members or contracted positions permitted to use isolation, restraint, or restraint devices with the student, updated annually, and identify any required training associated with the use of isolation, restraint, or restraint device for each staff member or contracted position;
(iv) Any other special precautions that must be taken.
(c) Any use of isolation, restraint, and/or restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.
(d) Any staff member or other adults using isolation, restraint, or a restraint device must be trained and certified by a qualified provider in the use of isolation, restraint, or a restraint device.
(2) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485, regardless of whether the use of isolation, restraint, or restraint device is included in the student's emergency response protocols.
(3) Nothing in this section is intended to limit the application of a school district's policy developed under RCW 28A.600.485 to protect the general safety of students and staff from an imminent likelihood of serious harm.
(4) Nothing in this section is intended to limit the provision of a free and appropriate public education under Part B of the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973.

WAC 392-172A-07040. Significant disproportionality.
(1) The state collects and examines data annually from school districts to determine if significant disproportionality based on race or ethnicity is occurring in the state with respect to:
(a) The identification of children as students eligible for special education;
(b) The identification of students with a particular disability;
(c) The placement of students in particular educational settings; or
(d) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.
(2) (a) In the case of a determination of significant disproportionality with respect to the identification of students eligible for special education including those with a particular disability, the placement in particular educational settings of these students, or discipline, the OSPI shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the act;
(b) Require any school district identified under this section to reserve the maximum amount of federal funds under WAC 392-172A-06085 to provide comprehensive coordinated early intervening services to serve students in the school district, particularly, but not exclusively, students in those groups that were significantly over identified; and
(c) Require the school district to publicly report on the revision of policies, practices, and procedures described under (b) of this subsection.

WAC 392-172A-07045. Suspension and expulsion rates for students eligible for special education.
(1) Annually, school districts shall report to the state on the rates of long-term suspensions and expulsions of students eligible for special education and nondisabled students for the preceding school year. The state shall examine this data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring:
(a) Among school districts or other public agencies; or
(b) Between nondisabled students and students eligible for special education within school districts or other public agencies.

(2) If discrepancies are occurring, the state shall review and if appropriate, require revisions in state, school district or other public agency policies, procedures, and practices to ensure compliance with the act.

(3) Policies, procedures, and practices to be reviewed and, if appropriate, revised, include:
   (a) The development and implementation of individualized education programs;
   (b) The use of positive behavioral interventions and supports; and
   (c) Procedural safeguards.

**WAC 392-190-048. Access to course offerings - Student discipline and corrective action.**

At least annually, each school district and public charter school must review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, limited-English proficiency (i.e., English language learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. This review must include, but is not limited to, short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. In reviewing this data, each school district or public charter school must determine whether it has disciplined or applied corrective action to a substantially disproportionate number of students within any of the categories identified in this section. If a school district or public charter school finds that it has disciplined or applied corrective action to a substantially disproportionate number of students who are members of one of the categories identified in this section, the school district or charter school must take prompt action to ensure that the disproportion is not the result of discrimination.

**WAC 392-190-059. Harassment, intimidation, and bullying prevention policy and procedure - School districts.**

(2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district’s procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district’s harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

**WAC 392-400-020. Application.**

(1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish
additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

(2) This chapter must be construed in a manner consistent with the following laws and rules:

(a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;

(b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;

(c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;

(d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;

(e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and

(f) RCW 28A.415.410 and 28A.415.420, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents’ or students’ grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an
opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;

(k) Provide a process for students who have been suspended or expelled to petition for readmission; and

(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

WAC 392-400-430. Suspensions and expulsions - General conditions and limitations.

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) Parent involvement. A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.
(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

WAC 392-400-510. Emergency expulsions - Conditions and limitations.
A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(1) Sufficient cause. The school district must have sufficient cause to believe that the student's presence poses:

(a) An immediate and continuing danger to other students or school personnel; or

(b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) Determination of immediate and continuing threat of disruption. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

(a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and

(b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) Time limit. An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

RCW 28A.225.060. Custody and disposition of child absent from school without excuse.
Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

RCW 28A.605.010. Removing child from school grounds during school hours.
[… ] School security personnel may remove a student from school grounds without parental authorization for disciplinary reasons.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

(1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2020, the state school safety center, established in RCW 28A.300.630, in collaboration with the school safety and student well-being advisory committee, established in RCW 28A.300.635, and law enforcement entities interested in providing training to school resource officers, shall identify and make publicly available training materials that are consistent with the requirements in RCW 28A.320.124.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must establish and implement a grant program to fund training for school resource officers as described in RCW 28A.320.124. Eligible grantees include school districts, educational service districts, law enforcement agencies, and law enforcement training organizations. Training under this section may be developed by schools in partnership with local law enforcement and organizations that have expertise in topics such as juvenile brain development; restorative practices or restorative justice; social-emotional learning; civil rights; and student rights, including free speech and search and seizure. This training may be provided by the criminal justice training commission.

(b) By December 1st of each year the program is funded, the office of the superintendent of public instruction must submit an annual report to the governor and appropriate committees of the legislature on the program.

RCW 28A.320.124. School resource officer programs.
(1) If a school district chooses to have a school resource officer program, the school district must confirm that every school resource officer has received training on the following topics:
(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;
(b) Child and adolescent development;
(c) Trauma-informed approaches to working with youth;
(d) Recognizing and responding to youth mental health issues;
(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
(f) Collateral consequences of arrest, referral for prosecution, and court involvement;
(g) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;
(h) Local and national disparities in the use of force and arrests of children;
(i) De-escalation techniques when working with youth or groups of youth;
(j) State law regarding restraint and isolation in schools, including RCW 28A.600.485;
(k) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and
(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes.

(2) School districts that have a school resource officer program must annually review and adopt an agreement with the local law enforcement agency using a process that involves parents, students, and community members. At a minimum, the agreement must incorporate the following elements:

(a) A clear statement regarding school resource officer duties and responsibilities related to student behavior and discipline that:
   (i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators;
   (ii) Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and
   (iii) Recognizes that a trained school resource officer knows when to informally interact with students to reinforce school rules and when to enforce the law;
(b) School district policy and procedure for teachers that clarify the circumstances under which teachers and school administrators may ask an officer to intervene with a student;
(c) Annual collection and reporting of data regarding calls for law enforcement service and the outcome of each call, including student arrest and referral for prosecution, disaggregated by school, offense type, race, gender, age, and students who have an individualized education program or plan developed under section 504 of the federal rehabilitation act of 1973;
(d) A process for families to file complaints with the school and local law enforcement agency related to school resource officers and a process for investigating and responding to complaints; and
(e) Confirmation that the school resource officers have received the training required under subsection (1) of this section.

(3) School districts that choose to have a school resource officer program must comply with the requirements in subsection (2) of this section by the beginning of the 2020-21 school year.

(4) For the purposes of this section, “school resource officer” means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools.
School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS


(1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2020, the state school safety center, established in RCW 28A.300.630, in collaboration with the school safety and student well-being advisory committee, established in RCW 28A.300.635, and law enforcement entities interested in providing training to school resource officers, shall identify and make publicly available training materials that are consistent with the requirements in RCW 28A.320.124.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must establish and implement a grant program to fund training for school resource officers as described in RCW 28A.320.124. Eligible grantees include school districts, educational service districts, law enforcement agencies, and law enforcement training organizations. Training under this section may be developed by schools in partnership with local law enforcement and organizations that have expertise in topics such as juvenile brain development; restorative practices or restorative justice; social-emotional learning; civil rights; and student rights, including free speech and search and seizure. This training may be provided by the criminal justice training commission.

(b) By December 1st of each year the program is funded, the office of the superintendent of public instruction must submit an annual report to the governor and appropriate committees of the legislature on the program.

RCW 28A.320.124. School resource officer programs.

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(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;
(b) Child and adolescent development;
(c) Trauma-informed approaches to working with youth;
(d) Recognizing and responding to youth mental health issues;
(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
(f) Collateral consequences of arrest, referral for prosecution, and court involvement;
(g) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;
(h) Local and national disparities in the use of force and arrests of children;
(i) De-escalation techniques when working with youth or groups of youth;
(j) State law regarding restraint and isolation in schools, including RCW 28A.600.485;
(k) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes.

(2) School districts that have a school resource officer program must annually review and adopt an agreement with the local law enforcement agency using a process that involves parents, students, and community members. At a minimum, the agreement must incorporate the following elements:

(a) A clear statement regarding school resource officer duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators;

(ii) Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and

(iii) Recognizes that a trained school resource officer knows when to informally interact with students to reinforce school rules and when to enforce the law;

(b) School district policy and procedure for teachers that clarify the circumstances under which teachers and school administrators may ask an officer to intervene with a student;

(c) Annual collection and reporting of data regarding calls for law enforcement service and the outcome of each call, including student arrest and referral for prosecution, disaggregated by school, offense type, race, gender, age, and students who have an individualized education program or plan developed under section 504 of the federal rehabilitation act of 1973;

(d) A process for families to file complaints with the school and local law enforcement agency related to school resource officers and a process for investigating and responding to complaints; and

(e) Confirmation that the school resource officers have received the training required under subsection (1) of this section.

(3) School districts that choose to have a school resource officer program must comply with the requirements in subsection (2) of this section by the beginning of the 2020-21 school year.

(4) For the purposes of this section, “school resource officer” means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff’s office to work in schools to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

RCW 28A.320.127. Plan for recognition, screening, and response to emotional or behavioral distress in students.

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

   (a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;
   (b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;
   (c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;
   (d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;
   (e) Protocols and procedures for communication with parents and guardians, including the notification requirements under RCW 28A.320.160;
   (f) How staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;
   (g) How the district will provide support to students and staff after an incident of violence, youth suicide, or allegations of sexual abuse;
   (h) How staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and
   (i) How the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125.

RCW 28A.320.1271. Model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students.

The office of the superintendent of public instruction’s school safety center, established in section 2 of this act, shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including
practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under RCW 28A.320.127.

**RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy.

**RCW 28A.345.090. Model school district discipline policies - Adoption and enforcement by school districts.**

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

**RCW 28A.405.106. Professional development program to support evaluation systems - Duties of the office of the superintendent of public instruction - Web site with professional development materials.**

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with
the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
   (b) Delivery in person or online; and
   (c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

RCW 28A.415.410. Training to support discipline policies under chapter 28A.600 RCW.

(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
   (b) Delivery in person or online; and
   (c) Use in a self-directed manner.
RCW 28A.415.420. Cultural competence professional development and training.

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

RCW 28A.600.490. Discipline task force - Development of standard definitions - Development of data collection standards - Membership - Statewide student data system revision.

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.


(1)(a) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this
subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.

(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. The advisory committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:

(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;

(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;

(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and

(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection.

(2) Beginning in the 2017-18 school year, a school district shall annually review its policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:

(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;

(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(c) Consider existing school district resources; and

(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents.

(3)(a) By December 1, 2017, the Washington state school directors' association shall review and revise its model policy and procedures on electronic resources and internet safety to better support digital citizenship, media literacy, and internet safety in schools. The model policy and procedures must contain provisions requiring that media literacy resources consist of a balance of sources and perspectives.

(b) By December 1, 2017, the Washington state school directors' association shall develop a checklist of items for school districts to consider when updating their policy and procedures under subsection (2) of this section.

**RCW 28A.650.050. Digital citizenship, internet safety, and media literacy - web-based location with links recommending practices and resources.**

(1) The office of the superintendent of public instruction shall create a web-based location with links to recommended successful practices and resources to support digital citizenship, media literacy, and internet safety for use in the 2017-18 school year. The web-based location must incorporate the information gathered by the survey in section 3, chapter 90, Laws of 2017.
(2) Thereafter, the office of the superintendent of public instruction shall continue to identify and develop additional open educational resources to support digital citizenship, media literacy, and internet safety in schools for the web-based location.

(3) Media literacy resources must consist of a balance of sources and perspectives.

**RCW 43.06B.060. Public school antiharassment policies and strategies - Lead agency.**

In addition to duties assigned under RCW 43.06B.020, the office of the education ombuds shall serve as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

**REGULATIONS**

**WAC 392-190-057. Sexual harassment policy - Required criteria.**

In order to eliminate sexual harassment in connection with any responsibility, function, or activity within the jurisdiction of a school district or public charter school, a sexual harassment policy must be adopted and implemented by each district and charter school. This policy must apply to all school district and public charter school employees, volunteers, parents, and students including, but not limited to, conduct between students. This policy must incorporate the following criteria:

1. Definitions consistent with WAC 392-190-056;
2. Responsibilities of employees and volunteers;
3. Investigative and complaint procedures consistent with WAC 392-190-065 through 392-190-075;
4. Remedies available to targets of sexual harassment;
5. Disciplinary actions against violators, which must conform with collective bargaining agreements and state and federal laws;
6. Reprisal, retaliation, and false accusations prohibition;
7. Dissemination and implementation of the policy; and
8. Internal review of the policy.

**WAC 392-190-058. Sexual harassment policy - Notification.**

1. The school district's or public charter school's sexual harassment policy must be easily understood and conspicuously posted throughout each school building and provided to each employee.
2. Information about the school district's or public charter school's sexual harassment policy and complaint procedure must appear in any publication of a school, school district, or public charter school that sets forth the rules, regulations, procedures, and standards of conduct for the school, school district, or charter school. School districts and public charter schools that do not provide such a publication must provide written information about the district's or charter school's sexual harassment policy and complaint procedure to each student, parent or guardian, employee, and volunteer.
3. Each school district and public charter school must develop a process for discussing the district's or charter school's sexual harassment policy. The process must ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

**WAC 392-190-059. Harassment, intimidation, and bullying prevention policy and procedure - School districts.**

1. Each school district must adopt a harassment, intimidation, and bullying prevention policy and procedure as provided for in RCW 28A.300.285.
(2) If the allegations in a written report of harassment, intimidation, or bullying pursued under the school district's procedure adopted under RCW 28A.300.285 indicate a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district's harassment, intimidation, and bullying compliance officer, designated under RCW 28A.300.285, must promptly notify the district employee designated under WAC 392-190-060. Or, if during the course of an investigation of harassment, intimidation, or bullying, the district becomes aware of a potential violation of this chapter or the guidelines adopted under WAC 392-190-005, the school district staff member investigating the report must promptly notify the district employee designated under WAC 392-190-060. Upon receipt of this information, the designated employee must notify the complainant that their complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075, in addition to the procedures adopted under RCW 28A.300.285. School districts must provide this notice in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the school district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations that the school district has violated this chapter or the guidelines adopted under WAC 392-190-005.

(3) This section is not intended to limit the scope of RCW 28A.300.285 or the use of a school district's procedures adopted under RCW 28A.300.285.

WAC 392-190-060. Compliance - School district or public charter school - Designation of responsible employee - Notification.

(1) The superintendent of each school district or the public charter school governing board must designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with this chapter and the guidelines adopted under WAC 392-190-005. The employee designated under this section is also responsible for ensuring that all complaints communicated to the school district or public charter school under WAC 392-190-065 are promptly investigated and resolved.

(2) Each school district and public charter school must, once each year or more often as deemed necessary, publish notice in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees of the complaint procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075. School districts and public charter schools must provide this notice in a language that each parent and guardian can understand, which may require language assistance for parents and guardians with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

(3) Each school district and public charter school must include a nondiscrimination statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees. The statement must include:

(a) Notice that the district or public charter school may not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal;

(b) The name or title, office address, and telephone number of the employee or employees designated under this section, as well as the employees designated to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972; and

(c) Pursuant to the Boy Scouts of America Equal Access Act, notice that the school district or public charter school provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.
(4) School districts and public charter schools must not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under this chapter or have the effect of discouraging any person from utilizing the complaint procedure in WAC 392-190-065 through 392-190-075. School districts and public charter schools must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by this chapter or the guidelines adopted under WAC 392-190-005 or because the individual has made a complaint or participated in an investigation under this chapter.

WAC 392-400-110. Discipline policies and procedures - Development, review, and distribution.

(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;
(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;
(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;
(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;
(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;
(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530;
(h) Establish grievance procedures to address parents’ or students’ grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student’s perspective and explanation regarding the behavioral violation;
(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;
(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
(k) Provide a process for students who have been suspended or expelled to petition for readmission; and
(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:
(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

Funding appropriations

LAWS

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center […]

RCW 28A.170.090. Selection of grant recipients - Program rules.
(1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations […]

(2) […] School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in
order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNs) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**RCW 28A.300.273. Annual school safety summits.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety and student well-being advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

   (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

   (b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

   (c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
RCW 28A.300.275. Alternative school start-up grants - School safety grants - Report to legislative committees.

The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(l), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter.

RCW 28A.300.360. Grants for programs and services - Truant, at-risk, and expelled students.

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

RCW 28A.310.500. Youth suicide screening and referral - Response to emotional or behavioral distress in students - Training for educators and staff - Suicide prevention training.

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.
(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.

RCW 28A.405.106. Professional development program to support evaluation systems- Duties of the office of the superintendent of public instruction- Web site with professional development materials.

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for
cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
   (b) Delivery in person or online; and
   (c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

RCW 28A.415.410. Training to support discipline policies under chapter 28A.600 RCW.

(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:
   (a) Access to material over a reasonable number of training sessions;
   (b) Delivery in person or online; and
   (c) Use in a self-directed manner.
RCW 28A.415.420. Cultural competence professional development and training.

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

**RCW 28A.320.128. Notice and disclosure policies - Threats of violence - Student conduct - Immunity for good faith notice - Penalty.**

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

**RCW 28A.600.480. Reporting of harassment, intimidation, or bullying - Retaliation prohibited - Immunity.**

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

**RCW 28A.170.050. Advisory committee - Members - Duties.**

The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and classified staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the traffic safety commission; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

**RCW 28A.225.025. Community truancy boards.**

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the
Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

RCW 28A.225.026. Community truancy boards - Memoranda of understanding with juvenile courts - Designation of school district coordinators to address absenteeism and truancy - Community-wide partnerships.

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy. School districts with fewer than three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with
respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.


(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;
(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;
(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;
(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter 205, Laws of 2016. An initial report scoping of the methodology to be used to review chapter 205, Laws of 2016 shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.


(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.
Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

RCW 28A.225.035. Petition to juvenile court - Contents - Court action - Referral to community truancy board - Transfer of jurisdiction upon relocation.

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:
   (a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
   (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
   (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and
needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**RCW 28A.300.139. Washington integrated student supports protocol.**

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the
improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

   (i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

   (ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

   (iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

   (iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.


(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety and student well-being advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

   (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

   (b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.
(c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

RCW 28A.300.2851. School bullying and harassment - Work group.

(3) The work group must include representatives from the state board of education, the Washington state parent teacher association, the Washington state association of school psychologists, school directors, school administrators, principals, teachers, school counselors, classified school staff, youth, community organizations, and parents.

RCW 28A.300.801. Legislative youth advisory council.

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4) (a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. Beginning May 7, 2009, the office of the lieutenant governor shall notify all applicants of the final selections using existing staff and resources.

(b) Within existing staff and resources, the office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) If the council has sufficient funds from any source, then the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;
RCW 28A.320.211. Discipline policies, procedures, and rules - Dissemination of information - Use of disaggregated data - Review.

(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

RCW 28A.600.020. Exclusion of student from classroom - Written disciplinary procedures - Long-term suspension or expulsion.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Washington provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Health &amp; Safety, WA OSPI</td>
<td>Provides an overview of health and safety topics such as school safety and mental, social, and behavioral health which includes in each section research, data, laws and policies, and other resources.</td>
<td><a href="https://www.k12.wa.us/student-success/health-safety">https://www.k12.wa.us/student-success/health-safety</a></td>
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<tr>
<td>School Safety Center, WA OSPI</td>
<td>Provides resources to districts and schools to help in the development of high-quality emergency operations and safety plans, including safety planning toolkits, trainings and professional development, data and reports, and state laws.</td>
<td><a href="https://www.k12.wa.us/student-success/health-safety/school-safety-center">https://www.k12.wa.us/student-success/health-safety/school-safety-center</a></td>
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<tr>
<td>Student Discipline, WA OSPI</td>
<td>Provides links to laws, data requirements, training, equity in student discipline, and the student discipline task force.</td>
<td><a href="http://www.k12.wa.us/StudentDiscipline/default.aspx">http://www.k12.wa.us/StudentDiscipline/default.aspx</a></td>
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<td>Social and Emotional Learning (SEL), WA OSPI</td>
<td>Presents the history of SEL and provides links to SEL implementation tools, legislative reports, research-supporting work, and other resources to related topics such as trauma informed.</td>
<td><a href="https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel">https://www.k12.wa.us/student-success/health-safety/mental-social-behavioral-health/social-and-emotional-learning-sel</a></td>
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<tr>
<td>Washington State Report Card, WA State OSPI</td>
<td>Discipline data regarding overall out-of-school exclusion rates by state, district, and school level. Rates by race/ethnicity, gender, special education, English Learner, and other student characteristics such as grade-level.</td>
<td><a href="https://washingtonstatereportcard.ospi.k12.wa.us/">https://washingtonstatereportcard.ospi.k12.wa.us/</a></td>
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West Virginia
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction

§18-8-3. Employment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal

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§18-8-7. Aiding or abetting violations of compulsory attendance; penalty

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Article 21. Special Community-Based Pilot Demonstration Project to Improve Outcomes For At-Risk Youth

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Chapter 18A. School Personnel

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§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education

§18A-5-1b. Alternative procedures for expulsion hearings by county boards

§18A-5-1c. Bill of rights and responsibilities for students and school personnel

§18A-5-1d. Return to school through Juvenile Drug Court for certain students

§18A-5-5. Records; reports by professional and other personnel

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Series 42. Assuring the Quality of Education: Regulations for Education Programs (2510)

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§126-42-7. County board of education responsibilities

Series 81. Attendance (4110)

§126-81-1. General

§126-81-2. Rationale

§126-81-3. Policy development

§126-81-4. Definitions

§126-81-5. Responsibilities
§126-81-6. County attendance policy components
§126-81-7. Severability

**Series 99. Expected Behavior in Safe and Supportive Schools (4373)**

§126-99-1. General
§126-99-2. Purpose
§126-99-4. Application
§126-99-5. Severability
General Provisions

Authority to develop and establish rules of conduct

LAWS

§18-2-5a. Board rules to be filed with legislature.
The state board of education shall file twenty copies of any rule that it proposes to promulgate, adopt, amend or repeal under the authority of the constitution or of this code with the legislative oversight commission on education accountability pursuant to article three-b, chapter twenty-nine-a of this code. "Rule," as used herein, means a regulation, standard, statement of policy, or interpretation of general application and future effect.

§18-2C-3. Policy prohibiting harassment, intimidation or bullying.
(a) Each county board shall establish a policy prohibiting harassment, intimidation or bullying. Each county board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (b) of this section. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members.

REGULATIONS

§126-42-7. County Board of Education responsibilities.
7.3. The county board of education shall ensure that each school has established and is implementing:

k. A student code of conduct policy that requires public schools to respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse and/or violence or other student code of conduct violations in a manner that effectively deters future incidents and affirms respect for individuals as outlined in WVBE Policy 4373;

§126-81-6. County attendance policy components.
6.1. Each county’s attendance policy shall address the following components:

c. Development of Processes and Procedures: County school districts are responsible for:

1. Developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.

2. Developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.

3. requiring a student maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one complete semester following the revocation of his/her driver’s license.

4. Developing an attendance appeal process for students and parents/guardians.

e. Preventive and Corrective Measures: designed to meet the developmental needs of students, preventive, and corrective measures should include developing:

1. Preventive and educational procedures including: incentives, to maintain and improve attendance and reduce tardiness.

2. Procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.
3. Procedures for providing adequate counseling for issues related to attendance.
5. Alternative plans and programs that are positive in nature and encourage improved school attendance.
6. Assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.

1.1. Scope. This rule sets the requirements for the development of safe and supportive schools that provide optimum learning conditions for both students and staff. Whereas safety and order is the foundation of a positive school climate/culture that supports student academic achievement and personal-social development, this rule also establishes disciplinary guidelines for student conduct that outline behaviors prohibited in West Virginia schools that must be consistently addressed in order to assure the orderly, safe, drug-free, violence- and harassment-free learning environment.

2.1. The West Virginia Board of Education (WVBE) recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. The WVBE believes further that public schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. These regulations require county boards of education to design and implement procedures to create and support continuous school climate/culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.
2.2. These regulations also set forth unacceptable behaviors that undermine a school’s efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. West Virginia’s public schools must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

Scope

LAWS

§18-2C-3. Policy prohibiting harassment, intimidation or bullying.
(b) Each county board policy shall, at a minimum, include the following components:
(1) A statement prohibiting harassment, intimidation or bullying of any student on school property, a school bus, at a school bus stop or at school sponsored events;
§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Violated the provisions of subsection (b), section fifteen, article two, chapter sixty-one of this code; (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; or (iii) sold a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-sponsored function or on a school bus. [...] 

(b) A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Committed an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (ii) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act as described in chapter sixty-a of this code. [...] 

(c) A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: [...] (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; [...] 

REGULATIONS


4.1. The expectations outlined in these regulations apply in public schools in West Virginia during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by a county board of education, Regional Education Service Agency (RESA), WVDE, West Virginia Board of Education or in another facility or upon any other property being used by any of these agencies. These expectations apply to students, staff and public guests respectively as noted within the policy. [...] 

Communication of policy

LAWS

§18-2C-5. Policy training and education.

(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:

(1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and

(2) Develop a process for educating students on the harassment, intimidation or bullying policy.

(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program.
REGULATIONS

§126-81-6. County attendance policy components.
6.1. Each county’s attendance policy shall address the following components:
   c. Development of Processes and Procedures: County school districts are responsible for:
      1. Developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.
      2. Developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.
      3. Requiring a student maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one complete semester following the revocation of his/her driver’s license.
      4. Developing an attendance appeal process for students and parents/guardians.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(c) The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. [...]
Alternatives to suspension

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(d) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(e) Corporal punishment of any student by a school employee is prohibited.

(f) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to corporal punishment, providing for the training of school personnel in alternatives to corporal punishment and for the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. [...] 

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other in-school disciplinary approaches

LAWS

§18-8-11. School attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

(a) In accordance with the provisions of sections three-a and five, article two, chapter seventeen-b of this code, the Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state or documentation that the person: (1) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization or has obtained the certificate; (2) is enrolled and is making satisfactory academic progress in a secondary school of this state or any other state; (3) is excused from the requirement due to circumstances beyond his or her control; or (4) is enrolled in an institution of higher education as a full-time student in this state or any other state.

(b) The attendance director or chief administrator shall upon request provide a driver's eligibility certificate on a form approved by the Department of Education to any student at least fifteen but less than eighteen years of age who is properly enrolled and is making satisfactory academic progress in a school under the jurisdiction of the official for presentation to the Division of Motor Vehicles on application for or reinstatement of an instruction permit or license to operate a motor vehicle.

(c) Whenever a student at least fifteen but less than eighteen years of age, except as provided in subsection (g) of this section, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five days from the date of the withdrawal. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be suspended under the provisions of section six, article three, chapter seventeen-b of this code on the thirtieth day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If suspended, the division may not reinstate an instruction permit or license until such time as the student returns to school and shows satisfactory academic progress or until such time as the student attains eighteen years of age.

(d) Whenever a student at least fifteen but less than eighteen years of age is enrolled in a secondary school and fails to maintain satisfactory academic progress, the attendance director or chief administrator shall follow the procedures set out in subsection (c) of this section to notify the Division of Motor Vehicles. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license will be suspended under the provisions of section six, article three, chapter seventeen-b of this code on the thirtieth day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. Once suspension is ordered, the division may not reinstate an instruction permit or license until such time as the student shows satisfactory academic progress or until such time as the student attains eighteen years of age.
(e) Upon written request of a student, within ten days of receipt of a notice of suspension as provided by this section, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

(f) For the purposes of this section:

(1) Withdrawal is defined as more than ten consecutive or fifteen total days unexcused absences during a school year, or suspension pursuant to subsections (a) and (b) of section one-a, article five, chapter eighteen-a of this code.

(2) “Satisfactory academic progress” means the attaining and maintaining of grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five years or by age nineteen, whichever is earlier.

(3) “Circumstances outside the control of the student” shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another.

(4) Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student.

(g) Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma, or the student's failure to make satisfactory academic progress is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice shall be sent to the Division of Motor Vehicles to suspend the student's motor vehicle operator's license and if the student is applying for a license, the attendance director or chief administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section. The school district superintendent (or the appropriate school official of any private secondary school) with the assistance of the county attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for denial or suspension of a license as provided by this section are due to a circumstance or circumstances beyond the control of the student.

(h) The state board shall promulgate rules necessary for uniform implementation of this section among the counties and as may otherwise be necessary for the implementation of this section. The rule may not include attainment by a student of any certain grade point average as a measure of satisfactory progress toward graduation.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(c) A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: (i) Threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (ii) willfully disobeyed a teacher; (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (iv) used profane language directed at a school employee or student; (v) intentionally defaced any school property; (vi) participated in any physical altercation with another person while under the authority of school personnel; or (vii) habitually violated school rules or policies. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Violated the provisions of subsection (b), section fifteen, article two, chapter sixty-one of this code; (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; or (iii) sold a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-sponsored function or on a school bus. If a student has been suspended pursuant to this subsection, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the
student be expelled. Upon such a request by a principal, the county superintendent shall recommend to the county board that the student be expelled. Upon such recommendation, the county board shall conduct a hearing in accordance with subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.

(b) A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Committed an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (ii) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act as described in chapter sixty-a of this code. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

REGULATIONS
No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(d) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(d) [...] At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the student for a maximum of ten school days, including the time prior to the hearing, if any, for which the student has been excluded from school. [...] 

(i) Students may be expelled pursuant to this section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of subsection (a) of this section the student shall be expelled for a period of not less than twelve consecutive months, subject to the following:

(1) The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case demonstrably warrant;
(2) Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student’s case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

(A) The extent of the student's malicious intent;
(B) The outcome of the student's misconduct;
(C) The student's past behavior history;
(D) The likelihood of the student's repeated misconduct; and
(E) If applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court pursuant to section one-d of this section.

(j) In all hearings under this section, facts shall be found by a preponderance of the evidence.

(k) For purposes of this section, nothing herein may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

§18A-5-1d. Return to school through Juvenile Drug Court for certain students.
(a) When a student is expelled from school pursuant to section one-a of this article, the county board, county superintendent or principal for the school from which the student was expelled or the parent, guardian or custodian may refer the student to a Juvenile Drug Court, operated pursuant to section two-b, article five, chapter forty-nine of this code. Upon such referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

(b) If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. Such jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

(c)(1) Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to section one-a of this article.

(2) The Juvenile Drug Court shall notify the county superintendent of such completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court and the student assistance team of the school from which the student was expelled to discuss the student's history, progress and potential for improvement.

(3) The student assistance team shall evaluate and recommend whether the student’s expulsion period should be reduced and the student reinstated in school.

(4) The student assistance team’s recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by subsection (i), section one-a of this article and place the student in an appropriate school within the district.

(5) A student to be reinstated shall be permitted to return to school no later than the tenth regular school day following notice by the court to the superintendent regarding the student’s successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.

REGULATIONS
No relevant regulations found.
Administrative procedures related to suspension and expulsion

LAWS

§18-5-15. Ages of persons to whom schools are open; enrollment of suspended or expelled student.

(a) The public schools shall be open for the full instructional term to all persons who have attained the entrance age as stated in section five, article two and section eighteen, article five, chapter eighteen of this code: Provided, That any student suspended or expelled from public or private school shall only be permitted to enroll in public school upon the approval of the superintendent of the county where the student seeks enrollment: Provided, however, That in making such decision, the principal of the school in which the student may enroll shall be consulted by the superintendent and the principal may make a recommendation to the superintendent concerning the student's enrollment in his or her new school: Provided further, That if enrollment to public school is denied by the superintendent, the student may petition the board of education where the student seeks enrollment.

§18-5-15f. Affirmation regarding the suspension or expulsion of a student from school.

(a) Prior to the admission of a student to any public school in West Virginia, the county superintendent shall require the student's parent(s), guardian(s) or custodian(s) to provide, upon registration, a sworn statement or affirmation indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in West Virginia or another state. Any person willfully making a materially false statement or affirmation shall be guilty of a misdemeanor and, upon conviction, the penalty shall be the same as provided for "false swearing" pursuant to section three, article five, chapter sixty-one of this code.

(b) Prior to the admission of a student to any public school, the principal of that school or his or her designee shall consult the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code, to determine whether the student requesting admission is, at the time of the request for admission, serving a suspension or expulsion from another public school in West Virginia.

(c) The State Board of Education shall provide for the West Virginia Education Information System to disallow the recording of the enrollment of any student who is, at the time of attempted enrollment, serving a suspension or expulsion from another public school in West Virginia, and for that system to notify the user who has attempted to record the enrollment that the student may not be enrolled, and to notify that user of the reason therefore.

(d) Notwithstanding any other provision of this code to the contrary, any student who has been suspended or expelled from school pursuant to section one-a, article five, chapter eighteen-a of this code, or who has been suspended or expelled from a public or private school in another state, due to actions described in section one-a, article five, chapter eighteen-a of this code, may not be admitted to any public school within the state of West Virginia until the period of suspension or expulsion has expired.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(d) The actions of any student which may be grounds for his or her suspension or expulsion under the provisions of this section shall be reported immediately to the principal of the school in which the student
is enrolled. If the principal determines that the alleged actions of the student would be grounds for suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the continued presence of the student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the student shall be suspended immediately and a hearing held as soon as practicable after the suspension.

The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for suspension.

At the commencement of the informal hearing, the principal shall inquire of the student as to whether he or she admits or denies the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence possessed by the principal and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the student for a maximum of ten school days, including the time prior to the hearing, if any, for which the student has been excluded from school.

The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.

(e) Prior to a hearing before the county board, the county board shall cause a written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s), as the case may be. The notice shall state clearly whether the board will attempt at hearing to establish the student as a dangerous student, as defined by section one, article one of this chapter. The notice also shall include any evidence upon which the board will rely in asserting its claim that the student is a dangerous student. The notice shall set forth a date and time at which the hearing shall be held, which date shall be within the ten-day period of suspension imposed by the principal.

(f) The county board shall hold the scheduled hearing to determine if the student should be reinstated or should or, under the provisions of this section, must be expelled from school. If the county board determines that the student should or must be expelled from school, it also may determine whether the student is a dangerous student pursuant to subsection (g) of this section. At this, or any hearing before a county board conducted pursuant to this section, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter. The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing. The state board may adopt other supplementary rules of procedure to be followed in these hearings. At the conclusion of the hearing the county board shall either: (1) Order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county.

(g) A county board that did not intend prior to a hearing to assert a dangerous student claim, that did not notify the student prior to the hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the student, but he or she remains under suspension until after the hearing.

A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, after a hearing conducted pursuant to this section for determining
whether a student is a dangerous student, when the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three months after the refusal by the board to provide alternative education to reexamine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. Thereafter, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the board may consider the history of the student's conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

(h) The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents, upon his or her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination, before a county board conducted pursuant to the provisions of this section. Upon the written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding related to a recommended student expulsion or dangerous student determination before a county board. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both requested by the other party. Furthermore, if the authority to subpoena is granted, it shall be exercised in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code.

Any hearing conducted pursuant to this subsection may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs.

The county boards are directed to report the number of students determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.

(i) Students may be expelled pursuant to this section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of subsection (a) of this section the student shall be expelled for a period of not less than twelve consecutive months, subject to the following:

1. The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case demonstrably warrant;

2. Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

   A. The extent of the student's malicious intent;

   B. The outcome of the student's misconduct;

   C. The student's past behavior history;

   D. The likelihood of the student's repeated misconduct; and

   E. If applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court pursuant to section one-d of this section.
(j) In all hearings under this section, facts shall be found by a preponderance of the evidence.

(k) For purposes of this section, nothing herein may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, 20 U. S. C.§1400 et seq.

(l) Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code.

(1) The principal of the school at which the student is enrolled shall create an electronic record within twenty-four hours of the imposition of the suspension or expulsion.

(2) Each record of a suspension or expulsion shall include the student’s name and identification number, the reason for the suspension or expulsion and the beginning and ending dates of the suspension or expulsion.

(3) The state board shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under subsection (b), section fifteen-f, article five, chapter eighteen of this code to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students’ disciplinary histories.

(m) Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the state board.

(n) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions.

(o) For the purpose of this section, “principal” means the principal, assistant principal, vice principal or the administrative head of the school or a professional personnel designee of the principal or the administrative head of the school.

§18A-5-1b. Alternative procedures for expulsion hearings by county boards.
The county boards may employ a hearing examiner to conduct the expulsion hearings required by this article. The hearing examiner shall be an attorney, duly licensed to practice law in the state of West Virginia and shall not be employed by the state or county boards for any other reason.

The hearing examiner shall conduct hearings in compliance with the guidelines of section one-a of this article. All hearings shall be recorded by mechanical means, unless recorded by a certified court reporter. The hearing examiner shall issue a decision and written findings of fact and conclusions of law within five days of the conclusion of the hearing. Hearings by a hearing examiner shall have the same force and effect as a decision made by a county board. Upon the written request of a parent, guardian, or custodian of the student, or the county superintendent, the county board shall review the decision of the hearing examiner. Within ten calendar days from the date of the request of the review, the county board shall enter an order affirming, reversing, or modifying the decision of the hearing examiner. A county board may, in its own discretion, hold a hearing to determine any issues in question.

The authority of the county superintendent shall be the same as contained in section one-a of this article.

REGULATIONS
No relevant regulations found.
In-school suspension

LAWS

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board

(i) Each local school improvement council annually shall develop and deliver a report to the countywide council on productive and safe schools. The report shall include:

(1) Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings, schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:

(A) A system to provide for effective communication and coordination between school and local emergency services agencies;

(B) A preventive discipline program which may include the responsible students program devised by the West Virginia Board of Education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

(C) A student involvement program, which may include the peer mediation program or programs devised by the West Virginia Board of Education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(c) […] When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. […]

REGULATIONS

No relevant regulations found.
Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS

§126-99-5. Severability.
Section 5. Use of Restraint Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, the following guidelines must be followed:

Definitions:
Restraint. The use of physical force to significantly restrict the free movement of all or a portion of a student's body.
Emergency. A situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

A school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:
Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
Restraint shall be discontinued at the point at which the emergency no longer exists.
Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
Restraint shall not deprive the student of basic human necessities.
Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:
A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint;
Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;
Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;
All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports;
Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements: [...]  
Written notification to the parents/guardian and documentation to the student official school record shall include the following:

- Name of the student;
- Name of the staff member(s) administering the restraint;
- Date of the restraint and the time the restraint began and ended;
- Location of the restraint;
- Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- Documentation of all parental contact and notification efforts.

**Alternative placements**

**LAWS**

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board

(1) Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings, schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:

(A) A system to provide for effective communication and coordination between school and local emergency services agencies;
(B) A preventive discipline program which may include the responsible students program devised by the West Virginia board of education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

(C) A student involvement program, which may include the peer mediation program or programs devised by the West Virginia board of education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(g) A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, after a hearing conducted pursuant to this section for determining whether a student is a dangerous student, when the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three months after the refusal by the board to provide alternative education to reexamine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. Thereafter, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the board may consider the history of the student's conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

REGULATIONS


6.1. The county board of education shall establish policies and implement written procedures when providing for alternative delivery of education and service programs for students and community members. A thorough and efficient education must be available to all students, whether they are placed in regular or alternative programs.

6.2. Alternative Delivery Programs

   d. Alternative Settings for Disruptive Students - Students whose disruptive behavior places them at risk of not succeeding in the traditional school structure may be eligible for placement in an alternative education program as authorized by W. Va. 126CSR99, WVBE Policy 4373: Expected Behavior in Safe and Supportive Schools (hereinafter WVBE Policy 4373).
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: [...] (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; [...]§61-7-2. Definitions.

(11) “Firearm” means any weapon which will expel a projectile by action of an explosion.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver’s license; possessing deadly weapons on premises housing courts of law and family law courts.

(b)(1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility:

Provided, That it shall not be unlawful to possesses a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility when such institution has adopted written policies allowing for possession of firearms on or in the institution’s buildings, structures or facilities.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to section five, article twelve, chapter sixty-two or chapter forty-nine of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who:

   (i) Is employed by a state, county or municipal law-enforcement agency;

   (ii) Is covered for liability purposes by his or her employer;

   (iii) Is authorized by a county board of education and the school principal to serve as security for a school;

   (iv) Meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U. S. C. §926C(c); and
(v) Meets all of the requirements for handling and using a firearm established by his or her employer, and has qualified with his or her firearm to those requirements;

(D) A person specifically authorized by the board of Education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than $5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

   (1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

   (2) The appropriate local office of the State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

   (2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

   (3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall
make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent, to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

 (2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or shall be confined in jail not more than one year, or both fined and confined.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: [...] (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; [...] 

§61-7-2. Definitions.

(9) "Deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments defined in subdivisions (1) through (8), inclusive, of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, in addition to the definition of "knife" set forth in subdivision (3) of this section, the term "deadly
weapon” also includes any instrument included within the definition of “knife” with a blade of three and one-half inches or less in length. Additionally, for the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, the term “deadly weapon” includes explosive, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term “deadly weapon” does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver’s license; possessing deadly weapons on premises housing courts of law and family law courts.

(b)(1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility: Provided, That it shall not be unlawful to possesses a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility when such institution has adopted written policies allowing for possession of firearms on or in the institution’s buildings, structures or facilities.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to section five, article twelve, chapter sixty-two or chapter forty-nine of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who:

(i) Is employed by a state, county or municipal law-enforcement agency;

(ii) Is covered for liability purposes by his or her employer;

(iii) Is authorized by a county board of education and the school principal to serve as security for a school;

(iv) Meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U. S. C. §926C(c); and

(v) Meets all of the requirements for handling and using a firearm established by his or her employer, and has qualified with his or her firearm to those requirements;

(D) A person specifically authorized by the board of Education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.
(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than $5,000, or both fined and imprisoned.

c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.
(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent, to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or shall be confined in jail not more than one year, or both fined and confined.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(c) […] When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. […] The Legislature finds that isolating students or placing them in alternative learning centers may be the best setting for chronically disruptive students. […]

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(c) A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: (i) Threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (ii) willfully disobeyed a teacher; (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (iv) used profane language directed at a school employee or student; (v) intentionally defaced any school property; (vi) participated in any physical altercation with another person while under the authority of school personnel; or (vii) habitually violated school rules or policies. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.
REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

(a) Any person who, after receiving due notice, shall fail to cause a child or children under eighteen years of age in that person’s legal or actual charge to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than fifty nor more than $100 together with the costs of prosecution, or required to accompany the child to school and remain through the school day for so long as the magistrate or judge may determine is appropriate. The magistrate or judge, upon conviction and pronouncing sentence, may delay the sentence for a period of sixty school days provided the child is in attendance everyday during said sixty-day period. Following the sixty-day period, if said child was present at school for every school day, the delayed sentence may be suspended and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to accompany the child to school and remain throughout the school day until such time as the magistrate or judge may determine is appropriate or confined in jail not less than five nor more than twenty days. Every day a child is out of school contrary to this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person eighteen years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution and required to attend school and remain throughout the school day. The magistrate or judge, upon conviction and pronouncing sentence, may delay the imposition of a fine for a period of sixty school days provided the person is in attendance every day during said sixty-day period. Following the sixty-day period, if said student was present at school every school day, the delayed sentence may be suspended and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school or confined in jail not less than five nor more than twenty days. Every day a student is out of school contrary to this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(c) Upon conviction of a third offense, any person eighteen years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter shall be conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(d) Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this section.
§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.

(a) The county attendance director and the assistants shall diligently promote regular school attendance. The director and assistants shall:

(1) Ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age as defined under section one-a of this article;

(2) Take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so;

(3) For the purposes of this article, the following definitions apply:

(A) "Excused absence" includes:
   (i) Personal illness or injury of the student;
   (ii) Personal illness or injury of the student’s parent, guardian, custodian, or family member:
       Provided, that the excuse must provide a reasonable explanation for why the student’s absence
       was necessary and caused by the illness or injury in the family;
   (iii) Medical or dental appointment with written excuse from physician or dentist;
   (iv) Chronic medical condition or disability that impacts attendance;
   (v) Participation in home or hospital instruction due to an illness or injury or other extraordinary
       circumstance that warrants home or hospital confinement;
   (vi) Calamity, such as a fire or flood;
   (vii) Death in the family;
   (viii) School-approved or county-approved curricular or extra-curricular activities;
   (ix) Judicial obligation or court appearance involving the student;
   (x) Military requirement for students enlisted or enlisting in the military;
   (xi) Personal or academic circumstances approved by the principal; and
   (xii) Such other situations as may be further determined by the county board: Provided, That
       absences of students with disabilities shall be in accordance with the Individuals with Disabilities
       Education Improvement Act of 2004 and the federal and state regulations adopted in compliance
       therewith; and

(B) "Unexcused absence" means any absence not specifically included in the definition of "excused absence"; and

(4) All documentation relating to absences shall be provided to the school no later than three
    instructional days after the first day the student returns to school.

(b) In the case of three total unexcused absences of a student during a school year, the attendance
    director or assistant may serve notice by written or other means to the parent, guardian, or custodian of
    the student that the attendance of the student at school is required and that if the student has five
    unexcused absences, a conference with the principal, administrative head or other chief administrator will
    be required.

(c) In the case of five total unexcused absences, the attendance director or assistant shall serve written
    notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the
    parent, guardian or custodian, accompanied by the student, shall report in person to the school the
    student attends for a conference with the principal, administrative head or other chief administrator of the
    school in order to discuss and correct the circumstances causing the unexcused absences of the student,
    including the adjustment of unexcused absences based on the meeting.
(d) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

(e) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten days of execution of the summons or warrant. The hearing shall be held within twenty days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten days’ advance notice of the date, time and place of the hearing.

(f) When any doubt exists as to the age of a student absent from school, the attendance director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

(g) The county attendance director and assistants shall devote such time as is required by section three of this article to the duties of attendance director in accordance with this section during the instructional term and at such other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

(h) In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant directors also shall perform the following duties:

1. Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

2. Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible nonenrollees;

3. Cooperate with existing state and federal agencies charged with enforcing child labor laws;

4. Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at such times and in such detail as may be required. The state board shall promulgate a legislative rule pursuant to article three-b, chapter twenty-nine-a of this code that set forth student absences that are excluded for accountability purposes. The absences that are excluded by rule shall include, but are not limited to, excused student absences, students not in attendance due to disciplinary measures and absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority. The attendance director shall file with the county superintendent and county board at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time;

5. Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct;
(6) Participate in school teachers' conferences with parents and students;
(7) Assist in such other ways as the county superintendent may direct for improving school attendance;
(8) Make home visits of students who have excessive unexcused absences, as provided in subsection-
a of this section, or if requested by the chief administrator, principal or assistant principal; and
(9) Serve as the liaison for homeless children and youth.

§18-8-8. Child suspended for failure to comply with requirements and regulations treated as unlawfully absent.
If a child be suspended from school because of improper conduct or refusal of such child to comply with
the requirements of the school, the school shall immediately notify the county superintendent of such
suspension, and specify the time or conditions of such suspension. Further admission of the child to
school may be refused until such requirements and regulations be complied with. Any such child shall be
treated by the school as being unlawfully absent from the school during the time he refuses to comply
with such requirements and regulations, and any person having legal or actual control of such child shall
be liable to prosecution under the provisions of this article for the absence of such child from school:
Provided, That the county board of education does not exclude or expel the suspended child from school.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.
(d) The Legislature finds that suspension from school is not appropriate solely for a student's failure to
attend class. Therefore, a student may not be suspended from school solely for not attending class. Other
methods of discipline may be used for the student which may include, but are not limited to, detention,
extra class time or alternative class settings.

REGULATIONS

§126-42-7. County Board of Education responsibilities.
7.4. County boards of education must provide student services to ensure that students are able to
participate in and benefit from a high-quality education program. These services include, but are not
limited to: guidance and counseling, health services, school psychological services, special education and
related services, social services and attendance, transportation services, and nutrition services.
   f. Compulsory School Attendance - W. Va. Code §18-8-1a requires compulsory school attendance to
begin with the school year in which the 6th birthday is reached prior to September one of such year or
upon enrolling in a publicly supported kindergarten program and to continue to the 17th birthday or for
as long as the student continues to be enrolled in a school system after the 17th birthday. County
boards of education must employ a full-time attendance director if the county has a net enrollment of
more than 4,000 pupils and at least a half-time director if net enrollment is less than 4,000 (W. Va. Code
§18-8-3 and Section 5.4.g).

§126-81-1. General.
1.1. Scope. This rule provides guidelines for the development of local county attendance policies.
2-5c, 18-5-15, 18-8-1, 18-8-2, 18-8-3, 18-8-4, 18-8-5, 18-8-11, 50-1-8; and Subtitle B of Title VII of the
1.3. Filing Date. October 12, 2017.
1.5. Repeal of Former Rule. This legislative rule amends W. Va. 126CSR81, West Virginia Board of Education (WVBE) Policy 4110, Attendance, filed March 9, 2017 and effective April 10, 2017.

§126-81-2. Rationale.
2.1. The WVBE recognizes that a direct relationship exists between students’ daily school attendance and academic performance, graduation, and good work habits. This attendance policy promotes students’ daily school attendance. Each county shall be required to develop and implement a county attendance policy in accordance with this policy. Daily attendance is necessary for students to meet their schools’ academic program standards as each day’s learning builds on the work previously completed. While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance, and to provide an environment conducive to, and encouraging of, attendance.

§126-81-3. Policy Development.
3.1. Each county must provide for input from teachers, principals, attendance directors, parents/guardians, and community leaders when developing or revising the attendance policy.

§126-81-4. Definitions.
4.1. Absence - Not being physically present in the school facility for any reason.
4.2. Allowable Deductions for Schools - Beginning with the 2016-2017 school year, the only allowable deductions will be absences that result from school approved curricular/co-curricular activities, failure of the bus to run/hazardous conditions, students not in attendance due to disciplinary measures and school/county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.
4.3. Attendance - For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in §126-81-4.3.a. and §126-81-4.3.b.
   a. Full-day attendance means being present at least .74 of the school day.
   b. Half-day attendance means being present at least .50 of the school day.
4.4. Attendance Rate - The number of days present divided by the number of days of membership, multiplied by one hundred, equals attendance rate for students on the attendance registers in grades K-12.
4.5. Dropout - A dropout is a student who:
   a. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
   b. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
   c. has not graduated from high school, obtained a Test Assessing Secondary Completion (TASC) diploma, or completed a state- or district-approved education program; and
   d. does not meet any of the following exclusionary conditions:
      1. Transfer to another public school district, private school, home school, or state or district approved education program;
      2. Temporary school-recognized absence due to suspension or illness; or
      3. Death.
4.6. Dropout Date - The school day after the dropout’s last day of attendance.
4.7. Enrollment - A student is officially enrolled when one of the following conditions occur:
4.8. Enrollment Count - A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education (WVDE).

4.9. Excused Student Absences - Excused Student Absences include:

a. Absences that result from school-approved curricular/co-curricular/extracurricular activities; failure of the bus to run/hazardous conditions, Student Assistance Team (SAT) Plan, Individual Education Program (IEP) or Section 504 Plan meetings; and other county board approved excused absences.

b. Personal illness or injury of the student.

c. Personal illness or injury of the student’s parent, guardian, custodian, or family member, provided, that the excuse must provide a reasonable explanation for why the student’s absence was necessary and caused by the illness or injury in the family.

d. Medical or dental appointment with written excuse from physician or dentist.

e. Documented chronic medical conditions that may require multiple or regular absences. These conditions must be documented annually with a valid physician’s note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (see §126-81-5.3.c.4.).

f. Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrant home or hospital confinement.

g. Documented disabilities consisting of any mental or physical impairments that substantially limit one or more major life activities and are documented annually with a valid physician’s note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (see §126-81-5.3.c.4.).

h. Calamity, such as fire or flood.

i. Death in the family.

j. Judicial obligation or court appearance involving the student.

k. Military requirements for students enlisted or enlisting in the military.

l. Personal or academic circumstances approved by the principal.

m. Such other situations as may be further determined by the county board, provided that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the federal and state regulations adopted in compliance therewith.

4.10. Unexcused absence means any absence not specifically included in the definition of “excused absence.”

a. All documentation relating to absences shall be provided to the school not later than three (3) instructional days after the first day the student returns to school.

4.11. Homeless Children and Youths - As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;

b. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

d. Migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

4.12. Membership Days - The days present plus the days absent.

4.13. School of Origin - As defined in the McKinney-Vento Act is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

4.14. Transfer - A process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out-of-state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

§126-81-5. Responsibilities.

5.1. The WVBE has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardiness.

5.2. The WVBE has responsibility for defining allowable deductions for purposes of state attendance reports and statistics. Schools shall not be held accountable for absences resulting from allowable deductions. These absences shall not be calculated in the school's/county's attendance rate.

5.3. Each county board of education shall:


b. Support and require the county attendance director to implement and execute the duties as defined in W. Va. Code §18-8-4:

1. The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to attend school regularly.

2. In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant may serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

3. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

4. In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of
the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

5. When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

6. The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in W. Va. Code §50-1-8, shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

7. When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

8. All attendance directors hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

9. In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant director also shall perform the following duties: 1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) Cooperate with existing state and federal agencies charged with enforcing child labor laws; 4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through media, or in such manner as the county superintendent may direct; 5) Participate in school teachers’ conferences with parents and students; 6) Assist in such other ways as the county superintendent may direct for improving school attendance; and 7) Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

10. The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code §18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:

   A. Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services;

   B. Ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;

   C. Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;

   D. Help unaccompanied youth choose and enroll in a school, after considering the youth’s wishes, and provide the youth with notice of his or her right to appeal the school district’s decision;
E. Immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;

F. Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

G. Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

H. Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible; including Head Start and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services; and

I. Ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

11. The attendance director shall file with the county superintendent and county board of education, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code §18-8-4.

c. Support and require the school principal to implement and execute the duties as defined in W. Va. Code §18-8-5:

1. The principal shall compare school numbers with school enrollment monthly.

2. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.

3. It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

4. A student whose educational services are guided by an existing SAT Plan, IEP, or 504 Plan may warrant special consideration when a pattern of multiple, single, or chronic absences exist. The child’s current status should be reviewed by the SAT, IEP, or Section 504 Plan team as deemed appropriate and in accordance with state and federal laws.

5.4. Each parent, guardian, or custodian is responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (W. Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W. Va. Code §18-2-5c), signed suspension and expulsion document (W. Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.

5.5. Jurisdiction to enforce compulsory school attendance law lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have noncurrent jurisdiction for the trial of offenses arising under W. Va. Code §18-8-4.

5.6. Nothing in this policy is intended to limit the ability of a person having knowledge of a student’s habitual absence from school from filing a petition with the circuit court pursuant to W. Va. Code §49-4-704.
§126-81-6. County attendance policy components.

6.1. Each county’s attendance policy shall address the following components:

a. Philosophy: A philosophy declaring the board’s intent to increase attendance by:

1. Creating a positive safe environment conducive to learning and committed to helping students develop responsibility, self-discipline, and other good work habits.
2. Developing a system enlisting parental/guardian support for daily school attendance by students.

b. Principles of Operation: County school districts are responsible for:

1. Appointing a designated school attendance coordinator (principal or designee) who collects classroom attendance data and makes appropriate referrals to the county attendance director.
2. Reporting student attendance information which reflects the allowable deductions as defined by the WVBE.
3. Defining excused and unexcused absences in compliance with W. Va. Code §18-8-1 and §18-8-2, and attendance in W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (Policy 2510); provided, however, that no county may require more than a parental excuse for absences resulting from a documented chronic medical condition or a documented disability as defined in §126-81-4.9. and §126-81-4.10.
4. Defining extenuating circumstances for absences which may require homebound/hospital instruction as outlined in Policy 2510.
5. Setting reasonable preventive measures and consequences for student tardiness.
6. County attendance policy will be posted on a county school district’s website and readily available to the public.
7. Assuring that a student may not be suspended solely for failure to attend class. Other methods of discipline may include, but are not limited to, detention, extra class time, or alternative class settings.
8. Reporting all school dropouts to the WVDE.

c. Development of Processes and Procedures: County school districts are responsible for:

1. Developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.
2. Developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.
3. Requiring a student maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one complete semester following the revocation of his/her driver’s license.
4. Developing an attendance appeal process for students and parents/guardians.

d. Maintenance of Records: Accurate attendance records and related documentation shall be maintained for every student enrolled in public school.

1. An up-to-date daily register/record of attendance for every student must be maintained.
2. There must be written procedures for: 1) notifying parents/guardians about absences; 2) monitoring absences; and 3) notifying the county attendance director of an unexcused absence.
3. Students who are physically absent from school must be documented as absent. This record may become a legal document.

e. Preventive and Corrective Measures: designed to meet the developmental needs of students, preventive, and corrective measures should include developing:

1. Preventive and educational procedures including: incentives, to maintain and improve attendance and reduce tardiness.
2. Procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.

3. Procedures for providing adequate counseling for issues related to attendance.


5. Alternative plans and programs that are positive in nature and encourage improved school attendance.

6. Assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.

§126-81-7. Severability.
7.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Substance use

LAWS

§18A-5-1c. Bill of rights and responsibilities for students and school personnel.
(b) In recognition of the findings in this section, the following Bill of Rights and Responsibilities for Students and School Personnel is established:

(1) The right to attend a school and ride a bus that is safe, orderly and drug free;

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

(a) The Legislature hereby finds that hazing has become a problem in a limited number of public school-sponsored student organizations and that legal liability has already resulted from some of those activities. It is the intent of this section that problems with hazing in public school-sponsored student organizations be addressed.

(b) The state board shall promulgate legislative rules in accordance with article three-b, chapter twenty-nine-a of this code that addresses hazing in the public school system. The rules shall include at least the following:

(1) A definition of hazing;

(2) A definition of a public school-sponsored student organization that includes both cocurricular and extracurricular activities;

(3) A method to advise students and employees of the problems associated with hazing;

(4) Appropriate penalties or procedures for establishing penalties for students who haze while engaged in the activities of a public school-sponsored student organization; and

(5) Methods to prevent hazing in public school-sponsored organizations.
(c) The state board shall consider the antihazing law set forth in article sixteen, chapter eighteen in drafting the rules required by this section.

(d) Nothing in this section or in the policy promulgated in accordance with this section may be construed to prevent a suspension or expulsion executed in accordance with section one-a, article five, chapter eighteen-a of this code.

§18-2C-1. Legislative findings.
The Legislature finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, nonthreatening environment.

The Legislature further finds that students learn by example. The Legislature charges school administrators, faculty, staff and volunteers with demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

§18-2C-2. Definitions.
(a) As used in this article, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

(1) A reasonable person under the circumstances should know will have the effect of any one or more of the following:

(A) Physically harming a student;
(B) Damaging a student's property;
(C) Placing a student in reasonable fear of harm to his or her person; or
(D) Placing a student in reasonable fear of damage to his or her property;

(2) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or

(3) Disrupts or interferes with the orderly operation of the school.

(b) As used in this article, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

§18-2C-3. Policy prohibiting harassment, intimidation or bullying.
(a) Each county board shall establish a policy prohibiting harassment, intimidation or bullying. Each county board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (b) of this section. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members.

(b) Each county board policy shall, at a minimum, include the following components:

(1) A statement prohibiting harassment, intimidation or bullying of any student on school property, a school bus, at a school bus stop or at school sponsored events;

(2) A definition of harassment, intimidation or bullying no less inclusive than that in section two of this article;

(3) A procedure for reporting prohibited incidents;

(4) A requirement that school personnel report prohibited incidents of which they are aware;
(5) A requirement that parents or guardians of any student involved in an incident prohibited pursuant to this article be notified;
(6) A procedure for documenting any prohibited incident that is reported;
(7) A procedure for responding to and investigating any reported incident;
(8) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;
(9) A disciplinary procedure for any student guilty of harassment, intimidation or bullying;
(10) A requirement that any information relating to a reported incident is confidential, and exempt from disclosure under the provisions of chapter twenty-nine-b of this code; and
(11) A requirement that each county board shall input into the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in section twenty-six, article two of this chapter, and compile an annual report regarding the means of harassment, intimidation or bullying that have been reported to them, and the reasons therefor, if known. The West Virginia Department of Education shall compile the information and report it annually beginning July 1, 2012, to the Legislative Oversight Committee on Education Accountability.

c) Each county board shall adopt the policy and submit a copy to the State Superintendent of Schools by December 1, 2011.

d) To assist county boards in developing their policies, the West Virginia Department of Education shall develop a model policy applicable to grades kindergarten through twelfth. The model policy shall be issued by September 1, 2011.

e) Notice of the county board’s policy shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

§18-2C-4. Immunity.
A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

(1) In good faith promptly reports an incident of harassment, intimidation or bullying;
(2) Makes the report to the appropriate school official as designated by policy; and
(3) Makes the report in compliance with the procedures as specified in policy.

§18-2C-5. Policy training and education.
(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:

(1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and
(2) Develop a process for educating students on the harassment, intimidation or bullying policy.

(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program.

Except as provided in section four of this article, nothing in this article prohibits a victim from seeking redress under any other provision of civil or criminal law.
§18A-5-1c. Bill of rights and responsibilities for students and school personnel.

(b) In recognition of the findings in this section, the following Bill of Rights and Responsibilities for Students and School Personnel is established:

(5) The right to attend a school and ride on a bus that is free from bullying;

§49-4-717. Sexting educational diversion program; requirements.

(a) Before a juvenile petition is filed for activity prescribed by article eight-a or eight-c, chapter sixty-one of this code, or after probable cause has been found to believe a juvenile has committed a violation thereof, but before an adjudicatory hearing on the petition, the court or a prosecuting attorney may direct or allow a minor who engaged in the activity to participate in an educational diversion program which meets the requirements of subsection (b) of this section. The prosecutor or court may refer the minor to the educational diversion program, as part of a prepetition intervention pursuant to section seven hundred two of this article.

(b) The West Virginia Supreme Court of Appeals may develop an educational diversion program for minors who are accused of activity proscribed by article eight-a or eight-c, chapter sixty-one of this code. As a part of any specialized educational diversion program so developed, the following issues and topics should be included:

(1) The legal consequences of and penalties for sharing sexually suggestive or explicit materials, including applicable federal and state statutes;

(2) The nonlegal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) How the unique characteristics of cyberspace and the Internet, including searchability, replicability and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) The connection between bullying and cyber-bullying and minors sharing sexually suggestive or explicit materials.

(c) Once a specialized educational diversion program is established by the West Virginia Supreme Court of Appeals consistent with this section, the minor's successful completion of the educational diversion program shall be duly considered by the prosecutor or the court in their respective decisions to either abstain from filing the juvenile petition or to dismiss the juvenile petition, as follows:

(1) If the minor has not previously been judicially determined to be delinquent, and the minor's activities represent a first offense for a violation of section three-b, article eight-c, chapter sixty-one of this code, the minor is not subject to the requirements of that section, as long as he or she successfully completes the educational diversion program; and

(2) If the minor commits a second or subsequent violation of article eight-a or eight-c, chapter sixty-one of this code, the minor's successful completion of the educational diversion program may be considered as a factor to be considered by the prosecutor and court in deciding to not file a petition or to dismiss a petition, upon successful completion of an improvement plan established by the court.

REGULATIONS

No relevant regulations found.
Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§18-2C-5. Policy training and education.
(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

§18-2-7b. Programs in drug prevention and violence reduction.
(a) In order for the schools to become healthy learning environments and to provide a strong defense against drug use and violence, the State Board of Education shall prescribe programs within the existing health and physical education program which teach resistance and life skills to counteract societal and peer pressure to use drugs, alcohol and tobacco, and shall include counselors, teachers and staff in full implementation of the program. The board shall also prescribe programs to coordinate violence reduction efforts in schools and between schools and their communities and to train students, teachers, counselors and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary and shall begin in elementary school.

(b) No later than the start of the 2018-2019 school year, a county board shall implement comprehensive drug awareness and prevention programs for students in grades K through 12 to receive instruction regarding the dangers of substance abuse. The purpose of the drug awareness and prevention program is to:

1. Keep students from illegally using alcohol, tobacco or other drugs;
2. Reduce or eliminate the incidence and prevalence of student’s alcohol, tobacco and other drug abuse;
3. Reduce the factors that place students at risk of abusing alcohol, tobacco or other drugs through school and a community based planning processes;
4. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and drug-free;
5. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and drug use, and of blood borne pathogens;
6. Actively involve staff, parents and community members in the development and implementation of the drug awareness and prevention program plans;
7. Facilitate an understanding and appreciation of the risks to, duties of, and likely actions by law-enforcement officers when conducting investigations; and
8. Instruct how to respond to an officer during a vehicular or other stop or police interaction, including problematic or dangerous action and behaviors that could result in a person being detained or arrested.

(c) The county board shall coordinate the delivery of instruction to meet the purposes of subsection (b) of this section with educators, drug rehabilitation specialists and law-enforcement agencies to periodically provide age appropriate student education on their experiences with the impacts of illegal alcohol and drug use.
(d) Beginning with the 2018-2019 school year, instruction required pursuant to section nine of this article in the subject of health education in any of the grades six through twelve as considered appropriate by the county board shall include at least sixty minutes of instruction for each student on the dangers of opioid use, the additive characteristics of opioids, and safer alternatives to treat pain.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.

(i) Each local school improvement council annually shall develop and deliver a report to the countywide council on productive and safe schools. The report shall include:

(1) Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings, schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:

(B) A preventive discipline program which may include the responsible students program devised by the West Virginia Board of Education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

(C) A student involvement program, which may include the peer mediation program or programs devised by the West Virginia Board of Education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(f) [...] The county boards also may establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and any other program related to preventive discipline.

REGULATIONS

§126-81-6. County attendance policy components.

6.1. Each county’s attendance policy shall address the following components:

  e. Preventive and Corrective Measures: designed to meet the developmental needs of students, preventive, and corrective measures should include developing:

    1. Preventive and educational procedures including: incentives, to maintain and improve attendance and reduce tardiness.

    2. Procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.

    3. Procedures for providing adequate counseling for issues related to attendance.


    5. Alternative plans and programs that are positive in nature and encourage improved school attendance.

    6. Assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.
2.1. The West Virginia Board of Education (WVBE) recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. The WVBE believes further that public schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. These regulations require county boards of education to design and implement procedures to create and support continuous school climate/culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

2.2. These regulations also set forth unacceptable behaviors that undermine a school’s efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. West Virginia’s public schools must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

Behavioral interventions and student support services

LAWS

§18-2C-5. Policy training and education.
(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.
(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:
   (1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and
   (2) Develop a process for educating students on the harassment, intimidation or bullying policy.
(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.
(1) Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings, schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:
   (C) A student involvement program, which may include the peer mediation program or programs devised by the West Virginia board of education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code.

§18-8-6. The High School Graduation Improvement Act.
(a) This section is known and may be cited as “The High School Graduation Improvement Act.”
(b) The Legislature makes the following findings:
(1) West Virginia has a dire need to implement a comprehensive approach to addressing the high school drop-out crisis, and to develop policies and strategies that successfully assist at-risk students to stay in school, earn a high school diploma, and ultimately become productively contributing members of society;

(2) The current demands for a highly skilled workforce require a high school diploma at the very minimum;

(3) The state has several dynamic programs that are capable of actively engaging students in learning, providing students with a sense of relevancy in academics, and motivating students to succeed in school and ultimately earn a high school diploma;

(4) Raising the compulsory school attendance age alone will neither increase the graduation rate nor decrease the drop-out rate. It is imperative that the state shift the focus from merely compelling students to attend school to instead providing vibrant and engaging programs that allow students to recognize the value of a high school diploma or workforce credential and inspire students to graduate from high school, especially those students who are at risk of dropping out of school;

(5) Investing financially in this focus shift will result in the need for fewer resources to be committed to enforcing compulsory attendance laws and fewer incidents of disruptive student behavior;

(6) Absenteeism is proven to be the highest predictor of course failure. Truant students face low self-confidence in their ability to succeed in school because their absences cause them to fall behind their classmates, and the students find dropping out easier than catching up;

(7) There is a strong relationship between truancy and dropping out of high school. Frequent absences are one of the most common indicators that a student is disengaging from the learning process and likely to drop out of school early. Intervention after fewer absences is likely to have a positive impact on a student's persistence to graduation;

(8) Students cite many reasons for dropping out of school, some of which include engaging in drug culture, lack of positive influence, role model or parental involvement, absence of boundaries and direction, lack of a positive home environment, peer pressure, and poor community expectations;

(9) Dropping out of school has a profound negative impact on an individual's future, resulting in limited job choices, substantially lower wages and less earned over a life-time than high school graduates, and a greater likelihood of depending on public assistance and engaging in criminal activity;

(10) Career-technical education is a dynamic system in West Virginia which offers numerous concentrations that provide students with industry-recognized credentials, while also preparing them for post-secondary education;

(11) All career-technical education students in the state have an opportunity to earn free college credit through the Earn a Degree-Graduate Early (EDGE) program;

(12) The current high school graduation rate for secondary career-technical education completers is significantly higher than the state graduation rate;

(13) Students involved in career-technical education learn a marketable skill, are likely to find jobs, and become prepared for post-secondary education;

(14) A significant number of students who could benefit from participating in a career-technical program are denied access due to a number of factors, such as dropping out of high school prior to enrolling in career-technical education, requirements that students repeat academic courses that they have failed, and scheduling conflicts with the high schools;

(15) There has been a dramatic change over the years from vocational education, which was very basic and lacked high level skills, to the career-technical programs of today which are computer based, require national tests and certification, and often result in jobs with high salaries;
(16) West Virginia’s employers and technical education job placement rates show that the state needs graduates with technical skills to compete in the current and future job markets;
(17) The job placement rate for students graduating from career-technical programs statewide is greater than ninety-five percent;
(18) Among the reasons students cite for dropping out of school are feelings of hopelessness when they have failed classes and can not recover credits in order to graduate;
(19) The state offers full-day programs consisting of credit recovery, hands on experiences in career-technical programs and basic education, which are valuable resources for re-engaging students who have dropped out of school, or have a potential for or are at risk of dropping out;
(20) A student is significantly more likely to graduate from high school if he or she completes four units of training in technical education;
(21) Learning is increased and retained at a higher level if the content is taught through a relevant and applied experience, and students who are able to experience academics through real life projects have a higher probability of mastering the appropriate concepts;
(22) Programs such as “GED Option” and “Techademics” are valuable resources for providing relevant and applied experience for students;
(23) The Techademics programs administered by the department of education has embedded math competencies in career-technical program curricula whereby students simultaneously earn credit for mastery of math competencies and career-technical courses;
(24) Students would greatly benefit if West Virginia were designated as a “GED Option” state. Currently a student is ineligible to take the General Educational Development (GED) exam if he or she is enrolled in school, which requires the student to drop out of high school in order to participate in a GED preparation program or take the exam, even if the student desires to remain enrolled;
(25) A GED Option state designation by the American Council on Education would allow students in this state to remain enrolled in school and continue acquiring academic and career-technical credits while pursuing a GED diploma. The GED Option would be blended with the West Virginia virtual schools or a career-technical education pathway. Upon completion, rather than being a dropout, the student would have a GED diploma and a certification in the chosen career-technical or virtual school pathway;
(26) The Mountaineer Challenge Academy is a positive option for students at risk of dropping out of school, as it provides students with structure, stability, and a focus on positive change, all in an environment where negative influences and distractions can be left behind;
(27) Students attending the Mountaineer Challenge Academy would greatly benefit if the GED Option were implemented at the Academy;
(28) The Health Sciences and Technology Academy (HSTA) program prepares rural, minority and economically disadvantaged students for college and careers in the health sciences, and demonstrates tremendous success in its high percentage of students who graduate from high school and participate in post-secondary education.
(29) The West Virginia GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) program is aimed at increasing the academic performance and rigorous preparation of students, increasing the number of high-poverty, at-risk students who are prepared to enter and succeed in post-secondary education, and increasing the high school graduation rate;
(30) The GEAR UP program successfully aids students in planning, applying and paying for education and training beyond high school;
(31) Each dropout involved in drugs or crime or dependent on public assistance creates a huge fiscal burden on society;
(32) The intense treatment and individual monitoring provided through the state’s juvenile drug courts have proven to be highly effective in treating drug addictions, and rehabilitating drug-addicted youth and improving their educational outcomes;

(33) Services provided by juvenile drug courts include substance abuse treatment, intervention, assessment, juvenile and family counseling, heavy supervision by probation officers including school-based probation officers who provide early intervention and diversion services, and addressing some of the underlying reasons why students are not successful in school;

(34) School participation and attendance are required for students participating in juvenile drug courts, and along with academic progress are closely monitored by the courts;

(35) Juvenile drug courts are an important strategy to improve substance abuse treatment outcomes, and serve to save the state significant cost on incarceration of the juveniles, along with the future costs to society of individuals who remain substance abusers;

(36) Juvenile drug courts produce greater cost benefits than other strategies that address criminal activity related to substance abuse and addiction that bring individuals into the criminal justice system;

(37) Funding for the increased number of students enrolled in school during the 2010-2011 school year due to the compulsory school attendance age increase established by this act will not be reflected in the state aid formula allocation until the 2011-2012 school year, which will require additional funds to be provided to county boards for the 2010-2011 school year to accommodate the increased enrollment;

(38) The state will benefit both fiscally and through improved quality of life if scarce state resources are targeted toward programs that result in providing a competitive advantage as adults for those students who are at risk of dropping out of school;

(39) Funds invested toward education and ensuring that students complete high school pay tremendous dividends through the moneys saved on incarceration, unemployment and underemployment as those students reach adulthood;

(40) Increasing the compulsory school attendance age will have little effect in aiding students to complete high school if additional resources, both fiscal and programmatic, are not dedicated to supporting student achievement, providing real-life relevancy in curriculum, and engaging students in learning, particularly for those students who have become so disengaged from school and learning that they are at risk of dropping out of school; and

(41) Schools cannot solve the dropout problem alone. Research shows when educators, parents, elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel and civic leaders collectively work together they are often able to find innovative solutions to address school and community problems.

(c) The Legislature intends as follows:

1. The state will continue to explore diverse instructional delivery strategies to accommodate various learning styles and will focus on a state-wide dropout intervention and prevention program to provide support for students having academic difficulty;

2. A general credit recovery program shall be implemented statewide, including delivery through West Virginia virtual schools;

3. The state board will continue to improve the way career-technical education is offered, including expansion of the Techademics program;

4. Up to five additional juvenile drug courts shall be established by January 1, 2012;

5. The state will invest additional state funds and other resources in strategies and programs that engage disconnected and discouraged students in a positive learning environment as a critical first step to ensuring that students persist and graduate;
(6) County boards will develop plans to demonstrate how they will use available funds to implement the intent of this section; and

(7) The state board shall develop a statewide system in electronic format that will provide schools with easily identifiable early warning indicators of students at risk of not graduating from high school. The system shall be delivered through the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) and shall at a minimum incorporate data on the attendance, academic performance and disciplinary infractions of individual students. The state board shall require implementation of the system in Local Solution Dropout Prevention and Recovery Innovation Zones along with a plan of interventions to increase the number of students earning a high school diploma, and may utilize the zones as a pilot test of the system.

(d) Each county board shall include in its alternative education program plan required by section six, article two, of this chapter a plan to improve student retention and increase the graduation rate in the county. The plan is subject to approval of the state board, and shall include strategies the county board will implement to achieve the following goals:

(1) Increasing the graduation rate for the county;

(2) Identifying at the earliest age possible those students who are at risk of dropping out of school prior to graduation; and

(3) Providing additional options for delivering to at-risk students academic credentials and career-technical training if appropriate or desired by the student. The options may include such programs as Techademics, Earn a Degree-Graduate Early (EDGE), Health Sciences and Technology Academy (HSTA), Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), truancy diversion, early intervention, dropout prevention, prevention resource officers, GED option, credit recovery, alternative learning environments, or any other program or strategy approved by the state board.

(e) As soon as is practicable the state superintendent or his or her designee shall pursue designation of West Virginia as a "GED Option" state by the American Council on Education. If so designated, the state board shall:

(1) Develop and implement a program whereby a student may pursue a GED diploma while remaining enrolled in high school; and

(2) Ensure that the GED Option is offered to students attending the Mountaineer Challenge Academy.

(f) The state board shall continue to expand:

(1) The Techademics program to include each major academic subject and increase the academic credit available through the program to students; and

(2) The Health Sciences and Technology Academy to ensure that the program is available for any school containing any of the grade levels of eligible students.

(g) The state board shall ensure that the dropout information required by section twenty-four, article one-b, chapter fifteen of this code is provided annually to the Mountaineer Challenge Academy.

(h) Some career and technical education programs only accept students in certain upper high school grade levels due to lack of capacity to accept the students in the lower high school grade levels. This can be detrimental to efforts to keep students identified as at risk of dropping out of school prior to graduation in school. Therefore, those career and technical education programs that limit enrollment to students in certain upper high school grade levels may make exceptions for those at risk students and enroll any of those at risk students who are in grades nine and above.
§126-81-6. County attendance policy components.

6.1. Each county’s attendance policy shall address the following components:

   e. Preventive and Corrective Measures: designed to meet the developmental needs of students, preventive, and corrective measures should include developing:

      1. Preventive and educational procedures including: incentives, to maintain and improve attendance and reduce tardiness.
      2. Procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.
      3. Procedures for providing adequate counseling for issues related to attendance.
      5. Alternative plans and programs that are positive in nature and encourage improved school attendance.
      6. Assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

§18-2C-5. Policy training and education.

(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:

   (1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and

(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school’s current employee training program.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(f) [...] The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. [...] 

For additional information on professional development, see also West Virginia Manual for Expected Behavior in Safe and Supportive Schools, included in the “State-Sponsored, Publicly Available Websites or Other Resources on School Discipline” section of the full West Virginia compilation.

REGULATIONS

No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(d) [...] The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(l) Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code.

(1) The principal of the school at which the student is enrolled shall create an electronic record within twenty-four hours of the imposition of the suspension or expulsion.

(2) Each record of a suspension or expulsion shall include the student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension or expulsion.

(3) The State Board of Education shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under subsection (b), section fifteen-f, article five, chapter eighteen of this code to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students' disciplinary histories.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.
REGULATIONS
No relevant regulations found.

Parental notification

LAWS

§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.

(b) In the case of three total unexcused absences of a student during a school year, the attendance director or assistant may serve notice by written or other means to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five unexcused absences, a conference with the principal, administrative head or other chief administrator will be required.

(c) In the case of five total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

(d) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

§18-8-5. Duties of principal, administrative head or other chief administrator.

It shall be the duty of the principal, administrative head or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker. Such reports shall be on the form prescribed for such purpose, by telephone, or in person, and shall include essential information about the child and the name and residence of any parent, guardian or custodian of a child.

It shall also be the duty of each principal, administrative head or other chief administrator of each public school to ascertain and report promptly the name of any parent, guardian or custodian of any child of compulsory school age as defined in this article who was or should be enrolled in the school reporting and who has not enrolled in any school that year. By way of ascertaining the status of school attendance, each principal, administrative head or other chief administrator shall compare the school census with the school enrollment at the opening of the school term and each month thereafter, or as directed by the county superintendent of schools, and report the same to the county attendance director: Provided, That any child who was or should be enrolled in a particular school, but who is at the time enrolled in another school shall be considered as attending the school in which enrolled and shall be included only in the report of attendance from the school in which the child is enrolled at the time.
If the principal, administrative head or other chief administrator of a school determines that an enrolled pupil has accumulated unexcused absences from attendance at such school for five instructional days during any one half of the instructional term, the principal, administrative head or other chief administrator shall contact any parent, guardian or custodian of the pupil and shall hold a meeting with any person so contacted, and the pupil, and any other person that the administrator deems a relevant participant in such meeting.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(c) The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s).

(d) [...] The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for suspension.

At the commencement of the informal hearing, the principal shall inquire of the student as to whether he or she admits or denies the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence possessed by the principal and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the student for a maximum of ten school days, including the time prior to the hearing, if any, for which the student has been excluded from school.

The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.

REGULATIONS

§126-81-5. Responsibilities.

5.3. Each county board of education shall:


b. Support and require the county attendance director to implement and execute the duties as defined in W. Va. Code §18-8-4:

1. The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to attend school regularly.
2. In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant may serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

3. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

4. In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

5. When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

6. The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in W. Va. Code §50-1-8, shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

7. When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

8. All attendance directors hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

9. In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant director also shall perform the following duties: 1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) Cooperate with existing state and federal agencies charged with enforcing child labor laws; 4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through media, or in such manner as the county superintendent may direct; 5) Participate in school teachers’ conferences with
parents and students; 6) Assist in such other ways as the county superintendent may direct for improving school attendance; and 7) Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

10. The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code §18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:
   A. Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services;
   B. Ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
   C. Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;
   D. Help unaccompanied youth choose and enroll in a school, after considering the youth’s wishes, and provide the youth with notice of his or her right to appeal the school district’s decision;
   E. Immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
   F. Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
   G. Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
   H. Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible; including Head Start and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services; and
   I. Ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

11. The attendance director shall file with the county superintendent and county board of education, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code §18-8-4.

c. Support and require the school principal to implement and execute the duties as defined in W. Va. Code §18-8-5:

   1. The principal shall compare school numbers with school enrollment monthly.
   2. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.
   3. It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.
4. A student whose educational services are guided by an existing SAT Plan, IEP, or 504 Plan may warrant special consideration when a pattern of multiple, single, or chronic absences exist. The child’s current status should be reviewed by the SAT, IEP, or Section 504 Plan team as deemed appropriate and in accordance with state and federal laws.

5.4. Each parent, guardian, or custodian is responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (W. Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W. Va. Code §18-2-5c), signed suspension and expulsion document (W. Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.

5.5. Jurisdiction to enforce compulsory school attendance law lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have noncurrent jurisdiction for the trial of offenses arising under W. Va. Code §18-8-4.

5.6. Nothing in this policy is intended to limit the ability of a person having knowledge of a student’s habitual absence from school from filing a petition with the circuit court pursuant to W. Va. Code §49-4-704.

§126-81-6. County attendance policy components.

6.1. Each county’s attendance policy shall address the following components:

   c. Development of Processes and Procedures: County school districts are responsible for:

      1. Developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.

      2. Developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.

      3. Requiring a student maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one complete semester following the revocation of his/her driver’s license.

      4. Developing an attendance appeal process for students and parents/guardians.

   d. Maintenance of Records: Accurate attendance records and related documentation shall be maintained for every student enrolled in public school.

      1. An up-to-date daily register/record of attendance for every student must be maintained.

      2. There must be written procedures for: 1) notifying parents/guardians about absences; 2) monitoring absences; and 3) notifying the county attendance director of an unexcused absence.

      3. Students who are physically absent from school must be documented as absent. This record may become a legal document.

   e. Preventive and Corrective Measures: designed to meet the developmental needs of students, preventive, and corrective measures should include developing:

      1. Preventive and educational procedures including: incentives, to maintain and improve attendance and reduce tardiness.

      2. Procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.

      3. Procedures for providing adequate counseling for issues related to attendance.


      5. Alternative plans and programs that are positive in nature and encourage improved school attendance.
6. Assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.

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

**LAWS**

§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

(a) Any person who, after receiving due notice, shall fail to cause a child or children under eighteen years of age in that person's legal or actual charge to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than fifty nor more than $100 together with the costs of prosecution, or required to accompany the child to school and remain through the school day for so long as the magistrate or judge may determine is appropriate. The magistrate or judge, upon conviction and pronouncing sentence, may delay the sentence for a period of sixty school days provided the child is in attendance everyday during said sixty-day period. Following the sixty-day period, if said child was present at school for every school day, the delayed sentence may be suspended and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to accompany the child to school and remain throughout the school day until such time as the magistrate or judge may determine is appropriate or confined in jail not less than five nor more than twenty days. Every day a child is out of school contrary to this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person eighteen years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution and required to attend school and remain throughout the school day. The magistrate or judge, upon conviction and pronouncing sentence, may delay the imposition of a fine for a period of sixty school days provided the person is in attendance every day during said sixty-day period. Following the sixty-day period, if said student was present at school everyday, the delayed sentence may be suspended and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school or confined in jail not less than five nor more than twenty days. Every day a student is out of school contrary to this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(c) Upon conviction of a third offense, any person eighteen years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter shall be conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(d) Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be
brought in either county and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this section.

§18-8-5. Duties of principal, administrative head or other chief administrator.

It shall be the duty of the principal, administrative head or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker. Such reports shall be on the form prescribed for such purpose, by telephone, or in person, and shall include essential information about the child and the name and residence of any parent, guardian or custodian of a child.

It shall also be the duty of each principal, administrative head or other chief administrator of each public school to ascertain and report promptly the name of any parent, guardian or custodian of any child of compulsory school age as defined in this article who was or should be enrolled in the school reporting and who has not enrolled in any school that year. By way of ascertaining the status of school attendance, each principal, administrative head or other chief administrator shall compare the school census with the school enrollment at the opening of the school term and each month thereafter, or as directed by the county superintendent of schools, and report the same to the county attendance director: Provided, That any child who was or should be enrolled in a particular school, but who is at the time enrolled in another school shall be considered as attending the school in which enrolled and shall be included only in the report of attendance from the school in which the child is enrolled at the time.

If the principal, administrative head or other chief administrator of a school determines that an enrolled pupil has accumulated unexcused absences from attendance at such school for five instructional days during any one half of the instructional term, the principal, administrative head or other chief administrator shall contact any parent, guardian or custodian of the pupil and shall hold a meeting with any person so contacted, and the pupil, and any other person that the administrator deems a relevant participant in such meeting.

§18-8-6a. Incentive for county board participation in circuit court juvenile probation truancy programs.

A county board that enters into a truancy program agreement with the circuit court of the county that (1) provides for the referral of truant juveniles for supervision by the court's probation office pursuant to section eleven, article five, chapter forty-nine of this code and (2) requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, shall be reimbursed for one-half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose to the West Virginia Department of Education. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's costs shall be reimbursed pro rata.

§18-8-7. Aiding or abetting violations of compulsory attendance; penalty.

Any person who induces or attempts to induce any child or student unlawfully to absent himself or herself from school, or who harbors or employs any child or student of compulsory school age or any student over sixteen years of age who is enrolled in a school while the school to which he or she belongs and which he or she is required to attend is in session, or who employs such child or student within the term of such school on any day such school is in session without the written permission of the county superintendent of schools, or for a longer period than such work permit may specify shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars and may be confined in jail not less than ten nor more than thirty days.
§18-8-8. Child suspended for failure to comply with requirements and regulations treated as unlawfully absent.

If a child be suspended from school because of improper conduct or refusal of such child to comply with the requirements of the school, the school shall immediately notify the county superintendent of such suspension, and specify the time or conditions of such suspension. Further admission of the child to school may be refused until such requirements and regulations be complied with. Any such child shall be treated by the school as being unlawfully absent from the school during the time he refuses to comply with such requirements and regulations, and any person having legal or actual control of such child shall be liable to prosecution under the provisions of this article for the absence of such child from school:

Provided, That the county board of education does not exclude or expel the suspended child from school.


All fines collected under the provisions of this article shall be paid on or before the last day of each calendar month by the magistrate, or other proper official having jurisdiction in the case, to the sheriff and by him credited to the county school fund; and the magistrate shall file with the county superintendent on the last day of each month an itemized statement of all fines paid over to the sheriff.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and in family law courts.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

§18A-5-5. Records; reports by professional and other personnel.

Every teacher, principal, supervisor, or other person employed by a board of education shall keep such records and shall make such reports as may be required by the state superintendent of schools, and such records shall be kept and such reports shall be made according to the forms and blanks prescribed and furnished by the state superintendent. Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them.

§49-5-103. Confidentiality of juvenile records; permissible disclosures; penalties; damages.

(a) Any findings or orders of the court in a juvenile proceeding shall be known as the juvenile record and shall be maintained by the clerk of the court.

(b) Records of a juvenile proceeding conducted under this chapter are not public records and shall not be disclosed to anyone unless disclosure is otherwise authorized by this section.
(c) Notwithstanding the provisions of subsection (b) of this section, a copy of a juvenile’s records shall automatically be disclosed to certain school officials, subject to the following terms and conditions:

(1) Only the records of certain juveniles shall be disclosed. These include, and are limited to, cases in which:

   (A) The juvenile has been charged with an offense which:
       (i) Involves violence against another person;
       (ii) Involves possession of a dangerous or deadly weapon; or
       (iii) Involves possession or delivery of a controlled substance as that term is defined in section one hundred one, article one, chapter sixty-a of this code; and
   (B) The juvenile's case has proceeded to a point where one or more of the following has occurred:
       (i) A circuit court judge or magistrate has determined that there is probable cause to believe that the juvenile committed the offense as charged;
       (ii) A circuit court judge or magistrate has placed the juvenile on probation for the offense;
       (iii) A circuit court judge or magistrate has placed the juvenile into a preadjudicatory community supervision period in accordance with section seven hundred eight, article four of this chapter; or
       (iv) Some other type of disposition has been made of the case other than dismissal.

(2) The circuit court for each judicial circuit in West Virginia shall designate one person to supervise the disclosure of juvenile records to certain school officials.

(3) If the juvenile attends a West Virginia public school, the person designated by the circuit court shall automatically disclose all records of the juvenile’s case to the county superintendent of schools in the county in which the juvenile attends school and to the principal of the school which the juvenile attends, subject to the following:

   (A) At a minimum, the records shall disclose the following information:
       (i) Copies of the arrest report;
       (ii) Copies of all investigations;
       (iii) Copies of any psychological test results and any mental health records;
       (iv) Copies of any evaluation reports for probation or facility placement; and
       (v) Any other material that would alert the school to potential danger that the juvenile may pose to himself, herself or others;
   (B) The disclosure of the juvenile's psychological test results and any mental health records shall only be made in accordance with subdivision (14) of this subsection;
   (C) If the disclosure of any record to be automatically disclosed under this section is restricted in its disclosure by the Health Insurance Portability and Accountability Act of 1996, PL 104-191, and any amendments and regulations under the act, the person designated by the circuit court shall provide the superintendent and principal any notice of the existence of the record that is permissible under the act and, if applicable, any action that is required to obtain the record; and
   (D) When multiple disclosures are required by this subsection, the person designated by the circuit court is required to disclose only material in the juvenile record that had not previously been disclosed to the county superintendent and the principal of the school which the juvenile attends.

(4) If the juvenile attends a private school in West Virginia, the person designated by the circuit court shall determine the identity of the highest ranking person at that school and shall automatically disclose all records of a juvenile’s case to that person.
(5) If the juvenile does not attend school at the time the juvenile's case is pending, the person designated by the circuit court may not transmit the juvenile's records to any school. However, the person designated by the circuit court shall transmit the juvenile's records to any school in West Virginia which the juvenile subsequently attends.

(6) The person designated by the circuit court may not automatically transmit juvenile records to a school which is not located in West Virginia. Instead, the person designated by the circuit court shall contact the out-of-state school, inform it that juvenile records exist and make an inquiry regarding whether the laws of that state permit the disclosure of juvenile records. If so, the person designated by the circuit court shall consult with the circuit judge who presided over the case to determine whether the juvenile records should be disclosed to the out-of-state school. The circuit judge has discretion in determining whether to disclose the juvenile records and shall consider whether the other state's law regarding disclosure provides for sufficient confidentiality of juvenile records, using this section as a guide. If the circuit judge orders the juvenile records to be disclosed, they shall be disclosed in accordance with subdivision (7) of this subsection.

(7) The person designated by the circuit court shall transmit the juvenile's records to the appropriate school official under cover of a letter emphasizing the confidentiality of those records and directing the official to consult this section of the code. A copy of this section of the code shall be transmitted with the juvenile's records and cover letter.

(8) Juvenile records are absolutely confidential by the school official to whom they are transmitted and nothing contained within the juvenile's records may be noted on the juvenile's permanent educational record. The juvenile records are to be maintained in a secure location and are not to be copied under any circumstances. However, the principal of a school to whom the records are transmitted shall have the duty to disclose the contents of those records to any teacher who teaches a class in which the subject juvenile is enrolled and to the regular driver of a school bus in which the subject juvenile is regularly transported to or from school, except that the disclosure of the juvenile's psychological test results and any mental health records may only be made in accordance with subdivision (14) of this subsection. Furthermore, any school official to whom the juvenile's records are transmitted may disclose the contents of those records to any adult within the school system who, in the discretion of the school official, has the need to be aware of the contents of those records.

(9) If for any reason a juvenile ceases to attend a school which possesses that juvenile's records, the appropriate official at that school shall seal the records and return them to the circuit court which sent them to that school. If the juvenile has changed schools for any reason, the former school shall inform the circuit court of the name and location of the new school which the juvenile attends or will be attending. If the new school is located within West Virginia, the person designated by the circuit court shall forward the juvenile's records to the juvenile's new school in the same manner as provided in subdivision (7) of this subsection. If the new school is not located within West Virginia, the person designated by the circuit court shall handle the juvenile records in accordance with subdivision (6) of this subsection. If the juvenile has been found not guilty of an offense for which records were previously forwarded to the juvenile's school on the basis of a finding of probable cause, the circuit court may not forward those records to the juvenile's new school. However, this does not affect records related to other prior or future offenses. If the juvenile has graduated or quit school or will otherwise not be attending another school, the circuit court shall retain the juvenile's records and handle them as otherwise provided in this article.

(10) Under no circumstances may one school transmit a juvenile's records to another school.

(11) Under no circumstances may juvenile records be automatically transmitted to a college, university or other post-secondary school.
(12) No one may suffer any penalty, civil or criminal, for accidentally or negligently attributing certain juvenile records to the wrong person. However, that person has the affirmative duty to promptly correct any mistake that he or she has made in disclosing juvenile records when the mistake is brought to his or her attention. A person who intentionally attributes false information to a certain person shall be subjected to both criminal and civil penalties in accordance with subsection (e) of this section.

(13) If a circuit judge or magistrate has determined that there is probable cause to believe that a juvenile has committed an offense but there has been no final adjudication of the charge, the records which are transmitted by the circuit court shall be accompanied by a notice which clearly states in bold print that there has been no determination of delinquency and that our legal system requires a presumption of innocence.

(14) The county superintendent shall designate the school psychologist or psychologists to receive the juvenile's psychological test results and any mental health records. The psychologist designated shall review the juvenile's psychological test results and any mental health records and, in the psychologist's professional judgment, may disclose to the principal of the school that the juvenile attends and other school employees who would have a need to know the psychological test results, mental health records and any behavior that may trigger violence or other disruptive behavior by the juvenile. Other school employees include, but are not limited to, any teacher who teaches a class in which the subject juvenile is enrolled and the regular driver of a school bus in which the subject juvenile is regularly transported to or from school.

(d) Notwithstanding the provisions of subsection (b) of this section, juvenile records may be disclosed, subject to the following terms and conditions:

(1) If a juvenile case is transferred to the criminal jurisdiction of the circuit court pursuant to the provisions of subsection (c) or (d), section seven hundred ten, article four of this chapter, the juvenile records are open to public inspection.

(2) If a juvenile case is transferred to the criminal jurisdiction of the circuit court pursuant to the provisions of subsection (e), (f) or (g), section seven hundred ten, article four of this chapter, the juvenile records are open to public inspection only if the juvenile fails to file a timely appeal of the transfer order, or the Supreme Court of Appeals refuses to hear or denies an appeal which has been timely filed.

(3) If a juvenile is fourteen years of age or older and a court has determined there is a probable cause to believe the juvenile committed an offense set forth in subsection (g), section seven hundred ten, article four of this chapter, but the case is not transferred to criminal jurisdiction, the juvenile records are open to public inspection pending trial only if the juvenile is released on bond and no longer detained or adjudicated delinquent of the offense.

(4) If a juvenile is younger than fourteen years of age and a court has determined there is probable cause to believe that the juvenile committed the crime of murder under section one, two or three, article two, chapter sixty-one of this code, or the crime of sexual assault in the first degree under section three, article eight-b of chapter sixty-one, but the case is not transferred to criminal jurisdiction, the juvenile records shall be open to public inspection pending trial only if the juvenile is released on bond and no longer detained or adjudicated delinquent of the offense.

(5) Upon a written petition and pursuant to a written order, the circuit court may permit disclosure of juvenile records to:

(A) A court, in this state or another state, which has juvenile jurisdiction and has the juvenile before it in a juvenile proceeding;

(B) A court, in this state or another state, exercising criminal jurisdiction over the juvenile which requests records for the purpose of a presentence report or disposition proceeding;
(C) The juvenile, the juvenile's parents or legal guardian, or the juvenile's counsel;
(D) The officials of a public institution to which the juvenile is committed if they require those records for transfer, parole or discharge; or
(E) A person who is conducting research. However, juvenile records may be disclosed for research purposes only upon the condition that information which would identify the subject juvenile or the juvenile's family may not be disclosed.

(6) Notwithstanding any other provision of this code, juvenile records shall be disclosed, or copies made available, to a probation officer upon his or her request. Any probation officer may access relevant juvenile case information contained in any electronic database maintained by or for the Supreme Court of Appeals and share it with any other probation officer.

(7) Notwithstanding any other provision of this code, juvenile records shall be disclosed, or copies made available, in response to any lawfully issued subpoena from a federal court or federal agency. Notwithstanding any other provision of this code, juvenile records shall be disclosed, or copies made available, to the department or the Division of Juvenile Services for purposes of case planning for the juvenile and his or her parents, custodians or guardians.

(e) Any records open to public inspection pursuant to this section are subject to the same requirements governing the disclosure of adult criminal records.

(f) Any person who willfully violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000, or confined in jail for not more than six months, or both fined and confined. A person who violates this section is also liable for damages in the amount of $300 or actual damages, whichever is greater.

REGULATIONS
No relevant regulations found.

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

LAWS

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(h) [...] The county boards are directed to report the number of students determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.

§18A-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.

(l) Each local school improvement council annually shall develop and deliver a report to the countywide council on productive and safe schools. The report shall include:

(1) Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings,
schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:

(A) A system to provide for effective communication and coordination between school and local emergency services agencies;

(B) A preventive discipline program which may include the responsible students program devised by the West Virginia board of education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

(C) A student involvement program, which may include the peer mediation program or programs devised by the West Virginia board of education as adopted by the county board, pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and

(2) The local school improvement council's findings regarding its examination of the following, which also shall be reported to the county superintendent:

(A) Disciplinary measures at the school; and

(B) The fairness and consistency of disciplinary actions at the school. If the council believes that student discipline at the school is not enforced fairly or consistently, it shall transmit that determination in writing, along with supporting information, to the county superintendent. Within ten days of receiving the report, the superintendent, or designee, shall respond in writing to the council. The county board shall retain and file all such correspondence and maintain it for public review.

(C) Any report or communication made as required by this subdivision shall comply with any applicable provision of state, federal or county board policy, rule or law, as appropriate, regarding student privacy rights.

(m) The council may include in its report to the county-wide council on productive and safe schools provisions of the State Board of Education policy 4373, student code of conduct, or any expansion of such policy which increases the safety of students in schools in this state and is consistent with the policies and other laws of this state.

(n) Councils may adopt their own guidelines established under this section. In addition, the councils may adopt all or any part of the guidelines proposed by other local school improvement councils, as developed under this section, which are not inconsistent with the laws of this state, the policies of the West Virginia Board of Education or the policies of the county board.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

REGULATIONS
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.
(d) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.
(f) When any doubt exists as to the age of a student absent from school, the attendance director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

REGULATIONS

§126-81-5. Responsibilities.
5.3. Each county board of education shall:
  b. Support and require the county attendance director to implement and execute the duties as defined in W. Va. Code §18-8-4:
    7. When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

Certification or training

LAWS

§18-8-3. Employment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.
(b) The county board of education may establish special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the
state Board of Education relating thereto: Provided, That if the position of attendance director has been posted and no fully certified applicant applies, the county may employ a person who holds a professional administrative certificate and meets the special and professional qualifications established by the county board as attendance director and that person shall not be required to obtain attendance director certification.

REGULATIONS

§126-81-5. Responsibilities.

5.3. Each county board of education shall:


MOUs, authorization, and/or funding

LAWS

§18-5-48. Safety and security measures for school facilities; Safe Schools Fund created.

(a) Each county board of education and multicounty vocational center shall annually assess the safety and security of each of the school facilities within its boundaries. Safety and security measures of each facility shall be upgraded when necessary to ensure, to the best of the county board’s ability, the safety of the students within each facility. Each county board of education shall report annually the safety and security measures it has put in place, including upgrades thereto, to the State Department of Education. Annually, the State Department of Education shall compile the information from the county boards of education, and report the information to the Legislative Oversight Commission on Education Accountability.

   (b) As used in this section, “safety and security measures” means action taken by a county board of education or multicounty vocational center that improves the security of a school facility and the safety of the students within such facility, including, but not limited to, hiring a school resource officer, installing weapon detection systems, upgrading facility doors or windows, etc.

   (c) There is hereby created in the State Treasury a special revenue fund to be known as the Safe Schools Fund. The fund shall consist of all moneys received from legislative appropriations and other sources to further the purpose of this section: Provided, That annually, the West Virginia Department of Education shall request an appropriation based on the requests of the county boards of education. Subject to legislative appropriation, the funds appropriated annually to the School Safety Fund shall be distributed to the county boards of education and multicounty vocational centers, with the funding amount per school determined by dividing the total annual appropriation by the total number of public schools throughout the state. All moneys distributed from this fund shall be used to support the purpose and intent of this section and all moneys must be spent to support the school for which the funding was derived: Provided, however, That moneys distributed from this fund also may be used for the purposes of §18-20-11 of this code, relating to video cameras in certain special education classrooms. Any moneys remaining in the fund at the close of the fiscal year shall be carried forward for use in the next fiscal year. Fund balances shall be invested with the state’s Consolidated Investment Fund and any and all interest shall be used solely for the purposes that moneys deposited in the fund may be used pursuant to this article.

§18-8-3. Employment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.

(a) The county board of education of every county, not later than August 1, of each year, shall employ the equivalent of a full-time county director of school attendance if such county has a net enrollment of more
than four thousand pupils, at least a half-time director of school attendance if such county has a net enrollment equal to or less than four thousand pupils and such assistant attendance directors as deemed necessary. All persons to be employed as attendance directors shall have the written recommendation of the county superintendent.

(b) The county board of education may establish special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the state Board of Education relating thereto: Provided, That if the position of attendance director has been posted and no fully certified applicant applies, the county may employ a person who holds a professional administrative certificate and meets the special and professional qualifications established by the county board as attendance director and that person shall not be required to obtain attendance director certification.

(c) The attendance director or assistant director shall be paid a monthly salary as fixed by the county board. The attendance director or assistant director shall prepare attendance reports, and such other reports as the county superintendent may request.

(d) The county board of education shall reimburse the attendance directors or assistant directors for their necessary traveling expenses upon presentation of a monthly, itemized, sworn statement approved by the county superintendent.

§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.

(a) The county attendance director and the assistants shall diligently promote regular school attendance. The director and assistants shall:

1. Ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age as defined under section one-a of this article;

2. Take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so;

3. For the purposes of this article, the following definitions apply:

   (A) “Excused absence” includes:

   (i) Personal illness or injury of the student;

   (ii) Personal illness or injury of the student’s parent, guardian, custodian, or family member: Provided, That the excuse must provide a reasonable explanation for why the student’s absence was necessary and caused by the illness or injury in the family;

   (iii) Medical or dental appointment with written excuse from physician or dentist;

   (iv) Chronic medical condition or disability that impacts attendance;

   (v) Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement;

   (vi) Calamity, such as a fire or flood;

   (vii) Death in the family;

   (viii) School-approved or county-approved curricular or extra-curricular activities;

   (ix) Judicial obligation or court appearance involving the student;

   (x) Military requirement for students enlisted or enlisting in the military;

   (xi) Personal or academic circumstances approved by the principal; and
(xii) Such other situations as may be further determined by the county board: Provided, That absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith; and

(B) "Unexcused absence" means any absence not specifically included in the definition of "excused absence"; and

(4) All documentation relating to absences shall be provided to the school no later than three instructional days after the first day the student returns to school.

(b) In the case of three total unexcused absences of a student during a school year, the attendance director or assistant may serve notice by written or other means to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five unexcused absences, a conference with the principal, administrative head or other chief administrator will be required.

(c) In the case of five total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

(d) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

(e) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten days of execution of the summons or warrant. The hearing shall be held within twenty days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten days’ advance notice of the date, time and place of the hearing.

(f) When any doubt exists as to the age of a student absent from school, the attendance director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

(g) The county attendance director and assistants shall devote such time as is required by section three of this article to the duties of attendance director in accordance with this section during the instructional term and at such other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.
(h) In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at such times and in such detail as may be required. The state board shall promulgate a legislative rule pursuant to article three-b, chapter twenty-nine-a of this code that set forth student absences that are excluded for accountability purposes. The absences that are excluded by rule shall include, but are not limited to, excused student absences, students not in attendance due to disciplinary measures and absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority. The attendance director shall file with the county superintendent and county board at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time;

(5) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct;

(6) Participate in school teachers' conferences with parents and students;

(7) Assist in such other ways as the county superintendent may direct for improving school attendance;

(8) Make home visits of students who have excessive unexcused absences, as provided in subsection-a of this section, or if requested by the chief administrator, principal or assistant principal; and

(9) Serve as the liaison for homeless children and youth.

§18-8-5. Duties of principal, administrative head or other chief administrator.

It shall be the duty of the principal, administrative head or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker. Such reports shall be on the form prescribed for such purpose, by telephone, or in person, and shall include essential information about the child and the name and residence of any parent, guardian or custodian of a child.

It shall also be the duty of each principal, administrative head or other chief administrator of each public school to ascertain and report promptly the name of any parent, guardian or custodian of any child of compulsory school age as defined in this article who was or should be enrolled in the school reporting and who has not enrolled in any school that year. By way of ascertaining the status of school attendance, each principal, administrative head or other chief administrator shall compare the school census with the school enrollment at the opening of the school term and each month thereafter, or as directed by the county superintendent of schools, and report the same to the county attendance director: Provided, That any child who was or should be enrolled in a particular school, but who is at the time enrolled in another school shall be considered as attending the school in which enrolled and shall be included only in the report of attendance from the school in which the child is enrolled at the time.

If the principal, administrative head or other chief administrator of a school determines that an enrolled pupil has accumulated unexcused absences from attendance at such school for five instructional days during any one half of the instructional term, the principal, administrative head or other chief administrator shall contact any parent, guardian or custodian of the pupil and shall hold a meeting with any person so
contacted, and the pupil, and any other person that the administrator deems a relevant participant in such meeting.

§18-8-6a. Incentive for county board participation in circuit court juvenile probation truancy programs.
A county board that enters into a truancy program agreement with the circuit court of the county that (1) provides for the referral of truant juveniles for supervision by the court's probation office pursuant to section eleven, article five, chapter forty-nine of this code and (2) requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, shall be reimbursed for one-half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose to the West Virginia Department of Education. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's costs shall be reimbursed pro rata.

REGULATIONS

§126-81-5. Responsibilities.
5.1. The WVBE has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardiness.
5.2. The WVBE has responsibility for defining allowable deductions for purposes of state attendance reports and statistics. Schools shall not be held accountable for absences resulting from allowable deductions. These absences shall not be calculated in the school's/county's attendance rate.
5.3. Each county board of education shall:
   b. Support and require the county attendance director to implement and execute the duties as defined in W. Va. Code §18-8-4:
      1. The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to attend school regularly.
      2. In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant may serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.
      3. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.
      4. In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian
may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

5. When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

6. The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in W. Va. Code §50-1-8, shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

7. When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

8. All attendance directors hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

9. In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant director also shall perform the following duties: 1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) Cooperate with existing state and federal agencies charged with enforcing child labor laws; 4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through media, or in such manner as the county superintendent may direct; 5) Participate in school teachers’ conferences with parents and students; 6) Assist in such other ways as the county superintendent may direct for improving school attendance; and 7) Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

10. The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code §18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:
   A. Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services;
   B. Ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
   C. Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;
D. Help unaccompanied youth choose and enroll in a school, after considering the youth’s wishes, and provide the youth with notice of his or her right to appeal the school district’s decision;
E. Immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
F. Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
G. Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
H. Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible; including Head Start and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services; and
I. Ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

11. The attendance director shall file with the county superintendent and county board of education, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code §18-8-4.
c. Support and require the school principal to implement and execute the duties as defined in W. Va. Code §18-8-5:
   1. The principal shall compare school numbers with school enrollment monthly.
   2. In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.
   3. It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.
   4. A student whose educational services are guided by an existing SAT Plan, IEP, or 504 Plan may warrant special consideration when a pattern of multiple, single, or chronic absences exist. The child’s current status should be reviewed by the SAT, IEP, or Section 504 Plan team as deemed appropriate and in accordance with state and federal laws.

5.4. Each parent, guardian, or custodian is responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (W. Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W. Va. Code §18-2-5c), signed suspension and expulsion document (W. Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.

5.5. Jurisdiction to enforce compulsory school attendance law lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have noncurrent jurisdiction for the trial of offenses arising under W. Va. Code §18-8-4.
5.6. Nothing in this policy is intended to limit the ability of a person having knowledge of a student’s habitual absence from school from filing a petition with the circuit court pursuant to W. Va. Code §49-4-704.
State Education Agency Support

State model policies and implementation support

LAWS

§18-2C-3. Policy prohibiting harassment, intimidation or bullying.
(d) To assist county boards in developing their policies, the West Virginia Department of Education shall develop a model policy applicable to grades kindergarten through twelfth. The model policy shall be issued by September 1, 2011.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Professional immunity or liability

LAWS

§18-2C-4. Immunity.
A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

(1) In good faith promptly reports an incident of harassment, intimidation or bullying;
(2) Makes the report to the appropriate school official as designated by policy; and
(3) Makes the report in compliance with the procedures as specified in policy.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

§18-2C-5. Policy training and education.
(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.
(2) The school improvement council annually shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies. The meeting shall afford ample time for the dialogue and comply with any applicable provision of state, federal or county board policy, rule or law, as appropriate, regarding student privacy rights.

§18-21-4. Organization and goals of the community-based pilot demonstration program.
(a) The pilot program shall be operated by a local community-based organization under the direction of the Secretary of the West Virginia Department of Health and Human Resources, and in collaboration with the State School Superintendent, county school superintendent, Executive Director of the State Workforce Investment Division, Executive Director of WV Vocational Rehabilitation Services, the local juvenile court system, the Chancellor for Higher Education, the Chancellor for Community and Technical College System, president of the local community and technical college and four-year college or university, the Director of the West Virginia Division of Juvenile Services, the local mental or behavior health organizations and other governmental and community-based organizations and partner agencies to serve as a clearing house to coordinate comprehensive youth and family services. The pilot project shall be housed within the community and will be directed by a local community-based nonprofit organization.
(b) The pilot project shall operate out of a centrally located building to coordinate services to youth and their families in the selected county from birth to seventeen years of age who are referred by the Department of Health and Human Resources.

(c) The goal of the pilot program is to improve outcomes for at-risk youth as measured by the following metrics:

1. Early childhood development:
   A. Increase in the number of mothers receiving early prenatal care;
   B. Increase in number of mothers participating in the Right From the Start Program;
   C. Increase in the number of children screened by birth to three year-old program for early development delays;
   D. Increase in the number of three year-olds enrolled in Head Start;
   E. Increase in the number of four year-olds enrolled in:

2. Preschool youth and teen measures:
   A. Decrease in school truancy;
   B. Decrease in truancy hearings;
   C. Decrease in school suspensions;
   D. Decrease in school expulsions;
   E. Decrease in high school dropouts at a select school;
   F. Increase in the number of youth participating in a mentoring program;
   G. Increase in academic performance for select students;
   H. Increase in number of youth participating in summer employment;
   I. Increase in number of youth entering postsecondary education or job.

3. Parent Measures:
   A. Increase in the number of individuals registered at the WorkForce West Virginia Center;
   B. Increase in the number of individuals enrolled in job training;
   C. Increase in the number of individuals completing job training with a certification or credential;
   D. Increase in the number of individuals placed in employment; and
   E. Increase in number of children enrolled in the CHIP program.

REGULATIONS

§126-42-7. County Board of Education responsibilities.
7.3. The county board of education shall ensure that each school has established and is implementing:
   A. A Local School Improvement Council (hereinafter LSIC) as outlined in W. Va. Code §18-5A-2 that facilitates improvement of educational quality by encouraging the involvement of the school community in the operation of the school as outlined in W. Va. 126CSR11A, WVBE Policy 2200: Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education and by utilizing the waiver process when appropriate;
Other or Uncategorized

LAWS

§18A-5-1c. Bill of rights and responsibilities for students and school personnel.

(a) The Legislature finds that:

(1) The mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood;
(2) Democratic citizenship and productive adulthood begin with standards of conduct in schools;
(3) Schools should be safe havens for learning with high standards of conduct for students; and
(4) Rights necessarily carry responsibilities.

(b) In recognition of the findings in this section, the following Bill of Rights and Responsibilities for Students and School Personnel is established:

(1) The right to attend a school and ride a bus that is safe, orderly and drug free;
(2) The right to learn and work in a school that has clear discipline codes with fair and consistently enforced consequences for misbehavior;
(3) The right to learn and work in a school that has alternative educational placements for violent or chronically disruptive students;
(4) The right to be treated with courtesy and respect;
(5) The right to attend a school and ride on a bus that is free from bullying;
(6) The right to support from school administrators when enforcing discipline policies;
(7) The right to support from parents, the community, public officials and businesses in their efforts to uphold high standards of conduct; and
(8) The responsibility to adhere to the principles in this Bill of Rights and Responsibilities for Students and School Personnel, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

REGULATIONS

No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by West Virginia provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership &amp; System Support, WVDE</td>
<td>Provides an overview of the Officer of Leadership &amp; System with descriptions and links to subtopics such as safe and supportive schools and other related resources.</td>
<td><a href="https://wvde.us/leadership-system-support/">https://wvde.us/leadership-system-support/</a></td>
</tr>
<tr>
<td>Safe Schools Toolkit, WVDE</td>
<td>Provides resources for school safety and violence prevention including policy and laws, crisis prevention and response plan template, crisis planning resources, safe schools helpline, and training resources.</td>
<td><a href="https://wvde.us/leadership-system-support/safe-supportive-schools/safe-schools-toolkit/">https://wvde.us/leadership-system-support/safe-supportive-schools/safe-schools-toolkit/</a></td>
</tr>
<tr>
<td>Safe and Supportive Schools, WVDE</td>
<td>Addresses school culture and climate, positive behavioral interventions and supports, bullying prevention, and trauma sensitive schools with related resources.</td>
<td><a href="https://wvde.us/leadership-system-support/safe-supportive-schools/safe-schools-toolkit/safe-and-supportive-schools/">https://wvde.us/leadership-system-support/safe-supportive-schools/safe-schools-toolkit/safe-and-supportive-schools/</a></td>
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<tr>
<td>Response to Intervention: An Introduction (2012), WVDE</td>
<td>Brief research review provides an introduction to response to intervention (RTI), including how it is defined, reasons for its growing popularity, an introduction to an emerging body of research, a brief discussion of what it all means, and suggestions about directions for future research.</td>
<td><a href="https://wvde.us/wp-content/uploads/2018/01/LitReview_ResponsetoIntervention2012.pdf">https://wvde.us/wp-content/uploads/2018/01/LitReview_ResponsetoIntervention2012.pdf</a></td>
</tr>
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**Other Resources**

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<tr>
<th>Title</th>
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Wisconsin
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

Prepared by:
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General Provisions

Authority to develop and establish rules of conduct

LAWS

15.37. Department of public instruction; creation.

There is created a department of public instruction under the direction and supervision of the state superintendent of public instruction.

118.07. Health and safety requirements.

(4)(a) 1. Each school board and the governing body of each private school shall have in effect a school safety plan for each public or private school in the school district within 3 years of July 1, 2009.

2. If a school district is created or a public or private school opens after July 1, 2009, the school board or governing body of the private school shall have in effect a school safety plan for each public or private school within 3 years of its creation or opening.

(b) A school safety plan shall be created with the active participation of appropriate parties, as specified by the school board or governing body of the private school. The appropriate parties may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. A school safety plan shall include general guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. The plan shall also specify the process for reviewing the methods for conducting drills required to comply with the plan.

(c) The school board or governing body of the private school shall determine which persons are required to receive school safety plan training and the frequency of the training. The training shall be based upon the school district's or private school's prioritized needs, risks, and vulnerabilities.

(d) Each school board and the governing body of each private school shall review the school safety plan at least once every 3 years after the plan goes into effect.

118.162. Truancy committee and plan.

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(a) Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under s. 118.16 (2) (cr) and for meeting and conferring with such parents or guardians.

(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.

(c) Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

(d) The immediate response to be made by school personnel when a truant child is returned to school.

(e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 938.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

(f) Plans and procedures to coordinate the responses to the problems of habitual truants, as defined under s. 118.16 (1) (a), with public and private social services agencies.
(g) Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

118.31. Corporal punishment.

(4) Each school board shall adopt a policy that allows any official, employee or agent of the school board to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employee or agent of a school board.

118.46. Policy on bullying.

(1) By March 1, 2010, the department shall do all of the following:

(a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
   1. A definition of bullying.
   2. A prohibition on bullying.
   3. A procedure for reporting bullying that allows reports to be made confidentially.
   4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
   5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
   6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
   7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
   8. An identification of the school-related events at which the policy applies.
   9. An identification of the property owned, leased, or used by the school district on which the policy applies.
   10. An identification of the vehicles used for pupil transportation on which the policy applies.

(b) Develop a model education and awareness program on bullying.

(c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

(2) By August 15, 2010, each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

119.25. Expulsion of pupils.

(1) The board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school under sub. (2) instead of using the procedure under s. 120.13 (1) (c).

120.13. School board powers.

The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

   (1) School government rules; suspension; expulsion.
(a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under s. 118.164 (2).
2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2).
3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164.
4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. 118.164 (2).

(b)1. In addition to rule-making authority granted school boards under par. (a), the school district administrator, or any principal or teacher designated by the school district administrator, may make rules with the consent of the school board.

(35) Presence in school buildings.

(a) A school board may adopt rules applicable to persons who enter or remain in a building operated by the school board, including requirements that such persons identify themselves and sign in when entering or remaining in the building or any specified portion of the building and designating time periods during which such persons may enter or remain in the building or any portion of the building.

**REGULATIONS**

No relevant regulations found.

**Scope**

**LAWS**

**118.46. Policy on bullying.**

(1) By March 1, 2010, the department shall do all of the following:

(a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:

8. An identification of the school-related events at which the policy applies.
9. An identification of the property owned, leased, or used by the school district on which the policy applies.
10. An identification of the vehicles used for pupil transportation on which the policy applies.
120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

1. School government rules; suspension; expulsion.
   2. The school district administrator or any principal or teacher designated by the school district administrator may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing has been sent under par. (c) 4. or (e) 4. or s. 119.25 (2) (c), for not more than a total of 15 consecutive school days for any of the following reasons:
      a. Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others.
      b. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.
   (bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

35. Presence in school buildings.
   A school board may adopt rules applicable to persons who enter or remain in a building operated by the school board, including requirements that such persons identify themselves and sign in when entering or remaining in the building or any specified portion of the building and designating time periods during which such persons may enter or remain in the building or any portion of the building.

REGULATIONS
No relevant regulations found.

Communication of policy

LAWS

118.15. Compulsory school attendance.
   Any child's parent or guardian, or the child if the parent or guardian is notified, may request the school board, in writing, to provide the child with program or curriculum modifications, including but not limited to:
   1. Modifications within the child's current academic program.
   2. A school work training or work study program.
   3. Enrollment in any alternative public school or program located in the school district in which the child resides.
   4. Enrollment in any nonsectarian private school or program, or tribal school, located in the school district in which the child resides, which complies with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision shall be pursuant to a contractual agreement under s. 121.78 (5) that provides for the payment of the child's tuition by the school district.
5. Homebound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.

6. Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.

(dm) The school board shall render its decision, in writing, within 90 days of a request under par. (d), except that if the request relates to a child who has been evaluated by an individualized education program team under s. 115.782 and has not been recommended for special education, the school board shall render its decision within 30 days of the request. If the school board denies the request, the school board shall give its reasons for the denial.

(e) Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. (d) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.

(f) At the beginning of each school term, the school board shall notify the pupils enrolled in the school district and their parents or guardians of the substance of pars. (d), (dm) and (e).

118.258. Electronic communication devices prohibited.

(1) Each school board may adopt rules prohibiting a pupil from using or possessing an electronic communication device while on premises owned or rented by or under the control of a public school.

(2) Annually, if the school board adopts rules under sub. (1), it shall provide each pupil enrolled in the school district with a copy of the rules.

118.46. Policy on bullying.

(1) By March 1, 2010, the department shall do all of the following:

(c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

(2) By August 15, 2010, each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

REGULATIONS

No relevant regulations found.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**

118.164. Removal of pupils from the class.

(1) In this section, “teacher” means a person holding a license or permit issued by the state superintendent whose employment by a school district requires that he or she hold that license or permit.

(2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher may remove a pupil from the teacher's class if the pupil violates the code of classroom conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or exhibits behavior that interferes with the ability of the teacher to teach effectively, as specified in the code of classroom conduct. The teacher shall send the pupil to the school principal or his or her designee and notify the school principal or his or her designee immediately of the reasons for the removal. In addition, the teacher shall provide to the principal or his or her designee within 24 hours after the pupil's removal from the class a written explanation of the reasons for the removal.

(3)(a) The school principal or his or her designee shall place the pupil in one of the following:

1. An alternative education program, as defined in s. 115.28 (7) (e) 1.
2. Another class in the school or another appropriate place in the school, as determined by the school principal or his or her designee.
3. Another instructional setting.
4. The class from which the pupil was removed if, after weighing the interests of the removed pupil, the other pupils in the class and the teacher, the school principal or his or her designee determines that readmission to the class is the best or only alternative.

(b) This subsection does not prohibit the teacher who removed the pupil from the class or the school board, school district administrator, school principal or their designees from disciplining the pupil.

118.305. Use of seclusion and physical restraint.

(2) Seclusion; conditions for use. A covered individual may use seclusion on a pupil at school only if all of the following apply:

(a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible.

(b) A covered individual maintains constant supervision of the pupil, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the covered individual to see the pupil at all times.

(c) The room or area in which the pupil is secluded is free of objects or fixtures that may injure the pupil.
(d) The pupil has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

(e) The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others.

(f) No door connecting the room or area in which the pupil is secluded to other rooms or areas is capable of being locked.

120.13. School board powers.

The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under s. 118.164 (2).

2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2).

3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164.

4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. 118.164 (2).

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

118.164. Removal of pupils from the class.

(3)(a) The school principal or his or her designee shall place the pupil in one of the following:

1. An alternative education program, as defined in s. 115.28 (7) (e) 1.

2. Another class in the school or another appropriate place in the school, as determined by the school principal or his or her designee.

3. Another instructional setting.
4. The class from which the pupil was removed if, after weighing the interests of the removed pupil, the other pupils in the class and the teacher, the school principal or his or her designee determines that readmission to the class is the best or only alternative.

118.46. Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:
   (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
   7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS

118.31. Corporal punishment.
(1) In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.787 or reasonable physical activities associated with athletic training.
(2) Except as provided in sub. (3), no official, employee or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.
(3) Subsection (2) does not prohibit an official, employee or agent of a school board from:
   (a) Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person.
   (b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil's control.
   (c) Using reasonable and necessary force for the purpose of self-defense or the defense of others under s. 939.48.
   (d) Using reasonable and necessary force for the protection of property under s. 939.49.
   (e) Using reasonable and necessary force to remove a disruptive pupil from a school premises or motor vehicle, as defined in s. 125.09 (2) (a) 1. and 4., or from school-sponsored activities.
   (f) Using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself.
   (g) Using reasonable and necessary force to protect the safety of others.
   (h) Using incidental, minor or reasonable physical contact designed to maintain order and control.
(4) Each school board shall adopt a policy that allows any official, employee or agent of the school board to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employee or agent of a school board.
(5) Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or their officials, employees or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employees against students.
(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employee or agent of a school board with regard to a person who is not a pupil enrolled in the school district.

(7) Nothing in this section abrogates or restricts any statutory or common law defense to prosecution for any crime.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS

118.32. Strip search by school employee.
Any official, employee or agent of any school or school district is prohibited under s. 948.50 from conducting a strip search of any pupil.

118.325. Locker searches.
An official, employee or agent of a school or school district may search a pupil's locker as determined necessary or appropriate without the consent of the pupil, without notifying the pupil and without obtaining a search warrant if the school board has adopted a written policy specifying that the school board retains ownership and possessory control of all pupil lockers and designating the positions of the officials, employees or agents who may conduct searches, and has distributed a copy of the policy to pupils enrolled in the school district.

118.45. Tests for alcohol use.
A school board employee or agent, or law enforcement officer, as defined in s. 102.475 (8) (c), authorized by a public school board may require a public school pupil, including a charter school pupil, to provide one or more samples of his or her breath for the purpose of determining the presence of alcohol in the pupil's breath whenever the authorized employee, agent or officer has reasonable suspicion that the pupil is under the influence of alcohol while the pupil is in any of the circumstances listed in s. 125.09 (2) (b) 1. to 3. The authorized employee, agent or officer shall use a breath screening device approved by the department of transportation for the purpose of determining the presence of alcohol in a person's breath to determine if alcohol is present in the pupil's breath. The results of the breath screening device or the fact that a pupil refused to submit to breath testing shall be made available for use in any hearing or proceeding regarding the discipline, suspension or expulsion of a student due to alcohol use. No school board may require a pupil to provide one or more samples of his or her breath for the purpose of determining the presence of alcohol in the pupil's breath until the school board has adopted written policies regarding disciplines or treatments that will result from being under the influence of alcohol while on school premises or from refusing to submit to breath testing to determine the presence of alcohol in the pupil's breath.

948.50. Strip search by school employee.
(1) The legislature intends, by enacting this section, to protect pupils from being strip searched. By limiting the coverage of this section, the legislature is not condoning the use of strip searches under other circumstances.

(2) In this section:
(a) “School” means a public school, parochial or private school, or tribal school, as defined in s. 115.001 (15m), which provides an educational program for one or more grades between kindergarten and grade 12 and which is commonly known as a kindergarten, elementary school, middle school, junior high school, senior high school, or high school.

(b) “Strip search” means a search in which a person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

(3) Any official, employee or agent of any school or school district who conducts a strip search of any pupil is guilty of a Class B misdemeanor.

(4) This section does not apply to a search of any person who:

   (a) Is serving a sentence, pursuant to a conviction, in a jail, state prison or house of correction.

   (b) Is placed in or transferred to a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g).

   (c) Is committed, transferred or admitted under ch. 51, 971 or 975.

(5) This section does not apply to any law enforcement officer conducting a strip search under s. 968.255.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

   (1) School government rules; suspension; expulsion.

   (b)5. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy established under s. 118.16 (4) (a).

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

119.25. Expulsion of pupils.
(2)(a) During any school year in which a resolution adopted under sub. (1) is effective, the independent hearing officer or independent hearing panel appointed by the board:

1. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13 (1) (c) 1. or 2.

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(b)2. The school district administrator or any principal or teacher designated by the school district administrator may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing has been sent under par. (c) 4. or (e) 4. or s. 119.25 (2) (c), for not more than a total of 15 consecutive school days for any of the following reasons:

a. Noncompliance with rules adopted under subd. 1. or school board rules.

b. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.

c. Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others.

d. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.

2m. In subdivision 2. c. and d., conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

REGULATIONS

PI 33.07 Habitual truancy and expulsion.

(1) EXPULSION. If a district of attendance issues an order under s. 120.13 (1), Stats., to expel a participating pupil, it shall immediately notify the district of residence.

(2) HABITUAL TRUANCY. The district of attendance shall notify the district of residence if a participating pupil is a habitual truant.
Grounds for mandatory suspension or expulsion

LAWS

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

(c)2m. The school board shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report to the department the information specified under 20 USC 8921 (d) (1) and (2). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

118.16. School attendance enforcement.

(4)(b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy under par. (a) shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester or grading period examinations and complete any course work missed during a period of suspension.

118.38. Waivers of laws and rules.

(1)(a) A school board may request the department to waive any school board or school district requirement in chs. 115 to 121 or in the administrative rules promulgated by the department under the authority of those chapters, except for statutes or rules related to any of the following:

1. The health or safety of pupils.
2. Pupil discrimination under s. 118.13.
3. The pupil assessment program under s. 118.30 and the standardized reading test required under s. 121.02 (1) (r).
4. Pupil records under s. 118.125.
5. The collection of data by the department.
6. The uniform financial fund accounting system under ss. 115.28 (13) and 115.30 (1) and audits of school district accounts under s. 120.14.
7. Licensure or certification under s. 115.28 (7) or (7m) other than the licensure of the school district administrator or business manager.
8. The commencement of the school term under s. 118.045.
9. The requirements established for achievement guarantee contracts under s. 118.43 and for achievement gap reduction contracts under s. 118.44.

(b) Before requesting a waiver, the school board shall hold a public hearing in the school district on the request.

(1m) The school board shall specify in its request for a waiver its reason for requesting the waiver.

(2)(am) In determining whether to grant the waiver, the department shall consider all of the following factors and may consider additional factors:

1. Whether the requirement impedes progress toward achieving a local improvement plan developed under sec. 309 (a) (3) of P.L. 103-227.
2. If the school board has adopted educational goals for the school district, whether the requirement impedes progress toward achieving the goals.

(bm) The department shall promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) if school is closed for a reason specified in s. 115.01 (10) (b) or (c).

(3) A waiver is effective for 4 years. The department shall renew the waiver for additional 4-year periods if the school board has evaluated the educational and financial effects of the waiver over the previous 4-year period, except that the department is not required to renew a waiver if the department determines that the school district is not making adequate progress toward improving pupil academic performance.

(4) By July 1, 2000, the department shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver request and the educational and financial effects on the school district of each waiver that was granted.

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

(d) No pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

(g) The school board may modify the requirement under pars. (c) 2m. and (e) 2. b. on a case-by-case basis.
REGULATIONS
No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

119.25. Expulsion of pupils.
(1) The board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school under sub. (2) instead of using the procedure under s. 120.13 (1) (c):

(a) An independent hearing panel appointed by the board.
(b) An independent hearing officer appointed by the board.

(2)(a) During any school year in which a resolution adopted under sub. (1) is effective, the independent hearing officer or independent hearing panel appointed by the board:

1. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13 (1) (c) 1. or 2.
2. Shall commence proceedings under par. (b) and expel a pupil from school for not less than one year whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13 (1) (c) 2m.

(b) No administrator may be designated to participate in an expulsion hearing if he or she was involved in the incident that led to the expulsion proceeding. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. A school board, hearing officer or panel may disclose the transcript to the parent or guardian of an adult pupil, if the adult pupil is a dependent of his or her parent or guardian under section 152 of the internal revenue code. Within 30 days after the date on which the order is issued, the board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the board's decision to the state superintendent. If the board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court for the county in which the school is located.

(c) Not less than 5 days' written notice of the hearing under par. (b) shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall include all of the information specified in s. 120.13 (1) (e) 4.

(d) 1. In this paragraph:
a. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (b).

b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (b).

2. An independent hearing panel or independent hearing officer appointed by the board may specify one or more early reinstatement conditions in the expulsion order under par. (b) if the early reinstatement conditions are related to the reasons for the pupil's expulsion. Within 15 days after the date on which the expulsion order is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the board. The decision of the board regarding that determination is final and not subject to appeal.

3. If the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the superintendent of schools or designee may grant the pupil early reinstatement. The determination of the superintendent of schools or designee is final.

4. If a pupil violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the superintendent of schools or a principal or teacher designated by the superintendent of schools may revoke the pupil's early reinstatement as provided in s. 120.13 (1) (h) 4.

5. Except as provided in subd. 6., if the pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the expiration of the term specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the superintendent of schools or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the superintendent of schools or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the superintendent of schools or his or her designee is final.

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(b) 2. The school district administrator or any principal or teacher designated by the school district administrator may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing
has been sent under par. (c) 4. or (e) 4. or s. 119.25 (2) (c), for not more than a total of 15 consecutive school days for any of the following reasons:

a. Noncompliance with rules adopted under subd. 1. or school board rules.

b. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.

c. Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others.

d. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.

2m. In subdivision 2. c. and d., conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

3. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with a school board rule or a rule adopted under subd. 1., or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension.

4. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. The administrator, or the administrator's designee, shall make a finding within 15 days of the conference.

5. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy established under s. 118.16 (4) (a).

(bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

(c) 1. The school board may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled, and is satisfied that the interest of the school demands the pupil's expulsion. In this subdivision,
conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

2. In addition to the grounds for expulsion under subd. 1., the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil's expulsion.

2m. The school board shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report to the department the information specified under 20 USC 8921 (d) (1) and (2). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

3. Prior to expelling a pupil, the school board shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:
   a. The specific grounds, under subd. 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.
   b. The time and place of the hearing.
   c. That the hearing may result in the pupil's expulsion.
   d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.
   e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.
   f. That the school board shall keep written minutes of the hearing.
   g. That if the school board orders the expulsion of the pupil the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
   h. That if the pupil is expelled by the school board the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.
   i. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.
j. That the decision of the school board shall be enforced while the department reviews the school board's decision.

k. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

L. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(d) No pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

(e) 1. The school board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school under subd. 2. instead of using the procedure under par. (c) 3.:
   a. An independent hearing panel appointed by the school board.
   b. An independent hearing officer appointed by the school board.

2. During any school year in which a resolution adopted under subd. 1. is effective, the independent hearing officer or independent hearing panel appointed by the school board:
   a. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 1. or 2.
   b. Shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever that hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 2m.

3. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the school board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph does not apply to a school district operating under ch. 119.

4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:
   a. The specific grounds, under par. (c) 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.
   b. The time and place of the hearing.
   c. That the hearing may result in the pupil's expulsion.
d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.

e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.

f. That the hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian.

g. That if the hearing officer or panel orders the expulsion of the pupil the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

h. That within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order.

i. That, if the pupil is expelled by the hearing officer or panel, the order of the hearing officer or panel shall be enforced while the school board reviews the order.

j. That, if the pupil's expulsion is approved by the school board, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.

k. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.

L. That the decision of the school board shall be enforced while the department reviews the school board's decision.

m. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

n. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(f) 1. No school board is required to enroll a pupil during the term of his or her expulsion from another school district. Notwithstanding s. 118.125 (2) and (4), if a pupil who has been expelled from one school district seeks to enroll in another school district during the term of his or her expulsion, upon request the school board of the former school district shall provide the school board of the latter school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled and the length of the term of the expulsion.

2. No school board is required to enroll a pupil during the term of his or her expulsion from a public school in another state if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. (c) 1., 2., or 2m.

3. No school board is required to enroll a pupil during the term of his or her expulsion from a charter school established under s. 118.40 (2r) or (2x) if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. (c) 1., 2., or 2m. If a pupil who has been expelled from a charter school established under s. 118.40 (2r) or (2x) seeks to enroll in a school district during the term of his or her expulsion, upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian, the governing body of the charter school shall provide the school board of the school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled, and the term of the expulsion.

(g) The school board may modify the requirement under pars. (c) 2m. and (e) 2. b. on a case-by-case basis.

(h) 1. In this paragraph:
ag. "Conditional enrollment" means enrollment of an expelled pupil in a school district other than the school district or out-of-state public school that expelled the pupil before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. (c) 3. or (e) 3. or by the out-of-state public school.

am. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

c. "Enrollment condition" means a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. (c) 3. or (e) 3. or by the out-of-state public school.

2. A school board, or an independent hearing panel or independent hearing officer acting under par. (e), may specify one or more early reinstatement conditions in the expulsion order under par. (c) 3. or (e) 3. if the early reinstatement conditions are related to the reasons for the pupil's expulsion. Within 15 days after the date on which an expulsion order is issued by an independent hearing panel or independent hearing officer, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the school board. The decision of a school board regarding that determination is final and not subject to appeal.

2m. A school board other than the school board or out-of-state public school that expelled a pupil may specify in a written order one or more enrollment conditions instead of or in addition to the early reinstatement conditions, if any, imposed under subd. 2. by the school board, or independent hearing panel or independent hearing officer acting under par. (e), that expelled the pupil or instead of or in addition to any conditions imposed, if any, by the out-of-state public school that expelled the pupil. Any enrollment conditions established under this subdivision shall relate to the reasons for the pupil's expulsion and may not extend the term of expulsion specified in the expulsion order issued under par. (c) 3. or (e) 3. or by the out-of-state public school. The school district clerk of the school district other than the school district from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the order to the school board other than the school board that expelled the pupil. Within 15 days after the date on which the order under this subdivision is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the pupil's expulsion to the school board that specified the enrollment condition. The decision of the school board under this subdivision regarding that determination is final and not subject to appeal.

3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

3m. If the school district administrator, or his or her designee, of a school district other than the school district or out-of-state public school from which a pupil was expelled determines that the
pupil has met the enrollment conditions established in a written order under subd. 2m., the school
district administrator or designee may grant the pupil conditional enrollment in a school in the school
district. The determination of the school district administrator or designee under this subdivision is
final.

4. If a pupil granted early reinstatement under subd. 3. violates an early reinstatement condition that
the pupil was required to meet after his or her early reinstatement but before the expiration of the
term of expulsion, the school district administrator or a principal or teacher designated by the school
district administrator may revoke the pupil's early reinstatement. Before revoking the pupil's early
reinstatement, the school district administrator or his or her designee shall advise the pupil of the
reason for the proposed revocation, including the early reinstatement condition alleged to have
been violated, provide the pupil an opportunity to present his or her explanation of the alleged
violation, and make a determination that the pupil violated the early reinstatement condition and that
revocation of the pupil's early reinstatement is appropriate. If the school district administrator or
designee revokes the pupil's early reinstatement, the school district administrator or designee shall
give prompt written notice of the revocation and the reason for the revocation, including the early
reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or
guardian.

4m. If a pupil granted conditional enrollment under subd. 3m. violates an enrollment condition that
the pupil was required to meet after his or her conditional enrollment but before the expiration of the
term of expulsion, the school district administrator or the school district in which the pupil is enrolled,
or a principal or teacher designated by the school district administrator, may revoke the pupil's
conditional enrollment. Before revoking the pupil's conditional enrollment, the school district
administrator or his or her designee shall advise the pupil of the reason for the proposed revocation,
including the enrollment condition alleged to have been violated, provide the pupil an opportunity to
present his or her explanation of the alleged violation, and make a determination that the pupil
violated the enrollment condition and that revocation of the pupil's conditional enrollment is
appropriate. If the school district administrator or designee revokes the pupil's conditional
enrollment, the school district administrator or designee shall give prompt written notice of the
revocation and the reason for the revocation, including the enrollment condition violated, to the pupil
and, if the pupil is a minor, to the pupil's parent or guardian.

5. Except as provided in subd. 6., if a pupil's early reinstatement is revoked under subd. 4., the
pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the
expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the
school board, independent hearing panel or independent hearing officer agree, in writing, to modify
the expulsion order.

5m. Except as provided in subd. 6m., if a pupil's conditional enrollment is revoked under subd. 4m.,
the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the
expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the
school board that expelled the pupil, or the independent hearing panel or independent hearing
officer, or the out-of-state public school, agree, in writing, to modify the expulsion order.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil
or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school
district administrator or his or her designee, who shall be someone other than a principal,
administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5
school days following the request. If, after the conference, the school district administrator or his or
her designee finds that the pupil did not violate an early reinstatement condition or that the
revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement
conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

6m. Within 5 school days after the revocation of a pupil's conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the administrator of the school district in which the pupil is enrolled, or his or her designee, who shall be someone other than a principal, administrator, or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an enrollment condition or that the revocation was inappropriate, the pupil shall be enrolled in school under the same enrollment conditions as in the order issued under subd. 2m. and the conditional enrollment revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an enrollment condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

REGULATIONS
No relevant regulations found.

In-school suspension

LAWS

118.16. School attendance enforcement.
(4)(c) The school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS

118.162. Truancy committee and plan.
(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:
(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.
118.164. Removal of pupils from the class.

(3)(a) The school principal or his or her designee shall place the pupil in one of the following:

4. The class from which the pupil was removed if, after weighing the interests of the removed pupil, the other pupils in the class and the teacher, the school principal or his or her designee determines that readmission to the class is the best or only alternative.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

118.305. Use of seclusion and physical restraint.

(1) Definitions. In this section: 118.305(1)(a)

(a) "Child" has the meaning given in s. 115.76 (3).

(b) "Child with a disability" has the meaning given in s. 115.76 (5).

(c) 1. "Covered individual" means all of the following, except as provided in subd. 2:

a. An individual who is employed by a governing body, or under contract with a governing body as an independent contractor, to provide services for the benefit of the school governed by the governing body.

b. An individual who is employed by a person under contract with a governing body to provide services for the benefit of the school governed by the governing body.

c. An individual who is engaged in student teaching under the supervision of an individual described in subd. 1. a.

2. "Covered individual" does not include any of the following:

a. A member of a governing body.

b. A law enforcement officer who is authorized or designated by a governing body to perform any duty under s. 118.125 (1) (bL) 1. or 2. in a school governed by the governing body.

(d) "Governing body" means the governing body in charge of a school.

(e) "Individualized education program" has the meaning given in s. 115.76 (9).

(f) "Parent" has the meaning given in s. 115.76 (12).

(g) "Physical restraint" means a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head.

(h) "School" means a public school, including a charter school, and a private school participating in the program under s. 115.7915.

(i) "Seclusion" means the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving.

(2) Seclusion; conditions for use. A covered individual may use seclusion on a pupil at school only if all of the following apply:

(a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible.
(b) A covered individual maintains constant supervision of the pupil, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the covered individual to see the pupil at all times.

(c) The room or area in which the pupil is secluded is free of objects or fixtures that may injure the pupil.

(d) The pupil has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

(e) The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others.

(f) No door connecting the room or area in which the pupil is secluded to other rooms or areas is capable of being locked.

(3) Physical restraint; conditions for use. A covered individual may use physical restraint on a pupil at school only if all of the following apply:

(a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible.

(b) There are no medical contraindications to its use.

(c) The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others.

(d) None of the following maneuvers or techniques are used:

1. Those that do not give adequate attention and care to protecting the pupil's head.

2. Those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen.

3. Those that place pressure or weight on the pupil's neck or throat, on an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.

(e) It does not constitute corporal punishment, as defined in s. 118.31 (1).

(f) The covered individual does not use a mechanical or chemical restraint on the pupil. The use of supportive equipment to properly align a pupil's body, assist a pupil to maintain balance, or assist a pupil's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.

(4) Notification and reporting following use of seclusion or physical restraint.

(a) Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:

1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report under subd. 2.

2. Within 2 business days after the incident and after consulting with the covered individuals present during the incident, prepare a written report containing all of the following information:

a. The pupil's name.

b. The date, time, and duration of the use of seclusion or physical restraint.

c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident.

d. The names and titles of the covered individuals present during the incident.

(b) Each report prepared under par. (a) 2. shall be retained by the school and made available for review by the pupil's parent within 3 business days of the incident.
(c) Annually by September 1, the principal of each school or his or her designee shall submit to the governing body a report containing all of the following:

1. The number of incidents of seclusion and of physical restraint in the school during the previous school year.
2. The total number of pupils who were involved in the incidents and the number of children with disabilities who were involved in the incidents.

(5) Child with a disability. The first time that seclusion or physical restraint is used on a child with a disability, the child's individualized education program team shall convene in the manner provided in s. 115.787 (4) as soon as possible after the incident. The child's individualized education program team shall review the child's individualized education program to ensure that it contains appropriate positive behavioral interventions and supports and other strategies to address the behavior of concern, as provided in s. 115.787 (2) (i), and revise it if necessary.

(6) Physical restraint; training.

(a) Except as provided in par. (c), no covered individual may use physical restraint on a pupil at school unless he or she has received training in the use of physical restraint that includes all of the following components:

1. Methods of preventing the need for physical restraint.
2. An identification and description of dangerous behavior that may indicate the need for physical restraint and methods of evaluating risk of harm in order to determine whether physical restraint is warranted.
3. Experience in administering and receiving various types of physical restraint.
4. Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance.
5. Instruction in documenting and reporting incidents of physical restraint.
6. A requirement that the trainee demonstrate proficiency in administering physical restraint.

(b) The governing body shall ensure that all of the following apply in each school that it operates in which physical restraint is used:

1. At least one covered individual has received training in the use of physical restraint under par. (a).
2. The school maintains a record of the training received by the covered individual under par. (a), including the period during which the training is considered valid by the entity that trained the covered individual.

(c) A covered individual who has not received training in the use of physical restraint under par. (a) may use physical restraint on a pupil at school only in an emergency and only if a covered individual who has received training in the use of physical restraint under par. (a) is not immediately available due to the unforeseen nature of the emergency.

(7) Construction. Nothing in this section prohibits a covered individual from doing any of the following at school if the pupil is not confined to an area from which he or she is physically prevented from leaving:

(a) Directing a pupil who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the pupil to regain behavioral control and the covered individual to maintain or regain classroom order.
(b) Directing a pupil to temporarily remain in the classroom to complete tasks while other pupils participate in activities outside the classroom.
(c) Briefly touching or holding a pupil's hand, arm, shoulder, or back to calm, comfort, or redirect the pupil.
118.31. Corporal punishment.

(1) In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.787 or reasonable physical activities associated with athletic training.

(2) Except as provided in sub. (3), no official, employee or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.

(3) Subsection (2) does not prohibit an official, employee or agent of a school board from:

(a) Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person.

(b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil's control.

(c) Using reasonable and necessary force for the purpose of self-defense or the defense of others under s. 939.48.

(d) Using reasonable and necessary force for the protection of property under s. 939.49.

(e) Using reasonable and necessary force to remove a disruptive pupil from a school premises or motor vehicle, as defined in s. 125.09 (2) (a) 1. and 4., or from school-sponsored activities.

(f) Using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself.

(g) Using reasonable and necessary force to protect the safety of others.

(h) Using incidental, minor or reasonable physical contact designed to maintain order and control.

(4) Each school board shall adopt a policy that allows any official, employee or agent of the school board to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employee or agent of a school board.

(5) Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or their officials, employees or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employees against students.

(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employee or agent of a school board with regard to a person who is not a pupil enrolled in the school district.

(7) Nothing in this section abrogates or restricts any statutory or common law defense to prosecution for any crime.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

49.26. Learnfare program.

(1)(a) In this subsection:

1. "Habitual truant" has the meaning given in s. 118.16 (1) (a).
2. “School” means any one of the following:
   a. A public school, as described in s. 115.01 (1).
   b. A private school, as defined in s. 115.001 (3r).
   bm. A tribal school, as defined in s. 115.001 (15m).
   c. A technical college pursuant to a contract under s. 118.15 (2).
   d. A course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation.
   
   (c) A county department or Wisconsin works agency may provide services under this subsection directly or may contract with a nonprofit agency or a school district to provide the services.

   (d) A county department or Wisconsin Works agency that provides services under this subsection directly shall develop a plan, in coordination with the school districts located in whole or in part in the county, describing the assistance that the county department or Wisconsin Works agency and school districts will provide to individuals receiving services under this subsection, the number of individuals that will be served and the estimated cost of the services. The county department or Wisconsin Works agency shall submit the plan to the department and the department of public instruction by January 15, annually.

   (e) For an individual who is a recipient of aid under s. 49.19, or whose custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with whom a dependent child lives and who is subject to the school attendance requirement under par. (ge), the department shall make a monthly payment to the individual or the child care provider for the month's child care costs in an amount based on need with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 49.155 (6) if the individual demonstrates the need to purchase child care services in order to attend school and those services are available from a child care provider.

   (g) An individual who is a dependent child in a Wisconsin Works group that includes a participant under s. 49.147 (3), (4), or (5) or who is a recipient of aid under s. 49.19 is subject to the school attendance requirement under par. (ge) if all of the following apply:
      1. Before the first day of the fall 1994 school term, as defined in s. 115.001 (12), the individual is 13 to 17 years of age. Beginning on the first day of the fall 1997 school term, as defined in s. 115.001 (12), the individual is 6 to 17 years of age.
      2. The individual has not graduated from a public, private, or tribal high school or obtained a declaration of equivalency of high school graduation under s. 115.29 (4).
      3. The individual is not excused from attending school under s. 118.15 (3).
      4. The individual is a parent or is residing with his or her natural or adoptive parent.
      5. If the individual is the caretaker of a child, the child is at least 45 days old and child care is available for the child at the school or the school provides an instruction program for the caretaker at home.
      6. If child care services are necessary in order for the individual to attend school, child care from a child care provider is available for the child and transportation to and from child care is also available.
      7. The individual is not prohibited from attending school while an expulsion under s. 119.25 or 120.13 (1) is pending.
      8. If the individual was expelled from a school under s. 119.25 or 120.13 (1), there is another school available which the individual can attend.
      10. The individual does not have good cause for failing to attend school, as defined by the department by rule.
11. If the individual is the mother of a child, a physician has not determined that the individual should delay her return to school after giving birth.

12. If the individual is on a waiting list for a children-at-risk program under s. 118.153, a children-at-risk program that is appropriate for the individual is not available.

(ge) 1. An individual fails to meet the school attendance requirement if the individual meets at least one of the following conditions:
   a. The individual is either not enrolled in school or is a habitual truant.
   b. During the immediately preceding semester, the individual was either not enrolled in school or was a habitual truant.

2. The Wisconsin Works agency or county department shall verify school enrollment and attendance.

(gm) 1. The following individuals who are subject to the school attendance requirement under the learnfare program are required to participate in case management under sub. (2) (b):
   a. Minor parents.
   b. Habitual truants.
   c. Dropouts, as defined in s. 118.153 (1) (b), including individuals who were dropouts and reenrolled in school in the same or immediately succeeding semester in which they dropped out of school.
   d. A child whose Wisconsin Works group includes a participant under s. 49.147 (3), (4), or (5) who has been unable to participate in activities required under s. 49.147 (3), (4), or (5) due to the child's school-related problems.

2. The department may, in accordance with rules promulgated by the department, sanction any individual specified under subd. 1. who fails to cooperate with case management efforts.

(h) 1. An individual who fails to cooperate with case management efforts under par. (gm) is subject to sanctions as provided under subd. 1s. only if all of the following apply:
   a. The individual has failed to request a hearing or has failed to show good cause for not cooperating with case management efforts in a hearing. The hearing shall be requested and held under s. 49.152. The department shall determine by rule the criteria for good cause.
   b. The individual's family fails to cooperate with the case manager or fails to engage in the activities identified by the case manager as being necessary to improve the individual's school attendance.
   c. The individual continues to fail to meet the school attendance requirement under par. (ge).

1s. a. Except as provided under subd. 1s. b., an individual who fails to meet the school attendance requirement under par. (ge) is subject to sanctions determined by the department by rule.
   b. An individual who is a dependent child in a Wisconsin Works group that includes a participant under s. 49.147 (3), (4), or (5) and who fails to meet the school attendance requirement under par. (ge) is subject to a monthly sanction.

2. If, as a result of the application of sanctions under this paragraph, no child in a family receives payment under s. 49.19, the department shall make a payment to meet only the needs of the parent or parents who would otherwise be eligible for aid under s. 49.19.

(hm) The department may require consent to the release of school attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits under s. 49.147 (3) to (5) or aid under s. 49.19.

(hr) If an individual subject to the school attendance requirement under par. (ge) is enrolled in a public school, communications between the school district and the department, a county department under s. 46.215, 46.22, or 46.23 or a Wisconsin works agency concerning the individual's school attendance may only be made by a school attendance officer, as defined under s. 118.16 (1) (b).

(2) Services for learnfare pupils.
(a) In this subsection, “county department” means a county department under s. 46.215, 46.22 or 46.23.

(b) County departments or Wisconsin works agencies shall provide case management services to individuals who are subject to the school attendance requirement under the learnfare program under sub. (1) and their families to improve the school attendance and achievement of those individuals.

### 119.82. Alternative educational programs for learnfare pupils.

(1m) Upon the request of the child or the child’s parent or guardian, the board shall provide an alternative educational program for any child who resides in the city and satisfies all of the following:

(a) Is at least 13 years of age but not more than 18 years of age.

(b) Is receiving aid to families with dependent children under s. 49.19 or is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is participating in Wisconsin works under s. 49.147 (3) to (5).

(c) Has been or is being sanctioned under s. 49.26 (1) (h).

(2m) Programs under sub. (1m) shall be designed to meet the high school graduation requirements under s. 118.33.

### 120.13. School board powers.

The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164.

REGULATIONS

No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

(c) 2m. The school board shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report to the department the information specified under 20 USC 8921 (d) (1) and (2). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

948.60. Possession of a dangerous weapon by a person under 18.

(1) In this section, "dangerous weapon" means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295 (1c) (a); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

(2)(a) Any person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.

(b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a Class I felony.

(c) Whoever violates par. (b) is guilty of a Class H felony if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A person under 17 years of age who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

(3)(a) This section does not apply to a person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult. This section does not apply to an adult who transfers a dangerous weapon to a
person under 18 years of age for use only in target practice under the adult's supervision or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to a person under 18 years of age who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who is a member of the armed forces or national guard and who transfers a dangerous weapon to a person under 18 years of age in the line of duty.

(c) This section applies only to a person under 18 years of age who possesses or is armed with a rifle or a shotgun if the person is in violation of s. 941.28 or is not in compliance with ss. 29.304 and 29.593. This section applies only to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not in compliance with ss. 29.304 and 29.593 or to an adult who is in violation of s. 941.28.

948.605. Gun-free school zones.
(1) Definitions. In this section:
(a) "Encased" has the meaning given in s. 167.31 (1) (b).
(ac) "Firearm" does not include any beebee or pellet-firing gun that expels a projectile through the force of air pressure or any starter pistol.
(ag) "Former officer" has the meaning given in s. 941.23 (1) (c).
(am) "Motor vehicle" has the meaning given in s. 340.01 (35).
(ar) "Qualified out-of-state law enforcement officer" has the meaning given in s. 941.23 (1) (g).
(b) "School" has the meaning given in s. 948.61 (1) (b).
(c) "School zone" means any of the following:
   1. In or on the grounds of a school.
   2. Within 1,000 feet from the grounds of a school.

(2) Possession of firearm in school zone.
(a) Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture.

(b) Paragraph (a) does not apply to the possession of a firearm by any of the following:
   1m. A person who possesses the firearm in accordance with 18 USC 922 (q) (2) (B) (i), (iv), (v), (vi), or (vii).
   1r. Except if the person is in or on the grounds of a school, a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).
   2d. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.
   2f. A qualified out-of-state law enforcement officer to whom s. 941.23 (2) (b) 1. to 3. applies.
   2h. A former officer to whom s. 941.23 (2) (c) 1. to 7. applies.
   2m. A state-certified commission warden acting in his or her official capacity.
   3. A person possessing a gun that is not loaded and is any of the following:
      a. Encased.
      b. In a locked firearms rack that is on a motor vehicle.
3m. A person who is legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest under s. 120.13 (38).

(3) Discharge of firearm in a school zone.
   (a) Any individual who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place the individual knows is a school zone is guilty of a Class G felony.
   (b) Paragraph (a) does not apply to the discharge of, or the attempt to discharge, a firearm:
      1. On private property not part of school grounds.
      2. As part of a program approved by a school in the school zone, by an individual who is participating in the program.
      3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual.
      4. By a law enforcement officer or state-certified commission warden acting in his or her official capacity.
      5. By a person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.
      6. By a qualified out-of-state law enforcement officer to whom s. 941.23 (2) (b) 1. to 3. applies.
      7. By a former officer to whom s. 941.23 (2) (c) 1. to 7. applies.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

118.31. Corporal punishment.
   (2) Except as provided in sub. (3), no official, employee or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.
   (3) Subsection (2) does not prohibit an official, employee or agent of a school board from:
      (b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil’s control.

948.60. Possession of a dangerous weapon by a person under 18.
   (1) In this section, “dangerous weapon” means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295 (1) (a); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.
   (2)(a) Any person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.
      (b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a Class I felony.
(c) Whoever violates par. (b) is guilty of a Class H felony if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A person under 17 years of age who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

(3)(a) This section does not apply to a person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult. This section does not apply to an adult who transfers a dangerous weapon to a person under 18 years of age for use only in target practice under the adult's supervision or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to an adult who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not in compliance with ss. 29.304 and 29.593.

(c) This section applies only to a person under 18 years of age who possesses or is armed with a rifle or a shotgun if the person is in violation of s. 941.28 or is not in compliance with ss. 29.304 and 29.593. This section applies only to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not in compliance with ss. 29.304 and 29.593 or to an adult who is in violation of s. 941.28.

948.61. Dangerous weapons other than firearms on school premises.

(1) In this section:

(a) "Dangerous weapon" has the meaning specified in s. 939.22 (10), except "dangerous weapon" does not include any firearm and does include any beebee or pellet-firing gun that expels a projectile through the force of air pressure or any starter pistol.

(b) "School" means a public school, parochial or private school, or tribal school, as defined in s. 115.001 (15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.

(c) "School premises" means any school building, grounds, recreation area or athletic field or any other property owned, used or operated for school administration.

(2) Any person who knowingly possesses or goes armed with a dangerous weapon on school premises is guilty of:

(a) A Class A misdemeanor.

(b) A Class I felony, if the violation is the person's 2nd or subsequent violation of this section within a 5-year period, as measured from the dates the violations occurred.

(3) This section does not apply to any person who:

(a) Uses a weapon solely for school-sanctioned purposes.

(b) Engages in military activities, sponsored by the federal or state government, when acting in the discharge of his or her official duties.

(c) Is a law enforcement officer or state-certified commission warden acting in the discharge of his or her official duties.

(d) Participates in a convocation authorized by school authorities in which weapons of collectors or instructors are handled or displayed.
(e) Drives a motor vehicle in which a dangerous weapon is located onto school premises for school-sanctioned purposes or for the purpose of delivering or picking up passengers or property. The weapon may not be removed from the vehicle or be used in any manner.

(f) Possesses or uses a bow and arrow or knife while legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest under s. 120.13 (38).

(4) A person under 17 years of age who has violated this section is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

REGULATIONS
No relevant regulations found.

Students with chronic disciplinary issues

LAWS

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(c) 2. In addition to the grounds for expulsion under subd. 1., the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil's expulsion.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

118.15. Compulsory school attendance.
(1)(a) Except as provided under pars. (b) to (d) and (g) and sub. (4), unless the child is excused under sub. (3) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public, private, or tribal school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

(am) Except as provided under par. (d), unless the child is excused under sub. (3), any person having under his or her control a child who is enrolled in 5-year-old kindergarten shall cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term.
(b) Upon the child's request of the school board and with the written approval of the child's parent or guardian, any child who is 16 years of age or over and a child at risk, as defined in s. 118.153 (1) (a), may attend, in lieu of high school or on a part-time basis, a technical college if the child and his or her parent or guardian agree, in writing, that the child will participate in a program leading to the child's high school graduation. The district board of the technical college district in which the child resides shall admit the child. Every technical college district board shall offer day class programs satisfactory to meet the requirements of this paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

(c) 1. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 16 years of age may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. (d) leading to the child's high school graduation.

2. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 17 years of age or over may be excused by the school board from regular school attendance if the child and his or her parent or guardian, the school board and a representative of the high school equivalency program or program leading to the child's high school graduation shall enter into a written agreement. The written agreement shall state the services to be provided, the time period needed to complete the high school equivalency program or program leading to the child's high school graduation and how the performance of the pupil will be monitored. The agreement shall be monitored by the school board on a regular basis, but in no case shall the agreement be monitored less frequently than once per semester. If the school board determines that a child is not complying with the agreement, the school board shall notify the child, his or her parent or guardian and the high school equivalency program or program leading to the child's high school graduation that the agreement may be modified or suspended in 30 days.

(c)m 1. Upon the child's request and with the approval of the child's parent or guardian, any child who is 17 years of age or over shall be excused by the school board from regular school attendance if the child began a program leading to a high school equivalency diploma in a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), a juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile portion of a county jail, and the child and his or her parent or guardian agree under subd. 2. that the child will continue to participate in such a program. For purposes of this subdivision, a child is considered to have begun a program leading to a high school equivalency diploma if the child has received a passing score on a minimum of one of the 5 content area tests given under the general educational development test or has demonstrated under a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency to high school graduation a level of proficiency in a minimum of one of the 5 content areas specified in s. 118.33 (1) (a) 1. that is equivalent to the level of proficiency that he or she would have attained if he or she had satisfied the requirements under s. 118.33 (1) (a) 1.

2. Prior to the admission of a child under subd. 1. to a program leading to a high school equivalency diploma, the child, his or her parent or guardian, the school board and a representative of the agency providing the program shall enter into a written agreement. The agreement shall specify that the child is excused from regular school attendance while he or she is enrolled in the program and making progress toward completion of the program, or successfully completes the program. If the agency providing the program determines that the child is not making progress toward completion of the
program, the agency shall notify the child and his or her parent or guardian that the agreement may be suspended within 30 days. If the agency suspends the agreement, the agency shall notify the child, his or her parent or guardian and the school board.

3. If the program that the child wishes to attend is provided by a technical college district, the technical college district board shall admit the child.

4. A child attending a program under this paragraph shall not be included in membership, as defined in s. 121.004 (5).

5. The state superintendent shall grant a high school equivalency diploma to a child under this paragraph who completes the general educational development test with a passing score, as determined by the state superintendent, and completes the additional requirements determined by the state superintendent under s. 115.29 (4).

(d) Any child's parent or guardian, or the child if the parent or guardian is notified, may request the school board, in writing, to provide the child with program or curriculum modifications, including but not limited to:

1. Modifications within the child's current academic program.
2. A school work training or work study program.
3. Enrollment in any alternative public school or program located in the school district in which the child resides.
4. Enrollment in any nonsectarian private school or program, or tribal school, located in the school district in which the child resides, which complies with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision shall be pursuant to a contractual agreement under s. 121.78 (5) that provides for the payment of the child's tuition by the school district.
5. Homebound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.
6. Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.

(dm) The school board shall render its decision, in writing, within 90 days of a request under par. (d), except that if the request relates to a child who has been evaluated by an individualized education program team under s. 115.782 and has not been recommended for special education, the school board shall render its decision within 30 days of the request. If the school board denies the request, the school board shall give its reasons for the denial.

(e) Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. (d) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.

(f) At the beginning of each school term, the school board shall notify the pupils enrolled in the school district and their parents or guardians of the substance of pars. (d), (dm) and (e).

(g) Paragraph (a) does not apply to a person having under control a child who is enrolled in a virtual charter school.

(2)(a) If the determination is made under sub. (1) (b) for a child to attend a technical college, the district board governing the technical college shall establish appropriate vocational and technical courses in accordance with s. 118.33 (3m) and the school board shall pay the technical college district board an amount calculated as follows:
1. Divide the number of credit hours of instruction scheduled by the technical college district for the pupil by 30.

2. Multiply the quotient under subd. 1. by the statewide average instructional cost for general education programs in the technical college system in the previous school year, as determined by the technical college system board.

3. Multiply the quotient under subd. 1. by any additional costs associated with direct student support services, as determined jointly by the state superintendent and the state director of the technical college system.

4. Add the product under subd. 2. to the product under subd. 3.

(c) Pupils attending a technical college under this subsection may receive general education subjects at the technical college. Payments by the school district under par. (a) shall be deemed costs of operation and maintenance.

(d) Transportation, or board and lodging under s. 121.57 (1) (a), for pupils attending a technical college under this subsection shall be provided by the school district, and state aids shall be paid therefor, on the same basis as is transportation for pupils attending high school.

(3) This section does not apply to:

(a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice nurse prescriber or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

(b) Any child excused by the school board in accordance with the school board's written attendance policy under s. 118.16 (4) and with the written approval of the child's parent or guardian. The child's truancy, discipline or school achievement problems or disabilities as described in s. 115.76 (5) may not be used as the reason for an excuse under this paragraph. The excuse shall be in writing and shall state the time period for which it is effective, not to extend beyond the end of the current school year.

(c) Any child excused in writing by his or her parent or guardian before the absence. The school board shall require a child excused under this paragraph to complete any course work missed during the absence. A child may not be excused for more than 10 days in a school year under this paragraph.

(d) Any child excused in writing by his or her parent or guardian and by the principal of the school that the child attends for the purpose of serving as an election official under s. 7.30 (2) (am). A principal may not excuse a child under this paragraph unless the child has at least a 3.0 grade point average or the equivalent. The principal shall allow the child to take examinations and complete course work missed during the child's absences under this paragraph. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child ceases to be enrolled in school or if the child no longer has at least a 3.0 grade point average or the equivalent.

(4) Instruction in a home-based private educational program that meets all of the criteria under s. 118.165 (1) may be substituted for attendance at a public or private school.

(4m) No school board, board of control of a cooperative educational service agency or county children with disabilities education board, or person employed by a school board, cooperative educational service
agency or county children with disabilities education board, may in any manner compel a pregnant girl to withdraw from her educational program.

(5)(a)1. Except as provided under par. (b) or if a person has been found guilty of a misdemeanor under s. 948.45, whoever violates this section may be penalized as follows, if evidence has been provided by the school attendance officer that the activities under s. 118.16 (5) have been completed or were not required to be completed as provided in s. 118.16 (5m):

   a. For the first offense, by a fine of not more than $500 or imprisonment for not more than 30 days or both.

   b. For a 2nd or subsequent offense, by a fine of not more than $1,000 or imprisonment for not more than 90 days or both.

2. The court may require a person who is subject to subd. 1. to perform community service work for a public agency or a nonprofit charitable organization in lieu of the penalties specified under subd. 1. Any organization or agency to which a defendant is assigned pursuant to an order under this subdivision acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on the defendant.

(am) The court may order any person who violates this section to participate in counseling at the person's own expense or to attend school with his or her child, or both.

(b)1. Paragraph (a) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26 (1) (h).

2. In a prosecution under par. (a), if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under chs. 48 and 938.

118.153. Children at risk of not graduating from high school.

(1) In this section:

   (a) "Children at risk" means pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts or are 2 or more of the following:

   1m. One or more years behind their age group in the number of high school credits attained.

   2. Two or more years behind their age group in basic skill levels.

   2m. Habitual truants, as defined in s. 118.16 (1) (a).

   3. Parents.

   4. Adjudicated delinquents.

   5. Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1. or 118.301 (3) was below the basic level, 8th grade pupils who failed the examination administered under s. 118.30 (1m) (am) 2. or 118.301 (3), and 8th grade pupils who failed to be promoted to the 9th grade.

   (b) "Dropout" means a child who ceased to attend school, does not attend a public, private, or tribal school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

(2)(a) Every school board shall identify the children at risk who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet their needs.

(b) If in the previous school year a school district had 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the school board may apply to the state superintendent for aid under this section.
(3)(a) 1. Every school board that applies for aid under sub. (2) (b) shall make available to the children at risk enrolled in the school district a program for children at risk.

2. Upon request of a pupil who is a child at risk or the pupil's parent or guardian, a school board described under subd. 1. shall enroll the pupil in the program for children at risk. If the school board makes available more than one program for children at risk, the school board shall enroll the pupil in the program selected by the pupil's parent or guardian if the pupil meets the prerequisites for that program. If there is no space in that program for the pupil, the school board of the school district operating under ch. 119 shall place the pupil's name on a waiting list for that program and offer the pupil another program for children at risk until space in the requested program becomes available.

(b) A program for children at risk shall be designed to allow the pupils enrolled to meet high school graduation requirements under s. 118.33. The school board of the school district operating under ch. 119 shall ensure that there are at least 30 pupils and no more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

(c) 1. Each school board shall identify appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district to meet the requirements under pars. (a) and (b) for the children at risk enrolled in the school district.

2. The school board may contract with the agencies identified under subd. 1. for the children at risk enrolled in the school district if the school board determines that the agencies can adequately serve such children.

3. The school board shall pay each contracting agency, for each full-time equivalent pupil served by the agency, an amount equal to at least 80% of the average per pupil cost for the school district.

(4)(a) Annually in August, a school board that applied for aid under this section in the previous school year shall submit a report to the state superintendent. The report shall include only information about the pupils enrolled in a program for children at risk in the previous school year that is necessary for the state superintendent to determine the number of pupils who achieved each of the objectives under par. (c).

(b) Upon receipt of a school board's annual report under par. (a) the state superintendent shall pay to the school district from the appropriation under s. 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) in the previous school year.

(c) 1. The pupil's attendance rate was at least 70%.

2. The pupil remained in school.

3. The pupil, if a high school senior, received a high school diploma.

4. The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.

5. The pupil has demonstrated, on standardized tests or other appropriate measures, a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

(e) If the appropriation under s. 20.255 (2) (bc) in any fiscal year is insufficient to pay the full amount of aid under par. (b), state aid payments shall be prorated among the school districts entitled to such aid.

(5)(a) In this subsection:

1. "Alternative school" means a public school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and offers a nontraditional curriculum.

2. "School within a school" means a school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and is housed in a space specifically dedicated to it in a public school.
(b) Subject to sub. (3) (c) 3., a school board receiving funds under this section shall provide a specific sum to each program for children at risk in which pupils enrolled in the school district are enrolled based on the ability of the program to meet the objectives under sub. (4) (c).

(c) A school board receiving funds under this section shall give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and agencies identified under sub. (3) (c) 1.

(7) The state superintendent shall promulgate rules to implement and administer this section. The rules shall not be overly restrictive in defining approved programs and shall not serve to exclude programs that have demonstrated success in meeting the needs of children at risk.

118.16. School attendance enforcement.

(1) In this section:

(a) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for part or all of 5 or more days on which school is held during a school semester.

(b) "School attendance officer" means an employee designated by the school board to deal with matters relating to school attendance and truancy. "School attendance officer" does not include an individual designated under sub. (2m) (a) to take into custody a child who is absent from school without an acceptable excuse under s. 118.15 unless that individual has also been designated by the school board to deal with matters relating to school attendance and truancy.

(c) "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15.

(1m) The period during which a pupil is absent from school due to a suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause for the purposes of sub. (1) (c).

(2) The school attendance officer:

(a) Shall determine daily which pupils enrolled in the school district are absent from school and whether that absence is excused under s. 118.15.

(c) Except as provided under pars. (cg) and (cr), shall notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent or guardian to return the child to school no later than the next day on which school is in session or to provide an excuse under s. 118.15. The notice under this paragraph shall be given before the end of the 2nd school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, 1st class mail, or telephone call of which a written record is kept. The school attendance officer shall attempt to give notice by personal contact, telephone call, or, unless the parent or guardian has refused to receive electronic communication, electronic communication before notice by 1st class mail may be given.

(cg) Shall notify the parent or guardian of a child who is a habitual truant, by registered or certified mail or by 1st class mail, when the child initially becomes a habitual truant. The school attendance officer may simultaneously notify the parent or guardian of the habitually truant child by an electronic communication. The notice shall include all of the following:

1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) and that the child may be eligible for enrollment in a program for children at risk under s. 118.153 (3).
3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting shall be within 5 school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional 5 school days.

4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a) and (am).

(cr) After the notice required under par. (cg) has been given, shall notify the parent or guardian of a habitual truant of the habitual truant's unexcused absences as provided in the plan under s. 118.162 (4) (a). After the notice required under par. (cg) has been given, par. (c) does not apply.

(d) May visit any place of employment in the school district to ascertain whether any minors are employed there contrary to law. The officer shall require that school certificates and lists of minors who are employed there be produced for inspection, and shall report all cases of illegal employment to the proper school authorities and to the department of workforce development.

(e) Except as provided in par. (f), shall have access to information regarding the attendance of any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at a private school located in the school district.

(f) Shall request information regarding the attendance of any child between the ages of 6 and 18 who is a resident of the school district and who claims or is claimed to be in attendance at a tribal school, or who is not a resident of the school district and who claims or is claimed to be in attendance at a tribal school located in the school district.

(2m)(a) A school district administrator may designate any of the following individuals to take a child who resides in the school district and who is absent from school without an acceptable excuse under s. 118.15 into custody under s. 938.19 (1m):

1. An employee of the school district who is directly involved in the provision of educational programs to the truant child.

2. An employee of the school district who is directly involved in the provision of a modified program or curriculum under s. 118.15 (1) (d), a program for children at risk under s. 118.153 or an alternative educational program under s. 119.82 or any other alternative educational program to children who attend the school attended by the truant child, if the school district administrator believes that the program or curriculum may be appropriate for the truant child.

3. A school social worker employed by the school district who provides services to children attending the school attended by the truant child, if the school district administrator believes that the services provided by the social worker may be appropriate for the truant child.

4. An employee of a social services agency who is directly involved in the provision of social services to the truant child or the child's family.

5. A school attendance officer, but only if the school attendance officer meets the criteria specified in subds. 1., 2. or 3.

(b) A designation under par. (a) shall be in writing and shall specifically identify the child whom the individual is authorized to take into custody.

(c) A school district administrator may not designate an individual under par. (a) unless the individual agrees to the designation in writing.
(d) A school district administrator who makes a designation under par. (a) shall provide each individual so designated with an identification card of a form determined by the school board. The designee shall carry the identification card on his or her person at all times while the designee is on official duty under s. 938.19 (1m) and shall exhibit the identification card to any person to whom the designee represents himself or herself as a person authorized to take a child into custody under s. 938.19 (1m).

(e) A school district administrator who makes a designation under par. (a) or the individual designated under par. (a) shall immediately attempt to notify, by personal contact or telephone call, the child's parent, guardian and legal custodian that the designation has been made and that the child may be taken into custody under s. 938.19 (1m). The school district administrator, or the designee, is not required to notify a parent, guardian or legal custodian under this paragraph if the parent, guardian or legal custodian is the person who requested that the child be taken into custody under s. 938.19 (1m).

(3) All private schools shall keep a record containing the information required under ss. 115.30 (2) and 120.18. The record shall be open to the inspection of school attendance officers at all reasonable times. When called upon by any school attendance officer, the school shall furnish, on forms supplied by the school attendance officer, the information required under ss. 115.30 (2) and 120.18 in regard to any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at the school.

(4)(a) The school board shall establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school under s. 118.15 and shall require the teachers employed in the school district to submit to the school attendance officer daily attendance reports on all pupils under their charge.

(b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy under par. (a) shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester or grading period examinations and complete any course work missed during a period of suspension.

(c) The school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program.

(cm)

1. The school board may establish policies which provide that a pupil of an age eligible for high school enrollment in the school district, as determined by the school board, may be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out-of-school placement. The policies shall specify the conditions under which a pupil may participate in the assessment without being in violation of s. 118.15 and the maximum length of time that a pupil may be assigned to an assessment period.

2. A school board may not assign a pupil to an assessment period without the written approval of the pupil's parent or guardian. A school board may not assign a pupil to an assessment period for longer than the time necessary to complete the assessment and place the pupil in an appropriate education program or 8 weeks, whichever is less. A school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program, as defined in s. 115.28 (7) (e) 1., available for the pupil that is
appropriate for the pupil's needs. An assessment need not be conducted during the regular school day.

3. The goals of an assessment period are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil's placement in an education program in which the pupil will be able to succeed. The school board shall provide pupils who are assigned to an assessment period with information on other education programs that the school district or other community providers have available for the pupil. The assessment may include any of the following new or previously completed activities:
   a. An assessment for problems with alcohol or other drugs.
   b. An assessment of individual educational needs.
   c. An assessment of whether the pupil is encountering problems in the community or at home that require intervention by a social worker.
   d. A vocational assessment, which may include career counseling.
   e. A medical assessment.

(d) The school board shall provide each pupil enrolled in the public schools in the district with a copy of the policies established under this subsection and shall file a copy of the policies in each school in the district. In addition, the school board shall make copies available upon request.

(e) Except as provided under s. 119.55, a school board may establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15.

(5) Except as provided in sub. (5m), before any proceeding may be brought against a child under s. 938.13 (6) for habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15 for failure to cause the child to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following:

   (a) Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child's parent or guardian and received no response or were refused.

   (b) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under s. 118.15 (1) (d).

   (c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.

   (d) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(5m) Subsection (5) (a) does not apply if a meeting under sub. (2) (cg) 3. is not held within 10 school days after the date that the notice under sub. (2) (cg) is sent. Subsection (5) (b), (c) and (d) does not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

(6)(a) If the school attendance officer receives evidence that activities under sub. (5) have been completed or were not required to be completed as provided in sub. (5m), the school attendance officer may do any of the following:
1. File information on any child who continues to be truant with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing information on a child under this subdivision does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

2. Refer the child to a teen court program if all of the following conditions apply:
   a. The chief judge of the judicial administrative district has approved a teen court program established in the child's county of residence and has authorized the school attendance officer to refer children to the teen court program and the school attendance officer determines that participation in the teen court program will likely benefit the child and the community.
   b. The child and the child's parent, guardian and legal custodian consent to the child's participation in the teen court program.
   c. The child has not successfully completed participation in a teen court program during the 2 years before the date on which the school attendance officer received evidence that activities under sub. (5) have been completed or were not completed due to the child's absence from school as provided in sub. (5m).

(b) If a child who is referred to a teen court program under par. (a) 2. is not eligible for participation in the teen court program or does not successfully complete participation in the teen court program, the person administering the teen court program shall file information on the child with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing information on a child under this paragraph does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

(7) Any school district administrator, principal, teacher or school attendance officer who violates this section shall forfeit not less than $5 nor more than $25.

118.162. Truancy committee and plan.

(1) At least once every 4 years, in each county, the school district administrator of the school district which contains the county seat designated under s. 59.05, or his or her designee, shall convene a committee to review and make recommendations to the school boards of all of the school districts in the county on revisions to the school districts' truancy plans under sub. (4m). The committee shall consist of the following members:

   a. A representative from each school district in the county, designated by the school board of the school district that he or she represents, who may be a school board member, school administrator, teacher, pupil services professional or parent of a child enrolled in the school district. If the territory of a school district lies in more than one county, the school district shall have a representative on the committee for the county in which the largest portion of the school district's equalized valuation is located.

   (am) A representative from each tribal school in the county, designated by the governing body of the tribal school that he or she represents, who may be a member of the tribal school governing body, school administrator, teacher, pupil services professional, or parent of a child enrolled in that tribal school.

   b. A representative of the office of the district attorney, designated by the district attorney.

   c. A representative of the sheriff's department, designated by the sheriff.

   d. A representative of the local law enforcement agency, other than the sheriff's department, with jurisdiction over the county seat, designated by the chief administrative officer of the law enforcement agency.
(e) A representative of the circuit court for the county, designated by the chief judge of the judicial administrative district.

(f) A representative of the county department of social services under s. 46.22, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, a representative of the county department of human services under s. 46.23, designated by the county human services director.

(g) A representative of the juvenile court intake unit, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, designated by the county human services director, or designated by the chief judge of the judicial administrative district.

(h) If a county department of human services has not been established under s. 46.23, a representative of a county department established under s. 51.42 or 51.437, designated by the director of the department established under s. 51.42 or 51.437.

(i) Any other member as determined by the committee.

(j) A parent of a pupil enrolled in a private school, who resides in a school district in the county, designated by the county board.

(k) A parent of a pupil enrolled in a public school, who resides in a school district in the county, designated by the county board.

(l) A parent of a pupil enrolled in a home-based private educational program, who resides in a school district in the county, designated by the county board.

(m) A parent of a pupil enrolled in a tribal school located in the county, who resides in the county, designated by the county board.

(2) The district attorney representative on the committee shall participate in reviewing and developing any recommendations regarding revisions to the portions of the school districts’ plans under sub. (4) (e).

(3) The committee shall write a report to accompany the recommendations under sub. (1). The report shall include a description of the factors that contribute to truancy in the county and a description of any state statutes, municipal ordinances or school, social services, law enforcement, district attorney, court or other policies that contribute to or inhibit the response to truancy in the county. A copy of the report shall be submitted to each of the entities identified in sub. (1) (b) to (h) and any other entity designating members on the committee under sub. (1) (i).

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(a) Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under s. 118.16 (2) (cr) and for meeting and conferring with such parents or guardians.

(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.

(c) Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

(d) The immediate response to be made by school personnel when a truant child is returned to school.

(e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 938.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

(f) Plans and procedures to coordinate the responses to the problems of habitual truants, as defined under s. 118.16 (1) (a), with public and private social services agencies.
(g) Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

(4m) At least once every 2 years, each school board shall review and, if appropriate, revise the truancy plan adopted by the school board under sub. (4).

118.163. Municipal truancy and school dropout ordinances.

(1) In this section:

(a) “Dropout” has the meaning given in s. 118.153 (1) (b).
(b) “Habitual truant” has the meaning given in s. 118.16 (1) (a).
(c) “Operating privilege” has the meaning given in s. 340.01 (40).
(d) “Truant” means a pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which school is held during a school semester.

(1m) A county, city, village or town may enact an ordinance prohibiting a person under 18 years of age from being a truant. The ordinance shall provide which of the following dispositions are available to the court:

(a) An order for the person to attend school.
(b) A forfeiture of not more than $50 plus costs for a first violation, or a forfeiture of not more than $100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to s. 938.37 and subject to a maximum cumulative forfeiture amount of not more than $500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
(c) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1d) (c).

(2) A county, city, village or town may enact an ordinance prohibiting a person under 18 years of age from being a habitual truant. The ordinance shall provide which of the following dispositions are available to the court:

(a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.
(b) An order for the person to participate in counseling or a supervised work program or other community service work as described in s. 938.34 (5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on that person.
(c) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
(d) An order for the person to attend an educational program as described in s. 938.34 (7d).
(e) An order for the department of workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

(f) An order for the person to be placed in a teen court program as described in s. 938.342 (1g) (f).

(g) An order for the person to attend school.

(h) A forfeiture of not more than $500 plus costs, subject to s. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(j) An order placing the person under formal or informal supervision, as described in s. 938.34 (2), for up to one year.

(k) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(L) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1g) (k).

(2m)(a) A county, city, village or town may enact an ordinance permitting a court to suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The ordinance shall provide that the court may suspend the person's operating privilege until the person reaches the age of 18. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.

(b) A court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the county in which the circuit court is located or the municipality in which the municipal court is located. Upon request, the department of transportation shall assist the court to determine which dropouts have operating privileges.

(3) An ordinance enacted by a county under sub. (1m), (2) or (2m) is applicable and may be enforced in that part of any city or village located in the county and in any town located in the county regardless of whether the city, village or town has enacted an ordinance under sub. (1m), (2) or (2m).

(4) A person who is under 17 years of age on the date of disposition is subject to s. 938.342.

118.18. Teacher reports.
Every teacher shall record the names, ages and studies of all pupils under his or her charge and their daily attendance and such other facts or matters relating to the school as the state superintendent or school board requires.

119.82. Alternative educational programs for learnfare pupils.
(1m) Upon the request of the child or the child's parent or guardian, the board shall provide an alternative educational program for any child who resides in the city and satisfies all of the following:

(a) Is at least 13 years of age but not more than 18 years of age.

(b) Is receiving aid to families with dependent children under s. 49.19 or is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is participating in Wisconsin works under s. 49.147 (3) to (5).

(c) Has been or is being sanctioned under s. 49.26 (1) (h).
(2m) Programs under sub. (1m) shall be designed to meet the high school graduation requirements under s. 118.33.

948.45. Contributing to truancy.
(1) Except as provided in sub. (2), any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class C misdemeanor.
(2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26 (1) (h).
(3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

REGULATIONS

PI 33.07 Habitual truancy and expulsion.
(1) EXPULSION. If a district of attendance issues an order under s. 120.13 (1), Stats., to expel a participating pupil, it shall immediately notify the district of residence.
(2) HABITUAL TRUANCY. The district of attendance shall notify the district of residence if a participating pupil is a habitual truant.

Substance use

LAWS

118.01. Educational goals and expectations.
(2) Educational goals.
(d) Personal development. Each school board shall provide an instructional program designed to give pupils:
   6. Knowledge of the prevention of accidents and promotion of safety on the public highways, including instruction on the relationship between highway safety and the use of alcohol and controlled substances under ch. 961.
   7. The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances under ch. 961 and knowledge of the available community youth suicide prevention and intervention services. Instruction shall be designed to help prevent suicides by pupils by promoting the positive emotional development of pupils.

118.126. Privileged communications.
(1) A school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, shall keep confidential information received from a pupil that the pupil or another pupil is using or is experiencing problems resulting from the use of alcohol or other drugs unless:
   (a) The pupil using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information;
   (b) The school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that
disclosure of the information to another person will alleviate the serious and imminent danger. No more 
information than is required to alleviate the serious and imminent danger may be disclosed; or 
(c) The information is required to be reported under s.

(2) A school psychologist, counselor, social worker or nurse, or any teacher or administrator designated 
by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses 
or fails to disclose information under sub. (1) is immune from civil liability for such acts or omissions. This 
subsection does not apply to information required to be reported under s.

118.45. Tests for alcohol use.
A school board employee or agent, or law enforcement officer, as defined in s. 102.475 (8) (c), authorized 
by a public school board may require a public school pupil, including a charter school pupil, to provide 
one or more samples of his or her breath for the purpose of determining the presence of alcohol in the 
pupil's breath whenever the authorized employee, agent or officer has reasonable suspicion that the pupil 
is under the influence of alcohol while the pupil is in any of the circumstances listed in s. 125.09 (2) (b) 1. 
to 3. The authorized employee, agent or officer shall use a breath screening device approved by the 
department of transportation for the purpose of determining the presence of alcohol in a person's breath 
to determine if alcohol is present in the pupil's breath. The results of the breath screening device or the 
fact that a pupil refused to submit to breath testing shall be made available for use in any hearing or 
proceeding regarding the discipline, suspension or expulsion of a student due to alcohol use. No school 
board may require a pupil to provide one or more samples of his or her breath for the purpose of 
determining the presence of alcohol in the pupil's breath until the school board has adopted written 
policies regarding disciplines or treatments that will result from being under the influence of alcohol while 
on school premises or from refusing to submit to breath testing to determine the presence of alcohol in 
the pupil's breath.

120.12. School board duties.
The school board of a common or union high school district shall:

(20) Prohibition of tobacco. Prohibit the use of all tobacco products on premises owned or rented by, or 
under the control of, a school board, except that the school board may allow the use of tobacco 
products on premises owned by the school district and rented to another person for noneducational 
purposes.

125.09. General restrictions.
(1) Public place. No owner, lessee, or person in charge of a public place may permit the consumption of 
 alcohol beverages on the premises of the public place, unless the person has an appropriate retail license 
or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, 
regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as 
defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, 
churches, premises in a state fair park or clubs.

(2) Possession of alcohol beverages on school grounds prohibited.

(a) In this subsection:
1. "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
2. "School" means a public school, a parochial or private school, or a tribal school, as defined in s. 
115.001 (15m), which provides an educational program for one or more grades between grades 1 
and 12 and which is commonly known as an elementary school, middle school, junior high school, 
senior high school, or high school.
3. “School administrator” means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

4. “School premises” means premises owned, rented or under the control of a school.

(b) Except as provided by par. (c) no person may possess or consume alcohol beverages:
   1. On school premises;
   2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
   3. While participating in a school-sponsored activity.

(c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws, ordinances and school board policies.

(d) A person who violates this subsection is subject to a forfeiture of not more than $200, except that ss. 125.07 (4) (c) and (d) and 938.344 provide the penalties applicable to underage persons.

(3) Place-to-place deliveries. No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(6) Municipal stores. No municipality may engage in the sale of alcohol beverages, except as authorized under s. 125.26 (6). This subsection does not apply to municipal stores in operation on November 6, 1969.

961.495. Possession or attempted possession of a controlled substance on or near certain places.
If any person violates s. 961.41 (3g) by possessing or attempting to possess a controlled substance included in schedule I or II, a controlled substance analog of a controlled substance included in schedule I or II or ketamine or flunitrazepam while in or on the premises of a scattered-site public housing project, while in or on or otherwise within 1,000 feet of a state, county, city, village, or town park, a jail or correctional facility, a multiunit public housing project, a swimming pool open to members of the public, a youth center or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises or of any premises of a tribal school, as defined in s. 115.001 (15m), or while in or on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this section has immunity from any civil liability in excess of $25,000 for acts or omissions by or impacting on the defendant.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS

115.28. General duties.
The state superintendent shall:

(45) Grants for bullying prevention. From the appropriation under s. 20.255 (3) (eb), award grants to a nonprofit organization, as defined in s. 108.02 (19), to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to 8.
118.02. Special observance days.
On the following days when school is held or, if the day falls on a Saturday or Sunday, on a school day immediately preceding or following the respective day, the day shall be appropriately observed:

(9t) Wednesday of the 4th week in September, Bullying Awareness Day.

118.46. Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:
   (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
       1. A definition of bullying.
       2. A prohibition on bullying.
       3. A procedure for reporting bullying that allows reports to be made confidentially.
       4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
       5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
       6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
       7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
       8. An identification of the school-related events at which the policy applies.
       9. An identification of the property owned, leased, or used by the school district on which the policy applies.
      10. An identification of the vehicles used for pupil transportation on which the policy applies.
   (b) Develop a model education and awareness program on bullying.
   (c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.
(2) By August 15, 2010, each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

948.51. Hazing.
(1) In this section “forced activity” means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student's willingness to participate in the activity.
(2) No person may intentionally or recklessly engage in acts which endanger the physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating in connection with a school, college or university. Under those circumstances, prohibited acts may include any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, forced confinement or any other forced activity which endangers the physical health or safety of the student.
(3) Whoever violates sub. (2) is guilty of:
   (a) A Class A misdemeanor if the act results in or is likely to result in bodily harm to another.
   (b) A Class H felony if the act results in great bodily harm to another.
   (c) A Class G felony if the act results in the death of another.
REGULATIONS
No relevant regulations found.

Other special infractions or conditions

LAWS

118.134. Race-based nicknames, logos, mascots, and team names.

(1) Notwithstanding s. 118.13 and except as provided in sub. (3m), a school district resident may object to the use of a race-based nickname, logo, mascot, or team name by the school board of that school district by filing a complaint containing a number of signatures of school district electors equal to at least 10 percent of the school district's membership, as defined in s. 121.004 (5), with the state superintendent. A signature on a complaint is valid only if the signature is obtained within the 120-day period before the complaint is filed with the state superintendent. The state superintendent shall do all of the following:

(a) Notify the school board of the receipt of the complaint and direct the school board to submit, if applicable, any of the information under sub. (1m) (a).

(b) Except as provided in sub. (1m), refer the complaint to the division of hearings and appeals for a contested case hearing. The division of hearings and appeals shall schedule a hearing on the referred complaint with reasonable promptness.

(1m)(a) The state superintendent may determine that no contested case hearing is necessary if, no later than 10 days after being notified of the receipt of the complaint, the school board submits evidence to the state superintendent that demonstrates all of the following:

2. A federally recognized American Indian tribe that has historical ties to this state has entered into an agreement with the school board under which the tribe grants approval to the school board to refer to, depict, or portray the tribe or American Indians, in general, in a specific nickname, logo, or mascot or to use the name of the tribe or American Indians, in general, as a team name in the specific manner used by the school board.

3. The use of the nickname, logo, mascot, or team name that has been approved by a tribe under subd. 2. is the use to which the school district resident objects in the complaint filed under sub. (1).

(b) If the state superintendent determines that a contested case hearing is not necessary, the state superintendent shall notify the school district resident who filed the complaint under sub. (1) and the school board of his or her decision in writing. A decision under this paragraph is subject to judicial review under ch. 227.

(2) At the hearing, the school district resident who filed the complaint under sub. (1) has the burden of proving by clear and convincing evidence that the use of the race-based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping, as defined by the state superintendent by rule.

(3)(a) The division of hearings and appeals shall issue a decision and order within 45 days after the hearing. If the division of hearings and appeals finds that the use of the race-based nickname, logo, mascot, or team name does not promote discrimination, pupil harassment, or stereotyping, the division of hearings and appeals shall dismiss the complaint. Except as provided in pars. (b) and (d), if the division of hearings and appeals finds that the use of the race-based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping, the division of hearings and appeals shall order the school board to terminate its use of the race-based nickname, logo, mascot, or team name within 12 months after issuance of the order.
(b)1. In this paragraph, "extenuating circumstances" includes circumstances in which the costs of compliance with an order issued under par. (a) pose an undue financial burden on the school district and circumstances in which the work or the requirements for bidding a contract to complete the work required to bring the school district into compliance with the order issued under par. (a) cannot be completed within 12 months after the issuance of the order.

2. a. If, at the hearing under sub. (2) or after a decision and order have been issued under par. (a), the school board presents evidence to the division of hearings and appeals that extenuating circumstances render full compliance with the decision and order within 12 months after the issuance of that decision and order impossible or impracticable, the division of hearings and appeals may issue an order to extend the time within which the school board must terminate its use of the race-based nickname, logo, mascot, or team name. Except as provided in subd. 2. b., the extension may not exceed 24 months and shall apply only to those portions of the decision and order to which extenuating circumstances apply.

   b. The division of hearings and appeals may extend the time granted to a school board under subd. 2. a. if the school board presents evidence to the division of hearings and appeals that compliance with a portion of the decision and order issued under par. (a) may be accomplished through a regularly scheduled maintenance program and that the cost of compliance with that portion of the decision and order exceeds $5,000. The extension granted under this subd. 2. b. may not exceed 96 months and applies only to that portion of the decision and order with which compliance will be accomplished through the regularly scheduled maintenance program and that costs more than $5,000.

(c) Decisions under this subsection are subject to judicial review under ch. 227. The venue for a proceeding to review a decision under this section is the circuit court in any county in which territory of the school district is located.

(d) No school district is required to comply with a decision and order issued under this subsection before December 21, 2013, to terminate the use of a race-based nickname, logo, mascot, or team name.

(3m) A pupil attending a public school in a nonresident school district under s. 118.50 or 118.51 may not file a complaint under sub. (1) in which the pupil objects to the use of a race-based nickname, logo, mascot, or team name by the school board of the nonresident school district.

(3r) A school district may not be a member of an interscholastic athletic association that prohibits the use of a nickname, logo, mascot, or team name on the basis that the nickname, logo, mascot, or team name is race-based unless the use of the nickname, logo, mascot, or team name violates a decision and order issued under sub. (3) on or after December 21, 2013.

(4)(a) Except as provided in par. (b), the state superintendent shall promulgate rules necessary to implement and administer this section.

   b. The state superintendent may not promulgate a rule that creates a presumption that a nickname, logo, mascot, or team name is race-based or promotes discrimination, pupil harassment, or stereotyping.

(5) Any school board that uses a race-based nickname, logo, mascot, or team name in violation of sub. (3) shall forfeit not less than $100 nor more than $1,000. Each day of use of the race-based nickname, logo, mascot, or team name in violation of sub. (3) constitutes a separate violation. The state superintendent may not assess or collect a forfeiture under this subsection for a use that violates a decision and order issued under sub. (3) before December 21, 2013.
118.258. **Electronic communication devices prohibited.**

(1) Each school board may adopt rules prohibiting a pupil from using or possessing an electronic communication device while on premises owned or rented by or under the control of a public school.

(2) Annually, if the school board adopts rules under sub. (1), it shall provide each pupil enrolled in the school district with a copy of the rules.

**REGULATIONS**

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

115.36. Assistance to schools for alcohol and other drug abuse programs.

(1) The purpose of this section is to enable and encourage public, private, and tribal schools to develop comprehensive programs to prevent or ameliorate alcohol and other drug abuse among minors.

(2) The department shall:
   (a) Develop and conduct training programs for the professional staff of public, private, and tribal schools in alcohol and other drug abuse prevention, intervention, and instruction programs.
   (b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of alcohol and other drug abuse prevention, intervention, and instruction programs.
   (c) Provide fellowship grants to support advanced training or education in comprehensive school health and alcohol and other drug abuse education.
   (d) Provide access to informational resources for alcohol and other drug abuse education programs and services including, but not limited to:
      1. The screening, revision and evaluation of available information resources.
      2. The establishment of a central depository and loan program for high cost informational resources.
      3. The systematic dissemination of information concerning available resources to appropriate public, private, and tribal school staff.
   (e) Create a council under s. 15.04 (1) (c) to advise the department concerning the administration of this section.

(3)(a) The department shall, from the appropriation under s. 20.255 (2) (kd), fund school district projects designed to assist minors experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug abuse by minors. The department shall:
   1. Administer grant application and disbursement of funds.
   2. Monitor program implementation.
   3. Assist in and ensure evaluation of projects.
   4. Report biennially in its report under s. 15.04 (1) (d) on program progress and project evaluation.
   5. Promulgate necessary rules for the implementation of this subsection.

(b) Grants under this subsection may not be used to replace funding available from other sources.

(c) Grants under this subsection may be made only where there is a matching fund contribution from the local area in which a program is designed to operate of 20% of the amount of the grant obtained under this subsection. Private funds and in-kind contribution may be applied to meet the requirement of this paragraph.

(d) A school district applying for aid under this subsection shall submit a copy of the application to the county department under s. 51.42 for its advisory review. The county department under s. 51.42 may, and the council established under sub. (2) (e) shall, submit an advisory recommendation with respect to the application to the department prior to the approval or denial of the application.
118.46. Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:
   (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
       1. A definition of bullying.
       2. A prohibition on bullying.
       3. A procedure for reporting bullying that allows reports to be made confidentially.
       4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
       5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
       6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
       7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
       8. An identification of the school-related events at which the policy applies.
       9. An identification of the property owned, leased, or used by the school district on which the policy applies.
      10. An identification of the vehicles used for pupil transportation on which the policy applies.
   (b) Develop a model education and awareness program on bullying.
   (c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

119.74. Extended-day elementary grade, 4-year-old kindergarten and alcohol and other drug abuse programs.
The board shall spend at least $430,000 for the following programs in each school year:
   (1) Extended-day preschool to grade 6 programs.
   (2) Four-year-old kindergarten programs.
   (3) Alcohol and other drug abuse programs at 68th Street school.

REGULATIONS

PI 8.01. School district standards.
(1) Purpose. To assure that the children of Wisconsin will have available an educational program meeting statutory standards and pursuant to s. 121.02, Stats., each school district board shall meet all of the school district standards set forth in sub. (2). A school district board may request approval from the state superintendent to comply in an alternative manner with any of the school district standards as specified in sub. (3).

(2) School district standards.
   (e) Guidance and counseling services. Each school district board shall provide a program of guidance and counseling services for all pupils, which meets all of the following requirements:
      1. The school district shall maintain a school board approved plan for the provision of a program of guidance and counseling services.
      2. The program shall be developmentally based and available to every pupil in every grade of the school district.
      3. The program shall be:
a. Systematically planned by licensed school counselors in collaboration with other licensed pupil services staff, teachers, parents and community health and human service professionals.
b. Provided by licensed school counselors in collaboration with other licensed pupil services staff, teachers, parents and community health and human service professionals.

4. The program shall provide developmentally appropriate educational, vocational, career, personal and social information to assist pupils in problem solving and in making decisions.

5. The program shall include pupil appraisal, post-secondary planning, referral, research and pupil follow-up activities.

(n) Children at risk. Each school district board shall comply with s. 118.153, Stats., and ch. PI 25, relating to plans and programs for children at risk.

**Behavioral interventions and student support services**

**LAWS**

115.36. Assistance to schools for alcohol and other drug abuse programs.

(2) The department shall:

(b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of alcohol and other drug abuse prevention, intervention, and instruction programs.

(c) Provide fellowship grants to support advanced training or education in comprehensive school health and alcohol and other drug abuse education.

(d) Provide access to informational resources for alcohol and other drug abuse education programs and services including, but not limited to:

1. The screening, revision and evaluation of available information resources.

2. The establishment of a central depository and loan program for high cost informational resources.

3. The systematic dissemination of information concerning available resources to appropriate public, private, and tribal school staff.

115.363. Second chance partners for education.

(1) In this section:

(a) "Disengaged pupils" means pupils who are children at risk, as defined in s. 118.153 (1) (a), and other pupils identified by the school board.

(b) "Work-based learning program" means a program that provides occupational training and work-based learning experiences.

(2)(a) A school board may contract under s. 118.15 (1) (d) or 118.153 (3) (c) with the Second Chance Partners for Education, or any other nonprofit corporation operating a program in which disengaged high school pupils attend a work-based learning program while earning high school diplomas, for pupils enrolled in the school district.

(b) The school board shall pay to each nonprofit corporation with which it contracts under par. (a) an amount that is no more than the amount paid per pupil under s. 118.40 (2r) (e) 2m., 2n., or 2p. in the current school year multiplied by the number of pupils participating in the program under the contract.
115.368. Assistance to schools for protective behaviors programs.

(1) The purpose of this section is to enable and encourage public, private, and tribal schools to develop protective behaviors programs and anti-offender behavior programs designed to assist minors and their parents or guardians in recognizing, avoiding, preventing, and halting physically or psychologically intrusive or abusive situations that may be harmful to minors.

(2) The department, in conjunction with the department of health services and the department of children and families, and after consulting with established organizations providing services with a focus on children of risk, shall:

(a) Develop and conduct protective behaviors training programs for the professional staff of public, private, and tribal schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437. The training programs shall include information on how to assist a minor and his or her parent or guardian in recognizing, avoiding, preventing, and halting physically or psychologically intrusive or abusive situations that may be harmful to the minor, including child abuse, sexual abuse, and child enticement. The training programs shall emphasize how to help minors to develop positive psychological, emotional, and problem-solving responses to such situations, and to avoid relying on negative, fearful, or solely reactive methods of dealing with such situations. The training programs shall also include information on the detection, by other minors, their parents or guardians, and school staff, of conditions that indicate that a minor is being or has been subjected to such situations; the proper action to take when there is reason to believe that a minor is being or has been subjected to such situations; and the coordination of school protective behaviors programs and activities with programs and activities of other state and local agencies. Persons other than the professional staff of public, private, and tribal schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437 may attend the training programs. The department may charge such persons a fee sufficient to cover the increased costs of materials, but not personnel cost, to the department of their participation in the programs. The department may not deny any resident of Wisconsin the opportunity to participate in a program if the person is unable to pay any fee.

(b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of protective behaviors programs and the coordination of those programs with programs of other state and local agencies.

118.15. Compulsory school attendance.

(5)(a) 2. The court may require a person who is subject to subd. 1. to perform community service work for a public agency or a nonprofit charitable organization in lieu of the penalties specified under subd. 1. Any organization or agency to which a defendant is assigned pursuant to an order under this subdivision acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on the defendant.

(am) The court may order any person who violates this section to participate in counseling at the person’s own expense or to attend school with his or her child, or both.

118.153. Children at risk of not graduating from high school.

(1) In this section:

(a) "Children at risk" means pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts or are 2 or more of the following:

1m. One or more years behind their age group in the number of high school credits attained.

2. Two or more years behind their age group in basic skill levels.

2m. Habitual truants, as defined in s. 118.16 (1) (a).
3. Parents.

4. Adjudicated delinquents.

5. Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1. or 118.301 (3) was below the basic level, 8th grade pupils who failed the examination administered under s. 118.30 (1m) (am) 2. or 118.301 (3), and 8th grade pupils who failed to be promoted to the 9th grade.

(b) "Dropout" means a child who ceased to attend school, does not attend a public, private, or tribal school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

(2)(a) Every school board shall identify the children at risk who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet their needs.

(b) If in the previous school year a school district had 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the school board may apply to the state superintendent for aid under this section.

(3)(a) 1. Every school board that applies for aid under sub. (2) (b) shall make available to the children at risk enrolled in the school district a program for children at risk.

2. Upon request of a pupil who is a child at risk or the pupil's parent or guardian, a school board described under subd. 1. shall enroll the pupil in the program for children at risk. If the school board makes available more than one program for children at risk, the school board shall enroll the pupil in the program selected by the pupil's parent or guardian if the pupil meets the prerequisites for that program. If there is no space in that program for the pupil, the school board of the school district operating under ch. 119 shall place the pupil's name on a waiting list for that program and offer the pupil another program for children at risk until space in the requested program becomes available.

(b) A program for children at risk shall be designed to allow the pupils enrolled to meet high school graduation requirements under s. 118.33. The school board of the school district operating under ch. 119 shall ensure that there are at least 30 pupils and no more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

(c) 1. Each school board shall identify appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district to meet the requirements under pars. (a) and (b) for the children at risk enrolled in the school district.

2. The school board may contract with the agencies identified under subd. 1. for the children at risk enrolled in the school district if the school board determines that the agencies can adequately serve such children.

3. The school board shall pay each contracting agency, for each full-time equivalent pupil served by the agency, an amount equal to at least 80% of the average per pupil cost for the school district.

(4)(a) Annually in August, a school board that applied for aid under this section in the previous school year shall submit a report to the state superintendent. The report shall include only information about the pupils enrolled in a program for children at risk in the previous school year that is necessary for the state superintendent to determine the number of pupils who achieved each of the objectives under par. (c).

(b) Upon receipt of a school board's annual report under par. (a) the state superintendent shall pay to the school district from the appropriation under s. 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the objectives under par. (c) in the previous school year.
(c)1. The pupil's attendance rate was at least 70%.
2. The pupil remained in school.
3. The pupil, if a high school senior, received a high school diploma.
4. The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.
5. The pupil has demonstrated, on standardized tests or other appropriate measures, a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

(e) If the appropriation under s. 20.255 (2) (bc) in any fiscal year is insufficient to pay the full amount of aid under par. (b), state aid payments shall be prorated among the school districts entitled to such aid.

(5)(a) In this subsection:
1. "Alternative school" means a public school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and offers a nontraditional curriculum.
2. "School within a school" means a school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and is housed in a space specifically dedicated to it in a public school.

(b) Subject to sub. (3) (c) 3., a school board receiving funds under this section shall provide a specific sum to each program for children at risk in which pupils enrolled in the school district are enrolled based on the ability of the program to meet the objectives under sub. (4) (c).

(c) A school board receiving funds under this section shall give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and agencies identified under sub. (3) (c) 1.

(7) The state superintendent shall promulgate rules to implement and administer this section. The rules shall not be overly restrictive in defining approved programs and shall not serve to exclude programs that have demonstrated success in meeting the needs of children at risk.

118.16. School attendance enforcement.

(4)(cm) 1. The school board may establish policies which provide that a pupil of an age eligible for high school enrollment in the school district, as determined by the school board, may be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out-of-school placement. The policies shall specify the conditions under which a pupil may participate in the assessment without being in violation of s. 118.15 and the maximum length of time that a pupil may be assigned to an assessment period.

2. A school board may not assign a pupil to an assessment period without the written approval of the pupil's parent or guardian. A school board may not assign a pupil to an assessment period for longer than the time necessary to complete the assessment and place the pupil in an appropriate education program or 8 weeks, whichever is less. A school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program, as defined in s. 115.28 (7) (e) 1., available for the pupil that is appropriate for the pupil's needs. An assessment need not be conducted during the regular school day.

3. The goals of an assessment period are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil's placement in an education program in which the pupil will be able to succeed. The school board shall provide pupils who are assigned to an assessment period with information on other education programs that the school district or other
community providers have available for the pupil. The assessment may include any of the following new or previously completed activities:

a. An assessment for problems with alcohol or other drugs.

b. An assessment of individual educational needs.

c. An assessment of whether the pupil is encountering problems in the community or at home that require intervention by a social worker.

d. A vocational assessment, which may include career counseling.

e. A medical assessment.

(d) The school board shall provide each pupil enrolled in the public schools in the district with a copy of the policies established under this subsection and shall file a copy of the policies in each school in the district. In addition, the school board shall make copies available upon request.

(e) Except as provided under s. 119.55, a school board may establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15.

(5) Except as provided in sub. (5m), before any proceeding may be brought against a child under s. 938.13 (6) for habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15 for failure to cause the child to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following:

(a) Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child's parent or guardian and received no response or were refused.

(b) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under s. 118.15 (1) (d).

(c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.

(d) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(5m) Subsection (5) (a) does not apply if a meeting under sub. (2) (cg) 3. is not held within 10 school days after the date that the notice under sub. (2) (cg) is sent. Subsection (5) (b), (c) and (d) does not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

118.163. Municipal truancy and school dropout ordinances.

(2) A county, city, village or town may enact an ordinance prohibiting a person under 18 years of age from being a habitual truant. The ordinance shall provide which of the following dispositions are available to the court:

(b) An order for the person to participate in counseling or a supervised work program or other community service work as described in s. 938.34 (5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work
program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on that person.

(d) An order for the person to attend an educational program as described in s. 938.34 (7d).

(k) An order for the person’s parent, guardian or legal custodian to participate in counseling at the parent’s, guardian’s or legal custodian’s own expense or to attend school with the person, or both.

(L) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1g) (k).

REGULATIONS

PI 25.01. Applicability and purpose.

(1) Under s. 118.153 (2) (a), Stats., every school board shall identify the children at risk of not graduating from high school who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet their needs. Under s. 118.153 (3) (a), Stats., every board that applies for aid under this section shall make available programs to serve children at risk. This chapter defines children at risk, establishes criteria for school boards to consider when developing children at risk plans and sets forth the requirements for receipt of additional state aid in those school districts eligible under s. 118.153 (4) (b), Stats.

(2) The requirements under ss. PI 25.03, 25.04, 25.05 and 25.07 apply to all school districts in the state; s. PI 25.06 contains additional requirements which apply only to school districts operating under ch. 119, Stats.

PI 25.02. Definitions.

In this chapter:

(1) "Adjudicated delinquent" means delinquent as defined under s. 938.02 (3m), Stats.

(2) "Alternative education program" means those programs as defined under s. 115.28 (7) (e) 1., Stats.

(3) "Basic skills," for purposes of determining whether a pupil is a child at risk of not graduating from high school, means achievement in reading or mathematics or both.

(4) "Board" means the school board in charge of the public schools in the district.

(5) "Ceased to attend" means that a pupil has been absent without acceptable excuse under ss. 118.15 (1) (b) to (d) or (3), and 118.16 (4), Stats., for 20 consecutive school days and has not formally withdrawn from school.

(6) "Children at risk" or "at risk" means pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts, or are two or more of the following:

(a) One or more years behind their age group in the number of high school credits attained.

(b) Two or more years behind their age group in basic skill levels.

(c) Habitual truants as defined in s. 118.16 (1) (a), Stats.

(d) Parents.

(e) Adjudicated delinquents.

(f) Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1., Stats., was below the basic level, eighth grade pupils who failed the examination
under s. 118.30 (1m) (am) 2., Stats., and eighth grade pupils who failed to be promoted to the ninth grade.

(7) "Contract" means a written agreement between a board and a private, nonprofit, nonsectarian agency for the purpose of providing services to children at risk.

(8) "Department" means the Wisconsin department of public instruction.

(9) "Dropout," for purposes of determining whether a pupil is a child at risk of not graduating from high school, means a pupil who:

(a) Has ceased to attend school; and

(b) Does not attend a public, private, or technical college system district school or home-based private educational program under s. 118.15 (4), Stats., on a full-time basis; and

(c) Has not graduated from high school, and does not have an acceptable excuse under ss. 118.15 (1) (b) to (d) or (3), and 118.16 (4), Stats.

(10) "Parent" means mother, father, or legal guardian.

(11) "Private program" means a program operated by a nonsectarian, nonprofit private school or agency.

(12) "Private school" has the meaning described in s. 118.165, Stats.

(13) "Program" means an organized and structured activity or set of activities which constitute one or more components of a comprehensive curriculum plan for the school year including the pupil services normally provided by a school.

(14) "Pupil attendance rate" means the rate obtained by dividing the aggregate number of full-time equivalent days of actual pupil attendance, by the aggregate number of full-time equivalent days on which the individual pupil was enrolled.

(15) "School-age parents" has the meaning given in s. 115.91, Stats.

(16) "Standardized achievement test" means a published, nationally normed test which provides a valid and reliable measure of a pupil's present achievement level in comparison with age or grade level cohorts.

(17) "State superintendent" means the state superintendent of public instruction.

**PI 25.03. Identification of children at risk of not graduating from high school and children at risk plan.**

(1) Annually by August 15, each board shall develop a district plan that identifies the process for determining if a pupil is at risk. In determining whether a pupil is behind his or her age group in the number of high school credits attained or is 2 or more years behind his or her age group in basic skill levels, a board shall use all of the following criteria:

(a) A pupil shall be determined to be behind in his or her age group in the number of high school credits attained if a pupil in grades 9 through 12 falls 3 or more credits behind in progress toward graduation.

(b) A pupil shall be determined to be 2 or more years behind his or her age group in basic skill levels based on a board approved plan of formal and informal assessment, consistent with the district's objectives in mathematics and reading identified in the curriculum plan under s. PI 8.01 (2) (k).

(2) As part of the district plan developed under sub. (1), each board shall describe how the board will identify and meet the needs of the children identified to be at risk. A board, when developing a plan under this section, may consider the following:

(a) How pupils will be identified and enrolled in programs or provided services to meet their needs.
(b) How pupils may be identified in early childhood and kindergarten through grade 4 and what programs may be offered to prevent pupils from becoming at risk.

(c) How parents will be informed and involved in the programs or services made available under par. (a).

(d) What accommodations can be made to support pupils' achievement and success in school through any of the following:

1. Curriculum modifications.
3. Alternative education programs.
4. Pupil support services.
5. School to work programs.
6. Community services.
7. Coordinating services provided by the district, community, agencies, and other organizations.
8. Eliminating systemic barriers that may cause pupils' success at school to become at risk.

(e) How the district will evaluate the success of services provided under the plan.

[Note: The number of dropouts and the percentage in grades 9-12 is collected as part of the School Performance Report. A copy of the report format may be obtained at no charge from the Department of Public Instruction, Division for Libraries, Technology and Community Learning, P.O. Box 7841, Madison, WI 53707-7841.]

**PI 25.04. General requirements for school boards.**

Each board that has identified children at risk under s. PI 25.03 shall provide for all of the following:

1. Designate a staff person who will be responsible for developing the district plan required under s. 118.153 (2) (a), Stats.

3. Provide that all work-based learning experiences and other similar programs and activities taking place outside the school for which pupils receive academic credit under the district plan, including those programs or curriculum modifications authorized under s. 118.15 (1) (d), Stats., and instruction and pupil support services contracted for under s. 118.153 (3) (c) 1. and 2., Stats., are supervised by departmentally licensed teachers or other licensed school personnel.

4. Ensure that in grades 9 through 12 curriculum modifications and alternative education programs provided for children at risk are designed to allow pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.

5. Notify each pupil and his or her parent in writing whenever the pupil has been identified as a child at risk. The notice shall include all of the following:

(a) The name and telephone number of a person the parent or pupil can contact regarding the school district's program.

(b) A description of the district's plan.

(c) A statement that the pupil is eligible to be enrolled under the district plan to serve children at risk.

(d) A description of the at risk programs available and how the pupil may participate in a specific program if more than one program is offered as part of the district plan.

(e) A statement to inform the parent that he or she may select one or more programs in which the pupil will be enrolled, if the pupil meets the prerequisites for the specific program requested.

(f) Describe the procedure for requesting that the pupil be enrolled in the specific at risk program selected by the parent. The request shall be in writing, by signature on a district-provided form, or be
given verbally to the person responsible for enrolling the pupil in the program. This person shall record the date and time of a verbal request and whether this request was made in person or by phone.

(g) Identify the process that a parent may use if the parent disagrees with the planned services.

(6) Enroll the pupil in the at risk program upon the request of the pupil or the pupil's parent. If the board makes available more than one at risk program, the board shall enroll the pupil in the district program selected by the pupil or the pupil's parent if the pupil meets the prerequisites for that program.

(7) Ensure that the special education and related services needs of a child with a disability, as defined in s. 115.76(5), Stats., are first addressed in the child's individualized education program developed pursuant to s. 115.787, Stats., whenever that child is also eligible to be served in a children at risk program.

PI 25.05. Provisions applicable to private contracting.

(1) The board of a school district may contract with private, nonprofit, nonsectarian agencies to provide programs for children at risk if the board determines that the agencies can adequately serve such children. A board contracting under this section shall take all of the following actions:

(a) Determine and list in writing appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district.

(b) Ensure that all instruction and pupil support services offered in contracted programs for children at risk are provided by one of the following:
   1. Departmentally licensed professional staff members described in s. 121.02 (1) (a), Stats.
   2. Persons licensed by other recognized professional or trade associations who provide specialized instruction or related education services.
   3. Persons who are supervised by departmentally licensed professional staff.

(c) Pay each contracting agency, for each full-time equivalent pupil served under the contract, an amount equal to at least 80% of the school district's average per pupil cost.

(d) Establish procedures with each contracting agency for the agency to provide all of the following information:
   1. Staff qualifications.
   2. Curriculum modifications and alternative education programs to be provided.
   3. How pupil performance will be evaluated, including grading criteria, procedures for granting academic credit, and testing for progress in reading and mathematics skills areas.
   4. Pupil attendance and retention rates.

(e) Develop a procedure for communication and cooperation with the contracting agencies in meeting the needs of pupils served under this section.

(2) Pupils served under this section who receive high school diplomas may not be counted in meeting the conditions under s. PI 25.07 (1) (b) unless the pupil met high school graduation requirements under s. 118.33, Stats., or completed a program under s. 118.33 (2) (m), Stats.

PI 25.06. Special provisions applicable to a first class city school system.

The school board of the school district operating under ch. 119, Stats., shall ensure all of the following:

(1) If there is no space for a pupil in a specific children at risk program provided under the board's plan, the board shall place the pupil's name on a waiting list for that program and offer the pupil a comparable alternative education program for children at risk until space in the requested program becomes available.
(2) That there are at least 30 pupils and no more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

PI 25.07. State financial aid and annual reports.

(1) State financial aid.

(a) If, in the previous school year, a school district had 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the board may apply to the state superintendent for aid under this section.

(b) School districts shall receive additional state aid under s. 118.153 (4) (b), Stats., if the state superintendent determines from the report required under sub. (2) that any three of the following conditions have been met by each pupil enrolled in the children at risk program:

1. The pupil's attendance rate was at least 70%.
2. The pupil remained in school through the end of the school year.
3. The pupil, if a high school senior, received a high school diploma.
4. The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.
5. The pupil demonstrated, on standardized tests or other appropriate measures, gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

(2) Annual reports.

(a) Under s. 118.153 (4), Stats., a board that qualified for aid under this section in the previous school year shall submit an annual report by August 31 to the state superintendent. The annual report on the program for children at risk shall include all of the following information concerning pupils served in the program:

1. The number of pupils, by grade level, who were identified as children at risk, who requested enrollment in the program for children at risk, and who were enrolled in the program for children at risk.
2. The number of pupils who met or exceeded the pupil attendance rate of 70%.
3. The number of pupils who remained in school through the end of the school year.
4. The number of pupils, if high school seniors, who received a high school diploma.
5. The number of pupils who earned at least 4.5 academic credits or a prorated number of credits if the pupils were enrolled in the program for less than the entire school year.
6. The number of pupils who demonstrated, on standardized tests or other appropriate measures, a gain in reading and mathematics commensurate with the duration of enrollment in the program.
7. The total number of pupils who achieved at least 3 objectives under sub. (1) (b).

(b) The district shall maintain records which will substantiate the information reported in the annual report as may be required under this section.

[Note: Form PI 2375. Annual Report for Children At Risk Program, may be obtained at no charge from the Department of Public Instruction, Division for Academic Excellence, P.O. Box 7841, Madison, WI 53707.]
Professional development

LAWS

115.28. General duties.
The state superintendent shall:

(63) Mental health training program. Establish a mental health training support program under which the department provides training on all of the following evidence-based strategies related to addressing mental health issues in schools to school district staff and instructional staff of charter schools under s. 118.40 (2r) or (2x):

(a) The screening, brief intervention, and referral to treatment program.
(b) Trauma sensitive schools.
(c) Youth mental health first aid.

115.36. Assistance to schools for alcohol and other drug abuse programs.
(2) The department shall:

(a) Develop and conduct training programs for the professional staff of public, private, and tribal schools in alcohol and other drug abuse prevention, intervention, and instruction programs.

115.368. Assistance to schools for protective behaviors programs.
(1) The purpose of this section is to enable and encourage public, private, and tribal schools to develop protective behaviors programs and anti-offender behavior programs designed to assist minors and their parents or guardians in recognizing, avoiding, preventing, and halting physically or psychologically intrusive or abusive situations that may be harmful to minors.
(2) The department, in conjunction with the department of health services and the department of children and families, and after consulting with established organizations providing services with a focus on children of risk, shall:

(a) Develop and conduct protective behaviors training programs for the professional staff of public, private, and tribal schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437. The training programs shall include information on how to assist a minor and his or her parent or guardian in recognizing, avoiding, preventing, and halting physically or psychologically intrusive or abusive situations that may be harmful to the minor, including child abuse, sexual abuse, and child enticement. The training programs shall emphasize how to help minors to develop positive psychological, emotional, and problem-solving responses to such situations, and to avoid relying on negative, fearful, or solely reactive methods of dealing with such situations. The training programs shall also include information on the detection, by other minors, their parents or guardians, and school staff, of conditions that indicate that a minor is being or has been subjected to such situations; the proper action to take when there is reason to believe that a minor is being or has been subjected to such situations; and the coordination of school protective behaviors programs and activities with programs and activities of other state and local agencies. Persons other than the professional staff of public, private, and tribal schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437 may attend the training programs. The department may charge such persons a fee sufficient to cover the increased costs of materials, but not personnel cost, to the department of their participation in the programs. The department may not deny any resident of Wisconsin the opportunity to participate in a program if the person is unable to pay any fee.
(b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of protective behaviors programs and the coordination of those programs with programs of other state and local agencies.

118.07. Health and safety requirements.

(5) Each school board shall require every employee of the school district governed by the school board to receive training provided by the department in identifying children who have been abused or neglected and, in the laws, and procedures under s. 48.981 governing the reporting of suspected or threatened child abuse and neglect. A school district employee shall receive that training within the first 6 months after commencing employment with the school district and at least once every 5 years after that initial training.

REGULATIONS

No relevant regulations found.
**Monitoring and Accountability**

**Formal incident reporting of conduct violations**

**LAWS**

**118.153. Children at risk of not graduating from high school.**

(4)(a) Annually in August, a school board that applied for aid under this section in the previous school year shall submit a report to the state superintendent. The report shall include only information about the pupils enrolled in a program for children at risk in the previous school year that is necessary for the state superintendent to determine the number of pupils who achieved each of the objectives under par. (c).

(b) Upon receipt of a school board's annual report under par. (a) the state superintendent shall pay to the school district from the appropriation under s. 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) in the previous school year.

(c) 1. The pupil's attendance rate was at least 70%.

2. The pupil remained in school.

3. The pupil, if a high school senior, received a high school diploma.

4. The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.

5. The pupil has demonstrated, on standardized tests or other appropriate measures, a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

(e) If the appropriation under s. 20.255 (2) (bc) in any fiscal year is insufficient to pay the full amount of aid under par. (b), state aid payments shall be prorated among the school districts entitled to such aid.

**118.18. Teacher reports.**

Every teacher shall record the names, ages and studies of all pupils under his or her charge and their daily attendance and such other facts or matters relating to the school as the state superintendent or school board requires.

**118.305. Use of seclusion and physical restraint.**

(4) Notification and reporting following use of seclusion or physical restraint.

(a) Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:

1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report under subd. 2.

2. Within 2 business days after the incident and after consulting with the covered individuals present during the incident, prepare a written report containing all of the following information:

   a. The pupil's name.

   b. The date, time, and duration of the use of seclusion or physical restraint.

   c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident.

   d. The names and titles of the covered individuals present during the incident.
(b) Each report prepared under par. (a) 2. shall be retained by the school and made available for review by the pupil's parent within 3 business days of the incident.

(c) Annually by September 1, the principal of each school or his or her designee shall submit to the governing body a report containing all of the following:
   1. The number of incidents of seclusion and of physical restraint in the school during the previous school year.
   2. The total number of pupils who were involved in the incidents and the number of children with disabilities who were involved in the incidents.

118.46. Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:
   (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
      3. A procedure for reporting bullying that allows reports to be made confidentially.
      5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
      6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:
   (1) School government rules; suspension; expulsion.
      (c) 2m. The school board shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report to the department the information specified under 20 USC 8921 (d) (1) and (2). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. 120.13 (38).

REGULATIONS
No relevant regulations found.

Parental notification

LAWS

118.15. Compulsory school attendance.
(1)(c) 3. Prior to a child's admission to a program leading to the child's high school graduation or a high school equivalency program under par. (b) or subd. 1. or 2., the child, his or her parent or guardian, the school board and a representative of the high school equivalency program or program leading to the child's high school graduation shall enter into a written agreement. The written agreement shall state the services to be provided, the time period needed to complete the high school equivalency program or program leading to the child's high school graduation and how the performance of the pupil will be monitored. The agreement shall be monitored by the school board on a regular basis, but in no case shall
the agreement be monitored less frequently than once per semester. If the school board determines that a child is not complying with the agreement, the school board shall notify the child, his or her parent or guardian and the high school equivalency program or program leading to the child's high school graduation that the agreement may be modified or suspended in 30 days.

(cm) 2. Prior to the admission of a child under subd. 1. to a program leading to a high school equivalency diploma, the child, his or her parent or guardian, the school board and a representative of the agency providing the program shall enter into a written agreement. The agreement shall specify that the child is excused from regular school attendance while he or she is enrolled in the program and making progress toward completion of the program, or successfully completes the program. If the agency providing the program determines that the child is not making progress toward completion of the program, the agency shall notify the child and his or her parent or guardian that the agreement may be suspended within 30 days. If the agency suspends the agreement, the agency shall notify the child, his or her parent or guardian and the school board.

118.16. School attendance enforcement.

(2) The school attendance officer:

(c) Except as provided under pars. (cg) and (cr), shall notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent or guardian to return the child to school no later than the next day on which school is in session or to provide an excuse under s. 118.15. The notice under this paragraph shall be given before the end of the 2nd school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, 1st class mail, or telephone call of which a written record is kept. The school attendance officer shall attempt to give notice by personal contact, telephone call, or, unless the parent or guardian has refused to receive electronic communication, electronic communication before notice by 1st class mail may be given.

(cg) Shall notify the parent or guardian of a child who is a habitual truant, by registered or certified mail or by 1st class mail, when the child initially becomes a habitual truant. The school attendance officer may simultaneously notify the parent or guardian of the habitually truant child by an electronic communication. The notice shall include all of the following:

1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) and that the child may be eligible for enrollment in a program for children at risk under s. 118.153 (3).

3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting shall be within 5 school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional 5 school days.

4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a) and (am).

(cr) After the notice required under par. (cg) has been given, shall notify the parent or guardian of a habitual truant of the habitual truant's unexcused absences as provided in the plan under s. 118.162 (4) (a). After the notice required under par. (cg) has been given, par. (c) does not apply.

(2m)(e) A school district administrator who makes a designation under par. (a) or the individual designated under par. (a) shall immediately attempt to notify, by personal contact or telephone call, the
child's parent, guardian and legal custodian that the designation has been made and that the child may be taken into custody under s. 938.19 (1m). The school district administrator, or the designee, is not required to notify a parent, guardian or legal custodian under this paragraph if the parent, guardian or legal custodian is the person who requested that the child be taken into custody under s. 938.19 (1m).

(5) Except as provided in sub. (5m), before any proceeding may be brought against a child under s. 938.13 (6) for habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15 for failure to cause the child to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following:

(a) Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child's parent or guardian and received no response or were refused.

(5m) Subsection (5) (a) does not apply if a meeting under sub. (2) (cg) 3. is not held within 10 school days after the date that the notice under sub. (2) (cg) is sent. Subsection (5) (b), (c) and (d) does not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

118.162. Truancy committee and plan.

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(a) Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under s. 118.16 (2) (cr) and for meeting and conferring with such parents or guardians.

118.305. Use of seclusion and physical restraint.

(4) Notification and reporting following use of seclusion or physical restraint.

(a) Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:

1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report under subd. 2.

2. Within 2 business days after the incident and after consulting with the covered individuals present during the incident, prepare a written report containing all of the following information:

   a. The pupil's name.
   b. The date, time, and duration of the use of seclusion or physical restraint.
   c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident.
   d. The names and titles of the covered individuals present during the incident.

(b) Each report prepared under par. (a) 2. shall be retained by the school and made available for review by the pupil's parent within 3 business days of the incident.

(c) Annually by September 1, the principal of each school or his or her designee shall submit to the governing body a report containing all of the following:

1. The number of incidents of seclusion and of physical restraint in the school during the previous school year.

2. The total number of pupils who were involved in the incidents and the number of children with disabilities who were involved in the incidents.
118.46 Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:
   (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
      5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.

119.25. Expulsion of pupils.
(2)(c) Not less than 5 days’ written notice of the hearing under par. (b) shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall include all of the information specified in s. 120.13 (1) (e) 4.
   (d) Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the superintendent of schools or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the superintendent of schools or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the superintendent of schools or his or her designee is final.

120.13. School board powers.
The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:
(1) School government rules; suspension; expulsion.
   (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:
      4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. 118.164 (2).
   (b) 3. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with a school board rule or a rule adopted under subd. 1., or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension.
(c) 4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:
   a. The specific grounds, under subd. 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.
   b. The time and place of the hearing.
   c. That the hearing may result in the pupil's expulsion.
   d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.
   e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.
   f. That the school board shall keep written minutes of the hearing.
   g. That if the school board orders the expulsion of the pupil the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
   h. That if the pupil is expelled by the school board the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.
   i. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.
   j. That the decision of the school board shall be enforced while the department reviews the school board's decision.
   k. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.
   L. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(e) 4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:
   a. The specific grounds, under par. (c) 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.
   b. The time and place of the hearing.
   c. That the hearing may result in the pupil's expulsion.
   d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.
   e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.
   f. That the hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian.
   g. That if the hearing officer or panel orders the expulsion of the pupil the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
   h. That within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order.
   i. That, if the pupil is expelled by the hearing officer or panel, the order of the hearing officer or panel shall be enforced while the school board reviews the order.
j. That, if the pupil's expulsion is approved by the school board, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.

k. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.

L. That the decision of the school board shall be enforced while the department reviews the school board's decision.

m. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

n. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(h) 2m. A school board other than the school board or out-of-state public school that expelled a pupil may specify in a written order one or more enrollment conditions instead of or in addition to the early reinstatement conditions, if any, imposed under subd. 2. by the school board, or independent hearing panel or independent hearing officer acting under par. (e), that expelled the pupil or instead of or in addition to any conditions imposed, if any, by the out-of-state public school that expelled the pupil. Any enrollment conditions established under this subdivision shall relate to the reasons for the pupil's expulsion and may not extend the term of expulsion specified in the expulsion order issued under par. (c) 3. or (e) 3. or by the out-of-state public school. The school district clerk of the school district other than the school district from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the order to the school board other than the school board that expelled the pupil. Within 15 days after the date on which the order under this subdivision is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the pupil's expulsion to the school board that specified the enrollment condition. The decision of the school board under this subdivision regarding that determination is final and not subject to appeal.

4. If a pupil granted early reinstatement under subd. 3. violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Before revoking the pupil's early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the early reinstatement condition and that revocation of the pupil's early reinstatement is appropriate. If the school district administrator or designee revokes the pupil's early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

4m. If a pupil granted conditional enrollment under subd. 3m. violates an enrollment condition that the pupil was required to meet after his or her conditional enrollment but before the expiration of the term of expulsion, the school district administrator of the school district in which the pupil is enrolled, or a principal or teacher designated by the school district administrator, may revoke the pupil's conditional enrollment. Before revoking the pupil's conditional enrollment, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the enrollment condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the
enrollment condition and that revocation of the pupil's conditional enrollment is appropriate. If the school district administrator or designee revokes the pupil's conditional enrollment, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

6m. Within 5 school days after the revocation of a pupil's conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the administrator of the school district in which the pupil is enrolled, or his or her designee, who shall be someone other than a principal, administrator, or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an enrollment condition or that the revocation was inappropriate, the pupil shall be enrolled in school under the same enrollment conditions as in the order issued under subd. 2m. and the conditional enrollment revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an enrollment condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

938.19. Taking a juvenile into custody.

(1m) Truancy. A juvenile who is absent from school without an acceptable excuse under s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m) (a) if the school attendance officer of the school district in which the juvenile resides, or the juvenile's parent, guardian, or legal custodian, requests that the juvenile be taken into custody. The request shall specifically identify the juvenile.

(2) Notification of parent, guardian, legal custodian, Indian custodian. When a juvenile is taken into physical custody under this section, the person taking the juvenile into custody shall immediately attempt to notify the parent, guardian, legal custodian, and Indian custodian of the juvenile by the most practical means. The person taking the juvenile into custody shall continue such attempt until the parent, guardian, legal custodian, and Indian custodian of the juvenile are notified, or the juvenile is delivered to an intake worker under s. 938.20 (3), whichever occurs first. If the juvenile is delivered to the intake worker before the parent, guardian, legal custodian, and Indian custodian are notified, the intake worker, or another person at his or her direction, shall continue the attempt to notify until the parent, guardian, legal custodian, and Indian custodian of the juvenile are notified.

REGULATIONS
No relevant regulations found.
Reporting and referrals between schools and law enforcement

LAWS

118.125. Pupil records.

(2) Confidentiality and disclosure of pupil records. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (p) and sub. (2m). The school board shall adopt policies to maintain the confidentiality of such records and may adopt policies to promote the disclosure of pupil records and information permitted by law for purposes of school safety.

(d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license, law enforcement officers who are individually designated by the school board and assigned to the school district, and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers' records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s. 118.127. A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

118.127. Law enforcement agency information.

A school district, private school, or tribal school may disclose information from law enforcement officers' records obtained under s. 938.396 (1) (c) 3. only to persons employed by the school district who are required by the department under s. 115.28 (7) to hold a license, to persons employed by the private school or tribal school as teachers, and to other school district, private school, or tribal school officials who have been determined by the school board or governing body of the private school or tribal school to have legitimate educational interests, including safety interests, in that information. In addition, if that information relates to a pupil of the school district, private school, or tribal school, the school district, private school, or tribal school may also disclose that information to those employees of the school district, private school, or tribal school who have been designated by the school board or governing body of the private school or tribal school to receive that information for the purpose of providing treatment programs for pupils enrolled in the school district, private school, or tribal school. A school district may not use law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action against a pupil, but may use law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis for taking action against a pupil under the school district's athletic code.

118.16. School attendance enforcement.

(4)(a) The school board shall establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school under s. 118.15 and shall require the teachers employed in the school district to submit to the school attendance officer daily attendance reports on all pupils under their charge.

(6)(a) If the school attendance officer receives evidence that activities under sub. (5) have been completed or were not required to be completed as provided in sub. (5m), the school attendance officer may do any of the following:
1. File information on any child who continues to be truant with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing information on a child under this subdivision does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

2. Refer the child to a teen court program if all of the following conditions apply:
   a. The chief judge of the judicial administrative district has approved a teen court program established in the child's county of residence and has authorized the school attendance officer to refer children to the teen court program and the school attendance officer determines that participation in the teen court program will likely benefit the child and the community.
   b. The child and the child's parent, guardian and legal custodian consent to the child's participation in the teen court program.
   c. The child has not successfully completed participation in a teen court program during the 2 years before the date on which the school attendance officer received evidence that activities under sub. (5) have been completed or were not completed due to the child's absence from school as provided in sub. (5m).

   (b) If a child who is referred to a teen court program under par. (a) 2. is not eligible for participation in the teen court program or does not successfully complete participation in the teen court program, the person administering the teen court program shall file information on the child with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing information on a child under this paragraph does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

118.162 Truancy committee and plan.

(2) The district attorney representative on the committee shall participate in reviewing and developing any recommendations regarding revisions to the portions of the school districts' plans under sub. (4) (e).

(3) The committee shall write a report to accompany the recommendations under sub. (1). The report shall include a description of the factors that contribute to truancy in the county and a description of any state statutes, municipal ordinances or school, social services, law enforcement, district attorney, court or other policies that contribute to or inhibit the response to truancy in the county. A copy of the report shall be submitted to each of the entities identified in sub. (1) (b) to (h) and any other entity designating members on the committee under sub. (1) (i).

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

   (e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 938.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

118.257 Liability for referral to police.

(1) In this section:

   (a) "Controlled substance" has the meaning specified in s. 961.01 (4).

   (am) "Controlled substance analog" has the meaning given in s. 961.01 (4m).

   (at) "Delivery" has the meaning given in s. 961.01 (6).

   (b) "Distribute" has the meaning specified in s. 961.01 (9).

   (c) "Pupil services professional" means a school counselor, school social worker, school psychologist or school nurse.
(d) “School” means a public, parochial, private, or tribal school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.

(2) A school administrator, principal, pupil services professional or teacher employed by a school board is not liable for referring a pupil enrolled in the school district to law enforcement authorities, or for removing a pupil from the school premises or from participation in a school-sponsored activity, for suspicion of possession, distribution, delivery or consumption of an alcohol beverage or a controlled substance or controlled substance analog.

938.17 Jurisdiction over traffic, boating, snowmobile, all-terrain vehicle, and utility terrain vehicle violations and over civil law and ordinance violations.

(a) Concurrent municipal and juvenile court jurisdiction; ordinance violations.

1. Except as provided in subd. 1m. and sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter and ch. 48 in proceedings against juveniles 12 years of age or over for violations of county, town, or other municipal ordinances. If evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed or were not required to be completed as provided in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise jurisdiction in proceedings against a juvenile for a violation of an ordinance enacted under s. 118.163 (2) regardless of the juvenile’s age and regardless of whether the court assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction under s. 938.13 (6).

1m. Except as provided in sub. (1), municipal courts have exclusive jurisdiction in proceedings against juveniles 12 years of age or over for violations of municipal ordinances enacted under ch. 349 that are in conformity with chs. 341 to 349. When a juvenile 12 years of age or over is alleged to have violated a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to 349, the juvenile may be issued a citation directing the juvenile to appear in municipal court or make a deposit or stipulation and deposit in lieu of appearance or, if there is no municipal court in the municipality that enacted the ordinance, the juvenile may be issued a citation or referred to intake as provided in par. (b). If a municipal court finds that a juvenile has violated a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to 349, the court shall enter any of the dispositional orders permitted under s. 938.343 that are authorized under sub. (2) (cm).

2. a. In this subdivision, “administrative center” means the main administrative offices of a school district.

   b. The municipal court that may exercise jurisdiction under subd. 1. is the municipal court that is located in the same municipality as the administrative center of the school district in which the juvenile is enrolled, if that municipality has adopted an ordinance under s. 118.163.

   c. If the municipality specified under subd. 2. b. has not adopted an ordinance under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1. is the municipal court that is located in the municipality where the school in which the juvenile is enrolled is located, if that municipality has adopted an ordinance under s. 118.163.

   d. If the municipality specified under subd. 2. b. or c. has not adopted an ordinance under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1. is the municipal court that is located in the municipality where the juvenile resides, if that municipality has adopted an ordinance under s. 118.163.

3. Except as provided in subd. 1m., when a juvenile is alleged to have violated a municipal ordinance, one of the following may occur:

   a. The juvenile may be issued a citation directing the juvenile to appear in municipal court or make a deposit or stipulation and deposit in lieu of appearance.
b. The juvenile may be issued a citation directing the juvenile to appear in the court assigned to exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation and deposit in lieu of appearance as provided in s. 938.237.

c. The juvenile may be referred to intake for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under this chapter and ch. 48 under s. 938.125.

(b) Juvenile court jurisdiction; civil law and ordinance violations. When a juvenile 12 years of age or older is alleged to have violated a civil law punishable by a forfeiture or to have violated a municipal ordinance but there is no municipal court in the municipality, one of the following may occur:

1. The juvenile may be issued a citation directing the juvenile to appear in the court assigned to exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation and deposit in lieu of appearance as provided in s. 938.237.

2. The juvenile may be referred to intake for a determination whether a petition under s. 938.125 should be filed in the court assigned to exercise jurisdiction under this chapter and ch. 48.

(c) Citation procedures. The citation procedures described in ch. 800 govern proceedings involving juveniles in municipal court, except that this chapter governs the taking and holding of a juvenile in custody and par. (cg) governs the issuing of a summons to the juvenile’s parent, guardian, or legal custodian. When a juvenile is before the court assigned to exercise jurisdiction under this chapter and ch. 48 upon a citation alleging that the juvenile violated a civil law or municipal ordinance, the procedures specified in s. 938.237 apply. If a citation is issued to a juvenile, the issuing agency shall notify the juvenile’s parent, guardian, and legal custodian within 7 days. The agency issuing a citation to a juvenile who is 12 to 15 years of age for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2), or 961.575 (2) or an ordinance conforming to one of those statutes shall send a copy to an intake worker under s. 938.24 for informational purposes only.

(cg) Summons procedures. After a citation is issued, unless the juvenile and his or her parent, guardian, and legal custodian voluntarily appear, the municipal court may issue a summons requiring the parent, guardian, or legal custodian of the juvenile to appear personally at any hearing involving the juvenile and, if the court so orders, to bring the juvenile before the court at a time and place stated. Section 938.273 governs the service of a summons under this paragraph, except that the expense of service or publication of a summons and of the travelling expenses and fees of a person summoned allowed in ch. 885 shall be a charge on the municipality of the court issuing the summons when approved by the court. If any person summoned under this paragraph fails without reasonable cause to appear, he or she may be proceeded against for contempt of court under s. 785.06. If a summons cannot be served or if the person served fails to obey the summons or if it appears to the court that the service will be ineffectual, a capias may be issued for the juvenile and for the parent, guardian, or legal custodian.

(cm) Authorization for dispositions and sanctions. A city, village, or town may adopt an ordinance or bylaw specifying which of the dispositions under ss. 938.343 and 938.344 and sanctions under s. 938.355 (6), (d) and (6m) the municipal court of that city, village, or town is authorized to impose or to petition the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose. The use by the court of those dispositions and sanctions is subject to any ordinance or bylaw adopted under this paragraph.

(d) Disposition; ordinance violations generally.

1. If a municipal court finds that the juvenile violated a municipal ordinance other than an ordinance enacted under s. 118.163 or an ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2), or 961.575 (2), the court shall enter any of the dispositional orders permitted under s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture imposed by the municipal court, the court may not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile’s operating privilege, as defined in s. 340.01 (40), for not more than 2 years.
2. If a court suspends a license or privilege under subd. 1., the court shall immediately take possession of the applicable license if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward to the department that issued the license the notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall then, if the license is issued under ch. 29, return the license to the person.

(e) Disposition; alcohol and drug ordinance violations. If a municipal court finds that a juvenile violated a municipal ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2) or 961.575 (2), the court shall enter a dispositional order under s. 938.344 that is authorized under par. (cm).

(f) Notice to victims. If the act the juvenile committed resulted in personal injury or damage to or loss of the property of another, the municipal court shall, to the extent possible, provide each known victim of the act with the information contained in the notice required under s. 938.346.

(g) Disposition; truancy or school dropout ordinance violations. If the municipal court finds that a juvenile violated a municipal ordinance enacted under s. 118.163 (1m), it shall enter a dispositional order under s. 938.342 (1d). If a municipal court finds that a juvenile violated a municipal ordinance enacted under s. 118.163 (2), it shall enter a dispositional order under s. 938.342 (1g), and may enter a dispositional order under s. 938.342 (1m) (a), that is consistent with the municipal ordinance. If a municipal court finds that a juvenile violated a municipal ordinance enacted under s. 118.163 (2m), it shall enter a dispositional order under s. 938.342 (2) that is consistent with the municipal ordinance.

(h) Sanctions; dispositional order violations generally.

1. If a juvenile who has violated a municipal ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or her dispositional order, the municipal court may impose on the juvenile any of the sanctions specified in s. 938.355 (6) (d) 2. to 5. that are authorized under par. (cm) except for monitoring by an electronic monitoring system. The municipal court may also petition the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if authorized under par. (cm). A sanction may be imposed under this subdivision only if at the time of judgment the court explained the conditions to the juvenile and informed the juvenile of the possible sanctions under s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.

2. A motion requesting the municipal court to impose or petition for a sanction may be brought by the person or agency primarily responsible for the provision of dispositional services, the municipal attorney, or the court that entered the dispositional order. If the court initiates the motion, that court may not hold a hearing on the motion. Notice of the motion shall be given to the juvenile and the juvenile’s parent, guardian, or legal custodian.

3. Before imposing any sanction, the court shall hold a hearing, at which the juvenile may present evidence. Except as provided in s. 901.05, neither common law nor statutory rules of evidence are binding at a hearing under this subdivision.

4. If the court assigned to exercise jurisdiction under this chapter and ch. 48 imposes the sanction specified in s. 938.355 (6) (d) 1. or home detention with monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., on a petition described in subd. 1., that court shall order the
municipality of the municipal court that filed the petition to pay to the county the cost of providing the sanction imposed under s. 938.355 (6) (d) 1. or 3.

(i) Sanctions; truancy or school dropout dispositional order violations.

1. If a juvenile who has violated a municipal ordinance enacted under s. 118.163 (1m) violates a condition of his or her dispositional order, the municipal court may impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (ag). A sanction may be imposed under this subdivision only if at the time of judgment the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.

2m. If a juvenile who has violated a municipal ordinance enacted under s. 118.163 (2) violates a condition of his or her dispositional order, the municipal court may impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (a) that are authorized under par. (cm) except for the sanction specified in s. 938.355 (6m) (a) 1g. The municipal court may also petition the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction specified in s. 938.355 (6m) (a) 1g., if authorized under par. (cm). A sanction may be imposed under this subdivision only if at the time of judgment the court explained the conditions to the juvenile and informed the juvenile of the possible sanctions under s. 938.355 (6m) (a) that are authorized under par. (cm) for a violation or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.

3g. A motion requesting the municipal court to impose or petition for a sanction may be brought by the person or agency primarily responsible for the provision of dispositional services, the municipal attorney, or the court that entered the dispositional order. If the court initiates the motion, that court may not hold a hearing on the motion. Notice of the motion shall be given to the juvenile and the juvenile's parent, guardian, or legal custodian.

4. Before imposing any sanction, the court shall hold a hearing, at which the juvenile may present evidence. Except as provided in s. 901.05, neither common law nor statutory rules of evidence are binding at a hearing under this subdivision.

4m. If the court assigned to exercise jurisdiction under this chapter and ch. 48 imposes the sanction specified in s. 938.355 (6m) (a) 1g., on a petition described in subd. 2m., that court shall order the municipality of the municipal court that filed the petition to pay to the county the cost of providing the sanction imposed under s. 938.355 (6m) (a) 1g.

(3) Safety at sporting events. Notwithstanding sub. (2), courts of criminal or civil jurisdiction have exclusive jurisdiction in proceedings against juveniles under s. 167.32 or under a local ordinance strictly conforming to s. 167.32. A juvenile convicted of a violation under s. 167.32 or under a local ordinance strictly conforming to s. 167.32 shall be treated as an adult for sentencing purposes.

938.19. Taking a juvenile into custody.

(1) Criteria. A juvenile may be taken into custody under any of the following:

(a) A warrant.

(b) A capias issued by a court under s. 938.28.

(c) A court order if there is a showing that the welfare of the juvenile demands that the juvenile be immediately removed from his or her present custody. The order shall specify that the juvenile be held in custody under s. 938.207.
(d) Circumstances in which a law enforcement officer believes on reasonable grounds that any of the following conditions exists:

1. A capias or a warrant for the juvenile’s apprehension has been issued in this state, or the juvenile is a fugitive from justice.
2. A capias or a warrant for the juvenile’s apprehension has been issued in another state.
3. The juvenile is committing or has committed an act which is a violation of a state or federal criminal law.
4. The juvenile has run away from his or her parents, guardian or legal or physical custodian.
5. The juvenile is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary.
6. The juvenile has violated a condition of court-ordered supervision, community supervision, or aftercare supervision; a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth; or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

NOTE: Subd. 6. is shown as amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55. Prior to that date it reads:

6. The juvenile has violated a condition of court-ordered supervision or aftercare supervision administered by the department of corrections or a county department, a condition of the juvenile’s placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

7. The juvenile has violated the conditions of an order under s. 938.21 (4) or of an order for temporary physical custody issued by an intake worker.
8. The juvenile has violated a civil law or a local ordinance punishable by a forfeiture, except that in that case the juvenile shall be released immediately under s. 938.20 (2) (ag) or as soon as reasonably possible under s. 938.20 (2) (b) to (g).
10. The juvenile is absent from school without an acceptable excuse under s. 118.15.

(1m) Truancy. A juvenile who is absent from school without an acceptable excuse under s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m) (a) if the school attendance officer of the school district in which the juvenile resides, or the juvenile's parent, guardian, or legal custodian, requests that the juvenile be taken into custody. The request shall specifically identify the juvenile.

(2) Notification of parent, guardian, legal custodian, Indian custodian. When a juvenile is taken into physical custody under this section, the person taking the juvenile into custody shall immediately attempt to notify the parent, guardian, legal custodian, and Indian custodian of the juvenile by the most practical means. The person taking the juvenile into custody shall continue such attempt until the parent, guardian, legal custodian, and Indian custodian of the juvenile are notified, or the juvenile is delivered to an intake worker under s. 938.20 (3), whichever occurs first. If the juvenile is delivered to the intake worker before the parent, guardian, legal custodian, and Indian custodian are notified, the intake worker, or another person at his or her direction, shall continue the attempt to notify until the parent, guardian, legal custodian, and Indian custodian of the juvenile are notified.

(3) Not an arrest. Taking into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful.

938.396. Records.

(1) Law enforcement records.
(a) Confidentiality. Law enforcement agency records of juveniles shall be kept separate from records of adults. Law enforcement agency records of juveniles may not be open to inspection or their contents disclosed except under par. (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 938.293 or by order of the court.

(b) Applicability. Paragraph (a) does not apply to any of the following:

1. The disclosure of information to representatives of the news media who wish to obtain information for the purpose of reporting news. A representative of the news media who obtains information under this subdivision may not reveal the identity of the juvenile involved.

2. The confidential exchange of information between a law enforcement agency and officials of the public or private school attended by the juvenile. A public school official who obtains information under this subdivision shall keep the information confidential as required under s. 118.125, and a private school official who obtains information under this subdivision shall keep the information confidential in the same manner as is required of a public school official under s. 118.125.

2m. The confidential exchange of information between a law enforcement agency and officials of the tribal school attended by the juvenile if the law enforcement agency determines that enforceable protections are provided by a tribal school policy or tribal law that requires tribal school officials to keep the information confidential in a manner at least as stringent as is required of a public school official under s. 118.125.

3. The confidential exchange of information between a law enforcement agency and another law enforcement agency. A law enforcement agency that obtains information under this subdivision shall keep the information confidential as required under par. (a) and s. 48.396 (1).

4. The confidential exchange of information between a law enforcement agency and a social welfare agency. A social welfare agency that obtains information under this subdivision shall keep the information confidential as required under ss. 48.78 and 938.78.

5. The disclosure of information relating to a juvenile 10 years of age or over who is subject to the jurisdiction of a court of criminal jurisdiction.

(c) Exceptions. Notwithstanding par. (a), law enforcement agency records of juveniles may be disclosed as follows:

1. If requested by the parent, guardian or legal custodian of a juvenile who is the subject of a law enforcement officer's report, or if requested by the juvenile, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian or juvenile a copy of that report.

2. Upon the written permission of the parent, guardian or legal custodian of a juvenile who is the subject of a law enforcement officer's report or upon the written permission of the juvenile, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or juvenile in the written permission.

3. At the request of a school district administrator, administrator of a private school, or administrator of a tribal school, or designee of a school district administrator, private school administrator, or tribal school administrator, or on its own initiative, a law enforcement agency may, subject to official agency policy, provide to the school district administrator, private school administrator, or tribal school administrator or designee, for use as provided in s. 118.127, any information in its records relating to any of the following if the official agency policy specifies that the information may not be provided to an administrator of a tribal school or a tribal school administrator's designee unless the governing body of the tribal school agrees that the information will be used by the tribal school as provided in s. 118.127:
a. The use, possession, or distribution of alcohol or a controlled substance or controlled substance analog by a juvenile enrolled in the public school district, private school, or tribal school.

b. The illegal possession by a juvenile of a dangerous weapon, as defined in s. 939.22 (10).

c. An act for which a juvenile enrolled in the school district, private school, or tribal school was taken into custody under s. 938.19 based on a law enforcement officer’s belief that the juvenile was committing or had committed a violation of any state or federal criminal law.

d. An act for which a juvenile enrolled in the public school district, private school, or tribal school was adjudged delinquent.

4. A law enforcement agency may enter into an interagency agreement with a school board, a private school, a tribal school, a social welfare agency, or another law enforcement agency providing for the routine disclosure of information under subs. (1) (b) 2. and 2m. and (c) 3. to the school board, private school, tribal school, social welfare agency, or other law enforcement agency.

5. If requested by a victim of a juvenile’s act, a law enforcement agency may, subject to official agency policy, disclose to the victim any information in its records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents. The victim may use and further disclose the information only for the purpose of recovering for the injury, damage or loss suffered as a result of the juvenile's act.

6. If requested by the victim-witness coordinator, a law enforcement agency shall disclose to the victim-witness coordinator any information in its records relating to the enforcement of rights under the constitution, this chapter, and s. 950.04 or the provision of services under s. 950.06 (1m), including the name and address of the juvenile and the juvenile's parents. The victim-witness coordinator may use the information only for the purpose of enforcing those rights and providing those services and may make that information available only as necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and services to which they are entitled under the constitution, this chapter, and ch. 950. The victim-witness coordinator may also use the information to disclose the name and address of the juvenile and the juvenile's parents to the victim of the juvenile's act.

7. If a juvenile has been ordered to make restitution for any injury, loss or damage caused by the juvenile and if the juvenile has failed to make that restitution within one year after the entry of the order, the insurer of the victim, as defined in s. 938.02 (20m) (a) 1., may request a law enforcement agency to disclose to the insurer any information in its records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents, and the law enforcement agency may, subject to official agency policy, disclose to the victim's insurer that information. The insurer may use and further disclose the information only for the purpose of investigating a claim arising out of the juvenile's act.

8. If requested by a fire investigator under s. 165.55 (15), a law enforcement agency may, subject to official agency policy, disclose to the fire investigator any information in its records relating to a juvenile as necessary for the fire investigator to pursue his or her investigation under s. 165.55. The fire investigator may use and further disclose the information only for the purpose of pursuing that investigation.

(d) Law enforcement access to school records. On petition of a law enforcement agency to review pupil records, as defined in s. 118.125 (1) (d), other than pupil records that may be disclosed without a court order under s. 118.125 (2) or (2m), for the purpose of pursuing an investigation of any alleged delinquent or criminal activity or on petition of a fire investigator under s. 165.55 (15) to review those pupil records for the purpose of pursuing an investigation under s. 165.55 (15), the court may order the school board of the school district, or the governing body of the private school, in which a juvenile is enrolled to disclose to the law enforcement agency or fire investigator the pupil records of that juvenile as necessary for the law enforcement agency or fire investigator to determine if the pupil records contain evidence of a violation of any state or federal criminal law.
enforcement agency or fire investigator to pursue the investigation. The law enforcement agency or fire investigator may use the pupil records only for the purpose of the investigation and may make the pupil records available only to employees of the law enforcement agency or fire investigator who are working on the investigation.

(1j) Law enforcement records, court-ordered disclosure.

(a) Any person who is denied access to a record under sub. (1) (a) or (10) may petition the court to order the disclosure of the record. The petition shall be in writing and shall describe as specifically as possible all of the following:

1. The type of information sought.
2. The reason the information is being sought.
3. The basis for the petitioner's belief that the information is contained in the records.
4. The relevance of the information sought to the petitioner's reason for seeking the information.
5. The petitioner's efforts to obtain the information from other sources.

(b) Subject to par. (bm), the court, on receipt of a petition, shall notify the juvenile, the juvenile's counsel, the juvenile's parents, and appropriate law enforcement agencies in writing of the petition. If any person notified objects to the disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for the disclosure.

(bm) If the petitioner is seeking access to a record under sub. (1) (c) 3., the court shall, without notice or hearing, make the inspection and determinations specified in par. (c) and, if the court determines that disclosure is warranted, shall order disclosure under par. (d). The petitioner shall provide a copy of the disclosure order to the law enforcement agency that denied access to the record, the juvenile, the juvenile's counsel, and the juvenile's parents. Any of those persons may obtain a hearing on the court's determinations by filing a motion to set aside the disclosure order within 10 days after receipt of the order. If no motion is filed within those 10 days or if, after hearing, the court determines that no good cause has been shown for setting aside the order, the law enforcement agency shall disclose the juvenile's record as ordered.

(c) The court shall make an inspection, which may be in camera, of the juvenile's records. If the court determines that the information sought is for good cause and that it cannot be obtained with reasonable effort from other sources, it shall then determine whether the petitioner's need for the information outweighs society's interest in protecting its confidentiality. In making this determination, the court shall balance the following private and societal interests:

1. The petitioner's interest in recovering for the injury, damage or loss he or she has suffered against the juvenile's interest in rehabilitation and in avoiding the stigma that might result from disclosure.
2. The public's interest in the redress of private wrongs through private litigation against the public's interest in protecting the integrity of the juvenile justice system.
3. If the petitioner is a person who was denied access to a record under sub. (1) (c) 3., the petitioner's legitimate educational interests, including safety interests, in the information against society's interest in protecting its confidentiality.

(d) If the court determines that disclosure is warranted, it shall order the disclosure of only as much information as is necessary to meet the petitioner's need for the information.

(e) The court shall record the reasons for its decision to disclose or not to disclose the juvenile's records. All records related to a decision under this subsection are confidential.

(2) Court records; confidentiality.

(a) Records of the court assigned to exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
that purpose only. Those records shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch. 48 or as required or permitted under sub. (2g), (2m) (b) or (c), or (10).

(b) The provisions of ss. 801.19 to 801.21 are applicable in court proceedings under this chapter and ch. 48.

(2g) Confidentiality of court records; exceptions. Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under this chapter and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) may be disclosed as follows:

(a) Request of parent or juvenile. Upon request of the parent, guardian, or legal custodian of a juvenile who is the subject of a record of a court assigned to exercise jurisdiction under this chapter and ch. 48 or of a municipal court exercising jurisdiction under s. 938.17 (2), or upon request of the juvenile, if 14 years of age or over, the court that is the custodian of the record shall open for inspection by the parent, guardian, legal custodian, or juvenile its records relating to that juvenile, unless that court finds, after due notice and hearing, that inspection of those records by the parent, guardian, legal custodian, or juvenile would result in imminent danger to anyone.

(b) Federal program monitoring.

1. Upon request of the department of corrections, the department of children and families, or a federal agency to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection and copying by authorized representatives of the requester. Those representatives shall keep those records confidential and may use and further disclose those records only for the purpose for which those records were requested.

2. Upon request of an entity engaged in the bona fide research, monitoring, or evaluation of activities conducted under 42 USC 629h, as determined by the director of state courts, to review court records for the purpose of that research, monitoring, or evaluation, the court shall open those records for inspection and copying by authorized representatives of that entity. Those representatives shall keep those records confidential and may use and further disclose those records only for the purpose for which those records were requested. The director of state courts may use the circuit court automated information system under s. 758.19 (4) to facilitate the transfer of electronic records between the court and that entity.

(c) Law enforcement agencies. Upon request of a law enforcement agency to review court records for the purpose of investigating alleged criminal activity or activity that may result in a court exercising jurisdiction under s. 938.12 or 938.13 (12), the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been the subject of a proceeding under this chapter.

(d) Criminal and civil proceedings. Upon request of a court of criminal jurisdiction to review court records for the purpose of conducting or preparing for a proceeding in that court, upon request of a district attorney to review court records for the purpose of performing his or her official duties in a proceeding in a court of criminal jurisdiction, or upon request of a court of civil jurisdiction or the
attorney for a party to a proceeding in that court to review court records for the purpose of impeaching a witness under s. 906.09, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been the subject of a proceeding under this chapter.

(dm) Delinquency or criminal defense. Upon request of a defense counsel to review court records for the purpose of preparing his or her client's defense to an allegation of delinquent or criminal activity, the court shall open for inspection by authorized representatives of the requester the records of the court relating to that client.

(dr) Presentence investigation. Upon request of the department of corrections or any other person preparing a presentence investigation under s. 972.15 to review court records for the purpose of preparing the presentence investigation, the court shall open for inspection by any authorized representative of the requester the records of the court relating to any juvenile who has been the subject of a proceeding under this chapter.

(em) Sex offender registration. Upon request of the department of corrections to review court records for the purpose of obtaining information concerning a juvenile who is required to register under s. 301.45, the court shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been adjudicated delinquent or found in need of protection or services or not responsible by reason of mental disease or defect for an offense specified in s. 301.45 (1g) (a). The department of corrections may disclose information that it obtains under this paragraph as provided under s. 301.46.

(f) Victim-witness coordinator. Upon request of the victim-witness coordinator to review court records for the purpose of enforcing rights under the constitution, this chapter, and s. 950.04 and providing services under s. 950.06 (1m), the court shall open for inspection by the victim-witness coordinator the records of the court relating to the enforcement of those rights or the provision of those services, including the name and address of the juvenile and the juvenile's parents. The victim-witness coordinator may use any information obtained under this paragraph only for the purpose of enforcing those rights and providing those services and may make that information available only as necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and services to which they are entitled under the constitution, this chapter and ch. 950. The victim-witness coordinator may also use that information to disclose the name and address of the juvenile and the juvenile's parents to the victim of the juvenile's act.

(fm) Victim's insurer. Upon request of an insurer of the victim, as defined in s. 938.02 (20m) (a) 1., the court shall disclose to an authorized representative of the requester the amount of restitution, if any, that the court has ordered a juvenile to make to the victim.

(g) Paternity of juvenile. Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's attorney or the guardian ad litem for the juvenile who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating to the paternity of a juvenile for the purpose of determining the paternity of the juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405 or 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the requester its records relating to the paternity of the juvenile or disclose to the requester those records.

(gm) Other courts. Upon request of any court assigned to exercise jurisdiction under this chapter and ch. 48, any municipal court exercising jurisdiction under s. 938.17 (2), or a district attorney, corporation counsel, or city, village, or town attorney to review court records for the purpose of any proceeding in that court or upon request of the attorney or guardian ad litem for a party to a proceeding in that court to
review court records for the purpose of that proceeding, the court assigned to exercise jurisdiction under this chapter and ch. 48 or the municipal court exercising jurisdiction under s. 938.17 (2) shall open for inspection by any authorized representative of the requester its records relating to any juvenile who has been the subject of a proceeding under this chapter.

(h) Custody of juvenile. Upon request of the court having jurisdiction over an action affecting the family or of an attorney for a party or a guardian ad litem in an action affecting the family to review court records for the purpose of considering the custody of a juvenile, the court assigned to exercise jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction under s. 938.17 (2) shall open for inspection by any authorized representative of the requester its records relating to any juvenile who has been the subject of a proceeding under this chapter.

(i) Probate court. Upon request of the court assigned to exercise probate jurisdiction, the attorney general, the personal representative or special administrator of, or an attorney performing services for, the estate of a decedent in any proceeding under chs. 851 to 879, a person interested, as defined in s. 851.21, or an attorney, attorney-in-fact, guardian ad litem or guardian of the estate of a person interested to review court records for the purpose of s. 854.14 (5) (b), the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by any authorized representative of the requester the records of the court relating to any juvenile who has been adjudged delinquent on the basis of unlawfully and intentionally killing a person.

(j) Fire investigator. Upon request of a fire investigator under s. 165.55 (15) to review court records for the purpose of pursuing an investigation under s. 165.55, the court shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been adjudicated delinquent or found to be in need of protection or services under s. 938.13 (12) or (14) for a violation of s. 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, or 943.06 or for an attempt to commit any of those violations.

(k) Serious juvenile offenders. Upon request of any person, the court shall open for inspection by the requester the records of the court, other than reports under s. 938.295 or 938.33 or other records that deal with sensitive personal information of the juvenile and the juvenile’s family, relating to a juvenile who has been alleged to be delinquent for committing a violation specified in s. 938.34 (4h) (a). The requester may further disclose the information to anyone.

(L) Repeat offenders. Upon request of any person, the court shall open for inspection by the requester the records of the court, other than reports under s. 938.295 or 938.33 or other records that deal with sensitive personal information of the juvenile and the juvenile’s family, relating to a juvenile who has been alleged to be delinquent for committing a violation that would be a felony if committed by an adult if the juvenile has been adjudicated delinquent at any time preceding the present proceeding and that previous adjudication remains of record and unreversed. The requester may further disclose the information to anyone.

(m) Notification of juvenile’s school.

1. If a petition under s. 938.12 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that would be a felony if committed by an adult, the court clerk shall notify the school board of the school district, the governing body of the private school, or the governing body of the tribal school in which the juvenile is enrolled or the designee of the school board or governing body of the fact that the petition has been filed and the nature of the delinquent act alleged in the petition. If later the proceeding on the petition is closed, dismissed, or otherwise terminated without a finding that the juvenile has committed a delinquent act, the court clerk shall notify the school board of the school district or the governing body of the private school or tribal school in which the juvenile is enrolled or the designee of the school board or governing body that the proceeding has been terminated without a finding that the juvenile has committed a delinquent act.
2. Subject to subd. 4., if a juvenile is adjudged delinquent, within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the school board of the school district, the governing body of the private school, or the governing body of the tribal school in which the juvenile is enrolled or the designee of the school board or governing body of the fact that the juvenile has been adjudicated delinquent, the nature of the violation committed by the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result of the violation.

3. If school attendance is a condition of a dispositional order under s. 938.342 (1d) or (1g) or 938.355 (2) (b) 7., within 5 days after the date on which the dispositional order is entered, the clerk of the court assigned to exercise jurisdiction under this chapter and ch. 48 or the clerk of the municipal court exercising jurisdiction under s. 938.17 (2) shall notify the school board of the school district, the governing body of the private school, or the governing body of the tribal school in which the juvenile is enrolled or the designee of the school board or governing body of the fact that the juvenile is enrolled in the school board or governing body of the fact that the juvenile's school attendance is a condition of a dispositional order.

4. If a juvenile is found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under chs. 939 to 948 or 961 if committed by an adult and is adjudged delinquent on that basis, within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the school board of the school district, the governing body of the private school, or the governing body of the tribal school in which the juvenile is enrolled or the designee of the school board or governing body of the fact that the juvenile has been adjudicated delinquent on that basis, the nature of the violation committed by the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result of that violation.

5. In addition to the disclosure made under subd. 2. or 4., if a juvenile is adjudicated delinquent and as a result of the dispositional order is enrolled in a different school district, private school, or tribal school from the school district, private school, or tribal school in which the juvenile is enrolled at the time of the dispositional order, the court clerk, within 5 days after the date on which the dispositional order is entered, shall provide the school board of the juvenile's new school district, the governing body of the juvenile's new private school, or the governing body of the tribal school or the designee of the school board or governing body with the information specified in subd. 2. or 4., whichever is applicable, and, in addition, shall notify that school board, governing body, or designee of whether the juvenile has been adjudicated delinquent previously by that court, the nature of any previous violations committed by the juvenile, and the dispositions imposed on the juvenile under s. 938.34 as a result of those previous violations.

6. Except as required under subds. 1. to 5. or by order of the court, no information from the juvenile's court records may be disclosed to the school board of the school district, the governing body of the private school, or the governing body of the tribal school in which the juvenile is enrolled or the designee of the school board or governing body. Any information from a juvenile's court records provided to the school board of the school district or the governing body of the private school in which the juvenile is enrolled or the designee of the school board or governing body shall be disclosed by the school board, governing body, or designee to employees of the school district or private school who work directly with the juvenile or who have been determined by the school board, governing body, or designee to have legitimate educational interests, including safety interests, in the information. A school district or private school employee to whom that information is disclosed may not further disclose the information. If information is disclosed to the governing body of a tribal school under this subdivision, the court shall request that the governing body of the tribal school or its designee disclose the information to employees who work directly with the juvenile or who have been determined by the governing body or its designee to have legitimate educational interests, including safety interests, in the information, and shall further request that the governing body prohibit any employee to whom information is disclosed under this subdivision from further disclosing the.
information. A school board may not use any information from a juvenile's court records as the sole basis for expelling or suspending a juvenile or as the sole basis for taking any other disciplinary action against a juvenile, but may use information from a juvenile's court records as the sole basis for taking action against a juvenile under the school district's athletic code. A member of a school board or of the governing body of a private school or tribal school or an employee of a school district, private school, or tribal school may not be held personally liable for any damages caused by the nondisclosure of any information specified in this subdivision unless the member or employee acted with actual malice in failing to disclose the information. A school district, private school, or tribal school may not be held liable for any damages caused by the nondisclosure of any information specified in this subdivision unless the school district, private school, or tribal school or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

(n) Firearms restrictions record search or background check. If a juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

(o) Criminal history record search. If a juvenile is adjudged delinquent for committing a serious crime, as defined in s. 48.685 (1) (c) or 48.686 (1) (c), the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a criminal history record search under s. 48.685 (2) (am) 1. or (b) 1m. or s. 48.686 (2) (am).

NOTE: Par. (o) is shown as amended eff. 9-30-18 by 2017 Wis. Act 59. Prior to 9-30-18 it reads:

(o) Criminal history record search. If a juvenile is adjudged delinquent for committing a serious crime, as defined in s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a criminal history record search under s. 48.685 (2) (am) 1. or (b) 1. a.

(2m) Electronic court records.

(a) In this subsection, "court" means the court assigned to exercise jurisdiction under this chapter and ch. 48.

(b) 1. The court shall make information relating to a proceeding under this chapter that is contained in the electronic records of the court available to any other court assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court exercising jurisdiction under s. 938.17 (2), a court of criminal jurisdiction, a person representing the interests of the public under s. 48.09 or 938.09, an attorney or guardian ad litem for a parent or child who is a party to a proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 48 or a municipal court, a district attorney prosecuting a criminal case, a law enforcement agency, the department of children and families, the department of corrections, or a county department, regardless of whether the person to whom the information is disclosed is a party to or is otherwise involved in the proceedings in which the electronic records containing that information were created. The director of state courts may use the circuit court automated information systems established under s. 758.19 (4) to make information contained in the electronic records of the court available as provided in this subdivision.

2. Subdivision 1. does not authorize disclosure of any information relating to the physical or mental health of an individual or that deals with any other sensitive personal matter of an individual, including
information contained in a patient health care record, as defined in s. 146.81 (4), a treatment record, as defined in s. 51.30 (1) (b), the record of a proceeding under s. 48.135, a report resulting from an examination or assessment under s. 938.295, a court report under s. 938.33, or a permanency plan under s. 938.38, except with the informed consent of a person authorized to consent to that disclosure, by order of the court, or as otherwise permitted by law.

(c) 1g. A court assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court exercising jurisdiction under s. 938.17 (2), or a court of criminal jurisdiction shall keep any information made available to that court under par. (b) 1. confidential and may use or allow access to that information only for the purpose of conducting or preparing for a proceeding in that court. That court may allow that access regardless of whether the person who is allowed that access is a party to or is otherwise involved in the proceedings in which the electronic records containing that information were created.

1m. A person representing the interests of the public under s. 48.09 or 938.09, an attorney or guardian ad litem for a parent or child who is a party to a proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 48 or a municipal court, or a district attorney prosecuting a criminal case shall keep any information made available to that person under par. (b) 1. confidential and may use or allow access to that information only for the purpose of performing his or her official duties relating to a proceeding in a court assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court, or a court of criminal jurisdiction. That person may allow that access regardless of whether the person who is allowed that access is a party to or is otherwise involved in the proceedings in which the electronic records containing that information were created.

1p. A law enforcement agency shall keep any information made available to the law enforcement agency under par. (b) 1. confidential and may use or allow access to that information only for the purpose of investigating alleged criminal activity or activity that may result in a court exercising jurisdiction under s. 938.12 or 938.13 (12). A law enforcement agency may allow that access regardless of whether the person who is allowed that access is a party to or is otherwise involved in the proceedings in which the electronic records containing that information were created.

1r. The department of children and families, the department of corrections, or a county department shall keep any information made available to that department or county department under par. (b) 1. confidential and may use or allow access to that information only for the purpose of providing services under s. 48.06, 48.067, 48.069, 938.06, 938.067, or 938.069. That department or county department may allow that access regardless of whether the person who is allowed that access is a party to or is otherwise involved in the proceedings in which the electronic records containing that information were created.

2. An individual who is allowed under subd. 1g., 1m., 1p., or 1r. to have access to any information made available under par. (b) 1. shall keep the information confidential and may use and further disclose the information only for the purpose described in subd. 1g., 1m., 1p., or 1r.

(d) Any person who intentionally uses or discloses information in violation of par. (c) may be required to forfeit not more than $5,000.

(3) Motor vehicle violation records. This section does not apply to proceedings for violations of chs. 340 to 349 and 351 or any county or municipal ordinance enacted under ch. 349, except that this section does apply to proceedings for violations of ss. 342.06 (2) and 344.48 (1), and ss. 30.67 (1) and 346.67 (1) when death or injury occurs.

(4) Operating privilege records. When a court assigned to exercise jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction under s. 938.17 (2) revokes, suspends, or restricts a juvenile’s operating privilege under this chapter, the department of transportation may not disclose information concerning or relating to the revocation, suspension, or restriction to any person other than a
court assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county corporation counsel, or city, village, or town attorney, a law enforcement agency, a driver licensing agency of another jurisdiction, the juvenile whose operating privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian. Persons entitled to receive this information may not disclose the information to other persons or agencies.

(10) Sexually violent person commitment. A law enforcement agency's records and records of the court assigned to exercise jurisdiction under this chapter and ch. 48 shall be open for inspection by authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the records involve or relate to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning information made available or disclosed under this subsection. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this subsection for any purpose consistent with any proceeding under ch. 980.

947.015. Bomb scares

Whoever intentionally conveys or causes to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives is guilty of a Class I felony.

947.019. Terrorist threats.

(1) Whoever, under any of the following circumstances, threatens to cause the death of or bodily harm to any person or to damage any person's property is guilty of a Class I felony:
   (a) The actor intends to prevent the occupation of or cause the evacuation of a building, dwelling, school premises, vehicle, facility of public transportation, or place of public assembly or any room within a building, dwelling, or school premises.
   (b) The actor intends to cause public inconvenience.
   (c) The actor intends to cause public panic or fear.
   (d) The actor intends to cause an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service.
   (e) The actor creates an unreasonable and substantial risk of causing a result described in par. (a), (b), (c), or (d) and is aware of that risk.
(2) Any person who violates sub. (1) and thereby contributes to any individual's death is guilty of a Class G felony.

948.60. Possession of a dangerous weapon by a person under 18.

(1) In this section, "dangerous weapon" means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295 (1c) (a); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.
(2)(a) Any person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.
(b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a Class I felony.

(c) Whoever violates par. (b) is guilty of a Class H felony if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A person under 17 years of age who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

3(a) This section does not apply to a person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult. This section does not apply to an adult who transfers a dangerous weapon to a person under 18 years of age for use only in target practice under the adult's supervision or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to a person under 18 years of age who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who is a member of the armed forces or national guard and who transfers a dangerous weapon to a person under 18 years of age in the line of duty.

(c) This section applies only to a person under 18 years of age who possesses or is armed with a rifle or a shotgun if the person is in violation of s. 941.28 or is not in compliance with ss. 29.304 and 29.593. This section applies only to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not in compliance with ss. 29.304 and 29.593 or to an adult who is in violation of s. 941.28.

961.495. Possession or attempted possession of a controlled substance on or near certain places.

If any person violates s. 961.41 (3g) by possessing or attempting to possess a controlled substance included in schedule I or II, a controlled substance analog of a controlled substance included in schedule I or II or ketamine or flunitrazepam while in or on the premises of a scattered-site public housing project, while in or on or otherwise within 1,000 feet of a state, county, city, village, or town park, a jail or correctional facility, a multiunit public housing project, a swimming pool open to members of the public, a youth center or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises or of any premises of a tribal school, as defined in s. 115.001 (15m), or while in or on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this section has immunity from any civil liability in excess of $25,000 for acts or omissions by or impacting on the defendant.

REGULATIONS

No relevant regulations found.
Disclosure of school records

LAWS

118.125. Pupil records.

(1) Definitions. In this section:

(a) “Behavioral records” means those pupil records that include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil’s behavior, tests relating specifically to achievement or measurement of ability, the pupil’s physical health records other than his or her immunization records or any lead screening records required under s. 254.162, law enforcement officers’ records obtained under s. 48.396 (1) or 938.396 (1) (b) 2. or (c) 3., and any other pupil records that are not progress records.

(b) “Directory data” means those pupil records which include the pupil’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the pupil.

(b) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(bL) "Law enforcement unit" means any individual, office, department, division, or other component of a school district that is authorized or designated by the school board to do any of the following:

1. Enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement of any law or ordinance, against any person other than the school district.

2. Maintain the physical security and safety of a public school.

(bs) "Law enforcement unit records" means records maintained by a law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement.

(c) "Progress records" means those pupil records which include the pupil’s grades, a statement of the courses the pupil has taken, the pupil’s attendance record, the pupil’s immunization records, any lead screening records required under s. 254.162 and records of the pupil’s school extracurricular activities.

(cm) "Pupil physical health records" means those pupil records that include basic health information about a pupil, including the pupil’s immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil’s ability to participate in an education program, any lead screening records required under s. 254.162, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information, as determined by the state superintendent.

(d) “Pupil records” means all records relating to individual pupils maintained by a school but does not include any of the following:

1. Notes or records maintained for personal use by a teacher or other person who is required by the state superintendent under s. 115.28 (7) to hold a certificate, license, or permit if such records and notes are not available to others.

2. Records necessary for, and available only to persons involved in, the psychological treatment of a pupil.

3. Law enforcement unit records.

(e) "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

(2) Confidentiality and disclosure of pupil records. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (p) and sub. (2m). The school board shall adopt policies to
maintain the confidentiality of such records and may adopt policies to promote the disclosure of pupil records and information permitted by law for purposes of school safety.

(a) A pupil, or the parent or guardian of a minor pupil, shall, upon request, be shown and provided with a copy of the pupil's progress records.

(b) An adult pupil or the parent or guardian of a minor pupil shall, upon request, be shown, in the presence of a person qualified to explain and interpret the records, the pupil's behavioral records. Such pupil or parent or guardian shall, upon request, be provided with a copy of the behavioral records.

(c) 1. The judge of any court of this state or of the United States shall, upon request, be provided by the school district clerk or his or her designee with a copy of all progress records of a pupil who is the subject of any proceeding in such court.

   2. Names of dropouts shall be provided to a court in response to an order under s. 118.163 (2m) (b).

(cg) The school district clerk or his or her designee shall provide a law enforcement agency with a copy of a pupil's attendance record if the law enforcement agency certifies in writing that the pupil is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the pupil's attendance record except as permitted under s. 938.396 (1) (a). A school district clerk or designee who discloses a copy of a pupil's attendance record to a law enforcement agency for purposes of a truancy investigation shall notify the pupil's parent or guardian of that disclosure as soon as practicable after that disclosure.

(ch) The school district clerk or his or her designee shall provide a fire investigator under s. 165.55 (15) with a copy of a pupil's attendance record if the fire investigator certifies in writing that the pupil is under investigation under s. 165.55, that the pupil's attendance record is necessary for the fire investigator to pursue his or her investigation and that the fire investigator will use and further disclose the pupil's attendance record only for the purpose of pursuing that investigation.

(ck) The school district clerk or his or her designee shall make pupil records available for inspection or, upon request, disclose the contents of pupil records to authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the pupil records involve or relate to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning pupil records made available or disclosed under this paragraph. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this paragraph for any purpose consistent with any proceeding under ch. 980.

(cm) If school attendance is a condition of a child's dispositional order under s. 48.355 (2) (b) 7. or 938.355 (2) (b) 7., the school board shall notify the county department that is responsible for supervising the child within 5 days after any violation of the condition by the child.

(d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license, law enforcement officers who are individually designated by the school board and assigned to the school district, and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers' records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s. 118.127. A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the
school district or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

(e) Upon the written permission of an adult pupil, or the parent or guardian of a minor pupil, the school shall make available to the person named in the permission the pupil's progress records or such portions of the pupil's behavioral records as determined by the person authorizing the release. Law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) (b) 2. or (c) 3. may not be made available under this paragraph unless specifically identified by the adult pupil or by the parent or guardian of a minor pupil in the written permission.

(f) Pupil records shall be provided to a court in response to subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any witness who has testified in the action. The court may turn said records or parts thereof over to parties in the action or their attorneys if said records would be relevant and material to a witness's credibility or competency.

(g) 1. The school board may provide any public officer with any information required to be maintained under chs. 115 to 121.

2. Upon request by the department, the school board shall provide the department with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with requirements under chs. 115 to 121.

(h) Information from a pupil's immunization records shall be made available to the department of health services to carry out the purposes of s. 252.04.

(hm) Information from any pupil lead screening records shall be made available to state and local health officials to carry out the purposes of ss. 254.11 to 254.178.

(i) Upon request, the school district clerk or his or her designee shall provide the names of pupils who have withdrawn from the public school prior to graduation under s. 118.15 (1) (c) to the technical college district board in which the public school is located or, for verification of eligibility for public assistance under ch. 49, to the department of health services, the department of children and families, or a county department under s. 46.215, 46.22, or 46.23.

(j) 1. Except as provided under subds. 2. and 3., directory data may be disclosed to any person, if the school has notified the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory data with respect to each pupil, has informed the parent, legal guardian or guardian ad litem of that pupil that he or she has 14 days to inform the school that all or any part of the directory data may not be released without the prior consent of the parent, legal guardian or guardian ad litem and has allowed 14 days for the parent, legal guardian or guardian ad litem of that pupil to inform the school that all or any part of the directory data may not be released without the prior consent of the parent, legal guardian or guardian ad litem.

2. If a school has notified the parent, legal guardian or guardian ad litem that a pupil's name and address has been designated as directory data, has informed the parent, legal guardian or guardian ad litem of the pupil that he or she has 14 days to inform the school that the pupil's name and address may not be released without the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14 days for the parent, legal guardian or guardian ad litem of the pupil to inform the school that the pupil's name and address may not be released without the prior consent of the parent, legal guardian or guardian ad litem, has not so informed the school, the school district clerk or his or her designee, upon request, shall provide a technical college district board with the name and address of each such pupil who is expected to graduate from high school in the current school year.
3. If a school has notified the parent, legal guardian or guardian ad litem of the information that it has designated as directory data with respect to any pupil, has informed the parent, legal guardian or guardian ad litem of the pupil that he or she has 14 days to inform the school that such information may not be released without the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14 days for the parent, legal guardian or guardian ad litem of the pupil to inform the school that such information may not be released without the prior consent of the parent, legal guardian or guardian ad litem and the parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk or his or her designee, upon request, shall provide any representative of a law enforcement agency, district attorney, city attorney or corporation counsel, county department under s. 46.215, 46.22 or 46.23 or a court of record or municipal court with such information relating to any such pupil enrolled in the school district for the purpose of enforcing that pupil's school attendance, investigating alleged criminal or delinquent activity by the pupil or responding to a health or safety emergency.

(k) A school board may disclose personally identifiable information from the pupil records of an adult pupil to the parents or guardian of the adult pupil, without the written consent of the adult pupil, if the adult pupil is a dependent of his or her parents or guardian under 26 USC 152, unless the adult pupil has informed the school, in writing, that the information may not be disclosed.

(L) A school board shall disclose the pupil records of a pupil in compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b), 938.396 (1) (d), or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's parent or legal guardian.

(m) A parent who has been denied periods of physical placement with a child under s. 767.41 (4) does not have the rights of a parent or guardian under pars. (a) to (j) with respect to that child's pupil records.

(n) For any purpose concerning the juvenile justice system and the system's ability to effectively serve a pupil, prior to adjudication:

1. A school board may disclose pupil records to a city attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court, private school, or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as otherwise authorized by law. For the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to a tribal school if disclosure is pursuant to an agreement between the school board and the governing body of the tribal school and if the school board determines that enforceable protections are provided by a tribal school policy or tribal law that requires the tribal school official to whom the records are disclosed not to disclose the records to any other person except as permitted under this subsection.

2. A school board shall disclose pertinent pupil records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve the pupil, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law.

(p) A school board may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual.

(2m) Confidentiality of pupil physical health records.

(a) Except as provided in par. (b), any pupil record that relates to a pupil's physical health and that is not a pupil physical health record shall be treated as a patient health care record under ss. 146.81 to 146.84.
(b) Any pupil record that concerns the results of an HIV test, as defined in s. 252.01 (2m), shall be treated as provided under s. 252.15.

(3) Maintenance of records. Each school board shall adopt rules in writing specifying the content of pupil records and the time during which pupil records shall be maintained. No behavioral records may be maintained for more than one year after the pupil ceases to be enrolled in the school, unless the pupil specifies in writing that his or her behavioral records may be maintained for a longer period. A pupil's progress records shall be maintained for at least 5 years after the pupil ceases to be enrolled in the school. A school board may maintain the records on microfilm, on an optical disk, or in electronic format if authorized under s. 19.21 (4) (c), or in such other form as the school board deems appropriate. A school board shall maintain law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) (b) 2. or (c) 3. separately from a pupil's other pupil records. Rules adopted under this subsection shall be published by the school board as a class 1 notice under ch. 985.

(4) Transfer of records. Within 5 working days, a school district, a private school participating in the program under s. 118.60 or in the program under s. 119.23, and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

(5) Use for suspension or expulsion.

(a) Except as provided in par. (b), nothing in this section prohibits a school district from using a pupil's records in connection with the suspension or expulsion of the pupil or the use of such records by a multidisciplinary team under ch. 115.

(b) Law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction under chs. 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may not be used by a school district as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action against a pupil, but may be used as the sole basis for taking action against a pupil under the school district's athletic code.

(6) Application to existing records. Any records existing on June 9, 1974 need not be revised for the purpose of deleting information from pupil records to comply with this section.

(7) Disclosure of law enforcement unit records. A school board shall treat law enforcement unit records of juveniles in the same manner as a law enforcement agency is required to treat law enforcement officers' records of juveniles under s. 938.396 (1) (a).

REGULATIONS

No relevant regulations found.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

115.28. General duties.
The state superintendent shall:

(39) Alcohol and other drug abuse report. Biennially by July 1, evaluate the effectiveness of the programs under s. 115.36 and submit a report to the legislature under s. 13.172 (2).

115.38. School performance report; educational program review.
(1) The state superintendent shall develop a school and school district performance report for use by school districts under sub. (2). The report shall include all of the following by school and by school district:

(b) 2. The numbers of suspensions and expulsions; the reasons for which pupils are suspended or expelled, reported according to categories specified by the state superintendent; the length of time for which pupils are expelled, reported according to categories specified by the state superintendent; whether pupils return to school after their expulsions; the educational programs and services, if any, provided to pupils during their expulsions, reported according to categories specified by the state superintendent; the schools attended by pupils who are suspended or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

118.162. Truancy committee and plan.
(1) At least once every 4 years, in each county, the school district administrator of the school district which contains the county seat designated under s. 59.05, or his or her designee, shall convene a committee to review and make recommendations to the school boards of all of the school districts in the county on revisions to the school districts' truancy plans under sub. (4m). The committee shall consist of the following members:

(2) The district attorney representative on the committee shall participate in reviewing and developing any recommendations regarding revisions to the portions of the school districts' plans under sub. (4) (e).

(3) The committee shall write a report to accompany the recommendations under sub. (1). The report shall include a description of the factors that contribute to truancy in the county and a description of any state statutes, municipal ordinances or school, social services, law enforcement, district attorney, court or other policies that contribute to or inhibit the response to truancy in the county. A copy of the report shall be submitted to each of the entities identified in sub. (1) (b) to (h) and any other entity designating members on the committee under sub. (1) (i).

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 938.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

(4m) At least once every 2 years, each school board shall review and, if appropriate, revise the truancy plan adopted by the school board under sub. (4).
119.44. Board report.

(2) Annually at such times as the department prescribes but on or before September 1, the board shall file a verified annual report with the department, on forms supplied by the department. The annual report shall contain all of the following:

(a) Prior school year attendance data, including all of the following categorized by school, grade, gender and ethnicity:

2. a. The number of pupils suspended, the number of suspensions and the total number of school days missed as a result of suspensions under s. 120.13 (1) (b).

b. The number of pupils expelled, the number of expulsions and the total number of school days missed as a result of expulsions under s. 120.13 (1) (c).

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

118.16. School attendance enforcement.

(1) In this section:

(b) “School attendance officer” means an employee designated by the school board to deal with matters relating to school attendance and truancy. “School attendance officer“ does not include an individual designated under sub. (2m) (a) to take into custody a child who is absent from school without an acceptable excuse under s. 118.15 unless that individual has also been designated by the school board to deal with matters relating to school attendance and truancy.

(2m)(a) A school district administrator may designate any of the following individuals to take a child who resides in the school district and who is absent from school without an acceptable excuse under s. 118.15 into custody under s. 938.19 (1m):

1. An employee of the school district who is directly involved in the provision of educational programs to the truant child.

2. An employee of the school district who is directly involved in the provision of a modified program or curriculum under s. 118.15 (1) (d), a program for children at risk under s. 118.153 or an alternative educational program under s. 119.82 or any other alternative educational program to children who attend the school attended by the truant child, if the school district administrator believes that the program or curriculum may be appropriate for the truant child.

3. A school social worker employed by the school district who provides services to children attending the school attended by the truant child, if the school district administrator believes that the services provided by the social worker may be appropriate for the truant child.

4. An employee of a social services agency who is directly involved in the provision of social services to the truant child or the child’s family.

5. A school attendance officer, but only if the school attendance officer meets the criteria specified in subds. 1., 2. or 3.

(b) A designation under par. (a) shall be in writing and shall specifically identify the child whom the individual is authorized to take into custody.

(c) A school district administrator may not designate an individual under par. (a) unless the individual agrees to the designation in writing.

(d) A school district administrator who makes a designation under par. (a) shall provide each individual so designated with an identification card of a form determined by the school board. The designee shall carry the identification card on his or her person at all times while the designee is on official duty under s. 938.19 (1m) and shall exhibit the identification card to any person to whom the designee represents himself or herself as a person authorized to take a child into custody under s. 938.19 (1m).

(e) A school district administrator who makes a designation under par. (a) or the individual designated under par. (a) shall immediately attempt to notify, by personal contact or telephone call, the child’s parent, guardian and legal custodian that the designation has been made and that the child may be taken into custody under s. 938.19 (1m). The school district administrator, or the designee, is not
required to notify a parent, guardian or legal custodian under this paragraph if the parent, guardian or legal custodian is the person who requested that the child be taken into custody under s. 938.19 (1m).

938.19. Taking a juvenile into custody.

(1) Criteria. A juvenile may be taken into custody under any of the following:

(a) A warrant.

(b) A capias issued by a court under s. 938.28.

(c) A court order if there is a showing that the welfare of the juvenile demands that the juvenile be immediately removed from his or her present custody. The order shall specify that the juvenile be held in custody under s. 938.207.

(d) Circumstances in which a law enforcement officer believes on reasonable grounds that any of the following conditions exists:

1. A capias or a warrant for the juvenile's apprehension has been issued in this state, or the juvenile is a fugitive from justice.

2. A capias or a warrant for the juvenile's apprehension has been issued in another state.

3. The juvenile is committing or has committed an act which is a violation of a state or federal criminal law.

4. The juvenile has run away from his or her parents, guardian or legal or physical custodian.

5. The juvenile is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary.

6. The juvenile has violated a condition of court-ordered supervision, community supervision, or aftercare supervision; a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth; or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

NOTE: Subd. 6. is shown as amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55. Prior to that date it reads:

6. The juvenile has violated a condition of court-ordered supervision or aftercare supervision administered by the department of corrections or a county department, a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

7. The juvenile has violated the conditions of an order under s. 938.21 (4) or of an order for temporary physical custody issued by an intake worker.

8. The juvenile has violated a civil law or a local ordinance punishable by a forfeiture, except that in that case the juvenile shall be released immediately under s. 938.20 (2) (ag) or as soon as reasonably possible under s. 938.20 (2) (b) to (g).

10. The juvenile is absent from school without an acceptable excuse under s. 118.15.

(1m) Truancy. A juvenile who is absent from school without an acceptable excuse under s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m) (a) if the school attendance officer of the school district in which the juvenile resides, or the juvenile's parent, guardian, or legal custodian, requests that the juvenile be taken into custody. The request shall specifically identify the juvenile.

(2) Notification of parent, guardian, legal custodian, Indian custodian. When a juvenile is taken into physical custody under this section, the person taking the juvenile into custody shall immediately attempt to notify the parent, guardian, legal custodian, and Indian custodian of the juvenile by the most practical means. The person taking the juvenile into custody shall continue such attempt until the parent, guardian,
legal custodian, and Indian custodian of the juvenile are notified, or the juvenile is delivered to an intake worker under s. 938.20 (3), whichever occurs first. If the juvenile is delivered to the intake worker before the parent, guardian, legal custodian, and Indian custodian are notified, the intake worker, or another person at his or her direction, shall continue the attempt to notify until the parent, guardian, legal custodian, and Indian custodian of the juvenile are notified.

(3) Not an arrest. Taking into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

118.15. Compulsory school attendance.

(3) This section does not apply to:

(a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice nurse prescriber or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

118.16. School attendance enforcement.

(1) In this section:

(a) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for part or all of 5 or more days on which school is held during a school semester.

(b) "School attendance officer" means an employee designated by the school board to deal with matters relating to school attendance and truancy. "School attendance officer" does not include an individual designated under sub. (2m) (a) to take into custody a child who is absent from school without an acceptable excuse under s. 118.15 unless that individual has also been designated by the school board to deal with matters relating to school attendance and truancy.

(c) "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the
parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15.

(1m) The period during which a pupil is absent from school due to a suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause for the purposes of sub. (1) (c).

(2) The school attendance officer:

(a) Shall determine daily which pupils enrolled in the school district are absent from school and whether that absence is excused under s. 118.15.

(c) Except as provided under pars. (cg) and (cr), shall notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent or guardian to return the child to school no later than the next day on which school is in session or to provide an excuse under s. 118.15. The notice under this paragraph shall be given before the end of the 2nd school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, 1st class mail, or telephone call of which a written record is kept. The school attendance officer shall attempt to give notice by personal contact, telephone call, or, unless the parent or guardian has refused to receive electronic communication, electronic communication before notice by 1st class mail may be given.

(cg) Shall notify the parent or guardian of a child who is a habitual truant, by registered or certified mail or by 1st class mail, when the child initially becomes a habitual truant. The school attendance officer may simultaneously notify the parent or guardian of the habitually truant child by an electronic communication. The notice shall include all of the following:

1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) and that the child may be eligible for enrollment in a program for children at risk under s. 118.153 (3).

3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting shall be within 5 school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional 5 school days.

4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a) and (am).

(cr) After the notice required under par. (cg) has been given, shall notify the parent or guardian of a habitual truant of the habitual truant's unexcused absences as provided in the plan under s. 118.162 (4) (a). After the notice required under par. (cg) has been given, par. (c) does not apply.

(d) May visit any place of employment in the school district to ascertain whether any minors are employed there contrary to law. The officer shall require that school certificates and lists of minors who are employed there be produced for inspection, and shall report all cases of illegal employment to the proper school authorities and to the department of workforce development.

(e) Except as provided in par. (f), shall have access to information regarding the attendance of any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at a private school located in the school district.

(f) Shall request information regarding the attendance of any child between the ages of 6 and 18 who is a resident of the school district and who claims or is claimed to be in attendance at a tribal school, or
who is not a resident of the school district and who claims or is claimed to be in attendance at a tribal school located in the school district.

(2m)(a) A school district administrator may designate any of the following individuals to take a child who resides in the school district and who is absent from school without an acceptable excuse under s. 118.15 into custody under s. 938.19 (1m):

1. An employee of the school district who is directly involved in the provision of educational programs to the truant child.
2. An employee of the school district who is directly involved in the provision of a modified program or curriculum under s. 118.15 (1) (d), a program for children at risk under s. 118.153 or an alternative educational program under s. 119.82 or any other alternative educational program to children who attend the school attended by the truant child, if the school district administrator believes that the program or curriculum may be appropriate for the truant child.
3. A school social worker employed by the school district who provides services to children attending the school attended by the truant child, if the school district administrator believes that the services provided by the social worker may be appropriate for the truant child.
4. An employee of a social services agency who is directly involved in the provision of social services to the truant child or the child's family.
5. A school attendance officer, but only if the school attendance officer meets the criteria specified in subs. 1., 2. or 3.

(b) A designation under par. (a) shall be in writing and shall specifically identify the child whom the individual is authorized to take into custody.

(c) A school district administrator may not designate an individual under par. (a) unless the individual agrees to the designation in writing.

(d) A school district administrator who makes a designation under par. (a) shall provide each individual so designated with an identification card of a form determined by the school board. The designee shall carry the identification card on his or her person at all times while the designee is on official duty under s. 938.19 (1m) and shall exhibit the identification card to any person to whom the designee represents himself or herself as a person authorized to take a child into custody under s. 938.19 (1m).

(e) A school district administrator who makes a designation under par. (a) or the individual designated under par. (a) shall immediately attempt to notify, by personal contact or telephone call, the child's parent, guardian and legal custodian that the designation has been made and that the child may be taken into custody under s. 938.19 (1m). The school district administrator, or the designee, is not required to notify a parent, guardian or legal custodian under this paragraph if the parent, guardian or legal custodian is the person who requested that the child be taken into custody under s. 938.19 (1m).

(3) All private schools shall keep a record containing the information required under ss. 115.30 (2) and 120.18. The record shall be open to the inspection of school attendance officers at all reasonable times. When called upon by any school attendance officer, the school shall furnish, on forms supplied by the school attendance officer, the information required under ss. 115.30 (2) and 120.18 in regard to any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at the school.

(4)(a) The school board shall establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school under s. 118.15 and shall require the teachers employed in the school district to submit to the school attendance officer daily attendance reports on all pupils under their charge.

(b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy under par. (a) shall specify the
conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester or grading period examinations and complete any course work missed during a period of suspension.

(c) The school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program.

(cm) 1. The school board may establish policies which provide that a pupil of an age eligible for high school enrollment in the school district, as determined by the school board, may be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out-of-school placement. The policies shall specify the conditions under which a pupil may participate in the assessment without being in violation of s. 118.15 and the maximum length of time that a pupil may be assigned to an assessment period.

2. A school board may not assign a pupil to an assessment period without the written approval of the pupil's parent or guardian. A school board may not assign a pupil to an assessment period for longer than the time necessary to complete the assessment and place the pupil in an appropriate education program or 8 weeks, whichever is less. A school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program, as defined in s. 115.28 (7) (e) 1., available for the pupil that is appropriate for the pupil's needs. An assessment need not be conducted during the regular school day.

3. The goals of an assessment period are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil's placement in an education program in which the pupil will be able to succeed. The school board shall provide pupils who are assigned to an assessment period with information on other education programs that the school district or other community providers have available for the pupil. The assessment may include any of the following new or previously completed activities:

a. An assessment for problems with alcohol or other drugs.

b. An assessment of individual educational needs.

c. An assessment of whether the pupil is encountering problems in the community or at home that require intervention by a social worker.

d. A vocational assessment, which may include career counseling.

e. A medical assessment.

(d) The school board shall provide each pupil enrolled in the public schools in the district with a copy of the policies established under this subsection and shall file a copy of the policies in each school in the district. In addition, the school board shall make copies available upon request.

(e) Except as provided under s. 119.55, a school board may establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15.

(5) Except as provided in sub. (5m), before any proceeding may be brought against a child under s. 938.13 (6) for habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15 for failure to cause
the child to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following:

(a) Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child's parent or guardian and received no response or were refused.

(b) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under s. 118.15 (1) (d).

(c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.

(d) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(5m) Subsection (5) (a) does not apply if a meeting under sub. (2) (cg) is not held within 10 school days after the date that the notice under sub. (2) (cg) is sent. Subsection (5) (b), (c) and (d) does not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

(6)(a) If the school attendance officer receives evidence that activities under sub. (5) have been completed or were not required to be completed as provided in sub. (5m), the school attendance officer may do any of the following:

1. File information on any child who continues to be truant with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing in information on a child under this subdivision does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

2. Refer the child to a teen court program if all of the following conditions apply:

   a. The chief judge of the judicial administrative district has approved a teen court program established in the child's county of residence and has authorized the school attendance officer to refer children to the teen court program and the school attendance officer determines that participation in the teen court program will likely benefit the child and the community.

   b. The child and the child's parent, guardian and legal custodian consent to the child's participation in the teen court program.

   c. The child has not successfully completed participation in a teen court program during the 2 years before the date on which the school attendance officer received evidence that activities under sub. (5) have been completed or were not completed due to the child's absence from school as provided in sub. (5m).

(b) If a child who is referred to a teen court program under par. (a) 2. is not eligible for participation in the teen court program or does not successfully complete participation in the teen court program, the person administering the teen court program shall file information on the child with the court assigned to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing information on a child under this paragraph does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

(7) Any school district administrator, principal, teacher or school attendance officer who violates this section shall forfeit not less than $5 nor more than $25.
119.55. Youth service centers, truancy abatement and burglary suppression.

(1) (a) The board shall establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15. The board shall contract with the boys and girls clubs of Greater Milwaukee for the operation of the centers.

    (b) The board shall establish 2 youth service centers under par. (a).

(2) The board shall pay the city a sum sufficient to pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on truancy abatement and burglary suppression on a full-time basis.

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

115.368. Assistance to schools for protective behaviors programs.
(1) The purpose of this section is to enable and encourage public, private, and tribal schools to develop protective behaviors programs and anti-offender behavior programs designed to assist minors and their parents or guardians in recognizing, avoiding, preventing, and halting physically or psychologically intrusive or abusive situations that may be harmful to minors.

(2) The department, in conjunction with the department of health services and the department of children and families, and after consulting with established organizations providing services with a focus on children of risk, shall:

(b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of protective behaviors programs and the coordination of those programs with programs of other state and local agencies.

118.46. Policy on bullying.
(1) By March 1, 2010, the department shall do all of the following:

(a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
   1. A definition of bullying.
   2. A prohibition on bullying.
   3. A procedure for reporting bullying that allows reports to be made confidentially.
   4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
   5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
   6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
   7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
   8. An identification of the school-related events at which the policy applies.
   9. An identification of the property owned, leased, or used by the school district on which the policy applies.
   10. An identification of the vehicles used for pupil transportation on which the policy applies.

(b) Develop a model education and awareness program on bullying.

(c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

REGULATIONS
No relevant regulations found.
Funding appropriations

LAWS

115.28. General duties.
The state superintendent shall:

(43) School safety funding. With the department of justice, seek and apply for federal funds relating to school safety and reducing violence and disruption in schools, including funds for alternative schools or programs.

(45) Grants for bullying prevention. From the appropriation under s. 20.255 (3) (eb), award grants to a nonprofit organization, as defined in s. 108.02 (19), to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to 8.

115.36. Assistance to schools for alcohol and other drug abuse programs.
(1) The purpose of this section is to enable and encourage public, private, and tribal schools to develop comprehensive programs to prevent or ameliorate alcohol and other drug abuse among minors.

(2) The department shall:

(a) Develop and conduct training programs for the professional staff of public, private, and tribal schools in alcohol and other drug abuse prevention, intervention, and instruction programs.

(b) Provide consultation and technical assistance to public, private, and tribal schools for the development and implementation of alcohol and other drug abuse prevention, intervention, and instruction programs.

(c) Provide fellowship grants to support advanced training or education in comprehensive school health and alcohol and other drug abuse education.

(d) Provide access to informational resources for alcohol and other drug abuse education programs and services including, but not limited to:

1. The screening, revision and evaluation of available information resources.
2. The establishment of a central depository and loan program for high cost informational resources.
3. The systematic dissemination of information concerning available resources to appropriate public, private, and tribal school staff.

(e) Create a council under s. 15.04 (1) (c) to advise the department concerning the administration of this section.

(3)(a) The department shall, from the appropriation under s. 20.255 (2) (kd), fund school district projects designed to assist minors experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug abuse by minors. The department shall:

1. Administer grant application and disbursement of funds.
2. Monitor program implementation.
3. Assist in and ensure evaluation of projects.
4. Report biennially in its report under s. 15.04 (1) (d) on program progress and project evaluation.
5. Promulgate necessary rules for the implementation of this subsection.

(b) Grants under this subsection may not be used to replace funding available from other sources.

(c) Grants under this subsection may be made only where there is a matching fund contribution from the local area in which a program is designed to operate of 20% of the amount of the grant obtained.
under this subsection. Private funds and in-kind contribution may be applied to meet the requirement of this paragraph.

(d) A school district applying for aid under this subsection shall submit a copy of the application to the county department under s. 51.42 for its advisory review. The county department under s. 51.42 may, and the council established under sub. (2) (e) shall, submit an advisory recommendation with respect to the application to the department prior to the approval or denial of the application.

115.363. Second chance partners for education.
(1) In this section:

(a) "Disengaged pupils" means pupils who are children at risk, as defined in s. 118.153 (1) (a), and other pupils identified by the school board.

(b) "Work-based learning program" means a program that provides occupational training and work-based learning experiences.

(2) (a) A school board may contract under s. 118.15 (1) (d) or 118.153 (3) (c) with the Second Chance Partners for Education, or any other nonprofit corporation operating a program in which disengaged high school pupils attend a work-based learning program while earning high school diplomas, for pupils enrolled in the school district.

(b) The school board shall pay to each nonprofit corporation with which it contracts under par. (a) an amount that is no more than the amount paid per pupil under s. 118.40 (2r) (e) 2m., 2n., or 2p. in the current school year multiplied by the number of pupils participating in the program under the contract.

118.153. Children at risk of not graduating from high school.
(5) (c) A school board receiving funds under this section shall give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and agencies identified under sub. (3) (c) 1.

119.74. Extended-day elementary grade, 4-year-old kindergarten and alcohol and other drug abuse programs.
The board shall spend at least $430,000 for the following programs in each school year:

(1) Extended-day preschool to grade 6 programs.

(2) Four-year-old kindergarten programs.

(3) Alcohol and other drug abuse programs at 68th Street school.

There is appropriated to the department of public instruction for the following programs:

(1) Educational leadership.

(kd) Alcohol and other drug abuse program. The amounts in the schedule for the purpose of s. 115.36 (2) and the administration of s. 115.36 (3). All moneys transferred from the appropriation account under s. 20.455 (2) (i) 4. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i).

(2) Aids for local educational programming.


(kd) Aid for alcohol and other drug abuse programs. The amounts in the schedule for the purpose of s. 115.36 (3). All moneys transferred from the appropriation account under s. 20.455 (2) (i) 5. shall be
credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i).

REGULATIONS
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**

118.125. Pupil records.

(2) Confidentiality and disclosure of pupil records. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (p) and sub. (2m). The school board shall adopt policies to maintain the confidentiality of such records and may adopt policies to promote the disclosure of pupil records and information permitted by law for purposes of school safety.

(d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license, law enforcement officers who are individually designated by the school board and assigned to the school district, and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers' records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s. 118.127. A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

118.126. Privileged communications.

(1) A school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, shall keep confidential information received from a pupil that the pupil or another pupil is using or is experiencing problems resulting from the use of alcohol or other drugs unless:

(a) The pupil using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information;

(b) The school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information to another person will alleviate the serious and imminent danger. No more information than is required to alleviate the serious and imminent danger may be disclosed; or

(2) A school psychologist, counselor, social worker or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses or fails to disclose information under sub. (1) is immune from civil liability for such acts or omissions. This subsection does not apply to information required to be reported under s.

118.257. Liability for referral to police.

(1) In this section:

(a) "Controlled substance" has the meaning specified in s. 961.01 (4).

(am) "Controlled substance analog" has the meaning given in s. 961.01 (4m).

(at) "Delivery" has the meaning given in s. 961.01 (6).
(b) "Distribute" has the meaning specified in s. 961.01 (9).

(c) "Pupil services professional" means a school counselor, school social worker, school psychologist or school nurse.

(d) "School" means a public, parochial, private, or tribal school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.

(2) A school administrator, principal, pupil services professional or teacher employed by a school board is not liable for referring a pupil enrolled in the school district to law enforcement authorities, or for removing a pupil from the school premises or from participation in a school-sponsored activity, for suspicion of possession, distribution, delivery or consumption of an alcohol beverage or a controlled substance or controlled substance analog.

118.31. Corporal punishment.

(1) In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.787 or reasonable physical activities associated with athletic training.

(2) Except as provided in sub. (3), no official, employee or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.

(4) Each school board shall adopt a policy that allows any official, employee or agent of the school board to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employee or agent of a school board.

(5) Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or their officials, employees or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employees against students.

(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employee or agent of a school board with regard to a person who is not a pupil enrolled in the school district.

(7) Nothing in this section abrogates or restricts any statutory or common law defense to prosecution for any crime.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

118.153. Children at risk of not graduating from high school.

(3)(c) 1. Each school board shall identify appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district to meet the requirements under pars. (a) and (b) for the children at risk enrolled in the school district.
2. The school board may contract with the agencies identified under subd. 1. for the children at risk enrolled in the school district if the school board determines that the agencies can adequately serve such children.

3. The school board shall pay each contracting agency, for each full-time equivalent pupil served by the agency, an amount equal to at least 80% of the average per pupil cost for the school district.

118.162. Truancy committee and plan.

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.

(c) Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

(f) Plans and procedures to coordinate the responses to the problems of habitual truants, as defined under s. 118.16 (1) (a), with public and private social services agencies.

119.55. Youth service centers, truancy abatement and burglary suppression.

(1)(a) The board shall establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15. The board shall contract with the boys and girls clubs of Greater Milwaukee for the operation of the centers.

(b) The board shall establish 2 youth service centers under par. (a).

(2) The board shall pay the city a sum sufficient to pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on truancy abatement and burglary suppression on a full-time basis.

120.13. School board powers.

The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) School government rules; suspension; expulsion.

(a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3)[… ]

REGULATIONS

No relevant regulations found.
Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS

PI 23.01. Authority.
This chapter is adopted under ss. 115.28 (9) and 227.11 (2) (a), Stats.

PI 23.02. Applicability and purpose.
(1) Section 20 USC 7912 requires that each state receiving funds under the Elementary and Secondary Education Act of 1965 establish and implement a statewide policy requiring that pupils attending a persistently dangerous public school, or pupils who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school operated by the local education agency, including a public charter school.

(2) This chapter establishes procedures for all of the following:
   (a) Identification of persistently dangerous schools.
   (b) Identification of victims of a violent criminal offense.
   (c) School board notification and pupil transfer requirements.

PI 23.03. Definitions.
In this chapter:
   (1) “Department” means the Wisconsin department of public instruction.
   (2) “ESEA” means the federal Elementary and Secondary Education Act of 1965.
   (3) “School board” has the meaning given in s. 115.001 (7), Stats.
   (4) “School district” has the meaning given in s. 115.01 (3), Stats.
   (5) “School hours” means the hours of a normal school day established by a school board under s. 120.12 (15), Stats.
   (6) “Victim” means a person who is the subject of a violent criminal offense.
   (7) “Violent criminal offense” means a crime specified in the appendix to this chapter.

PI 23.05. Persistently dangerous schools.
(1) The department shall identify persistently dangerous schools using data collected through the school performance report under s. 115.38 (1) (b) 2., Stats., and upon review of information submitted under sub. (3). If the department determines the school is persistently dangerous, it shall notify the school board of the school in writing within 30 days of receiving the information under sub. (3). The department's decision under this section shall be final.

[Note: The department's decision is final but does not preclude possible review under subch. III of ch. 227, Stats.]

(2) A school may be considered persistently dangerous if the school performance reports under s. 115.38 (1) (b) 2., Stats., indicates that the school meets one of the following criteria:
   (a) In each of the 3 school years that immediately precede the current school year, weapon-related suspensions at the school in a school year are greater than 5% of the number of pupils enrolled in the school.
(b) In each of the 3 school years that immediately precede the current school year, the greater of either of the following occurred:

1. The school board of the school expelled in a school year at least 1% of the pupils enrolled in the school for assault, endangering behavior or weapons-related offenses.

2. The school board of the school expelled in a school year 5 or more pupils enrolled in the school for assault, endangering behavior or weapons-related offenses.

(3) The department shall notify in writing the school board of the school that meets the criteria under sub. (2) that the school may be considered persistently dangerous. The notice under this subsection shall be given within 30 days after receiving the data under s. 115.38 (1) (b) 2., Stats. A school board that receives a notice under this subsection shall submit all of the following information to the department within 30 days of receiving the notice:

(a) The school's safety plan.

(b) Local efforts to address the school's safety concerns.

(c) Current data the school may have available that is deemed relevant by the school board that is not reflected in the school performance report.

(d) Other information deemed relevant by the department, upon the department's request.

(4) A school board that has received a notice under sub. (1) shall do all of the following:

(a) Within 10 working days of receiving the notice under sub. (1), notify in writing the parents or guardians of the pupils attending the school that it has been identified as persistently dangerous. The notice shall include an offer to pupils attending the school to transfer to another appropriate grade level public school operated by the school district, including a public charter school.

(b) Within 30 working days of receiving the notice under sub. (1), complete the transfer for those pupils who accept the offer under par. (a).

(c) Within 30 working days of receiving the notice under sub. (1), submit a corrective action plan to the department. Corrective action activities may include, but are not limited to, any of the following:

1. Providing additional personnel to supervise children.

2. Providing conflict resolution instructional programs.

3. Collaborating with local law enforcement agencies.

4. Providing school discipline enforcement training for school staff.

5. Providing additional security measures.

(5) If a school has been identified as persistently dangerous under sub. (1) in the previous school year, the department shall review the school's performance report data within 30 days after receiving the data under s. 115.38 (1) (b) 2., Stats., and shall request updated information under sub. (3) within 30 days of receiving this updated information. The department shall notify the school that it is no longer considered persistently dangerous if it meets both of the following criteria:

(a) The school no longer meets the criteria specified under sub. (2).

(b) The department has determined the school is no longer persistently dangerous based on a review of updated information submitted under sub. (3).

Pl 23.06. Victims of a violent criminal offense.

(1) A pupil may transfer to another appropriate grade level public school operated by the school district if he or she has been a victim of a violent criminal offense under either of the following circumstances and reports the incident to the appropriate law enforcement agency and to the building principal:
(a) The pupil has been a victim of a violent criminal offense while on the school grounds of the school that the pupil attends during school hours or during a school-sponsored event at the school that the pupil attends that does not occur during school hours.

(b) The pupil has been a victim of a violent criminal offense while being transported to school for the purpose of attending curricular programs during school hours or from school to home immediately following school hours on a school bus owned, leased, or contracted by the school district or by a motor vehicle operated as an alternative method of transportation under s. 121.555, Stats. For a pupil who has been a victim of a violent criminal offense while being transported to or from a school by a common carrier in a school district providing transportation under s. 121.54 (1), Stats., transfer decisions under this section shall be made by the school board or the school board's designee on a case-by-case basis.

[Note: The department also encourages school boards and the community to promote safe pedestrian pathways for pupils walking to school for the purpose of attending curricular programs during school hours or from school to home immediately following school hours.]

(2) A school board or the school board's designee that has a pupil who meets the provisions under sub. (1) shall do all of the following:

(a) Within 10 working days of the incident being reported under sub. (1), do all of the following:

1. Determine, in consultation with law enforcement officers if necessary, if the incident is a violent criminal offense.

2. Notify in writing the parents or guardians of the pupil of the choice to transfer to another appropriate grade level public school operated by the school district, including a public charter school if the incident is determined to be a violent criminal offense.

(b) Within 30 working days of the pupil accepting the offer under par. (a) 2., complete the transfer.

(3) A school board does not have to allow a pupil under sub. (1) to transfer to another school if the pupil was a victim of a violent criminal offense under any of the following circumstances:

(a) While away from the school he or she attends but during a school sponsored activity or field trip.

(b) While traveling on the school bus to or from a school-sponsored activity or field trip.

(c) While on school grounds of the school he or she attends but not during school hours or during a school-sponsored event.

Note: Federal law does not require a criminal conviction to qualify a pupil as a victim, 20 USC 7912. Accordingly, the determination by the school board or its designee about whether a violent criminal offense has been committed under the statutory definitions found within Wisconsin's criminal code is not an adjudication of the elements of a crime, as found under Wisconsin law, but rather a determination by the school board or its designee about the nature of the alleged conduct at issue. This determination by the school board or its designee will be based upon the reports it receives from law enforcement and other school authorities, including the building principal.

Note: The transfer provision in this chapter only applies if the district has another appropriate grade level public school, including a public charter school. However, the U. S. Department of Education's Guidance encourages, but does not require, school districts to explore other appropriate options such as an agreement with a neighboring school district to accept transfer pupils if there is not another school in the school district for the transferring pupils.

PI 23 Appendix. List of violent criminal offenses under the ESEA intradistrict safe school transfer options.

Class B Felonies

Attempted first-degree intentional homicide under ss. 939.32 and 940.01, Stats.
Attempted second-degree intentional homicide under ss. 939.32 and 940.05, Stats.
Attempted first-degree sexual assault under ss. 939.32 and 940.225 (1), Stats.
First-degree sexual assault under ss. 940.225 (1), Stats.
First-degree sexual assault of a child under s. 948.02 (1), Stats.
Repeated first- or second-degree sexual assault of a child, if at least three of the offenses are first-degree sexual assault of a child under s. 948.025 (1), Stats.

Class C Felonies
Attempted second-degree sexual assault under ss. 939.32 and 940.225 (2), Stats.
Mayhem under s. 940.21, Stats.
Second-degree sexual assault under s. 940.225 (2), Stats.
Kidnapping under s. 940.31, Stats.
Armed robbery under s. 943.32 (2), Stats.
Second-degree sexual assault of a child under s. 948.02 (2), Stats.
Repeated first- or second-degree sexual assault of a child, if fewer than three of the offenses are first-degree sexual assault of a child under s. 948.025 (1), Stats.

Class D Felonies
Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) under s. 940.195 (5), Stats.
First-degree reckless injury under s. 940.23 (1), Stats.

Class E Felonies
Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) under s. 940.19 (5), Stats.
Physical abuse of a child (intentionally causing great bodily harm) under s. 948.03 (2) (a), Stats.

Class F Felonies
Second-degree reckless injury under s. 940.23 (2), Stats.
Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) under s. 940.32 (3), Stats.
First-degree recklessly endangering safety under s. 941.30 (1), Stats.
Causing great bodily harm by tampering with household products under s. 941.327 (2) (b) 3., Stats.
Physical abuse of a child (causing bodily harm to a child by conduct creating a high probability of great bodily harm) under s. 948.03 (2) (c), Stats.

Class G Felonies
Attempted third-degree sexual assault under ss. 939.32 and 940.225 (3), Stats.
Third-degree sexual assault under s. 940.225 (3), Stats.
Physical abuse of a child (recklessly causing great bodily harm) under s. 948.03 (3) (a), Stats.

Class H Felonies
Physical abuse of a physically disabled person under s. 940.19 (6), Stats.
False imprisonment under s. 940.30, Stats.
Threats to injure or accuse of a crime (extortion) under s. 943.30, Stats.
Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) under s. 948.03 (3) (c), Stats.
Hazing (if the act results in great bodily harm) under s. 948.51 (3) (b), Stats.

Class I Felonies

Injury by negligent handling of a dangerous weapon, explosives or fire under s. 940.24, Stats.

Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) under s. 940.32 (2) and (2e), Stats.

Soliciting a child to participate in criminal gang activity under s. 941.38 (2), Stats.

Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) under s. 947.013 (1t), Stats.
**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Wisconsin provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Comprehensive Approach to Bullying Prevention, Wisconsin Department of Public Instruction (WI DPI)</td>
<td>Defines bullying and provides links to the information and resources, including the Bullying Prevention Program Assessment tool, Comprehensive Bullying Prevention Resource map, DPI's Model Bullying policy, and resources related to bullying prevention.</td>
<td><a href="https://dpi.wi.gov/sspw/safe-schools/bullying-prevention">https://dpi.wi.gov/sspw/safe-schools/bullying-prevention</a></td>
</tr>
<tr>
<td>Safe Schools for Lesbian, Gay, Bisexual, and Transgender Students, WI DPI</td>
<td>Provides information and resources on how to foster a safe and welcoming school environment for LGBTQ youth.</td>
<td><a href="https://dpi.wi.gov/sspw/safe-schools/lgbt">https://dpi.wi.gov/sspw/safe-schools/lgbt</a></td>
</tr>
<tr>
<td>Safe Schools, WI DPI</td>
<td>Provides links to a range of school safety-related resources, including information on safe and supportive schools, violence and bullying prevention, school resource officers, and online and internet safety.</td>
<td><a href="http://dpi.wi.gov/sspw/safe-schools">http://dpi.wi.gov/sspw/safe-schools</a></td>
</tr>
<tr>
<td>School Resource Officers, WI DPI</td>
<td>Provides links to the model framework used to develop a Memorandum of Understanding (MOU), guidelines for best practices, training opportunities, and additional resources related to school resource officers.</td>
<td><a href="https://dpi.wi.gov/sspw/safe-schools/school-resource-officers">https://dpi.wi.gov/sspw/safe-schools/school-resource-officers</a></td>
</tr>
<tr>
<td>Special Education Subjects Reference-Seclusion and Physical Restraint, WI DPI</td>
<td>Provides information on appropriate seclusion and restraint procedures for students with special needs.</td>
<td><a href="http://dpi.wi.gov/sped/topics/seclusion-restraint">http://dpi.wi.gov/sped/topics/seclusion-restraint</a></td>
</tr>
<tr>
<td>Student Services/Prevention and Wellness (SSPW), WI DPI</td>
<td>Presents an overview of student services, prevention and wellness in Wisconsin schools. Provides links to resources regarding safe schools, pupil services, school mental health, alcohol and other drug abuse prevention.</td>
<td><a href="http://dpi.wi.gov/sspw">http://dpi.wi.gov/sspw</a></td>
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<td><strong>Title</strong></td>
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<tr>
<td>Wisconsin Response to Intervention (RtI) Center</td>
<td>Provides technical assistance and training to help Wisconsin schools implement and sustain Response to Intervention (RtI) systems to support the behavioral and academic needs of all students.</td>
<td><a href="http://www.wisconsinticenter.org/topnav/about-us.html">www.wisconsinticenter.org/topnav/about-us.html</a></td>
</tr>
<tr>
<td>Wisconsin Safe and Healthy Schools Center</td>
<td>Provides training, technical assistance and resources to assist Wisconsin schools in maintaining safe, disciplined and drug-free schools. Implemented through a collaborative partnership between the Wisconsin Department of Public Instruction (DPI) and the CESA State Network (CSN).</td>
<td><a href="http://www.wishschools.org">www.wishschools.org</a></td>
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**Documents**

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<tr>
<td>Answers to Frequently Asked School Discipline Questions (January 2012), WI DPI</td>
<td>FAQ resource outlining rights and responsibilities related to school discipline in Wisconsin public schools and describing the provisions under which students’ rights to attend public schools may be denied.</td>
<td><a href="https://dpi.wi.gov/sites/default/files/imce/sspwschldscplnqa.pdf">https://dpi.wi.gov/sites/default/files/imce/sspwschldscplnqa.pdf</a></td>
</tr>
<tr>
<td>Best Practices for School Resource Officer Programs, WI DPI</td>
<td>Guidance document identifying best practices for stakeholders including students, families, law enforcement, school staff, and community partners to use as a model for developing School Resource Officer programs.</td>
<td><a href="https://dpi.wi.gov/sites/default/files/imce/sspwsrobestpractices.pdf">https://dpi.wi.gov/sites/default/files/imce/sspwsrobestpractices.pdf</a></td>
</tr>
<tr>
<td>Model Bullying Policy, WI DPI</td>
<td>Model policy addressing the prohibition of bullying in Wisconsin schools.</td>
<td><a href="https://dpi.wi.gov/sites/default/files/imce/sspwsmodelbullyingpolicy.doc">https://dpi.wi.gov/sites/default/files/imce/sspwsmodelbullyingpolicy.doc</a></td>
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<tr>
<td>Violence Prevention Program Assessment</td>
<td>Assessment tool designed to assist elementary, middle, and high schools identify gaps and strengths in their violence prevention program.</td>
<td><a href="http://dpi.wi.gov/sspw/safe-schools/assessment">http://dpi.wi.gov/sspw/safe-schools/assessment</a></td>
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Wyoming
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Safe Supportive Learning
Engagement | Safety | Environment
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The State of Wyoming contracts with LexisNexis to provide free public access to the Wyoming Statutes Annotated (http://www.lexisnexis.com/hottopics/wystatutes/). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 9. Administration of the Government

Chapter 1. State Officers

Article 6. Attorney General

9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials; coordination of county and school safety activities

Title 19. Defense Forces and Affairs

Chapter 9. Wyoming National Guard

Article 7. National Guard Youth Challenge Program

19-9-701. National guard youth challenge program; administration of program
19-9-702. Funding
19-9-703. Reporting
19-9-704. Sunset

Title 21. Education

Chapter 2. The Administration of the State System of Education at the State Level

Article 2. Superintendent of Public Instruction and Department of Education

21-2-202. Duties of the state superintendent
21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created

Chapter 3. School Districts in General

Article 1. In General

21-3-110. Duties of boards of trustees
21-3-128. Protection or insurance of board members, teachers and other personnel against personal liability

Chapter 4. Pupils

Article 1. Compulsory Attendance

21-4-101. Definitions
21-4-102. When attendance required; exemptions; withdrawal
21-4-103. Enforcement of article; appointment and compensation of attendance officers
21-4-104. Duties of attendance officers
21-4-105. Penalty for failure of parent, guardian or custodian to comply with article
21-4-106. List of children of school age to be furnished; notice of unexcused absences
21-4-107. Notice to district attorney of habitual truancy; duty of district attorney

Article 3. Right to Attend School

21-4-301. Schools to be free and accessible to all children; minimum school year
21-4-303. Right not denied on account of sex, race or religion
21-4-305. Suspension or expulsion; authority; procedure
21-4-306. Suspension or expulsion; grounds
21-4-308. Punishment and disciplinary measures; denial of diploma or credit
21-4-311. Safe school climate act; short title
21-4-312. Definitions
21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials
21-4-314. School district implementation; state policies, training and technical assistance
21-4-315. Applicability; no civil liability created; immunity

Chapter 13. School Finance

Article 3. State Financial Support

21-13-309. Determination of amount to be included in foundation program for each district

Wyoming Regulations

Wyoming Administrative Code

Department of Education

General Agency, Board or Commission Rules

Chapter 6. District and School Accreditation

Section 5. Accreditation Criteria

Chapter 10. Wyoming Content and Performance Standards

Section 1. Authority
Section 2. Applicability
Section 3. Definitions
Section 4. Uniform student content and performance standards

Chapter 42. Seclusion and Restraint in Schools

Section 1. Authority
Section 2. Scope
Section 3. Definitions
Section 4. Policy requirements
Section 5. Enforcement of policy
Section 6. Publication of policy
Section 7. Data collection requirements
General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 21-4-308. Punishment and disciplinary measures; denial of diploma or credit.
(a) Each board of trustees in each school district within the state may adopt rules for reasonable forms of punishment and disciplinary measures. Subject to such rules, teachers, principals, and superintendents in such district may impose reasonable forms of punishment and disciplinary measures for insubordination, disobedience, and other misconduct.

§ 21-4-314. School district implementation; state policies, training and technical assistance.
(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

REGULATIONS
No relevant regulations found.

Scope

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Communication of Policy

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.
(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.
REGULATIONS

No relevant regulations found.
**In-School Discipline**

**Use of multi-tiered discipline approaches**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Teacher authority to remove students from classrooms**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Alternatives to suspension**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Use of corporal punishment**

**LAWS**

§ 14-3-201. Purpose.
The purpose of W.S. 14-3-201 through 14-3-216 is to delineate the responsibilities of the state agency, other governmental agencies or officials, professionals and citizens to intervene on behalf of a child suspected of being abused or neglected, to protect the best interest of the child, to further offer protective services when necessary in order to prevent any harm to the child or any other children living in the home, to protect children from abuse or neglect which jeopardize their health or welfare, to stabilize the home environment, to preserve family life whenever possible and to provide permanency for the child in appropriate circumstances. The child's health, safety and welfare shall be of paramount concern in implementing and enforcing this article.

§ 14-3-202. Definitions.
(a) As used in W.S. 14-3-201 through 14-3-216:
   (ii) "Abuse" means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including [...]excessive or unreasonable corporal punishment [...]

Wyoming Compilation of School Discipline Laws and Regulations
(B) “Physical injury” means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;

§ 21-4-308. Punishment and disciplinary measures; denial of diploma or credit.
(b) Teachers, principals and superintendents in each district shall be immune from civil and criminal liability in the exercise of reasonable corporal discipline of a student as authorized by board policy.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS
§ 21-4-306. Suspension or expulsion; grounds.
(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:
   (i) Continued willful disobedience or open defiance of the authority of school personnel;
   (ii) Willful destruction or defacing of school property during the school year or any recess or vacation;
   (iii) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including the use of foul, profane or abusive language or habitually disruptive behavior as defined by subsection (b) of this section;
   (iv) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence;
   (v) Possession, use, transfer, carrying or selling a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xi) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12).
(b) As used in paragraph (a)(iii) of this section, "habitually disruptive behavior" means overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel.

REGULATIONS
No relevant regulations found.

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

LAWS
§ 21-4-305. Suspension or expulsion; authority; procedure.
(e) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except for expulsion by a district superintendent under subsection (a) of this section, or where the offense was committed at a school function, against the property of the school, or is
of such nature that continuation of the child in school would clearly be detrimental to the education, welfare, safety or morals of other pupils. No suspension or expulsion shall be for longer than one (1) year.

REGULATIONS
No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

§ 21-4-305. Suspension or expulsion; authority; procedure.
(a) The board of trustees of any school district is authorized to suspend or expel a student subject to the requirements to provide notice and an opportunity to be heard as set forth in this section. The board of trustees may delegate the authority to suspend or expel a student to disciplinarians chosen from the administrative and supervisory staff.
(b) No student shall be suspended or expelled from school without notice as set forth in this subsection and an opportunity to be heard as set forth in subsection (c) of this section. To provide notice the disciplinarian shall:
   (i) Give the student to be suspended or expelled oral or written notice of the charges against him and an explanation of the evidence the authorities have;
   (ii) In good faith attempt to notify the student’s parents, guardians or custodians within twenty-four (24) hours of the student’s suspension or expulsion and the reasons for the suspension or expulsion, using contact information on record with the school or district. The disciplinarian shall keep record of the efforts to provide notice under this paragraph and whether the notice was provided successfully;
   (iii) Give the student to be suspended or expelled an opportunity to be heard and to present his version of the charges against him as set forth in subsection (c) of this section;
(c) To provide an opportunity to be heard the disciplinarian shall give every student to be suspended or expelled an opportunity to be heard as soon as practicable after the misconduct, and in accordance with the following, unless a student requests an extension of time and the board of trustees or the disciplinarian designee of the board approves the extension:
   (i) For a suspension of ten (10) school days or less, notice shall be provided in accordance with paragraph (b)(ii) of this section and a student shall be provided an opportunity to be heard before a student is removed unless the student’s presence endangers persons or property or threatens disruption of the academic process, in which case his immediate removal from school may be justified, but the opportunity to be heard shall follow as soon as practicable, and not later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays;
   (ii) For a suspension or expulsion longer than ten (10) school days a hearing shall be held in accordance with the Wyoming Administrative Procedure Act and, unless the student requests an extension and the board or the disciplinarian designee of the board approves an extension, the hearing shall be held within ten (10) business days, or as soon thereafter as is reasonably practicable, after the supervisory staff disciplinarian recommends suspension or expulsion to the appropriate administrator. The student’s suspension shall continue until the hearing is held.
(d) Repealed by Laws 2019, ch. 164, § 2.
(e) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except for expulsion by a district superintendent under subsection (a) of this section, or where the offense was committed at a school function, against the property of the school, or is
of such nature that continuation of the child in school would clearly be detrimental to the education, welfare, safety or morals of other pupils. No suspension or expulsion shall be for longer than one (1) year.

(f) Any decision of the board, or of a designated superintendent, shall be considered a final decision which may be appealed to the district court of the county in which the school district is located, pursuant to provisions of the Wyoming Administrative Procedure Act. The court may, on application or on its own motion, stay the decision of the board or superintendent pending appeal, considering both the best interests of the child and the need to maintain an orderly environment conducive to learning for other children.

(g) As used in this chapter, an “opportunity to be heard” means at a minimum a meeting in which the disciplinarian or his designee provides the substantive information regarding the suspension or expulsion to the student to be suspended, and the student to be suspended may dispute the substantive information provided. An opportunity to be heard does not require a formal hearing in accordance with the provisions of the Wyoming Administrative Procedure Act except as provided in paragraph (c)(ii) of this section.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

§ 21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(xxii) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(B) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. “Seclusion” does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 42. Section 3. Definitions.

(a) “Administrative Review” is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) “Appropriate Disciplinary Measures” includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.
(c) “ Appropriately Trained Professional” or “ Professional Team” includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers’ instructions.

(d) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

(g) “Debriefing Process” The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) “Escort” means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorially, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which the devices or equipment were designed and prescribed.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances

(o) “Prone Restraints” include holding a student in any position that will:

(i) Obstruct a student’s airway or impair the ability to breathe;

(ii) Obstruct a staff member’s view of a student’s face;

(iii) Restrict a student’s ability to communicate distress;
(iv) Place pressure on a student's head, neck, or torso; or
(v) Straddle a student's torso

(p) "Restraint" means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student's body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

(q) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.

(i) “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.

(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(r) "Time-out" means providing the student with a brief opportunity to regain selfcontrol in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

§ 21-3-110. Duties of boards of trustees.
(a) The board of trustees in each school district shall:

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:
(A) “Restraint” means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student’s body. “Restraint” does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. “Seclusion” does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 42. Section 1. Authority.
The Wyoming rules are authorized by Wyoming Statute 21-2-202(a)(xxxii) and W.S. 21-3-110(a)(xxxii).

Chapter 42. Section 2. Scope.
(a) The State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools and approve those policies only after determining that compliance has been achieved.

(b) To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts shall comply with the requirements of this rule. In the event of conflict with another state agency’s rules or federal rules or regulations, school districts shall comply with this rule.

Chapter 42. Section 3. Definitions.
(a) “Administrative Review” is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) "Appropriate Disciplinary Measures" includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.

(c) "Appropriately Trained Professional" or "Professional Team" includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers’ instructions.

(d) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.
(g) "Debriefing Process" The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) "Escort" means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorially, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances.

(o) “Prone Restraints” include holding a student in any position that will:

   (i) Obstruct a student’s airway or impair the ability to breathe;
   (ii) Obstruct a staff member’s view of a student’s face;
   (iii) Restrict a student’s ability to communicate distress;
   (iv) Place pressure on a student’s head, neck, or torso; or
   (v) Straddle a student’s torso

(p) "Restraint" means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

(q) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.
(i) “Seclusion from the Learning Environment” means visually or auditorily isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.

(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(iii) “Time-out” means providing the student with a brief opportunity to regain selfcontrol in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

Chapter 42. Section 4. Policy requirements.

(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exists.

(B) Schools shall not use prohibited practices as part of student restraint at any time. Prohibited practices include:

(II) Aversive interventions

(II) Locked seclusion

(III) Mechanical restraints

(IV) Prone restraints

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.
(E) Restraints exceeding the durational limits set forth in the school’s guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:

(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school’s guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

(1.) The room shall provide a means of continuous visual and auditory monitoring of the student.

(2.) The room shall be adequately lighted with switches to control lighting located outside the room.

(3.) The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.

(4.) The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.

(5.) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.

(6.) The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.

(7.) The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.

(8.) The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.
(c) Mandatory Documentation. Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report shall include:
   (A) Antecedents, interventions, and other relevant factors;
   (B) Description of the regulated intervention used;
   (C) Time and duration of the seclusion;
   (D) Student's response to the seclusion;
   (E) Administrative Review, if necessary;
   (F) Release or reentry factors;
   (G) Injuries to the student, if any;
   (H) Debriefing.

   (ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.

**Chapter 42. Section 5. Enforcement of policy.**

(a) Schools shall specify a procedure for the lodging and investigation of complaints regarding misuse of the school district's policy on seclusion and restraint. Policies must include a process for notifying the Wyoming Department of Education when seclusion and restraint complaints are received. In order to support districts the WDE may review violations and policies and work with the school and district to create an improvement plan that includes:

   (i) Increase monitoring, evaluation, and on site review;
   (ii) Offer support, including training and capacity building, for schools to meet the varied and specialized learning needs of children with and without disabilities;
   (iii) The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance;
   (iv) If the school where the violation(s) occurred does not meet the requirements of the plan to the satisfaction of the department, the department will require onsite technical assistance with necessary district staff to assist in the development and monitoring of a compliant plan. The department will increase monitoring and evaluating of district progress plan.

**Chapter 42. Section 6. Publication of policy.**

Schools must include their seclusion and restraint policies within their district/school handbooks and handbooks shall be posted on the district website where they are accessible to both the Wyoming Department of Education and the public.

**Chapter 42. Section 7. Data collection requirements.**

Schools shall collect and report annually to the Wyoming Department of Education the number of students involved in the use of regulated intervention, the number of incidents of seclusion and restraint, and the type of regulated intervention utilized.
Alternative Placements

LAWS

§ 21-4-306. Suspension or expulsion; grounds.
Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

§ 21-4-306. Suspension or expulsion; grounds.
(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:
   (v) Possession, use, transfer, carrying or selling a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12).
(c) The board of trustees shall, subject to the case-by-case modification permitted by subsection (d) of this section, require the district superintendent to expel from school for a period of one (1) year any student determined to violate paragraph (a)(v) of this section.
(d) The superintendent with the approval of the board of trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of paragraph (a)(v) of this section and following notice and hearing requirements of W.S. 21-4-305, the superintendent shall notify the district attorney of the violation together with the specific act in violation of paragraph (a)(v) of this section and the name of the student violating paragraph (a)(v) of this section. Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

REGULATIONS
No relevant regulations found.

Other weapons

LAWS

§ 21-4-306. Suspension or expulsion; grounds.
(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:
   v) Possession, use, transfer, carrying or selling a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12).

REGULATIONS
No relevant regulations found.
Students with chronic disciplinary issues

LAWS

§ 21-4-101. Definitions.
(a) For the purposes of this article:
   (i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;
   (ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;

§ 21-4-306. Suspension or expulsion; grounds.
(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:
   (i) Continued willful disobedience or open defiance of the authority of school personnel;
   (ii) Willful destruction or defacing of school property during the school year or any recess or vacation;
   (iii) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including the use of foul, profane or abusive language or habitually disruptive behavior as defined by subsection (b) of this section;
   (iv) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence;
   (v) Possession, use, transfer, carrying or selling a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12).
(b) As used in paragraph (a)(iii) of this section, "habitually disruptive behavior" means overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

§ 21-4-101. Definitions.
(a) For the purposes of this article:
   (i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;
   (ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;
   (iii) "Private school" is any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs;
(iv) "Parochial, church or religious school" is one operated under the auspices or control of a local church or religious congregation or a denomination established to promote and promulgate the commonly held religious doctrines of the group though it may also include basic academic subjects in its curriculum. Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants to the state of Wyoming or any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school which meets the requirements of W.S. 21-2-406(a);

(v) A home-based educational program means a program of educational instruction provided to a child by the child’s parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one (1) family unit does not constitute a home-based educational program;

(vi) "Basic academic educational program" is one that provides a sequentially progressive curriculum of fundamental instruction in reading, writing, mathematics, civics, history, literature and science. These curriculum requirements do not require any private school or home-based educational program to include in its curriculum any concept, topic or practice in conflict with its religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with its religious doctrines.

§ 21-4-102. When attendance required; exemptions; withdrawal.

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before September 15 of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(i) The board believes that compulsory attendance in school would be detrimental to the mental or physical health of such child or the other children in the school; provided, the board may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision;

(ii) The board feels that compulsory school attendance might work undue hardship. The board may conduct a hearing on issues pursuant to this paragraph by executive session; or

(iii) The child has been legally excluded from the regular schools pursuant to the provisions of W.S. 21-4-306.

(b) A home-based educational program shall meet the requirements of a basic academic educational program pursuant to W.S. 21-4-101(a)(vi). It shall be the responsibility of every person administering a home-based educational program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of this subsection. Failure to submit a curriculum showing compliance is prima facie evidence that the home-based educational program does not meet the requirements of this article.

(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18), who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance.

§ 21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be
punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment.

REGULATIONS

Chapter 6. Section 5. Accreditation criteria.
(ii) Compulsory Attendance. The district and all schools monitor student absenteeism and intervene as soon as a student becomes chronically absent.

Substance use

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Bullying, harassment, or hazing

LAWS
§ 21-4-311. Safe school climate act; short title.
This act shall be known and may be cited as the “Safe School Climate Act”.

§ 21-4-312. Definitions.
(a) As used in this act:
   (i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of:
      (A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage;
      (B) Insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
      (C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior.
   (ii) "School" includes a classroom or other location on school premises, a school bus or other school-related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for the child;
   (iii) "This act" means W.S. 21-4-311 through 21-4-315.

§ 21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials.
(a) No person shall engage in:
   (i) Harassment, intimidation or bullying; or
   (ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.
§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:
   (i) A statement prohibiting harassment, intimidation or bullying of a student;
   (ii) A definition of "harassment, intimidation or bullying" which includes at minimum the definition as provided in W.S. 21-4-312(a)(i);
   (iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation;
   (iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;
   (v) Procedures for prompt investigation of reports or complaints of serious violations;
   (vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;
   (vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;
   (viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;
   (ix) A process for discussing the district's harassment, intimidation or bullying policy with students; and
   (x) A statement of how the policy is to be publicized, including notice that the policy applies to participation in functions sponsored by the school.

(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

§ 21-4-315. Applicability; no civil liability created; immunity.

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion
raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

REGULATIONS

Chapter 6. Section 5. Accreditation criteria.

(i) School Culture and Climate. The culture and climate in all schools is designed to ensure positive relationships and decrease harassment, intimidation, and bullying.

(n) School Culture, Climate, and Safety. The district has a plan for promoting positive school culture and learning environments that are safe, orderly, and conducive to learning for all students.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS
No relevant laws found.

REGULATIONS

These rules and regulations are promulgated pursuant to W.S. 21-2-304(a)(i), (ii), (iii), and (iv).

These rules and regulations pertain to the uniform student content and performance standards for the common core of knowledge and the common core of skills specified under W.S. 21-9-101(b).

(a) "Common Core of Knowledge" means areas of knowledge each student is expected to acquire at levels established by the state board of education. W.S. 21-9-101(b)(i) This includes the nine content areas listed in subsection (c) and Health and Safety, Humanities, Applied Technology, and Government and Civics.

(b) "Common Core of Skills" means skills each student is expected to demonstrate at levels established by the state board of education. W.S. 21-9-101(b)(iii). These skills may be integrated into the uniform student content and performance standards for the Common Core of Knowledge. This includes Problem Solving, Interpersonal Communications, Keyboarding and Computer Applications, Critical Thinking, Creativity, and Life Skills, including Personal Financial Management Skills.

(c) "Content and Performance Standards" means standards that include the K-12 content standards, benchmark standards, and the performance standards with performance level descriptors established for the Common Core of Knowledge and Common Core of Skills. W.S. 21-2-304(a)(iii) The nine content areas are as follows:

(i) English Language Arts (ELA)
(ii) Mathematics
(iii) Science
(iv) Social Studies
(v) Health
(vi) Physical Education
(vii) Foreign Language
(viii) Career & Vocational Education
(ix) Fine & Performing Arts

(d) "Wyoming Extended Standards" also interchangeable with "Wyoming Standards Extensions" means standards for students with the most significant cognitive disabilities that show a clear link to the content standards for the grade in which the student is enrolled, although the grade-level content may be reduced in complexity or modified to reflect pre-requisite skills.

(a) Uniform student content and performance standards, including standards for graduation, are hereby incorporated by reference pursuant to W.S. 16-3-103(h) and include the following:

(v) 2012 Wyoming Health Content and Performance Standards as approved by the Wyoming State Board of Education on April 27, 2012:

(A) 2012 Wyoming Health Content and Performance Standards amended on April 27, 2012 shall be fully implemented on or before the first day of the 2015-2016 school year.  

(b) The above-referenced content and performance standards are available at the Wyoming Department of Education website at https://edu.wyoming.gov (or at cost of production) from the Wyoming Department of Education, 122 E. 25th Street, Suite E200, Cheyenne, WY 82002.

(c) The above-referenced content and performance standards are the most current editions.

(d) The above performance standards that are incorporated by reference do not include any amendments to or editions of the standards since the effective date of this rule.

Behavioral interventions and student support services

LAWS

§ 19-9-701. National guard youth challenge program; administration of program.

(a) The national guard youth challenge program is created to provide resources to create opportunities and alternatives for youth at risk or who have dropped out of the public school system, ages sixteen (16) to eighteen (18) years, to attain a high school diploma or high school equivalency certification and to develop life skills.

(b) The national guard youth challenge program shall be administered by the Wyoming military department with the assistance of the department of education as necessary for the provision of educational programs addressing needs of the participating youth and for establishing necessary communications and cooperation with Wyoming school districts. Any student information obtained in accordance with W.S. 21-4-102(c) by the national guard youth challenge program shall be utilized for the sole purpose of recruitment for the national guard youth challenge program.

(c) The Wyoming military department may promulgate rules for the administration of the program.

§ 19-9-702. Funding.

To the extent available, for every forty cents ($.40) of federal funds appropriated to the national guard youth challenge program, the department may expend funds appropriated by this state for this program in an amount not to exceed sixty cents ($.60), or such other minimum amount as necessary to qualify for the appropriation of federal funds. The state may appropriate funding in excess of that necessary to qualify for federal funds and the department shall be authorized to expend such state funds only when all federal funds are exhausted. All monies appropriated for purposes of this article are continuously appropriated to the department and shall not lapse until the program is terminated as provided by W.S. 19-9-704.

§ 19-9-703. Reporting.

(a) The department shall include a report within any biennial budget request submitted under W.S. 9-2-1013 in which the department seeks funding for the national guard youth challenge program. The report shall include the following information for each of the immediately preceding two (2) state fiscal years:
(i) Yearly enrollment in the national guard youth challenge program;
(ii) Number of youth remaining after the first two (2) weeks of the challenge program;
(iii) Yearly number of youth successfully completing the challenge program;
(iv) A detailed listing of budget expenditures for the challenge program; and
(v) A report on the status of program graduates to the extent available.

§ 19-9-704. Sunset.
W.S. 19-9-701 through 19-9-703 are repealed effective June 30, 2025.

REGULATIONS

Chapter 6. Section 5. Accreditation criteria.

(m) At-Risk and Dropout Prevention. The district has an early warning system to identify at-risk students, and has implemented dropout prevention strategies.

(i) Early Warning Systems. The district has data systems in place to monitor factors that are early predictors of dropout.

(ii) Compulsory Attendance. The district and all schools monitor student absenteeism and intervene as soon as a student becomes chronically absent.

(iii) Dropout Prevention Strategies. The district has implemented dropout prevention strategies.

Chapter 42. Section 3. Definitions.

(a) "Administrative Review" is when an administrator or other appointed personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) "Appropriate Disciplinary Measures" includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.

(c) " Appropriately Trained Professional" or "Professional Team" includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers’ instructions.

(d) "Assistive or Protective Device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) "Aversive" means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) "Behavior Intervention" is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

(g) "Debriefing Process" The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from
the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) “Escort” means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorally, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which the devices or equipment were designed and prescribed.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances.

(o) “Prone Restraints” include holding a student in any position that will:

(i) Obstruct a student’s airway or impair the ability to breathe;

(ii) Obstruct a staff member’s view of a student’s face;

(iii) Restrict a student’s ability to communicate distress;

(iv) Place pressure on a student’s head, neck, or torso; or

(v) Straddle a student’s torso

(p) “Restraint” means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

(q) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.

(i) “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.
(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(r) “Time-out” means providing the student with a brief opportunity to regain selfcontrol in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

**Professional development**

**LAWS**

§ 21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(xxxiii) Commencing with school year 2014-2015 and each school year thereafter, with funds made available to the district under the Wyoming education resource block grant model as defined under W.S. 21-13-101(a)(xiv), require each teacher and school administrator within the district to receive at least eight (8) hours of suicide prevention education every four (4) school years using suitable materials reviewed and recommended by the state superintendent under W.S. 21-2-202(a)(xxxv). Any teacher or school administrator shall receive at least two (2) hours of suicide prevention education during the initial school year of employment with the district if the teacher or school administrator has not received suicide prevention training complying with this paragraph prior to employment. Suicide prevention education may consist of self-review of approved suitable materials. The board shall make all suicide prevention education materials and classes available to interested community members;

**REGULATIONS**

Chapter 42. Section 3. Definitions.

(a) “Administrative Review” is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) “Appropriate Disciplinary Measures” includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.

(c) “ Appropriately Trained Professional” or “Professional Team” includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers’ instructions.

(d) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.
(g) “Debriefing Process” The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) “Escort” means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorially, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which the devices or equipment were designed and prescribed.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances

(o) “Prone Restraints” include holding a student in any position that will:

(i) Obstruct a student’s airway or impair the ability to breathe;

(ii) Obstruct a staff member’s view of a student’s face;

(iii) Restrict a student’s ability to communicate distress;

(iv) Place pressure on a student’s head, neck, or torso; or

(v) Straddle a student’s torso

(p) "Restraint" means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

(q) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.
(i) “Seclusion from the Learning Environment” means visually or auditorily isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.

(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(r) “Time-out” means providing the student with a brief opportunity to regain selfcontrol in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

Chapter 42. Section 4. Policy requirements.

(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

   (A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

   (B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

   (A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

   (B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

   (A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exits.

   (B) Schools shall not use prohibited practices as part of student restraint at any time. Prohibited practices include:

      (I) Aversive interventions

      (II) Locked seclusion

      (III) Mechanical restraints

      (IV) Prone restraints

   (C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

   (D) School shall develop restraint duration guidelines including a release strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.
(E) Restraints exceeding the durational limits set forth in the school’s guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:

(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school’s guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

1. The room shall provide a means of continuous visual and auditory monitoring of the student.

2. The room shall be adequately lighted with switches to control lighting located outside the room.

3. The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.

4. The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.

5. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.

6. The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.

7. The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.

8. The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.
(c) Mandatory Documentation. Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report shall include:

(A) Antecedents, interventions, and other relevant factors;
(B) Description of the regulated intervention used;
(C) Time and duration of the seclusion;
(D) Student's response to the seclusion;
(E) Administrative Review, if necessary;
(F) Release or reentry factors;
(G) Injuries to the student, if any;
(H) Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

(iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;

(vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;

(vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;

(viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;

REGULATIONS

Chapter 42. Section 4. Policy requirements.

(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.
(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exits.

(B) Schools shall not use prohibited practices as part of student restraint at any time. Prohibited practices include:

(I) Aversive interventions

(II) Locked seclusion

(III) Mechanical restraints

(IV) Prone restraints

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school’s guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:

(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school’s guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:
(1.) The room shall provide a means of continuous visual and auditory monitoring of the student.
(2.) The room shall be adequately lighted with switches to control lighting located outside the
room.
(3.) The room shall be adequately ventilated with switches to control fans or other ventilation
devices located outside the room.
(4.) The room shall maintain a temperature within the normal human comfort range and consistent
with the rest of the building with temperature controls located outside of the room.
(5.) The room shall be clean and free of objects and fixtures that could be potentially dangerous to
a student and must meet all fire and safety codes.
(6.) The room shall be constructed of materials safe for its intended use, including wall and floor
coverings designed to prevent injury to the student.
(7.) The room shall be able to be opened from the inside immediately upon the release of a
security mechanism held in place by constant human contact.
(8.) The dimensions of the room shall be adequate width, length, and height to allow the student
to move about and recline comfortably.

(c) Mandatory Documentation. Schools shall complete the mandatory documentation for all use of
Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report shall include:
   (A) Antecedents, interventions, and other relevant factors;
   (B) Description of the regulated intervention used;
   (C) Time and duration of the seclusion;
   (D) Student’s response to the seclusion;
   (E) Administrative Review, if necessary;
   (F) Release or reentry factors;
   (G) Injuries to the student, if any;
   (H) Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the
parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure that includes, at a
minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent,
of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic
transmission of the notice.

Chapter 42. Section 7. Data collection requirements.
Schools shall collect and report annually to the Wyoming Department of Education the number of
students involved in the use of regulated intervention, the number of incidents of seclusion and restraint,
and the type of regulated intervention utilized.

Parental notification

LAWS

§ 21-3-110. Duties of boards of trustees.
(a) The board of trustees in each school district shall:
Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) “Restraint” means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student’s body. “Restraint” does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. “Seclusion” does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

§ 21-4-305. Suspension or expulsion; authority; procedure.
(b) No student shall be suspended or expelled from school without notice as set forth in this subsection and an opportunity to be heard as set forth in subsection (c) of this section. To provide notice the disciplinarian shall:

(i) Give the student to be suspended or expelled oral or written notice of the charges against him and an explanation of the evidence the authorities have;

(ii) In good faith attempt to notify the student’s parents, guardians or custodians within twenty-four (24) hours of the student’s suspension or expulsion and the reasons for the suspension or expulsion, using contact information on record with the school or district. The disciplinarian shall keep record of the efforts to provide notice under this paragraph and whether the notice was provided successfully;

(iii) Give the student to be suspended or expelled an opportunity to be heard and to present his version of the charges against him as set forth in subsection (c) of this section;

(c) To provide an opportunity to be heard the disciplinarian shall give every student to be suspended or expelled the opportunity to be heard as soon as practicable after the misconduct, and in accordance with the following, unless a student requests an extension of time and the board of trustees or the disciplinarian designee of the board approves the extension:

(i) For a suspension of ten (10) school days or less, notice shall be provided in accordance with paragraph (b)(ii) of this section and a student shall be provided an opportunity to be heard before a student is removed unless the student’s presence endangers persons or property or threatens disruption of the academic process, in which case his immediate removal from school may be justified, but the opportunity to be heard shall follow as soon as practicable, and not later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays;

REGULATIONS

Chapter 42. Section 4. Policy requirements.
(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:
(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exits.

(B) Schools shall not use prohibited practices as part of student restraint at any time. Prohibited practices include:

(I) Aversive interventions

(II) Locked seclusion

(III) Mechanical restraints

(IV) Prone restraints

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school’s guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.
(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:
   (I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.
   (II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:
   (I) An isolation room may be used in an emergency.
   (II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.
   (III) Isolation Room seclusion exceeding the durational limits set forth in school’s guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.
   (IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:
   (1.) The room shall provide a means of continuous visual and auditory monitoring of the student.
   (2.) The room shall be adequately lighted with switches to control lighting located outside the room.
   (3.) The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.
   (4.) The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.
   (5.) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.
   (6.) The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.
   (7.) The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.
   (8.) The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.

(c) Mandatory Documentation. Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report shall include:
   (A) Antecedents, interventions, and other relevant factors;
   (B) Description of the regulated intervention used;
   (C) Time and duration of the seclusion;
   (D) Student’s response to the seclusion;
   (E) Administrative Review, if necessary;
   (F) Release or reentry factors;
   (G) Injuries to the student, if any;
   (H) Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.
(d) Parent Notification. The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.

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

**LAWS**

§ 9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials.

(a) The attorney general shall:

(ix) Establish a call center to accept information related to school and student safety issues and assist in the delivery of that information as necessary to allow for the coordination of local law enforcement, emergency response personnel and school district officials. To the extent possible, the identity of parties reporting information via the call center shall remain unknown to all persons and entities. The attorney general may enact rules as necessary to administer the duties required under this paragraph.

(e) All records or information related to the operation of the call center required under paragraph (a)(ix) of this section are confidential and shall not be deemed a public record under W.S. 16-4-201 et seq. Except pursuant to a court order, the attorney general shall not be compelled to produce any materials obtained in relation to the operation of the call center.

§ 21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Justice Act.

§ 21-4-306. Suspension or expulsion; grounds.

(d) The superintendent with the approval of the board of trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of paragraph (a)(v) of this section and following notice and hearing requirements of W.S. 21-4-305, the superintendent shall notify the district attorney of the violation together with the specific act in violation of paragraph (a)(v) of this section and the name of the student violating paragraph (a)(v) of this section. Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

**REGULATIONS**

No relevant regulations found.

**Disclosure of school records**

**LAWS**


(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data related to teacher certification, statewide education accountability and assessment and the administration of the school finance
system. In carrying out this paragraph, the state superintendent and the department of enterprise technology services shall develop a data security plan that includes:

(A) Guidelines for authorizing access to student data, including authentication of authorized access;
(B) Privacy compliance standards;
(C) Privacy and security audits;
(D) Breach planning, notification and procedures pertaining thereto;
(E) Data retention and disposition policies;
(F) Data security policies including electronic, physical and administrative safeguards such as data encryption and employee training;
(G) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws and policies;
(H) Prohibition of the sale of student data to private entities or organizations; and
(J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education.

REGULATIONS
No relevant regulations found.

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

LAWS

§ 21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(d) The department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(i) through (iii) Repealed by Laws 2012, Ch. 101, § 2.
(iv) Repealed by Laws 2015, ch. 179, § 3.
(v) Not later than fifteen (15) days after a school receives its overall performance rating or other performance determination from the department of education, the school district may seek an informal review with the state board. The state board shall make a final determination as to the overall performance rating or other performance determination within thirty (30) days after receipt of the request for review;

(vi) The state board shall promulgate rules and regulations governing the informal review process before the board as conducted under this subsection. The informal review process shall only examine whether the department properly computed and reported a school’s overall performance rating or other performance determination or whether the school was unable to administer the statewide assessment. The state board may grant an exception to the state’s accountability system requirements for a school for one (1) school year when the school demonstrates that it was unable to administer the statewide assessment for good cause. Except as otherwise provided by this paragraph, the informal review
process shall not be used to grant exceptions to the state’s accountability system or change components of the accountability model.

§ 21-3-110. Duties of boards of trustees.
(a) The board of trustees in each school district shall:

(xxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) “Restraint” means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student’s body. “Restraint” does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. “Seclusion” does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 42. Section 2. Scope.
(a) The State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools and approve those policies only after determining that compliance has been achieved.

(b) To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts shall comply with the requirements of this rule. In the event of conflict with another state agency’s rules or federal rules or regulations, school districts shall comply with this rule.

Chapter 42. Section 4. Policy requirements.
(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.
(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exits.

(B) Schools shall not use prohibited practices as part of student restraint at any time. Prohibited practices include:

(I) Aversive interventions

(II) Locked seclusion

(III) Mechanical restraints

(IV) Prone restraints

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school’s guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:
(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student’s ability to regain control and staff’s ability to reestablish safety.

(III) Isolation Room seclusion exceeding the duration limits set forth in school’s guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

1. The room shall provide a means of continuous visual and auditory monitoring of the student.
2. The room shall be adequately lighted with switches to control lighting located outside the room.
3. The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.
4. The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.
5. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.
6. The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.
7. The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.
8. The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.

(c) Mandatory Documentation. Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report shall include:

A. Antecedents, interventions, and other relevant factors;
B. Description of the regulated intervention used;
C. Time and duration of the seclusion;
D. Student’s response to the seclusion;
E. Administrative Review, if necessary;
F. Release or reentry factors;
G. Injuries to the student, if any;
H. Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization and/or funding

LAWS

§ 21-4-103. Enforcement of article; appointment and compensation of attendance officers.
The primary responsibility for the enforcement of this article shall be upon the board of trustees of the school district, which shall appoint an attendance officer or officers to carry out the provisions of this article. Said officer shall be paid out of the district treasury such sum as may be provided in the order of appointment.

§ 21-4-104. Duties of attendance officers.
(a) Subject to the policy of the board of trustees, it shall be the duty of each attendance officer to:
   (i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences;
   (ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law. If after such notice has been given, the child has a second unexcused absence, which the attendance officer reasonably believes was due to the willful neglect or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of W.S. 21-4-102.

§ 21-4-106. List of children of school age to be furnished; notice of unexcused absences.
At the beginning of each school year, the board of trustees shall furnish each district attendance officer a list of the names of the children of compulsory school age within the district who are enumerated on the regular enumeration lists. The person in charge of each school within the district shall notify each district
attendance officer promptly in writing of all cases of unexcused absence so that the attendance officer may proceed according to the provisions of this article.

§ 21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.
When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Justice Act.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.
(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.
(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§ 19-9-702. Funding.
To the extent available, for every forty cents ($.40) of federal funds appropriated to the national guard youth challenge program, the department may expend funds appropriated by this state for this program in an amount not to exceed sixty cents ($.60), or such other minimum amount as necessary to qualify for the appropriation of federal funds. The state may appropriate funding in excess of that necessary to qualify for federal funds and the department shall be authorized to expend such state funds only when all federal funds are exhausted. All monies appropriated for purposes of this article are continuously appropriated to the department and shall not lapse until the program is terminated as provided by W.S. 19-9-704.

§ 21-13-309. Determination of amount to be included in foundation program for each district.
(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:
(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:
(B) Alternative schools qualifying for separate consideration under the education resource block grant model may be established by a school district for offering educational programs to students with educational needs which the district finds are not appropriately met by other schools in the district,
excluding charter schools established under W.S. 21-3-301 through 21-3-314. Alternative schools included within a district’s configuration of schools identified under paragraph (iv) of this subsection shall for purposes of the education resource block grant model:

(I) Be approved as an alternative school by the department of education prior to July 1, 2006;
(III) Unless otherwise authorized by the state superintendent, be restricted to not more than one (1) alternative school within any school district;

REGULATIONS
No relevant regulations found.

For general information on educational funding, see Chapter 13 School Finance.
Other or Uncategorized

Professional immunity or liability

LAWS

§ 21-3-128. Protection or insurance of board members, teachers and other personnel against personal liability.
The board of trustees of each school district within the state may save harmless and protect all board members, teachers, and other personnel from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury or death to any person within or without the school building; provided, such board member, teacher, or other personnel at the time of the accident was acting in the discharge of his duties within the scope of his employment. Each board of trustees may procure appropriate policies of insurance to maintain this protection, or it may elect in its discretion to act as a self-insurer. This section shall not be construed as creating or tending to create a liability of the school district so protecting or insuring board members, teachers, or other personnel, nor shall the failure to procure such insurance as is authorized by this section be construed as creating any liability of the school district.

§ 21-4-308. Punishment and disciplinary measures; denial of diploma or credit.
(b) Teachers, principals and superintendents in each district shall be immune from civil and criminal liability in the exercise of reasonable corporal discipline of a student as authorized by board policy.

§ 21-4-315. Applicability; no civil liability created; immunity.
This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.
(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.
REGULATIONS
No relevant regulations found.

Other or uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Wyoming provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<td>Positive Behavioral Interventions &amp; Supports, Wyoming Department of Education</td>
<td>Provides information on integrating the PBIS into schools as well as links to resources.</td>
<td><a href="http://edu.wyoming.gov/in-the-classroom/special-programs/pbis">http://edu.wyoming.gov/in-the-classroom/special-programs/pbis</a></td>
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<td>Anti Bullying Model Policy I (July 2009), Wyoming Department of Education</td>
<td>Model policy adapted from select existing Wyoming district policies provides a template to assist each school district in developing an anti-bullying policy in compliance with all expectations of the Safe School Climate Act (W.S. 21-4-311 through 21-4-315).</td>
<td><a href="http://edu.wyoming.gov/downloads/safety/Anti_Bullying_Model_Policy_I.docx">http://edu.wyoming.gov/downloads/safety/Anti_Bullying_Model_Policy_I.docx</a></td>
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<td>Anti Bullying Model Policy II (July 2009), Wyoming Department of Education</td>
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<td><a href="https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/Anti_Bullying_Model_Policy_II.pdf">https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/Anti_Bullying_Model_Policy_II.pdf</a></td>
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Safe2Tell Wyoming, Wyoming School Resource Officer's Association

Confidential reporting system for reporting bullying and other violent or dangerous situations that threaten student safety.

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

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

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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**Code of the District of Columbia**
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5-E2403. Corporal punishment
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General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 2-1535.09. Rules.
The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to implement the provisions of this subchapter.

§ 38-172. Mayor's authority; rulemaking.
(a) The Mayor shall govern the public schools in the District of Columbia. The Mayor shall have authority over all curricula, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities, and other education-related matters, but shall endeavor to keep teachers in place after the start of the school year and transfer teachers, if necessary, during summer break.
(b) The Mayor may delegate any of his authority to a designee as he or she determines is warranted for efficient and sound administration and to further the purpose of DCPS to educate all students enrolled within its schools or learning centers consistent with District-wide standards of academic achievement.
(c)(1) In accordance with Chapter 5 of Title 2, the Mayor shall promulgate rules and regulations governing DCPS, including rules governing the process by which the Mayor and DCPS will seek and utilize public comment in the development of policy.
(2) Proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

§ 38-174. Chancellor; appointment; duties.
(c) The duties of the Chancellor shall include to:
(5) Promulgate and implement rules and regulations necessary and appropriate to accomplish his or her duties and functions in accordance with § 38-172 and Chapter 5 of Title 2; [§ 2-501 et seq.], including rules and regulations governing the use of DCPS funds for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities; provided, that such travel be related to the students' curriculum or for the purpose of rewarding student curricular or extra-curricular achievement;

§ 38-202. Establishment of school attendance requirements.
(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the selection and appointment of appropriate staff members to carry out the provisions of this chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

§ 38-203. Enforcement; penalties.
(j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal, and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.
§ 38-236.03. Establishment of school discipline policies.

(a) Local education agencies shall foster positive school climates that engage all students in learning.

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

1. Set high expectations for student behavior and adopt an instructional and corrective approach to school discipline;
2. Permit out-of-school suspension or disciplinary unenrollment as a disciplinary action only to ensure safety and in response to the most serious offenses, as set forth in school policy;
3. Avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law;
4. Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:
   A. Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;
   B. Can communicate with school personnel regarding academic work; and
   C. Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension;
5. Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;
6. Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;
7. Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive;
8. Describe the local education agency's in-school and out-of-school suspension practice and policy;
9. Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative;
10. Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior;
11. Outline procedures for communicating with students and parents regarding disciplinary actions; and
12. Articulate clearly the due process rights and procedures available to students and parents.

c. The school discipline policy of a local education agency that operates a pre-kindergarten program shall be consistent with the requirements of § 38-273.03.

d. A school, or local education agency, as appropriate, shall provide school discipline policies to students and parents and shall provide students and parents with explanations of the policies, including explanations of expectations, rights, and responsibilities of students and parents under the policies. The school, or local education agency, as appropriate, shall make the school discipline policy publicly available, including in a conspicuous place on the school and local education agency's website.
(e) Local education agencies shall proactively evaluate and update school discipline policies and practices to ensure fairness and equity, including by using data and feedback from students, families, and school personnel to identify, reduce, and eliminate discriminatory discipline practices or outcomes and unintended consequences.

REGULATIONS

5-B2408. Review by the chancellor.
5. The Chancellor shall develop policies, standards, and appropriate procedures for the implementation of this section.

Scope

LAWS

§ 2-1535.03. Bullying prevention policy.
(a) Within 365 days of September 14, 2012, in coordination with the task force established pursuant to § 2-1535.02, each agency, educational institution, and grantee shall adopt a bullying prevention policy to be enforced:
   (1) On its property, including electronic communication on, or with, its property;
   (2) At sponsored functions;
   (3) On its transportation, or transportation sponsored by it; and
   (4) Through electronic communication to the extent that it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, education institution, or grantee.
(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:
   (3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;

§ 38-651.10. Misuse.
(b) A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

§ 38-826.05. Tobacco-free school campuses.
(a) Tobacco and tobacco products are prohibited in public school and public charter school buildings, grounds, parking lots, parking garages, playing fields, school buses and other vehicles, and at off-campus, school-sponsored events.
(b) For a public charter school located in a mixed-use facility, the requirements of subsection (a) of this section shall apply only to the buildings, grounds, parking lots, garages, and fields under the control of the public charter school.
REGULATIONS

5-B2501. Applicability.
1. The provisions of this chapter shall be enforceable by school authorities, as follows:
   (a) When the student is on school grounds;
   (b) When the student is on or off school grounds participating in or attending any function or activity, including field trips, class trips, extracurricular activities, or athletic contests, that are sponsored by or are under the auspices of DCPS;
   (c) When the student is off school grounds and traveling on transportation provided by DCPS and the activity involves any conduct prohibited by this chapter;
   (d) When the student commits a prohibited offense that occurs during before-school or after-school programs; and
   (e) When a student has committed a prohibited offense off school grounds or outside regular school hours that results in a significant disruption to the school environment.

5-E2404. Search procedures.
10. All lockers, desks, and other property provided by D.C. Public Schools to students for the storage of personal belongings and school supplies, are the property of the D.C. Public Schools and shall remain under the jurisdiction of D.C. Public Schools. The use of these items by students is a privilege. School officials retain the right to open and search lockers, desks and such other school property and the contents thereof, with or without the presence of the student(s) at any time to enforce school policies, rules, or regulations, or for any other reason.

Communication of policy

LAWS

§ 2-1535.03. Bullying prevention policy.
(f) Each agency, educational institution, and grantee shall develop a plan for how the policy is to be publicized, including the plan for:
   (1) Discussing its bullying policy with youth; and
   (2) Publicizing that the policy applies to participation in functions sponsored by an agency, educational institution, or grantee.

§ 38-236.03. Establishment of school discipline policies.
(d) A school, or local education agency, as appropriate, shall provide school discipline policies to students and parents and shall provide students and parents with explanations of the policies, including explanations of expectations, rights, and responsibilities of students and parents under the policies. The school, or local education agency, as appropriate, shall make the school discipline policy publicly available, including in a conspicuous place on the school and local education agency's website.

REGULATIONS

5-A2102. Absences.
3. An educational institution shall publish and make available to parents and students the attendance policies and procedures, including a list of valid excused absences.
5-B2500. General policy.

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

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

5-E2401. Student Bill of Rights.

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

5-E2404. Search procedures.

12. Principals shall provide notification to students, and their parents on a regular basis, including at the beginning of each school year, of the Board’s policy regarding searches.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

§ 2-1535.03. Bullying prevention policy.
(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:

(5) A list of the consequences that can result from an identified incident of bullying, which are designed to;

(D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:

(i) Nature of the incident;

(ii) Developmental age of the person bullying; and

(iii) Any history of problem behavior from the person bullying;

REGULATIONS

5-B2408. Review by the chancellor.
13. With the exception of the disciplinary action described in section B2408.16, students violating the mandatory uniform policy shall be subject to progressive corrective measures and disciplinary action.

5-B2500. General policy.
2. DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and the range of disciplinary responses for inappropriate or disruptive behavior. DCPS will recognize and encourage students who exhibit appropriate, non-disruptive behavior. DCPS will encourage prevention and intervention strategies to prevent inappropriate behavior. To that end all available resources, subject to budgetary limitations, shall be utilized, including preventive and responsive interventions that support students’ needs.

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

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

11. Staff shall implement disciplinary responses in a progression, beginning with the least severe appropriate response, within the range of permissible disciplinary responses as enumerated in § B2502.

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

(a) Verbal redirection/reprimand;

(b) Teacher/student conference;

(c) Parental contact (written or by phone);
(d) Parent conference;
(e) Temporary Removal of Student from Classroom;
(f) In-School Disciplinary Action;
(g) Behavior contract;
(h) Grade reduction for Academic Dishonesty only;
(i) On-site Short-Term Suspension (one (1) - five (5) school days for Secondary students or one (1) - three (3) school days for Elementary students);
(j) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
(k) Off-site Medium-Term Suspension (six (6) - ten (10) school days), except in response to unexcused tardiness or absence;
(l) Off-site Long-Term Suspension (eleven (11) - ninety (90) school days), except in response to unexcused tardiness or absence; and
(m) Expulsion (off-site Suspension for one calendar year).

5-B2502. Grounds for disciplinary action.
1. Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.
   (b) Disciplinary responses for Tier I behaviors shall include:
   (1) Verbal redirection or reprimand;
   (2) Teacher/student conference;
   (3) Parental contact in writing or by phone;
   (4) Teacher/parent conference;
   (5) Temporary Removal of Student from Classroom;
   (6) In-School Disciplinary Action;
   (7) Behavior contract; and
   (8) Other school-based consequences as approved by a person designated by the Chancellor.

2. Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.
   (b) Disciplinary responses for Tier II behaviors shall include:
   (1) Verbal redirection or reprimand;
   (2) Teacher/student or administrator/student conference;
   (3) Parental contact in writing or by phone;
   (4) Administrator/parent conference;
   (5) Temporary Removal of Student from Classroom;
   (6) In-School Disciplinary Action;
   (7) Behavior contract;
   (8) Other school-based consequences as approved by a person designated by the Chancellor; and
   (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.
3. Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

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

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

(b) Disciplinary responses for Tier IV behaviors include:
   (1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
   (2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and
   (3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.

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

(b) Disciplinary responses for Tier V behaviors include:
   (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and
   (2) Expulsion.

**Teacher authority to remove students from classrooms**

**LAWS**

No relevant laws found.

**REGULATIONS**

**5-B2500. General policy.**

12. Disciplinary responses shall include, but not be limited to, the following strategies:
   (e) Temporary Removal of Student from Classroom.

**5-B2502. Grounds for disciplinary action.**

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

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

(5) Temporary Removal of Student from Classroom;

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

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

(5) Temporary Removal of Student from Classroom;

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

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

(5) Temporary Removal of Student from Classroom;

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS

5-B2500. General policy.

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

10. Disciplinary responses, as defined in § B2502 of this chapter, shall be aimed, to the extent practicable under the circumstances, to enable students to continue their instructional program.

5-B2502. Grounds for disciplinary action.

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

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

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

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS

5-E2401. Student Bill of Rights.
12. Each student shall have the right to respect from teachers, other students, administrators, and other school personnel, and shall not be subject to ridicule, harassment, or any punishment that is demeaning or derogatory. No student shall be subject to corporal punishment.

5-E2403. Corporal punishment.
1. For purposes of this section, “corporal punishment” is defined as the use, or attempted use, of physical force upon, or against, a student, either intentionally or with reckless disregard for the student's safety, as a punishment, or discipline.
2. The use of corporal punishment in any form is strictly prohibited in and during all aspects of the public school environment or school activities. No student shall be subject to the infliction of corporal punishment by any teacher, other student administrator, or other school personnel.
3. No teacher, administrator, student or other person shall subject a student to corporal punishment or condone the use of corporal punishment by any person under his or her supervision or control.
4. Permission to administer corporal punishment shall not be sought or accepted from any parent, guardian, or school official.
5. Conduct prohibited by this section include actual or attempted use or physical force against a student in accordance with § 2403.1, provided that the conduct is not prompted by reasonable efforts at self defense or the defense of others; is necessary to maintain or regain order; or is necessary for the safety of the educational environment. Examples of prohibited conduct include, but are not limited to, the following:
   (a) Shoving;
   (b) Striking;
   (c) Grabbing;
   (d) Shaking;
   (e) Hitting;
   (f) Throwing of objects; and
   (g) Unreasonable restraint.
   (h) Directing others to inflict any of the above on a student.
6. The nature and the amount of physical contact reasonably necessary for self-defense, defense of others, protection of the educational environment, or to regain or maintain order shall be dependent upon the factual circumstances of each case. When reviewing those circumstances, the following shall be considered:
   (a) If the action was taken in self-defense or the defense of others, whether the action taken against the student was (1) proportionate to student’s conduct, and (2) the least intrusive means of controlling the situation.
(b) If the action was taken against a student for the protection of the educational environment or regain or to maintain order, whether the action taken against the student was (1) taken as a last resort after all other reasonable means had been exhausted, and (2) the least intrusive means of controlling the situation.

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

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

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

5-E2401. Student Bill of Rights.
13. Principals, assistant principals, school security personnel and other designated individuals may conduct, or cause to be conducted, such searches of students as are reasonable to maintain the security, discipline and educational atmosphere of a school building, event or program, in accordance with the provisions § 2404.

5-E2404. Search procedures.
1. Individualized searches shall be undertaken if there exists reasonable suspicion that there has been a violation of the student discipline rules (chapter 25 of this title) or the criminal laws of the District of Columbia or the federal government, or, if such a search is part of the overall effort to maintain the security and safety of D.C. Public Schools, in accordance with the provisions this chapter.

2. Reasonable suspicion shall be premised upon any one or more of the following circumstances:
   
   (a) Observation of contraband or other prohibited property by school officials or conduct suggesting the presence of contraband or other prohibited property;

   (b) General, suspicious conduct, such as a student's being in a restricted area without approval;

   (c) Observation of suspicious bulges in a student's clothing or personal property;

   (d) A tip from an informant, either known to the school official to be reliable or, if anonymous, possessing some attribute, knowledge, or relationship to the school, student or community that gives credence to the information; or

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

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

4. Random searches of students, and lockers shall be undertaken, in a manner which is consistent with the overall need to maintain the safety and security of D.C. Public Schools. The searches shall occur under the auspices of the D.C. Public Schools Office of Safety and Security and, where appropriate, the Metropolitan Police Department and the D.C. Public Schools Legal Services Branch, unless circumstances compel immediate action to avoid imminent danger to self or others.
5. Except where otherwise necessary to avoid immediate harm or immediate disposal of contraband, searches of students shall occur in the privacy of an office or unoccupied room.

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

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

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

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

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

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

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

**Other in-school disciplinary approaches**

**LAWS**

No relevant laws found.

**REGULATIONS**

**5-B2502. Grounds for disciplinary action.**

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

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

    (8) Grade reduction for Academic Dishonesty;
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

5-B2408. Review by the chancellor.
15. A fourth offense of a mandatory uniform policy may subject a student, at the principal’s discretion, to on-site suspension.

5-B2502. Grounds for disciplinary action.
3. Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.
   (a) The following behaviors shall be considered Tier III behaviors:
      (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);
      (2) Sale or Distribution of any item without authorization;
      (3) Possession or Distribution of obscene or pornographic material on school premises;
      (4) Possession or Use of tobacco;
      (5) Use of alcohol;
      (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
      (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;
      (8) Verbal, written, or physical Threat to person or property (including intimidating postures);
      (9) Obscene, seriously offensive, or abusive language or gestures;
      (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;
      (11) Gambling;
      (12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;
      (13) Engaging in Sexual Acts on school premises or at school-related functions;
      (14) Leaving school without permission;
      (15) Academic Dishonesty;
      (16) Forgery;
      (17) Lying to or giving misleading information to school staff;
(18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);

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

(20) Hazing;

(21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;

(22) Possession of tools or instruments which school administrators deem could be used as weapons;

(23) Engaging in reckless behavior that may cause harm to self or others;

(24) Extortion;

(25) Fighting where there is no injury and no weapon;

(26) Trespassing;

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

(28) Documented Pattern of Persistent Tier II Behavior

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

(1) Verbal redirection/reprimand;

(2) Teacher/student conference or administrator/student conference;

(3) Parental contact (written or by phone);

(4) Parent conference;

(5) Temporary Removal of Student from Classroom;

(6) Behavior contract;

(7) In-School Disciplinary Action;

(8) Grade reduction for Academic Dishonesty;

(9) On-site Short-Term Suspension with provision of appropriate intervention services;

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

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

5-B2504. Policy for suspensions and expulsions.

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

5. A student may be expelled from DCPS only for the commission of an infraction as set forth in § 2502.5.
Grounds for mandatory suspension or expulsion

LAWS

§ 38-231. Expulsion of students who bring weapons into public schools.
Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. 1400 et seq.), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than one year.

§ 38-232. Reference to criminal justice or juvenile delinquency system.

§ 38-234. Definitions.
(a) For the purposes of this subchapter, the term "weapon" means a firearm and includes:

(1) Any weapon, including a starter gun, which will or is designed to or may be readily converted to expel a projectile by the action of an explosive:
(2) The frame or receiver of any weapon described in this subsection;
(3) Any firearm muffler or firearm silencer; or
(4) Any destructive device; the term "destructive device" means:

(A) Any explosive, incendiary, or poison gas;
(B) Bomb;
(C) Grenade;
(D) Rocket having a propellant charge of more than 4 ounces;
(E) Missile having an explosive or incendiary charge of more than a 1/4 ounce;
(F) Mine; or
(G) Any similar device.
(5) Any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 an inch in diameter; and
(6) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraphs (e) and (f) of this paragraph and from which a destructive device may be readily assembled.
(b) The term "weapon" shall not include:

(1) An antique firearm;
(2) Any device which is neither designed nor redesigned for use as a weapon; or
(3) Any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

§ 38-236.03. Establishment of school discipline policies.
(a) Local education agencies shall foster positive school climates that engage all students in learning.
(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

1. Set high expectations for student behavior and adopt an instructional and corrective approach to school discipline;
2. Permit out-of-school suspension or disciplinary unenrollment as a disciplinary action only to ensure safety and in response to the most serious offenses, as set forth in school policy;
3. Avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law;
4. Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:
   - Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;
   - Can communicate with school personnel regarding academic work; and
   - Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension;
5. Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;
6. Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;
7. Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive;
8. Describe the local education agency's in-school and out-of-school suspension practice and policy;
9. Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative;
10. Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior;
11. Outline procedures for communicating with students and parents regarding disciplinary actions; and
12. Articulate clearly the due process rights and procedures available to students and parents.

(c) The school discipline policy of a local education agency that operates a pre-kindergarten program shall be consistent with the requirements of § 38-273.03.

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

(e) Local education agencies shall proactively evaluate and update school discipline policies and practices to ensure fairness and equity, including by using data and feedback from students, families, and
school personnel to identify, reduce, and eliminate discriminatory discipline practices or outcomes and unintended consequences.

REGULATIONS

5-B2502. Grounds for disciplinary action.
4. Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.
   (a) The following behaviors shall be considered Tier IV behaviors:
      (1) Acts of vandalism, destruction of property, or graffiti (tagging);
      (2) Documented theft of school or personal property without force;
      (3) Interfering with school authorities or participating in a major disruption of the school’s operation.
      (4) Tampering with, changing, or altering an official record or document of a school;
      (5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
      (6) Lewd or indecent public behavior or sexual misconduct;
      (7) Sexual Harassment;
      (8) Retaliation for reporting Harassment and Sexual Harassment;
      (9) Fighting which creates substantial risk of or results in minor injury;
      (10) Inciting others to violence or disruption;
      (11) Activating False Alarm;
      (12) Contaminating food;
      (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;
      (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;
      (15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and
      (16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).
   (b) Disciplinary responses for Tier IV behaviors include:
      (1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
      (2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and
      (3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.
5. Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.
   (a) The following behaviors shall be considered Tier V behaviors:
      (1) Acts of Exceptional Misconduct at other schools;
      (2) Vandalism/destruction of property over $500;
(3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;

(4) The Possession or Distribution of alcohol;

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

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

(7) Possession of fireworks or explosives;

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

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

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

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

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

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

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

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

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

(17) Assault with a weapon;

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

(19) Arson;

(20) Biohazard;

(21) Bomb threat;

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

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

(24) Documented Pattern of Persistent Tier IV Behavior.

(b) Disciplinary responses for Tier V behaviors include:

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

(2) Expulsion.
Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

§ 38-231. Expulsion of students who bring weapons into public schools.
Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. 1400 et seq.), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than one year.

§ 38-236.04. Limitations on exclusion as a disciplinary action.
(a) Unless otherwise required by federal or District law:

(1) Beginning in school year 2019-2020, for students in grades kindergarten through 5, and school year 2020-2021 for students in grades 6 through 8, no student may be subject to an out-of-school suspension or disciplinary unenrollment, unless a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds;

(2) Beginning in school year 2020-2021, no student in grades 9 through 12, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension or disciplinary unenrollment for:

(A) Violating local education agency or school dress code or uniform rules;

(B) Willful defiance; or

(C) Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.

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

(1) Five consecutive school days for any individual incident in grades kindergarten through 5;

(2) Ten consecutive school days for any individual incident in grades 6 through 12; or

(3) Twenty cumulative school days during an academic year regardless of grade, unless:

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

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

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

(d) No student subject to a suspension may be denied the right to continue to access and complete appropriate academic work or to earn credit toward promotion or graduation during a suspension.
(e) The return of a student to school upon conclusion of an out-of-school suspension shall not be made contingent on a parent accompanying the student, attending a conference, or otherwise being present at the school.

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

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

(h) Repealed.

§ 38-236.05. Exclusion of students with disabilities.
(a) School administrators shall take special consideration regarding the exclusion of a student with a disability.

(b) All of a student's disabilities, as defined in section 3(1)(A) and (B) of the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)-(B)), of which the school had knowledge shall be considered in a manifestation determination review conducted pursuant to section 615(k)(1)(E) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1415(k)(1)(E)).

§ 38-273.03. Restriction on out-of-school discipline for pre-k age students.
(a) Beginning in school year 2015-2016, no student of pre-k age may receive a disciplinary unenrollment, as defined in § 38-236.01(3), from any publicly funded community-based organization, school in the District of Columbia Public Schools system, or public charter school that provides pre-k care and education services to pre-k age children.

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

REGULATIONS

5-B2408. Review by the chancellor.
14. Under no circumstance shall a student who fails to abide by a mandatory uniform policy be given out-of-school suspension or otherwise be barred from attending school.

5-B2500. General policy.
13. Except for those corrective and disciplinary measures permitted pursuant to § B2408 of this title, involuntary transfers pursuant to Chapter 21 shall not be used as a disciplinary response.

5-B2502. Grounds for disciplinary action.
3. Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.
(b) Disciplinary responses for Tier III behaviors shall include:

10. Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;

11. Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.

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

(b) Disciplinary responses for Tier IV behaviors include:

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

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

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

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

(b) Disciplinary responses for Tier V behaviors include:

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

5-B2504. Policy for suspensions and expulsions.

1. Nothing herein shall exempt a student with a disability from disciplinary action.

2. In initiating disciplinary procedures applicable to all children, DCPS must ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action. Such documentation may include, but not be limited to (with any required permission from parent/guardian): the student’s current IEP, discipline file, cumulative file, anecdotal records from teachers or other school personnel, reports or recommendations from health or mental health clinicians.

3. The removal of a student with a disability from his or her current placement for more than ten (10) school days for disciplinary reasons shall require that a determination be made as to whether the subject behavior is related to the student’s disability.

4. If the result of the review is a determination that the behavior of the child with a disability was not a manifestation of the child’s disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities.

5. DCPS may order an immediate removal of a student with a disability from his or her current placement:

(a) To an appropriate interim Alternative Educational Setting, another setting, or Suspension, for not more than ten (10) consecutive school days (to the extent such alternatives would be applied to children without disabilities); and

(b) To an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, up to but not exceeding forty-five (45) days if:

1. The student carries a weapon to school or to a school function;

2. The student knowingly possesses or uses illegal drugs or solicits the sale of a controlled substance while at school or at a school function; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction DCPS.

6. DCPS must make a free appropriate public education available to all eligible children with disabilities, including children with disabilities who have been suspended or expelled from school. When a student
with a disability is removed from his or her current placement for more than ten (10) school days for disciplinary reasons, DCPS must continue to provide the specialized instruction and related services that are specified on the student’s IEP.

7. Any interim alternative educational setting in which a child is placed must:
   (a) Be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable the child to meet the goals set out in that IEP; and
   (b) Include services and modifications designed to address the behavior described in § 2511.2 or § 2511.3 so that it does not recur.

8. If a disciplinary action is contemplated as described in § 2511.B2 or § 2511.3 for a behavior of a child with a disability described in either of those subsections, or if a proposed disciplinary action involves removal of a student with a disability from his or her current placement for more than ten (10) consecutive school days:
   (a) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and of all procedural safeguards accorded by law; and
   (b) Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child’s disability and the behavior subject to the disciplinary action.

9. Within ten (10) school days of any disciplinary decision to remove a student with a disability from his or her current placement, DCPS, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the DCPS) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:
   (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
   (b) If the conduct in question was the direct result of DCPS’s failure to implement the IEP.

10. The conduct must be determined to be a manifestation of the child’s disability if DCPS, the parent, and relevant members of the child’s IEP Team determine that a condition in either 34 CFR 300.530(e)(1)(i) or (1)(ii) was met.

11. If the DCPS, the parent, and relevant members of the child’s IEP Team determine the condition described in 34 CFR 300.530(e)(1)(ii) was met, the DCPS must take immediate steps to remedy those deficiencies.

12. In carrying out a review, the IEP Team may determine that the behavior of the child was not a manifestation of such child’s disability only if the IEP Team:
   (a) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:
      (1) Evaluation and diagnostic and results, or other relevant information supplied by the parents of the child;
      (2) Observations of the child;
      (3) The child’s IEP and placement; and
      (4) Any other material deemed relevant by the IEP Team, including, but not limited to, school progress reports, anecdotal notes and facts related to disciplinary action taken by administrative personnel; and
   (b) Then determines that:
(1) In relationship to the behavior subject to disciplinary action, the child’s IEP, and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child’s IEP and placement;

(2) The child’s disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(3) The child’s disability did not impair the ability of the child to control the behavior subject to disciplinary action.

13. Either before or not later than ten (10) consecutive school days after taking a disciplinary action described in § 2510.2:

(a) If DCPS did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the Suspension described above, DCPS must convene an IEP meeting to develop an assessment plan to address that behavior; or

14. If the child’s parent disagrees with a determination that the child’s behavior was not a manifestation of the child’s disability or with any decision regarding placement, the parent may request a hearing.

15. DCPS must arrange for an expedited hearing, which must occur within twenty (20) school days of the date the complaint requesting the hearing is filed, in any case described in this section when requested by a parent.

16. In reviewing a decision with respect to the manifestation determination, the hearing officer must determine whether DCPS has demonstrated that the child’s behavior was not a manifestation of such child’s disability.

17. A disciplinary hearing officer may recommend the removal of a student with a disability from his or her current placement for not more than forty-five (45) days if the hearing officer:

(a) Determines that DCPS has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child’s current placement;

(c) Considers whether DCPS has made reasonable efforts to minimize the risk of harm in the child’s current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting meets the requirements described in § B2510.14 above.

18. In recommending the removal of a student with a disability from his or her current placement removal of a student with a disability from his or her current placement to an alternative education setting for disciplinary reasons, the hearing officer must apply the standards set out in § 2510.17 above.

19. When a parent requests a hearing regarding a disciplinary action to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in § 2510.5 (i.e., 45 days), whichever occurs first, unless the parent and DCPS agree otherwise.

20. If a child is in an interim alternative educational setting for disciplinary reasons and school personnel propose to change the child’s educational placement after expiration of the interim Alternative Setting for disciplinary reasons, during the pendency of any proceeding to challenge the proposed change in placement, the child must remain in the current placement (the child’s placement prior to the interim alternative educational setting), except as provided in § 2510.21, below.

21. If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, DCPS may request an expedited hearing.
22. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of DCPS, including any behavior described in this chapter, may assert any of the applicable protections provided for in the Individuals with Disabilities Education Improvement Act, as amended, if DCPS had knowledge (as determined in accordance with § 2510.23 below), that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

23. DCPS is deemed to have knowledge that a child is a child with a disability if:

   (a) The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to supervisory or administrative personnel of [DCPS], or a teacher of the child, that the child is in need of special education and related services;

   (b) The parent of the child has requested an evaluation of the child; or

   (c) The teacher of the child or other personnel of DCPS has expressed specific concerns about a pattern of behavior or performance of the child to the Director of Special Education or to other DCPS personnel.

24. DCPS is deemed not to have knowledge that a child is a child with a disability if: the parent of the child has not allowed an evaluation of the child pursuant to 34 CFR 300.300 through 300.311 or has refused services under Part B of the IDEA; or the child has been evaluated in accordance with 34 CFR 300.300 through 300.311 and determined to not be a child with a disability under Part B of the IDEA.

25. If DCPS does not have knowledge that a child is a child with a disability in accordance with § 2510.23 prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

26. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this chapter, the evaluation must be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by DCPS and information provided by parents, DCPS must provide special education and related services in accordance with the relevant provisions of the Individuals with Disabilities Education Improvement Act, as amended, except that, pending the results of the evaluation, the child must remain in the educational placement determined by school authorities.

27. Nothing in the Individuals with Disabilities Education Improvement Act, as amended, shall be construed to prevent D.C. law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

28. Nothing in the Individuals with Disabilities Education Improvement Act, as amended, shall be construed to prohibit DCPS from reporting a crime committed by a child with a disability to appropriate authorities. In reporting a crime committed by a child with a disability to appropriate authorities, DCPS must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.

5-E2401. Student Bill of Rights.

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

LAWS

§ 38-236.03. Establishment of school discipline policies.
(a) Local education agencies shall foster positive school climates that engage all students in learning.
(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:
   (12) Articulate clearly the due process rights and procedures available to students and parents.

REGULATIONS

5-B2504. Policy for suspensions and expulsions.
7. Any Suspension, including on-site Suspension, in excess of two (2) in a single semester must be approved by a person designated by the Chancellor.12. If a student’s Suspension or Expulsion is for a period exceeding the number of school days remaining in the school year, any remaining part of the term of the Suspension or Expulsion may be applied to the succeeding school year.
13. Students younger than the age of fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours unless accompanied by a parent or guardian, or his or her designee. Students older than fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours until a parent or guardian, or his or her designee, has been contacted by phone or in person and given a reasonable opportunity to arrange for proper supervision of the student. If the parent or guardian of a suspended student cannot be notified by phone or in person, the student must remain at school until the end of the school day.
14. If the parent or guardian of a student who has been suspended cannot be contacted by phone or in person before the next school day, and the student arrives at school, he or she must remain in the building until a parent or guardian can be contacted and given a reasonable opportunity to arrange for proper supervision of the student or until the end of the school day. The student may be segregated and must be appropriately supervised during this time. Any such day will count toward fulfilling the term of the student’s Suspension.16. For students seeking to enroll in DCPS and who have been suspended or expelled from their current school, or who have withdrawn while disciplinary action is pending, a person designated by the Chancellor shall review the facts and circumstances regarding the student’s Suspension, Expulsion, or withdrawal pending Expulsion, if the infraction for which the student was disciplined is one for which the student could have been disciplined within DCPS. The purpose of this review is to determine the appropriate placement within DCPS.5-B2505. Procedures for suspensions and expulsions.

1. Authority to impose Suspensions and Expulsions is as follows:
   (a) On-site Short-Term Suspension may only be authorized by the principal or a person designated by the Chancellor.
   (b) Off-site Short-Term Suspension may only be authorized by the principal or a person designated by the Chancellor.
   (c) Off-site Medium-Term Suspension may be proposed by the principal and may be authorized only by a person designated by the Chancellor. A person designated by the Chancellor may modify the proposed action including rescission.
(d) Off-site Long-Term Suspension may be proposed by the principal and may be authorized only by a person designated by the Chancellor. A person designated by the Chancellor may modify the proposed action including rescission.

(e) Expulsion, except Expulsions for violations relating to the Gun-Free Schools Act, may be proposed in writing by the principal to a person designated by the Chancellor and may be authorized only by the head of the Office of Youth Engagement pursuant to the recommendation of a person designated by the Chancellor.

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

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

4. The conference shall include a discussion of the following:

   (a) The grounds for disciplinary action as referred to in this chapter including a citation of the rule(s) upon which the action is based, and a description, in reasonable detail, of the facts and events upon which the disciplinary action is proposed;

   (b) An explanation of the evidence or facts upon which the school official has determined that the student has committed an infraction, as defined in this chapter, including a summary of the recommended disciplinary action;

   (c) An opportunity for the student to present the student’s version of the facts or to explain the events or action upon which the alleged infraction is based;

   (d) The decision regarding the infraction and the recommended disciplinary action to be provided after the student has had an opportunity to present his or her version of the facts and/or to explain the events or actions upon which the alleged infraction is based;

   (e) A statement informing the adult student, or minor student’s parent or guardian, of the right to examine the student’s records and any official report of the incident prior to the imposition of the proposed discipline; and

   (f) The student’s rights to an appeal pursuant to § B2505.13 or to a hearing pursuant to § B2505.14.

   (g) If the principal is recommending Long-Term Suspension or Expulsion, the principal shall report his or her findings and recommendations from the conference in writing to the student and parent or guardian and a person designated by the Chancellor. The principal shall also inform the student and parent or guardian in writing of disciplinary hearing procedures, appeal rights, the intervention supports available to the student, and the requirements for readmission.

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

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

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

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

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

11. In determining whether to propose an Expulsion, a person designated by the Chancellor shall consider the factors enumerated in § B2500.

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

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

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

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

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

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

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

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

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

(g) No more than one (1) school day after the conference, the principal or a person designated by the Chancellor, as appropriate, shall give the student and his or her parent or guardian, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings, including the final decision.

15. Except in cases of immediate emergency Suspensions pursuant to § B2504.4, students shall remain in their regular assigned classroom or education setting until the final determination of the Suspension has been made.

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

17. Once a hearing is scheduled by the hearing office, the student shall be placed on Suspension, or in another appropriate placement until the conclusion of the hearing and appeals processes.
5-B2506. Procedures for disciplinary hearings.

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

   (a) No student may be suspended or expelled, including on-site Suspension, without written notice to the adult student or minor student’s parent or guardian.

   (b) Following the oral notice provided to parents or guardians pursuant to § B2504.13 verifiable written notice using contact information provided by the parent or guardian (e.g. email, certified mail, or hand-delivered mail with a signature receipt) of all authorized or proposed Suspensions and Expulsions must be sent to the parent or guardian or to the adult student no later than one (1) school day after the decision by the principal or a person designated by the Chancellor to authorize or propose Suspension or Expulsion.

   (c) The notice must inform the parent or guardian of the identity of the person who has the authority to modify or rescind the proposed Suspension or Expulsion. Adult students shall receive notification of their infraction in the same manner.

   (d) The notice must also include a description of the infraction including a citation of the rule(s) upon which the action is based, a summary of the facts, the length of the proposed Suspension or Expulsion, the principal’s recommendation for an Education Plan or Alternative Educational Setting; and a description of the student’s right to appeal pursuant to § 2505.13 or to a hearing pursuant to § B2505.14.

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

5-B2507. Hearing officer recommendation.

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

   (a) A statement of the facts, as determined from the testimony and evidence presented at the hearing;

   (b) A conclusion as to whether the required due process procedures have been properly followed or waived;

   (c) A conclusion as to whether the student committed the infraction(s) upon which the disciplinary action is based; and

   (d) A determination regarding the appropriateness of the proposed disciplinary action or an order for a modification thereof, including consideration of the factors enumerated in § 2500.8 and explicit justification for any recommended modification.

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

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

4. A copy of the written determination provided by a person designated by the Chancellor or by the head of the Office of Youth Engagement shall be given or mailed, within twenty-four (B24) hours, to the adult student, the minor student’s parent or guardian, and their representatives, if any.

5. Additional copies of the determination by a person designated by the Chancellor or the head of the Office of Youth Engagement shall be sent, within twenty-four (B24) hours, to the principal or other school official in charge of the school or program in which the student is enrolled, and retained in the files of the student hearing office.
6. If the hearing officer recommends disciplinary action is not warranted, based on the fact that the student did not violate any DCPS rule or policy, the determination shall include an order to destroy all school records regarding the disciplinary action, including any reports that relate to the incident upon which the disciplinary action was proposed, insofar as those reports individually identify the student. If the hearing officer determines that disciplinary action is not warranted and either: (a) fails to state whether a DCPS rule or policy was violated, or, (b) states that a DCPS rule or policy was violated but nevertheless finds the disciplinary action to be unwarranted, the school may maintain documents concerning the alleged infraction until the conclusion of the school year immediately following the incident.

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

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

(b) Upon receipt of an appeal, the head of the Office of Youth Engagement shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.

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

(d) No more than two (B2) school days after the conclusion of the conference, the head of the Office of Youth Engagement shall render a final decision. The head of the Office of Youth Engagement shall provide the parent or guardian, or adult student, and a person designated by the Chancellor, a written summary of the conference proceedings and decision.

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

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

9. An Expulsion may be appealed directly to the Chancellor:

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

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

(c) During the conference, the parent or guardian, or adult student, may present arguments in support of his or her appeal. The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student. The appeal may be held by telephone upon request of the parent or guardian. The conference may be recorded by any of the parties.
(d) No more than two (B2) school days after the conclusion of the conference, the Chancellor shall render a final decision. The Chancellor shall provide the parent or guardian, or adult student, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings and his or her final decision.

5-B2599. Definitions.

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

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

   “Alternative Educational Setting” - an educational program other than that in which the student was placed prior to disciplinary action.

   “Academic Dishonesty” - any conduct that unfairly influences academic outcomes including:
   (a) Plagiarism including the adoption or reproduction of ideas, words, or statements of another person or source without giving acknowledgment or credit to the person or source;
   (b) Cheating including any attempt to give or obtain assistance in with a test or examination, without permission or acknowledgment;
   (c) Deception including giving false information to instructional staff- for example, a student giving a false excuse for missing a deadline or making a false claim that assignment was submitted;
   (d) Fabrication including altering data, information, and documents affecting any student’s academic records; forging signatures of authorized instructional staff or falsifying information on an official school document, i.e. report card, letter of permission, petition, class schedule, ID card, or any other official school document;
   (e) Sabotage including creating situations to prevent others from completing their work. For example, destroying another student’s work, tampering with the experiments of other students; and
   (f) Unauthorized Access including gaining unauthorized access to computer systems, academic or administrative records and information; viewing or altering any records, modifying computer programs or systems, releasing or distributing information gained through unauthorized access.

   “Acts of Exceptional Misconduct” - any activity that would constitute a felony, gross misdemeanor, or misdemeanor under District or federal law.

   “Assault” - being physically violent, using unwarranted force, or demonstrating a deliberate and immediate intent to be physically violent towards another. Assault does not include: 1) incidental touching unless it is flagrant, purposeful, repeated, or results in the threat of imminent harm; or 2) Self-Defense or the defense of someone else who is being assaulted if the force used in defense is reasonable in response to the Assault.

   “Bullying”-repeated intentional behavior that occurs in order to intentionally harm others through verbal or non verbal Harassment, physical Assault, or other more subtle methods of coercion. Such behavior may include, but is not limited to, manipulation, teasing, taunting, threatening, hitting, stealing, destroying personal property, sending threatening/abusive emails, text messages, or other electronic communications.

   “Distribution” - the transfer to any other person, with or without the exchange of money or other valuables.

   “DCPS” - means the District of Columbia Public Schools.

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

“Education Plan” - includes instructional materials and written work sufficient to allow a student the
opportunity to earn grades and credits of the same value as those earned by students attending
classes. The plan shall also include information regarding accessing support services, such as
counseling, mental health services, etc.

“Elementary” - grades preK-grade 5.

“Expulsion” - the denial of the right of a student to attend any DCPS School or program, including all
classes and school activities, except DCPS Alternative Educational Settings, for one (1) calendar year.

“Extortion” or “blackmail” - obtaining, or attempting to obtain, money or property from another person,
with or without that person’s consent, induced by wrongful use of force or intimidation, or the Threat
thereof.

“False Alarm” - triggering a fire alarm or initiating a report of fire or emergency without valid cause, or
accessory to this offense.

“Fighting” - engaging in or provoking physical contact involving anger or hostility. Fighting includes, but
is not limited to, the following:

(a) Engaging in mutual physical contact involving anger or hostility;
(b) Teasing, harassing, threatening or intimidating others in a manner that results in physical contact
involving anger or hostility;
(c) Physical retaliation for teasing, harassing, threatening, or intimidating behavior; or
(d) Verbally inciting or physically supporting a fight through one’s encouragement or presence.

“Forger” - forging notes or letters from parents, guardians, teachers, staff members, or office
personnel; or the falsification of travel plans or sign-out designations.

“Gambling” - playing cards, dice, or games of chance for money or other things of value.

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

“Gun-Free Schools Act” - Federal law requiring states to have a law in place requiring the Expulsion of
a student who is found to have brought a firearm to school, 20 U.S.C. § 7151.

“Hazing” - actions taken against a person for the purpose of being initiated into a group that endangers
the mental or physical health, well being or safety of a student, and results in humiliation,
embarrassment, ridicule, intimidation or shame.

“Harassment” - verbal or physical conduct or communication relating to an individual’s actual or
perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual
orientation, gender identity or expression, familial status, family responsibilities, matriculation, political
affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense,
or place of residence or business, in a manner that denies or limits a student’s ability to participate in or
benefit from an educational program or activity or creates an intimidating, threatening or abusive
environment for students, employees, or others in the school environment, or interferes with employees’
performance of their job duties or the effective performance of the school-related functions of others.
Harassment also includes written or verbal communications that are electronically transmitted with the
intention of creating or causing the same harm described above.

“In-School Disciplinary Action” - disciplinary actions such as after-school detention, loss of privileges
(including recess), exclusion from extracurricular activities, written reflection, conflict resolution,
mediation, or similar actions of short duration that do not result in the student’s loss of academic
instruction time.
“Inappropriate Use of DCPS Computer or Network” - any use of DCPS computers or networks in violation of the DCPS Student Internet Safety and Use Policy.

“IEP” - an individualized education program as that term is defined in § 602 of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Sat. 37; 20 U.S.C. § 1401).

“Intentional Misuse of School Equipment/Supplies/Facilities” - deliberately misusing school equipment, supplies, or facilities, including failure to follow safety rules.

“Limited or no-English proficiency” - the inability to adequately understand or to express oneself in the spoken or written English language.

“Long-Term Suspension” - Suspension for eleven (11) to ninety (90) school days.

“Medium-Term Suspension” - Suspension for six (6) to ten (10) school days.

“Possession” - knowingly carrying or having an item on one’s person, or exercising control over an item, that is prohibited from being on school grounds, that is either in the possession of a third-party or has been intentionally placed in a location on or near school property for the purpose of disposing of the item or retrieving the item at a future time.

“Secondary” - grade 6 or higher.

“Self-Defense” - defensive behavior that occurs while an Assault is being inflicted on oneself or another, and is not more forceful than absolutely needed to deflect the violence suffered and prevent continuing injury or harm to oneself or the other person. Examples of Self-Defense are deflecting blows without returning them and holding or holding back an attacker to keep him/her from continuing to Assault. Defensive behavior that is considerably more forceful than needed for legitimate Self-Defense may be considered Assault.

“Sexual act” - any sexual act committed among two consenting parties.

“Sexual Harassment” - deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the person is uncomfortable, intimidated, or threatened by the behavior.

“Short-Term Suspension” - on-site or off-site Suspension for one (1) to five (5) school days for Secondary students or one (1) to three (3) school days for Elementary students.

“Suspension” - the denial of the right of a student to attend any DCPS school or program, including all classes and school activities, except in an approved Alternative Educational Setting, in no event exceeding ninety (90) school days pursuant to the provisions of this chapter.

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

“Threat” - the communication of an intention to intimidate, harass or inflict violence, harm or terror on an individual or group of individuals, directly or indirectly, whether by physical, verbal, written, telephone, or electronic actions, which cause the other person to believe his or her life or safety, or property, is in danger.

“Trespassing” - being present on school property without permission of school authorities. This includes entering any school district property, except an approved Alternative Educational Setting, while serving an off-site Suspension or Expulsion or attending any school function at any location while serving a Suspension or Expulsion in contravention of § 2504.6.

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

LAWS
No relevant laws found.

REGULATIONS

5-B2502. Grounds for disciplinary action.
1. Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.
   (b) Disciplinary responses for Tier I behaviors shall include:
   (6) In-School Disciplinary Action;
   (8) Other school-based consequences as approved by a person designated by the Chancellor.
2. Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.
   (b) Disciplinary responses for Tier II behaviors shall include:
   (6) In-School Disciplinary Action;
   (8) Other school-based consequences as approved by a person designated by the Chancellor;
3. Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.
   (b) Disciplinary responses for Tier III behaviors shall include:
   (7) In-School Disciplinary Action;
   (9) On-site Short-Term Suspension with provision of appropriate intervention services;

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

5-B2509. Re-entry following expulsion.
1. Prior to the conclusion of an Expulsion, a person designated by the Chancellor shall hold a conference with the student and the student’s parent or guardian to determine appropriate school placement for the student.
2. The conference shall be held according to guidelines in § B2505, and shall include discussion of the following topics:
   (a) The student’s activities while under disciplinary action;
   (b) The steps the student will take to avoid a subsequent disciplinary action;
(c) Support required by the student to avoid subsequent disciplinary action; and (d) Any other pertinent circumstances.

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

4. The student and his or her parent or guardian shall be informed of the school placement no more than one school day after the conference, and the registration/enrollment process shall be facilitated as smoothly and quickly as possible thereafter.

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

Use of restraint and seclusion

LAWS

§ 38-2561.01. Definitions.
For the purposes of this chapter, the term:
(1) "Aversive intervention" means specific strategies for behavioral-treatment intervention, including:
   (A) Noxious, painful, intrusive stimuli or activities that result in pain;
   (B) Any form of noxious, painful, or intrusive spray or inhalant;
   (C) Electric shock or use of a graduated electronic decelerator;
   (D) Pinches and deep muscle squeezes;
   (E) Withholding adequate sleep, shelter, clothing, bedding, or bathroom facilities;
   (F) Withholding meals, essential nutrition, or hydration, or intentionally altering staple food or drink to make it distasteful; or
   (G) The use of chemical restraints, instead of positive programs or medical treatments.

§ 38-2561.03. Placement and funding of a student with a disability in a nonpublic special education school or program.
(a) If an LEA anticipates that it may be unable to implement a student’s IEP or provide a student with an appropriate special education placement in accordance with the IDEA and other applicable laws or regulations, the LEA shall notify the SEA. The SEA shall cooperate with the LEA to provide a placement in a more restrictive setting in conformity with the IDEA, and any other applicable laws or regulations.
(b)(1) Unless the placement of a student has been ordered by a District of Columbia court, federal court, or a hearing officer pursuant to IDEA, no student whose education, including special education or related services, is funded by the District of Columbia government shall be placed in a nonpublic special education school or program that:
   (A) Allows the use of aversive intervention in its policy or practice;

REGULATIONS
No relevant regulations found.
Alternative placements

LAWS

§ 38-233. Alternative educational programs.
The Board of Education shall provide to any student who is expelled from school in accordance with this subchapter an alternative educational program at the D.C. Street Academy, at another existing alternative educational program, or at any alternative educational program that may be established in the future. Not later than 90 days after the effective date of this subchapter:

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

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

§ 38-236.03. Establishment of school discipline policies.
(a) Local education agencies shall foster positive school climates that engage all students in learning.
(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

(1) Set high expectations for student behavior and adopt an instructional and corrective approach to school discipline;

(2) Permit out-of-school suspension or disciplinary unenrollment as a disciplinary action only to ensure safety and in response to the most serious offenses, as set forth in school policy;

(3) Avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law;

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

(A) Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;

(B) Can communicate with school personnel regarding academic work; and

(C) Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension;

(5) Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;

(6) Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;

(7) Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive;

(8) Describe the local education agency's in-school and out-of-school suspension practice and policy;
(9) Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative;
(10) Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior;
(11) Outline procedures for communicating with students and parents regarding disciplinary actions; and
(12) Articulate clearly the due process rights and procedures available to students and parents.

(c) The school discipline policy of a local education agency that operates a pre-kindergarten program shall be consistent with the requirements of § 38-273.03.

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

(e) Local education agencies shall proactively evaluate and update school discipline policies and practices to ensure fairness and equity, including by using data and feedback from students, families, and school personnel to identify, reduce, and eliminate discriminatory discipline practices or outcomes and unintended consequences.

REGULATIONS

5-B2500. General policy.

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

10. Disciplinary responses, as defined in § B2502 of this chapter, shall be aimed, to the extent practicable under the circumstances, to enable students to continue their instructional program.

5-B2504. Policy for suspensions and expulsions.

9. The principal or other school official may establish, or make a referral to, a special class or other supervised program for students who are suspended, subject to the approval of a person designated by the Chancellor. This special class or other supervised program may be located within a student's home school or at another appropriate DCPS site.5-B2408. Review by the chancellor.

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

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

LAWS

§ 22-4502.01. Gun free zones; enhanced penalty.
(a) All areas within, 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a gun free zone. For the purposes of this subsection, the term "appropriately identified" means that there is a sign that identifies the building or area as a gun free zone.

(b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that otherwise authorized to be imposed, or both.

(c) The provisions of this section shall not apply to a person legally licensed to carry a firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to members of the Army, Navy, Air Force, or Marine Corps of the United States; the National Guard or Organized Reserves when on duty; the Post Office Department or its employees when on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly-appointed law enforcement officers; officers or employees of the United States duly authorized to carry such weapons; banking institutions; public carriers who are engaged in the business of transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

§ 38-231. Expulsion of students who bring weapons into public schools.
Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. 1400 et seq.), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than one year.

§ 38-232. Reference to criminal justice or juvenile delinquency system.

§ 38-234. Definitions.
(a) For the purposes of this subchapter, the term "weapon" means a firearm and includes:

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

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

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

(1) An antique firearm;

REGULATIONS

5-B2502. Grounds for disciplinary action.
5. Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

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

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

(b) Disciplinary responses for Tier V behaviors include:

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

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

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

5-E2404. Search procedures.
1. Individualized searches shall be undertaken if there exists reasonable suspicion that there has been a violation of the student discipline rules (chapter 25 of this title) or the criminal laws of the District of Columbia or the federal government, or, if such a search is part of the overall effort to maintain the security and safety of D.C. Public Schools, in accordance with the provisions this chapter.

2. Reasonable suspicion shall be premised upon any one or more of the following circumstances:
(e) Observation of furtive or evasive behavior to suggest either concealment of a weapon, contraband, or stolen property or perpetration of an offense violative of school regulations or laws.

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

Other weapons

LAWS

§ 38-231. Expulsion of students who bring weapons into public schools.
Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. 1400 et seq.), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than one year.

§ 38-232. Reference to criminal justice or juvenile delinquency system.

§ 38-234. Definitions.
(a) For the purposes of this subchapter, the term "weapon" means a firearm and includes:

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

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

(3) Any firearm muffler or firearm silencer; or

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

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

   (B) Bomb;

   (C) Grenade;

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

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

   (F) Mine; or

   (G) Any similar device.

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

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

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

(1) An antique firearm;
(2) Any device which is neither designed nor redesigned for use as a weapon; or
(3) Any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

REGULATIONS

5-B2502. Grounds for disciplinary action.

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

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

   (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;
   (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;

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

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

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

   (b) Disciplinary responses for Tier V behaviors include:

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

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

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

5-E2404. Search procedures.
1. Individualized searches shall be undertaken if there exists reasonable suspicion that there has been a violation of the student discipline rules (chapter 25 of this title) or the criminal laws of the District of Columbia or the federal government, or, if such a search is part of the overall effort to maintain the security and safety of D.C. Public Schools, in accordance with the provisions this chapter.
2. Reasonable suspicion shall be premised upon any one or more of the following circumstances:
   (e) Observation of furtive or evasive behavior to suggest either concealment of a weapon, contraband, or stolen property or perpetration of an offense violative of school regulations or laws.

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

Students with chronic disciplinary issues

LAWS
No relevant laws found.

REGULATIONS

5-A2103. Absentee intervention and school-bases student support teams.
2. Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:
   (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
      (4) A student who accumulates ten (10) unexcused absences at any time during a school year shall be considered to be chronically truant. The school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student’s needs on an emergency basis;

5-A2199. Definitions.
“Chronic Absenteeism” The incidence of a student missing more than 10% of school days, including excused and unexcused absences.
“Chronically Truant” A school aged child who is absent from school without a legitimate excuse for ten (10) or more days within a single school year.

5-B2502. Grounds for disciplinary action.
2. Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.
   (a) The following behaviors shall be considered Tier II behaviors:
      (13) Documented Pattern of Persistent Tier I Behavior.
3. Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

   (a) The following behaviors shall be considered Tier III behaviors:
      (28) Documented Pattern of Persistent Tier II Behavior.

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

   (a) The following behaviors shall be considered Tier IV behaviors:
      (16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).

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

   (a) The following behaviors shall be considered Tier V behaviors:
      (24) Documented Pattern of Persistent Tier IV Behavior.

**Attendance and truancy**

**LAWS**

§ 38-201. Definitions.

For the purposes of this subchapter, the term:

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

(2) "District" means the District of Columbia.
   (2A) "Educational institution" means a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor.
   (2B) "Full school day" means the entirety of the instructional hours regularly provided on a single school day.

(3) "Minor" means a person who has not reached 18 years of age, pursuant to § 46-101.
   (3A) "Parent" means a parent, guardian, or other person who resides in the District and who has custody or control of a minor 5 years of age or older.
   (3B) "School-based student support team" means a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student's success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.

(4) "School year" means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June.

§ 38-202. Establishment of school attendance requirements.

(a) Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in
regular attendance in an educational institution during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years. For the purpose of this section placement in summer school is not required.

(b) Any minor who has satisfactorily completed the senior high school course of study prescribed by the Board and has been granted a diploma that certifies his or her graduation from high school, or who holds a diploma or certificate of graduation from another course of study determined by the Board to be at least equivalent to that required by the Board for graduation from the public senior high schools, shall be excused from further attendance at school.

(c) Any minor who has reached the age of 17 years may be allowed flexible school hours by the head of the educational institution in which the minor is enrolled provided he or she is actually, lawfully, gainfully, and regularly employed, but in no case shall he or she be excused entirely from regular attendance or excused to the extent that his or her timely graduation would be jeopardized or prevented.

(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the selection and appointment of appropriate staff members to carry out the provisions of this chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

§ 38-203. Enforcement; penalties.

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each educational institution. These records shall be open for inspection at all times by the Board, the State Superintendent of Education, school attendance officers, or other persons authorized to enforce this subchapter.

(b) Repealed.

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

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

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

(e) Any person convicted of failure to keep a minor in regular attendance in a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than $100 or imprisoned for not more than 5 days, or both for each offense.

(f) Each unlawful absence of a minor for 2 full-day sessions or for 4 half-day sessions during a school month shall constitute a separate offense.

(f-1) Repealed.

(f-2) Repealed.

(g) For the 1st offense, upon payment of costs, the sentence may be suspended, and the defendant may be placed on probation.

(h) For any person convicted under this section, the courts shall consider requiring the offender to perform community service as an alternative to fine or imprisonment or both.
(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Office of the State Superintendent of Education, and make publicly available the following data for each school or campus under its authority based on the preceding school year:

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

   (i) One to 5 days;
   (ii) Six to 10 days;
   (iii) Eleven to 20 days; and
   (iv) Twenty-one or more days;

(A-i) The work of the school-based student support teams in reducing unexcused absences, including:

   (i) The number of students who were referred to a school-based student support team;
   (ii) The number of students who met with a school-based student support team;
   (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
   (iv) A summary of the services utilized by students to reduce unexcused absences;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Repealed.

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

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

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

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

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

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

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

§ 38-209. Reporting requirements.

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

(1) Referrals it received from each educational institution;

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

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

(4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.
§ 38-241. Truancy and dropout prevention program.
(a) Subject to the availability of appropriations, the District of Columbia Board of Education, or its successor, and the District of Columbia Public Schools shall offer a Truancy and Dropout Prevention Program for students who are enrolled in the District of Columbia Public Schools system. The programs should be implemented on a full-time basis, work with local schools and parents, and provide resources that will help reduce absences and unexcused absences, and reduce dropout and increase retention rates.
(b) The program shall develop a supportive relationship with the Metropolitan Police Department.
(c) The program shall be available for students who are enrolled in grades K-12 and for students who are enrolled in ungraded classes in elementary, middle or junior high, and high schools.
(d) Notwithstanding any other law, nothing in this section shall be construed to create an entitlement to a truancy or dropout prevention program for any student.

§ 38-2602. Responsibilities.
(a) Within one year of the Officer’s appointment, but not later than October 2001, and except as provided in § 38-2604, the OSSE shall assume the responsibilities listed in subsection (b) of this section. The transfer and assumption of responsibilities shall take place in accordance with the short-term plan to be submitted by the Officer to the Mayor for approval by February 15, 2001, or 5 weeks from the establishment of the OSSE, whichever is later.
(b) The OSSE shall:
19) By August 1, 2013, create a truancy prevention resource guide for parents and legal guardians who have children who attend a District public school, which shall be updated and made available upon request and, at minimum, include:
   (A) An explanation of the District’s laws and regulations related to absenteeism and truancy;
   (B) Information on:
      (i) What a parent or legal guardian can do to prevent truancy;
      (ii) The common causes of truancy; and
      (iii) Common consequences of truancy;
   (C) A comprehensive list of resources that are available to a parent or legal guardian, and the student, that address the common causes of truancy and the prevention of it, such as:
      (i) Hotlines that provide assistance to parents, legal guardians, and youth;
      (ii) Counseling for the parent (or legal guardian) or the youth, or both;
      (iii) Parenting classes;
      (iv) Parent-support groups;
      (v) Family psycho-education programs;
      (vi) Parent-resource libraries;
      (vii) Risk prevention education;
      (viii) Neighborhood family support organizations and collaboratives that provide assistance to families experiencing hardship;
      (ix) Behavioral health resources and programs in schools;
      (x) The Behavioral Health Ombudsman Program; and
      (xi) The resources at each public school for at-risk students and their parents or legal guardians;
REGULATIONS

5-A2100. General provisions.

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

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

5-A2101. Attendance records and reporting.

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

2. Records shall be maintained as follows:

   (a) The requirement to maintain an attendance record for a student who has completed the enrollment process for an educational institution shall begin on the educational institution's first (1st) official school day and continue throughout the school year, unless the student officially withdraws from the educational institution; fails to attend at least one (1) day of school in the first three (3) weeks of school without notification for such absence; or transfers to another educational institution; and

   (b) Expulsion or suspension of a student during the school year does not relieve the educational institution of the duty to record and report the student's daily attendance for the school year in which the expulsion or suspension occurred until such time as the student officially withdraws from or enrolls in another educational institution; or such time as the educational institution that, despite best efforts, it is unable to contact the parent or guardian.

3. The attendance record for each student shall contain the following:

   (a) Dates of enrollment;

   (b) Daily legible or machine-readable records of daily attendance, noting the student as present or absent for a full or partial school day;

   (c) Determination of the nature of each absence as excused, unexcused; suspension-related; or expulsion-related;

   (d) Dates of withdrawal from the educational institution or confirmed transfer to another educational institution, including the name and location of the educational institution to which the student transferred and follow up notation(s) to confirm the child’s new placement;

   (e) Dates of each referral to the school-based student support team, the Child and Family Services Agency (“CFSA”), the Court Social Services Division of the Superior Court of the District of Columbia (“Court Social Services”); or the Office of the Attorney General Juvenile Section (“OAG-Juvenile Section”) related to absenteeism or truancy;

   (f) Dates of marking periods;

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

   (h) Daily late arrival time, beginning with school year 2015 or at such time that the school is capable of implementing this subsection, whichever is earlier;

   (i) Dates and times of early dismissals from the school day, as authorized by the educational institution, beginning with school year 2015 or at such time that the school is capable of implementing this subsection, whichever is earlier;
(j) Dates and brief description of communications with student, parent(s) or guardian(s) with regard to
school attendance and absences, including the record of or a cross-reference to the record
documenting:

(1) Contact with parents, guardians, or other primary caregivers; and

(2) Interventions, services, and service referrals related to absences other than those listed in
subparagraph (d);

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

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

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

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

(a) Ensure timely submission of attendance in conformance with this chapter; and

(b) Submit corrected attendance records via an automated, electronic feed, or such other format.; and
provide any corrections to attendance records within fifteen (15) business days of submission; and

(c) Timely respond to requests for clarification of submitted attendance records.

5. The name and contact information of the designated attendance monitor shall be reported by the
educational institution prior to the first (1st) official school day of each school year.

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

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

(a) Truancy rates for each educational institution;

(b) Progress in improving attendance and reducing truancy for each educational institution; and

(c) Each educational institution’s compliance with key attendance and truancy requirements.

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

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

(a) [REPEALED];

(b) Send the student’s parent a letter, under signature of the Chief of the Metropolitan Police
   Department, notifying the parent that he or she may be in violation of the school attendance
   requirements and subject to prosecution under District of Columbia laws; and

(c) Notify OSSE of the student’s ten (10) days of the unexcused absence.

10. Upon notification from the educational institution under § 2101.9, OSSE shall provide the parent with
a copy of the Truancy Prevention Resource Guide published by OSSE.

5-A2102. Absences.

1. Any absence, including an absence from any portion of the instructional day, without a valid excuse
shall be presumed to be an unexcused absence.
2. An educational institution shall define categories of valid excuses for an absence, which shall include the following categories:

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

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

4. An educational institution shall obtain an explanation from the student’s parent or guardian verifying the reason for an absence within no more than five (5) days upon the student’s return to school, otherwise the absence shall be deemed unexcused.

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

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

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

(a) A description of valid excused absences consistent with this chapter;
(b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services; and
(c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:

(1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;
(2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic
absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;

(3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within five (5) school days of the referral and regularly thereafter to:

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

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

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

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

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

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

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

d. Selection of additional members of a team should be guided by the needs of the particular student, which may include the following:

   1. IDEA/Section 504 coordinator and/or special education personnel;
   2. Early learning/Head Start teacher;
   3. Bilingual or English as a second language teacher;
   4. Representatives of CFSA and/or Department of Youth Rehabilitation Services (DYRS);
   5. McKinney-Vento homeless liaison; and/or

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

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

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

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

5-A2199. Definitions.

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

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

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

“Attendance monitor” The person(s) designated by the principal or chief school administrator of an educational institution to be responsible for collecting, maintaining, and reporting attendance records that are required pursuant to District of Columbia compulsory education and school attendance laws, regulations, and OSSE policies for each student enrolled in the educational institution.
“Chronic Absenteeism” The incidence of a student missing more than 10% of school days, including excused and unexcused absences.

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

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

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

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

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

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

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


“Full school day” The entirety of the instructional hours regularly provided on a single school day.

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

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

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

“OSSE” The Office of the State Superintendent of Education.

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

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

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

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


“STEM” Educational instruction in science, technology, engineering, and mathematics.

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

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

5-B2502. Grounds for disciplinary action.

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

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

      (5) Unexcused lateness for school or class;

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

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

      (6) Unexcused absence from class;

      (7) Unauthorized presence in hallway during class time;

      (8) Unexcused absence from school;

5-B2504. Policy for suspensions and expulsions.

8. In accordance with the An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-201 et seq.), all children of compulsory school age are required to attend school or receive an equivalent education approved by the Office of the State Superintendent of Education. Notwithstanding the parent’s responsibility to ensure that the child attends a school, a student may be
subject to Suspension or Expulsion from DCPS pursuant to this chapter. 5-E2402. Code of student responsibilities and conduct.

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

Substance use

LAWS

§ 38-651.10. Misuse.
(a) A school may deny a medication action plan pursuant to terms established by the Mayor.
(b) A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

§ 38-826.05. Tobacco-free school campuses.
(a) Tobacco and tobacco products are prohibited in public school and public charter school buildings, grounds, parking lots, parking garages, playing fields, school buses and other vehicles, and at off-campus, school-sponsored events.
(b) For a public charter school located in a mixed-use facility, the requirements of subsection (a) of this section shall apply only to the buildings, grounds, parking lots, garages, and fields under the control of the public charter school.

REGULATIONS

5-B2502. Grounds for disciplinary action.
5. Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.
(a) The following behaviors shall be considered Tier V behaviors:
   (3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;
   (4) The Possession or Distribution of alcohol;
   (5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)
(b) Disciplinary responses for Tier V behaviors include:
   (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and
   (2) Expulsion.
5-E2402. Code of student responsibilities and conduct.

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

Bullying, harassment, or hazing

LAWS

§ 2-1535.01. Definitions.

For the purposes of this subchapter, the term:

1. "Agency" means a District government entity that provides services, activities, or privileges to youth, including the:
   - Office of the State Superintendent of Education;
   - Department of Parks and Recreation;
   - District of Columbia Public Library; and
   - University of the District of Columbia.

2. (A) "Bullying" means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:
   - May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
   - Can be reasonably predicted to:
     - Place the youth in reasonable fear of physical harm to his or her person or property;
     - Cause a substantial detrimental effect on the youth's physical or mental health;
     - Substantially interfere with the youth's academic performance or attendance; or
     - Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

3. (B) For the purposes of this paragraph, the terms "familial status," "family responsibilities," "gender identity or expression," "genetic information," "intrafamily offense," "marital status," "matriculation," "personal appearance," "political affiliation," "sexual orientation," and "source of income" shall have the same meaning as provided in § 2-1401.02.

4. "Educational institution" means any local education agency that receives funds from the District of Columbia.

5. "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, tablet, pager, or video or audio recording.

6. "Employee" means an individual who performs a function for the District government for an agency, educational institution, or grantee who receives compensation for the performance of that function.
(6) "Grantee" means an entity or a contractor of an entity that, on behalf of the District government or through District funding, provides services, activities, or privileges to youth.

(7) "Human Rights Act" means Unit A of Chapter 14 [§ 2-1401.01 et seq.].

(8) "Party" means a person accused of bullying, a target of bullying, or a parent or guardian of either a person accused of bullying or a target of bullying.

(9) "Youth," depending on the context, means:
   (A) An individual of 21 years of age or less who is enrolled in an educational institution or who accesses the services or programs provided by an agency or grantee, or an individual of 22 years of age or less who is receiving special education services from an educational institution; or
   (B) Individuals as described in subparagraph (A) of this paragraph considered as a group.

§ 2-1535.02. Bullying prevention task force.

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

(b) (1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this subchapter, as well as community representatives, including:
   (A) Teachers;
   (B) Administrators from educational institutions and agencies;
   (C) School mental health professionals;
   (D) Parents, and legal guardians;
   (E) Youth;
   (F) Direct service providers; and
   (G) Advocates.

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

(c) The task force shall:
   (1) Provide guidance to the Mayor on the implementation of this subchapter;
   (2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);
   (3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;
   (4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;
   (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
   (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
   (5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;
   (5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and
   (6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.
(d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

§ 2-1535.03. Bullying prevention policy.

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

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

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

1. The definition of bullying set forth in § 2-1535.01(2);
2. A statement prohibiting bullying;
3. A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;
4. The expected code of conduct;
5. A list of the consequences that can result from an identified incident of bullying, which are designed to;
   (A) Appropriately correct the bullying behavior;
   (B) Prevent another occurrence of bullying or retaliation;
   (C) Protect the target of the bullying;
   (D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:
      (i) Nature of the incident;
      (ii) Developmental age of the person bullying; and
      (iii) Any history of problem behavior from the person bullying;
6. A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;
7. A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;
8. An appeal process, in accordance with § 2-1535.04, for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation; and
9. A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.

(c) Within 365 days of September 14, 2012, each agency, educational institution, and grantee shall submit a copy of its adopted policy to the task force, pursuant to § 2-1535.02(c)(5).
(d) The requirements of this subchapter and any policy adopted pursuant to this subchapter shall be deemed to constitute health and safety requirements for educational institutions.

(e) Information on the bullying prevention policy shall be incorporated into new employee training.

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

(1) Discussing its bullying policy with youth; and

(2) Publicizing that the policy applies to participation in functions sponsored by an agency, educational institution, or grantee.

§ 2-1535.04. Secondary investigation appeal.

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

(2) The secondary investigation shall be completed within 30 days of receipt of the appeal, unless:

(A) Circumstances require additional time to complete a thorough investigation;

(B) The higher-level authority sets forth those circumstances in writing; and

(C) The additional time does not exceed 15 days.

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

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

§ 2-1535.05. Retaliation.

(a) An employee, volunteer, or youth shall not retaliate against a victim or witness of bullying or a person who reports bullying.

(b) An employee or volunteer who has witnessed bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), or has reliable information that a person has been subject to bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), shall report the incident or information to the person designated by the agency, educational institution, or grantee, in accordance with § 2-1535.03(b)(7), as responsible for investigating the reports.

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

§ 2-1535.06. Bullying prevention programs.

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

(1) Establish an annual bullying prevention program for youth, which for each educational institution should align with established health-education standards;

(2) Inform youth about their right to be free from discrimination in public accommodations and education, and of the redress available for a violation of their rights under the Human Rights Act; and

(3) Provide training on bullying prevention to all employees and volunteers who have significant contact with youth.
§ 2-1535.07. Reporting requirement.
(a) Each educational institution shall provide to the Mayor, by a date determined by the Mayor, an annual report regarding the aggregate incidents of bullying, and any other information that the Mayor determines is necessary or appropriate.
(b) By September 1, 2014, and biennially thereafter, the Mayor shall:
   (1) Review the programs, activities, services, and policies established pursuant to this subchapter of each agency, educational institution, or grantee to determine their effectiveness and whether the agency, educational institution, or grantee is in compliance with this subchapter; and
   (2) Report the findings to the Council by December 31 of each year that a report is due, along with an assessment of the current level and nature of bullying in agencies, educational institutions, and grantees and recommendations for appropriate actions to address identified problems.

§ 2-1535.08. Availability of other remedies.
This subchapter does not create a new private right of action or provide a statutory basis for a claim for damages against the District of Columbia or its employees.

§ 2-1535.09. Rules.
The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to implement the provisions of this subchapter.

REGULATIONS

4-1502. Adoption of a bullying prevention policy.
1502.1 Bullying means any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal that:
   (a) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and
   (b) Can reasonably be predicted to:
      (1) Place the youth in reasonable fear of physical harm to his or her person or property;
      (2) Cause a substantial detrimental effect on the youth's physical or mental health;
      (3) Substantially interfere with the youth's academic performance or attendance; or
      (4) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.

1502.2
   (a) If a covered entity wishes to update its bullying prevention policy, it shall do so before the beginning of a school year, and provide a copy of the updated policy to OHR by August 15.
   (b) Each covered entity shall review its list of Point of Contacts annually and provide an updated list of Point of Contacts to OHR by August 15 of each year.
   (c) Newly authorized charter schools or newly established youth organizations that receive funding from the District must adopt a bullying prevention policy (including a Point of Contact) within three months of their opening and provide the policy to the BPP Director.
1502.3 A covered entity’s bullying prevention policy shall at a minimum include the following elements:

(a) The legal definition of bullying set forth above;
(b) A statement prohibiting bullying, including cyberbullying;
(c) A statement prohibiting retaliation against a victim or witness of bullying, or a person who reports bullying;
(d) A statement that the policy applies at all of the locations listed in § 1501;
(e) A code of conduct;
(f) A list of consequences that can result from an identified incident of bullying that are designed to:
   (1) Appropriately correct the behavior deemed to be bullying;
   (2) Prevent future occurrences of bullying or retaliation;
   (3) Ensure the safety and well-being of the person who has reportedly experienced or is reportedly at risk for future acts of bullying or retaliation; and
   (4) Be flexible in application, appropriate to the individual incident, and varied in method and severity based on the:
      (A) Nature of the incident;
      (B) Developmental age of the person exhibiting bullying behaviors; and
      (C) Any history of problem behavior of all students involved in the incident(s) and where available, history of behavioral concerns documented in an Individualized Education Program (IEP) or 504 plan as a result of a disability under the Individuals with Disabilities Education Act (IDEA), approved Dec. 3, 2004 (118 Stat. 2647; 20 U.S.C. §§ 1400 et seq.) or Section 504 of the 1973 Rehabilitation Act, approved Sept. 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).
   (g) A mechanism and procedures for staff, students, parents/guardians, and others to report bullying, retaliation for reporting bullying, or other violations of the bullying prevention policy that permits anonymous reporting, provided however, that no formal response shall be taken solely on the basis of anonymous reporting;
   (h) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for the person(s) responsible for investigating bullying and retaliation;
   (i) A secondary investigation appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505; and
   (j) A statement that retaliation against any person for reporting an incident of bullying is prohibited and a description of the possible consequences for a person who engages in retaliatory behavior.

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

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

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

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

4-1507. Dissemination of bullying prevention policy.

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

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

4-1508. Annual review and updating of bullying prevention policy.

1508.1 Each covered entity shall submit an update confirming the identity of its Point of Contact and any substantial revisions in its bullying prevention policy, to the BPP Director by August 15 of each year.
1508.2 The BPP Director will review any new policies or policies with substantial edits within thirty (30) days and provide feedback to ensure full compliance including any recommendations for improvement of the policy.

4-1510. Training requirements.

1510.1 Except as provided in § 1510.2, each covered entity shall provide bullying prevention training to all of its employees on an annual basis using the following:

(a) OHR training material for a three (3) hour session provided by the BPP Director; or
(b) Alternative training that is comparable in scope and content.
1510.2 Each covered entity need only provide a thirty (30) minute general bullying prevention training to employees with no direct contact with youth. This training shall cover the general procedures for responding to a report of bullying and contact information for the designated Point of Contact, or similar personnel. Upon request, OHR will provide content guidance for such training.
1510.3 Each covered entity shall incorporate information on its bullying prevention policy into new employee training.
1510.4 Each covered entity shall provide written documentation of the training provided, to the BPP Director, including the date, time and summary of the content of annual training, along with the names and biographical information of the trainer by August 15 of each year.

5-B2502. Grounds for disciplinary action.

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

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

(20) Hazing;
(21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;
4. Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

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

(5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;

Other special infractions or conditions

LAWS

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

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

(2) The plan shall include a description of:

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

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

REGULATIONS

5-B2408. Review by the chancellor.

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

5-B2502. Grounds for disciplinary action.

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

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

(1) Refusal to present school-issued identification upon request;

(2) Attending class without required class materials or assigned work;

(3) Off-task behaviors that demonstrate disengagement from classroom learning;

(4) Behaviors that disrupt or interfere with classroom teaching and learning;

(5) Unexcused lateness for school or class;

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

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

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

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

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

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

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

1. Verbal redirection or reprimand;
2. Teacher/student or administrator/student conference;
3. Parental contact in writing or by phone;
(4) Administrator/parent conference;
(5) Temporary Removal of Student from Classroom;
(6) In-School Disciplinary Action;
(7) Behavior contract;
(8) Other school-based consequences as approved by a person designated by the Chancellor; and
(9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section B2408.16 of this title.

5-E2402. Code of student responsibilities and conduct.
1. Each student shall be responsible for providing a positive and healthy environment for others by maintaining order and self-discipline, and by having consideration for the rights and property of others.
2. Each student shall bear the responsibility for his or her own conduct.
3. Each student shall be responsible for neatness and cleanliness of personal attire and hygiene.
4. A student shall respect other students, teachers, administrators and other school personnel, and visitors as human beings and as fellow citizens of the school community.
5. A student shall respect the personal property of others and refrain from causing intentional damage or unnecessary wear and tear to books, facilities, school materials, school buildings and furnishings, and the personal property of others.
6. A student shall refrain from fighting, creating disturbances, denying others the use of school facilities or buildings, using or carrying any weapon on school grounds, intentionally injuring another person, or acting in a manner that would expose others to risk or danger of harm or injury.
7. A student shall not use threats or intimidation against any other person.
8. A student shall respect the health and safety of others and shall refrain from using tobacco; or using, possessing, transmitting, or being under the influence of any alcoholic beverage, narcotic substance, or illegal or prohibited drug or substance; or by engaging in gambling, extortion, theft, assault, excessive noise, or any other unlawful activity.
9. A student shall respect the educational process and learning environment of others by refraining from intentional or habitual tardiness, unexcused absences, or other activities that diminish the rights of others and the opportunity for other students to receive an education and obtain the maximum benefit from a public education.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 2-1535.02. Bullying prevention task force.
(a) Within 90 days of September 14, 2012, the Mayor shall establish a bullying prevention task force.
(b)(1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this subchapter, as well as community representatives, including:
   (A) Teachers;
   (B) Administrators from educational institutions and agencies;
   (C) School mental health professionals;
   (D) Parents, and legal guardians;
   (E) Youth;
   (F) Direct service providers; and
   (G) Advocates.
(2) In constituting this task force, the Mayor shall consider geographic and socioeconomic diversity as well as other forms of diversity.
(c) The task force shall:
   (1) Provide guidance to the Mayor on the implementation of this subchapter;
   (2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);
   (3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;
   (4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;
   (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
   (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
   (5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;
   (5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and
   (6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.
(d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.
§ 2-1535.03. Bullying prevention policy.
(a) Within 365 days of September 14, 2012, in coordination with the task force established pursuant to § 2-1535.02, each agency, educational institution, and grantee shall adopt a bullying prevention policy to be enforced:

(1) On its property, including electronic communication on, or with, its property;

(2) At sponsored functions;

(3) On its transportation, or transportation sponsored by it; and

(4) Through electronic communication to the extent that it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, education institution, or grantee.

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

(1) The definition of bullying set forth in § 2-1535.01(2);

(2) A statement prohibiting bullying;

(3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;

(4) The expected code of conduct;

(5) A list of the consequences that can result from an identified incident of bullying, which are designed to:

   (A) Appropriately correct the bullying behavior;

   (B) Prevent another occurrence of bullying or retaliation;

   (C) Protect the target of the bullying;

   (D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:

      (i) Nature of the incident;

      (ii) Developmental age of the person bullying; and

      (iii) Any history of problem behavior from the person bullying;

(6) A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;

(7) A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;

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

(9) A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.

(c) Within 365 days of September 14, 2012, each agency, educational institution, and grantee shall submit a copy of its adopted policy to the task force, pursuant to § 2-1535.02(c)(5).

(d) The requirements of this subchapter and any policy adopted pursuant to this subchapter shall be deemed to constitute health and safety requirements for educational institutions.

(e) Information on the bullying prevention policy shall be incorporated into new employee training.
(f) Each agency, educational institution, and grantee shall develop a plan for how the policy is to be publicized, including the plan for:

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

§ 2-1535.06. Bullying prevention programs.
Following the adoption of a bullying prevention policy, as required by § 2-1535.03, each agency, educational institution, and grantee may:

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

REGULATIONS

5-B2500. General policy.
4. Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion.

Behavioral interventions and student support services

LAWS

§ 2-1535.02. Bullying prevention task force.
(c) The task force shall:

(5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.
(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

(1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;
(2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:

(A) Trauma and chronic stress, their effects on students and learning, and effective responses;
(B) Classroom management, positive behavioral interventions, and fostering positive school climate;
(C) Disciplinary approaches that utilize instruction and correction;
(D) Restorative practices and other evidence-based or promising behavioral interventions;
(E) Implementation of high-quality functional behavior assessments, behavioral intervention plans, and manifestation determination reviews, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.); and
(F) Implicit bias and culturally responsive corrective action techniques;

(3) Opportunities for local education agencies and schools to share promising practices regarding the topics in paragraph (2) of this subsection; and

(4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.

(b) The OSSE shall collaborate with other government agencies, local education agencies and schools, and postsecondary educational institutions to facilitate the provision of postsecondary degree or certificate programs covering the topics described in subsection (a)(2) of this section, including the identification or creation of a trauma-informed educator certificate program.

(c) For the purpose of providing local education agencies and schools the services set forth in subsection (a) of this section, the OSSE may:

(1) Award a contract or grant to one or more nonprofit organizations;

(2) Award contracts or competitive or formula grants to local education agencies, schools, or partnerships developed among schools or with nonprofit organizations;

(3) Establish a memorandum of understanding with the Department of Behavioral Health or other District agency; or

(4) Any combination of paragraphs (1) through (3) of this subsection.

(c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.

§ 38-241. Truancy and dropout prevention program.

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

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

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

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

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

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

2. Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:
   (a) A description of valid excused absences consistent with this chapter;
   (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services; and
   (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
      (1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;
      (2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;
      (3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within five (5) school days of the referral and regularly thereafter to:
         (A) Review and address the student’s attendance and determine the underlying cause(s) for the student’s unexcused absences;
         (B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parents or guardian;
         (C) Communicate and collaborate with the student’s existing Individualized Education Program (IEP) team, as applicable;
         (C) Provide timely response to the student’s truant behavior;
         (D) Make recommendations for academic, diagnostic, or social work services;
         (E) Use school and community resources to abate the student’s truancy including referral to a community-based organization when available; and
         (F) Develop and implement an action plan in consultation with the student and student’s parents or guardian;
      (4) A student who accumulates ten (10) unexcused absences at any time during a school year shall be considered to be chronically truant. The school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student’s needs on an emergency basis;
(5) A process including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the educational institution; and

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

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

4. A school-based student support team shall be guided by the following principles:
   (a) Prior to performing school-based student support team functions, appointed team members shall be provided training on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy;
   (b) A school-based student support team shall include the educational institution’s designated attendance monitor;
   (c) Core school-based student support team membership should typically include a:
      (1) General education teacher;
      (2) School nurse, psychologist, counselor, and/or social worker, if applicable; and
      (3) School administrator with decision-making authority.
   (d) Selection of additional members of a team should be guided by the needs of the particular student, which may include the following:
      (1) IDEA/Section 504 coordinator and/or special education personnel;
      (2) Early learning/Head Start teacher;
      (3) Bilingual or English as a second language teacher;
      (4) Representatives of CFSA and/or Department of Youth Rehabilitation Services (DYRS);
      (5) McKinney-Vento homeless liaison; and/or
      (6) Guardian ad litem.

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

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

5-B2500. General policy.
5. DCPS shall involve family members in efforts to determine the causes of misbehavior and in efforts to support appropriate school behavior.
6. Options for prevention, intervention, and remediation shall include, but not be limited to:
   (a) Anger management;
   (b) Attendance intervention plans;
   (c) Behavior intervention plan;
   (d) Behavior log/behavior progress report;
   (e) Behavior redirection;
   (f) Community conference;
   (g) Community service;
   (h) Conflict resolution;
   (i) Crime awareness/prevention programs;
   (j) Diverse instructional strategies;
   (k) In-school program restructuring (schedule change);
   (l) Individual or group counseling;
   (m) Intervention by guidance counselor or mental health professional;
   (n) Mediation, including teacher/student mediation and multi-party dispute resolution;
   (o) Mentoring;
   (p) Parent conference;
   (q) Parent observation of student;
   (r) Positive feedback for appropriate behavior;
   (s) Positive behavior supports
   (t) Problem solving conferences;
   (u) Referral to community based organizations;
   (v) Referral to substance abuse counseling service;
   (w) Rehabilitative programs;
   (x) Restitution;
   (y) Restorative justice strategies;
   (z) Social skills instruction;
   (aa) Student support team meeting; and
   (bb) Other appropriate intervention strategies.
5-B2502. Grounds for disciplinary action.

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

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

   (9) On-site Short-Term Suspension with provision of appropriate intervention services;

Professional development

LAWS

§ 2-1535.03. Bullying prevention policy.

(e) Information on the bullying prevention policy shall be incorporated into new employee training.

§ 2-1535.06. Bullying prevention programs.

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

   (3) Provide training on bullying prevention to all employees and volunteers who have significant contact with youth.

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

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

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

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

      (A) Trauma and chronic stress, their effects on students and learning, and effective responses;

      (B) Classroom management, positive behavioral interventions, and fostering positive school climate;

      (C) Disciplinary approaches that utilize instruction and correction;

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

      (E) Implementation of high-quality functional behavior assessments, behavioral intervention plans, and manifestation determination reviews, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.); and

      (F) Implicit bias and culturally responsive corrective action techniques;

   (3) Opportunities for local education agencies and schools to share promising practices regarding the topics in paragraph (2) of this subsection; and

   (4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.
REGULATIONS

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

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

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

Formal incident reporting of conduct violations

LAWS

§ 2-1535.03. Bullying prevention policy.
(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:
(6) A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;
(7) A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;
(8) An appeal process, in accordance with § 2-1535.04, for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation; and
(9) A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.

§ 2-1535.05. Retaliation.
(a) An employee, volunteer, or youth shall not retaliate against a victim or witness of bullying or a person who reports bullying.
(b) An employee or volunteer who has witnessed bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), or has reliable information that a person has been subject to bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), shall report the incident or information to the person designated by the agency, educational institution, or grantee, in accordance with § 2-1535.03(b)(7), as responsible for investigating the reports.

REGULATIONS

5-A2103. Absentee intervention and school-bases student support teams.
2. Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:
(c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
(1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;
(2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;
(3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within five (5) school days of the referral and regularly thereafter to:

(A) Review and address the student’s attendance and determine the underlying cause(s) for the student’s unexcused absences;

(B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parents or guardian;

(C) Communicate and collaborate with the student’s existing Individualized Education Program (IEP) team, as applicable;

(D) Provide timely response to the student’s truant behavior;

(E) Use school and community resources to abate the student’s truancy including referral to a community-based organization when available; and

(F) Develop and implement an action plan in consultation with the student and student’s parents or guardian;

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

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

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

5-B2503. Policy for disciplinary actions.

2. Principals shall ensure that accurate, appropriate documentation is maintained of all disciplinary actions.

Parental notification

LAWS

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

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

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

(2) A letter notifying the parent that he or she may be in violation of the school attendance requirements under this chapter and may be subject to prosecution.
§ 38-236.03. Establishment of school discipline policies.
(a) Local education agencies shall foster positive school climates that engage all students in learning.
(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:
   (5) Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;

REGULATIONS

5-A2101. Attendance records and reporting.
9. Within two (2) business days after each occurrence of a student’s tenth (10th) unexcused absence during a school year, the educational institution shall:
   (b) Send the student’s parent a letter, under signature of the Chief of the Metropolitan Police Department, notifying the parent that he or she may be in violation of the school attendance requirements and subject to prosecution under District of Columbia laws; and
   (c) Notify OSSE of the student’s ten (10) days of the unexcused absence.
10. Upon notification from the educational institution under § 2101.9, OSSE shall provide the parent with a copy of the Truancy Prevention Resource Guide published by OSSE.

5-A2102. Absences.
4. An educational institution shall obtain an explanation from the student’s parent or guardian verifying the reason for an absence within no more than five (5) days upon the student’s return to school, otherwise the absence shall be deemed unexcused.

5-A2103. Absentee intervention and school-based student support teams.
2. Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:
   (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
      (B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parents or guardian;

5-B2408. Dress codes/uniforms.
13. (a) Parents shall be called when a student reports to school out of uniform. The parent shall be asked to bring compliant clothing for the student to school.
   (b) If the parents are not reachable or are unable to respond within two hours of the start of the school day, the student may be issued a conforming uniform from the school’s uniform bank with directions to return it clean the next school day.

5-B2500. General policy.
18. All written documents concerning the disciplinary process shall be considered vital documents and provided to any student, parent, or guardian in a format that he or she can understand. For individuals with Limited or No-English Proficiency, documents shall be provided in the individual’s native language. For individuals with vision impairments, reasonable accommodations shall be made to provide documents
5-B2502. Grounds for disciplinary action.

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

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

(3) Parental contact in writing or by phone;
(4) Teacher/parent conference;

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

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

(3) Parental contact in writing or by phone;
(4) Administrator/parent conference;

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

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

(3) Parental contact (written or by phone);
(4) Parent conference;

5-B2506. Procedures for disciplinary hearings.

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

(a) No student may be suspended or expelled, including on-site Suspension, without written notice to the adult student or minor student’s parent or guardian.

(b) Following the oral notice provided to parents or guardians pursuant to § B2504.13 verifiable written notice using contact information provided by the parent or guardian (e.g. email, certified mail, or hand-delivered mail with a signature receipt) of all authorized or proposed Suspensions and Expulsions must be sent to the parent or guardian or to the adult student no later than one (1) school day after the decision by the principal or a person designated by the Chancellor to authorize or propose Suspension or Expulsion.

(c) The notice must inform the parent or guardian of the identity of the person who has the authority to modify or rescind the proposed Suspension or Expulsion. Adult students shall receive notification of their infraction in the same manner.

(d) The notice must also include a description of the infraction including a citation of the rule(s) upon which the action is based, a summary of the facts, the length of the proposed Suspension or Expulsion, the principal’s recommendation for an Education Plan or Alternative Educational Setting; and a description of the student’s right to appeal pursuant to § 2505.13 or to a hearing pursuant to § B2505.14.

(e) A student who has been given a notice of proposed Expulsion may be immediately placed on Suspension in accordance with the rules and procedures set forth in this section.
§ 22-4502.01. Gun free zones; enhanced penalty.
(a) All areas within, 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a gun free zone. For the purposes of this subsection, the term "appropriately identified" means that there is a sign that identifies the building or area as a gun free zone.
(b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that otherwise authorized to be imposed, or both.
(c) The provisions of this section shall not apply to a person legally licensed to carry a firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to members of the Army, Navy, Air Force, or Marine Corps of the United States; the National Guard or Organized Reserves when on duty; the Post Office Department or its employees when on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly-appointed law enforcement officers; officers or employees of the United States duly authorized to carry such weapons; banking institutions; public carriers who are engaged in the business of transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

§ 38-208. Truancy procedures; inter-agency coordination.
(a) Repealed.
(b) Within 2 business days of the 10th unexcused absence, the educational institution shall notify the Office of the State Superintendent of Education which shall provide the parent with the truancy prevention resource guide created pursuant to § 38-2602(b)(19); provided, that the parent has not received the truancy prevention resource guide before the 10th unexcused absence.
(c) In addition to the requirements set forth in subsection (b) of this section:
   (1)(A) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 5 years of age through 13 years of age to the Child and Family Services Agency pursuant to § 4-1321.02(a-1), no later than 2 business days after the accrual of 10 unexcused full school day absences within a school year.
   (B) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.
   (C) The educational institution shall have discretion with regard to the referral requirements set forth in subparagraphs (A) and (B) of this paragraph if a minor student accrues the 10th or 15th unexcused absence, respectively, within the final 10 school days of a school year.
   (2) Within 3 business days of the Office of the Attorney General, Juvenile Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office of the Attorney General shall
send the minor student’s parent a letter notifying the parent that he or she may be subject to prosecution for violation of the school attendance requirements under this subchapter.

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

§ 38-232. Reference to criminal justice or juvenile delinquency system.


REGULATIONS

5-E2404. Search procedures.

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

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

   (a) Observation of contraband or other prohibited property by school officials or conduct suggesting the presence of contraband or other prohibited property;

   (b) General, suspicious conduct, such as a student’s being in a restricted area without approval;

   (c) Observation of suspicious bulges in a student’s clothing or personal property;

   (d) A tip from an informant, either known to the school official to be reliable or, if anonymous, possessing some attribute, knowledge, or relationship to the school, student or community that gives credence to the information; or

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

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

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

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

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

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

8. Subsequent to any search being conducted, whether based on individualized suspicion or at random, the principal shall prepare a written report detailing the scope of the search and circumstances giving rise to the search. Copies of this report shall be filed with the appropriate assistant superintendent, the Division of Safety and Security, and the Legal Services Branch.
9. Magnetometers and other metal-detecting devices may be utilized by school officials at entrances to schools when deemed appropriate by the Superintendent of Schools to be necessary to deter weapons being brought onto school grounds; provided, that such devices are regularly checked and calibrated.

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

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

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

Disclosure of school records

LAWS

No relevant laws found.

REGULATIONS

5-B2503. Policy for disciplinary actions.

5. Records of all disciplinary actions taken shall be maintained for each student in a student discipline file that is separate from the student’s official record and cumulative file. Disciplinary records are primarily for the use of the school that the student attends. Disciplinary records shall be maintained by the school until the student is promoted to the next educational level, e.g., from Elementary to Secondary.

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

LAWS

§ 2-1535.07. Reporting requirement.

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

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

(1) Review the programs, activities, services, and policies established pursuant to this subchapter of each agency, educational institution, or grantee to determine their effectiveness and whether the agency, educational institution, or grantee is in compliance with this subchapter; and

(2) Report the findings to the Council by December 31 of each year that a report is due, along with an assessment of the current level and nature of bullying in agencies, educational institutions, and grantees and recommendations for appropriate actions to address identified problems.
§ 38-174. Chancellor; appointment; duties.

(c) The duties of the Chancellor shall include to:

(8) Exercise, to the extent that such authority is delegated by the Mayor:
   (A) Personnel authority; and
   (B) Procurement authority independent of the Office of Contracting and Procurement, consistent with Unit A of Chapter 3 of Title 2 [§ 2-301.01 et seq.];

(10) Create and operate a District-wide database that records the condition of all school facilities under the control of DCPS, which database shall be updated as necessary, but at least once per calendar year.

§ 38-203. Enforcement; penalties.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Office of the State Superintendent of Education, and make publicly available the following data for each school or campus under its authority based on the preceding school year:

   (A) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, who had unexcused absences for:
      (i) One to 5 days;
      (ii) Six to 10 days;
      (iii) Eleven to 20 days; and
      (iv) Twenty-one or more days;

   (B-i) The work of the school-based student support teams in reducing unexcused absences, including:
      (i) The number of students who were referred to a school-based student support team;
      (ii) The number of students who met with a school-based student support team;
      (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
      (iv) A summary of the services utilized by students to reduce unexcused absences;

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

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

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

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

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

(k) By November 30 of each year, the Office of the State Superintendent of Education shall publicly report on the state of absenteeism in the District based on data from the preceding school year, including an analysis of truancy and chronic absenteeism by school or campus and the impact of current laws on improving school attendance.
§ 38-209. Reporting requirements.
By July 15 of each year, beginning in 2014, the Office of the Attorney General shall submit to the Mayor and the Secretary to the Council a truancy status report on the preceding school year, which shall include the number of:

(1) Referrals it received from each educational institution;
(2) Cases it filed pursuant to this subchapter, and the outcome of each;
(3) Child-in-need of supervision cases filed pursuant to this subchapter, and the outcome of each; and
(4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.

§ 38-235. Suspension and expulsion report.
Within 180 calendar days of September 19, 2013, the Office of the State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a report with findings and recommendations to aid each educational institution to eliminate out-of-school suspensions and expulsions, except for those students who pose a reasonable threat of death or serious bodily harm to themselves or others or violate Part A of this subchapter [§ 38-231 et seq.].

§ 38-236. Annual reporting requirements.
(a) Each local education agency and entity operating a publicly funded community-based organization shall maintain data for each student that includes:

(1) Demographic data including:
   (A) The campus attended by the student;
   (B) The student’s grade level;
   (C) The student’s gender identification;
   (D) The student’s race;
   (E) The student’s ethnicity;
   (F) Whether the student receives special education services;
   (G) Whether the student is classified as an English language learner; and
   (H) Whether the student is considered at-risk as defined in § 38-2901(2A); and

(2) Discipline data including:
   (A) Total number of out-of-school suspensions and in-school suspensions experienced by the student during each school year;
   (B) Total number of days excluded from school;
   (C) Whether the student was referred to an alternative education setting for the duration of a suspension;
   (D) Whether the student was expelled during the school year;
   (E) Whether the student voluntarily or involuntarily transferred or withdrew from the school during the school year; and
   (F) For each suspension or expulsion, a description of the action that led to the suspension or expulsion.

(b) By August 15 of each year, each local education agency or entity operating a publicly funded community-based organization shall submit a report to the Office of the State Superintendent of Education disaggregated by each of the demographic categories identified in subsection (a)(1) of this section. The report shall include:
Section 38-236.06. Support for positive school climate and trauma-informed educational settings.
(d) Within 2 years after August 25, 2018, and every 5 years thereafter, the OSSE shall submit to the Mayor and the Council an evaluative report on local education agency and school implementation of practices to promote school safety and reduce the use of exclusion, which shall:
(1) Be based upon rigorous research techniques, including quantitative and qualitative methods;
(2) Draw on the information maintained and reported pursuant to § 38-236.09, as well as other sources, with a particular focus on:
   (A) Ensuring the fidelity of data reporting;
   (B) Unanticipated consequences of the disciplinary policies and practices adopted pursuant to this part;
   (C) Barriers schools face in implementing the policies and practices required pursuant to this part; and
   (D) Effective approaches utilized by schools to avoid reliance on exclusion and reduce disparities in its use;
(3) Provide specific recommendations for further action by the Council, executive branch, and schools; and
(4) Provide suggestions for further research.

Section 38-236.08. Suspension and expulsion report.
Within 180 calendar days of September 19, 2013, the Office of the State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a report with findings and recommendations to aid each educational institution to eliminate out-of-school suspensions and expulsions, except for those students who pose a reasonable threat of death or serious bodily harm to themselves or others or violate part A of this subchapter [§ 38-231 et seq.].
(F) Whether the student receives special education services;
(G) Whether the student is classified as an English language learner; and
(H) Whether the student is considered at-risk as defined in § 38-2901(2A);

(2) Discipline data including:
(A) Total number of in-school suspensions, out-of-school suspensions, involuntary dismissals, and emergency removals experienced by the student during each school year;
(B) Total number of days excluded from school;
(C) Whether the student was referred to an alternative education setting for the duration of a suspension, and whether the student attended;
(D) Whether the student was subject to a disciplinary unenrollment during the school year;
(E) Whether the student voluntarily withdrew or voluntarily transferred from the school during the school year;
(F) Whether the student was subject to referral to law enforcement;
(G) Whether the student was subject to school-related arrest; and
(H) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students with disabilities, change in placement; and

(3) Special education services data, including whether a student received during the school year:
(A) A functional behavioral assessment;
(B) An updated behavior improvement plan; or
(C) A manifestation determination review, including the number of suspension days that triggered the review, whether the suspension days were cumulative, and the outcome of the review.

(b) By August 15 of each year, each local education agency or entity operating a publicly funded community-based organization shall submit a report to the Office of the State Superintendent of Education disaggregated by each of the demographic categories identified in subsection (a)(1) of this section. The report shall include:

(1) The students suspended for:
(A) At least one and no more than 5 days, and whether the suspension was an in-school suspension or an out-of-school suspension;
(B) At least 6 and no more than 10 days and whether the suspension was an in-school suspension or an out-of-school suspension;
(C) More than 10 days and whether the suspension was an in-school suspension or an out-of-school suspension;

(2) The students who received more than one suspension in a school year and whether the suspensions were in-school or out-of-school suspensions;

(3) The students who were referred to an alternative educational setting for the course of a suspension;

(4) The students who received a school-based intervention rather than an in-school suspension, and a description of the school-based intervention;

(5) The students involuntarily dismissed:
(A) At least once and no more than 5 times;
(B) At least 6 times and no more than 10 times;
(C) More than 10 times;
(6) The students subject to emergency removals;
(7) The students subject to a disciplinary unenrollment, disaggregated by type of disciplinary unenrollment;
(8) The students who voluntarily withdrew or transferred;
(9) The students subject to referral to law enforcement;
(10) The students subject to school-related arrest;
(11) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary withdrawal, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest, and, for students with disabilities, change in placement;
(12) Whether the student received a functional behavior assessment, an updated behavioral improvement plan, or a manifestation determination review, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.), and the outcomes of those actions; and
(13) Whether the student was subject to suspensions exceeding the time limits described in § 38-236.04(b), and a summary of the written justification provided by the local education agency for those disciplinary actions.

(c)(1) Each local education agency or entity operating a publicly funded community-based organization shall provide the requested data in subsection (b) of this section in a form and manner prescribed by the Office of the State Superintendent of Education.

(2) The OSSE shall collaborate with local education agencies and publicly funded community-based organizations to develop consistent definitions for the types of misconduct and explanations of reasoning required to be maintained or reported pursuant to subsections (a)(2)(H) and (b)(11) of this section.

(d) By December 15 of each year, beginning in 2016, the Office of the State Superintendent of Education shall publicly report on the data provided by local education agencies and community-based organizations in subsection (b) of this section during the preceding school year, including a relevant trend analysis. The report shall include a trend analysis based on available data, including data drawn from the Youth Risk Behavior Survey, school climate surveys, and any other available sources, of the exclusion of students who identify as lesbian, gay, bisexual, questioning of the student's sexual orientation, transgender, gender nonconforming, or questioning of the student's gender identity or expression.

(e) Repealed.

[f] The OSSE, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section.

REGULATIONS

5-A2101. Attendance records and reporting.

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

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

(a) Truancy rates for each educational institution;
(b) Progress in improving attendance and reducing truancy for each educational institution; and
(c) Each educational institution’s compliance with key attendance and truancy requirements.
5-A2103. Absentee intervention and school-based student support teams.
3. In addition to the report required at the end of each school year pursuant to D.C. Official Code § 38-203(i), an educational institution shall provide, upon request, student-level data and records evidencing the work of school-based student support teams.

5-B2503. Policy for disciplinary actions.
2. Principals shall ensure that accurate, appropriate documentation is maintained of all disciplinary actions.
3. The Chancellor, at his or her discretion, may review and modify any proposed disciplinary action.
5. Records of all disciplinary actions taken shall be maintained for each student in a student discipline file that is separate from the student’s official record and cumulative file. Disciplinary records are primarily for the use of the school that the student attends. Disciplinary records shall be maintained by the school until the student is promoted to the next educational level, e.g., from Elementary to Secondary.

5-B2504. Policy for suspensions and expulsions.
16. For students seeking to enroll in DCPS and who have been suspended or expelled from their current school, or who have withdrawn while disciplinary action is pending, a person designated by the Chancellor shall review the facts and circumstances regarding the student’s Suspension, Expulsion, or withdrawal pending Expulsion, if the infraction for which the student was disciplined is one for which the student could have been disciplined within DCPS. The purpose of this review is to determine the appropriate placement within DCPS. 5-B2508. Review by the chancellor.

1. The Chancellor may review, at his or her discretion, any proposed disciplinary action. If the Chancellor determines that disciplinary action is not warranted, the determination shall include a statement ordering the destruction of all school records of the disciplinary action, including any reports of the disciplinary action that relate to the incident upon which the action was based, provided that, from the facts presented, it is determined that there was no violation of any DCPS rule or policy, insofar as those reports individually identify the student.
2. With respect to all disciplinary actions, the Chancellor may overrule or modify any proposed disciplinary action including Expulsion. The Chancellor shall provide written justification for any modification of disciplinary action.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

§ 5-132.03. Training for school security personnel.
The School Safety Division shall develop a training curriculum for all school security personnel providing security for DCPS. The curriculum shall be focused on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

1. Child development;
2. Effective communication skills;
3. Behavior management;
4. Conflict resolution;
5. Substance abuse and its effect on youth;
6. Availability of social services for youth;
7. District of Columbia laws and regulations, including Board of Education regulations;
8. Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

§ 5-132.04. Comprehensive plan on school security; Memorandum of Agreement.
(a) By March 1, 2005, the Mayor shall recommend to the Council whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD for Fiscal Year 2006 and beyond.
(b) By June 1, 2005, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this subchapter and submit the plan to the Board of Education and the Council. The plan shall include the following:

1. The qualifications and hiring process for school security personnel;
2. The transfer of personnel, property, funds, and records including an ongoing procedure for allocating DCPS capital funds to MPD for security needs; and
3. Lines of authority, supervision, and communication between the MPD and DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD and DCPS shall enter into a Memorandum of Agreement that shall specify security terms and responsibilities as outlined in the recommendation and plan submitted by the Mayor pursuant to subsections (a) and (b) of this section.

(e) Both the comprehensive implementation plan and the Memorandum of Agreement required by this section shall describe in detail, but not be limited to, the following:

1. How school security personnel deployed at each school will provide security in coordination with the school’s principal; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by § 7-2301(1A); and
2. How the operating and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS will be utilized to carry out the provisions of this subchapter.

§ 38-203. Enforcement; penalties.
(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each educational institution. These records shall be open for inspection at all times by the Board, the State Superintendent of Education, school attendance officers, or other persons authorized to enforce this subchapter.

§ 38-207. Authority of police over truant child.
(a)(1) A law enforcement officer who has reasonable grounds to believe, based on the minor’s age and other factors, that a minor is truant from any public, independent, private, or parochial school on a day and during the hours when the school is in session shall take that minor into custody and deliver the minor to the public, independent, private, or parochial school where the minor is presently enrolled, so long as the school is located in the District.

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

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

(b) On the request of a person who has reached the age of 18 years, graduated from high school, or received a general equivalency diploma, and who has previously been taken into custody pursuant to subsection (a) of this section, the Metropolitan Police Department shall seal all records relating to custody authorized by subsection (a) of this section.
(c) Within 2 business days of a minor student's 10th unexcused absence during a school year, the educational institution shall send the minor’s parent:

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

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

REGULATIONS

No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

§ 2-1535.02. Bullying prevention task force.
(c) The task force shall:
   (1) Provide guidance to the Mayor on the implementation of this subchapter;
   (2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);
   (3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;
   (4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;
   (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
   (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
   (5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;
   (5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and
   (6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.

(d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.
(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:
   (1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;
   (2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:
      (A) Trauma and chronic stress, their effects on students and learning, and effective responses;
      (B) Classroom management, positive behavioral interventions, and fostering positive school climate;
      (C) Disciplinary approaches that utilize instruction and correction;
      (D) Restorative practices and other evidence-based or promising behavioral interventions;
(E) Implementation of high-quality functional behavior assessments, behavioral intervention plans, and manifestation determination reviews, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.); and

(F) Implicit bias and culturally responsive corrective action techniques;

(3) Opportunities for local education agencies and schools to share promising practices regarding the topics in paragraph (2) of this subsection; and

(4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

§ 38-236.07. School safety and positive climate fund.
(a) There is established as a special fund the School Safety and Positive Climate Fund ("Fund"), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

(b) Revenue from any annual appropriation shall be deposited into the Fund.

(c) Money in the Fund shall be used solely to support the activities described in § 38-236.06.

(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

§ 2-1535.05. Retaliation.
(c) An employee, volunteer, or youth who promptly and in good faith reports an incident of, or information on, bullying in compliance with the policy of the agency, educational institution, or grantee shall be immune from a cause of action for damages arising from the making of such report.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

§ 2-1535.02. Bullying prevention task force.
(a) Within 90 days of September 14, 2012, the Mayor shall establish a bullying prevention task force.
(b)(1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this subchapter, as well as community representatives, including:
   (A) Teachers;
   (B) Administrators from educational institutions and agencies;
   (C) School mental health professionals;
   (D) Parents, and legal guardians;
   (E) Youth;
   (F) Direct service providers; and
   (G) Advocates.
(2) In constituting this task force, the Mayor shall consider geographic and socioeconomic diversity as well as other forms of diversity.
(c) The task force shall:
   (1) Provide guidance to the Mayor on the implementation of this subchapter;
   (2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);
   (3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;
   (4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;
   (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
   (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
(5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;

(5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and

(6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.

(d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

§ 38-174. Chancellor; appointment; duties.
(c) The duties of the Chancellor shall include to:

(6) Obtain parental input as required by the No Child Left Behind Act of 2001, approved January 8, 2002 (Pub. L. No. 107-110; 115 Stat. 1425), and in accordance with the rules promulgated pursuant to this chapter;

(7) Hold public meetings, at least quarterly;

REGULATIONS

5-B2500. General policy.
6. Options for prevention, intervention, and remediation shall include, but not be limited to:
   (f) Community conference;
   (g) Community service;
   (u) Referral to community based organizations.

Other or Uncategorized

LAWS

5-E2401. Student Bill of Rights.
1. Each student has the right to a meaningful public education, the maintenance of high educational standards, and a system of public education that adequately and equitably seeks to meet the need of the individual student.

2. Each student has the right to access to a meaningful curriculum and the right to voice his or her opinions and provide input into the development of the public school curriculum.

3. Each student has the right to express his or her views in matters that affect the quality and content of the education that is provided, including but not limited to, the right to participate individually or through elected representatives in the development of the rules and regulations to which the student is subject.

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

5. Each student has the right to physical safety and the protection of personal property, including the right to safe and sanitary school buildings and facilities.
6. Each student has the right to adequate consultation with teachers, counselors, administrators, and other school personnel.

7. Each student has the right to free election of peers in student organizations, as well as the right to seek and hold office.

8. Each student and the student’s parents or authorized representatives have the right to inspect and review the official records of the school system that relate directly to the individual student, as provided in § 2601. A student or the student’s parent or guardian shall be notified if adverse comments are placed in his or her official records.

9. Students have the right to participate in school activities without being subject to unlawful discrimination because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, handicapping condition, or any other basis of unlawful discrimination under the laws of the District of Columbia.

10. Where access to participation in programs or activities is on a competitive basis, each student has the right to an opportunity to compete on an equal basis.

11. A student has the right to refuse to participate in school activities which are contrary to the student’s moral, religious, or political beliefs.

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

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

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

15. Each student has the right to present petitions, complaints, or grievances to school authorities and the right to receive prompt, authoritative replies from school officials regarding the disposition of the student’s petitions, complaints, or grievances. The procedure for presenting complaints and grievances is set forth in § 2405.4 of this Chapter. The alternative procedure for presenting complaints alleging incidents of harassment and sexual harassment is set forth in § 2405.5 of this Chapter.

16. Where a student is entitled to a hearing pursuant to this title, the hearing shall be impartial, and the student shall be afforded all other rights set forth in the hearing procedures.

17. Each student shall have the right to exercise his or her constitutional rights of free speech, assembly, and expression without prior restraint, so long as the exercise of these rights does not substantially interfere with the rights of others.

18. The exercise of the constitutional rights of free speech, assembly, and expression by students shall include, but is not necessarily limited to, the following:

(a) Wearing political buttons, armbands, or other badges of symbolic expression;

(b) Organizing and participating in political and social organizations;

(c) Use of student bulletin boards without prior censorship, but not school bulletin boards without approval of the use which shall be reasonably provided by the schools;

(d) Repealed.

(e) Preparation and distribution of posters, newspapers, or other printed matter, on or off school grounds, and the reasonable use of the school public address system subject to standards adopted by
the student government organization in cooperation with school officials; provided, that such distribution or use shall be limited to reasonable times before, during, and after school hours in order to prevent undue interference with classroom activities and the rights of others; and

(f) Free expression and defense of views and opinions without having that expression affect the student’s examinations, grades, academic achievement, or participation in extra-curricular activities.

REGULATIONS

No relevant regulations found.
**Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by District of Columbia provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Attendance and Behavior, District of Columbia Public Schools (DCPS)</td>
<td>Provides information and weblinks to resources pages addressing bullying prevention, behavior and discipline, and student attendance and support.</td>
<td><a href="https://dcps.dc.gov/page/attendance-and-behavior">https://dcps.dc.gov/page/attendance-and-behavior</a></td>
</tr>
<tr>
<td>Bullying Prevention in DCPS, DCPS</td>
<td>Provides information on bullying prevention, including definitions of bullying behavior and links to additional resources.</td>
<td><a href="https://dcps.dc.gov/bullying">https://dcps.dc.gov/bullying</a></td>
</tr>
<tr>
<td>School Mental Health Team, DCPS</td>
<td>Provides information on district service strategies to promote the development of healthy relationships, sound decision making, and effective regulation of emotions and behavior among students.</td>
<td><a href="https://dcps.dc.gov/service/school-mental-health-team">https://dcps.dc.gov/service/school-mental-health-team</a></td>
</tr>
<tr>
<td>Student Safety, DCPS</td>
<td>Provides information on school safety and approaches to ensuring the physical safety and security of school learning environments.</td>
<td><a href="https://dcps.dc.gov/page/student-safety">https://dcps.dc.gov/page/student-safety</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>2013-14 Office of the State Superintendent of Education (OSSE) Bullying Policy, OSSE</td>
<td>State policy requiring all District agencies, grantees, and educational institutions that provide services to youth to adopt a bullying prevention policy outlining prevention, identification and reporting, and strategies for providing remedies to victims.</td>
<td><a href="https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Bullying%20Policy.pdf">https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Bullying%20Policy.pdf</a></td>
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<tr>
<td>DCPS District-Wide Bullying Prevention Policy (November 2013), DCPS</td>
<td>District policy addressing bullying in District of Columbia’s Public School that includes code of conduct, prevention, intervention, consequences and progressive discipline, professional development, reporting, investigating, protection, and complaints.</td>
<td><a href="https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf">https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf</a></td>
</tr>
<tr>
<td>DCPS Philosophy and Approach to Student Behavior and Discipline, Safe and Effective Learning Environment (2009), DCPS</td>
<td>Guidelines for schools to create a safe and learning environment for all students. Document is divided into four sections: • Intentional School Culture • Comprehensive Student Support • Instructional Approach to Behavior and Discipline • Consistent, Progressive Discipline Responses that Minimize Disruption of Instructional Time</td>
<td><a href="https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS-Approach-to-Safe-Effective-Learning-Environment-August-1.pdf">https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS-Approach-to-Safe-Effective-Learning-Environment-August-1.pdf</a></td>
</tr>
<tr>
<td>DCPS Attendance and Truancy Policy (August 2018), DCPS</td>
<td>District policy conveying DCPS requirements on attendance and the protocols school officials must implement if a student is absent or truant.</td>
<td><a href="https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%202018-21-18.pdf">https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%202018-21-18.pdf</a></td>
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**Other Resources**

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<tr>
<th>DC School Report Card</th>
<th>Report card includes state, LEA, and school level discipline and attendance data</th>
<th><a href="https://www.dcschoolreportcard.org/">https://www.dcschoolreportcard.org/</a></th>
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<td>Positive Behavioral Intervention and Support, School Climate, Restorative Justice Professional Development Opportunities, OSSE</td>
<td>Professional development opportunities for educators on various topics including positive behavioral intervention and support, school climate, and restorative justice.</td>
<td><a href="https://osse.dc.gov/page/teaching-and-learning-professional-development-opportunities">https://osse.dc.gov/page/teaching-and-learning-professional-development-opportunities</a></td>
</tr>
<tr>
<td>Restorative Justice Trainings and Resources, OSSE</td>
<td>Training and resources for educators on restorative justice, including a monthly Community of Practice.</td>
<td><a href="https://osse.dc.gov/page/restorative-justice-trainings-and-resources">https://osse.dc.gov/page/restorative-justice-trainings-and-resources</a></td>
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American Samoa
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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46.3311. Use of force by persons with responsibility for care, discipline, or safety of others

Chapter 42. Weapons

46.4203. Unlawful use of weapons

American Samoa Regulations

American Samoa Department of Education

These documents were shared via email communication from AS DOE to the NCSSLE on April 8, 2015; a publicly accessible version of this document has not been identified. For more information, contact: http://www2.ed.gov/about/contacts/state/as.html. As of January 2020, NCSSLE is requesting for updated handbooks from AS DOE.

Personnel Policy Handbook

15. Teaching code of conduct
19. Records and reports
48. Smoking in public places/workplaces
52. Mandated reports on abuse, neglect, and trafficking (of a child or minor)

Student Policy Handbook

1. Compulsory attendance
9. Truancy
13. Dress and appearance
20. Student discipline - Cooperation with law enforcement
21. Cooperation with police officers
22. Control of dangerous and anti-social behavior - Bullying
23. Searching students
24. Student suspension, exemption, exclusion
25. Suspension, exemption, excluded, or expelled - Definitions
26. Student exclusion from school
27. Attendance - Checking, absences and excuses
30. Student records
31. Maintenance and storage of academic records/documents
33. Social events/class trips
36. Athletic activities - Student safety
37. Freedom of expression - Publications
38. Care of school property
52. Student grievances
54. Safe and drug free policy
55. Use of technology
56. Student transportation
**General Provisions**

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

**LAWS**

**16.0301. Standards for schools - Responsibility of Director of Education.**
The Director of Education shall determine for all types of schools efficient and adequate standards for the physical plant, lighting, ventilation, sanitation, safety, equipment and supplies, instruction operation, supervision, recognition and teaching, curriculum, library, maintenance, administration and he may grant certificates of to schools meeting such standards.

**REGULATIONS**

**Student Policy Handbook. Section 13. Dress and appearance.**
The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

**Scope**

**LAWS**
No relevant laws found.

**REGULATIONS**

**Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.**
The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

**Student Policy Handbook. Section 54. Safe and drug free policy.**
All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities. [...]
REGULATIONS


The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

4. Information. Handbooks and/or newsletters prepared at each elementary or high school shall express uniformity on specific requirements and exhibitions. Each school will be responsible for inservice activities to acquaint students and staff with the enforcement procedure of those requirements. Statements shall be included which:

a. Prohibit wearing transparent, see-through, tank tops, bare midriff, strapless, high slits, mini skirts, or low-cut clothing.

b. Prohibit wearing cut-offs and other brief attire.

c. Prohibit the wearing of hats and sun glasses in inappropriate areas such as classrooms and other areas designated by the principal.

d. Prohibit slogans or advertising on clothing which by their controversial or obscene nature disrupt the educational setting.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.

2. If the teacher is confronted with a situation so serious that it should be brought to the principal’s attention, or is confronted with a situation specified in the department’s guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal’s designee.

3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.

4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.
D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

**Use of corporal punishment**

**LAWS**

*American Samoa Code Annotated* § 46.3311. *Use of force by persons with responsibility for care, discipline, or safety of others.*

(a) The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

(1) the actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

(2) the force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme emotional distress. [...]

**REGULATIONS**


Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

B. Corporal punishment

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

B. Corporal Punishment.

1. Corporal punishment is strictly prohibited in all phases of education.

**Use of student and locker searches**

**LAWS**

No relevant laws found.

**REGULATIONS**


Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

K. Search and seizure


Personal search of students will be made with caution and only when there is reasonable suspicion or belief that a student may be jeopardizing the health, safety or welfare of other students and personnel in the school or the welfare of the institution.
The decision to search a student will be made by the school principal or his designated representative. In all instances of search of a student or in the seizure of illegal or dangerous materials from a student, it will be made in the presence of at least one adult witness. Students will not be allowed to search other students.

Searching Students or Student Lockers. It is legally permissible to search a student's desk or locker at any time, including routine searches, for prohibited items. Searching a student's person is subject to serious legal safeguards and must be approached with care. The following guidelines are generally applicable.

A. A student may be searched with the student's permission.
B. A student may be searched for weapons if there is cause to believe student is carrying a weapon. Cause should be defensible in court and should usually be related to a recent disorder involving weapons or to an immediate threat of danger reasonable cause.
C. School personnel should call for the proper law enforcement agency to assist in dangerous situations.
D. Students should not be searched by school personnel without permission, for non-threatening items which may pose threats to safety, welfare, health and/or order. If require a search for such items, the student's parents and/or legal guardians or proper law enforcement agency should be called to make the search.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 33. Social events/class trips.

[...] Participation in school authorized social events and class trips is a privilege which may be denied to students who demonstrate a disregard for Department regulations and rules for student conduct.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

Student Policy Handbook, Section 20. Student discipline - Cooperation with law enforcement.
Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

A. Classroom discipline
B. Corporal punishment
C. Detaining students
D. Weapons and dangerous implements
E. Drugs and alcoholic beverages
G. Theft and extortion
H. Destruction of property
I. Disruption of school
J. Physical and verbal assault
K. Search and seizure

Students who violate discipline rules may be subject to suspension, expulsion, or other disciplinary action in accordance with the Territorial statutes. A positive approach to discipline will be practiced whenever possible.

[..] Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

Student Policy Handbook, Section 22. Control of dangerous and anti-social behavior - Bullying.
The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students.

It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

The following acts constitute dangerous or anti-social student behavior.
A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

B. Assault on a School Employee. A student shall not intentionally cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee.

C. Physical Abuse on Any Person. A student shall not intentionally do serious bodily injury to any person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

D. Repeated School Violations. A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when the student is properly under the authority of school personnel.

F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full report of the case shall be referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.

I. Disruption of School

1. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.

2. Neither shall a student engage in, nor urge, other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process, or function of the school if such a disruption or obstruction is reasonably certain to result from the student's action.

3. While this list is not intended to be “Exclusive”, the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process, or function of the school, illustrate the kinds of offenses encompassed here:

   a. Occupying any school building, school-grounds, or part thereof with intent to deprive others of its use.
   b. Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room.
   c. Setting fire to or substantially damaging any school building or property.
   d. Firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose.
e. Preventing of or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity or of any lawful meeting or assembly on the school campus.

f. Preventing students from attending a class or school activity.

g. Except under the direct instruction of the principal, blocking nor-mal pedestrian or vehicular traffic on a school campus.

h. Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct class.

**Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.**

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students' personal folders.

**Student Policy Handbook. Section 36. Athletic activities - Student safety.**

[...] Any student found hurling objects at school buses at any time will be subjected to disciplinary actions and may result in indefinite suspension. [...]

**Student Policy Handbook. Section 38. Care of school property.**

[...] Students who cause damage to school property shall be subject to disciplinary action, and their parents or guardians shall be held responsible within the limits of the Territorial Statutes for restitution for such damage. [...]

**Grounds for mandatory suspension or expulsion**

**LAWS**

No relevant laws found.

**REGULATIONS**

**Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.**

The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students.

It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

The following acts constitute dangerous or anti-social student behavior.

E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.
G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the students attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.

[...]. Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

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

LAWS

No relevant laws found.

REGULATIONS


Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.
C. Detaining Students. Students are not to be deprived of instructional physical education or of necessary time to eat lunch, either for punishment or for special help. When it is necessary for students to make up time or receive special help, the teacher may request them to report before school in the morning or detain them after school for not more than one hour.

Anticipating the natural concern of parents for immediate student return to home, no student will be detained without prior notification. All students who have bus transportation, regardless of grade level, shall have the privilege of going home the first day to inform parents that they will be detained the following day or days.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.
Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students. It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

The Department directs that no student be suspended, expelled, exempted, or excluded from school unless such action serves, in the best judgment of appropriate school authority, the welfare of the student or the welfare of other students, the school, or the Department.
Definitions
1. Suspension shall mean the temporary removal of a student from school.
2. Exemption shall mean the release from the legal obligation to attend school by the student's voluntary withdrawal before completion of the secondary program.
3. Exclusion shall mean the temporary termination of enrollment because of reasons or conditions such that the student's continued enrollment would be detrimental to the student, to other students, or to the educational program.
4. Expulsion shall mean the termination of enrollment as the result of behavior so serious that future attendance in the regular schools is not contemplated.

School expulsion can only be authorized by the Director of Education on the recommendation of the school principal and the Assistant Director of the Elementary or Secondary Division. Recommendations shall include sufficient documentation requesting the action.
a. Review of Expulsion: Upon written request of the parent(s) or guardian(s), the administration will review any expulsion case in accordance with guidelines and limitations specified in approved administrative regulations and procedures. If action by the Director seems advisable, a recommendation will be made based on the findings of the review.
b. Procedures shall be developed governing student dismissal and must comply with appropriate due process requirements and Territorial Statutes.

Administrative procedures related to suspension and expulsion

LAWS
No relevant laws found.
REGULATIONS

**Student Policy Handbook, Section 20. Student discipline - Cooperation with law enforcement.**

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

A. Classroom discipline
B. Corporal punishment
C. Detaining students
D. Weapons and dangerous implements
E. Drugs and alcoholic beverages
G. Theft and extortion
H. Destruction of property
I. Disruption of school
J. Physical and verbal assault
K. Search and seizure

Students who violate discipline rules may be subject to suspension, expulsion, or other disciplinary action in accordance with the Territorial statutes. A positive approach to discipline will be practiced whenever possible.

The philosophy adopted by the Department encourages positive thinking in connection with students. It is believed that most children respond to love, respect, and just treatment. It is believed, however, that discipline is sometimes necessary for misconduct and can be of value in building character, but unjust punishment of the innocent and/or guilty is not tolerated.

The Department has established the following regulations and procedures to provide for disciplinary measures within the schools in compliance with the Territorial statutes.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.

2. If the teacher is confronted with a situation so serious that it should be brought to the principal’s attention, or is confronted with a situation specified in the department’s guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal’s designee.

3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.
4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

B. Corporal Punishment.
   1. Corporal punishment is strictly prohibited in all phases of education.

C. Detaining Students. Students are not to be deprived of instructional physical education or of necessary time to eat lunch, either for punishment or for special help. When it is necessary for students to make up time or receive special help, the teacher may request them to report before school in the morning or detain them after school for not more than one hour.

   Anticipating the natural concern of parents for immediate student return to home, no student will be detained without prior notification. All students who have bus transportation, regardless of grade level, shall have the privilege of going home the first day to inform parents that they will be detained the following day or days.

D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

E. Court Referrals. A student who has committed an act in violation of the law should be referred to law enforcement or legal authorities for disposition of the case.

The school administration has the final discretionary authority to suspend, exempt, and/or exclude students within the detailed provisions of Territorial Statutes and local administrative regulations and procedures.

The Department directs that no student be suspended, expelled, exempted, or excluded from school unless such action serves, in the best judgment of appropriate school authority, the welfare of the student or the welfare of other students, the school, or the Department.

Definitions
   1. Suspension shall mean the temporary removal of a student from school.
   2. Exemption shall mean the release from the legal obligation to attend school by the student's voluntary withdrawal before completion of the secondary program.
   3. Exclusion shall mean the temporary termination of enrollment because of reasons or conditions such that the student's continued enrollment would be detrimental to the student, to other students, or to the educational program.
   4. Expulsion shall mean the termination of enrollment as the result of behavior so serious that future attendance in the regular schools is not contemplated.

School expulsion can only be authorized by the Director of Education on the recommendation of the school principal and the Assistant Director of the Elementary or Secondary Division. Recommendations shall include sufficient documentation requesting the action.

   a. Review of Expulsion: Upon written request of the parent(s) or guardian(s), the administration will review any expulsion case in accordance with guidelines and limitations specified in approved administrative regulations and procedures. If action by the Director seems advisable, a recommendation will be made based on the findings of the review.
b. Procedures shall be developed governing student dismissal and must comply with appropriate due process requirements and Territorial Statutes.

**Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.**

The Department requires that students enrolled in schools attend school regularly in accordance with the Territorial statutes. It is the position of the Department that the educational experiences lost during an absence from school are irretrievable as the interaction in the classroom setting can seldom be duplicated through makeup work.

Students who have been absent three (3) or more consecutive school days shall be required to present to the school a written statement signed by the parent, legal guardian, or physician listing the reason for the absence. The determination of whether an absence will be excused or unexcused will be made by the principal.

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students' personal folders.

I. Hearing Process

To guarantee due process, any secondary student who has been absent more than the allowable number of times (excused or unexcused absences) will be notified by the school. The parent or legal guardian of the student will then be notified pending exclusion proceedings.

If the parent, legal guardian or student has reason to believe that there is an error in the attendance record or extenuating circumstances exist, a hearing may be requested. Such a request must be initiated by the parent, student, or legal guardian within two school days after notification. The hearing will be conducted by a review panel established within each school and composed of a principal (designee) and school instructor(s).

The student, parent or legal guardian may appear before the review panel and shall have the right to be represented by an attorney. During the hearing process, the instructors record book shall serve as the legal document of reference and will be used exclusively for determining both excused and unexcused absences.

This review panel shall have the authority to recommend to the Principal that the attendance record of the student be corrected or that the student not be excluded from school. The final determination in all hearing proceedings, rests with the secondary school principal.

J. Makeup Work.

After any absence, a student shall be required to initiate contact with school instructors to obtain appropriate makeup work within two school days the absence. Teachers may use their discretion in providing makeup work for students who unexcused absence or who are truant. Once the contact has been made with the instructor(s), specific time interval allowed for homework completion will be determined by the instructor(s) directly following.

**Student Policy Handbook. Section 52. Student grievances.**

A grievance procedure shall be established by the Division of Student Information Systems & Services to offer recourse to students on matters that are not satisfactorily resolved at the school level. Examples shall include but not limited to grades, suspension, etc.
In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS

A.S.C.A. § 46.3311. Use of force by persons with responsibility for care, discipline, or safety of others.
(a) The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and
(1) the actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor’s responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and
(2) the force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme emotional distress. […]

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Guns-Free Schools Act)

LAWS


(a) A person commits the crime of unlawful use of weapons if he knowingly:

(1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
(2) sets a spring gun;
(3) discharges or shoots a firearm into an inhabitable structure, boat, aircraft, vehicle, or any building or structure used for the assembling of people;
(4) aims a firearm or projectile weapon at another person in an angry or threatening manner, or possesses a knife, firearm, blackjack, or any other weapon readily capable of lethal use with purpose to unlawfully use the weapon against another person;
(5) possesses or discharges a firearm or projectile weapon while intoxicated;
(6) discharges a firearm within 100 yards of any occupied school house, courthouse, or church building;
(7) discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any out-building; or
(8) carries a knife, firearm, blackjack, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election district on any election day, or into any building owned or occupied by any agency of the federal government, territorial government, or political subdivision of them, or into any public assemblage of persons met for any lawful purpose.

(b) Exemptions.

(1) Paragraphs (a) (1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:
   (A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;
   (B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;
   (C) members of the armed forces while performing their official duty.

(2) Paragraph (a) (1) does not apply when the actor is transporting the weapons in a nonfunctioning state or when not readily accessible.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) Unlawful use of weapons is a class D felony unless committed under paragraph (a) (5), (6), (7) or (8), then it is a class B misdemeanor.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.
H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Other weapons

LAWS


(a) A person commits the crime of unlawful use of weapons if he knowingly:

(1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
(2) sets a spring gun;
(3) discharges or shoots a firearm into an inhabitable structure, boat, aircraft, vehicle, or any building or structure used for the assembling of people;
(4) aims a firearm or projectile weapon at another person in an angry or threatening manner, or possesses a knife, firearm, blackjack, or any other weapon readily capable of lethal use with purpose to unlawfully use the weapon against another person;
(5) possesses or discharges a firearm or projectile weapon while intoxicated;
(6) discharges a firearm within 100 yards of any occupied school house, courthouse, or church building;
(7) discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharge or shoots a firearm into any out-building; or
(8) carries a knife, firearm, blackjack, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election district on any election day, or into any building owned or occupied by any agency of the federal government, territorial government, or political subdivision of them, or into any public assemblage of persons met for any lawful purpose.

(b) Exemptions.

(1) Paragraphs (a) (1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:

(A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;
(B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;
(C) members of the armed forces while performing their official duty.
(2) Paragraph (a) (1) does not apply when the actor is transporting the weapons in a nonfunctioning state or when not readily accessible.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) Unlawful use of weapons is a class D felony unless committed under paragraph (a) (5), (6), (7) or (8), then it is a class B misdemeanor.

REGULATIONS

**Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.**

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

D. Weapons and dangerous implements

**Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.**

The following acts constitute dangerous or anti-social student behavior.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

**Students with chronic disciplinary issues**

**LAWS**

No relevant laws found.

**REGULATIONS**

**Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.**

The following acts constitute dangerous or anti-social student behavior.

D. Repeated School Violations. A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when the student is properly under the authority of school personnel.
Attendance and truancy

LAWS

Attendance at a public or private school shall be required of all children between 5 and 18 years of age inclusive, unless excused or excluded for good reason by the Director of Education.

(a) Any adult person having the direct supervision of a child for school purposes shall be regarded as the parent of the child, whether the natural parent or parent by adoption, or guardian or custodian, legal or otherwise.
(b) A parent is responsible for the regular attendance of his child during the period of legal school age.

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.
(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.
(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.
(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than $15, or confined in prison for not more than 1 month, or both.

REGULATIONS

Students are required to attend school through the age of eighteen or have successfully completed and graduated from the secondary education program. Special provisions shall be provided for disabled or challenged students from 3 to 21 years of age by the Special Education Division.

Territorial law mandates compulsory education for all children ages 5 to 18 inclusively, or from ECE through Grade 12, unless excused or excluded for good reason by the Director of Education. Non-attendance at the schools without legitimate reason constitutes truancy. Students suspected of being truant are to be referred to the School Principal for appropriate action. The current truancy law provides for prosecution of negligent parents/legal guardians.

The Department requires that students enrolled in schools attend school regularly in accordance with the Territorial statutes. It is the position of the Department that the educational experiences lost during an absence from school are irretrievable as the interaction in the classroom setting can seldom be duplicated through makeup work.

Students who have been absent three (3) or more consecutive school days shall be required to present to the school a written statement signed by the parent, legal guardian, or physician listing the reason for the
absence. The determination of whether an absence will be excused or unexcused will be made by the principal.

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students’ personal folders.

A. Attendance-Checking.

Attendance shall be checked carefully in accordance with individual school practices. Students not accounted for shall be reported to the Principal so that a check can be made as to their whereabouts. Teachers must take daily attendance in their own classes and home-rooms. This is one responsibility that must not be delegated to a student.

With the availability of today’s technology, teachers are now required to enter student attendance into the Student Management System (SMS) the first 10 minutes of class. [Teachers who have self-contained classrooms are to take daily attendance before instruction.]

B. Cause of Absence.

Each school will include specific directions in the student handbook and/or procedures relative to the manner in which students will be readmitted to class subsequent to an absence. In all cases, schools will insist upon parental confirmation of the reason for absence and/or tardiness.

C. Classification of Absences.

The determination of the proper classification requires the exercise of judgment on the part of the teacher or principal. To support this judgment, the student or parent may be required to furnish reasonable evidence of the cause of absence. For example, although a statement of illness is ordinarily accepted, the statement may be challenged for good reason and the parent is required to obtain a statement from a physician.

To insure uniformity in practice, the following classifications of absences shall be used:

1. Excused Absence for causes over which the student and parent had no control and absences for causes which are acceptable in the estimation of the principal.

2. Unexcused Absence for educationally unacceptable causes, or absence for which the reason has not been determined or verified.

3. Truant-Absence resulting from parent's failure or refusal to require a student's attendance for educationally unacceptable reasons; the student's failure or refusal to attend school when so directed by the parent or school official; or the student's absence without official permission from school or class after arriving at school.

D. Responsibility for Work Missed During Absences.

Teachers shall provide an opportunity for student's makeup work missed because of an excused absence, and students shall be held accountable for the work.

Teachers may use their discretion in providing makeup work for students who have an unexcused absence or who are truant.

The makeup work must be completed within a reasonable length of time. It should be communicated to students that classroom participation is an integral part of their total evaluation and will have a direct bearing on grades.

The primary aim of attendance enforcement is to identify the cause of student absence and through the capacities of the principal, the Department or community agencies, remove the cause of absence so that the student may benefit from the educational opportunities afforded the student.
The Division of Instructional Services is responsible for developing and implementing procedures for attendance enforcement and will specify these procedures in the student and teachers’ Manual.

E. Attendance Enforcement for Secondary Schools.

Attendance enforcement is a shared responsibility. The parent, legal guardian, or other person in the Territory having control or charge of any student shall require to send the student to school during all times the public school is in session.

Schools are responsible for maintaining accurate attendance records for each student enrolled. Schools are responsible for notifying the student, parent, or legal guardian of absences that have occurred.

Limitations of Absences

A student will be considered absent when that student is not present for all or any part of a regular school day. For all students in grades nine through twelve, the number of absences shall be limited to three (3) per semester. The number of approved prearranged absences shall be limited to five (5) days per semester. The total number of excused, prearranged, and unexcused absences shall be limited to twenty per semester.

F. Classification of Excuses.

1. Excused absence, as defined by this regulation shall include an absence caused by illness or medical appointments, a death in the immediate family, mandated court appearances, religious holidays, or an emergency outside the control of the student or student's family. Such excuses are subject to the approval of the principal.

2. Prearranged-Approved prearranged absences shall be limited to no more than five school days per semester.

3. Unexcused-Absences for reasons other than those listed above will be classified as unexcused. Examples of unexcused absences include, but are not limited to: class cuts, babysitting personal business, activities while securing a health card, student job hunting or vehicle breakdown.

4. Absences of students who miss class or classes participating in a school-sanctioned activity or while on suspension will not be included in either the excused or unexcused absence totals.

G. Communication from Parents.

Within two school days after any absence, a student shall be required to present to the school a written statement signed by the parent, legal guardian, or physician who lists the reason for the absence. Non-compliance will result in the absence being considered unexcused.

H. Student Exclusion and Communication to Parents.

When a student has been absent the maximum number of times during a semester, the student may be excluded from attendance for the remainder of that school semester and no academic credit may be earned during this time period.

Prior to exclusion, either for excused or unexcused absences, the parent, legal guardian, and student will be notified, in writing, of the attendance record through notices mailed to the recorded residence of the student. These notices will be mailed after the second and fifth unexcused absences. Notices for all other absences will be mailed after the fifth, ninth, fifteenth, and eighteenth total absences.

Schools are required to conduct parent conferences whenever excessive absenteeism is identified. A parent conference must be scheduled after the third absence.

I. Hearing Process

To guarantee due process, any secondary student who has been absent more than the allowable number of times (excused or unexcused absences) will be notified by the school. The parent or legal guardian of the student will then be notified of pending exclusion proceedings.
If the parent, legal guardian or student has reason to believe that there is an error in the attendance record or extenuating circumstances exist, a hearing may be requested. Such a request must be initiated by the parent, student, or legal guardian within two school days after notification. The hearing will be conducted by a review panel established within each school and composed of a principal (designee) and school instructor(s).

The student, parent or legal guardian may appear before the review panel and shall have the right to be represented by an attorney. During the hearing process, the instructors record book shall serve as the legal document of reference and will be used exclusively for determining both excused and unexcused absences.

This review panel shall have the authority to recommend to the Principal that the attendance record of the student be corrected or that the student not be excluded from school. The final determination in all hearing proceedings, rests with the secondary school principal.

J. Makeup Work.

After any absence, a student shall be required to initiate contact with school instructors to obtain appropriate makeup, work within two school days the absence. Teachers may use their discretion in providing makeup work for students who unexcused absence or who are truant. Once the contact has been made with the instructor(s), specific time interval allowed for homework completion will be determined by the instructor(s) directly following.

Substance use

LAWS

**A.S.C.A. § 13.1020. Prohibited actions.**

[...] (c) Any person who violates this section by delivering, dispensing, distributing, producing, manufacturing or who attempts to deliver dispense, distribute, produce, or manufacture a controlled substance in any school or on any school campus in the Territory is guilty of a crime and upon conviction shall be imprisoned for a mandatory term of 10 years without the possibility of parole, and fined $10,000.00.

**A.S.C.A. § 13.1022. Possession of controlled substance unlawful.**

(a) Except as authorized by the director, it is unlawful for a person to possess a controlled substance.

(b) A person who violates this section is guilty of a felony and shall be punished as follows:

(1) for a first offense, a fine not less than $5,000 and not more than $20,000 or not less than 5 years and not more than 10 years in prison, or both;

(2) for a second offense, a fine not less than $20,000 and not more than $30,000 or not less than 10 years and not more than 20 years in prison, or both; and

(3) for a third offense, a fine not less than $30,000 and not more than $40,000 or not less than 15 years and not more than 30 years in prison, or both;

There shall be no parole for a conviction under this section.

(c) The above penalties are mandatory.
REGULATIONS

It is against the law to smoke in public places and in places of employment. Smoking is therefore prohibited in all school facilities, campuses, and places of employment.
This communication shall be communicated to all departmental employees and all its prospective employees upon their application for employment.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:
   E. Drugs and alcoholic beverages

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.
The following acts constitute dangerous or anti-social student behavior.
   G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the students’ attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

Student Policy Handbook. Section 54. Safe and drug free policy.
All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.
Any student found in violation of the compliance code on the use of alcohol and/or illegal drugs any time on school campus or while participating in school sponsored activities will be required to do the following:
   A. Attend a parental/guardian conference with school authorities
   B. Receive available school counseling services;
   C. Enroll in rehabilitation programs and services offered by other government agencies.
Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

Bullying, harassment, or hazing

LAWS
No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.
The following acts constitute dangerous or anti-social student behavior.
A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

**Student Policy Handbook. Section 55. Use of technology.**

Acceptable Use of Information Technology: By accessing ASDOE’s Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

3. Technology products, devices, services and use shall conform to ASDOE policies/directives.

   e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happens, it is important to document and report the behavior/student so it can be addressed.

**Other special infractions or conditions**

**LAWS**

No relevant laws found.

**REGULATIONS**

**Student Policy Handbook. Section 13. Dress and appearance.**

The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

A. School Uniform. All students in the public elementary and secondary schools in American Samoa shall be encouraged, but not forced, to wear school uniforms. The involvement of students, parents, teachers and administrators in choosing the uniform is highly desirable. Care should be taken to assure that the uniform chosen is not prohibitive in cost.

1. Community Standards. The DOE reserves the right to insist that the dress and grooming of students is within the limits of generally accepted community standards and that students shall be required to show proper attention to personal cleanliness.
2. Educational Environment. Students’ dress, personal appearance and conduct are required to be of such character as not to disrupt or detract from the educational environment of the school. Any style which tends to diminish instructional effectiveness or discipline control by teachers is not acceptable.

3. Responsibility. School administrators and Territorial Parent Council shall determine which types of dress or appearance disrupt or detract from the educational and cultural expectation of the Department.

4. Information. Handbooks and/or newsletters prepared at each elementary or high school shall express uniformity on specific requirements and exhibitions. Each school will be responsible for inservice activities to acquaint students and staff with the enforcement procedure of those requirements. Statements shall be included which:
   a. Prohibit wearing transparent, see-through, tank tops, bare midriff, strapless, high slits, mini skirts, or low-cut clothing.
   b. Prohibit wearing cut-offs and other brief attire.
   c. Prohibit the wearing of hats and sunglasses in inappropriate areas such as classrooms and other areas designated by the principal.
   d. Prohibit slogans or advertising on clothing which by their controversial or obscene nature disrupt the educational setting.

**Student Policy Handbook, Section 22. Control of dangerous and anti-social behavior - Bullying.**

The following acts constitute dangerous or anti-social student behavior.

B. Assault on a School Employee. A student shall not intentionally cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee.

C. Physical Abuse on Any Person. A student shall not intentionally do serious bodily injury to any person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.

F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full report of the case shall be referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.

I. Disruption of School

   1. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.
2. Neither shall a student engage in, nor urge, other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful process, or function of the school if such a disruption or obstruction is reasonably certain to result from the student's action.

3. While this list is not intended to be “Exclusive”, the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process, or function of the school, illustrate the kinds of offenses encompassed here:
   a. Occupying any school building, school-grounds, or part thereof with intent to deprive others of its use.
   b. Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room.
   c. Setting fire to or substantially damaging any school building or property.
   d. Firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose.
   e. Preventing of or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity or of any lawful meeting or assembly on the school campus.
   f. Preventing students from attending a class or school activity.
   g. Except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a school campus.
   h. Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct class.

Student Policy Handbook. Section 33. Social events/class trips.

The Department recognizes the value of social events and class trips in enhancing and enriching school experiences for students of the Territory. The Department shall therefore make school facilities available and provide appropriate staff for the conduct of such events or trips which have appropriate administrative authorization. The Department shall not be responsible for any unauthorized event or trip.

As voluntary participants in school authorized social events and class trips, students shall comply with established Department regulations and rules for student conduct. For all class trips conducted off campus, students must have a signed note from parents authorizing students to participate. Students who do not comply with these rules and regulations shall be subject to disciplinary action. Participation in school authorized social events and class trips is a privilege which may be denied to students who demonstrate a disregard for Department regulations and rules for student conduct.

A. Elementary Schools. In observance of the following recognized special days, teachers and classes may prepare and carry out suitable educational activities. It is expected that these special day activities will function as educational projects, and that these activities will not exceed one hour of instruction. Activities are appropriate in all grades, kindergarten through eight for Halloween, Thanksgiving, Christmas, Valentine's Day, Samoan Day Festivities, Easter, and May Day.

B. Secondary Schools. Using the following guidelines, each secondary school principal will develop rules and regulations for scheduling social events in the school:
   1. The principal must approve all social activities organized and sanctioned by the school.
   2. All social activities sponsored by school organizations must be adequately chaperoned.
   3. Social events will generally end at 11:00 p.m. but must never be scheduled to cause a curfew conflict for students.
4. Social activities should normally be held on school property. If a social event is scheduled at a non-school facility, additional safeguards of supervision by staff and parents, and control should be exerted.

C. Non-DOE sponsored Activities. Some activities take place involving student groups who are neither sponsored nor sanctioned by the Department are not authorized on school grounds without prior approval. When the school is aware of the development of plans of this nature, the administration should take immediate action to communicate to parents that the activity is not a part of a school program.

**Student Policy Handbook. Section 36. Athletic activities - Student safety.**

[…] Administrators, Coaches, and Referees/Umpires will ensure student safety is at the forefront of any games during and after. To further ensure student safety, it is imperative the following measures are taken:

5. Students riding the school bus must refrain from excessive noise, sticking body limbs or objects out the school bus windows.

Administrator(s) boarding the school bus is/are responsible for student safety along with the School Bus Driver.

Any altercations occurring during or after the games must be reported to the proper school authorities immediately. A written report must be filed with the school principal with copies submitted to the respective school leaders within 24 hours.

Any student found hurling objects at school buses at any time will be subjected to disciplinary actions and may result in indefinite suspension. […]

**Student Policy Handbook. Section 38. Care of school property.**

The Department expects students to develop a pride in their schools and to respect school property. The Department, therefore, charges all students of public schools with responsibility for the care of school property and the school supplies and equipment entrusted to them.

Students who cause damage to school property shall be subject to disciplinary action, and their parents or guardians shall be held responsible within the limits of the Territorial Statutes for restitution for such damage.

A. Responsibility for Material. Students and their parents or guardian shall be responsible for all damage to or loss of textbooks, library books, or other materials, equipment, or school property loaned to or used by the student and shall reimburse the Department for such loss or damage.

B. Damage Assessment. The Principal shall be responsible for collecting the full purchase price of any such item that is lost, destroyed, or so damaged as to make the item unfit for future use. The principal may also assess fines for limited damage that results from abuse or neglect on the part of the student. Information about prices can be obtained from the following sources:

1. Textbook Coordinator and Specialists, Division of Curriculum and Instructional.


C. Accounting. Money collected as prescribed above is to be turned in to the Financial Business Office, Department of Education each day of collection.

**Student Policy Handbook. Section 55. Use of technology.**

Acceptable Use of Information Technology: By accessing ASDOE’s Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition,
ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

4. Pornography is strictly prohibited. Pornography of any kind is strictly prohibited from ASDOE Technology Resources. Users hereby agree to refrain from use of pornography of any kind. Users also have an affirmative duty to prevent such use of any device entrusted to them.
**Prevention and Behavioral Interventions (Non-Punitive)**

**Prevention**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**
No relevant laws found.

**REGULATIONS**

*Student Policy Handbook. Section 54. Safe and drug free policy.*
All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.

Any student found in violation of the compliance code on the use of alcohol and/or illegal drugs any time on school campus or while participating in school sponsored activities will be required to do the following:

A. Attend a parental/guardian conference with school authorities

B. Receive available school counseling services;

C. Enroll in rehabilitation programs and services offered by other government agencies.

**Professional development**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.

2. If the teacher is confronted with a situation so serious that it should be brought to the principal's attention, or is confronted with a situation specified in the department's guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal's designee.

3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.

4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.
The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full re-port of the case shall be
referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.

**Student Policy Handbook. Section 55. Use of technology.**

Acceptable Use of Information Technology: By accessing ASDOE’s Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

3. Technology products, devices, services and use shall conform to ASDOE policies/directives.
   
   e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happens, it is important to document and report the behavior/student so it can be addressed.

**Parental notification**

**LAWS**

**A.S.C.A. § 16.0308. Truancy - Investigation - Notice to parents - Penalty.**

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.

(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.

(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.

(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than $15, or confined in prison for not more than 1 month, or both.

**REGULATIONS**

**Student Policy Handbook. Section 21. Cooperation with police officers.**

The interviewing of school students on campus by police officers will be conducted only in the presence of the school principal or his appointed representative. Parents need to be informed their child is being interviewed as soon as possible. Should the police official attempt to remove the student from campus, he should be allowed to do so only if he has written permission from a parent or has legal warrant for the student's arrest.

**Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.**

G. Communication from Parents.
Within two school days after any absence, a student shall be required to present to the school a written statement signed by the parent, legal guardian, or physician who lists the reason for the absence. Non-compliance will result in the absence being considered unexcused.

H. Student Exclusion and Communication to Parents.

When a student has been absent the maximum number of times during a semester, the student may be excluded from attendance for the remainder of that school semester and no academic credit may be earned during this time period.

Prior to exclusion, either for excused or unexcused absences, the parent, legal guardian, and student will be notified, in writing, of the attendance record through notices mailed to the recorded residence of the student. These notices will be mailed after the second and fifth unexcused absences. Notices for all other absences will be mailed after the fifth, ninth, fifteenth, and eighteenth total absences.

Schools are required to conduct parent conferences whenever excessive absenteeism is identified. A parent conference must be scheduled after the third absence.

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

**LAWS**


(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.

(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.

(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.

(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than $15, or confined in prison for not more than 1 month, or both.

**REGULATIONS**

**Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.**

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

E. Court Referrals. A student who has committed an act in violation of the law should be referred to law enforcement or legal authorities for disposition of the case.

**Student Policy Handbook. Section 21. Cooperation with police officers.**

The interviewing of school students on campus by police officers will be conducted only in the presence of the school principal or his appointed representative. Parents need to be informed their child is being interviewed as soon as possible. Should the police official attempt to remove the student from campus, he
should be allowed to do so only if he has written permission from a parent or has legal warrant for the student's arrest.

**Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.**

The following acts constitute dangerous or anti-social student behavior.

E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.

G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the student's attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

**Student Policy Handbook. Section 23. Searching students.**

Searching Students or Student Lockers. It is legally permissible to search a student's desk or locker at any time, including routine searches, for prohibited items. Searching a student's person is subject to serious legal safeguards and must be approached with care. The following guidelines are generally applicable.

C. School personnel should call for the proper law enforcement agency to assist in dangerous situations.

**Student Policy Handbook. Section 54. Safe and drug free policy.**

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities. [...]
Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

**Disclosure of school records**

**LAWS**
No relevant laws found.

**REGULATIONS**

*Personnel Policy Handbook. Section 15. Teaching code of conduct.*
The Department is committed to the concept of creating a learning environment that nurtures to fulfill the potential of all students. The Department responsibly accepts that every child has a right to an uninterrupted education from all work stoppage tactics. It is the philosophy of the DOE that all teachers are obligated to help foster civic virtues such as integrity, responsibility, cooperation, loyalty, and respect-for the law, for human life, for others, and for one’s self.

A. Ethical Conduct toward Students. The teacher deals considerately and justly with each student, and seeks to resolve problems, including discipline, according to law and school policy.

2. The teacher does not reveal confidential information about students, unless required by law.

Teachers shall keep required records and reports and shall compile information necessary for the successful execution of their work required by the principal.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

*Student Policy Handbook. Section 30. Student records.*
The Department recognizes the confidential nature of student records and that the primary purpose of keeping records on a student is for the educational welfare and advancement of the student. Those persons, agencies, or firms seeking information from or access to student records must come with-in that exceptions of the Family Educational Rights and Privacy act of 1974.

Student records are the property of the Department of Education and all confidential records and/or information will be dealt with professionally.

A. Handling.

Administrative regulations shall be established for the compilation, maintenance, release, destruction and security of student records in conformance with federal requirements.

Student official records will be housed at the school principal’s office and in the Student Records Office in the Department of Education.

Data are recorded in all student records under the direction of certificated professional personnel responsible for the information.
At the time of enrollment, a cumulative record file folder is to be established for students new to the public schools in the Territory.

When the student withdraws or transfers, cumulative folders are to be turned in to the Student Records Office in the Department of Education. These folders are to be checked for inclusion of all records including a statement indicating money owed and reason for debt, if the student left school owing for lost books, property damage, or other reasons.

B. Release of Information.

All school records of students are confidential. All records containing personal student information will be governed by the following principles:

1. Parents have the right, upon written request, to inspect any or all records relating directly to their dependent and legal wards. The right accorded to parents transfer to the students upon attainment of their eighteenth birthday.

2. The Department maintains the following educational records: student academic permanent records, achievement and scholastic aptitude test results, attendance and discipline file, class record books, grade books, health inventory, and special student services folder (if any). Questions regarding educational records at the schools should be directed to the principal. Questions regarding records at the Department of Education central office should be directed to the Deputy Director for Instructional Support Services.

3. Any request from parents or students eighteen years of age or older must be complied with in a reasonable length of time not to exceed ten school days from the date of receipt of request.

4. Parents or eligible students may, by written request to the principal of the school, challenge the content of student records in order to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. Such request may become a part of the students' record.

Within ten school days after receiving such a notice from a parent or eligible student, the principal shall notify the parent or eligible student in writing of the principal's decision and the reasons for the decision. The parent or eligible student shall have the right to appeal this decision to the designated Deputy Director, within ten school days after receipt of the principal's letter. The Deputy Director for Instructional Support Services, within fifteen working days of receipt of such an appeal, shall convene an impartial panel and hold a hearing on the matter.

The parent or eligible student shall be informed in writing of the date and time of the hearing. Such notification shall be well in advance of the hearing date to allow time for the parent or eligible student to engage legal counsel and prepare and assemble any evidence the parent or eligible student wishes to present.

The hearing panel shall make its decision in writing within five working days after conclusion of the hearing.

The following persons and agencies may have access to all student records without the written consent of the parent or eligible student:

a. School administrators, certificated employees, and designated sup-port staff having a "legitimate educational interest." (Legitimate educational interest is defined as those activities having a direct effect on advancing a student's educational level, coupled with concern for the student's social, emotional and/or physical welfare.

b. Officials of other schools or school' systems in which a student intends to enroll.

c. Representatives of accrediting organizations in order to carry out their accrediting functions.

d. Contracted organizations conducting studies and/or test-related services for the Department.
e. Federal and state agencies in connection with student applications for, or receipt of, financial aid. 

Any authorized persons on the above list other than the school administrators, certificated employees, and classified support staff who request or obtain access to a student record must indicate in writing the date and specific reason for the request. This statement is to become a permanent part of that record even if the request is denied. Information may be released to others only:

a. With the written consent of the parent or eligible student specifying the records to be the reasons for such release, to whom and use to be made of the information; and with a copy of the records to be released transmitted to the parent or eligible student upon request. released,

b. When such information is furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, upon the condition that the parent or eligible student is notified in advance of the compliance by the school with the subpoena reasonable effort, the parent or eligible student cannot be reached, the court order or subpoena must be honored if, after in case of extreme health or safety emergencies.

Periodic review procedures shall be established for students' educational records in order to ensure accuracy and relevancy.

Each school shall give parents of students in attendance or eligible students in attendance annual notice of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice shall also inform parents or eligible students that copies of this Administrative Regulations are available, upon request, in the principal's office.

Any questions or unusual requests should be referred to the Deputy Director for Instructional Services.

**Student Policy Handbook. Section 31. Maintenance and storage of academic records/documents.**

The maintenance of Student Academic Records or Cumulative Student Progress Records (CSPR) and all related documents is the responsibility of the school principals. Principals may elect to assign that responsibility to the school counselor(s) or other appropriate personnel.

Records and academic documents are to be kept in locked file cabinets at all times and are not be removed from the school premises unless they are being forwarded to the Student Records Office at the Central Office.

CSPRs are received and stored by the Student Records Office for any of the following reasons;

1. students transfer between local public and private schools;
2. students transfer off island;
3. students are dropped;
4. students are promoted from elementary to high school or graduated from high school.

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

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.
(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.
(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.
(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than $15, or confined in prison for not more than 1 month, or both.

REGULATIONS
No relevant regulations found.
**State Education Agency Support**

State model policies and implementation support

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Funding appropriations**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.
**Other or Uncategorized**

**Professional immunity or liability**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

**Community input or involvement**

**LAWS**
No relevant laws found.

**REGULATIONS**

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

**Other or Uncategorized**

**LAWS**

Any person attending any class in any public school shall be designated as a pupil. It shall be the duty of every pupil to carry out the instructions of teachers and principal and to obey the school laws and regulations of the Director of Education pertaining to conduct and child welfare.

**REGULATIONS**

*Personnel Policy Handbook. Section 52. Mandated reports on abuse, neglect, and trafficking (of a child or minor).*
Any person who has reasonable cause to know or suspect that a child or student has been subjected to “abuse” or “neglect”, or is a victim of “human trafficking”, shall immediately report such incident to the School Principal (or immediate supervisor at the worksite) who shall then report such incident to the appropriate legal authorities.

Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services or to engage in commercial sex acts, or both, is guilty of human trafficking” and is a Class B Felony.

A person commits the crime of "child abuse" if he/she knowingly:

1. Causes injury to a child by unreasonable force by;
   1) Burning, biting, or cutting a child;
   2) Striking a child with a closed fist;
3) Shaking, kicking, or throwing a child;
4) Interfering with the child’s breathing;
5) Threatening or injuring a child with a dangerous instrument;
6) Other act that creates a substantial risk of harm or death to the child.

2. Inflicts serious emotional damage to a child as evidenced by severe anxiety, depression, withdrawal, substantial change in behavior, emotional response, cognition and that such injury is diagnosed by a medical doctor or psychologist.

A parent, guardian, or other person legally charged with the care or custody of a child is guilty of “neglect” or “child-neglect” if he/she purposely or knowingly:

1) Fails or refuses to provide a child with necessary food, clothing, shelter, mental health, guidance, or well being;
2) Fails to provide the necessary education to a child;
3) Fails to protect a child from conditions or actions that seriously endangers or can be injurious to the child’s physical, mental, or emotional health;
4) Fails to provide the necessary supervision or child care arrangements for the child;
5) Uses an illegal substance while pregnant;
6) Abandons or ceases providing care for a child without making appropriate provisions for substitute care.

A parent, guardian, or other person legally charged with the care or custody of the child is guilty of “child neglect” if he/she knowingly allows another individual to mistreat or abuse a child through acts prohibited in 1 through 8 above, and is reasonable able to prevent it from occurring.

**Student Policy Handbook, Section 37. Freedom of expression - Publications.**

Students have the right of freedom of expression within the school system; however, the right of expression encompasses the concepts of fairness, responsibility, and expressed in such a manner not disruptive to other individuals or to the educational process. Written expressions are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion. All publications will be governed by the canons of responsible journalism and will be free from libel, obscenity, undocumented allegations, at-tacks on personal integrity or the techniques of harassment and innuedo.

A. Supervision. Prior to publication and distribution in the school by a student or students, approval of the school administration is required.

B. Responsibility. The student or students issuing the publication shall sign name to indicate authorship and responsibility.

**Student Policy Handbook, Section 55. Use of technology.**

ASDOE’s Policy regarding the “Acceptable Use of Technology Resources” is to establish the basic structure for acceptable use of ASDOE’s technology resources by students, teachers, faculty, staff, and any other individuals using these resources. The policy constitutes an Internet safety policy within the meaning of the Children’s Internet Protection Act (CIPA) as required by 47 U.S.C. S 54.

Acceptable Use: It is the department’s intention and requirement that any ASDOE technology resources or devices shall be (a) used for educational or business purpose only, (b) used in a lawful and ethical manner, (c) conform to ASDOE technology and security standards, and (d) comply with all ASDOE policies and procedures. Persons using ASDOE technology re-sources are responsible for ensuring compliance with these requirements on any device issued to, or used, by that person.
Applicability and Scope: Policies enclosed apply to all individuals using ASDOE technology resources or electronic communications system or service in any manner including but not limited to the following system and services:

1. Telephones, cell phones, personal communication service devices, radios, pagers, facsimile systems;
2. Computers (including but not limited to desktops, laptops, tablets, and other computer systems), hardware, printers, personal digital devices, wired and wireless networks;
3. Email, web content and systems, intranet and internet services;
4. Video systems including distance learning and educational television or ETV systems;
5. Software including but not limited to instructional and office software, district financial systems, human resources systems, and student information systems.
6. All other ASDOE information technology or electronic communications and devices, whether owned, leased or contracted, or otherwise utilized by ASDOE or its employees.

Acceptable Use of Information Technology: By accessing ASDOE’s Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

1. Use of Technology Resources or devices shall be lawful and ethical.
   a) Unlawful, threatening, harassing, libelous, defamatory, obscene or offensive use is prohibited;
   b) Access to visual depictions that may be obscene, pornographic or harmful to minors is prohibited. Any depictions of child pornography found on any device shall result in automatic suspension;
   c) Using false or deceptive identity is prohibited;
   d) Unauthorized access to or alteration or disruption of communications, filtering or monitoring, or computer system is prohibited;
   e) Compliance with copyright, trademark, patent and other property rights is mandatory and required of any person using ASDOE’s technology resources. Records of all licenses must be maintained and provided to the ASDOE upon request.

Users should be aware that the availability of an item on the web does not mean it is without copyright protection. No copyright symbol or other notification is required for protection under the copyright act and permission of the copyright owner is generally required before copying, downloading, or distributing material protected by copyright.

f) Use of technology resources must comply with all applicable ASDOE policies, regulations, and directives.

2. Technology Resources must comply with all applicable ASDOE policies, regulations and directives.
   a) Use of technology resources for commercial, personal, political and religious purposes is prohibited;
   b) Personal calls on desktop or landline phones are limited to incidental local calls.
   c) The cost of personal long distance calls and personal cell phone calls must be reimbursed to ASDOE. Individuals making long distance calls or using cell phones for personal use is responsible for submitting reimbursement to the ASDOE Business Office.

3. Technology products, devices, services and use shall conform to ASDOE policies/directives.
   a) Only authorized hardware or software may be installed on ASDOE systems. Any hardware or software person desires to be installed must first be approved by the Technology Office.
b) Websites or web pages created for ASDOE or any of its schools or affiliate organizations must first be approved by ASDOE Central Office management.

c) Technology and communication systems must be used in a secured manner and are the responsibilities of persons to whom they are as-signed. These include but not limited to the following:

d) manner and are the responsibilities of persons to whom they are as-signed. These include but not limited to the following:

1. Passwords are not to be shared, posted or disclosed to anyone other than the person to whom they are assigned;

2. Anti-virus scans are to be made on any software, executable code, scripts, email or other data on devices to be connected to the net-works;

3. Personal, confidential, or identification information for students, or other persons protected by law, must be protected and is not to be disclosed to unauthorized persons;

e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happen, it is important to document and report the behavior/student so it can be addressed.

4. Pornography is strictly prohibited. Pornography of any kind is strictly prohibited from ASDOE Technology Resources. Users hereby agree to refrain from use of pornography of any kind. Users also have an affirmative duty to prevent such use of any device entrusted to them.

5. Responsibilities - Conditions of Use.

By using ASDOE’s technology resources, USERS agree to comply with terms of these policies and regulations.

Users also have a responsibility to ensure that students and minors are safe and secure in the use of all electronic communications including email, chat rooms, instant messaging, etc.

Students use of technology resources shall be supervised at all times and must comply with the safety procedures of this policy.

Technology resources shall be filtered for appropriate usage and content. Filtering shall be provided for all internet enabled computers or devices used.

Users shall have no expectation of privacy. By using the ASDOE’s Technology Resources and electronic communications, USERS waive any expectation of privacy they may have. Use of Technology Resources and electronic communications may be monitored, logged, disclosed, deleted, or terminated. Online activities of minors shall be monitored for appropriate use at all times.

Users must protect these technology resources and services from abuse and to ensure all users comply with these policies. Users shall immediately report any violations to the ASDOE Central Office management.

5. Disclaimers.

No warranties for the accuracy, quality, functionality or availability of technology and communications are expressed or implied by these policies or the Department.
Student Policy Handbook. Section 56. Student transportation.
School Bus Safety. School bus drivers/operators, children/students, parents, and school officials all share a responsibility to ensure students get to and from schools safely. Discipline in riding the school bus is a cooperative effort for all stake-holders and must be addressed to ensure the safety of all students.
**Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by American Samoa provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guidance &amp; Counseling, American Samoa Department of Education (ASDOE)</td>
<td>Provides an overview of the Guidance and Counseling office and addresses school climate and safety including the student success and safety program.</td>
<td><a href="https://www.doe.as/District/Department/12-Secondary-Office/Portal/guidance-counseling">https://www.doe.as/District/Department/12-Secondary-Office/Portal/guidance-counseling</a></td>
</tr>
<tr>
<td><strong>Documents</strong></td>
<td>No relevant resources found.</td>
<td></td>
</tr>
<tr>
<td><strong>Other Resources</strong></td>
<td>American Samoa Longitudinal Data System, American Samoa Center for Education and Workforce Statistics</td>
<td>Aggregated data for K-12 schools addressing enrollment, graduation, dropouts, attendance, and assessments, including links to school report cards.</td>
</tr>
</tbody>
</table>
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Authority to develop and establish rules of conduct

LAWS

17 GCA § 3102.1. Duties of the Guam education board.
The Guam Education Board shall be responsible for all policies that govern the Department of Education (hereinafter “Department”). The Board shall have the authority to delegate such of its powers as it may deem appropriate, but shall retain the ultimate responsibility for the exercise of its powers.
The Board, among other duties, shall perform the following in accordance with applicable law:

(j) establish student discipline policy;
(r) the role of the Board, as with any legislative body, is to act collectively, not individually. Any Board member shall report to I Liheslaturan Guåhan any potential or alleged violation of this Subsection. The Board shall not:

(1) interfere in or micro-manage the affairs of the Department, or schools within the Department; or
(2) involve itself with student discipline cases, unless expressly authorized by public law, and only to the extent authorized by public law.

(s) adopt a policy concerning the use of electronic security systems on school campuses, to include, but not limited to, emergency contact protocols.

17 GCA § 3112.1. Same: Policy against bullying.
(b) The Guam Education Board (Board) shall adopt a policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying” at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (c). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

17 GCA § 6409. Authority for suspension or expulsion of pupils.
The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined. Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders. In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations. Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law. Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

17 GCA § 6410. Student discipline advisory councils.
In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student’s school, if such exists.
17 GCA § 48003. Designation of school zones: Responsibilities of the schools.
The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

(a) It shall be the responsibility of schools, both public and private, and their respective governing boards or their designees, or the chief administrative officer in the case of private schools, to coordinate the establishment and designation of the drug free school zones.

REGULATIONS

Board Policy d.400. Code of conduct.
Each principal shall establish rules and regulations concerning the conduct of students consistent with positive behavior supports, policies of the Board, and the Student Conduct Procedural Manual.

Scope

LAWS

As used in this Act:

(ii) Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250') of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

(jj) School means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.

(kk) Accompanying Grounds means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of a private school.

9 GCA § 71.20. Definitions.
As used in this Chapter, the following definitions shall apply:

(a) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.

17 GCA § 3112.1. Same: Policy against bullying.
(a) As used in this Section:

(1) “At school” means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises.

17 GCA § 5114. Same: Maintenance of discipline.
Every teacher in the public schools shall hold pupils to strict account for their conduct while on the school premises and when on authorized off-campus school activities.
17 GCA § 48001. Definitions.
Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250) of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

REGULATIONS

Board Policy d.405. Student suspension expulsion.
IV. Jurisdiction.
Students are subject to suspension or expulsion for misconduct committed:
A. At any time or place on the school campus;
B. At any school activity, wherever located;
C. Off-campus at any time if the misconduct interferes directly with the educational
D. In any circumstances establishing that the student’s continued presence in the school mission of the school constitutes a threat to others (e.g., a student who is charged with murder outside of school).

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
I. Purpose
It is the policy of the Guam Education Board to ensure that students who attend the Department of Education (DOE) are safe, secure, and can count on being treated with respect. Schools shall be free from harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment and shall provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat while attending school and any school sponsored activities. This requires a fundamental change in the way that administrators and employees in the DOE view harassment, intimidation or bullying, cyberbullying, sexting sexual harassment and fraternization.
The school principal and employees must recognize that minor events, which do not rise to the level of violations of school rules or a crime, may still create an environment which makes students feel uncomfortable or even terrified at the prospect of attending school. This policy is to allow students active participation in school affairs without fear and threat of harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment.
The policy will also follow federal antidiscrimination laws enforced by the Office of Civil Rights (OCR). The statutes that OCR enforces includes Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.
II. Coverage
This policy governs all students within the jurisdiction of DOE and is intended to prohibit bullying, cyberbullying, sexting and sexual harassment in the public school system. The term "at school" is defined in 17 GCA Section 3112.1 that states (a) "at school' means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official bus stop, or at a school-sponsored activity or event whether or not it is held on school premises."
**Board Policy d.430. Smoking and possession of tobacco products.**

The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students. Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

**Communication of policy**

**LAWS**

**9 GCA § 71.80. Notice.**

(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, “Warning this is a Gun-Free Zone” at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

(b) The Guam Police Department within sixty (60) days of the effective data of this Act shall implement a public relations campaign to inform the general public of its provisions.

**17 GCA § 3112.1. Same: Policy against bullying.**

(c) The policy shall include at least each of the following components:

(10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored activities.

(d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the Superintendent of Education by June 30, 2011.

(e) The Board shall ensure that notice of the policy under this Section is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil handbooks.

**17 GCA § 48003. Designation of school zones: Responsibilities of the schools.**

The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

(b) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall place and maintain permanently affixed and plainly visible signs at the main entrances of each school which identify the school and its accompanying grounds as a drug free school zone and which outline the penalties associated with violations of the Drug Free School Zones Act. The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall determine the actual size of such signs.

(c) Upon enactment, a copy of the Drug Free School Zones Act shall be transmitted to the respective governing boards, or the chief administrative officers in the case of private schools, and it shall be their responsibility, at their discretion, to disseminate the information to parent groups and to the community.
REGULATIONS

Board Policy d.405. Student suspension expulsion.

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:

B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions/consequences.

C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

D. A method of recording, managing and reporting discipline data using the DOE student information system.

E. Any student suspended from any school shall not be accepted into a DOE school, until such time a due process review has been provided to the student and the consequences or conditions as stipulated have been met.

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.

IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

B. All schools shall include the provisions of this policy in their student handbook.

Board Policy d.435. Bus conduct.

All school bus riders will conform to school bus rules established by the Superintendent of Education.

No student shall disembark from a school bus until it has arrived at the student’s regular destination either the school grounds, the regular disembarkation stop, and/or any other designated disembarkation.

The Superintendent shall establish a Memorandum of Understanding with Department of Public Works regarding the transportation of students and develop an SOP for bus conduct of students. The SOP will be included in the student and parent handbook.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

Board Policy d.405. Student suspension expulsion.
V. Standard process for administering behavioral citations interventions/consequences and/or adjudications
   A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:
   B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions /consequences.
   C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of corporal punishment

LAWS
No relevant laws found.
REGULATIONS

Board Policy d.410. Corporal punishment.
The Department of Education does not condone or use corporal punishment.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

Board Policy d.407. Student searches and seizures.
The Superintendent shall establish and implement standard operating procedures for student searches and seizures. The type and number of searches conducted on each campus, and the results of those searches, shall be reported to the Board annually.

Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.
II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages
School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to be in possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

Board Policy d.425. Dangerous weapons.

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term “firearm” means:

(A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;
(B) the frame or receiver of any such weapon;
(C) any firearm muffler or firearm silencer; or
(D) any destructive device. Such term does not include an antique firearm.

The term “destructive device” means:

(A) any explosive, incendiary, or poison gas:

(i) bomb
(ii) grenade
(iii) rocket having a propellant charge of more than four ounces
(iv) missile having an explosive or incendiary charge of more than one-quarter ounce
(v) mine, or
(vi) device similar to any of the devices described in the preceding clauses
(B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in (A) or (B) and from which a destructive device may be readily assembled.

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

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Administrative procedures related to suspension and expulsion**

**LAWS**

17 GCA § 6409. Authority for suspension or expulsion of pupils.

The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined. Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders. In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations. Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law. Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

17 GCA § 6410. Student discipline advisory councils.

In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student’s school, if such exists.

**REGULATIONS**

Board Policy d.405. Student suspension expulsion.

I. Introduction.

The following policy shall be observed for suspensions and expulsion of students in the public schools. Officials should use the least amount of discipline necessary under the circumstances to correct a student and to protect the school’s educational environment.

II. Definitions.
A. For the purpose of this policy, the word “parent” shall mean the immediate parent or the person In Loco Parentis, provided that person is of legal adult age.

B. “Council” refers to the Discipline Advisory Council (DAC) for each school.

C. Due Process - An established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual.

D. Suspension Days - Days classes are in session.

E. Expulsion - Dismissal of a public school student from the school system for no more than a period of 180 instructional days.

F. Compulsory Age - Any student who has turned 5 years old on or before July 31\textsuperscript{st} and any student who has not reached the age of 16 years.

III. Confidentiality.

All proceedings and records of proceedings, under this policy shall be confidential. If disciplinary action is taken, a record shall be filed in the student’s cumulative folder and subjected to the same access restrictions applicable to any other material duties, shall have access to this material on the same basis as members of a school administration.

Per the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99), schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the follow conditions (34 CFR §99.31)

A. School officials with legitimate educational interest;
B. Other schools to which a student is transferring;
C. Specified officials for audit or evaluation purposes;
D. Appropriate parties in connection with financial aid to a student;
E. Organizations conducting certain studies for or on behalf of the school;
F. Accrediting organizations;
G. To comply with a judicial order or lawfully issued subpoena;
H. Appropriate officials in cases of health and safety emergencies; and
I. State and local authorities, within a juvenile justice system, pursuant to specific State law.

IV. Jurisdiction.

Students are subject to suspension or expulsion for misconduct committed:

A. At any time or place on the school campus;
B. At any school activity, wherever located;
C. Off-campus at any time if the misconduct interferes directly with the educational mission of the school.
D. In any circumstances establishing that the student’s continued presence in the school constitutes a threat to others (e.g., a student who is charged with murder outside of school).

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:

B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions /consequences.
C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

D. A method of recording, managing and reporting discipline data using the DOE student information system.

E. Any student suspended from any school shall not be accepted into a DOE school, until such time a due process review has been provided to the student and the consequences or conditions as stipulated have been met.

VI. Discipline advisory council (DAC).

A. Each school shall have a Disciplinary Advisory Council, DAC. The Council shall have the power to advise the School Principal/Assistant Principal in establishing and amending student conduct regulations for the school. The Council shall also conduct a hearing regarding suspensions exceeding ten (10) school days alternate placements, expulsions and/or referral to another agency.

B. In regard to proposed suspensions, the Council shall, after hearing, make the actual decision, subject only to revocation of the suspension by the Superintendent of Education as provided below. In regards to proposed expulsions, the Council shall, after a hearing, make a recommendation to the Superintendent of Education.

VII. Alternative education (alternative school).

An alternative education shall be provided for a student of compulsory attendance age that has been expelled. This placement, as recommended by the Council, shall be the responsibility of, and coordinated by, the School Principal or Assistant Principal of the school from which the student has been suspended, for more than ten (10) days. The Superintendent of Education may provide alternative education for students over the compulsory attendance age in consideration of the welfare of the student, parent(s), and community.

VIII. Expulsions:

A. School Principals or Assistant Principals have the authority to seek the expulsion of students in order to ensure the safety of all students by initiating a DAC Hearing and following the procedures set forth in the standard operating procedures.

B. Once a Discipline Advisory Council has completed a hearing, the Council shall make written findings and a recommendation to the Superintendent of Education for the sanction of expulsion.


D. Applicability of sanctions.

1. Any student of expelled from any school shall not be accepted into a DOE school, until such time that the student receives approval to return from the Superintendent of Education.

2. The length of expulsion shall be determined by the Superintendent of Education in accordance with the standard operating procedure governing student conduct.

3. Students of compulsory age will be provided an alternative educational placement, if in existence, the expulsion is upheld by the Discipline Advisory Council and the Superintendent.

**In-school suspension**

**LAWS**

No relevant laws found.
Return to school following removal

LAWs
No relevant laws found.

REGULATIONS

Board Policy d.405. Student suspension expulsion.

VIII. Expulsions:

D. Applicability of sanctions.

1. Any student of expelled from any school shall not be accepted into a DOE school, until such time that the student receives approval to return from the Superintendent of Education.

2. The length of expulsion shall be determined by the Superintendent of Education in accordance with the standard operating procedure governing student conduct.

3. Students of compulsory age will be provided an alternative educational placement, if in existence, the expulsion is upheld by the Discipline Advisory Council and the Superintendent.

Use of restraint and seclusion

LAWs

10 GCA § 82610. Seclusion and Restraint Policy.

The Government of Guam's use of restraint or seclusion shall be strictly limited to emergencies when there is imminent risk of an individual physically harming himself or others and nonphysical intervention is not effective. This Section applies to all direct care providers within Government of Guam agencies and agents and employees of the Government of Guam who provide services to persons with mental difficulties, behavioral difficulties and developmental disabilities, but not the Department of Corrections and Guam Police Department. Direct care providers means personnel working with persons with mental difficulties, behavioral difficulties and developmental disabilities who are subject to a behavior plan, individualized educational plan or a similar plan.

(a) Training Program. An agency employing direct care providers shall provide a minimum of sixteen (16) hours to newly hired providers and annual follow-up training at a minimum of eight (8) hours. The training shall instruct providers in the following:

(1) reducing the use of seclusion and restraint through risk assessment and early intervention, which includes nonphysical intervention;

(2) needs and behaviors of the population served (e.g. age, gender, adults, or children);

(3) relationship building;

(4) proper and permissible techniques for seclusion, physical holds and chemical restraints for the population served, including risks versus benefits;

(5) preventive techniques for restraint and seclusion, including a safe and calm physical environment;

(6) positive alternatives to restraint and seclusion;

(7) de-escalation methods;
(8) avoidance of power struggles;
(9) thresholds for restraints and seclusion;
(10) the physiological and psychological impact of restraint and seclusion;
(11) monitoring physical signs of distress and obtaining medical assistance;
(12) legal issues;
(13) positional asphyxia;
(14) escape and evasion techniques;
(15) time limits;
(16) the process for obtaining approval for continued restraints;
(17) procedures to address problematic restraints;
(18) documentation of restraints and seclusion;
(19) debriefing after the use of restraints and seclusion with the client or student, the client's or student's family member, or authorized representative, as well as staff members; and
(20) processing with clients or students, and follow-up with personnel, and investigation of injuries and complaints.

(b) Reporting Requirements. Direct care providers shall document the use of every restraint defined in Sections 82101(h) and 82101(i), Article 1, Chapter 82, Title 10 GCA on an incident report. Any injury as a result of restraint or seclusion shall be reported immediately to professional staff, Guam Behavioral Health and Wellness Center, Department of Public Health and Social Services, and the territorial protection and advocacy office or its successor.

Government of Guam agencies and agents and employees of the government of Guam who provide services to persons with mental difficulties, behavioral difficulties and developmental disabilities shall report all deaths and severe injuries to Guam Behavioral Health and Wellness Center, Department of Integrated Services for Individuals with Disabilities, and the territorial protection and advocacy office or its successor. Each agency shall maintain and update a list of all deaths, severe injuries, and the frequency of its facility's use of seclusion and restraint on an annual basis and shall post the same on its website with a proper regard for client and student confidentiality.

(c) Prohibited Acts.

(1) seclusion is prohibited in school settings;
(2) chemical restraint is prohibited unless prescribed by a physician who specifies the duration and circumstances under which the restraints are to be used, and shall be indicated in a client or student's individualized treatment plan.
(3) a physical restraint or containment technique that obstructs a person's respiratory airway or impairs the person's breathing or respiratory capacity, including techniques in which a staff member places pressure on a person's back or places his or her body weight against the person's torso or back is prohibited.
(4) a pillow, blanket, or other item covering the person's face as part of a physical or mechanical restraint or containment process is prohibited.
(5) prone restraint on a person at risk for positional asphyxiation as a result of one of the following risk factors that are known to the personnel is prohibited:
   (A) obesity;
   (B) pregnancy;
   (C) agitated delirium or excited delirium syndromes;
(D) cocaine, methamphetamine, or alcohol intoxication;
(E) exposure to pepper spray;
(F) preexisting heart disease, including, but not limited to, an enlarged heart or other cardiovascular disorders; and/or
(G) respiratory conditions, including emphysema, bronchitis, or asthma.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

17 GCA § 42101. Definitions.
As used in this Chapter:
(a) student means a student enrolled or accepted for enrollment in an alternative education program;
(b) alternative education program or program means a wide ranging system of alternative programs significantly different from the conventional curricula of the public secondary school system which is open to students on an optional basis; and

17 GCA § 42102. Organization.
The Territorial Board of Education shall promulgate policies, rules and regulations governing the alternative education program.

17 GCA § 42103. Curriculum.
The alternative education program shall consist of a curriculum that would permit those students who do not profit from the conventional classroom program to pursue studies that would permit completion of basic life skills, career guidance, including work experience which would take into consideration an open entry-open exit procedure for enrolling and discharging students.

17 GCA § 42104. Enrollment and withdrawal.
Students may enroll in the alternative education program at the beginning of an academic period and may withdraw from the program only at the end of said period. A student shall be admitted to the program:
(1) at the request of the student and his parents;
(2) at the request of at least three (3) of the student’s teachers with the consent of the student’s guidance counselor, principal and the student himself and the student's parents;
(3) at the request of the administrator of the Pupil Personnel Office of the department with the consent of the student and his parents; and
(4) at the direction of a judge of the Superior Court.

17 GCA § 42105. Community involvement.
The Territorial Board of Education shall endeavor to obtain the participation of the community as a major part of the alternative education program. This participation shall consist among other things, utilization of community resources in employment, and on-the-job training, and the use of parents, professionals, technicians, clergy, government leaders and other talented members of the community of teachers or resource personnel in the education and training of students in the program.
17 GCA § 42106. Designation.
The Territorial Board of Education shall designate the school(s) for the implementation of the alternative education program.

17 GCA § 42107. Funding.
The Territorial Board of Education shall prepare a budget for implementation of the alternative education program and submit same to the Legislature no later than six (6) months before the beginning of each academic year.

17 GCA § 42108. Screening committee.
Each school authorized to establish a program shall have a screening committee to assist the program staff in determining the eligibility of students referred for enrollment in the program. Members of such committee shall be appointed by the principal of the participating school.

17 GCA § 42109. Credits and certification.
The joint board shall establish policies on credits and certification requirements for the program. Such policies shall include credits to be earned for each course or combination of courses and work experience. Credits earned in the program may be applied to the requirements for graduation from the traditional high school course for students who withdraw from the program.

17 GCA § 42110. Certificates for graduating students.
The joint board shall adopt a certification standard which awards the student for competencies acquired through the program. Such certification shall state the student's employability in an occupational area or the obtaining of credentials required for acceptance in a more advanced educational or technical program.

REGULATIONS

Board Policy d.405. Student suspension expulsion.
VII. Alternative education (alternative school).
An alternative education shall be provided for a student of compulsory attendance age that has been expelled. This placement, as recommended by the Council, shall be the responsibility of, and coordinated by, the School Principal or Assistant Principal of the school from which the student has been suspended, for more than ten (10) days. The Superintendent of Education may provide alternative education for students over the compulsory attendance age in consideration of the welfare of the student, parent(s), and community.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS

9 GCA § 71.10. Title.
This Chapter shall be known, and may be cited, as “The Guam Gun-Free School Zone Act of 2004.”

9 GCA § 71.20. Definitions.
As used in this Chapter, the following definitions shall apply:

(a) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.

(b) “Firearm” shall mean as defined in 10 GCA § 60100.

9 GCA § 71.30. Persons not allowed to possess firearms.
Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (a) of Subdivision § 71.20, shall be punished as specified Subdivision § 71.60.

9 GCA § 71.40. Prohibition on discharge of firearm.
It shall be unlawful for any person to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (a) of Subdivision § 71.20. The prohibition contained in this Subdivision does not apply to the discharge of a firearm if the firearm is discharged in an area that is designated as a shooting range at a University or College.

9 GCA § 71.60. Punishment.
Any person who violates § 71.30, § 71.40, or § 71.50 of this Act shall be guilty of a felony of the third degree and any person who is convicted of an offense pursuant to § 71.30, § 71.40, or § 71.50 shall be sentenced as follows:

(a) For a first offense, the Court shall impose a sentence of imprisonment of no more than three (3) years, a fine of not less than One Thousand Dollars ($1,000.00), and mandatory community service of no less than one hundred and fifty (150) hours.

(b) In cases where the person has been convicted of felonies under any provision of this Chapter, the person shall be sentenced to a term of imprisonment which shall not be less than five (5) years and in addition, may be fined not more than Fifteen Thousand Dollars ($15,000.00). This sentence, if for a term of years, shall include a special parole term of not less than one (1) year in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Sentence in these cases must also include mandatory community service of no less than one hundred and fifty (150) hours unless the term of imprisonment is for life.

(c) The Court shall apply any minimum sentence, fine or community service specified in this Section, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment, fine or community service required in this Subdivision or by granting probation or suspending the execution or
imposition of sentence with conditions other than those set forth in this Section, in which case the Court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

9 GCA § 71.61. Information for sentencing.
Except as otherwise provided in Chapter 80 of Title 9 of the Guam Code Annotated, no limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which the Superior Court of Guam may receive and consider for the purpose of imposing an appropriate sentence under this Chapter.

9 GCA § 71.70. What constitutes a loaded firearm.
For the purposes of this Chapter, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

9 GCA § 71.80. Notice.
(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, “Warning this is a Gun-Free Zone” at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.
(b) The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

9 GCA § 71.81. Not applicable to peace officers and military.
This Chapter does not apply to a duly appointed peace officer as defined in § 5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

9 GCA § 71.82. Not applicable to security guards.
This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security proposes.

REGULATIONS

Board Policy d.425. Dangerous weapons.
Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.
If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term “firearm” means:

(A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;

(B) the frame or receiver of any such weapon;

(C) any firearm muffler or firearm silencer; or

(D) any destructive device. Such term does not include an antique firearm.

Other weapons

LAWS
No relevant laws found.

REGULATIONS

Board Policy d.425. Dangerous weapons.
Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term “firearm” means:

(A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;

(B) the frame or receiver of any such weapon;

(C) any firearm muffler or firearm silencer; or

(D) any destructive device. Such term does not include an antique firearm.

The term “destructive device” means:

(A) any explosive, incendiary, or poison gas:

(i) bomb

(ii) grenade

(iii) rocket having a propellant charge of more than four ounces

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses
(B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in (A) or (B) and from which a destructive device may be readily assembled.

**Students with chronic disciplinary issues**

**LAWS**

**17 GCA § 6402. Habitual truant.**

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil’s school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

**REGULATIONS**

No relevant regulations found.

**Attendance and truancy**

**LAWS**

**17 GCA § 6102. Duty to send children to school.**

(a) Any parent, guardian or other person having control or charge of any child who is at least five (5) years of age and has not reached the age of eighteen (18) years, not exempted under the provisions of this Article, shall send the child to a public or private full-time day school for the full-time of which such schools are in session, except that the starting date if school for children five (5) years of age shall be determined by the provisions of §§ 6103 and 6107 of this Article.

**17 GCA § 6402. Habitual truant.**

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil’s school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

**REGULATIONS**

**Board Policy d.411. Attendance.**

There is a plethora of educational research that shows the strong relationship between student attendance and academic success. The Board acknowledges that students need to be in school and engaged in learning with their teachers and peers. Excessive absences or tardiness erode this understanding and may lead to incomplete and unsatisfactory work, a reduced capacity to meet curricular standards, and lower course grades. Parents/guardians are partners with the school and faculty ensuring that students attend and arrive in class on time every day of the school year. Therefore, parents shall inform the school immediately when a child does not attend school. School personnel and teachers (to include substitutes or other personnel covering classroom instruction) shall inform parents, as soon as
possible, but no later than the end of the school day when a child does not attend class. As partners in education, parents are expected to review their child’s attendance, academics and social behavior on a daily basis using parent portal.

The Board acknowledges that academic achievement entails many components and those academic credentials should reflect more than just the product of quizzes, examinations, and papers. These alone do not adequately prepare students for the challenges awaiting them after graduation. An additional essential component of academic excellence is the development of good work habits necessary to successfully compete in an increasingly competitive work force. Attendance is the cornerstone for the development of such good work habits. The Board believes that the Department must place great emphasis on student attendance and do everything possible to ensure students come to school every day.

Students who are under the compulsory education age are required to attend school full-time, notwithstanding their inability to receive a passing grade in any course. A compulsory aged student who has incurred twelve (12) or more unexcused absences in a school year shall be referred to the Superintendent of Education. Pursuant to 17 GGA §6402, the Superintendent of Education has the explicate authority to review and approve all habitual truant petition to family court.

Upon enactment of this policy, the Superintendent shall establish uniform procedures across elementary, middle, and high schools for tracking student attendance. The Student Conduct Procedural Manual (SOP 1200-018) can be referenced to further clarify definitions and language addressed in this policy.

Substance use

LAWS

As used in this Act:

(ii) Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250') of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

(jj) School means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.

(kk) Accompanying Grounds means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of a private school.

9 GCA § 67.401.2. Illegal possession; defined and punishment.
(a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Act.
(b) Any person who violates Subsection (a) with respect to:

(1) any controlled substance except marijuana shall be guilty of a felony of the third degree.
(2) more than one (1) ounce of marijuana shall be guilty of a petty misdemeanor.

(3) one (1) ounce or less of marijuana shall be guilty of a violation and punished by a fine of One Hundred Dollars ($100.00).

(c) A person who commits a crime under 9 GCA §§ 67.401.2(b)(2) or (3) within the Drug-Free School Zone shall be guilty of a misdemeanor.

(d) A person who commits a crime under §§ 67.401.1 or 67.401.2(b)(1) within the Drug-Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug-Free School Zone.

(e) A person who knowingly fails to report any violation of this Chapter within the Drug Free-School Zone is guilty of a misdemeanor.

9 GCA § 67.407. Distribution to persons under age eighteen (18), to persons suffering from a mental illness, disease or defect, or to pregnant persons; Distribution near schools or drug free school zones; Penalties.

(c) Any person who is found guilty of an offense pursuant to § 67.401.1(a)(1) of this Chapter by distributing a substance listed in Schedule I or II as per Appendices A and B of this Chapter, which is a narcotic drug, in or on a school, or within the Drug Free School Zone as defined herein, shall be sentenced to serve, in addition to the sentence prescribed by § 67.401.4 of this Chapter, a term of five (5) years imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted. Parole or work release shall not be granted until the offender has served the additional five (5) years prescribed by this Subsection.

17 GCA § 48000. Title.

This Chapter shall be known as the Drug Free School Zones Act.

17 GCA § 48001. Definitions.

Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250) of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

17 GCA § 48002. Establishment of drug free school zones.

There is hereby established a Drug Free School Zone as defined in this Chapter. Any person who commits an offense under Chapter 67 of Title 9 of the Guam Code Annotated within the Drug Free School Zone shall be in violation of this Chapter and punished in accordance with Article 4, Chapter 67 of Title 9 of the Guam Code Annotated.

17 GCA § 48003. Designation of school zones: Responsibilities of the schools.

The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

(a) It shall be the responsibility of schools, both public and private, and their respective governing boards or their designees, or the chief administrative officer in the case of private schools, to coordinate the establishment and designation of the drug free school zones.

(b) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall place and maintain permanently affixed and plainly visible signs at themain
entrances of each school which identify the school and its accompanying grounds as a drug free school zone and which outline the penalties associated with violations of the Drug Free School Zones Act. The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall determine the actual size of such signs.

(c) Upon enactment, a copy of the Drug Free School Zones Act shall be transmitted to the respective governing boards, or the chief administrative officers in the case of private schools, and it shall be their responsibility, at their discretion, to disseminate the information to parent groups and to the community. (d) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall transmit to the Legislature, within ninety (90) days, a status report on the establishment and designation of the drug free school zones within their respective jurisdictions.

17 GCA § 48004. Drug free school zone maps.
The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall prepare drug free school zone maps for their respective jurisdictions and shall submit copies of the original maps to the Office of the Attorney General as well as to the Department of Land Management for the purposes of record-keeping. These shall constitute the official record as to the location and boundaries of each drug free school zone. The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall notify the Office of the Attorney General and the Department of Land Management whenever there are changes in the location and boundaries of any school property and drug free school zone.

REGULATIONS

Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.
I. Introduction
The following guidelines are issued to provide direction to school administrators regarding suspected or actual possession, use, and distribution of illegal drugs, unauthorized medication, and alcoholic beverages by students of the Department of Education. Refer to the policy of the Territorial Board of Education on medication for guidance on the authorized possession and use of medication by students.

II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages
School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to be in possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department’s procedures on confidentiality while working with them.

III. Possession of Suspected Illegal Drugs and Alcoholic Beverages
Students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of suspected illegal drugs on the school’s campus or at a school activity.
Minor students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of alcoholic beverages on the school’s campus or at a school activity.

IV. Possession of Medication Without Proper Authorization

Students who are in possession of medication without proper authorization on a school’s campus or at a school approved activity shall be referred to the school’s administration, which shall:

1. determine why the students were in possession of the unauthorized medication, and
2. take appropriate corrective or disciplinary action based on the findings of the above investigation.

V. Discovery of Suspected Illegal Drugs Not in Anyone’s Possession

A school’s administration shall turn over suspected illegal drugs that are not in anyone’s possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

**Board Policy d.421. Prescription and over the counter medication.**

**Prescription Medication**

Schools health counselors or designated personnel will administer only those medications to their students and employees which these students are required to receive while they are on campus or at school activities. Criteria developed by the Guam Public School System regarding the administration of medication are to be filed at the office of the school health counselor. In addition procedures, approved by the Superintendent, will be in place for the receipt, administration, and accountability for all medications that are regulated by the Federal Narcotics Act and local law.

**Over the Counter Medication**

School Health Counselors or designated personnel may administer over-the-counter medication to students and employees which are prescribed in, and in accordance with, medication protocols approved by the Guam Public School System, and the Department of Public Health and Social Services, providing all minors’ parents/guardians have submitted annual written consent.

**Self Medication**

Students/employees may possess medication on campus and at school activities for self-medication with the permission of the school authorities and the consent of their parents.

All procedures and protocols will be reviewed and, where appropriate, updated annually.

**Board Policy d.430. Smoking and possession of tobacco products.**

The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students.

Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

Disciplinary procedures to be enforced for student violations of this policy are as follows:

For Elementary Students. The disciplinary measures to be taken with elementary students who violate this policy shall be in accordance with those procedures delineated in the Student Conduct Procedural Manual (SCPM) and the Office Discipline Referral (ODR) form and approved by the appropriate Deputy
Superintendent relative to student smoking and possession of tobacco products. The approved procedures must be in written form and disseminated by the appropriate Deputy Superintendent, to all elementary schools.

For Secondary Students. Each offense shall be handled as a Level 3 and progressively disciplined in accordance with the Student Conduct Procedural Manual and the Office Discipline Referral (ODR) Form.

Bullying, harassment, or hazing

LAWS

9 GCA § 28.101. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; mandatory distribution of information brochure about sexting by retail stores who sell cellular telephone equipment or cellular telephone equipment service contracts.

(a) Definitions. As used in this Section:

(1) Cellular telephone equipment or equipment means a wireless telephone handset used in conjunction with wireless telephone service.

(2) Wireless telephone service means commercial mobile radio service, as defined in Subsection (d) of Section 332 of the Communications Act of 1934 (47 U.S.C. s.332).

(3) Sexting is defined in § 28.100 (a) of Title 9, Guam Code Annotated.

(4) Store or other retail mercantile establishment or store means a place where merchandise is displayed, held, stored or sold or offered to the public for sale on Guam.

(b) It shall be an unlawful practice for any store or other retail mercantile establishment to sell cellular telephone equipment to an individual, or to sell a contract for cellular telephone equipment service to an individual, or to renew a contract for cellular telephone equipment service with an individual, unless the store encloses an informational brochure with such equipment or contract that informs the individual about the dangers of the practice known as sexting.

(1) The informational brochure required pursuant to this Subsection (b) shall include, but not be limited to, an explanation of the types of criminal penalties that may be imposed on an individual who engages in sexting, as well as a list of the names, telephone numbers, and addresses of agencies qualified and available to answer questions related to sexting, such as the Office of the Attorney General, Consumer Protection Division, or any other government or nonprofit organizations that is dedicated to educating communities about safety and self-responsibility when using cellular telephone equipment.

(2) The Office of the Attorney General, Consumer Protection Division, the Guam Police Department, and the Department of Revenue and Taxation shall notify all stores that sell cellular telephone equipment or cellular telephone equipment service contracts, of the requirements of this Act by advertising in local newspapers of general circulation on Guam, and shall prepare an information brochure on sexting and make copies available to all such stores.

(3) The Office of the Attorney General shall annually report to Liheslatura on the effectiveness of the brochure preparation and distribution required by this Subsection.

(c) The owners of any store or other retail mercantile establishment which violates Subsection (b) shall be subject to a penalty not to exceed One Thousand Dollars ($1,000.00) per each violation, and if applicable be subject to the sentence imposed for corporations under § 80.16 of Title 9 G.C.A.
9 GCA § 28.100. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; crime.

(g) A juvenile or minor who commits the offense of Illegal Use of a Computer or Telecommunications Device to Disseminate Prohibited Materials Involving a Minor- Sexting, may be eligible for a diversionary program.

(4) The educational program shall provide information concerning:

(D) the connection between bullying and cyberbullying and juveniles sharing sexually suggestive or explicit materials.

17 GCA § 3112.1. Same: Policy against bullying.

(a) As used in this Section:

(1) “At school” means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises.

(2) “Harassment, intimidation, or bullying” means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school’s educational mission or the education of any pupil. “Harassment, intimidation, or bullying” includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil’s religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

(3) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully as defined in the above Subsection (2).

(b) The Guam Education Board (Board) shall adopt a policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying” at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (c). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

(c) The policy shall include at least each of the following components:

(1) A statement prohibiting “harassment, intimidation, or bullying” and “cyberbullying” of a pupil.

(2) A definition of “harassment, intimidation, or bullying” and “cyberbullying” that includes at least the acts described in the definition in this Section.

(3) A description of the type of behavior expected from each pupil.

(4) Consequences and appropriate remedial action for a person who commits an act of “harassment, intimidation, or bullying” and “cyberbullying”.

(5) A procedure for reporting an act of “harassment, intimidation, or bullying” and “cyberbullying”, including a provision that permits a person to report an act of “harassment, intimidation, or bullying” and “cyberbullying” anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal’s designee as the person responsible for the investigation.

(7) The range of ways in which a school will respond once an incident of “harassment, intimidation, or bullying” and “cyberbullying” is identified.
(8) A statement that prohibits reprisal or retaliation against any person who reports an act of
“harassment, intimidation, or bullying” and “cyberbullying”, and the consequences and appropriate
remedial action for a person who engages in that type of reprisal or retaliation.

(9) Consequences and appropriate remedial action for a person found to have falsely accused another
as a means of retaliation or as a means of “harassment, intimidation, or bullying” and “cyberbullying”.

(10) A statement of how the policy is to be publicized, including notice that the policy applies to
participation in school-sponsored activities.

(11) A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation
against a victim, witness, or one with reliable information about an act of “harassment, intimidation, or
bullying” and “cyberbullying”.

(12) A school employee or volunteer who has witnessed, or has reliable information that a pupil has
been subjected to “harassment, intimidation, or bullying” and “cyberbullying”, whether verbal or
physical, shall report the incident to the appropriate school official designated by the Board policy.

(13) A school employee who promptly reports an incident of “harassment, intimidation, or bullying” and
“cyberbullying” to the appropriate school official designated by the Board policy, and who makes this
report in compliance with the procedures in the policy prohibiting “harassment, intimidation, or bullying”
and “cyberbullying” is not liable for damages arising from any failure to remedy the reported incident.

(d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the
Superintendent of Education by June 30, 2011.

(e) The Board shall ensure that notice of the policy under this Section is included in any
publication that
sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil
handbooks.

(f) Public schools are required to form “bullying” and “cyberbullying” prevention task forces; implement
prevention, intervention, and remediation programs; and explore other initiatives that involve the school
community, law enforcement, assistance organizations, and community members. School community is
defined as parents or guardians, pupils, teachers, staff, and administrators.

(g) Each school shall do all of the following:

(1) Provide training on the school’s “harassment, intimidation, or bullying” and “cyberbullying” policies to
the school community and volunteers who have significant contact with pupils; and

(2) Develop a process for discussing the “harassment, intimidation, or bullying” and “cyberbullying”
policy with pupils as part of the curriculum.

(h) A school shall incorporate information regarding its policy against “harassment, intimidation, or
bullying” and “cyberbullying” into its employee training program.

(i) This Section does not prevent a victim from seeking redress under any other available law, either civil
or criminal. This Section does not create or alter any tort liability.

(j) The Board shall establish rules for appropriate disciplinary action for the Department of Education
personnel who do not comply with the policy prohibiting “harassment, intimidation, or bullying” and
“cyberbullying”.

(k) “Harassment, intimidation, or bullying” and “cyberbullying” are CRIMINAL IN NATURE and any of
these actions can constitute a criminal offense that is chargeable under Guam law.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying,
cyberbullying, sexting, and sexual harassment.

Message from the Board of Education:
The Department of Education (DOE) does not condone or tolerate acts of sexual misconduct perpetrated against our students. Public education is grounded in public trust. In upholding that trust, we remain committed to creating and maintaining a public school system where no student will be fearful of coming to school or assigned worksite. Students must feel safe and secure at all times. DOE is committed to providing a supportive, secure and safe learning environment and workplace that is free of all forms of harassment and sexual misconduct.

Whereas, it is the Board’s intent to ensure students are free of sexual misconduct and harassment within the public school system as follows:

I. Purpose

It is the policy of the Guam Education Board to ensure that students who attend the Department of Education (DOE) are safe, secure, and can count on being treated with respect. Schools shall be free from harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment and shall provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat while attending school and any school sponsored activities. This requires a fundamental change in the way that administrators and employees in the DOE view harassment, intimidation or bullying, cyberbullying, sexting sexual harassment and fraternization.

The school principal and employees must recognize that minor events, which do not rise to the level of violations of school rules or a crime, may still create an environment which makes students feel uncomfortable or even terrified at the prospect of attending school. This policy is to allow students active participation in school affairs without fear and threat of harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment.

This policy will also follow federal antidiscrimination laws enforced by the Office of Civil Rights (OCR). The statues that OCR enforces includes Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.

II. Coverage

This policy governs all students within the jurisdiction of DOE and is intended to prohibit bullying, cyberbullying, sexting and sexual harassment in the public school system. The term "at school" is defined in 17 GCA Section 3112.1 that states (a) “at school' means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official bus stop, or at a school-sponsored activity or event whether or not it is held on school premises.”

III. Definitions

A. Harassment, Intimidation or Bullying

1. 17 GCA Section 3112.1 (a) “any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school’s educational mission or the education of any pupil. Harassment, intimidation, or bullying includes but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic”.

2. Bullying behavior components:

   a. aggressive behavior that involves unwanted, negative actions
b. involves a pattern of behavior repeated over time

c. involves an imbalance of power or strength

3. Common forms of harassment, intimidation or bullying include:

a. Repeated negative behaviors intended to frighten or cause distress to a student or group of students. Behaviors also include assault & battery, pushing and shoving, teasing, and name calling.

b. Posting of negative messages on the bathroom walls, school walls, and classroom walls thus creating an atmosphere which causes distress to the point that a student or students are frightened to attend school or their classes.

c. Verbal expressions, physical acts, and gestures and antagonism intended to strike fear with students and school staff.

d. Threatening notes, phone calls, and other electronic communications which indicate some form of retaliation.

e. Aggressive behavior of an individual or group meant to use greater power by threatening and generally oppressing a targeted individual or group of individuals.

f. Acts of intimidation that prevents students from engaging in the academic and learning process.

g. An action that targets a student or group of students and cause distress or suggest oppression based on race, color, religion, disability and beliefs and further causes students to lose focus and performance in the learning process.

h. Physical aggression such as assault, kicking, punching, hitting and biting.

i. Physical and aggressive gestures imitating an action to hit another person.

j. Extortion for lunch money or other student property.

k. Teasing in such a manner as to impact a student's, emotional, or academic functioning.

l. Writing nasty notes on walls, paper, or other surfaces in an attempt to demean and defame a person's character or integrity.

m. Other behaviors meant to create a climate of fear and that affects the daily functioning on students on and off campus.

n. Behaviors that causes or intends to cause social exclusion or isolation of another student; lies, false rumors and/or other behaviors that promotes relational aggression.

o. Having money or other things taken or damaged or threatening or forced others to engage in bullying behaviors

B. Cyberbullying

1. The use of any electronic communication device to harass, intimidate or bully as defined in 17 GCA Section 3112.1 (2). Cyberbullying is bullying through email, instant messaging, in a chat room, on a website, or through digital messages or images sent to a cell phone (Kowalski et al. 2008). Cyberbullying like traditional bullying involves an imbalance of power, aggression, and repetitive negative action.

2. Common forms of cyberbullying include but are not limited to the following:

a. Harassment: Repeatedly sending offensive, rude, and insulting messages

b. Denigration: “Dissing” someone online. Sending or posting cruel gossip or rumors about a person to damage his or her reputation or friendships.

c. Flaming: Online “fighting” using electronic messages with angry, vulgar language
d. Impersonation: Breaking into someone’s email or social networking account posing as that person and sending messages to make the person look bad, get that person into trouble or danger, or damage that person’s reputation or friendships.

e. Outing and Trickery: Sharing someone’s secrets or embarrassing information online. Trickling someone into revealing secrets or embarrassing information which is then shared online.

f. Cyber Stalking: Repeatedly sending messages that include threats of harm or are highly intimidating; engaging in other online activities that make a person afraid for his or her safety.

g. Exclusion: Intentionally excluding someone from an online group like a “buddy list” or a game.

h. Trolling: Intentionally posting provocative messages about sensitive subjects to create conflict, upset people, and bait them into “flaming” or fighting.

C. Sexting

1. 9 GCA §28.100; a minor is guilty of an offense of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as sexting, if the minor, by use of a computer or any telecommunications device, recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possesses a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity.

3. Examples and common forms of sexting include but are not limited to the following:

   a. Electronically transmitting offensive, sexually explicate and/or inappropriate pictures, images or drawings that damages a student’s reputation, educational standing or social standing or that interferes with the educational mission of the school.

   b. Electronically transmitting offensive messages, postings, texts, instant messages and/or other forms of written communication that contain sexual context that interferes with the educational mission of the school.

   c. Electronically transmitting offensive music, sound bites, voices, noises or any recorded material that contain sexually explicate and/or inappropriate content that interferes with the educational mission of the school.

D. Sexual Harassment

1. Office of Civil Rights Title IX - Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student’s ability to participate in or to receive benefits, services, or opportunities in the school’s program. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX.

   Sexual harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances or distractions to deliberate intimidation and frank threats or sexual demands. Forms of sexual harassment may include but not limited to the following:

   a. verbal, non-verbal, and physical sexual behaviors

   b. coerced sex

   c. sexual jokes and innuendoes

   d. remarks about a person’s body

   e. turning discussions inappropriately to sexual topics

   f. whistling or cat calls

   g. looking a person up and down or staring in a sexually suggestive manner

   h. invading someone’s personal space or blocking her/his path
i. sexually explicit visuals such as pin-ups
j. suggestions of sexual intimacy
k. repeated requests for dates
l. unwanted letters, electronic mail or other computer communications
m. unwanted gifts

n. touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive

IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.

B. All schools shall include the provisions of this policy in their student handbook.

C. Each school will be responsible for teaching behavioral expectations to their students in their respective school communities. Each school shall develop a process for discussing harassment, intimidation, or bullying policy with pupils as part of the curriculum.

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

A. Responsibility of Students and/or Parents

1. Students and/or parents shall immediately report incidences to the school principal, a teacher, school aide or school employee. The school staff or personnel shall comply with the requirements of 19GCA Chapter 13 as outlined below.

2. Each student shall adhere to the behavioral expectations of their respective school community.

B. Responsibility of Teachers, School Staff, and Volunteers

1. Teachers and school staff who receive complaints of bullying and sexual harassment by students shall fully comply with 19 GCA Chapter 13 on these matters.

2. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”

3. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

   §13201. Persons Required to Report Suspected Child Abuse or Neglect.

   (A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

   (B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of
worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.”

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.
In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.
(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

C. Responsibility of School Principals or Principal’s Designee

1. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment. The responsibility includes discussing the policy with students and employees and formulating school level policies consistent with the District standard operating procedures. Principals will develop a system for students to report acts of bullying, harassment, or intimidation anonymously.

2. School principals shall fully comply with 19 GCA Chapter 13 on these matters.

3. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states, “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”

4. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.
(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.
The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.

7. Investigate and document complaints promptly in ways designed to respect the privacy of all parties involved.

8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

9. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the District Discipline/Truancy Data Manual.

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.

2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.

3. Monitor, assess, and use the disciplinary information contained in the Superintendent’s Annual State of Public Education Report in the planning and implementation of appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

VI. Non-Compliance

Non-compliance to this policy will result in appropriate disciplinary action.

VIII. Further Action by the Superintendent

The Superintendent shall create appropriate standard operating procedures for implementation of this policy within 30 days of its adoption. School administrator will ensure that the standard operating procedures are followed.

Other special infractions or conditions

LAWS

9 GCA § 28.100. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; crime.

(a) A minor is guilty of an offense of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as Sexting, if the minor, by use of a computer or any telecommunications device,
recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possesses a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity.

(b) It is no defense to a charge under this Section that the minor creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows themselves in a state of nudity.

(c) Applicability. This Section shall not apply to the use of a computer or a telecommunications device to transmit or distribute a photograph or other depiction involving sexual intercourse, deviate sexual intercourse, sadism, masochism or masturbation. This Section does not prohibit a person guilty under this Section to be charged with other chargeable criminal sex offenses under Guam law.

(d) An offense under this Section constitutes a "status offense". Any minor found to commit an offense under this Section shall be found guilty of illegal use of a telecommunications device involving a minor in a state of nudity, a delinquent act that would be a misdemeanor if it could be committed as an adult.

(e) A minor who violates this Section is guilty of a separate offense for each separate photograph, video, or other material that shows a minor in a state of nudity which is created, received, exchanged, sent, or possessed.

(f) Any minor who is convicted of a violation of this Section shall be ordered in addition to the sentence ordered by the Court, as part of his or her sentence, to participate in the educational program similar to that discussed under Subsection (g) of this Section.

(g) A juvenile or minor who commits the offense of Illegal Use of a Computer or Telecommunications Device to Disseminate Prohibited Materials Involving a Minor - Sexting, may be eligible for a diversionary program.

(1) As used herein, 'eligible offense' means an offense chargeable under this Section where:
   (A) the facts of the case involve the creation, exhibition or distribution without malicious intent of a photograph depicting nudity as defined in that section through the use of a telecommunications device or a computer; and
   (B) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

(2) The Office of the Attorney General, Family Division, or whichever designated division of the Office of the Attorney General that addresses matters involving juveniles in the community of Guam, will incorporate such a diversionary program under its current services. Such diversionary program would be similar to or incorporated under the current Pre-Adjudicatory Diversionary Program that the Office of the Attorney General currently utilizes. The program would require the Office of the Attorney General to develop an educational program for juveniles who commit an eligible offense as defined in this Act. The Office of the Attorney General shall then consult with the Judiciary of Guam, Juvenile Probation Division, to discuss and implement such educational program, to include the same or similar conditions as the current Pre-Adjudicatory Diversionary Program in place between the Office of the Attorney General and Judiciary of Guam, Juvenile Probation Office. The Office of the Attorney General shall be the sole agency responsible for the determination as to whether a minor may be admitted into the diversionary program. A juvenile who successfully completes the program would have the opportunity to avoid prosecution, and any records relating to such an offense, upon completion of the program, would be dismissed and expunged.

(3) Admission to the program shall be limited to juveniles who:
   (A) have not previously been adjudicated delinquent for or convicted of a criminal offense under Title 9 of the Guam Code Annotated that constitutes a third degree felony or greater;
   (B) were not aware that their actions could constitute and did not have the intent to commit a criminal offense;
(C) may be harmed by the imposition of criminal sanctions; and
(D) would likely be deterred from engaging in similar conduct in the future by completing the program.

(4) The educational program shall provide information concerning:
   (A) the legal consequences of and penalties for sharing sexually suggestive or explicit materials, including applicable local and federal statutes;
   (B) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
   (C) how the unique characteristics of cyberspace and the Internet, including searchability, replicability, and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and
   (D) the connection between bullying and cyberbullying and juveniles sharing sexually suggestive or explicit materials.

(5) The Attorney General may promulgate guidelines to effectuate the provisions of this Section.

17 GCA § 7110. Entry with intent to cause fight.
Every person who at any time enters any school campus maintained by the Department of Education with the intent of entering into a fight with any person or causing disruption on said school campus is guilty of a misdemeanor and punishable by a fine of Three Hundred Dollars ($300.00) or by imprisonment for not more than thirty (30) days, or both.

REGULATIONS

Board Policy d.406. Student cell phone use on school campus.
Introduction:
It is the policy of Department of Education that the use of cellular phones by students is a privilege that is allowed on school campuses within the parameters of this policy. The purpose of this policy is to ensure that student possession and use of cellular phones does not interfere with academic instruction, does not disrupt school operations, and its use is not in violation of the law.

Rationale:
In order to properly prepare students for life and promote excellence, the Department of Education embraces the appropriate use of technology. DOE students need to be exposed to available and newly developed technologies in order to properly prepare for higher education, the world of work, and as contributing citizens in society. However, inappropriate use and corresponding consequences need to be clearly delineated.

The Guam Education Board, in consideration of student safety and academic integrity within the school system, believes that appropriate standard operating procedures should govern student possession and use of cell phones within the school campus. Educators from across the country are exploring the integration and instructional use of technology, including camera cell phones, web-enabled cell phones, and cell phones with multi-media capabilities. However, school districts, including Guam, have also had to deal with such devices being used inappropriately on school campuses, causing disruption, leading to academic dishonesty, cyber bullying and sexting.

Policy:
1. Cellular phone use by students is ALLOWED, if part of academic instruction and for students with specific needs that require such devices as per their Individualized Education Program (IEP), 504 Plan, or Individualized Health Plan (IHP).
2. The Superintendent shall develop a Standard Operating Procedures (SOP) governing the possession and use of cell phones. The Superintendent shall ensure the implementation of the policy.

3. The SOP developed under this policy shall outline when confiscation shall occur.

**Board Policy d.440. Permission to leave school grounds.**

Students may not leave the school grounds from the time of their arrival until the time they leave at the end of the day unless they have written permission from both their parents/legal guardian(s) and principal to do so.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

17 GCA § 3112.1. Same: Policy against bullying.
(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

(g) Each school shall do all of the following:

(1) provide training on the school's "harassment, intimidation, or bullying" and "cyberbullying" policies to the school community and volunteers who have significant contact with pupils; and

(2) develop a process for discussing the "harassment, intimidation, or bullying" and "cyberbullying" policy with pupils as part of the curriculum.

17 GCA § 4125. Internet safety in course curricula.
The Guam Education Board shall, by Board policy, adopt internet usage safety standards in the curriculum of each course where internet usage is required or may be used by students for successful completion and mastery of the course subject matter. The standards may include, but not be limited to, teaching students to avoid computer viruses, identity theft, phishing and bank theft scams, exposure to violent, pornographic and obscene imagery, solicitation from sexual predators, and cyberbullying.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members.

B. All schools shall include the provisions of this policy in their student handbook.

C. Each school will be responsible for teaching behavioral expectations to their students in their respective school communities. Each school shall develop a process for discussing harassment, intimidation, or bullying policy with pupils as part of the curriculum.

Behavioral interventions and student support services

LAWS

17 GCA § 3112.1. Same: Policy against bullying.
(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school
community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

REGULATIONS

Board Policy d.405. Student suspension expulsion.
V. Standard process for administering behavioral citations interventions/consequences and/or adjudications
C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements
C. Responsibility of School Principals or Principal’s Designee
5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.
8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.
II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages
A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department’s procedures on confidentiality while working with them.

Professional development

LAWS

10 GCA § 82610. Seclusion and Restraint Policy.
The Government of Guam’s use of restraint or seclusion shall be strictly limited to emergencies when there is imminent risk of an individual physically harming himself or others and nonphysical intervention is not effective. This Section applies to all direct care providers within Government of Guam agencies and agents and employees of the Government of Guam who provide services to persons with mental difficulties, behavioral difficulties and developmental disabilities, but not the Department of Corrections and Guam Police Department. Direct care providers means personnel working with persons with mental difficulties, behavioral difficulties and developmental disabilities who are subject to a behavior plan, individualized educational plan or a similar plan.
(a) Training Program. An agency employing direct care providers shall provide a minimum of sixteen (16) hours to newly hired providers and annual follow-up training at a minimum of eight (8) hours. The training shall instruct providers in the following:

1. reducing the use of seclusion and restraint through risk assessment and early intervention, which includes nonphysical intervention;
2. needs and behaviors of the population served (e.g. age, gender, adults, or children);
3. relationship building;
4. proper and permissible techniques for seclusion, physical holds and chemical restraints for the population served, including risks versus benefits;
5. preventive techniques for restraint and seclusion, including a safe and calm physical environment;
6. positive alternatives to restraint and seclusion;
7. de-escalation methods;
8. avoidance of power struggles;
9. thresholds for restraints and seclusion;
10. the physiological and psychological impact of restraint and seclusion;
11. monitoring physical signs of distress and obtaining medical assistance;
12. legal issues;
13. positional asphyxia;
14. escape and evasion techniques;
15. time limits;
16. the process for obtaining approval for continued restraints;
17. procedures to address problematic restraints;
18. documentation of restraints and seclusion;
19. debriefing after the use of restraints and seclusion with the client or student, the client's or student's family member, or authorized representative, as well as staff members; and
20. processing with clients or students, and follow-up with personnel, and investigation of injuries and complaints.

17 GCA § 3112.1. Same: Policy against bullying.

(g) Each school shall do all of the following:

1. provide training on the school’s “harassment, intimidation, or bullying” and “cyberbullying” policies to the school community and volunteers who have significant contact with pupils; […]

(h) A school shall incorporate information regarding its policy against “harassment, intimidation, or bullying” and “cyberbullying” into its employee training program.

REGULATIONS

No relevant regulations found.
**Monitoring and Accountability**

**Formal incident reporting of conduct violations**

**LAWS**

17 GCA § 3112.1. Same: Policy against bullying.

(c) The policy shall include at least each of the following components:

1. A procedure for reporting an act of “harassment, intimidation, or bullying” and “cyberbullying”, including a provision that permits a person to report an act of “harassment, intimidation, or bullying” and “cyberbullying” anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

2. A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal’s designee as the person responsible for the investigation.

3. A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of “harassment, intimidation, or bullying” and “cyberbullying”.

4. A school employee or volunteer who has witnessed, or has reliable information that a pupil has been subjected to “harassment, intimidation, or bullying” and “cyberbullying”, whether verbal or physical, shall report the incident to the appropriate school official designated by the Board policy.

**REGULATIONS**

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

A. Responsibility of Students and/or Parents

1. Students and/or parents shall immediately report incidences to the school principal, a teacher, school aide or school employee. The school staff or personnel shall comply with the requirements of 19GCA Chapter 13 as outlined below.

2. Each student shall adhere to the behavioral expectations of their respective school community.

B. Responsibility of Teachers, School Staff, and Volunteers

1. Teachers and school staff who receive complaints of bullying and sexual harassment by students shall fully comply with 19 GCA Chapter 13 on these matters.

2. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”

3. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

   §13201. Persons Required to Report Suspected Child Abuse or Neglect.
   (A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on
the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.”

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

C. Responsibility of School Principals or Principal’s Designee

1. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment. The responsibility includes discussing the policy with students and employees and formulating school level policies consistent with the District standard operating procedures. Principals will develop a system for students to report acts of bullying, harassment, or intimidation anonymously.

2. School principals shall fully comply with 19 GCA Chapter 13 on these matters.

3. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states, “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare.”

4. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A)Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.
(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

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In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.

7. Investigate and document complaints promptly in ways designed to respect the privacy of all parties involved.

8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

9. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the District Discipline/Truancy Data Manual.

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.

2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.

3. Monitor, assess, and use the disciplinary information contained in the Superintendent’s Annual State of Public Education Report in the planning and implementation of appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.

I. Introduction

The following guidelines are issued to provide direction to school administrators regarding suspected or actual possession, use, and distribution of illegal drugs, unauthorized medication, and alcoholic
beverages by students of the Department of Education. Refer to the policy of the Territorial Board of Education on medication for guidance on the authorized possession and use of medication by students.

II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages

School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to be in possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department’s procedures on confidentiality while working with them.

III. Possession of Suspected Illegal Drugs and Alcoholic Beverages

Students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of suspected illegal drugs on the school’s campus or at a school activity.

Minor students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of alcoholic beverages on the school’s campus or at a school activity.

IV. Possession of Medication Without Proper Authorization

Students who are in possession of medication without proper authorization on a school’s campus or at a school approved activity shall be referred to the school’s administration, which shall:

1. determine why the students were in possession of the unauthorized medication, and

2. take appropriate corrective or disciplinary action based on the findings of the above investigation.

V. Discovery of Suspected Illegal Drugs Not in Anyone’s Possession

A school’s administration shall turn over suspected illegal drugs that are not in anyone’s possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

**Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction. [...]
Board Policy d.430. Smoking and possession of tobacco products.
The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students. Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

Disciplinary procedures to be enforced for student violations of this policy are as follows:

For Elementary Students. The disciplinary measures to be taken with elementary students who violate this policy shall be in accordance with those procedures delineated in the Student Conduct Procedural Manual (SCPM) and the Office Discipline Referral (ODR) form and approved by the appropriate Deputy Superintendent relative to student smoking and possession of tobacco products. The approved procedures must be in written form and disseminated by the appropriate Deputy Superintendent, to all elementary schools.

For Secondary Students. Each offense shall be handled as a Level 3 and progressively disciplined in accordance with the Student Conduct Procedural Manual and the Office Discipline Referral (ODR) Form.

Parental notification

LAWS

17 GCA § 6404. Same: Delivery of truant.
The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant’s parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil’s school, shall bring the child before the Family Court.

17 GCA § 6405. Same: Disposition.
The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

C. Responsibility of School Principals or Principal’s Designee

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.
Reporting and referrals between schools and law enforcement

LAWS

17 GCA § 3112.1. Same: Policy against bullying.
(k) “harassment, intimidation, or bullying” and “cyberbullying” are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law.

17 GCA § 3112.2. Safe schools program: School crime stoppers.
The Guam Education Board (Board) shall adopt a policy to address crimes being committed within the Guam Department of Education (GDOE) schools. The Board shall implement crime-prevention efforts found successful in other jurisdictions and implement such policies.
The policy shall include, but is not limited to, the following:
(a) School Safety Coordinator. Each school shall identify a School Safety Coordinator (an administrator or school counselor) who will be responsible for overseeing the Program for individual GDOE schools.
(b) School Crime Stoppers Coordinator. The Guam Police Department Chief of Police will assign an employee of the Guam Police Department to serve as the School Crime Stoppers Coordinator to work with GDOE School Safety Coordinators, and to serve as liaison to Guam Crime Stoppers, Inc. and the Guam Police Department.
(1) The School Crime Stoppers Coordinator will be responsible for organizing awareness and education events for students, and the broader community, with the Guam Police Department, the Guam Crime Stoppers, the Office of the Attorney General, the Mayors Council of Guam, and other relative agencies and organizations, as well as training events for administrators, faculty, staff, school parent organizations and families.
(2) Partnership with Guam Crime Stoppers, Inc. The Board shall explore options of developing a partnership with Guam Crime Stoppers, Inc. to identify the School Crime Stoppers Program needs, such as securing phone services, the possible implementation of procedures for online web tips for the reporting of crimes that occur on GDOE campuses, and other related needs.
(3) The School Crime Stoppers Coordinator will forward reports of tips and calls that have led to arrests for crimes to the Guam Crime Stoppers Board of Directors for disposition, in accordance with the organization’s current procedures. For infractions or instances where the event is not a criminal activity, the School Safety Coordinator and the School Crime Stopper Coordinator will determine, or make a referral for, the appropriate disciplinary action, or make a referral to the appropriate entity.
(4) The School Crime Stoppers Coordinator and the School Safety Coordinators shall coordinate with the Guam Crime Stoppers, Inc., and make recommendations for policy relative to fundraising efforts to support the School Crime Stoppers program. Said recommendations shall be presented to the GDOE Board and Superintendent of Education for consideration and subsequent development of policy.
(c) Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.
(1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.
(2) The data shall be published quarterly for public review on the Guam Department of Education website.
(d) Both the School Safety Coordinators and the School Crime Stopper Coordinator will be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the coordinators shall forward it to the appropriate authorities for disposition.

(e) Implementation. The Program shall be implemented in all Guam Department of Education schools.

17 GCA § 6402. Habitual truant.
A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil’s school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

17 GCA § 6406. Report to court and social services.
Any pupil who has once been adjudged a habitual truant, or who is again reported as a truant one (1) or more days, or is late to school for thirty (30) or more minutes on one (1) or more days without excuse, shall be reported by the Superintendent or the attendance officer to the Family Court.

17 GCA § 6407. Court hearing.
If the Court, after hearing, finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the Court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services.

17 GCA § 6408. Submission of report.
The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

C. Responsibility of School Principals or Principal’s Designee

4. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.
(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under §13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department. Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.

III. Possession of Suspected Illegal Drugs and Alcoholic Beverages

Students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of suspected illegal drugs on the school’s campus or at a school activity.

Minor students shall be referred to the Guam Police Department upon the determination of a school’s administration that they are in possession of alcoholic beverages on the school’s campus or at a school activity.

V. Discovery of Suspected Illegal Drugs Not in Anyone’s Possession

A school’s administration shall turn over suspected illegal drugs that are not in anyone’s possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

Board Policy d.425. Dangerous weapons.

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction. [...]
**Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

IV. The Principal or designated personnel is be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the SSC and SCSC coordinators shall forward it to the appropriate authorities for disposition.

**Board Policy h.810. Cooperation with law enforcement authorities.**

Cooperation with Law Enforcement:

The Guam Public School System will cooperate to the extent permitted by law all law and assist in their legal functions and mandates. In furtherance of this policy, care should be exercised to ensure that:

1. The individual pupil and employee’s rights and feelings are respected.
2. The pupil and employee are protected from unnecessary humiliation and damage to his reputation.
3. The rights and responsibilities of parents or guardians of pupils and of employees are observed.
4. GPSS is responsible to help each pupil and employee in the most constructive way possible.

When Action is initiated by Law Enforcement:

a) The school may permit law enforcement officers to interview minor students at the school provided at least one (1) parent or legal guardian is present and consents in writing to the interview. Such consent to the interview at the school is independent of, and prior to, any warnings the officers may be required to give to the minor student prior to the interview. If at all possible, the interview should be conducted away from school.

b) Law enforcement shall first report to the principal in the school’s main office and should indicate to the principal the reason they are on campus and why they want to talk to a student or employee.

c) The officer is required to identify himself to the principal. If the principal is not satisfied with the identification, he should check with the agency in question.

When Action is initiated by the School:

The principal should call law enforcement when a case, in his/her judgment, warrants such assistance. If this occurs, the principal should immediately endeavor to notify the Office of the Superintendent, as well as the Public Information Officer.

When Action is initiated by Law Enforcement or by the School:

The principal should provide a private room for questioning.

1. The Guam Education Policy Board wholeheartedly condemns any strategy, which would encourage the use of any student or employee as an undercover agent for law enforcement.
2. The Guam Education Policy Board is morally opposed to the concept that any other agency, department, business or organization is justified in suborning any student or employee of the Guam Public School System to bribery or promises of reward for performance of nefarious acts.
3. The Guam Education Policy Board unanimously endorses education for children in a healthy, mentally stimulating atmosphere and feels that education is its own reward.
Disclosure of school records

LAWS

(a) A government entity or school shall not release the date of birth, addresses, email addresses and phone numbers of a minor student without the consent of the minor student's parent or legal guardian, except to allow emergency medical personnel to contact the student's parent or guardian in cases of medical emergencies, or as provided by (b), infra. A government entity or school shall not release the date of birth, addresses, email addresses or phone numbers of an adult student without the consent of the student, except to allow emergency medical personnel to contact the student's next of kin in cases of medical emergencies, or as provided by (b), infra. All other directory information not subject to parental or student consent by this paragraph may be released subject to the provisions of 20 U.S.C. Section 1232g (Family Educational Rights and Privacy Act -FERPA).
(b) A government entity or school may release all directory information to law enforcement, public safety and child protective agencies, provided they are released pursuant to the provisions of 20 U.S.C. Section 1232g (Family Educational Rights and Privacy Act - FERPA).
(c) For purposes of this Section, supra, directory information shall have the same meaning as 20 U.S.C. 1232g(a)(5)(A).
(d) Nothing in this Section is intended to quash the release of any information required by a valid court order.

17 GCA § 6600. Short Title.
This Act shall be known as the "Protection of Minors' and Student's Rights Act".

17 GCA § 6601. Legislative Findings and Intent.
(a) I Liheslaturan Guahan finds that school districts throughout the nation routinely survey student populations to obtain demographic information that they will use for a variety of educational and non-educational purposes.
(b) I Liheslatura further finds that some surveys may include questions requesting that students divulge information of a sensitive or personal nature, such as religious, political and sexual preferences. Many surveys may also include information that may subject the student to identity theft or make them vulnerable to stalkers and sexual predators.
(c) It is the intent of I Liheslatura to require that prior to a government entity or school district administering certain academic or nonacademic surveys, assessments, analyses, or evaluations to its students it must receive written informed consent from a minor's or student's parent or legal guardian, and must provide a copy of the document to be administered for viewing at convenient locations and time periods.

17 GCA § 6602. Restrictions.
(a) Unless a government entity or school receives prior written informed consent from a minor’s or student's parent or legal guardian, and provides for a copy of the document to be administered to be available for viewing at convenient locations and time periods, the government entity or school shall not administer to a minor or student any written academic or nonacademic survey, assessment, analysis, or evaluation, which reveals information concerning:
(1) political affiliations;
(2) mental and psychological (medical) problems potentially embarrassing to the student or the student's family;
(3) sexual behavior and attitudes;
(4) illegal, anti-social, and self-incriminating behavior;
(5) appraisals of other individuals with whom a respondent has a close family relationship;
(6) legally recognized, privileged, or analogous relationships, such as those of lawyers, physicians, and ministers;
(7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
(8) social security number.

(b) The government entity or school shall request prior written informed consent at least two (2) weeks prior to the administration of the survey, assessment, analysis, or evaluation.

(c) A minor or student shall not participate in any survey, assessment, analysis, or evaluation that concerns the issues listed in Subsection (a) of this Section unless the government entity or school district has obtained prior written informed consent from that minor's or student's parent or legal guardian.

(d) The following notice shall be prominently displayed on the first page of any survey as defined in Subsection (a) of this Section:
"Notice: If you are younger than eighteen (18) years of age and a student in a public school, you should not complete this survey unless your parent or legal guardian has given their written permission for you to do so."

(e) This Section shall not apply to a survey, assessment, analysis, or evaluation that does not identify the taker of such survey, assessment, analysis, or evaluation.

(f) This Section shall not apply to a survey, assessment, analysis, or evaluation administered for the purpose of gathering information related to bullying, violations of school conduct or the Criminal and Corrections Code, the immediate health or safety of students or school staff, or conducted pursuant to federal law or regulation.

REGULATIONS

Board Policy d.405. Student suspension expulsion.

III. Confidentiality.

All proceedings and records of proceedings, under this policy shall be confidential. If disciplinary action is taken, a record shall be filed in the student’s cumulative folder and subjected to the same access restrictions applicable to any other material duties, shall have access to this material on the same basis as members of a school administration.

Per the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99), schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the follow conditions (34 CFR §99.31)

A. School officials with legitimate educational interest;
B. Other schools to which a student is transferring;
C. Specified officials for audit or evaluation purposes;
D. Appropriate parties in connection with financial aid to a student;
E. Organizations conducting certain studies for or on behalf of the school;
Board Policy h.825. Student records.

I. Definitions

A) Education records: All of the written information maintained by the Department of Education (the Department) which relate to a student—regardless of the manner in which the written information is maintained—except for:
   1) records of personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute
   2) records of a law enforcement unit of an educational agency or institution which are maintained apart from educational records, maintained solely for law enforcement purposes, and not disclosed to individuals other than law enforcement

B) Eligible student: A student who has reached 18 years of age or is attending a postsecondary educational institution

C) Directory information: Information relating to a student including the student’s: name; date of birth; school; grade in which the student is enrolled; time period(s) during which he/she is/was in attendance at a school; village of residence; participation in officially recognized activities and sports; weights and heights of members of athletic teams; degrees and awards granted

D) Legitimate educational interest: the need of a school official to know the contents of a student’s educational records in order to perform a function required by his/her duties and responsibilities as a school official

E) Parent: A biological parent of a student (except if his/her rights under the Family Educational Privacy Rights Act have been terminated by a court order); a guardian; or a person acting as a parent in the absence of a parent or guardian

F) Student: Any person who attends or has attended a program of instruction of the Department of Education

G) School Officials:
   1) persons employed by/under contract with the Department
   2) persons duly elected to the Territorial Board of Education
   3) persons appointed by the Department to an administrative or supervisory position

II. Access to Educational Records

A. When Permission From A Parent Or Eligible Student Is Not Required: The following may have access to, or, as circumstances dictate, be provided with either a copy of or the original set of a student’s educational records without having obtained permission form the student’s parent or an eligible student;
   1) The student him/herself
   2) The student’s parents, except for parents: 1) who are prohibited by court order from having access to the records, or 2) whose child is an eligible student, unless the child is being claimed by the parent as a tax deduction
   3) School officials who have a legitimate educational interest in the records, providing that such access shall be limited to only those records to which the legitimate educational interest applies
4) Schools in which the student has enrolled
5) Certain federal and state authorities if the records are needed to audit or evaluate a federally funded program, provided that any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such an audit or evaluation
6) Persons who are involved with an application for financial aid
7) Organizations which are conducting studies for or on behalf of the Department for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, providing that the studies are conducted in a manner which will not permit the personal identification of students and the parents by individuals other than representatives of the organizations and the information will be destroyed when no longer needed for the purposes for which the study was conducted
8) Accrediting organizations in order to carry out their accrediting functions
9) Parties identified by a court order which requires the release of information contained in a student’s educational records, provided the Department makes a reasonable effort to notify the parent of the student (or the student if he/she has reached eighteen years of age or is attending a postsecondary educational institution) of the order in advance of compliance
10) Appropriate parties in connection with an emergency, providing that all four of the following criteria exist and providing that the information which is released is limited to only that which is needed to address the emergency:
   a) there is a serious threat to the health or safety of the student or other persons
   b) the information which is requested is necessary to deal with the emergency
   c) the party to whom the information would be disclosed is in a position to deal with the emergency
   d) time is of the essence in dealing with the emergency
11) Persons/organizations which request directory information, providing that they can show reasonable cause for wanting the directory information, and providing that only directory information is released to such persons or organizations

B. When Permission From A Parent Or Eligible Student Is Required: A parent, or the student if he/she is an eligible student, must consent in writing to providing access to or releasing educational records to any persons or parties not covered by the conditions or criteria listed in section (A) above. The written consent must include at least:
   1) the signature of the parent or eligible student
   2) the date on which the consent was signed
   3) a specification of the records to be disclosed
   4) the purpose(s) of the disclosure
   5) the parties or class of parties to whom the disclosure may be made
   6) if applicable, the date on which the consent is to terminate

III. Rights of Parents and Eligible Students
Parents and eligible students have the following rights. The rights accorded to and the consent required of parents are accorded only to students who reach the age of eighteen or who are attending postsecondary educational institutions. The status of eligible students who are claimed by their parents for tax deduction purposes does not otherwise affect the rights accorded to and the consent required of eligible students.
A) to inspect and review the educational records of the student in accordance with the following:

1) the inspection shall be allowed within a reasonable amount of time, not to exceed 45 days after the request has been made

2) the custodian of the records may require that the inspection of the records be scheduled by appointment, providing that annual notice of such a requirement is provided to parents as required by Part IV.

3) The custodian of the records provide the parent or eligible student at the time of inspection with a listing of:
   a) the types of educational records being maintained,
   b) the location of every part of the educational records, inclusive of
   c) the titles and addresses of the officials responsible for the records

4) the custodian of the records shall have personnel who are qualified and capable of explaining the records present at the time of the inspection, and the custodian of the records shall provide a response to reasonable requests for explanations and interpretations of the records within a reasonable amount of time of the requests

5) The parent or eligible student shall be provided with a copy of the records where failure to do so would effectively prevent a parent or eligible student from exercising their right to inspect and review the records

6) The parent or eligible student shall be restricted to inspecting and reviewing only specific information which pertains to their child or the eligible student when educational records contain information on more than one student

7) Parents and eligible students may be charged a copying fee of up to 25 cents for every page provided to them multiple locations of educational records if applicable

B) To request to amend education records in accordance with the following:

1) the request may be made either verbally or in writing

2) the parent or eligible student shall be informed within a reasonable amount of time of whether the request has been denied or granted

3) if the request if denied, the parent or eligible student shall be informed of the reason of the denial and that they have the right to a hearing to challenge the content of the educational records

4) if a hearing is requested, the following shall apply:
   a) the hearing shall be held within a reasonable period of time after the request for the hearing has been received
   b) the parent or eligible student shall be given reasonable advance notice of the date, place, and time of the hearing
   c) the hearing shall be conducted by an official of the Department who does not have a direct interest in its outcome
   d) the parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the hearing issues, and may be assisted by persons of his/her choice
   e) the decision stemming from the hearing shall be made within a reasonable amount of time after the conclusion of the hearing
   f) the decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision
5) If, as a result of the request as per Item (1) or the hearing as per Item (4), it is determined that it is necessary to amend the educational records, the indicated amendment shall be made as soon as possible, but prior to when the educational records are transferred to another location.

6) If, as a result of the hearing as per Item (4) it is determined that the educational records do not have to be amended, the parents or eligible student shall be informed that they have the right to place in the educational records of the student a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision. Any statement so placed in a student’s educational records shall be maintained in the records as long as the records or contested portion thereof is maintained.

C) To refuse to permit the disclosure of any or all of the information contained in a student’s educational records designated as directory information to persons or parties other than those specified by Section II, Items A1-A10; and to be informed of the effect is such a refusal will or may have upon the student, providing that such refusal is provided to the custodian of the records in writing.

IV. Responsibilities of Custodians of Educational Records

A) To ensure that the information contained in students’ educational records are not disclosed to unauthorized parties through any means, written, verbal, or otherwise

B) To provide parents and eligible students with annual notice of the following. Such notice shall be given by means, which are most likely to inform parents and eligible students, inclusive of providing for the need to effectively notify parents of students identified as having a primary or home language other than English.

1) The types of educational records being maintained and their locations
2) persons responsible for maintaining each type of record
3) the original set of educational records will be forwarded to any school in which a child has enrolled-provided that the school in possession of the records shall not release them until it has received a request on official letterhead from the school in which the student has enrolled. Parents and eligible students cannot be given the original set of cumulative records at the time of transfer or withdrawal of the student.

4) Their rights as specified by Section III of this policy

5) That Board Policy 825 explains the regulations of the Department regarding students’ educational records, and that they may obtain a copy of this policy from their child’s school

6) That parents and eligible students have the right to file a complaint with the Department regarding alleged failure of a custodian of educational records to abide by the provisions of this policy

C) When a disclosure is made pursuant to Section II.B of this policy:

1) to maintain a record in the student’s educational records of the information listed in Section II.B of this policy; and,
2) to provide a parent or eligible student with a copy of the records which are disclosed if so requested by the parent or eligible student.

D) to comply with all other of the provisions of this policy not specified above.
Data collection, review, and reporting of disciplinary policies and actions

LAWS

10 GCA § 82610. Seclusion and Restraint Policy.
(b) Reporting Requirements. Direct care providers shall document the use of every restraint defined in Sections 82101(h) and 82101(i), Article 1, Chapter 82, Title 10 GCA on an incident report. Any injury as a result of restraint or seclusion shall be reported immediately to professional staff, Guam Behavioral Health and Wellness Center, Department of Public Health and Social Services, and the territorial protection and advocacy office or its successor.

17 GCA § 3105. Collection of Data and Production of School Performance Reports by Superintendent; Criteria for Grading Schools.
(a) The Superintendent shall collect data and produce annual school performance reports containing information on student performance, student behavior and school characteristics.
(b)(1) In consultation with representatives of parents, teachers and school administrators, the Board shall adopt, by rule, criteria for grading schools. Such criteria shall take into account both overall performance and improvement in performance. A five (5) member evaluation team shall be appointed by the Board to assess every school. The Board shall appoint one (1) member from each of the four (4) school board election districts, and the fifth member shall be appointed from the Island-wide Parent Teacher Organization. The grades shall include classifications for exceptional performance, strong performance, satisfactory performance, low performance and unacceptable performance.

(2) The grades received by a school shall be included in the Annual State of Public Education Report.

(3) If a school is within the low performance or unacceptable performance classification in any category, the school shall file a school improvement plan with the Superintendent and with the Board.

(c) The Superintendent shall notify the public and the media, and post on the Department of Education's website, no later than thirty (30) days following the end of the fiscal year. The school performance reports shall be available at schools and the DOE' offices. The Superintendent shall also include notice that copies of school improvement plans can be obtained from the schools and the DOE.

17 GCA § 6408. Submission of report.
The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

REGULATIONS

Board Policy d.405. Student suspension expulsion.
V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

D. A method of recording, managing and reporting discipline data using the DOE student information system.
**Board Policy d.407. Student searches and seizures.**
The Superintendent shall establish and implement standard operating procedures for student searches and seizures. The type and number of searches conducted on each campus, and the results of those searches, shall be reported to the Board annually.

**Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

D. Responsibility of Student Support Services Administrator:

3. Monitor, assess, and use the disciplinary information contained in the Superintendent’s Annual State of Public Education Report in the planning and implementation of appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

**Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

III. Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.

2) The data shall be published quarterly for public review on the Guam Department of Education website.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

10 GCA § 77119. Assignment of Police Officers.
(a) The Chief of Police, or his designee, may assign police officers consistent with the needs of the Department to the villages so as to be the most efficient in carrying out the purposes of the Department to preserve the peace, to enforce the law and to prevent and detect crime.
(b) The Chief of Police may assign those hired as limited term police officers to serve as a school resource officer, who at the minimum will be responsible for addressing drugs and violence in the schools, the investigation of criminal activity involving juveniles, and other duties as agreed upon by the parties in a Memorandum of Understanding and whose employment shall be on a school-year basis.

17 GCA § 6403. Attendance officer.
The Superintendent shall appoint employees of the Department of Education, as Attendance Officers. The Attendance Officers, any peace officer, principal, or dean may take into custody during school hours, without warrant, any truant found away from the truant’s home and who has been reported truant. For the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance Officers are not classified as public safety and law enforcement officers.

17 GCA § 6404. Same: Delivery of truant.
The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant’s parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil’s school, shall bring the child before the Family Court.

17 GCA § 6405. Same: Disposition.
The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS

17 GCA § 8107. Marshal; appointment of special deputies.
(a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of
   (1) the Department of Law,
   (2) the Department of Revenue & Taxation of the government of Guam, and
(3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary. Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.

(b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

10 GCA § 77119. Assignment of Police Officers.
(a) The Chief of Police, or his designee, may assign police officers consistent with the needs of the Department to the villages so as to be the most efficient in carrying out the purposes of the Department to preserve the peace, to enforce the law and to prevent and detect crime.

(b) The Chief of Police may assign those hired as limited term police officers to serve as a school resource officer, who at the minimum will be responsible for addressing drugs and violence in the schools, the investigation of criminal activity involving juveniles, and other duties as agreed upon by the parties in a Memorandum of Understanding and whose employment shall be on a school-year basis.

17 GCA § 8107. Marshal; appointment of special deputies.
(a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of

(1) the Department of Law,
(2) the Department of Revenue & Taxation of the government of Guam, and
(3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary. Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.

(b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

17 GCA § 8108. Special deputy marshal; duties, compensation.
(a) The employees of the Department of Law who are appointed as deputies under § 8107 of this Chapter shall exercise their office only in cases wherein the government of Guam is a party.

(b) The employees of the Department of Revenue and Taxation who are appointed as deputies under said § 8107 shall exercise their office only in matters concerning the income tax laws and other tax and revenue laws of Guam.

(c) The School Attendance Officers of the Department of Education under § 8107 shall exercise their office only in matters concerning truancy proceedings of the Superior Court of Guam.

(d) No deputies under said § 8107 shall be entitled to compensation in addition to the compensation they are receiving as employees of the government of Guam.
REGULATIONS

Board Policy d.472. School crime stoppers program.

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

I. School Safety Coordinator. Each school shall identify a School Safety Coordinator (SSC) (an Administrator, School Counselor, School Resource Officer (SRO) or designee) who will be responsible for overseeing the Program for individual GDOE schools as a collateral duty. Specific duties for the SSC shall be stipulated in the Standard Operating Procedures developed by the Superintendent.
**State Education Agency Support**

State model policies and implementation support

**LAWS**

No relevant laws found.

**REGULATIONS**

_Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment._

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.
2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.
3. Monitor, assess, and use the disciplinary information contained in the Superintendent’s Annual State of Public Education Report in the planning and implementation of appropriate staff development.
4. Submit a monthly District Discipline Data report to the Superintendent.

VIII. Further Action by the Superintendent

The Superintendent shall create appropriate standard operating procedures for implementation of this policy within 30 days of its adoption. School administrator will ensure that the standard operating procedures are followed.

**Funding appropriations**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

17 GCA § 3112.1. Same: Policy against bullying.
(c) The policy shall include at least each of the following components:
  (13) A school employee who promptly reports an incident of “harassment, intimidation, or bullying” and “cyberbullying” to the appropriate school official designated by the Board policy, and who makes this report in compliance with the procedures in the policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying” is not liable for damages arising from any failure to remedy the reported incident.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
VI. Non-Compliance
Non-compliance to this policy will result in appropriate disciplinary action.

Community input or involvement

LAWS

17 GCA § 3112.1. Same: Policy against bullying.
(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

17 GCA § 42105. Community involvement.
The Territorial Board of Education shall endeavor to obtain the participation of the community as a major part of the alternative education program. This participation shall consist among other things, utilization of community resources in employment, and on-the-job training, and the use of parents, professionals, technicians, clergy, government leaders and other talented members of the community of teachers or resource personnel in the education and training of students in the program.

REGULATIONS

Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.
IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment
A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.
Other or Uncategorized

LAWS

**17 GCA § 5114. Same: Maintenance of discipline.**
Every teacher in the public schools shall hold pupils to strict account for their conduct while on the school premises and when on authorized off-campus school activities.

**17 GCA § 6111. Liability for injury to property.**
The parent or guardian of any pupil who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to a school or the Department of Education, shall be liable for all damages so caused by the pupil. The parent or guardian of a pupil shall be liable to the school for all property belonging to the school loaned to the pupil and not returned upon demand of an employee of the school authorized by the Superintendent to make the demand.

REGULATIONS

**Board Policy d.435. Bus conduct.**
All school bus riders will conform to school bus rules established by the Superintendent of Education.

No student shall disembark from a school bus until it has arrived at the student’s regular destination either the school grounds, the regular disembarkation stop, and/or any other designated disembarkation.

The Superintendent shall establish a Memorandum of Understanding with Department of Public Works regarding the transportation of students and develop an SOP for bus conduct of students. The SOP will be included in the student and parent handbook.

**Board Policy d.471. Unsafe schools choice option “persistently dangerous schools”.**
A public elementary or secondary school is considered to be "persistently dangerous" if each of the following two conditions exists for three-consecutive school years:

1. The school has a federal or state gun-free schools violation or a violent criminal
2. The School has expelled students, under Board Policy, for any of the following offense has been committed by a student or a non-student on school property, and offenses:
   a. Aggravated assault or battery upon any school employee - 9 G.C.A. §19.20.
   b. Brandishing a deadly weapon - 9 G.C.A §16.10
   d. Possessing, selling, or furnishing a firearm - 9 G.C.A §16.10
   e. Robbery or extortion - 9 G.C.A. §40.10 & §40.20.
   f. Selling a controlled substance - 9 G.C.A. Chapter 67
   g. Sexual assault - 9 G.C.A. §25.15 & §25.20

The number of expulsions for these offenses must exceed one of the following rates:

(a) for the school of fewer than 300 enrolled students, three expulsions
(b) for a larger school, one expulsion for every 100 enrolled students or fraction thereof.

**Board Policy d.472. School crime stoppers program.**
In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and
that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

I. School Safety Coordinator. Each school shall identify a School Safety Coordinator (SSC) (an Administrator, School Counselor, School Resource Officer (SRO) or designee) who will be responsible for overseeing the Program for individual GDOE schools as a collateral duty. Specific duties for the SSC shall be stipulated in the Standard Operating Procedures developed by the Superintendent.

II. School Crime Stoppers Coordinator. A School Crime Stoppers Coordinator (SCSC) who is an employee of the Guam Police Department assigned by the Chief of Police will work with GDOE School Safety Coordinators, and to serve as liaison to Guam Crime Stoppers, Inc. and the Guam Police Department.

1) The School Crime Stoppers Coordinator will be responsible for organizing awareness and education events for students, and the broader community, with the Guam Police Department, the Guam Crime Stoppers, the Office of the Attorney General, the Mayors Council of Guam, and other relative agencies and organizations, as well as training events for administrators, faculty, staff, school parent organizations and families.

2) Partnership with Guam Crime Stoppers, Inc. The School Principal or assigned personnel in partnership with Guam Crime Stoppers, Inc. shall identify the School Crime Stoppers Program needs, such as securing phone services, the possible implementation of procedures for online web tips for the reporting of crimes that occur on GDOE campuses, and other related needs.

3) The School Crime Stoppers Coordinator will forward reports of tips and calls that have led to arrests for crimes to the Guam Crime Stoppers Board of Directors for disposition, in accordance with the organization's current procedures. For infractions or instances where the event is not a criminal activity, the School Safety Coordinator and the School Crime Stopper Coordinator will determine, or make a referral for, the appropriate disciplinary action, or make a referral to the appropriate entity.

4) The School Crime Stoppers Coordinator and the School Safety Coordinators shall coordinate with the Guam Crime Stoppers, Inc., and make recommendations to support the School Crime Stoppers program.

III. Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.

2) The data shall be published quarterly for public review on the Guam Department of Education website.

IV. The Principal or designated personnel is responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the SSC and SCSC coordinators shall forward it to the appropriate authorities for disposition.

V. Implementation. The Program shall be implemented in all Guam Department of Education schools.

**Board Policy d.473. Children's Internet Protection Act: Internet content filtering/safety policy.**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the Guam Department of Education (GDOE, District) has adopted and will enforce this Internet Safety Policy that ensures the use of technology protection measures (i.e.
filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are, or may be considered obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors as determined by the school administrator, will also be enforced to ensure the safety of students when accessing the Internet.

The Guam Education Board’s (GEB) decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the school’s programs. This policy will help ensure the safety of personnel and students while online. However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed necessary by the applicable school administrators and division heads, will be enforced to ensure compliance with CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

1. Ensuring the presence of a teacher and/or other appropriate district personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate school administrator, the use of email and chat rooms may be blocked as deemed necessary to ensure the safety of such students;

2. Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;

3. In compliance with this internet Safety Policy as well as the District’s Acceptable Use Policy, unauthorized access (including so-called “hacking”) and other unlawful activities Children’s Internet Protection Act: Internet Content Filtering / Safety Policy by minors are prohibited by the District and student violations of such policies may result in disciplinary action; and

4. Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is “inappropriate” for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such “inappropriate” material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms “minor”, “child pornography,” “harmful to minors”, “obscene”, “technology protection measure”, “sexual act”, and “sexual contact” will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District’s educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor or other person authorized by the Guam Department of Education.

GDOE shall provide certification, pursuant to the requirements of CIPA, to document the District’s adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., block/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction:
In accordance with CIPA, GDOE will provide, to students in Kindergarten through 12th Grade, instruction designed to promote the proper and safe use of the internet. To be in compliance with FCC regulations for CIPA and E-Rate, GDOE is required to provide students instruction in appropriate online behavior, Social Networking and Cyber Bullying. Curricula for such a course of study shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

Notification/Authorization:
As adopted in Board Policy 379, GDOE’s Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school’s requirements, expectations, and student’s obligations when accessing the internet.

Student’s use of the District’s computer system is conditioned upon written agreement by all students and their parents/guardians that student use of the district’s computer system will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the district’s computer system. All such Acceptable Use Agreements shall be kept on file by the Schools or Divisions and must be furnished upon request.

GDOE has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the GDOE’s Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.
**Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Guam provide additional context to policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

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<th>Title</th>
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<th>Website address (if applicable)</th>
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<tr>
<td><strong>Website</strong></td>
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<tr>
<td>Standard Operating Procedures, Guam Department of Education (GDOE)</td>
<td>Provides links to standard school operating procedures, including campus security, student searches, cell phone use, controlled substances, school crime, school attendance and conduct, and bullying, harassment, and intimidation.</td>
<td><a href="https://sites.google.com/a/gdoe.net/gdoe/SOP">https://sites.google.com/a/gdoe.net/gdoe/SOP</a></td>
</tr>
<tr>
<td>Student Support Services Division, GDOE</td>
<td>Supports all public schools in the areas of student safety and discipline, behavioral health supports, counseling, truancy prevention, and Section 504 of Rehabilitation Act of 1973. Provides guidance regarding board policies and standard operating procedures governing student conduct and safety.</td>
<td><a href="https://sites.google.com/a/gdoe.net/studentsupportservices/home">https://sites.google.com/a/gdoe.net/studentsupportservices/home</a></td>
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<tr>
<td><strong>Documents</strong></td>
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<tr>
<td>Positive Behavior Interventions &amp; Supports (PBIS) Guidebook (July 2014), GDOE</td>
<td>Guidebook provides district and schools a framework for implementing PBIS with the focus on Tier I- Universal Intervention made available to all faculty and staff throughout the district.</td>
<td><a href="https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8c3R1ZGVudHN1cHBvcnRzZXJ2aWNlci3xneDo3MDNhOWY4NmZIYzA3N2U">https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8c3R1ZGVudHN1cHBvcnRzZXJ2aWNlci3xneDo3MDNhOWY4NmZIYzA3N2U</a></td>
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<td><strong>Other Resources</strong></td>
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<tr>
<td>Student Support Services Division (SSSD) Training, GDOE</td>
<td>Student Support Services Division provides training and facilitate meetings throughout the district for school administrators, school counselors, teachers, and staff on student conduct and safety. Training resources, including materials and presentation on discipline, truancy prevention, challenging behaviors, among others.</td>
<td><a href="https://sites.google.com/a/gdoe.net/studentsupportservices/home">https://sites.google.com/a/gdoe.net/studentsupportservices/home</a></td>
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Commonwealth of the Northern Mariana Islands
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction

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

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

Notes & Disclaimers

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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Division 2. Executive Branch
Part 1. Organization of the Executive Branch
Chapter 5. Public School System
Article 2. Board of Education
§ 2268. Board of Education: Powers, functions, and duties

Title 3. Human Resources
Division 1. Education
Chapter 1. Education Act of 2017
Article 2. Instructional Programs
§ 1123. Student records: Right to access

Article 3. Compulsory Attendance
§ 1131. Elementary, middle, and secondary schools

Title 6. Crimes and Criminal Procedure
Division 3. Miscellaneous Offenses
Chapter 1. Offenses Against Public Peace, Safety and Morals
Article 4. Prohibition of Smoking
§ 3175. Prohibition of smoking on property of the public school system

Division 5. Juvenile Justice
Chapter 1. Juvenile Justice Act
Article 7. Juvenile Justice Act Violations and Schools Intervention
§ 5161. Truancy
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**Commonwealth of the Northern Mariana Islands Regulations**

**Title 60. Board of Education**

**Chapter 60-20. Public School System Rules and Regulations**

**Part 001. General Provisions**

§ 60-20-001. Authority for adoption

**Part 100. Organization, Philosophy and Goals**

§ 60-20-115. Powers and duties

**Part 300. General Administration**

§ 60-20-310. Code of conduct - Adults

**Part 400. Students**

**Subpart A. Nondiscrimination and Student Rights**

§ 60-20-401. Discrimination and harassment prohibited
§ 60-20-402. Sexual harassment of students
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**Subpart C. Attendance**

§ 60-20-420. Student Attendance
§ 60-20-426. Truancy and educational neglect procedures

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§ 60-20-490. Policy
§ 60-20-491. Definitions
§ 60-50-492. Procedures and training
§ 60-20-493. Determining when physical restraint may be used
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Part 500. Instructional Services

§ 60-20-530. Alternative learning settings
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Subpart B. Safety, Security and Communications

§ 60-20-810. Accident/incident reporting

Subpart D. Transportation

§ 60-20-820. Student transportation services
General Provisions

Authority to develop and establish rules of conduct

LAWS

1 CMC § 2268. Board of Education: Powers, functions, and duties.
(s) To establish student disciplinary procedures and guidelines for student rights and responsibilities;

6 CMC § 3175. Prohibition of smoking on property of the public school system.
(c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

6 CMC § 5163. School attendance - Jurisdiction over students and parents.
(c) The Board of Education may adopt such policies, procedures, rules and regulations, not inconsistent with this chapter, that may be needed for the operation of the School Attendance Review Committee and to fulfill its obligations pursuant to this section.

REGULATIONS

§ 60-20-001. Authority for adoption.
The regulations in this chapter are adopted pursuant to the authority of section 9 of chapter 14 of Public Law no. 1-8, and in accordance with the provisions of title 17 of the Trust Territory Code [1 CMC §§ 9101, et seq.].

(a) The Board is the governing and policy-making body of the Department of Education. The Board establishes policy, and the Department of Education implements policy and administers programs, which shall include but are not limited to the following:

(7) Enforcement of standards of attendance and laws pertaining to compulsory attendance.
(b) In addition to those powers and duties provided for elsewhere in this chapter, and without limitation of the generality of subsection (a), above, the Board of Education shall have the following specific powers and duties:

(8) To appraise and review its policies and actions and the program of education and the performance of the staff.

§ 60-20-440. Day to day discipline.
Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.
§ 60-20-464. Student attire and appearance.
(a) It is the responsibility of the Board to ensure that every student has a safe environment in which to learn. Attire worn by students that, in the opinion of the school administration, causes distraction or inhibits learning is forbidden.

§ 60-20-466. Student participation in secret organizations and gangs.
(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.

Scope

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-403. Bullying.
(b) Definitions
(4) “School setting” means in the school, on school grounds, in school vehicles, at a designated school bus stop or at any activity sponsored, supervised or sanctioned by the school.
(5) “School property” means the school computer or telephone and encompasses the use of electronic technology at a public school.

§ 60-20-438. Jurisdiction.
(a) The student discipline regulations apply in all situations in which students are involved, including, but not limited to:
(1) School activities on property owned, rented, leased, or otherwise occupied by the CNMI Board of Education, Public School System (PSS), or Commonwealth government;
(2) Any travel to and from the school site, whether on school buses, school vehicles or during official school sanctioned trips;
(3) Off-site school sponsored activities;
(4) On or off-site school-related problems which are the result or cause of disruptive behavior on school grounds; or
(5) Violent acts or behavior that occur off school property, pose a threat to the safety of students and/or faculty, or disrupt the learning environment.
(b) The fact that a student withdraws from PSS or transfers to another school after the alleged commission of a prohibited act shall not be construed to deprive PSS of jurisdiction to suspend or expel the student.

§ 60-20-470. Student use of tobacco, alcohol, drugs and betel nut.
(a) Drugs and Alcohol. The possession, use, sale, distribution and/or intent to distribute any illegal or controlled mood-altering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events, and on school buses is prohibited.
(b) Smoking. Smoking on school campuses and on school buses at all times is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

(c) Betel-nut (Pugua). The use, sale or distribution of betel-nut on Public School System campuses and on school buses is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

Communication of policy

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-402. Sexual harassment of students.
(f) Notifications. A copy of the PSS sexual harassment policy shall:
   (1) Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
   (2) Be displayed in a prominent location near each school principal’s office.
   (3) Be included in any orientation program conducted for new students in grades six through twelve.
   (4) Appear in any PSS or Board of Education publication that sets forth the PSS or building’s comprehensive rules, regulations, procedures, and standards of conduct for students.

§ 60-20-403. Bullying.
(f) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from bullying. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s bullying policy.

§ 60-20-428. Student educational records.
(b) General Guidelines
   (3)(i) The PSS will annually disseminate a notice of the rights available under this section to parent/guardian and eligible students. The annual notification will include a statement that the parent/guardian or eligible student is entitled:
      (A) To inspect and review the student’s educational records.
      (B) To request changes to the educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights.
      (C) To consent to disclosures of personally identifiable information contained in the student’s educational records, except to the extent that federal and state law authorize disclosure without such consent; and
      (D) To obtain a copy of this section and guidelines.
   (ii) The annual notification will also inform parent/guardian and eligible students where copies of the section and guidelines are located.

§ 60-20-540. Library, media, and technology services; Student Internet usage.
(c) Parental Notification and Responsibility
(1) The PSS will notify the parents about the PSS network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require internet access.

(2) Parents have the right at any time to investigate the contents of their child(ren)'s e-mail files. Parents have the right to request the termination of their child(ren)'s individual account at any time.

(3) The PSS acceptable use policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the PSS to monitor and enforce a wide range of social values in student use of the internet. Further, the PSS recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The PSS will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the PSS-ESN.

(4) The PSS will provide students and parents with guidelines for student safety while using the internet.

(5) (Optional, if dial-up access is provided) Parents are responsible for monitoring their student's use of the internet when they are accessing the system from home.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-440. **Day to day discipline.**
Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-440. **Day to day discipline.**
Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

§ 60-20-442. **Detention.**
(a) The provisions of a detention program for student violations of policies, rules and regulations shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. Detention is an assigned before-school and/or after-school period, during which student activity is closely monitored and severely restricted. Students will be required to adhere to all detention rules.
(b) School administrators and certified personnel detain students after normal school hours for a reasonable time provided the following conditions are observed, but not longer than daily instructional hours:
   (1) Parents will be notified before detention so that transportation is arranged beforehand.
(2) The names of all students detained must be reported to the principal or designee.

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of student and locker searches

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-404. Searches by school personnel.

(a) Reasonable Suspicion

(1) Searches of students shall only be conducted when a school official has reasonable suspicion predicated on one or more of the following:

(i) Reliable reports or information from credible sources made known to school officials. If the source is anonymous, the informant must show that the information has a relationship with the school or students so as to give it credibility.

(ii) Suspicious or evasive behavior suggesting violation of a school policy or law, or concealment of contraband, weapons or stolen property.

(iii) Observation of a student engaging in prohibited conduct or being in a restricted area.

(2) The more of these factors that are found, the greater the inference of reasonable suspicion. The school official may also take into account the student's history in the development of reasonable suspicion.

(b) Reasonable Scope

(1) The scope of the search conducted must be reasonably related to the objective sought and the evidence searched for. The search shall be no more intrusive than necessary to serve the school's legitimate objectives. In determining if the search is related to the objectives sought, the school official should consider:

(i) The nature and severity of the violation to determine the permissible amount of intrusion into the student's privacy rights.

(ii) The area to be searched so that it will be no more extensive than required to serve the school's legitimate objectives.

(iii) The time and place where the search is conducted so that it will be as close as possible to the time and place of the suspected violation.

(iv) The duration of the search so that it will be no longer than necessary to serve the school's legitimate objectives.

(2) Whenever reasonably possible the search should be conducted by school official who is the same sex as the student to be searched.
(c) Locker, Automobile and Desk Searches. Searches of lockers, desks, storage spaces and other property owned jointly by the PSS and the student may be conducted whenever reasonable suspicion exists to believe that contraband, weapons or prohibited items are concealed therein. Notice of the joint ownership of lockers and desks shall be given to the student body at the beginning of each school year or more often as required. (See form 2150 for an example of such a notice).

(d) Canine Searches. Canine searches shall never be conducted on a student’s person and if undertaken, shall be restricted to desks, lockers and parking lots.

(e) Surveillance. Surveillance shall only be conducted in hallways, school buses and other areas open to public view where the students are permitted.

(f) Consent Searches. Whenever possible the student’s voluntary informed consent shall be sought before a search is conducted. However, searches normally should not be based solely on consent.

(g) Police Involvement. Police involvement shall be sought whenever school officials uncover evidence of a violation of Commonwealth or federal law or when school officials deem such involvement necessary or helpful in maintaining school discipline or safety.

(h) Reports. After a search has been conducted, school officials shall prepare a written report, specifically detailing the objectives of the search, the scope of the search, and the circumstances and information giving rise to reasonable suspicion for the search. Copies of the report shall be immediately filed with the Commissioner of Education and PSS legal counsel.

§ 60-20-462. Student vehicle use.

Building principals have the authority to regulate student use of automobiles at school. Use of school property for student parking purposes is a privilege that may be denied due to violation of PSS regulations and school policies. Student vehicles parked on PSS property are subject to search by school officials where there is reason to believe a vehicle contains materials prohibited by PSS regulations.

§ 60-20-540. Library, media, and technology services; student Internet usage.

(e) Your Rights

(2) Searches and Seizure

(i) You should expect only limited privacy in the contents of your personal files on the PSS system. The situation is similar to the rights you have in the privacy of your locker.

(ii) Routine maintenance and monitoring of PSS-ESN may lead to discovery that you have violated this section, the student disciplinary code, or the law.

(iii) An individual search will be conducted if there is reasonable suspicion that you have violated this section, the student disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.

(iv) Your parents have the right at any time to request to see the contents of your e-mail files.

Other in-school disciplinary approaches

LAWS

No relevant laws found.
REGULATIONS

§ 60-20-440. Day to day discipline.
Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I - Examples of offenses which may result in suspension:

(1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);
(2) Disrespect to teacher/staff;
(3) Gambling;
(4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;
(5) Igniting matches (when not part of the instructional program);
(6) Refusing to cooperate with school transportation regulations;
(7) Refusing to cooperate with school rules and regulations;
(8) Refusing to serve detention;
(9) Tardiness (class/classes);
(10) Tardiness (school day);
(11) Truancy (class/classes);
(12) Truancy (school day);
(13) Possession and/or use of tobacco or cigarette rolling papers;
(14) Possession and/or distribution of drug paraphernalia;
(15) Excessive foul or abusive language;
(16) Possession and/or distribution of pornography;
(17) Failure to assume responsibility for, or to control his/her behavior.

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(1) Assault on a student;
(2) Chronic disruption of the school program and/or activities;
(3) Bullying:
   (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
   (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
   (iii) Social - includes:
      (A) Lying and spreading rumors;
      (B) Negative facial or physical gestures, menacing or contemptuous looks;
      (C) Playing nasty jokes to embarrass and humiliate;
      (D) Mimicking unkindly;
      (E) Encouraging others to socially exclude another;
      (F)) Damaging someone’s social reputation or social acceptance.
   (iv) Cyber - includes:
      (A) Abusive or hurtful texts, emails or posts, images or videos;
      (B) Deliberately excluding others online;
      (C) Nasty gossip or rumors;
      (D) Identity theft: imitating others online or accessing their content.

(4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;

(5) Destruction and vandalism of school property, personal property of students and/or faculty;

(6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than $300;

(7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;

(8) Extortion less than $300;

(9) False fire alarm/false fire report;

(10) Harassment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;

(11) Indecent exposure;

(12) Participating in, or inciting, a school disruption;

(13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);

(14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));

(15) Theft and/or knowingly possessing stolen property;

(16) Trespassing on school property;

(17) Possession and/or use of tobacco or cigarette rolling paper, repeated offense;

(18) Possession and/or use of betel nut (pugua) and or betel nut-paraphernalia, repeated offense;

(19) Fighting;

(20) Conspiracy involving two or more persons to commit a category II offense;

(21) Arson;

(22) Conspiracy between two or more persons to commit a category III offense;
(23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than $300;
(24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at $300 or more
(25) Distribution and/or sale of alcohol;
(26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
(27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and pepper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
(28) Extortion of $300 or more;
(29) Possession of alcohol;
(30) Possession of illegal drugs, including betel nut;
(31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
(32) Robbery;
(33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
(34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
(35) Violent behavior which creates a substantial danger to persons or property;
(36) Any crime that is designated a felony by CNMI or federal statutes.

§ 60-20-450. Expulsion.
(c) The Commissioner of Education reserves the right to exclude students for other than disciplinary reasons if the expulsion is deemed in the best interest of the student or the operation of the school (i.e. student with a contagious health problem).

§ 60-20-466. Student participation in secret organizations and gangs.
(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.
(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.

§ 60-20-540. Library, media, and technology services; student Internet usage.
(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:
(9) Consequences or Unacceptable Uses
   (i) Your classroom teacher, your school administrator, or the PSS Technology Coordinator may revoke your privileges under this policy for any unacceptable uses, including uses not specifically listed herein.
   (ii) Unacceptable uses by a student may result in disciplinary action, including suspension or expulsion.
Grounds for mandatory suspension or expulsion

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(1) Assault on a student;
(2) Chronic disruption of the school program and/or activities;
(3) Bullying:
   (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
   (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
   (iii) Social - includes:
      (A) Lying and spreading rumors;
      (B) Negative facial or physical gestures, menacing or contemptuous looks;
      (C) Playing nasty jokes to embarrass and humiliate;
      (D) Mimicking unkindly;
      (E) Encouraging others to socially exclude another;
      (F) Damaging someone’s social reputation or social acceptance.
   (iv) Cyber - includes:
      (A) Abusive or hurtful texts, emails or posts, images or videos;
      (B) Deliberately excluding others online;
      (C) Nasty gossip or rumors;
      (D) Identity theft: imitating others online or accessing their content.
(4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
(5) Destruction and vandalism of school property, personal property of students and/or faculty;
(6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than $300;
(7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
(8) Extortion less than $300;
(9) False fire alarm/false fire report;
(10) Harassment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
(11) Indecent exposure;
(12) Participating in, or inciting, a school disruption;
(13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);
(14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
(15) Theft and/or knowingly possessing stolen property;
(16) Trespassing on school property;
(17) Possession and/or use of tobacco or cigarette rolling paper, repeated offense;
(18) Possession and/or use of betel nut (pugua) and or betel nut-paraphernalia, repeated offense;
(19) Fighting;
(20) Conspiracy involving two or more persons to commit a category II offense;
(21) Arson;
(22) Conspiracy between two or more persons to commit a category III offense;
(23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than $300;
(24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at $300 or more;
(25) Distribution and/or sale of alcohol;
(26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
(27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and pepper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
(28) Extortion of $300 or more;
(29) Possession of alcohol;
(30) Possession of illegal drugs, including betel nut;
(31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing mediation (office policy);
(32) Robbery;
(33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
(34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
(35) Violent behavior which creates a substantial danger to persons or property;
(36) Any crime that is designated a felony by CNMI or federal statutes.

(c) Category III - Offenses which shall result in expulsion and referral to law enforcement

(1) Possession, use, purchase, or sale of a firearm;
   (i) A firearm is defined as:
(A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
(B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive;
(2) Act of terrorism (such as bomb threats);
(3) Fraud and/or identity theft.

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

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-450. Expulsion.
(a) Expulsion is permanent exclusion from public school attendance, school activities and school property. Expulsion shall be used only in severe cases, or where other means of corrective disciplinary action have failed, or where no other reasonable alternatives are available. An expulsion may be recommended if the student persistently engages in conduct that warrants suspension, or if the student by means of a single action evidences behavior that is serious enough to warrant removal to protect the rights or safety of others.
(b) Only the Commissioner of Education may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such action.

§ 60-20-456. Discipline of students with disabilities.
(a) The obligation and the responsibility to attend school regularly and to comply with the Board’s discipline policies applies to all students. When appropriate, the PSS may discipline a student with a disability who is eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) in a manner that is consistent with the IDEA law and regulations and PSS policies, including the special education procedural manual, and applicable law.
(b) A special education student will be provided a free appropriate public education consistent with the IDEA if the student has been removed from school for more than ten school days in a school year. If a special education student is removed ten cumulative school days or less, special educational services will be provided only if such services are provided to students without disabilities who have been similarly removed.
(c) Please refer to applicable law and special education procedural manual.

Administrative procedures related to suspension and expulsion

LAWS
No relevant laws found.
REGULATIONS

§ 60-20-442. Detention.
(a) The provisions of a detention program for student violations of policies, rules and regulations shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. Detention is an assigned before-school and/or after-school period, during which student activity is closely monitored and severely restricted. Students will be required to adhere to all detention rules.
(b) School administrators and certified personnel detain students after normal school hours for a reasonable time provided the following conditions are observed, but not longer than daily instructional hours:
   (1) Parents will be notified before detention so that transportation is arranged beforehand.
   (2) The names of all students detained must be reported to the principal or designee.

§ 60-20-444. In-school suspension.
In-school suspension is a structured disciplinary action in which a student is removed from regular classroom activities, but is not dismissed from the school setting. The principal/designee may assign students to the in-school suspension program for a reasonable and specified period of time. All schools are required to have In-School Suspension (ISS) policies that ensure students are provided instructional services during ISS.

§ 60-20-448. Suspension.
(e) When a student is suspended, the principal/designee shall attempt to reach the student’s parent/guardian to inform them of the school’s action and to request that they come to school for the student. If the parent/guardian is unable to come for the student, the principal/designee may ask the parent/guardian for permission to send the student home. If the parent/guardian cannot be reached or if the above request is refused, the student must remain on school property until the close of the school day.
(f) The student’s parent or guardian shall also be notified, in writing, on the day the suspension decision is made of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension to the Commissioner of Education within ten calendar days of the notification. Copies of all notifications shall be sent to the Commissioner of Education and the PSS legal counsel.
(g) The appeal procedures for suspensions of less than ten days are described in section (h) of this section (below). The appeal procedures for suspensions of ten days or more are described in § 60-20-452.
(h) If the parent and/or student wishes to appeal a suspension of ten days or less, the Commissioner of Education or a designee who shall be someone other than a principal, administrator or teacher in the suspended student’s school, shall meet with the student and/or the parent or guardian to discuss the suspension. If the Commissioner of Education or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties, the suspension may be overturned and any reference to the suspension in school records will be expunged. Such findings shall be made in writing within ten school days of the conference.

§ 60-20-450. Expulsion.
(a) Expulsion is permanent exclusion from public school attendance, school activities and school property. Expulsion shall be used only in severe cases, or where other means of corrective disciplinary action have failed, or where no other reasonable alternatives are available. An expulsion may be
recommended if the student persistently engages in conduct that warrants suspension, or if the student by means of a single action evidences behavior that is serious enough to warrant removal to protect the rights or safety of others.

(b) Only the Commissioner of Education may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such action.

(c) The Commissioner of Education reserves the right to exclude students for other than disciplinary reasons if the expulsion is deemed in the best interest of the student or the operation of the school (i.e. student with a contagious health problem).

(d) In the event of criminal conduct or other serious action committed by a student, the Commissioner of Education may expel the student immediately and for an unlimited period with a hearing to be held in accordance with § 60-20-452.

(e) Prior to any expulsion ordered by the Commissioner of Education, the student shall be advised by the principal or his designee of the specific conduct resulting in the action, the student shall be given the opportunity to explain his or her version of the facts surrounding the alleged misconduct and the student shall be advised of the applicable hearing procedures.

§ 60-20-452. Hearing procedures.

(a) A due process hearing will be held if requested by the student parent/guardian for suspensions of more than ten days and expulsions. The hearing will be closed unless the student, parent/guardian or others having custodial care requests an open hearing.

(b) Upon a determination by the principal or the Commissioner of Education that a suspension of more than ten days or an expulsion is necessary, the student and his/her parents or guardians must be sent on the same day the suspension or expulsion recommendation is made, a copy of PSS’s student disciplinary policy and written notice of the following:

1. The Public School System’s intent to suspend the student for more than ten days or to expel the student;
2. The charges that necessitate the suspension or expulsion;
3. That a full and fair hearing will be held before an impartial adjudicator if requested, in writing, within ten days of notification; and
4. Failure to request a hearing, in writing, within ten school days after being notified of the Public School System’s intention to suspend or expel the student shall constitute a waiver of the right to a hearing.

(c) In the event that a hearing is requested, the student may not be suspended for more than ten consecutive school days before the hearing is held and written notice of the following will be sent to the parents or guardian of the student:

1. The place, date and time of the proposed hearing (allowing sufficient time for a defense to be prepared);
2. The student’s right to legal counsel at his/her own expense;
3. That the student will be given the opportunity to present evidence at the hearing including the testimony of witnesses;
4. That the student will be given the opportunity to cross-examine opposing witnesses at the hearing; and
5. The availability of a written record of the hearing. This section shall not be construed to prohibit the use of a recording device to record the hearing.
(d) Within ten school days, if practicable, after a hearing is requested in writing, the hearing shall be held. The hearing shall be an informal proceeding where relaxed evidence rules will apply.

(e) The Commissioner of Education or his/her designee shall preside and ensure that all of the aforementioned rights are afforded the student.

(f) If, based on the evidence presented at the hearing, the Commissioner of Education or his/her designee finds that the student has committed an act which warrants disciplinary action, he or she may order any appropriate disciplinary action, including, but not limited to, suspension or expulsion.

(g) When determining whether the disciplinary action and/or the length of suspension/expulsion is appropriate, the Commissioner of Education or his/her designee may consider the severity of the offense, prior disciplinary actions taken against the student by the Public School System and any other prior bad acts of the student.

(h) Within ten school days after the conclusion of the hearing, the Commissioner of Education or his/her designee shall inform the student, parent or guardian of his/her decision. The decision must be in the form of a final, written opinion regarding whether or not any disciplinary action, such as expulsion or suspension, is warranted.

§ 60-20-454 Appeal to the Board of Education.

(a) The student and/or his or her parent or guardian shall have the right to appeal to the Commissioner of Education’s or his/her designee’s decision regarding a suspension of more than ten days or an expulsion to the Board of Education.

(b) The Board of Education must be notified, in writing, of the student’s and/or parent or guardian’s desire to appeal within ten school days from the date the student, parent or guardian was informed of the disciplinary decision.

(c) Once a disciplinary decision is appealed, the Board shall meet to review the decision within thirty calendar days of when the written notice of the appeal is received by the Board.

(d) The disciplinary decision of the Commissioner of Education or his/her designee shall remain in effect until the Board issues its own decision.

(e) The Board’s decision on appeal shall be based solely on the record developed at the expulsion or suspension hearing and the Commissioner of Education or designee’s written opinion. The Board shall review the suspension or expulsion solely on the record of the hearing and decision of the Commissioner of Education or his/her designee. The Board shall receive no new evidence.

(f) At the hearing the sole issue for the Board to determine is whether the Commissioner of Education’s or his/her designee’s decision to suspend or expel the student constitutes an abuse of authority. The Board of Education shall render its decision by a majority vote of those members in attendance.

(g) The Board does not have the authority to modify the Commissioner of Education’s or his/her designee’s expulsion decision. In such cases, the Board may either uphold the Commissioner of Education’s decision, overturn it completely, or overturn it and order that a new hearing be conducted in compliance with their order.

In-school suspension

LAWS

No relevant laws found.
REGULATIONS

§ 60-20-440. Day to day discipline.
Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

§ 60-20-444. In-school suspension.
In-school suspension is a structured disciplinary action in which a student is removed from regular classroom activities, but is not dismissed from the school setting. The principal/designee may assign students to the in-school suspension program for a reasonable and specified period of time. All schools are required to have In-School Suspension (ISS) policies that ensure students are provided instructional services during ISS.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-458. Enrollment or return following suspension and/or expulsion.
(a)(1) No student shall be readmitted, or permitted to enroll or otherwise attend school (except as may otherwise be required by law), following a suspension or expulsion from any school until the PSS has conducted a conference to review the conduct that resulted in the expulsion or suspension, and any remedial actions needed to prevent any future occurrences of such or related conduct.

(2) Participants in such pre-admission conferences will include:
   (i) Any teacher directly involved in the suspension offense.
   (ii) The student
   (iii) The parent/guardian.
   (iv) The representative of any agency having legal jurisdiction, care, custody, or control of the student.
   (v) PSS staff members designated by the Commissioner/designee

(b) The PSS shall notify in writing the parent/guardian and all other parties of the time, place, and agenda of any such conference. However, failure of any party to attend this conference shall not preclude holding the conference.

(c) Notwithstanding any provision of this chapter to the contrary, no student shall be readmitted or enrolled in a regular program of instruction if:
   (1) The student has been convicted of one of the offenses listed below.
   (2) The student been charged with one of the offenses and there has been no final judgment.
   (3) A juvenile petition has been filed alleging that the student committed an act, which if committed by an adult, would be one of the offenses listed below, and there has been no final judgment; or
   (4) The student has been adjudicated to have committed an act, which if committed by an adult, would be one of the offenses listed below.

(d) Offenses to which subsection (c) applies
Use of restraint and seclusion

LAW
No relevant laws found.

REGULATIONS

§ 60-20-490. Policy.
The Board of Education believes that maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the CNMI Public School System. An individual who is a teacher, administrator or school employee may, within the scope of that person's employment, use the amount of force as is reasonable and necessary to accomplish the following purposes:

(a) To retrain a student from an act of wrongdoing;
(b) To quell a disturbance threatening physical injury to self or others.

§ 60-20-491. Definitions.
(a) "Extended restraint": A physical restraint the duration of which is more than twenty minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described in this regulation.
(b) "Physical escort": Touching or holding a student without the use of force for the purpose of directing the student.
(c) "Physical restraint": The use of bodily force to limit a student's freedom of movement.
(d) "Restraint" - Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian.
(1) “Mechanical Restraint”: The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

(2) “Seclusion Restraint”: Physically confining a student alone in a room or limited space without access to school staff. The use of “time out” procedures during which a staff member remains accessible to the student shall not be considered “seclusion restraint.”

(3) “Chemical restraint”: The administration of medication for the purpose of restraint.

§ 60-50-492. Procedures and training.

(a) Procedures. The Commissioner of Education or his/her designee shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

(1) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;

(2) PSS policy regarding restraint that provides a description and explanation of the method of physical restraint, a description of the training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(b) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the PSS’s restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

(1) The program’s restraint policy;

(2) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;

(3) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; and

(4) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student.

(c) (1) In-depth staff training in the use of physical restraint. At the beginning of each school year, the Commissioner or his/her designee shall identify PSS staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint.

(2) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

(i) Appropriate procedures for preventing the need for restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

(ii) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

(iii) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

(iv) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
(v) Demonstration by participants of proficiency in administering physical restraint.

§ 60-20-493. Determining when physical restraint may be used.
(a) Use of restraint. Physical restraint may be used only in the following circumstances:
   (1) Non-physical interventions would not be effective; and
   (2) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
(b) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
(c) Prohibitions. Physical restraint is prohibited in the following circumstances:
   (1) As a means of punishment; or
   (2) For the convenience of staff; or
   (3) As a substitute for less restrictive alternatives; or
   (4) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm; or
(d) Referral to law enforcement or other public agencies. Nothing in these regulations prohibits:
   (1) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
   (2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a, security risk; or
   (3) The exercise of an individual's responsibilities as a mandated reporter pursuant to BOE, CNMI and Federal regulation. These regulations shall not be used to deter any individual from reporting neglect or abuse to an appropriate public agency.

§ 60-20-494. Proper administration of physical restraint.
(a) Trained personnel. Only school personnel who have received training pursuant to this subpart shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained herein shall not preclude a teacher or employee of PSS from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
(b) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
(c) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements. Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present;
(d) Duration of restraint. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty minutes, it shall be considered an “extended restraint” for purposes of the reporting requirements.
(e) Safety requirements. Additional requirements for the use of physical restraint:
   (1) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released
immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.

(2) Restraint shall be administered in such a way as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(3) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(4) Following the release of a student from a restraint, the program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

§ 60-20-495. Reporting requirements.

(a) Circumstances under which a physical restraint must be reported.

(1) PSS staff shall report the use of physical restraint after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of duration longer than five minutes.

(b) Informing school administration.

(1) The PSS staff who administered the restraint shall verbally inform the administration of the restraint as soon as possible and by written report no later than the next school working day.

(2) The written report shall be provided to the principal or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint

(3) The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.

(c) Informing parents.

(1) The principal or his/her designee shall verbally inform the student’s parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.

(d) Contents of report. The written report shall include:

(1) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(2) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(3) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student’s behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(4) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.
(5) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(6) Information regarding opportunities for the student’s parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student, and/or any other related matter.

§ 60-20-496. Students with disabilities.

(a) Students with Disabilities. Restraint administered to a student with a disability pursuant to an Individualized Education Plan (“IEP”) or other written plan developed in accordance with local and federal law shall be deemed to meet the requirements of this regulation, except that the limitations on chemical, mechanical, and seclusion restraint, the training requirements, and the reporting requirements set forth in this subpart shall apply.

Alternative placements

LAWS

No relevant laws found.

REGULATIONS

§ 60-20-530. Alternative learning settings.

(a) Pursuant to CNMI law (3 CMC § 1132), the Board “shall establish and provide such academic and vocational programs as are appropriate and beneficial to the students and shall serve the needs of the community.” As part of this responsibility, the Board has adopted this section to address instructional programs for students at-risk and to establish alternative learning settings to enable students to achieve their educational goals and requirements, such as grade promotions and high school graduation.

(b) Advanced Development Institute (ADI)

(1) ADI is an alternative high school program. The purpose of ADI is to allow students aged sixteen and older, who have not completed high school, to achieve success by making a positive connection with academic and vocational training, employers and work, mentors and tutors, families and community in an atmosphere that is welcoming, comfortable and sensitive to their individual needs, skills and learning styles. ADI teaches students to develop their critical, creative, communication and occupational skills through course offerings including reading and writing, consumer economics, health, government and law, occupational knowledge, and community resources. Graduates of ADI move into the private and public workforce with the skills necessary to achieve success.

(2) The CNMI Board of Education is authorized by law and Board regulations to award diplomas for secondary education. Graduates of ADI must complete two phases to receive an alternative high school diploma. The first phase consists of the ADI academic courses, including English, math, community resources, consumer economics, government and law, occupational knowledge and health. Five academic courses in the first phase must be passed. The second phase requires the students to gain career experience through a vocational or occupational program at a post-secondary institution or by working or volunteering in the community.

(3) A minimum of ninety minutes of daily instructional time shall be provided to students in the alternative high school program of ADI. The subjects are the academic courses in the first phase listed above. Any departure from the time and/or subject requirements will require express prior approval from the Commissioner of Education that is subject to Board review upon request.
(c) Lina’la’ Malawasch Academy (LMA). The Lina’la’ Malawasch Academy (LMA) is an alternative learning setting for students grades seven and eight who have demonstrated behavioral problems that require intervention. Lina’la’ malawasch means life, well-being and a new beginning in the Chamorro and Carolinian languages. The goal of LMA is to offer a second chance to students by creating an environment for students to improve their behavior, attendance and academic performance to enable them to reenter the general student population and proceed towards graduation from high school. The academic requirements for LMA students are similar to the PSS requirements and Board regulations regarding other junior high school students.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(c) Category III - Offenses which shall result in expulsion and referral to law enforcement
   (1) Possession, use, purchase, or sale of a firearm;
      (i) A firearm is defined as:
          (A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
          (B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive;

Other weapons

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:
   (13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);
   (27) Possession or use of a weapon or look-alike weapon of any kind (other than a firearm) including, but not be limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband,
or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and pepper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;

(c) Category III - Offenses which shall result in expulsion and referral to law enforcement:

(1) Possession, use, purchase, or sale of a firearm; (i) A firearm is defined as:

(A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive;

(2) Act of terrorism (such as bomb threats);

(3) Fraud and/or identity theft.

Students with chronic disciplinary issues

LAWS

6 CMC § 5161. Truancy.

(a) Any juvenile subject to compulsory education pursuant to 3 CMC § 1141 who has not been granted a waiver from the Commissioner of Education and who is absent without valid excuse for (1) five days in one semester under block scheduling; or (2) ten days in one semester for schools without block scheduling is truant, except as otherwise provided in this section.

(b) Block schedules, semesters and valid excused absences under this section shall be interpreted in accordance with Board of Education and Public School System rules, regulations, policies and procedures.

(c) School ordered suspensions and expulsions shall not be considered when determining truancy pursuant to this section.

(d) Violation of this section may be punishable by a fine, not to exceed $500.

(e) Truancy is a status offense that is not punishable by detention unless the juvenile is a habitual status offender.

REGULATIONS

§ 60-20-446. Offense categories.

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(2) Chronic disruption of the school program and/or activities;
Attendance and truancy

LAWS

3 CMC § 1131. Elementary, middle, and secondary schools.
Every person between the ages of five (5) and seventeen (17) shall attend a public school or non-public school or until the completion of the twelfth (12th) grade or upon meeting the high school graduation requirements. Any parent, guardian, or other person having the responsibility for the care of a child whose attendance at school is obligatory, shall enroll their child in school. The Commissioner may grant individual waivers to this compulsory attendance requirement in cases of approved home study or for other circumstances in accordance with the law.

6 CMC § 5161. Truancy.
(a) Any juvenile subject to compulsory education pursuant to 3 CMC § 1141 who has not been granted a waiver from the Commissioner of Education and who is absent without valid excuse for (1) five days in one semester under block scheduling; or (2) ten days in one semester for schools without block scheduling is truant, except as otherwise provided in this section.
(b) Block schedules, semesters and valid excused absences under this section shall be interpreted in accordance with Board of Education and Public School System rules, regulations, policies and procedures.
(c) School ordered suspensions and expulsions shall not be considered when determining truancy pursuant to this section.
(d) Violation of this section may be punishable by a fine, not to exceed $500.
(e) Truancy is a status offense that is not punishable by detention unless the juvenile is a habitual status offender.

6 CMC § 5163. School attendance - Jurisdiction over students and parents.
(a) The Board of Education shall establish a School Attendance Review Committee. The School Attendance Review Committee shall include, but need not be limited to, a parent of a school age child and representatives of:
   (1) the Public School System;
   (2) the Coalition of Private Schools, CNMI or any successor organization recognized by the Board of Education;
   (3) the Juvenile Probation Unit of DYS;
   (4) the Child Protective Unit of DYS; and
   (5) the Department of Public Safety (DPS).

The Public School System representative shall be appointed by the Commissioner of Education. All other members shall be appointed by the Board of Education with the input and consent of the representative agencies. Every effort shall be made to ensure members of the School Attendance Review Committee shall be individuals whose primary job responsibilities are working directly with students or juvenile clients.

(b) It is the intent of this section to provide intervention for juveniles and their families to address truancy, irregular attendance or insubordinate or disorderly behavior in school at the community level before referral to the juvenile justice system. The School Attendance Review Committee's duties shall include, but are not limited to, the following:
   (1) proposing, promoting and providing alternatives to the juvenile justice system, where possible;
(2) addressing matters regarding an individual juvenile's truancy, failure to regularly attend school in accordance with school policies and regulations, or insubordinate or disorderly behavior;

(3) setting and conducting meetings with juveniles and/or their parents to discuss consequences of the student's truancy and/or behavior and establish terms, conditions and options to reduce and eliminate the truancy of the student and improve his or her attendance. The meeting format shall be that of mediation and not adversarial; and

(4) referring juveniles and their families to other agencies, such as Community Guidance Center, DYS, DPS and the Attorney General's Office for services or action, as appropriate.

(c) The Board of Education may adopt such policies, procedures, rules and regulations, not inconsistent with this chapter, that may be needed for the operation of the School Attendance Review Committee and to fulfill its obligations pursuant to this section.

(d) The School Attendance Review Committee shall strive to maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the creation of new resources and programs where none exist.

(e) In every case in which a juvenile has been referred to it, the School Attendance Review Committee has the authority to issue subpoenas pursuant to the procedures provided in 1 CMC § 9109(d), requiring the production of pertinent information and documents and/or the attendance of any of the following persons:

   (1) The juvenile;
   (2) The juvenile's parents, guardians, or other person having control of the juvenile;
   (3) The school authority referring the juvenile; and
   (4) Any other person who has pertinent or material information concerning the juvenile. The purpose of any meeting under this section is to establish and agree upon terms, conditions and options to reduce and eliminate the truancy of the student. The meeting format shall be that of mediation and not adversarial.

(f) The enforcement of a subpoena issued by a School Attendance Review Committee is within the jurisdiction of the juvenile court.

(g) In the event a juvenile, parent, guardian and/or person in charge of the juvenile fails to respond to the directives of the School Attendance Review Committee, or to services offered on behalf of the juvenile or the Committee determines that available community resources cannot resolve the problems with the juvenile’s school attendance or behavior, the Committee shall direct that the juvenile be referred to the Juvenile Probation Unit and request that the Office of the Attorney General file a complaint against the juvenile, parent, guardian, and/or other person having control of the juvenile.

(h) Whenever a committee member appointed by an agency is unavailable to participate in the School Attendance Review Committee, that member’s agency may assign personnel to represent the agency either temporarily or on a continuing basis in accordance with the intent of this section. The duties, obligations, or responsibilities which may be imposed on governmental entities by this section are such that the related costs are incurred as a part of their normal operating procedures.

(i) Nothing in this section shall be construed to interfere with the juvenile’s school’s authority to establish truancy procedures and to determine whether or not a matter should be referred to the Review Committee or to the Department of Public Safety or the Office of the Attorney General.

(j) Nothing in this section alters any policy or regulation of the Board of Education or the authority of any school or the Commissioner of Education to take appropriate corrective measures, including without limitation suspension or expulsion of the juvenile.
(a) The Board is the governing and policy-making body of the Department of Education. The Board establishes policy, and the Department of Education implements policy and administers programs, which shall include but are not limited to the following:

(7) Enforcement of standards of attendance and laws pertaining to compulsory attendance.

§ 60-20-420. Student attendance.
The Public School System recognizes two types of absences: excused or unexcused.

(a) Excused absence is absence necessitated because of illness or death in the family, or absence with the written approval of parent/guardian when such approval is not inconsistent with the academic needs of the student as determined by the principal.

(b) Unexcused absences are those which are not excused. They may generally be categorized as being of such a nature that prudence would have avoided or precluded the absence. Suspensions and expulsions are considered unexcused absences.

(c) All students who participate in sanctioned school activities that remove the student from regular classroom attendance shall be considered as present. Sanctioned activities must have an educational purpose and students must make up any lesson or assignment missed as a result of such activity. Educational purposes include the discovery and understanding of life skills, community awareness, cultural diversity, language development, natural resources, social structures, political systems, historical perspectives and character development.

(d) School principals/designees have the authority to make determination of whether or not an absence will be considered excused or unexcused.

(e) Student Absences

(1) Secondary school students (grades 7-12) who incur thirteen or more unexcused absences in a course during one semester shall be considered excessively absent and shall not receive a passing grade for that course for that semester. Students under block scheduling who incur seven or more unexcused absences during a term shall be considered excessively absent and shall not receive a passing grade for that course during that term.

(2) Secondary students who do not receive a passing grade for a semester as a result of excessive absences shall receive a “no credit” (NC or 0.00) on their academic record, irrespective of the grade the student would have received before the excessive absences. The course must be repeated and the no credit may be deleted only upon successful completion of the repeated course.

(3) Elementary school students with 25 or more absences in a school year will not receive credit and will not be promoted, unless an exemption is granted by the Commissioner.

(4) For the purpose of this section, three unexcused tardies within a term or semester from a course/class shall equal one unexcused absence from the course/class for that term or semester.

(f) Tardiness. The term tardy is defined as being late to school, class or an activity with or without permission of parent/guardian. A student is considered tardy if he/she arrives after the designated time of the class or activity, regardless of whether the student is late by five minutes or fifteen minutes. A student who misses more than half of the class or activity shall be considered absent for the entire class or activity.

(g) Counseling for Absenteeism and Tardiness Problems. The teacher should counsel those students who are developing a pattern of being absent and/or tardy. The teacher will refer to a school
administrator specifically designated by the school principal to handle such problems, those students who, in the teacher’s judgment, are not making progress toward correcting the problem.

(1) Upon the first referral by a teacher, the administrator should attempt to determine the nature of the problem, inform the student and the student’s parent/guardian of the absence and tardy policy and regulation.

(2) The teacher must refer the student to a school administrator and a parent conference must be held to discuss the problem and to explain the Board regulations and any appropriate discipline alternatives under the following circumstances:

(i) Under block scheduling, after the third unexcused absence or sixth tardy in a quarter.
(ii) For secondary schools without block scheduling, after the sixth tardy or sixth unexcused absence in a semester.
(iii) For elementary schools, after the sixth tardy in a semester or the sixth unexcused absence in a semester.

(3) In addition to counseling after teacher referrals, principals shall require doctor’s excuses for absences in the following circumstances, unless a waiver for the absence is obtained from the school principal:

(i) Under block scheduling, a doctor’s excuse will be required for any absence after the third in a term.
(ii) For secondary schools without block scheduling, a doctor’s excuse will be required for any absence after the sixth in a semester.
(iii) For elementary schools, a doctor’s excuse will be required for any absence after the sixth in a semester.

(h) Absenteeism and/or tardiness problems for special education students must be referred to the student’s IEP team to address the problem and discuss any appropriate learning and/or disciplinary alternatives.

§ 60-20-426. Truancy and educational neglect procedures.

(a) Truancy

(1) The principal upon receiving a report from a teacher that a student has accumulated two unexplained absence shall immediately provide counseling to the truant student and promptly issue a truancy report to the student’s parent/guardian with a copy provided to the Commissioner of Education. The report shall include recommendation(s) by the school prescribing corrective measures for parent/guardian and student. Any repeated truancy by the student shall be reported to the Division of Youth Services, Community and Cultural Affairs Offices for counseling and other necessary actions, and parent-teacher conferences may also be held.

(2) The Division of Youth Services shall have access to student records with or without prior parent/guardian approval as stated in § 60-20-428. However, such privilege is limited only to the particular caseworker and/or counselor assigned to the case.

(3) All communication with a student’s parent/guardian and student contact and reports from referral agencies must be accurately recorded in writing and filed in the student’s cumulative folder.

(b) Educational Neglect

(1) Commonwealth law requires that any parent, guardian or other person responsible for a child between the age of six and sixteen shall send the child to a public or nonpublic* unless the Commissioner of Education grants a waiver. 3 CMC § 1141.
(2) Educational neglect may be defined as when a person who is responsible for a child six through sixteen who through willful or negligent act or omission fails to provide the child with adequate supervision to ensure attendance at school. Individuals who commit educational neglect are subject to criminal prosecution in accordance with the law.

(3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.

(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

(5) If appropriate school intervention does not correct the student’s truancy, and reasonable cause for educational neglect has been determined, the principal/designee shall call the Division of Youth Services and report the alleged child educational neglect. A report of this call shall be forwarded to the Commissioner and carbon copied to PSS legal counsel.

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I - Examples of offenses which may result in suspension:

   (9) Tardiness (class/classes);
   (10) Tardiness (school day);
   (11) Truancy (class/classes);
   (12) Truancy (school day);

Substance use

LAWS

6 CMC § 3175. Prohibition of smoking on property of the public school system.
(a) It shall be unlawful at all times for any person or an employee of any public school or college to smoke on school or college property. Any person or employee who knowingly violates this section shall be subject to the penalties under 6 CMC § 3182.

(b) It shall be unlawful for any student enrolled in public schools, colleges, or trade schools in the Northern Marianas to use tobacco products of any type on school property.

(c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

REGULATIONS

§ 60-20-446. Offense categories.
The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due
process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I - Examples of offenses which may result in suspension:
   (13) Possession and/or use of tobacco or cigarette rolling papers;
   (14) Possession and/or distribution of drug paraphernalia;

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:
   (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
   (14) Possession, use or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
   (17) Possession and/or use of tobacco or cigarette rolling paper, repeated offense;
   (18) Possession and/or use of betel nut (pugua) and/or betel nut-paraphernalia, repeated offense;
   (25) Distribution and/or sale of alcohol;
   (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
   (29) Possession of alcohol;
   (30) Possession of illegal drugs, including betel nut;
   (31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
   (33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
   (34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;

§ 60-20-470. Student use of tobacco, alcohol, drugs and betel nut.
   (a) Drugs and Alcohol. The possession, use, sale, distribution and/or intent to distribute any illegal or controlled mood-altering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events, and on school buses is prohibited.
   (b) Smoking. Smoking on school campuses and on school buses at all times is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.
   (c) Betel-nut (Pugua). The use, sale or distribution of betel-nut on Public School System campuses and on school buses is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

Bullying, harassment, or hazing

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-401. Discrimination and harassment prohibited.
   (a) All students, employees and parents have the right to be free from discrimination and harassment on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socio-
economic status or disabling condition. Employees shall not participate in, or permit others to engage in, any act of discrimination against students, parents or coworkers based on the above factors or in retaliation for the exercise of any of their rights.

(b) Definitions

(1) Discrimination is the singling out of a person or persons for different treatment, regardless whether good or bad, based on the factors listed above. Discrimination includes not only the creation of a hostile environment, but also favoritism based on any of these factors. Simply put, students and employees are required to treat all persons equally.

(2) Harassment may be defined as abusive behavior or other verbal or physical conduct towards a person based on that person’s sex, sexual orientation, race, creed, color, religion, national origin, age, cultural or socio-economic status or disabling condition which has the purpose or effect of creating an intimidating, hostile or offensive environment that interferes with a student’s participation in or receipt of benefits, services or opportunities in a school’s programs and activities. Examples of harassment include, but are not limited to, jokes, comments, slurs, epithets and disparaging remarks.

(c) Complaints

(1) Any student who believes that he or she is a victim of discrimination or harassment should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(2) Students, parents and employees should review § 60-20-402 for more information regarding sexual harassment and follow the procedures set forth in § 60-20-402 to address discrimination or harassment of any kind on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socioeconomic status or disabling condition.

(3) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to discrimination or harassment.

(4) The responsible administrator shall follow up regularly with the complaining student to ensure that the discrimination and/or harassment has stopped and that no retaliation has occurred.

(d) Discipline/Consequences

(1) Any student who engages in discrimination and/or harassment while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the discrimination and/or harassment of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of discrimination and/or harassment from a student and who does not act promptly to forward that complaint to the principal and PSS EEO Officer shall be disciplined appropriately.

(4) Any student who brings a false charge of discrimination and/or harassment shall receive appropriate discipline. The term “false charge” means charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term “false charge” does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

(e) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.
§ 60-20-402. Sexual harassment of students.
The Board of Education is committed to maintaining a learning environment for its students that is free from sexual harassment. Furthermore, the Board of Education strongly believes that no person in the PSS shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

(a) Definition of Sexual Harassment
(1) Title IX forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment. The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under title IX as follows: “Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services or treatment protected under title IX.”

(2) Sexual harassment under title IX includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
   (i) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s academic status or progress, or employment.
   (ii) Submission to or rejection of such conduct by an individual is the basis for educational or employment decisions affecting that individual.
   (iii) Such conduct creates an intimidating, hostile, or offensive educational or work environment.
   (iv) Qualified students are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors. Sexual harassment of students by adults who otherwise come within this policy is absolutely prohibited regardless of whether the conduct is “welcome.”

(b) Examples of Sexual Harassment
(1) Unwelcome Sexual Advances. Whether the advance is “unwelcome” is determined on a case-by-case basis. Unwelcome advances may include, but are not limited to, the following:
   (i) Any invitation (even subtle) intended to result in a sexual liaison.
   (ii) Invitations to dinner or social events, when refusal results in the loss of academic status or in other adverse educational decisions.
   (iii) Propositioning a student.

(2) Unwelcome Verbal Conduct of a Sexual Nature. This may include, but is not limited to, the following:
   (i) Sexually provocative or explicit speech.
   (ii) Publicly expressed sexual fantasies.
   (iii) Jokes of a sexual or crude nature.
   (iv) Derogatory comments directed to males or females as a class (language directed toward a specific student is more likely to be viewed as sexual harassment).
   (v) Demeaning comments.
   (vi) Threats for not agreeing to submit to sexual advances.
   (vii) Writing sexually explicit memos.

(3) Unwelcome Physical Conduct of a Sexual Nature. This may include, but is not limited to, the following:
   (i) Grabbing or twisting an individual’s arm.
(ii) Any unwarranted touching.
(iii) Sexually offensive pranks.
(iv) Drawing sexually explicit cartoons, other drawings, or graffiti.
(v) Gestures indicating sexual behavior.
(vi) Suggestive winks.
(vii) Kissing.

(4) Student Specific. In addition to the foregoing examples, students may experience harassment that is unique to their situation, some of which may not be immediately recognized as sexual harassment. Such harassment may include, but is not limited to, the following:

(i) Unwanted sexual behavior, such as touching, oral comments, sexual name calling, spreading sexual rumors, jokes, pictures, leers, overly personal conversation, cornering or blocking a student’s movement, pulling at clothes, students “making out” on school premises.

(ii) A student in a predominately single-gender class who is subjected to sexual remarks by a teacher or students who regard the comments as joking and part of the usual class environment.

(iii) Interfering with a student’s achievement in a predominantly or historically single-gender class by hiding tools or equipment, questioning the student’s ability to handle the work, or suggesting that the student is “abnormal” for enrolling in the class.

(iv) Purposefully limiting or denying students access to educational resources because of their gender.

(v) Teasing a student about the student’s enrollment in a predominantly or historically single-gender class. Sexual harassment of students by adults who otherwise come within this policy is absolutely prohibited regardless of whether the conduct is “welcome.”

(c) Nature of Sexual Harassment. Sexual harassment is not limited to conduct by males toward females. Sexual harassment may occur between any or all of the following:

(1) Student to student.
(2) Staff to student
(3) Student to staff.
(4) Male to male.
(5) Female to female.
(6) Male to female.
(7) Female to male.

(d) Investigation of Sexual Harassment Complaints

(1) If a student believes he/she is being sexually harassed, the student should bring the concern to the attention of the building principal.

(2) If the student feels that such contact with the building principal would be inappropriate or if the student simply feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer for the PSS. If the situation is not satisfactorily resolved by the building principal, the student should contact the PSS EEO Officer.

(3) If neither the student’s building principal nor the PSS EEO Officer is of the same sex as the student, or the student for any other reason would prefer to report the student’s concern to another administrator within the PSS, the student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.
(4) Any teacher, counselor, or administrator who receives a report, orally or in writing, from any student regarding sexual harassment of that student or another student by a student or adult in the educational setting must forward that report to the building principal and the PSS EEO Officer within twenty-four hours, or within a reasonable extension of time thereafter, for good cause shown.

(5) Oral complaints of sexual harassment will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant’s refusal to sign a complaint does not relieve the PSS of the obligation to investigate the complaint.

(6) A student who believes that he/she has been subjected to sexual harassment shall not be required to confront the alleged harasser prior to making the report.

(7) Following receipt of the report, PSS personnel will promptly and fully investigate the complaint and will notify the student and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.

(8) Upon receipt of the report, the principal and/or the PSS EEO Officer will appoint an investigator to investigate the complaint. Such investigation shall commence within forty-eight hours after such appointment.

(9) The PSS will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.

(10) The investigator will put his/her findings in writing and will forward a copy to the principal and the PSS EEO Officer within two weeks after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.

(11) If the investigation substantiates the complaint, the PSS will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is another student, disciplinary action will be taken in accordance with Board policies and regulations. If the offender is not an employee of the PSS, the PSS will take appropriate action within the scope of its authority to eliminate and redress the harassment.

(12) If the investigation is indeterminate, the matter will still be designated as unresolved, and the investigation file will be maintained by the PSS EEO Officer in a file separate and apart from any student or personnel file.

(13) There will be no retaliation against or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to sexual harassment.

(14) The responsible administrator shall follow up regularly with the complaining student to ensure that the harassment has stopped and that no retaliation has occurred.

(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s sexual harassment policy, including but not limited to following:

(1) All vulgar or sexually offensive graffiti shall be removed from the premises.

(2) The building administrator shall provide an in- service regarding sexual harassment (including sexual harassment involving students) to all staff by the end of the first four calendar weeks of school.
(3) Student instruction regarding sexual harassment shall be provided annually by the end of September to all students in grades six through twelve. Age appropriate instruction will also be presented to pre-kindergarten through fifth grade students.

(4) Designated teachers shall discuss this policy with their students within one month after its adoption by the Board and during the first week of the school year thereafter. Written copies of the policy shall be given to each student in grades six through twelve (and in lower grades as may be appropriate) as part of these discussions. Discussion shall be conducted in age appropriate manner and should assure students they need not tolerate any form of sexual harassment.

(5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.

(6) The building administrator shall take prompt action to investigate all complaints of sexual harassment.

(7) The building administrator shall take appropriate disciplinary action, as necessary.

(f) Notifications. A copy of the PSS sexual harassment policy shall:

(1) Be included in the notifications that are sent to parents/guardians at the beginning of each school year.

(2) Be displayed in a prominent location near each school principal’s office.

(3) Be included in any orientation program conducted for new students in grades six through twelve.

(4) Appear in any PSS or Board of Education publication that sets forth the PSS or building’s comprehensive rules, regulations, procedures, and standards of conduct for students.

(g) Discipline/Consequences

(1) Any student who engages in sexual harassment while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the sexual harassment of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to the principal and PSS EEO Officer shall be disciplined appropriately.

(4) Any student who brings a false charge of sexual harassment shall receive appropriate discipline. The term “false charge” mean charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term “false charge” does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

(5) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.

(h) Title IX Grievance Procedure (Sexual Harassment)

(1) Level 1: Principal or Immediate Supervisor (informal and optional - may be bypassed by grievant). An informal meeting with the parties and the principal or the PSS EEO Officer can solve many problems. A student who believes that he/she has been subjected to sexual harassment is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. If the individual’s teacher/supervisor is the person alleged to have engaged in sexual harassment then the grievant should skip level 1 and go directly to level 2.

(2) Level 2: The Investigation
(i) If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:

(A) The nature of the grievance;
(B) The remedy requested; and
(C) The date the grievance was submitted. The level 2 written grievance should be filed with the PSS EEO Officer within fifteen days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

(ii) The PSS EEO Officer may appoint an investigator to investigate a written grievance. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the PSS EEO Office or appointed investigator will prepare a written report of the investigation that shall include:

(A) A clear statement of the allegations of the grievance and remedy sought by the grievant.
(B) A statement of the facts as contended by each of the parties.
(C) A statement of the facts as found by the appointed investigator and identification of evidence to support each fact.
(D) A list of all witnesses interviewed and documents reviewed during the investigation.
(E) A narrative describing attempts to resolve the grievance.
(F) The appointed investigator’s conclusion as to whether the allegations in the grievance are meritorious.

(iii) The investigator shall consult with the EEO Officer during the investigation and attempted resolution of the grievance.

(iv) The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the EEO Officer and the EEO officer will make any necessary recommendations and forward the report to the Commissioner’s office.

(v) If the Commissioner/designee agrees with the recommendations of PSS EEO Officer, the recommendations will be implemented. The Commissioner/designee will inform the grievant in writing of his or her decision and any action that will be taken.

(3) Level 3: The Board of Education. If the Commissioner rejects the recommendations of the EEO Officer, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal within ten days of receiving the report of the Commissioner to the Board of Education. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Education for consideration within thirty days. A decision shall be made and reported in writing to all parties within thirty days of that meeting. The decision of the Board of Education will be final.

(4) Other Options for Grievant. At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Omnibudsman to the Commonwealth.

§ 60-20-403. Bullying.
(a) It is the policy of the CNMI State Board of Education to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school. It is the policy of the CNMI State Board of Education to prohibit reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.
(b) Definitions
(1) As used in this regulation, “bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is:
   (i) Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
   (ii) Threatening or seriously intimidating;
   (iii) Occurs in a school setting and/or with school property; and
   (iv) Substantially disrupts the orderly operation of a school.

(2) Examples of bullying may include but are not limited to:
   (i) Physical: hitting, kicking, pushing, shoving, getting another person to hurt someone;
   (ii) Verbal: racial slurs, name-calling, teasing, taunting, verbal sexual harassment, gossiping, spreading rumors; or
   (iii) Non-verbal: threatening, obscene gestures, isolation, exclusion, stalking, cyber-bullying (bullying that occurs by means of electronic communication).

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or page.

(4) “School setting” means in the school, on school grounds, in school vehicles, at a designated school bus stop or at any activity sponsored, supervised or sanctioned by the school.

(5) “School property” means the school computer or telephone and encompasses the use of electronic technology at a public school.

(c) Complaints

(1) Any student who believes that he or she is a victim of bullying should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(2) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to bullying.

(3) The responsible administrator shall follow up regularly with the complaining student to ensure that the bullying has stopped and that no retaliation has occurred.

(d) Discipline/Consequences

(1) Any student who engages in bullying while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the bullying of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of bullying from a student and who does not act promptly to forward that complaint to the principal and PSS EEO Officer shall be disciplined appropriately.

(4) Any student who brings a false charge of bullying shall receive appropriate discipline. The terms “false charge” means charges brought in bad faith, that is, without the good faith belief that one has been subjected to bullying. The term “false charge” does not include a charge that was brought be good faith but which the PSS was unable to substantiate.
(e) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.

(f) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from bullying. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s bullying policy.

§ 60-20-446. Offense categories.

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I - Examples of offenses which may result in suspension:

   (4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(3) Bullying:

   (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;

   (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;

   (iii) Social - includes:

      (A) Lying and spreading rumors;

      (B) Negative facial or physical gestures, menacing or contemptuous looks;

      (C) Playing nasty jokes to embarrass and humiliate;

      (D) Mimicking unkindly;

      (E) Encouraging others to socially exclude another;

      (F) Damaging someone’s social reputation or social acceptance.

   (iv) Cyber - includes:

      (A) Abusive or hurtful texts, emails or posts, images or videos;

      (B) Deliberately excluding others online;

      (C) Nasty gossip or rumors;

      (D) Identity theft: imitating others online or accessing their content.

(10) Harassment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-410. Distribution of non-curricular publications by students.
(a) Guidelines for Distribution
(1) Students may distribute, at reasonable times and places, unofficial written materials, petitions, buttons, badges, or other insignia, except expressions which:
   (i) Are obscene to minors.
   (ii) Are libelous.
   (iii) Are pervasively indecent or vulgar.
   (iv) Advertise any product or service not permitted to minors by law.
   (v) Constitute insulting, hateful or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person’s race, religion, or ethnic origin).
   (vi) Present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, or will cause the commission of unlawful acts or the violation of lawful school regulations.
(2) Distribution on school premises of material in above categories to any student is prohibited.
(b) Procedures
(1) Any student wishing to distribute unofficial written material must first submit for approval a copy of the material to the principal/designee at least three days in advance of desired distribution time, together with the following information:
   (i) Name and phone number of the person submitting request.
   (ii) Date(s) and times(s) of day of intended display or distribution.
   (iii) Location where material would be displayed or distributed.
   (iv) The grade(s) of students to whom the display or distribution is intended.
(2) Within forty-eight hours of submission, the principal/designee will render a decision whether the material violates the guidelines contained in this section or the time, place and manner restrictions of this section. In the event that permission to distribute the material is denied, the student submitting the request should be informed of the reasons for the denial.
(3) Permission to distribute material does not imply approval of its contents by the school, the administration, the Board, or the individual reviewing the material submitted. Accordingly, the publication shall contain a statement “The opinions expressed are not necessarily those of the PSS or its personnel.”
(4) If the student is dissatisfied with the decision of the principal/designee, the student may submit a written request for appeal to the Commissioner/designee. If still not satisfied, the student may appeal the request to the Board for its review.
(c) Time, Place and Manner of Distribution. The distribution of written material shall be limited to a reasonable time, place and manner as follows:
(1) No written material may be distributed during and at the place of a normal school activity (e.g., classroom) if it is reasonably likely to cause a material and substantial disruption of that activity.

(2) Distribution of written material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school.

(d) Definitions. The following definitions apply to the following terms as used in this policy.

(1) Obscene to minors is defined as:

(i) The average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interests of minors of the age to whom distribution is requested; and/or

(ii) The material depicts and describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and/or

(iii) The material taken as a whole lacks serious literary, artistic, political or scientific value for minors.

Minor is defined as any person under the age of eighteen.

(2) Material and substantial disruption of a normal school activity is defined as follows:

(i) Any disruption that interferes with or impedes the implementation of any educational or school sponsored program.

(ii) In order for expression to be considered disruptive; there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school and current events influencing student activities and behavior.

(3) School activities is defined as any activity of students sponsored by the school and includes - by way of example, and not by way of limitation - classroom work, library activities, physical education classes, official assemblies, and other similar gatherings, school athletic contests, band concerts, school plays, and in-school lunch periods.

(4) Unofficial written material is defined as all written material except school publications funded and/or sponsored or authorized by the school. Examples include leaflets, brochures, flyers, petitions, placards and underground newspapers, whether written by students or others.

(5) Libelous is defined as a false or unprivileged statement about a specific individual that tends to harm the individual’s reputation, or to lower him/her in the esteem of the community.

(6) Distribution is defined as circulation or dissemination of written material by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes displaying written material in areas of the school, which are generally frequented by students.

(e) Disciplinary Action. Distribution by a student of unofficial written material prohibited in this section will be treated as a violation of the student discipline code.

§ 60-20-446. Offense categories.

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I - Examples of offenses which may result in suspension:

(1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);
(2) Disrespect to teacher/staff;
(3) Gambling;
(5) Igniting matches (when not part of the instructional program);
(6) Refusing to cooperate with school transportation regulations;
(7) Refusing to cooperate with school rules and regulations;
(8) Refusing to serve detention;
(15) Excessive foul or abusive language;
(17) Failure to assume responsibility for, or to control his/her behavior.

(b) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(1) Assault on a student;
(2) Chronic disruption of the school program and/or activities;
(4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
(5) Destruction and vandalism of school property, personal property of students and/or faculty;
(6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than $300;
(8) Extortion less than $300;
(9) False fire alarm/false fire report;
(11) Indecent exposure;
(12) Participating in, or inciting a school disruption;
(15) Theft and/or knowingly possessing stolen property
(16) Trespassing on school property;
(19) Fighting;
(20) Conspiracy involving two or more persons to commit a category II offense;
(21) Arson;
(22) Conspiracy between two or more persons to commit a category III offense;
(23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than $300;
(24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at $300 or more;
(28) Extortion of $300 or more;
(32) Robbery;
(35) Violent behavior which creates a substantial danger to persons or property;
(36) Any crime that is designated a felony by CNMI or federal statutes.

(c) Category III - Offenses which shall result in expulsion and referral to law enforcement:

(2) Act of terrorism (such as bomb threats);
(3) Fraud and/or identity theft.
§ 60-20-464. Student attire and appearance.
(a) It is the responsibility of the Board to ensure that every student has a safe environment in which to learn. Attire worn by students that, in the opinion of the school administration, causes distraction or inhibits learning is forbidden.
(b) Attire which is prohibited by the Board includes but is not limited to the following:
   (1) Attire and appearance that promotes gang affiliations;
   (2) Attire and appearance which promotes the use of drugs, alcohol or weapons;
   (3) Attire and appearance that presents a hazard to the student’s safety or the safety of other students or staff;
   (4) Attire and appearance which advocates prejudice;
   (5) Attire and appearance which causes a material and substantial disruption of the learning process;
   (6) Provocative clothing which draws undue attention to themselves, thus disrupting the educational process.
(c) The definition of attire and appearance should be construed liberally to include items such as bookbags, book-covers, sports-related articles, hats, lunch-boxes, and other similar items that students may bring to school.

§ 60-20-466. Student participation in secret organizations and gangs.
(a) The Board of Education prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the PSS. The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities.
(b) A “gang” as defined in this section is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows.
(c) No student on or about school property or at any school activity:
   (1) Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things, which are evidence of membership or affiliation in any gang.
   (2) Shall commit any act or omission or use any speech either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
   (3) Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:
      (i) Soliciting others for membership in any gangs.
      (ii) Requesting any person to pay protection or otherwise intimidating or threatening any person.
      (iii) Committing any other illegal act or other violation of school PSS policies.
      (iv) Inciting other students to act with physical violence upon any other person.
(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.
(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.
(f) To further discourage the influence of gangs, PSS administrators shall:
   (1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.
(2) Ensure that all students have access to counselors.
(3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/guardians involved in gang activity.
(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

§ 60-20-468. Student use and care of school property.
(a) The Board of Education recognizes that acts of destruction, defacing, trespassing, burglary and theft of PSS property are contrary to the interests of students, staff and taxpayers. PSS officials will cooperate fully with all law enforcement agencies in the prevention of crimes against PSS property as well as in the prosecution of persons involved in such conduct.
(b) The PSS will seek restitution from students and other persons who have damaged or destroyed PSS property, including text books and other instructional materials. Parents of students who lose or damage school property shall reimburse the school for the value of the lost or damaged articles.
(c) The amount of restitution to PSS for lost, stolen or damaged property shall be determined by the fair value of the lost or stolen property or the cost of reasonable repair if the item is not damaged beyond repair as determined by the principal or Commissioner.
(d) School principals are responsible for enforcing this section and imposing any appropriate discipline and fines.

§ 60-20-820. Student transportation services.
All school bus riders must adhere to the following rules and procedures.
(a) Leave home early enough to arrive at school bus station on time.
(b) Wait for school bus in a safe place and remain there quietly. Stay well off the roadway.
(c) Enter the school bus in an orderly manner and take a seat. Remain quiet.
(d) Follow all instructions of the school bus driver. The bus driver is in charge at all times.
(e) Remain seated at all times while the school bus is in motion.
(f) Learn emergency drill procedures and follow them at all times.
(g) Help to keep the school bus clean and in good condition.
(h) Keep head, arms and other parts of the riders' body inside the school bus at all times.
(i) Be alert for traffic when leaving the school bus.
(j) Do not carry tools or equipment to or from school unless turned over to the school bus driver to be returned when disembarking.
(k) Do not eat, drink, or chew gum while inside the school bus.
(l) Turn over instruments, such as radio, cassette recorder, guitar, ukulele, etc., to the school bus driver upon entering the bus to be returned when disembarking.
(m) Place books, lunches, purses and other belongings directly under the seat.
(n) Be courteous to the school bus driver, conductor and fellow passengers.
(o) No crossing behind the bus at all times.
(p) No chewing betel nut inside the school bus.
(q) No spitting inside the bus or out the window.
(r) No smoking or use or other tobacco products inside the school bus.
(s) No fighting inside the school buses.
(t) Student and/or parent/guardian are responsible to pay for damages or destruction to the bus or property of others.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

6 CMC § 3175. Prohibition of smoking on property of the public school system.
(c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

REGULATIONS

§ 60-20-402. Sexual harassment of students.
(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s sexual harassment policy, including but not limited to following:

(3) Student instruction regarding sexual harassment shall be provided annually by the end of September to all students in grades six through twelve. Age appropriate instruction will also be presented to pre-kindergarten through fifth grade students.

(4) Designated teachers shall discuss this policy with their students within one month after its adoption by the Board and during the first week of the school year thereafter. Written copies of the policy shall be given to each student in grades six through twelve (and in lower grades as may be appropriate) as part of these discussions. Discussion shall be conducted in age appropriate manner and should assure students they need not tolerate any form of sexual harassment.

(5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.

§ 60-20-466. Student participation in secret organizations and gangs.
(f) To further discourage the influence of gangs, PSS administrators shall:

(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

Behavioral interventions and student support services

LAWS

No relevant laws found.

REGULATIONS

§ 60-20-426. Truancy and educational neglect procedures.
(b) Educational Neglect
(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

§ 60-20-466. Student participation in secret organizations and gangs.
(f) To further discourage the influence of gangs, PSS administrators shall:
   (2) Ensure that all students have access to counselors.
   (3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/guardians involved in gang activity.

§ 60-20-530. Alternative learning settings.
(c) Lina'la' Malawasch Academy (LMA). The Lina'la' Malawasch Academy (LMA) is an alternative learning setting for students grades seven and eight who have demonstrated behavioral problems that require intervention. Lina’la’ malawasch means life, well-being and a new beginning in the Chamorro and Carolinian languages. The goal of LMA is to offer a second chance to students by creating an environment for students to improve their behavior, attendance and academic performance to enable them to reenter the general student population and proceed towards graduation from high school. The academic requirements for LMA students are similar to the PSS requirements and Board regulations regarding other junior high school students.

Professional development

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-402. Sexual harassment of students.
(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s sexual harassment policy, including but not limited to following:
   (2) The building administrator shall provide an in-service regarding sexual harassment (including sexual harassment involving students) to all staff by the end of the first four calendar weeks of school.

§ 60-20-466. Student participation in secret organizations and gangs.
(f) To further discourage the influence of gangs, PSS administrators shall:
   (1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.

§ 60-50-492. Procedures and training.
(b) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the PSS’s restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:
(1) The program’s restraint policy;
(2) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
(3) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; and
(4) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student.

(c)(1) In-depth staff training in the use of physical restraint. At the beginning of each school year, the Commissioner or his/her designee shall identify PSS staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint.

(2) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

(i) Appropriate procedures for preventing the need for restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
(ii) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
(iii) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
(iv) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
(v) Demonstration by participants of proficiency in administering physical restraint.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-401. Discrimination and harassment prohibited.
(c) Complaints
(1) Any student who believes that he or she is a victim of discrimination or harassment should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(2) Students, parents and employees should review § 60-20-402 for more information regarding sexual harassment and follow the procedures set forth in § 60-20-402 to address discrimination or harassment of any kind on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socioeconomic status or disabling condition.

(3) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to discrimination or harassment.

(4) The responsible administrator shall follow up regularly with the complaining student to ensure that the discrimination and/or harassment has stopped and that no retaliation has occurred.

§ 60-20-402. Sexual harassment of students.
(d) Investigation of Sexual Harassment Complaints
(1) If a student believes he/she is being sexually harassed, the student should bring the concern to the attention of the building principal.

(2) If the student feels that such contact with the building principal would be inappropriate or if the student simply feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer for the PSS. If the situation is not satisfactorily resolved by the building principal, the student should contact the PSS EEO Officer.

(3) If neither the student’s building principal nor the PSS EEO Officer is of the same sex as the student, or the student for any other reason would prefer to report the student’s concern to another administrator within the PSS, the student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.

(4) Any teacher, counselor, or administrator who receives a report, orally or in writing, from any student regarding sexual harassment of that student or another student by a student or adult in the educational setting must forward that report to the building principal and the PSS EEO Officer within twenty-four hours, or within a reasonable extension of time thereafter, for good cause shown.

(5) Oral complaints of sexual harassment will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant’s refusal to sign a complaint does not relieve the PSS of the obligation to investigate the complaint.
(6) A student who believes that he/she has been subjected to sexual harassment shall not be required to confront the alleged harasser prior to making the report.

(7) Following receipt of the report, PSS personnel will promptly and fully investigate the complaint and will notify the student and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.

(8) Upon receipt of the report, the principal and/or the PSS EEO Officer will appoint an investigator to investigate the complaint. Such investigation shall commence within forty-eight hours after such appointment.

(9) The PSS will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.

(10) The investigator will put his/her findings in writing and will forward a copy to the principal and the PSS EEO Officer within two weeks after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.

(11) If the investigation substantiates the complaint, the PSS will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is another student, disciplinary action will be taken in accordance with Board policies and regulations. If the offender is not an employee of the PSS, the PSS will take appropriate action within the scope of its authority to eliminate and redress the harassment.

(12) If the investigation is indeterminate, the matter will still be designated as unresolved, and the investigation file will be maintained by the PSS EEO Officer in a file separate and apart from any student or personnel file.

(13) There will be no retaliation against or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to sexual harassment.

(14) The responsible administrator shall follow up regularly with the complaining student to ensure that the harassment has stopped and that no retaliation has occurred.

(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS’s sexual harassment policy, including but not limited to following:

(5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.

(h) Title IX Grievance Procedure (Sexual Harassment)

(1) Level 1: Principal or Immediate Supervisor (informal and optional - may be bypassed by grievant). An informal meeting with the parties and the principal or the PSS EEO Officer can solve many problems. A student who believes that he/she has been subjected to sexual harassment is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. If the individual’s teacher/supervisor is the person alleged to have engaged in sexual harassment then the grievant should skip level 1 and go directly to level 2.

(2) Level 2: The Investigation

(i) If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:

(A) The nature of the grievance;
(B) The remedy requested; and
(C) The date the grievance was submitted. The level 2 written grievance should be filed with the PSS EEO Officer within fifteen days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

(ii) The PSS EEO Officer may appoint an investigator to investigate a written grievance. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the PSS EEO Office or appointed investigator will prepare a written report of the investigation that shall include:
   (A) A clear statement of the allegations of the grievance and remedy sought by the grievant.
   (B) A statement of the facts as contended by each of the parties.
   (C) A statement of the facts as found by the appointed investigator and identification of evidence to support each fact.
   (D) A list of all witnesses interviewed and documents reviewed during the investigation.
   (E) A narrative describing attempts to resolve the grievance.
   (F) The appointed investigator’s conclusion as to whether the allegations in the grievance are meritorious.

(iii) The investigator shall consult with the EEO Officer during the investigation and attempted resolution of the grievance.

(iv) The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the EEO Officer and the EEO officer will make any necessary recommendations and forward the report to the Commissioner’s office.

(v) If the Commissioner/designee agrees with the recommendations of PSS EEO Officer, the recommendations will be implemented. The Commissioner/designee will inform the grievant in writing of his or her decision and any action that will be taken.

(3) Level 3: The Board of Education. If the Commissioner rejects the recommendations of the EEO Officer, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal within ten days of receiving the report of the Commissioner to the Board of Education. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Education for consideration within thirty days. A decision shall be made and reported in writing to all parties within thirty days of that meeting. The decision of the Board of Education will be final.

(4) Other Options for Grievant. At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Omnibudsman to the Commonwealth.

§ 60-20-403. Bullying.

(c) Complaints

(1) Any student who believes that he or she is a victim of bullying should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(2) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to bullying.
(3) The responsible administrator shall follow up regularly with the complaining student to ensure that the bullying has stopped and that no retaliation has occurred.

§ 60-20-426. Truancy and educational neglect procedures.

(b) Educational Neglect

(3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.

§ 60-20-495. Reporting requirements.

(a) Circumstances under which a physical restraint must be reported.

(1) PSS staff shall report the use of physical restraint after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of duration longer than five minutes.

(b) Informing school administration.

(1) The PSS staff who administered the restraint shall verbally inform the administration of the restraint as soon as possible and by written report no later than the next school working day.

(2) The written report shall be provided to the principal or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint.

(3) The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.

(c) Informing parents.

(1) The principal or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.

(d) Contents of report. The written report shall include:

(1) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(2) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(3) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(4) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.

(5) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(6) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student, and/or any other related matter.
§ 60-20-810. Accident/incident reporting.

(a) All schools shall follow emergency procedure guidelines to ensure the health and safety of all students.

(b) All PSS staff involved in or witnessing an accident/ incident on campus that involves personal injury or property damage must immediately make an oral report to his or her supervisor and/or the principal. Supervisors and principals shall inform the Commissioner’s officer no later than the end of the school day on which the accident/incident was reported.

(c) Written reports from staff to principal shall be completed within 24 hours when an incident or accident occurs when a student is injured on school property or during a school sanctioned activity.

1) Written Accident Report Procedures

(i) The person in charge at the time of the accident shall complete the accident/incident report form.

(ii) The accident/incident report form shall be returned and forwarded to the principal within 24 hours.

(iii) The principal reviews the report and makes a necessary recommendation.

(iv) The principal shall forward a copy to the Commissioner/designee within 24 hours and a copy to the legal counsel if a serious injury/accident and/or hospitalization occurs or results in the absence of the student for a day or more. A copy remains in the school.

2) Accident/incident reports will include:

(i) Date, time and place of accident.

(ii) Name and address of injured person(s).

(iii) Name of staff member(s) in attendance.

(iv) Type of accident.

(v) Personal injuries incurred.

(vi) Treatment given.

(vii) Description of the accident.

(viii) Property damage incurred.

(ix) Name and address of any parties with first-hand information regarding the accident.

(x) Name of staff member making the report.

(xi) Date and time of parent/guardian notification.

(xii) If available, the hospital number and insurance number of party involved in the accident.

(d) All written reports shall be sent to the Commissioner within 24 hours. The Commissioner shall report to the Board all serious accidents and shall also submit to the Board periodic statistical reports on the number and types of accidents occurring in the schools.

Parental notification

LAWS

No relevant laws found.
REGULATIONS

§ 60-20-408. Employees of department of public safety on campus.
Whenever a student is on campus during school operating hours and is wanted by the Department of Public Safety (DPS) for an alleged offense(s) not reported by the school, the following guidelines shall apply:

(a) In all cases, upon arriving on campus, DPS personnel must report first to the principal’s office to inform the principal of the student(s) sought by DPS and to explain the purpose of their visit to the school. The only exception to first reporting to the principal’s office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal’s office. The principal shall immediately notify the parent/guardian of a student who has been arrested by DPS on campus.

(b) In cases involving a felony when DPS personnel wish to question a student during school hours, the parents must be informed before such questioning may begin. The principal may be present during the questioning. A student may be released to DPS if DPS demonstrates to the school that such release is necessary in the interests of law enforcement and public safety, such as a copy of a warrant or indictment. The principal shall immediately notify the parent/guardian of a student who has been released to DPS.

(c) In cases involving a misdemeanor, DPS will make every effort to locate and question a student involved in or knowledgeable of a misdemeanor outside of school operating hours and will only resort to questioning a student during school hours when all other methods fail. In the event that questioning a student during school hours is necessary, the parent must be informed before such questioning may begin and DPS may only question a student when a principal is present. A principal does not need to release a student to DPS in cases involving a misdemeanor.

§ 60-20-426. Truancy and educational neglect procedures.

(a) Truancy

(1) The principal upon receiving a report from a teacher that a student has accumulated two unexplained absence shall immediately provide counseling to the truant student and promptly issue a truancy report to the student’s parent/guardian with a copy provided to the Commissioner of Education. The report shall include recommendation(s) by the school prescribing corrective measures for parent/guardian and student. Any repeated truancy by the student shall be reported to the Division of Youth Services, Community and Cultural Affairs Offices for counseling and other necessary actions, and parent-teacher conferences may also be held.

(2) The Division of Youth Services shall have access to student records with or without prior parent/guardian approval as stated in § 60-20-428. However, such privilege is limited only to the particular caseworker and/or counselor assigned to the case.

(3) All communication with a student’s parent/guardian and student contact and reports from referral agencies must be accurately recorded in writing and filed in the student’s cumulative folder.

(b) Educational Neglect

(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

§ 60-20-448. Suspension.

(e) When a student is suspended, the principal/designee shall attempt to reach the student’s parent/guardian to inform them of the school’s action and to request that they come to school for the
student. If the parent/guardian is unable to come for the student, the principal/designee may ask the parent/guardian for permission to send the student home. If the parent/guardian cannot be reached or if the above request is refused, the student must remain on school property until the close of the school day.

(f) The student’s parent or guardian shall also be notified, in writing, on the day the suspension decision is made of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension to the Commissioner of Education within ten calendar days of the notification. Copies of all notifications shall be sent to the Commissioner of Education and the PSS legal counsel.

§ 60-20-458. Enrollment or return following suspension and/or expulsion.
(b) The PSS shall notify in writing the parent/guardian and all other parties of the time, place, and agenda of any such conference. However, failure of any party to attend this conference shall not preclude holding the conference.

§ 60-20-495. Reporting requirements.
(c) Informing parents.
(1) The principal or his/her designee shall verbally inform the student’s parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.

Reporting and referrals between schools and law enforcement

LAWS

6 CMC § 5163. School attendance - Jurisdiction over students and parents.
(g) In the event a juvenile, parent, guardian and/or person in charge of the juvenile fails to respond to the directives of the School Attendance Review Committee, or to services offered on behalf of the juvenile or the Committee determines that available community resources cannot resolve the problems with the juvenile’s school attendance or behavior, the Committee shall direct that the juvenile be referred to the Juvenile Probation Unit and request that the Office of the Attorney General file a complaint against the juvenile, parent, guardian, and/or other person having control of the juvenile.

REGULATIONS

§ 60-20-404. Searches by school personnel.
(g) Police Involvement. Police involvement shall be sought whenever school officials uncover evidence of a violation of Commonwealth or federal law or when school officials deem such involvement necessary or helpful in maintaining school discipline or safety.

§ 60-20-406. Releasing and referring students to the Department of Public Safety.
The following guidelines are to be used by school administrators when considering referring students to the Department of Public Safety (DPS) for conduct committed on campus:

(a) It is the responsibility of all citizens who have direct knowledge of a committed felony to report it to DPS. If a student is suspected of committing a felony, the school administrator must report it to DPS. (See also policy and regulation 2670 and § 60-20-472 - Reporting Violent Behavior and Student Abuse.)

(b) In cases involving a misdemeanor, the principal must exercise his/her professional judgment whether to report the student to DPS. In general, the more serious the misdemeanor, the greater
likelihood it should be referred to DPS. Minor infractions (e.g. a minor caught smoking a cigarette) should be dealt with at the school level.

(c) All incidents involving the use of dangerous weapons should be reported to DPS. (See policy and regulation 2670.)

(d) If a principal or school administrator has evidence of a crime in progress, he/she has the authority to make a citizen’s arrest and then must report the crime to DPS immediately.

(e) Upon arriving on campus, DPS personnel must report first to the principal’s office. The only exception to first reporting to principal’s office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal’s office.

(f) No student is to be turned over to a non-uniformed policeman without verifying his/her proper identification.

(g) Whenever a student is turned over to DPS, it is the responsibility of the school administrator to immediately notify the student’s parent/guardian.

§ 60-20-408. Employees of Department of Public Safety on campus.
Whenever a student is on campus during school operating hours and is wanted by the Department of Public Safety (DPS) for an alleged offense(s) not reported by the school, the following guidelines shall apply:

(a) In all cases, upon arriving on campus, DPS personnel must report first to the principal’s office to inform the principal of the student(s) sought by DPS and to explain the purpose of their visit to the school. The only exception to first reporting to the principal’s office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal’s office. The principal shall immediately notify the parent/guardian of a student who has been arrested by DPS on campus.

(b) In cases involving a felony when DPS personnel wish to question a student during school hours, the parents must be informed before such questioning may begin. The principal may be present during the questioning. A student may be released to DPS if DPS demonstrates to the school that such release is necessary in the interests of law enforcement and public safety, such as a copy of a warrant or indictment. The principal shall immediately notify the parent/guardian of a student who has been released to DPS.

(c) In cases involving a misdemeanor, DPS will make every effort to locate and question a student involved in or knowledgeable of a misdemeanor outside of school operating hours and will only resort to questioning a student during school hours when all other methods fail. In the event that questioning a student during school hours is necessary, the parent must be informed before such questioning may begin and DPS may only question a student when a principal is present. A principal does not need to release a student to DPS in cases involving a misdemeanor.

§ 60-20-426. Truancy and educational neglect procedures.
(b) Educational Neglect

(1) Commonwealth law requires that any parent, guardian or other person responsible for a child between the age of six and sixteen shall send the child to a public or nonpublic unless the Commissioner of Education grants a waiver. 3 CMC § 1141.

(2) Educational neglect may be defined as when a person who is responsible for a child six through sixteen who through willful or negligent act or omission fails to provide the child with adequate supervision to ensure attendance at school. Individuals who commit educational neglect are subject to criminal prosecution in accordance with the law.
(3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.

(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

(5) If appropriate school intervention does not correct the student’s truancy, and reasonable cause for educational neglect has been determined, the principal/designee shall call the Division of Youth Services and report the alleged child educational neglect. A report of this call shall be forwarded to the Commissioner and carbon copied to PSS legal counsel.

§ 60-20-466. Student participation in secret organizations and gangs.

(1) To further discourage the influence of gangs, PSS administrators shall:

(3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/guardians involved in gang activity.

§ 60-20-468. Student use and care of school property.

(a) The Board of Education recognizes that acts of destruction, defacing, trespassing, burglary and theft of PSS property are contrary to the interests of students, staff and taxpayers. PSS officials will cooperate fully with all law enforcement agencies in the prevention of crimes against PSS property as well as in the prosecution of persons involved in such conduct.

§ 60-20-493. Determining when physical restraint may be used.

(d) Referral to law enforcement or other public agencies. Nothing in these regulations prohibits:

(1) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;

(2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or

(3) The exercise of an individual's responsibilities as a mandated reporter pursuant to BOE, CNMI and Federal regulation. These regulations shall not be used to deter any individual from reporting neglect or abuse to an appropriate public agency.

§ 60-20-540. Library, media, and technology services; student Internet usage.

(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:

(9) Consequences or Unacceptable Uses

(iii) Any illegal uses may be reported to the Department of Public Safety or the Federal Bureau of Investigations.

Disclosure of school records

LAWS

3 CMC § 1123. Student records: Right to access.

(a) Parents or legal guardians of currently enrolled, or formerly enrolled students, and students who have attained the age of eighteen (18), who are attending an institution of post-secondary education, have an absolute right to access their educational records.
REGULATIONS
§ 60-20-428. Student educational records.
(a) Definitions

1) Permanent records shall include the following information:
   (i) The name and sex of the student as given in a legal document, such as a birth certificate, court
       order or official record of school previously attended.
   (ii) Any other name(s) by which the student may be identified.
   (iii) The student’s date of birth and the method of verification of the date of birth for the student.
   (iv) The name and address of the student’s parent/guardian if the student is a minor.
   (v) The student’s primary language and ethnic background.
   (vi) A record of the entering and leaving dates for all school sessions previously attended by the
        student.
   (vii) A record of the instruction in which the student participated, and of the student’s rating or
        achievement in instruction (student progress report or equivalent).
   (viii) Test score records.
   (ix) Any specific health problem and verification of immunization.
   (x) Insurance company.
   (xi) Disciplinary records related to all suspensions and expulsions.
   (xii) Other pertinent educational information, including attendance.

2) Directory information means information contained in the education record of a student which would
   not generally be considered harmful or an invasion of privacy if disclosed. Directory information, under
   this section, includes, but is not limited to, the student’s name, address, telephone listing, date and
   place of birth, major field of study, participation in officially recognized activities and sports, weight and
   height of members of athletic teams, dates of attendance, degrees and awards received, and the most
   recent previous school attended.

3) Educational record means those records that are directly related to a student and are maintained by
   the PSS.

4) Disclosure means to permit access to or the release, transfer, or other communication of education
   records, or the personally identifiable information contained in those records, to any party, by any
   means, including oral, written or electronic means.

5) Eligible student means a student who has reached 18 years of age or attends an institution of post-
   secondary education.

6) Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting
   as a parent/guardian in the absence of a parent/guardian.

7) Personally identifiable information includes, but is not limited to the student’s name; the name of the
   student’s parent/guardian or other family member; the address of the student or student’s family; a
   personal identifier, such as the student’s social security number or student number; a list of personal

(b) The Board shall adopt and maintain procedures for the granting of valid requests by entitled persons
to inspect, review, and or be provided copies of their student’s educational records. Valid record requests
from entitled persons shall be granted within five (5) business days of the request. When necessary and
upon request qualified personnel shall be made available to interpret records.
characteristics that would make the student’s identity easily traceable, or other information that would make the student’s identity easily traceable.

(8) Student means any individual who is or has been in attendance in the Commonwealth and about whom the PSS maintains education records.

(b) General Guidelines

(1) The PSS shall give full rights under this section to either parent/guardian of a student; unless the PSS is provided with a court order, state law or other legally binding document that specifically revokes the parent/guardian’s rights to access under this section.

(2) When a student reaches the age of 18, or attends a post-secondary institution of education the parent/guardian rights under this policy will transfer from the parent/guardian to the student.

(3)(i) The PSS will annually disseminate a notice of the rights available under this section to parent/guardian and eligible students. The annual notification will include a statement that the parent/guardian or eligible student is entitled:

(A) To inspect and review the student’s educational records.

(B) To request changes to the educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights.

(C) To consent to disclosures of personally identifiable information contained in the student’s educational records, except to the extent that federal and state law authorize disclosure without such consent; and

(D) To obtain a copy of this section and guidelines.

(ii) The annual notification will also inform parent/guardian and eligible students where copies of the section and guidelines are located.

(4) Prior to making directory information public, the PSS will notify the parent/guardian regarding the categories of information that it has designated as directory. In addition, the PSS will allow a reasonable period of time after such notice for the parent/guardian or eligible student to inform the PSS that any or all of the designated directory information should not be released without the parents/guardians’ or eligible student’s consent.

(5) Principal/designee of the school where access to student records is being requested shall provide a space or room for authorized agency or person requesting access to review records.

(6) If necessary and requested by the student, parent or guardian, qualified personnel to interpret records will be made available.

(c) Procedures for Inspection and Review of Educational Records

(1) The PSS’s regulation permits parent/guardian and eligible students to inspect and review the education records of the student.

(2) After a request for access to records, the PSS will allow access within a reasonable period of time, but in no case more than five days after receipt of the request. All requests for access should be directed to the building administrator.

(3) After the parent/guardian or eligible student has had an opportunity to inspect and review the student’s education records, the parent/guardian may make a request for explanations and interpretations of the records to building administrator. The PSS’s designee shall respond to all reasonable requests for explanation or interpretation.

(4) The PSS will not destroy any education record if there is an outstanding request to inspect and review that record.
(5) The PSS may charge a fee for copies of education records that are made for a parent/guardian or eligible student, unless that fee would prevent a parent/guardian or eligible student from exercising their rights to inspect and review the student’s education records. The PSS will not charge a fee to search for or retrieve a student’s education records.

(6) If a student’s education records contain information on more than one student, the parent/guardian or eligible student may inspect, review or be informed of only the specific information about that student.

d) Procedures Regarding Disclosure of Personally Identifiable Information Where Consent Is Required

(1) Before the PSS discloses personally identifiable information from a student’s records (other than directory information), the PSS will obtain a signed and dated written consent from the parent/guardian or eligible student. The written consent will specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or parties to whom disclosure may be made.

(2) If the parent/guardian or eligible student so requests, the PSS will provide him/her with a copy of the records disclosed.

e) Disclosure of Personally Identifiable Information Where Consent Is Not Required. The PSS may disclose personally identifiable information from a student’s education records without the written consent of the parent/guardian or eligible student in the following circumstances:

(1) Disclosure may be made to other school officials, including teachers, within the PSS whom the PSS has determined to have legitimate educational interests. The PSS designates the principal to make the determination as to whether a particular school official has a legitimate educational interest in accessing a student’s education records. Before making the determination, the principal shall consult with the PSS legal counsel. Before obtaining access any student’s education records, the school official seeking access must submit a written request to the principal. The request must include the student’s name, the reason for the request, the school official’s name and the date of the request. The PSS’s designee must provide in writing whether the request was granted or denied and the reason for the decision. If the request is granted, the request and the designee’s decision must be maintained with the student’s education records.

(2) Disclosure may be made to officials of another school district or post secondary educational institution where the student seeks or intends to enroll.

(3) Disclosure may be made to authorized federal and state agencies and authorities.

(4) Disclosure of acts of school violence, as set forth in policy 2673, to PSS employees who are directly responsible for the student’s education or who interact with the student in the performance of the employee’s duties.

(5) Disclosure to appropriate staff members of portions of any student’s individualized education program that is related to past or potentially future violent behavior.

(6) Disclosure to law enforcement officials, as soon as is reasonably practicable of the commission of the criminal acts listed in policy 2673.

(7) Disclosure to the appropriate division of the juvenile court of the suspension of more than ten days of any student under court jurisdiction.

(8) Disclosure of discipline records within five days to any requesting school district where the student seeks to enroll.

(9) Disclosure may be made if such disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount of aid, condition for the aid, or to enforce the terms and conditions of the aid.

(10) Disclosure may be made to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid
programs; or improve instruction, if the study is conducted in a way that does not permit personal identification of parent/guardian and students, and the information is destroyed when no longer needed for the purposes for which the study was conducted.

(11) Disclosure may be made to accrediting organizations to carry out their accrediting functions.

(12) Disclosure may be made to comply with a judicial order or lawfully issued subpoena and only after the PSS makes a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of the compliance.

(13) Disclosure may be made where the disclosure is in connection with a health or safety emergency and the information is necessary to protect the health or safety of the student or other individuals.

(14) Disclosure may be made where the disclosure is of information the PSS has designated to be directory information.

(15) Disclosure may be made to the parent/guardian of a non-eligible student or to an eligible student.

(16) Disclosure may be made without the written consent of the parent/guardian or eligible student as otherwise may be specified by federal or state law.

(17) The PSS may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent/guardian or eligible student. Each party to whom disclosure may be made under this policy must first sign a statement in which he/she agrees to abide by this provision and agrees to use the information disclosed only for the purposes for which the disclosure was made. This does not apply to disclosures of directory information or to any information that the PSS is required to disclose.

(f) The Division of Youth Services (DYS) Access to Student Records. Pursuant to 1 CMC § 2378 the Division of Youth Services (DYS) shall have access to student records with or without the consent or authorization of the student’s parent/guardian if that student is a minor, or the consent of the student if that student is eighteen years of age or older. Provided however, that the DYS shall, in writing:

1. Demonstrate its interest in the student record.
2. Specify the particular record or information requested.
3. List the name or names of agency personnel authorized to have access to information being sought.

(g) Procedures to Request Amendment of a Student’s Educational Records

1. If a parent/guardian or eligible student believes the education records for that student contain information that is inaccurate, misleading, or in violation of the student’s rights of privacy or other rights, he/she may ask the PSS to amend the record. All such requests should be directed to the building administrator.

2. The PSS’s designee, in consultation with the administration or Board of Education as needed, shall decide whether to amend the record as requested within a reasonable time after the request.

3. If the PSS’s designee decides not to amend the record, he/she shall inform the parent/guardian or eligible student of that decision and of their right to request a hearing.

4. If a hearing is requested, the PSS will hold the hearing within a reasonable time after it has received the request and will give the parent/guardian or eligible student reasonable advance notice of the date, time and place of the hearing. Any individual, including an employee of the PSS, who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The PSS will give the parent/guardian or eligible student a full and fair opportunity to present evidence relevant to the issue(s) raised by the parent/guardian or eligible student’s request. The parent/guardian or eligible student may, at their own expense, be assisted or represented at the hearing by any individual of their choice, including an attorney.
(5) The PSS will make its decision in writing within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing, and will include a statement of the evidence and the reasons for the decision.

(i) If the PSS decides, as a result of the hearing, that the information is inaccurate, misleading or violates the student’s rights, the PSS shall amend the record and inform the parent/guardian or eligible student of the amendment in writing.

(ii) If the PSS decides, as a result of the hearing, that the information is not inaccurate, misleading, or otherwise in violation of the student’s rights, the PSS shall inform the parent/guardian or eligible student of that decision and shall inform the parent/guardian or student of his/her right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the PSS’s decision, or both. If the parent/guardian or eligible student submits such a statement, the PSS will maintain that statement with the student’s education records as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

(h) Record Keeping Procedures

(1) The PSS will maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of each student. The building administrator or designee will be responsible for keeping such records of requests and disclosures.

(2) The PSS will maintain the record of each request and disclosure with the educational records of the student as long as the records are maintained by the PSS.

(3) For each request or disclosure, the PSS’s record will include the parties who have requested or received personally identifiable information from educational records and the legitimate interests the parties had in requesting or obtaining the information.

(4) If the PSS discloses personally identifiable information from an educational record under the exceptions enumerated in the earlier sections, the PSS will record the names of those persons to whom that party may disclose the information on behalf of the PSS and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

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

LAWS
No relevant laws found.

REGULATIONS

(b) In addition to those powers and duties provided for elsewhere in this chapter, and without limitation of the generality of subsection (a), above, the Board of Education shall have the following specific powers and duties:

(8) To appraise and review its policies and actions and the program of education and the performance of the staff.

§ 60-20-404. Searches by school personnel.
(h) Reports. After a search has been conducted, school officials shall prepare a written report, specifically detailing the objectives of the search, the scope of the search, and the circumstances and information
giving rise to reasonable suspicion for the search. Copies of the report shall be immediately filed with the Commissioner of Education and PSS legal counsel.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS
No relevant laws found.

REGULATIONS

§ 60-20-540. Library, media, and technology services; student Internet usage.
(f) Limitation of Liability. PSS makes no guarantee that the functions or the services provided by or through the PSS system will be error-free or without defect. PSS will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. PSS is not responsible for the accuracy or quality of the information obtained through or stored on the system. PSS will not be responsible for financial obligations arising through the unauthorized use of the system.

Community input or involvement

LAWS

6 CMC § 5163. School attendance - Jurisdiction over students and parents.
(a) The Board of Education shall establish a School Attendance Review Committee. The School Attendance Review Committee shall include, but need not be limited to, a parent of a school age child and representatives of:
   (1) the Public School System;
   (2) the Coalition of Private Schools, CNMI or any successor organization recognized by the Board of Education;
   (3) the Juvenile Probation Unit of DYS;
   (4) the Child Protective Unit of DYS; and
   (5) the Department of Public Safety (DPS).
The Public School System representative shall be appointed by the Commissioner of Education. All other members shall be appointed by the Board of Education with the input and consent of the representative agencies. Every effort shall be made to ensure members of the School Attendance Review Committee shall be individuals whose primary job responsibilities are working directly with students or juvenile clients.
(b) It is the intent of this section to provide intervention for juveniles and their families to address truancy, irregular attendance or insubordinate or disorderly behavior in school at the community level before referral to the juvenile justice system. The School Attendance Review Committee's duties shall include, but are not limited to, the following:
   (1) proposing, promoting and providing alternatives to the juvenile justice system, where possible;
   (2) addressing matters regarding an individual juvenile's truancy, failure to regularly attend school in accordance with school policies and regulations, or insubordinate or disorderly behavior;
   (3) setting and conducting meetings with juveniles and/or their parents to discuss consequences of the student's truancy and/or behavior and establish terms, conditions and options to reduce and eliminate
the truancy of the student and improve his or her attendance. The meeting format shall be that of mediation and not adversarial; and

(4) referring juveniles and their families to other agencies, such as Community Guidance Center, DYS, DPS and the Attorney General's Office for services or action, as appropriate.

(c) The Board of Education may adopt such policies, procedures, rules and regulations, not inconsistent with this chapter, that may be needed for the operation of the School Attendance Review Committee and to fulfill its obligations pursuant to this section.

(d) The School Attendance Review Committee shall strive to maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the creation of new resources and programs where none exist.

(e) In every case in which a juvenile has been referred to it, the School Attendance Review Committee has the authority to issue subpoenas pursuant to the procedures provided in 1 CMC § 9109(d), requiring the production of pertinent information and documents and/or the attendance of any of the following persons:

(1) The juvenile;
(2) The juvenile's parents, guardians, or other person having control of the juvenile;
(3) The school authority referring the juvenile; and
(4) Any other person who has pertinent or material information concerning the juvenile. The purpose of any meeting under this section is to establish and agree upon terms, conditions and options to reduce and eliminate the truancy of the student. The meeting format shall be that of mediation and not adversarial.

(f) The enforcement of a subpoena issued by a School Attendance Review Committee is within the jurisdiction of the juvenile court.

(g) In the event a juvenile, parent, guardian and/or person in charge of the juvenile fails to respond to the directives of the School Attendance Review Committee, or to services offered on behalf of the juvenile or the Committee determines that available community resources cannot resolve the problems with the juvenile's school attendance or behavior, the Committee shall direct that the juvenile be referred to the Juvenile Probation Unit and request that the Office of the Attorney General file a complaint against the juvenile, parent, guardian, and/or other person having control of the juvenile.

(h) Whenever a committee member appointed by an agency is unavailable to participate in the School Attendance Review Committee, that member's agency may assign personnel to represent the agency either temporarily or on a continuing basis in accordance with the intent of this section. The duties, obligations, or responsibilities which may be imposed on governmental entities by this section are such that the related costs are incurred as a part of their normal operating procedures.

(i) Nothing in this section shall be construed to interfere with the juvenile's school's authority to establish truancy procedures and to determine whether or not a matter should be referred to the Review Committee or to the Department of Public Safety or the Office of the Attorney General.

(j) Nothing in this section alters any policy or regulation of the Board of Education or the authority of any school or the Commissioner of Education to take appropriate corrective measures, including without limitation suspension or expulsion of the juvenile.

REGULATIONS
No relevant regulations found.
Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

§ 60-20-460. Closed campus.
(a) Students may not leave school grounds from the time of their arrival until the time they leave at the end of the day unless they have written permission from a parent/guardian, a signed liability waiver form suitable to the Commissioner and the permission of the principal/designee.
(b) "Parent/guardian" shall mean the person designated as such in the student’s school registration materials.

§ 60-20-540. Library, media, and technology services; student Internet usage.
The CNMI - Public School System (PSS) is now offering internet access for student use. This section contains the acceptable use regulations for your use of Public School System Educational Systems Network (PSS-ESN).
(a) Educational Purpose
(1) PSS-ESN has been established for a limited educational purpose. The term “educational purpose” in this policy and regulations includes classroom activities, career development, and limited high-quality self-discovery activities.
(2) PSS-ESN has not been established as a public access service or a public forum. PSS has the right to place reasonable restrictions on the material you access or post through the system. You are also expected to follow the rules set forth in (disciplinary code)* and the law in your use of PSS-ESN.
(3) You may not use PSS-ESN for commercial purposes. This means you may not offer, provide, or purchase products or services through PSS-ESN.
(4) You may not use PSS-ESN for political lobbying. But you may use the system to communicate with elected representatives and to express your opinion on political issues.
(b) Student Internet Access
(1) The PSS acceptable use policy, set forth will govern all use of the PSS-ESN. The student code of conduct will also govern student use of the system. Employee use will also be governed by (PSS policy, collective bargaining agreement).
(2) Classroom Accounts. Elementary age students will be granted e-mail access only through a classroom account. Elementary students may be provided with an individual account under special circumstances at the request of their teacher and with the approval of their parent. An agreement will only be required for an individual account, which must be signed by the student and his or her parent. Parents may specifically request that their child(ren) not be provided access through the classroom account by notifying the PSS in writing (or whatever procedure the PSS uses for other permissions).
(3) Individual E-mail Accounts for Students. Secondary students may be provided with individual e-mail accounts. Secondary students may have dial-up access to the system. An agreement will be required for an individual e-mail account. The student and his or her parent must sign this agreement.
(4) All students will have access to internet world wide web information resources through their classroom, library, or school computer lab.
(5) Students will have e-mail access only under their teacher’s direct supervision using a classroom account. Students may be provided with individual e-mail accounts under special circumstances, at
the request of their teacher and with the approval of the school principal and the student’s parent/guardian.

(6) You and your parent/guardian must sign an account agreement to be granted an individual e-mail account on PSS-ESN. The agreement will not exceed a year in duration, but may be renewed on an annual basis. Your parent can withdraw their approval at any time.

(7) If approved by your school principal, you may create a personal web page on PSS-ESN. All material placed on your web page must be pre-approved in a manner specified by the school. Material placed on your web page must relate to your school and career preparation activities.

(c) Parental Notification and Responsibility

(1) The PSS will notify the parents about the PSS network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require internet access.

(2) Parents have the right at any time to investigate the contents of their child(ren)’s e-mail files. Parents have the right to request the termination of their child(ren)’s individual account at any time.

(3) The PSS acceptable use policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the PSS to monitor and enforce a wide range of social values in student use of the internet. Further, the PSS recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The PSS will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the PSS-ESN.

(4) The PSS will provide students and parents with guidelines for student safety while using the internet.

(5) (Optional, if dial-up access is provided) Parents are responsible for monitoring their student’s use of the internet when they are accessing the system from home.

(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:

(1) Personal Safety

   (i) You will not post personal contact information about yourself or other people. Personal contact information includes your address, telephone, school address, work address, etc.

   (ii) You will not agree to meet with someone you have met online without your parent’s approval. Your parent should accompany you to such a meeting.

   (iii) You will promptly disclose to your teacher or other school employee any message you receive that is inappropriate or makes you feel uncomfortable in any way.

(2) Illegal Activities

   (i) You will not attempt to gain unauthorized access to PSS-ESN or to any other computer system through PSS-ESN or go beyond your authorized access. This includes attempting to log in through another person’s account or access another person’s files. These actions are illegal, even if only for the purposes of “browsing.”

   (ii) You will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal.

   (iii) You will not use PSS-ESN to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of person, etc.

(3) System Security
(i) You are responsible for your individual account and should take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person.

(ii) You will immediately notify a teacher or the school system administrator if you have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.

(iii) You will avoid the inadvertent spread of computer viruses by following the district virus protection procedures if you download software.

(4) Inappropriate Language

(i) Restrictions against inappropriate language apply to public messages, private messages, and material posted on web pages.

(ii) You will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.

(iii) You will not post information that could cause damage or a danger of disruption.

(iv) You will not engage in personal attacks, including prejudicial or discriminatory attacks.

(v) You will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If you are told by a person to stop sending them messages, you must stop.

(vi) You will not knowingly or recklessly post false or defamatory information about a person or organization.

(5) Respect for Privacy

(i) You will not repost a message that was sent to you privately without permission of the person who sent you the message.

(ii) You will not post private information about another person.

(6) Respecting Resource Limits

(i) You will use the system only for educational and career development activities and limited, high-quality, self-discovery activities. There is no limit on use for education and career development activities. The limit on self-discovery activities is no more than 5 hours per week.

(ii) You will not download large files unless absolutely necessary. If necessary, you will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to your personal computer.

(iii) You will not post chain letters or engage in “spamming.” Spamming is sending an annoying or unnecessary message to a large number of people.

(iv) You will check your e-mail frequently, delete unwanted messages promptly, and stay within your e-mail quota.

(v) You will subscribe only to high quality discussion group mail lists that are relevant to your education or career development.

(7) Plagiarism and Copyright Infringement

(i) You will not plagiarize works that you find on the internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.

(ii) You will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are
unsure whether or not you can use a work, you should request permission from the copyright owner. Copyright law can be very confusing. If you have questions ask a teacher.

(8) Inappropriate Access to Material

(i) You will not use PSS-ESN to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). A special exception may be made for hate literature if the purpose of your access is to conduct research and both your teacher and parent have approved.

(ii) When you mistakenly access inappropriate information, you should immediately tell your teacher or school administrator (or disclose this access in the manner specified by your school). This will protect you against a claim that you have intentionally violated this section.

(iii) Your parents should instruct you if there are additional materials that they think are inappropriate for you to access. You and your parent/guardian should inform your teacher of such materials. PSS fully expects that you will follow your parent's instructions in this matter.

(9) Consequences or Unacceptable Uses

(i) Your classroom teacher, your school administrator, or the PSS Technology Coordinator may revoke your privileges under this policy for any unacceptable uses, including uses not specifically listed herein.

(ii) Unacceptable uses by a student may result in disciplinary action, including suspension or expulsion.

(iii) Any illegal uses may be reported to the Department of Public Safety or the Federal Bureau of Investigations.

(e) Your Rights

(1) Free Speech. Your right to free speech applies to your communication on the internet. The exercise of your free speech rights may not disrupt the educational process. The PSS-ESN is considered a limited forum, similar to the school newspaper, and therefore PSS may restrict your speech for valid educational reasons. PSS will not restrict your speech on the basis of a disagreement with the opinions you are expressing.

(2) Searches and Seizure

(i) You should expect only limited privacy in the contents of your personal files on the PSS system. The situation is similar to the rights you have in the privacy of your locker.

(ii) Routine maintenance and monitoring of PSS-ESN may lead to discovery that you have violated this section, the student disciplinary code, or the law.

(iii) An individual search will be conducted if there is reasonable suspicion that you have violated this section, the student disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.

(iv) Your parents have the right at any time to request to see the contents of your e-mail files.

(3) Due Process

(i) PSS will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through PSS-ESN.

(ii) In the event there is a claim that you have violated this section or student disciplinary code in your use of the PSS-ESN, you will be provided the due process and hearing rights set forth in the student disciplinary regulations. Additional restrictions may be placed on your use of your internet account.
(f) Limitation of Liability. PSS makes no guarantee that the functions or the services provided by or through the PSS system will be error-free or without defect. PSS will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. PSS is not responsible for the accuracy or quality of the information obtained through or stored on the system. PSS will not be responsible for financial obligations arising through the unauthorized use of the system.

(g) Personal Responsibility. When you are using the PSS-ESN, it may feel like you can more easily break a rule and not get caught. This is not really true because whenever you do something on a network you leave little "electronic footprints," so the odds of getting caught maybe even more likely than they are in the real world. But the fact that you can do something or think you can do something without being caught does not make it right to do so. Even if you don’t get caught, there is always one person who will know whether you have done wrong - and that person is you. Your use of the internet can be a mirror that will show you what kind of a person you are. Please enjoy learning from your internet access but remember to use this privilege wisely.
Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by the Commonwealth of the Northern Mariana Islands provide additional context to policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tr>
<td>Evidence-based Interventions, Commonwealth of Northern Mariana Islands Public School System (CNMI PSS)</td>
<td>Provides an overview of ESSA and the emphasis on the use of evidence-based interventions. Links to tools and resources for schools and educators to understand, identify and implement evidence-based interventions are provided.</td>
<td><a href="https://www.cnmipssoare.org/Research-Evaluation/research-evaluation-program/evidence-based">https://www.cnmipssoare.org/Research-Evaluation/research-evaluation-program/evidence-based</a></td>
</tr>
<tr>
<td>Documents</td>
<td>No relevant resources found</td>
<td></td>
</tr>
<tr>
<td>Other Resources</td>
<td>Required annual reports of CNMI PSS highlighting progress in providing high quality education to students, demographic information of children including assessment data, and other related topics.</td>
<td><a href="https://www.cnmipssoare.org/accountability/cnmi-pss-annual-reports">https://www.cnmipssoare.org/accountability/cnmi-pss-annual-reports</a></td>
</tr>
<tr>
<td>Youth Risk Behavior Survey (2005), Centers for Disease Control and Prevention</td>
<td>Results of the Youth Risk Behavior Survey for CNMI.</td>
<td><a href="https://files.eric.ed.gov/fulltext/ED512542.pdf">https://files.eric.ed.gov/fulltext/ED512542.pdf</a></td>
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Puerto Rico
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
**Introduction**

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

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

**Notes & Disclaimers**

To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

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

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- English: http://www.lexisnexis.com/hottopics/lawsofpuertorico
- Spanish: http://www.lexisnexis.com/hottopics/lawsofpuertoricospan

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

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34 L.P.R.A. § 2203. Definitions
34 L.P.R.A. § 2207. Search and seizure

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Authority to develop and establish rules of conduct

LAWS

3 L.P.R.A. § 149a. Public policy.
It is the public policy of the Commonwealth of Puerto Rico to ensure that the students have the right to pursue their studies free from the pressure of sexual harassment in the learning institutions of Puerto Rico. Provided, That the regulatory bodies shall have the responsibility to oversee the adoption of the public policy on sexual harassment in learning institutions and that the same is available, in a visible form, in said institutions.

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

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

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

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

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

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

18 L.P.R.A. § 17. Elected officers and government agencies.
(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.
18 L.P.R.A. § 141k. Rules and regulations.
The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

REGULATIONS

Regulation Num. 8115. Article IX, B. School security.
1. A committee will be appointed to support the Central level, a Council Support in school districts, and a School Safety Committee in schools, as stated in the Manual for School Safety Support.
2. The primary mission of these committees will be to implement an effective prevention plan to promote a safe environment conducive to learning. If requested by the school community the committees will offer seminars, workshops and other activities related to prevention and processes, and laws that are carried out for decisions of disciplinary cases.
3. The school principal is responsible for recommending a School Safety Committee composed of school staff that supports students, one (1) student guardian, volunteer teachers with a maximum of three (3), security personnel, and one (1) student. This committee will work with the School Board.
4. The School Safety Committee will be chaired by the Principal, who will call a meeting when necessary.
5. The School Safety Committee will assist in prevention efforts and order, pursuant to the provisions for the purpose established by the Department of Education.

Scope

LAWS

3 L.P.R.A. § 149b. Definitions.
For the purposes of §§ 149-149k of this title, the following terms shall have the meaning stated herein below, except when otherwise clearly indicated in the context:

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

18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.
2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.

REGULATIONS

Regulation Num. 8115. Article IX, C. Institutional order.
1. Members of the school community and public order officers will be responsible for institutional order on school grounds, within one hundred (100) meters of the school, and in activities organized by the school, as established by this regulation. They will assure the development of the best relationships in the school
and will make the maximum effort to create an environment favorable to the development of responsibility, cooperation, and good school discipline.

Communication of policy

LAWS

3 L.P.R.A. § 149h. Obligation of learning institution in place of studies
Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

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

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

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

18 L.P.R.A. § 11. Parents, tutors or guardians.
All parents with children in the Public Education System have the right to:

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

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

(b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.

(c) Be informed about their duties, and the regulations and sanctions with respect to school security.

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

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

18 L.P.R.A. § 3805. Publication.
The Department of Education in coordination with the Office of Youth Affairs shall establish the mechanisms and systems for the publication, education and a process of wide dissemination on the Students’ General Statement of Rights hereby appointed. Within 30 days of the adoption of this act, the Department of Education shall notify the existence thereof, through the means of at least two of newspapers of extensive circulation for three (3) sequential days. In addition, the Department of Education shall post the aforementioned act entirely via internet on its web site. The Department of Education shall post a copy of the Students’ General Statement of Rights in sight and accessible to all students, teachers, parents and other educational personnel. The Department of Education will not tolerate that the rights of the students contained in this act be restricted, thwarted or curtailed; the rights contained herein are not conclusive nor exclude any other right the legal system confers.

REGULATIONS

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

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

Use of multi-tiered discipline approaches

LAWS
No relevant laws found.

REGULATIONS

Regulation Num. 8115. Article IX, A. Concepts.
5. The educational process prefers persuasion, encouragement and positive motivation before resorting to the disciplinary process.
6. The disciplinary process must be gradual, preventive, rehabilitative, educational; fair and reasonable, respecting the rights of the whole school community. Furthermore, in order to help students, first we must be attentive to less serious offenses that violate the laws, regulations, standards and guidelines, thereby avoiding having to address more serious situations in the future.

Regulation Num. 8115. Article IX, D. Mediation as an alternative tool to resolve conflicts.
1. Concepts
   a. The purpose of this method is to encourage the development and use of mediation as a means of conflict resolution as an alternative to disciplinary proceedings.
   b. This intervention is a process, not adjudicative, in which a mediator assists the parties in conflict to reach an agreement that is mutually acceptable.
   c. In mediation, the parties have the power to decide whether or not to undergo the process, so it will be voluntary.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS

Regulation Num. 8115. Article IX, A. Concepts.
5. The educational process prefers persuasion, encouragement and positive motivation before going to the disciplinary process.
Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.

4. Corrective Plans and Special Conditions

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

Use of corporal punishment

LAWS
No relevant laws found.

REGULATIONS

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

1. Concepts

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

Use of student and locker searches

LAWS

34 L.P.R.A § 2207. Search and seizure.
The minor will be protected against unreasonable searches, attachments and seizures. A judicial warrant authorizing a search and seizure against a minor shall only be issued when there is probable cause based on a sworn statement or declaration and specifically stating the person or place to be searched and the things to be seized.

REGULATIONS

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

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

1. Authorized officials

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

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

2. Procedure

The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:
a. When a student commits the offense charged in the authorized official’s presence

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

c. In the circumstances described in subsections (a) and (b) above, the entry has to be done immediately, in front of the student and his/her belongings, as long as these are located in an area within his/her immediate grasp.

d. When the consent of the student is required, provided that the student is not in elementary school or does not present an impairment that limits his/her capacity to consent, consent may be given expressly or tacitly. If the student to be intervened is in an elementary school or he/she presents an impediment that limits his/her capacity to consent, consent must be provided by the parent or guardian, in an express manner, through the document that the Department of Education provides for these purposes.

e. When the student has full view of a forbidden object, as described in Article IV, (page 9) Subsection I (6) of the present regulation. He/she may register under this disposition, provided that each of the following requirements are met:

   1) The object was discovered because it was in plain sight or because of perception of the authorized official, and not in the course or because of a search.

   2) The authorized official who observed the object had the right prior to being in the position where the object could be seen.

   3) The object was discovered inadvertently.

   4) The criminal nature of the object arose from simple observation or perception. The object can be detected through smell. If evidence is obtained as a consequence of the search realized, the student could be disciplined in accordance with the procedure provided in the present Article, in subsection F of the present regulation that is described below.

Other in-school disciplinary approaches

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

34 L.P.R.A. § 2201. Title, nature and application.
This chapter shall be known as the "Puerto Rico Minors' Act." Its provisions shall be applicable with preference over other laws, and in case of conflict, the special principles of this chapter shall prevail.

34 L.P.R.A. § 2203. Definitions
The words and phrases used in this chapter shall mean:

(k) Class I Offense. Conduct that if incurred by an adult would constitute a misdemeanor.

(l) Class II Offense. Conduct that if incurred by an adult would constitute a felony, except those included in Class III offenses.

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

REGULATIONS

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.
2.b.1) Concepts
a) This process can only be used by the Principal when:

(1) he knows that student performance is out of compliance with Class II or Class III in accordance with the Children Act, or if the student is to be tried as an adult or is involved in an act that is establishing serious criminal offense, or

(2) when the Principal has grounds to believe that a student may be an actual or imminent harm to another student or other persons or school property.

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.
3.a) Corrective or Disciplinary Methods for Informal Complaints
The Principal shall have power to impose the following corrective or disciplinary measures:

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

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

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

5.a.3. Misbehavior Against Institutional Order
a. Impeding or limiting other students from completing their homework- all students who obstruct or impede other students from doing their school work will incur this violation

c. Challenge Authority - a student is in violation if they disobey a directive or direct order for lawful purposes and that has been issued by a person with authority to do so.

j. Mutiny - It is a violation when two or more students working together, without legal authorization, make use of force and violence to disturb the institutional peace or threaten to use force or violence accompanied by the ability to do it.

5.a.5. Corporal Offense

   a. Assault - Assault - anyone who employs force or violence against another person to do harm.

   b. Mutilation - any student who illegally and maliciously deprives or disables and disfigures a person or a body part.

**Grounds for mandatory suspension or expulsion**

**LAWS**
No relevant laws found.

**REGULATIONS**
No relevant regulations found.

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

**LAWS**

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

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

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

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

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

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

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

3) Corrective or Disciplinary Methods

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

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

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

**Administrative procedures related to suspension and expulsion**

**LAWS**

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

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

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

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

**REGULATIONS**

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

2.b.1) Concepts
b. Before making any decision effective, the Principal must immediately communicate with the Legal Division of the Department of Education’s Central Level to make a consultation in regards to the formal complaint.

2.b.2) Procedure for Formal Complaints

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

In-school suspension

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Use of restraint and seclusion

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternative placements

LAWS

18 L.P.R.A. § 13 Department of Education
(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

The Legislative Assembly of Puerto Rico recognizes there is an urgent need to encourage support for successful models of alternative education in order to address, in an integrated manner, specific cognitive, academic and bio-psychological- social needs, together with the vocational and entrepreneurial needs of both children and the population of young people who are out of school or are at a high risk of becoming potential school deserters.
The goal of alternative education is to foster potential productive entrepreneur citizens with high academic, community and leadership skills committed to their personal development and that of their families and communities.

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

(a) All children and the population of young people hold the right to an education of higher quality.

(b) Children and young people as school deserters and those at a high risk of becoming school deserters represent a population with a high potential of human development which requires education tailored to social-economic and educational characteristics and to their distinct interests.

(c) Considering the high incidence of students out of school and the high risk potential of school desertion, alternative education is considered a pedagogical tendency within the mainstream.

(d) Alternative education for children and adolescents and/or young people out of school or at a potential high risk of school desertion, must be characterized by the attention given to this population, by encouraging space for participation, academic preparation, physical fitness and sports abilities, self-confidence in their abilities, discipline, respect for human dignity, opportunities for exploration and development of their talents, including artistic expressions plus technological and occupational training which provides the tools to enhance self-management.

(e) The state recognizes the benefits of its alliance and partnership with the municipalities of Puerto Rico and the consortiums, with the governmental and non-governmental not-for-profit organizations, with non-profit higher education institutions, both governmental and private and on promoting joint strategies, their contribution to a better quality of life conditions in Puerto Rico. The relationship between the government and the institutions and organizations aforementioned should be one of an alliance among all three sharing the principles stated in this Act in order to mainstream the resources that promote conditions that ensure the continuity of the services provided.

(f) Children and the population of young people out of school and with a potential of high risk of school desertion require that the models of education presented be varied and of proven effectiveness to satisfy the needs and distinct characteristics of this population.

(g) For the purposes of addressing the needs and distinct interests of both the population of children and young people, the organizations of alternative education enjoy managerial, operational and curricular autonomy and flexibility, in compliance with its objectives and educational model, but subject to the compliance with the benchmarks and requirements stated in this Act akin to the regulations adopted for thereunder. Furthermore, total compliance with the licensing requirements disclosed by the Board of Education of Puerto Rico, in agreement with the Reorganization Plan No.1 of July 26, 2010 as amended.

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

18 L.P.R.A. § 3812. Objectives.

This chapter has the following objectives:

(1) Recognize the alternative education as an education tendency within the educational system of Puerto Rico;
(2) Establish a structure with a clear and efficient legal framework to ensure the quality of alternative education offered in Puerto Rico, as well as the availability of funds.

(3) Validate educational services that take into consideration the developmental stage characteristics of the children and youth that are not served by the regular classes and who are out of school or have potentially high risk of dropping out, so that through alternative education they can optimally develop their potential, knowledge, attitudes and skills.

(4) Promote the formation and support the process of career training, entrepreneurship or business training of the participants, based on the needs and expectations of business and employment of the population, their qualified insertion in the changing labor market and their ability to self-manage, prioritizing those actions aimed at social and economic advancement and citizen participation of students.

(5) Establish quality standards and accountability mechanisms for alternative education institutions through the auditing of the use of funds for the intended purposes and the achievement of concrete results.

(6) Contribute to the documentation of effective alternative education practices, thus contributing to the improvement of the education system in general and

(7) Promote the collection of historical data and relevant statistics of individual participants in alternative education programs for the benefit of the educational system of Puerto Rico.

18 L.P.R.A. § 3813. Definitions.

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

(a) Alliance. It refers to “The Alliance for Alternative Education, Inc.”.

(b) High Risk. Students whose profile reflects one or more of the indicators below and have not rendered progress after the interventions carried out by the Department of Education of Puerto Rico:

(1) Academic courses do not address the demands of both the needs and interests of the students, therefore not pertinent nor relevant to the students.

(2) Academic underachievement at low performing schools at the elementary, Intermediate and High School levels.

(3) Frequent repetition of grades due to school failure at the Elementary, Intermediate and High School levels.

(4) Low expectations for students regarding level of schooling.

(5) Unruly behavior in and out of school such as absenteeism, delinquency, drug abuse, and alcohol among other factors.

(6) Economic disadvantage.

(7) A working session of more than 20 hours a week.

(8) Teen-age Parenthood.

(9) Family Problems.

(10) Stressful events such as changes in family structures.

(11) Family practices, such as low educational expectations for children, lack of monitoring and supervision.

(12) Gifted/Talented Students.

(13) Parents who did not complete high school and/or siblings out of school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The institutions of alternate education operating under the provisions of this Act are subject to inspection and audits conducted by the Office of the Comptroller of Puerto Rico.
18 L.P.R.A. § 3817. Functions and powers of the Department of Education.

The Department of Education displays the following functions and powers:

(a) To be part of the Commission by the Secretary of Education or the person designated to represent the Secretary permanently.

(b) To establish the necessary agreements with the Commission to implement the provisions of this Act. The aforementioned agreements shall be formalized in a term not exceeding one hundred twenty (days) from the date on which the first constituent meeting of the Commission is held.

(c) To receive and evaluate the financial reports of the alternate education institutions and manage semi-annual disbursements as the Custodian of the budget allocation contained in this act.

(d) To refer to the Commission students potentially at high risk of school desertion in accordance to the regulations adopted by each entity for these purposes.

(e) To authorize endorsements or cooperative agreements with the Federal or State Government; the agencies, municipalities, municipal consortiums, individual or entity, whether governmental or non-governmental, to enhance administrative and academic improvements in the system of public education in Puerto Rico.

(f) Whichever usage in accordance to the objectives of this Act.

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

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

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

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

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

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

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

(a) Distribution of funds, through subsidy or allocation per student, to organizations that have demonstrated effectiveness in the continuity of the implementation and development of alternative education programs.

(b) Grants for creating new programs or strengthening newly established programs.

(c) Grants or contracts for technical assistance and training related to alternative education.

(d) Grants or contracts to implement outreach strategies for the public to understand the concept of alternative education.
(e) Grants or contracts for external evaluations, investigations and studies which contribute to the documentation and collection of statistics on alternative education.

(f) Promotion and cultivation of relationships with systems and alternative education institutions in other states of the United States and other countries.

(g) Procurement of resources to raise additional funds for alternative education in Puerto Rico.

(h) Administrative and / or operational costs required for the implementation of this chapter.

18 L.P.R.A. § 3820. Reports
The institutions of alternate education will submit annual reports to the Commission of Alternate Education, likewise, the Commission will prepare an annual report on the information received regarding procedures and the utilization of funds granted under the provisions herein, which will be submitted to the Governor and the Legislative Assembly of Puerto Rico. As of the foundation of the Commission, thereafter, the institutions of alternate education will be requested by the Commission to submit an initial report on procedures and the utilization of funds. Subsequently, an annual report must be submitted on or before September 30 yearly on these matters.

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

REGULATIONS

Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.
2) Provisional Methods that may be utilized before Disciplinary Measures
   a. Preventive transfer from one group to another within the same school: The Principal may use this resource for a short period of time, when a student’s stay with your group is deemed an imminent danger, immediately initiating regular procedure for informal complaints described in Section F of this Article.
Disciplinary Approaches Addressing Specific Infractions and Conditions

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

LAWS
No relevant laws found.

REGULATIONS

Regulation Num. 8115. Article IX, E. Entries and searches.
Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students. […]

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

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

Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.
5.a.3) Offenses Against the Institutional Order.

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

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

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

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

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

LAWS

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

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10. The Right to a Gratuitous and Secure Education

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

REGULATIONS

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

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

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

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

Students with chronic disciplinary issues

LAWS

No relevant laws found.

REGULATIONS

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

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

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

LAWS

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

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

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

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

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

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

REGULATIONS

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

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

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

Regulation Num. 8502. Article III. Definitions.

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

1. Unjustified Absences: This occurs when a student is absent from school or a school activity without a justified reason, as a parent, guardian, or custodian has not justified the absence in writing within 5 days.

2. Regular Absences: occurs when a student is absent from school or a school activity for more than 2 non-consecutive days a week.

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

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

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

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

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

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

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

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

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

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

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

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

   **A. 2 to 4 days**

   Responsible Person: Teacher

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

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

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

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

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

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

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

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.
2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.
3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.
4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."
5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).
4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.

5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.

6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.

7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:
   - Agency: Family Department (DF)
     Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7)
     Place of Referral: Central Office of the DF
   - Program Office: Protection of Minors
     Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
     Place of Referral: Central Office of the DF
   - Program Office: Nutritional Assistance Program (PAN)
     Agency: Public Housing Administration
     Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
     Place of Referral: Central Office of Housing
   - Program Office: Public Housing
     Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
     Place of Referral: Central Office of Housing
   - Program Office: Housing with Subsidy
     Agency: Justice Department
     Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
     Place of Referral: Judicial Region where the facts occurred
     Program Office: Prosecutor of the Judicial Region

9. Failure to comply with the provisions of this regulation by the Education Department officials will lead to a disciplinary process under the provisions established by the laws and regulations applicable to the Agency and the State.

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

LAWS

18 L.P.R.A. § 3802. Students’ general statement of rights.
Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

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

REGULATIONS

Regulation Num. 8115. Article IV. Student Duties and Obligations.
I. Norms
6. It is prohibited for students to possess, transport, carry, or use knives, guns, explosives, sharp objects, any object meant to attack or defend oneself, including but not limited to “pellet” guns, paintball guns, brass knuckles, exaggerated chains or necklaces, drugs, alcoholic beverages, cigarettes, pipes, tobacco, CDs or cassettes with obscene content, or any object or substance prohibited or illegal within school grounds. The student should know that if there are grounds to believe that he or any other student is carrying any of these, he will be searched followed the establish procedure in Article IX, section E.

Regulation Num. 8115. Article IX, E. Entries and searches.
Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students. […]
2. Procedure
   a. The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:
   b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student’s innocence or guilt will be determined independently later.

Bullying, harassment, or hazing

LAWS

3 L.P.R.A. § 149. Prohibition of sexual harassment in learning institutions.
Sexual harassment of students in the learning institutions of Puerto Rico is hereby prohibited.
3 L.P.R.A. § 149a. Public policy.

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

3 L.P.R.A. § 149b. Definitions.

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

(a) Student. Means any person who pursues studies at a learning institution.

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

(c) Teaching personnel. Means school directors and superintendents, supervisors, agents, teachers and teaching personnel working in and directly related to the non-profit or profitable teaching institution.

(d) Non-teaching personnel. Means maintenance, office, school lunchroom, administrative employees and others who, even though they do not perform work directly related to the learning institution, offer support services for the operation of the school or educational institution.

(e) Regulatory bodies. Mean the Department of Education, the Council on Higher Education and the General Council on Education; public or private school bodies or boards which regulate the learning institutions.

(f) Secretary. Means the Secretary of Education.

(g) Government. Means the Commonwealth of Puerto Rico.

(h) Person. Means a natural or juridical person.

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

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

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

(a) When the effect or purpose of such unwanted behavior or approach is to intimidate or threaten the student or unreasonably interfere in the pursuit of his/her studies or when it creates an intimidating, hostile or offensive study environment.

(b) When submitting to or rejecting said undesired unwanted behavior or approach becomes the basis for a person to make any decision regarding any aspect of his/her studies.

(c) When submitting to said undesired behavior or approach implicitly or explicitly becomes a condition for remaining at the learning institution.

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

In order to determine whether the alleged undesired behavior or approach constitutes sexual harassment, the [totality] of the circumstances surrounding the facts of the case shall be taken into consideration.
3 L.P.R.A. § 149e. Responsibility of learning institution in cases of sexual harassment.
The learning institution shall be liable for the actions of their teaching and non-teaching personnel that incur sexual harassment of their students, regardless of whether the specific acts subject to controversy were prohibited or not by the learning institution or regardless of whether the institution and its teaching and non-teaching personnel was or should have been aware of the prohibition against said behavior.

3 L.P.R.A. § 149f. Responsibility of harassment among students.
The learning institution shall be liable for the acts of sexual harassment among students, at the place of studies, if the institution and/or its teaching or non-teaching personnel were aware or should have been aware of said behavior, unless the institution proves that it took immediate and proper action to correct the situation.

3 L.P.R.A. § 149g. Responsibility of place of studies by persons not employed.
The learning institution shall be liable for the acts of sexual harassment perpetrated at the place of studies by persons not employed by it, if the institution and/or its teaching or non-teaching personnel were aware or should have been aware of said behavior, and failed to take immediate and appropriate action to correct the situation. For the purposes of this section the amount of control which the institution may have regarding the behavior of persons not employed by it shall be taken into consideration.

3 L.P.R.A. § 149h. Obligation of learning institution in place of studies
Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

(a) Clearly explain to, the students and the teaching and non-teaching personnel that the institution follows an active policy against sexual harassment in the place of study.

(b) Draft regulations stating the responsibilities, procedures and penalties that shall apply at the place of study to handle sexual harassment complaints as well as those that may arise as a result of frivolous allegations from unscrupulous students or persons.

(c) Divulge throughout the institution the rights and protection conferred and granted to the students by §§ 149-149k of this title.

(d) Develop and put into practice the necessary means to create awareness and make known the fact that sexual harassment is prohibited at the place of study.

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

Concerning civil judgments or those judgments pronounced by virtue of the provisions of §§ 149-149k of this title, the Court of First Instance shall direct the learning institution to cease or desist of any act which
may be prejudicial to the student and reinstate him/her in his/her studies and shall furthermore caution the institution to the fact that it may incur criminal contempt should it fail to comply with its order.

3 L.P.R.A. § 149j. Rights and remedies of students.
The student aggrieved by the sexual harassment acts perpetrated by students, persons not employed by the institution or teaching or non-teaching personnel of the institution shall have the following rights and remedies, including, but not limited to:

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

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

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

18 L.P.R.A. § 3802. Students' general statement of rights.
Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

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

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

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

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

   (A) Harassment and intimidation and / or "bullying": Any pattern of actions done intentionally, whether through psychological, physical, cybernetic or social abuse, which has the effect of frightening a student or a group of students and interfering with it, their school opportunities and their performance, both in the Classroom as in their immediate social environment. Harassment and intimidation and / or bullying should be a pattern of harassment, consisting of more than one act, and usually extending for weeks, months and even years.

   (B) Harassment and intimidation by any electronic means or through the use of the Internet and / or "Cyberbullying": Is the use of any oral, written, visual or textual electronic communication made for the
purpose of harassing, harassing, intimidating, and afflicting a student, student, or group of students; And which usually results in harm to the physical, mental or emotional integrity of the affected student and / or their property and the unwanted interference with the opportunities, performance and benefit of the affected student. Although actions do not originate in the school or in the immediate school environment, cyberbullying has serious repercussions and adverse consequences on the educational environment.

**Law No. 104 of August 2016. Article 4.**
The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

**Law No. 104 of August 2016. Article 5.**
The Department of Education will be the lead agency responsible for coordinating efforts to create the Institutional Protocol for the Management of School Harassment for public schools and responsible for ensuring compliance.

**Law No. 104 of August 2016. Article 6.**
The Department of Education will design the protocol of handling cases of harassment and / or "bullying", internally, in public schools.
For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:

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

**Law No. 104 of August 2016. Article 7.**
The higher education institutions of the Country, as defined in subsection (m) of Article 3 of Reorganization Plan No. 1-2010, as amended, will create a similar protocol that will be applicable in their respective academic entities.
**Law No. 104 of August 2016. Article 8.**
The Education Council of Puerto Rico shall be the agency in charge of ensuring compliance with this protocol in higher and private institutions of education. Each institution will be obliged to report to the Higher Education Council on any cases of harassment and/or bullying in its different facilities or venues, according to the procedure established in the protocol.

**Law No. 104 of August 2016. Article 9.**
In cases where students enrolled in the Special Education Program of the Department of Education are involved, educational institutions will be governed by the disciplinary procedures contained in the "Special Education Procedure Manual". The protocol will establish that, in an administrative way, the incidents of "bullying" be subjected to evaluation according to the requirements established in the same, so that therapeutic services are provided that are necessary in a process to amend these behaviors that lead to commit "bullying". The administrative proceeding shall not prevent the parties from seeking, independently, the Puerto Rico Police to make a complaint about the incidents.

**Law No. 104 of August 2016. Article 10.**
It will be the obligation of any entity of primary, secondary, superior and university, whether public or private, to carry out statistics on cases of harassment and/or bullying that occur during the course of the year. These statistics shall be submitted by annual reports, which shall be submitted no later than July 1 of each year to the Department of Education in the case of public schools and to the Puerto Rico Education Council in the case of higher education institutions and private education.

**REGULATIONS**
No relevant regulations found.

**Other special infractions or conditions**

**LAWS**

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

1. Laws, regulations/rules, circular letters, norms, instructions and guidelines issued by academic authorities shall be respected.

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

3. Students, parents etc. will keep over, take care of, protect and cause no harm to public property, equipment, books and school materials.

4. Students, parents etc. shall refrain from interfering in the development of the class and activities inside the classroom.

5. Students, parents etc. shall not coerce any other student into participating on a particular point of view, nor will a student, parent etc. deprive or unduly restrict other students to dissent from their points of view.

6. Parents, legal guardians and/or tutors will hold the responsibility for damages caused by non-emancipated minors to public property, equipment, books and school materials. In the case that the student causing the damage is legally of age or if emancipated, the student will personally respond for these damages.
10. Duties and responsibilities enclosed within this section are not conclusive or mutually exclusive with whatever right, duty or responsibility the school grants or requests from the students.

REGULATIONS
No relevant regulations found.
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

3 L.P.R.A. § 149h. Obligation of learning institution in place of studies
Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

(a) Clearly explain to the students and the teaching and non-teaching personnel that the institution follows an active policy against sexual harassment in the place of study.

(b) Draft regulations stating the responsibilities, procedures and penalties that shall apply at the place of study to handle sexual harassment complaints as well as those that may arise as a result of frivolous allegations from unscrupulous students or persons.

(c) Divulge throughout the institution the rights and protection conferred and granted to the students by §§ 149-149k of this title.

(d) Develop and put into practice the necessary means to create awareness and make known the fact that sexual harassment is prohibited at the place of study.

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

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

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

(a) General Regulations for the Students of the Puerto Rico Public Education System.- Students shall try to resolve problems in non-violent ways and through dialogue. Maintain respect for their fellow students, their teachers and the school authorities.

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

(c) Students shall actively participate in the crime prevention programs of their school.

(d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.
(e) Students shall learn how to avoid becoming victims of a crime within the school. In order to achieve this, they shall stay away from dangerous places with poor lighting and visibility.

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

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

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


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


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

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

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

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

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


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

It shall also be the duty of the Supervisor of Moral Education and Social Relations who is to be appointed, to coordinate, promote, and direct, from the Department of Education, the activities which, in connection
with the schools, are engaged in and carried out by the parent-teacher associations throughout the Commonwealth, the Juvenile Red Cross, the Boy and Girl Scouts, and any other organization of extracurricular activities which now exist or may hereafter be created for the better development and welfare of the children and the public schools of Puerto Rico.

**18 L.P.R.A. § 3861. Establishment.**
The “School Retention Program” will be established under the Commonwealth of Puerto Rico’s Department of Education.

**18 L.P.R.A. § 3862. Public policy.**
This represents an urgent need for the Commonwealth of Puerto Rico, to ensure that the Public Education System of Puerto Rico, as a constitutional right of citizens, is accessible, modern, responsive, and serves as a tool for training and effective and quality education for all of the thousands of students. Students who day to day attend educational institutions to receive an education and who personally face and are challenged by the imperfections of the educational system. Unfortunately, for a variety of reasons, some stop attending school and become school dropouts, exposing them to a range of criminal influences that negatively impacts all of us.

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

**18 L.P.R.A. § 3863. School dropout.**
Through the implementation of this chapter the Secretary of Education will be liable by regulations to establish a definition of the term school dropout that can be used in the public policy laws of the Commonwealth of Puerto Rico.

**18 L.P.R.A. § 3864. Establishment; regulations.**
The Secretary of Education is directed to establish a “School Retention Program” that will be affiliated with the Puerto Rico Department of Education of which the purpose will be to ensure that the same legal term will be used to address the alarming school dropout problem.

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

**18 L.P.R.A. § 3865. Duties and functions of the program.**
In case it is understood as a limitation, the Program includes the following minimal functions and responsibilities:

(a) Establish a regularly updated registry for all the youth who have dropped out of school, identifying them by educational region, grade, and number of years that they were students;

(b) Locate, register, evaluate, and identify the special needs of regular or vocational school and the workforce for students who have abandoned the public school system;

(c) Identify and address the circumstances that put students at risk of dropping out of the education system, meanwhile establishing a list of students that are at potential risk of becoming school dropouts.
(d) Consolidate those programs that are necessary for retaining possible school dropouts, including human resources and available professionals, as well as necessary finances specific to these goals.

(e) Develop and practice new curriculums that are appropriate for retaining students, as well as using other activities that complement these objectives;

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

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

(h) Create and maintain statistics regarding the school dropout problem in coordination with the Puerto Rico Institute for Statistics.

18 L.P.R.A. § 3866. Budget.
The “School Retention Program”, could use all the donation funds, facilities and properties of the local and federal government to fulfill these proposals, as allocated appropriately by authorities in accordance with the current legal framework.

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

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

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

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

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

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

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

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

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

Behavioral interventions and student support services

LAWS

18 L.P.R.A. § 3861. Establishment.

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

18 L.P.R.A. § 3862. Public policy.

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

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

18 L.P.R.A. § 3863. School dropout.

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

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

The Secretary of Education is directed to establish a “School Retention Program” that will be affiliated with the Puerto Rico Department of Education of which the purpose will be to ensure that the same legal term will be used to address the alarming school dropout problem.
To complete such goals, there is a necessary legal approval, just as was used for establishing a close coordination with the Regional Centers Project C.A.S.A. (Center for Supporting and Sustaining the Student), today with the same vigor. The Program will be led by a director appointed by the Secretary and will be under this Office.

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

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

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

18 L.P.R.A. § 3866. Budget.

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


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


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

For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:
Objective
Justification
Definition and description of bullying and cyber bullying
Expectations and institutional policy
Responsibilities of members of the educational community related to bullying
Prevention strategies
Procedure for the dissemination of the protocol
Procedure for case documentation, confidentiality and record keeping;
Case reporting procedure
Reporting strategies for complaints
Intervention strategies and case sanctions
Follow-up strategies
Guidelines for referrals to health professionals.

REGULATIONS

Regulation Num. 8115. Article IX, C. Institutional order.
3. The teacher will be responsible for institutional order and fostering good student discipline. They must refer a student discipline issue to the Director of School Discipline, with evidence of interventions implemented, after it has exhausted all available resources such as, but not limited to: interviews with the student, with the guardian, with the interdisciplinary team or have referred the student to the classroom teacher, School Social Worker or School Counselor.

Regulation Num. 8502. Article IV. Procedure.
1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.
3. Next, the actions to follow according to the pattern of unjustified absences by the student.
   B. 5 to 9 days
   Responsible Person: Teacher - Social Worker - School Counselor
   5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
   6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child’s unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.
   7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.
Professional development

LAWS

18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).
All teaching personnel working in a public system educational institution shall have the right to:
(d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of their students may be in danger.
(f) Receive orientation information and training about topics related to school violence, such as drug abuse, possession of weapons and management of conflicts, among others.

All non-teaching personnel working in a public system educational institution shall have the right to:
(d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.

(d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:
(1) Identifying the security needs of the schools.
(2) Providing clean physical facilities in a safe environment.
(3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.
(e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.
(h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.

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

REGULATIONS
No relevant regulations found.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

18 L.P.R.A. § 9 Students
Every student in the public education system has the right to:

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

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

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

18 L.P.R.A. § 14 Students

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

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


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


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

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

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

REGULATIONS

Regulation Num. 8115. Article IX, C. Institutional order.
2. Any member of the School Community shall inform the Director of any student or school-related persons’ behavior that involves a possible violation of law, rules, school rules or guidelines, either by personal knowledge of the facts or information obtained. This applies to behavior occurring on school campus, one hundred (100) feet around, school-sponsored activities, in any branch of the Department of Education, and on school transportation.

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

Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.
1) Concepts:
   a. Complaints are any claim alleging that a student of the Public Education System has violated the rules and/or duties that are imposed by the laws, regulations of the Public Education Department of Puerto Rico.
   b. Anyone with knowledge of a student’s violation has standing to file a complaint.
   c. Complaints to be addressed through the procedure provided for in this Article shall be classified in informal and formal complaints. Informal complaints will be handled in school by the Principal. Grievances will be settled through an evidentiary hearing, chaired by an Examiner appointed by the Secretary, the process is carried out in the Legal Division of the Department of Education.
   d. Disciplinary procedures applicable to special education students shall be governed by the provisions of the Manual of Procedures for Special Education.
   e. You can only discipline a student belonging to the Special Education Program through the procedure provided for in this Regulation, if the Committee of Planning and Placement Team (PPT) has determined, pursuant to the process set forth in the Procedures Manual for Special Education that the student’s conduct is not related to their condition.
   f. To discontinue the complaint process the parties concerned must show that they have no interest in the process.
Regulation Num. 8502. Article IV. Procedure.

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

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

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

   A. 2 to 4 days
   Responsible Person: Teacher
   1. Notify the school principal and support staff on the student's unjustified absences.
   2. Will carry out an investigation in which the teacher will consult with the team of teachers to check if the student’s behavior is repetitive in other classes and, if deemed appropriate, will interview collaterals.
   3. Contact you the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.
   4. Will meet and discuss with the student alternatives to avoid incurring unjustified absences.

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

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

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

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.

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

3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.

4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."

5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).

4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.

5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.

6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.

7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

Parental notification

LAWS

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

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

(f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.

(h) Be informed promptly by the school director or the teachers when their children become involved in behavior that may generate violent acts in the school.

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

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

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

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

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

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

REGULATIONS

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

2.B.2) Procedures for Formal Complaints
   a. The School Director must communicate with the student and his guardian regarding summarily suspending in print.

Regulation Num. 8502. Article IV. Procedure.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.
   A. 2 to 4 days
   Responsible Person: Teacher
   3. Contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.
   B. 5 to 9 days
   Responsible Person: Teacher - Social Worker - School Counselor
   3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.
   4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.
   5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child’s unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.

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

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

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

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

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

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

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

**LAWS**

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

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

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

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

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

2.B.2) Procedures for Formal Complaints

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

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

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

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

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

5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).

6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.

7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:

Agency: Family Department (DF)

Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7)

Place of Referral: Central Office of the DF

Program Office: Protection of Minors

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)

Place of Referral: Central Office of the DF

Program Office: Nutritional Assistance Program (PAN)

Agency: Public Housing Administration

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)

Place of Referral: Central Office of Housing

Program Office: Public Housing

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)

Place of Referral: Central Office of Housing

Program Office: Housing with Subsidy

Agency: Justice Department

Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)

Place of Referral: Judicial Region where the facts occurred

Program Office: Prosecutor of the Judicial Region
Disclosure of school records

LAWS

18 L.P.R.A. § 3802. Students’ general statement of rights.
Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

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

REGULATIONS
No relevant regulations found.

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

LAWS

18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.
In order to implement public policy for alternate education in Puerto Rico, to guarantee the highest levels of quality and to promote the development of alternate education, these institutions perform the following functions:

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

18 L.P.R.A. § 3820. Reports.
The institutions of alternate education will submit annual reports to the Commission of Alternate Education, likewise, the Commission will prepare an annual report on the information received regarding procedures and the utilization of funds granted under the provisions herein, which will be submitted to the Governor and the Legislative Assembly of Puerto Rico. As of the foundation of the Commission, thereafter, the institutions of alternate education will be requested by the Commission to submit an initial report on procedures and the utilization of funds. Subsequently, an annual report must be submitted on or before September 30 yearly on these matters.

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

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

REGULATIONS

No relevant regulations found.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

18 L.P.R.A. § 141. Public policy.
Whereas, it has always been the public policy of the Commonwealth of Puerto Rico to protect and watch over the well-being of our children; whereas, in the majority of the cases the public education system has been and is one that harbors the public school students of the country during a considerable portion of the day; whereas, our Commonwealth has been experiencing a constant increase in criminality and in acts of vandalism and violence which have taken place recently in the school buildings and grounds; it is, therefore, necessary and urgent to create a public security corps under the direction of the Secretary of Education for a more effective protection of the safety of students, teachers, administrative personnel as well as the school's physical facilities.

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

1. Make arrests for attempted violations of the law pursuant to the provisions of subsections (d) and (e) of this section, when the attempt or violation is committed in or around the school and grounds and in the presence of members of the Corps, or those which are submitted to them through knowledge and belief in strict coordination with the Commonwealth Police.

2. Issue summons for violations of the administrative laws of the Department.

3. Execute search and arrest warrants issued by the Courts of Justice.

4. Carry out searches related to violations of the laws mentioned in this chapter pursuant to the Rules of Criminal Procedure in effect, App. II of Title 34.

5. Obtain and execute search warrants while carrying out the duties, functions and obligations provided in this chapter.

6. Hold, confiscate and attach any material such as: controlled substances, weapons, motor and towing vehicles, alcoholic beverages or any equipment used in violation of the laws administered by the Department, or the specific laws related to the purposes of this chapter. All confiscations shall be carried out pursuant to the provisions of §§ 1 and 2 of Act June 4, 1960, No. 39.

7. With respect to clauses (3), (4), (5) and (6) of this subsection, the Corps shall limit itself to those cases in which its members have personal knowledge of the existence of the objects to be confiscated, their nature and origin; and the search or confiscation is carried out in the school as determined by this chapter. Outside of these limits, these interventions shall be carried out by the Police Corps of Puerto Rico.

REGULATIONS

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

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

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

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

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

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

LAWS

18 L.P.R.A. § 141j. Members; requirements.
Any person interested in being considered as a member of the Corps shall submit to the Department a certificate of good conduct issued by the Police of Puerto Rico, and shall submit to a psychological evaluation that measures personality profiles which shall be administered by a psychiatrist or psychologist duly authorized to practice his profession in Puerto Rico and who has training in the area of behavioral modification or psychodiagnosis. The results of the psychological evaluation as well as the evidence that appears on the good conduct certificate shall be indispensable conditions which the Department shall consider when recruiting members of the Corps.

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

18 L.P.R.A. § 141k. Rules and regulations.
The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

18 L.P.R.A. § 141. Public policy.
Whereas, it has always been the public policy of the Commonwealth of Puerto Rico to protect and watch over the well-being of our children; whereas, in the majority of the cases the public education system has been and is one that harbors the public school students of the country during a considerable portion of the day; whereas, our Commonwealth has been experiencing a constant increase in criminality and in acts of vandalism and violence which have taken place recently in the school buildings and grounds; it is, therefore, necessary and urgent to create a public security corps under the direction of the Secretary of Education for a more effective protection of the safety of students, teachers, administrative personnel as well as the school's physical facilities.

18 L.P.R.A. § 141a. Definitions.
For the purposes of this chapter, the following terms shall have the meaning expressed hereinbelow:

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

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

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

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

18 L.P.R.A. § 141b. Creation.
The School Security Corps attached to the Department of Education is hereby created.

18 L.P.R.A. § 141c. Organization.
The Secretary is hereby authorized to determine the organization and administration of the Corps as well as its obligations, responsibilities and any other matters essential to its operation, by regulations that he shall promulgate to such effects. In the event that the convenience of bearing arms is provided, the authorization and approval of the Superintendent of the Police shall be obtained.
The Secretary shall request the necessary funds and administer them to achieve an effective operation of the Corps pursuant to the provisions of this chapter.
The Secretary shall take the necessary steps so that the members of the Corps shall first be assigned to those school buildings and grounds where there has been a high rate of vandalism and criminality. These schools shall be given priority at the Secretary's discretion.
The members and personnel of the Corps shall be subject to and protected by the provisions of Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act".

18 L.P.R.A. § 141e. Coordination with the Government, Commonwealth Police and Municipal Guard.
The Secretary shall coordinate with the Government and especially the Commonwealth Police and the Municipal Police, as necessary, in its efforts to prevent and fight crime in all of its forms in order to achieve the purposes for which the creation of this Corps is authorized.
The Commonwealth Police and the Municipal Police in those municipalities where it exists shall take the necessary steps to make the coordination provided herein effective.
This chapter does not restrict or limit in any manner the powers and duties assigned to the Police of Puerto Rico and the Municipal Police.

18 L.P.R.A. § 141f. Commissioner; creation of post.
The post of Commissioner of the School Security Corps who shall be charged with the direction and supervision of the Corps created by this chapter is hereby created and attached to the Department.

18 L.P.R.A. § 141g. Uniform.
The garments which shall constitute the official uniform of the Corps and the equipment destined to it shall be determined by regulations.
The use of the uniform or any combination of the garments that form a part of it by any person who is not a member of the Corps is hereby prohibited. Any person who violates the prohibition provided herein shall be guilty of a misdemeanor.
In the event the Superintendent of Police by request of the Secretary authorizes the members of the Corps by regulations to use weapons, they may bear such weapons while they are on watch outside of school hours, on holidays or when expressly authorized to do so.

18 L.P.R.A. § 141h. Financial aid.
The Secretary shall be empowered to accept aid or cooperation of any nature, whether it be financial, property or services, including donations, whether in cash, technical or personal services, or equipment, which originates from individuals, citizen groups or private entities, profitable or nonprofitable institutions, the government of the United States of America, from the Commonwealth of Puerto Rico, its municipalities, or from any government instrumentality, agency or subdivision in order to achieve the purposes of this chapter.

18 L.P.R.A. § 141i. Contracting.
The Secretary is hereby empowered to enter into every type of agreement and contract with public, juridical or natural persons, and with federal, Commonwealth or municipal agencies, under the terms and conditions he deems are necessary and convenient for the best application of this chapter and the achievement of its ends.

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

18 L.P.R.A. § 141l. Annual report.
The Secretary shall render an annual evaluation report to the Governor of the Commonwealth of Puerto Rico and to the Legislature in order to disclose the accomplishments and scope of this chapter which creates the School Security Corps.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

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

The Department of Education displays the following functions and powers:

(a) To be part of the Commission by the Secretary of Education or the person designated to represent the Secretary permanently.

(b) To establish the necessary agreements with the Commission to implement the provisions of this Act. The aforementioned agreements shall be formalized in a term not exceeding one hundred twenty (days) from the date on which the first constituent meeting of the Commission is held.

(c) To receive and evaluate the financial reports of the alternate education institutions and manage semi-annual disbursements as the Custodian of the budget allocation contained in this act.

(d) To refer to the Commission students potentially at high risk of school desertion in accordance to the regulations adopted by each entity for these purposes.

(e) To authorize endorsements or cooperative agreements with the Federal or State Government; the agencies, municipalities, municipal consortiums, individual or entity, whether governmental or non-governmental, to enhance administrative and academic improvements in the system of public education in Puerto Rico.

(f) Whichever usage in accordance to the objectives of this Act.

REGULATIONS

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


Funding appropriations

LAWS

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

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

This assignment will be recurrently granted to the Alliance, but the Department of Education will be the custodian. This means that funds will be received by the Department of Education to be paid semiannually to the Alliance for Alternative Education Inc., upon presentation of financial reports, as referred to on sec. 3817 (c) of this title.
In addition, the amount of seven million dollars ($7,000,000) for the operation of the Project C.A.S.A. be allocated annually in the budget of the Department of Education. If there is any surplus in the assigned budget, it may be used in subsequent fiscal years for purposes associated to this chapter.

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

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

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

(a) Distribution of funds, through subsidy or allocation per student, to organizations that have demonstrated effectiveness in the continuity of the implementation and development of alternative education programs.

(b) Grants for creating new programs or strengthening newly established programs.

(c) Grants or contracts for technical assistance and training related to alternative education.

(d) Grants or contracts to implement outreach strategies for the public to understand the concept of alternative education.

(e) Grants or contracts for external evaluations, investigations and studies which contribute to the documentation and collection of statistics on alternative education.

(f) Promotion and cultivation of relationships with systems and alternative education institutions in other states of the United States and other countries.

(g) Procurement of resources to raise additional funds for alternative education in Puerto Rico.

(h) Administrative and / or operational costs required for the implementation of this chapter.

18 L.P.R.A. § 3866. Budget.

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

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS

3 L.P.R.A. § 149k. Liability of frivolous allegations.
None of the above provisions shall prevent the imposition of liability on unscrupulous persons or students who knowingly make frivolous allegations pursuant to §§ 149-149k of this title.

18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).
All teaching personnel working in a public system educational institution shall have the right to:
   (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

All non-teaching personnel working in a public system educational institution shall have the right to:
   (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

REGULATIONS
No relevant regulations found.

Community input or involvement

LAWS

(a) To promote communication with their children so that they may become actively integrated with the activities in which they participate within the school environment.
(b) To visit the school regularly to verify the academic performance of their children and obtain the academic progress report of their children at the end of each semester.
(c) To be consistent in the disciplinary messages they give to their children. Parents are responsible for communicating their views on violence, crime and the use of illegal substances and self-defense. Beyond punishing their children, parents shall provide rewards and incentives for good behavior that would prevent future incidents of undisciplined conduct.
(d) Parents shall stimulate social behavior in their children through role modeling. Through their daily activities, parents may teach their children how to establish social interactions, discuss their differences, solve conflicts, and work with frustration in problem solving, as well as anger and stress management. This behavior role modeling by the parents shall be a deterrent in view of other negative behavior that may attempt to influence the young in their social environment.
(e) Parents shall become actively involved in organizations such as the school council and in school and community activities. Active participation in these organizations shall give parents the opportunity to
better know about the needs of their children, to better know their teachers, and to ensure that their children are able to satisfy their needs fully when they are not present. Parental presence in school activities gives continuity to the social role modeling efforts that take place in the home.

(f) Parents who own firearms shall keep them out of the reach of minors.

(g) To limit the exposure of the children to the violent environments and behavior projected through mass media. Children who watch violent acts in television programs, movies, cartoons, the Internet or video games could face problems in dealing with the unrealistic representations of violence shown by these media. Parents are responsible for advising their children and supervising the contents of what the students have access [to] at home.

18 L.P.R.A. § 17. Elected officers and government agencies.

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

(b) Police officers and School Guards I and II shall be responsible for institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the regulations established to such effects. It is necessary that these officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

(c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.

(d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.

(e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.

(f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.

(g) To establish interagency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.

In order to implement public policy for alternate education in Puerto Rico, to guarantee the highest levels of quality and to promote the development of alternate education, these institutions perform the following functions:

(f) Promote collaborative endorsements with the municipalities or municipal consortiums in Puerto Rico and governmental or non-governmental organizations so as to expand services.

18 L.P.R.A. § 3865. Duties and functions of the program.

In case it is understood as a limitation, the Program includes the following minimal functions and responsibilities:

(f) Establish a more effective cooperation and coordination between interagency groups and community groups, academics, universities, field professionals for the purposes of this goal;
(g) Prepare a directory or registry of stakeholders that corresponds to the requirements that the Department of Education determines and promotes the services related with this problem

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS

Every student in the public education system has the right to:

(a) Receive an education that fosters the full development of his/her personality and the strengthening of respect toward human rights and the fundamental freedoms within a safe environment.
(b) Spend his/her school day in a safe environment that is free from undue pressures related to school violence.
(c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
(d) Be informed of the violent situations that have taken place in the school environment in order to remain alert thereto.
(e) Enjoy broad and diverse opportunities for intellectual and artistic creativity and expression.
(f) Be treated with fairness and equality and to develop within an environment of freedom, solidarity and full respect for human rights.
(g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.
(h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.
(i) Receive orientation about the procedures to be followed in emergency situations, such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks.

18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).
All teaching personnel working in a public system educational institution shall have the right to:

(a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
(b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in the schools.
(c) Be informed about their duties, regulations and sanctions with respect to school security.
(d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of their students may be in danger.
(e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.
(f) Receive orientation information and training about topics related to school violence, such as drug abuse, possession of weapons and management of conflicts, among others.
(g) Receive orientation and training about the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires and terrorist attacks, among others, in which their physical integrity or that of their students may be in danger.

18 L.P.R.A. § 11. Parents, tutors or guardians.
All parents with children in the Public Education System have the right to:
(a) A safe study environment free from undue pressures related to school violence guaranteed for their children or the students under their care.
(b) Know the security level of the school that their children shall attend before the completion of the enrollment process.
(c) Enroll their children or students under their care in a school with security levels that foster the full development of the students in a peaceful environment.
(d) Receive orientation and a copy of the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
(e) Participate as an active member of the school council, the security council, the security committee and other committees that promote safety in the school.
(f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.
(g) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.
(h) Be informed promptly by the school director or the teachers when their children become involved in behavior that may generate violent acts in the school.
(i) Receive support information for conflict management and promote a culture of peace in the school environment.
(j) Receive orientation about their duties and/or responsibilities with respect to the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks, among others, in which the physical integrity of their children or students under their care may be in danger.

All non-teaching personnel working in a public system educational institution shall have the right to:
(a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
(b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.
(c) Be informed about their duties, and the regulations and sanctions with respect to school security.
(d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.
(e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

(g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.

18 L.P.R.A. § 3801. Definition of student.

For purposes of this chapter, the term “student” refers to whatever person age 5 thru 21 studying at a formal educational program administered by the Department of Education of Puerto Rico.

18 L.P.R.A. § 3802. Students’ general statement of rights.

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

1. To receive education oriented towards self-fulfillment and full development of the personality, the full realization of intellectual capacities, the strengthening of human potential and of fundamental freedoms.

2. The Special Education Programs will promote the optimal development of the personality, the physical abilities, mental and cognitive capability of students with special educational needs either by offering students’ academic preparation as well as by providing these students with the key tools for effective mainstreaming and integration into society.

4. Students shall have the right to access the evaluation criteria of the process that will evaluate their academic tasks and assessments; and to be continuously informed of their academic progress.

5. The student has the right to receive bilingual education and to be taught to communicate fluently in at least the two official languages in Puerto Rico, English and Spanish.

The parents of a non-emancipated minor or in the absence of parents, a legal guardian can communicate with the Department of Education the desire that the student receive education in English. For such purpose, parents and/or legal guardian of the student can apply for the student’s admission to an English Specialized School which will depend on the space availability and the norms and regulations of the Department of Education.

7. Freedom of Worship. Education in the schools of the state will be gratuitous and nonsectarian.

8. Equal Protection of the Law. All students have the right to equal protection of the law.

10. The Right to a Gratuitous and Secure Education

(a) Education will be gratuitous and accessible to all students age 5 thru twenty-one at the primary and secondary levels in the public schools in Puerto Rico.

11. School Curriculum. A curriculum that will develop to the maximum extent the intellectual, imaginative and emotional capacities of the students is implemented and integrated in the public schools of Puerto Rico. Concurrently, the curriculum will develop the capabilities of the students concerning healthy coexistence of the human being as an individual whose role in society is essential. These curricula/curriculums will encourage the analysis and critical thinking skills of students, therefore, leaving behind the habits of memorizing and rote learning of unnecessary data. Furthermore, the school will foster students’ development of human values and will enhance respect towards the dignity of human beings.

12. Special Education and Reasonable Accommodations. A student with a physical and/or mental disability or with special needs has a right to receive the essential services in pursuance to adjust to the
condition and disability, and to experience holistic well-being as the result of a reasonable accommodation, in accordance to sections 1352 et seq. of this chapter, entitled “Ley de Servicios Integrales Para Personas Con Impedimentos”, -Integral Educational Services Law for Persons with Disabilities, and the stipulations of the class action lawsuit Rosa Vélez vs. Department of Education of Puerto Rico, KPE1980-1738. Whatever the impairment or medical condition, the student is entitled to confidentiality regarding this information, according to the pertinent federal and state laws.

14. Each student has the right to receive an education of excellence.
15. Each student should be regarded as an active learner able to interact in a social environment.
16. Each student shall have the right to be heard and to have opinions respected, moreover the obligation to listen to and respect the opinions of others.

**18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

1. Laws, regulations/rules, circular letters, norms, instructions and guidelines issued by academic authorities shall be respected.
2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.
3. Students, parents etc. will keep over, take care of, protect and cause no harm to public property, equipment, books and school materials.
4. Students, parents etc. shall refrain from interfering in the development of the class and activities inside the classroom.
5. Students, parents etc. shall not coerce any other student into participating on a particular point of view, nor will a student, parent etc. deprive or unduly restrict other students to dissent from their points of view.
6. Parents and/or legal guardians or tutors will hold the responsibility to assure timely and regular attendance of non-emancipated minors to school and will notify the school authorities whatever circumstance that prevents their children from attending school.
7. Parents, legal guardians and/or tutors will hold the responsibility for damages caused by non-emancipated minors to public property, equipment, books and school materials. In the case that the student causing the damage is legally of age or if emancipated, the student will personally respond for these damages.
8. Parents and/or legal guardians or tutors hold the responsibility to keep contact information updated in case communication is required by school authorities. This information will include, but will not necessarily be limited to the home address, parent’s workplace, home phone number, cellular or parents’ workplace phone number and information to contact a relative or closely-related person to parents if it were not possible to contact parents in an expeditious manner in case of an emergency. This information shall be kept safe and secure accessible exclusively to the director, the secretary of the school, the school counselor and/or the school’s social worker.
9. If a student were absent for three sequential days without a justification, the school authorities hold the responsibility to contact parents and/or legal guardians or tutors of the student to determine the cause of the absence to school.
10. Duties and responsibilities enclosed within this section are not conclusive or mutually exclusive with whatever right, duty or responsibility the school grants or requests from the students.
18 L.P.R.A. § 3804. Provisional rule of law.
The Court of First Instance, Municipal Hall, possesses the primary jurisdiction on issues related to provisional rules of law to enforce this chapter; including but not limited to, protection orders, orders of cease and desists, and orders to enforce the rights and obligations contemplated herein or that were granted or required by other related laws. The proceedings under this chapter, shall be of a provisional nature, circumscribed by the resolutions of the Grand Chamber of the Court of First Instance, or if it were the case, revoked by the Appellate Court or by one of higher hierarchy, by filing a civil appeal.
The Court, prior to the obligatory procedures, shall dictate whatever order, resolution or sentence necessary to guarantee the rights claimed by the student or his representative; or the duties the institution is claiming the student, custodian, tutor and/or parent with parental rights, except in cases of money collection.
The failure to comply with a court order by virtue of the provisions of this act will be penalized as a contempt of court. The Department of Education and the Administrative Office of the Courts in Puerto Rico, shall compel access to all students to the rights hereby granted and will ensure what has been specified in this chapter will be put into effect. This process should be expeditious and once the complaint is filed in court, it will be heard ex-parte, at the earliest the plaintiff, and will be issued a provisional rule of law if understood necessary by the judge. If the ex-parte provisional rule of law were issued or if the court does not emit it, understanding that the other part should be heard, the defendant should be summoned to court and so notified within a period that should not exceed five (5) calendar days. The judge then shall issue the provisional rules of law or the resolutions and orders, which could be indefinite or definite, as announced in court, or until the Court of First Court Instance, the Higher Chamber or a court of higher hierarchy makes a further ruling.
This section shall not apply to cases concerning programs of Special Education.

18 L.P.R.A. § 3806. Interpretation of the law.
Nothing in the provisions of this act shall be interpreted as being intended to exclude, restrict, hinder/thwart, undermine and/or negatively affect the inalienable rights of state and/or federal laws. The provisions of this act will be fulfilled but circumscribed to the availability of the facilities of the State.

18 L.P.R.A. § 3807. Regulations.
The Department of Education must upgrade current regulations to comply with the provisions of this act within a period not exceeding ninety (90) days.

REGULATIONS

Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.

5.a.2) Offenses against Property
   a) Misuse Department of Education property - a student is guilty of violation if the Department of Education property is used in a manner other than that which it is intended ... if this is an aggravating circumstance, suspensions may be applied and increased. .
   b) Shredding or altering any official school document is in violation if any student voluntarily, among other things: alters, cuts, tears, burns, erases, stains or dirties any school official document, but without destroying it completely, ... In aggravating circumstances, a suspension may be increased by the defined term and he may order the replacement, repair, restoration or payment to be possible and necessary for document damage.
   c) Misuse of Internet in school- student is in violation if the Internet is used at school for the purpose of:
      (1) altering, damaging or destroying the technological equipment or computer files, or
(2) accessing, printing or sending obscene, profane, threatening, or racist, or which is not authorized, material, or
(3) use of the official logo of the School Education Department or unauthorized electronic communications ... in aggravating circumstances, the sanction will be increased to suspension for a period of six (6) to fifteen (15) school days and you may order them to replace, repair, restore or pay for any moveable property damaged or destroyed.

d) Illegal appropriation of property of others or the Department of Education - one is guilty if any student illegally obtains property belonging to the Department of Education, others in the school community, or visitors.
e) Vandalism - guilty of violation is any student who intentionally causes serious damage to the property of the Department of Education or of anyone at school or at school-sponsored activities or transportation to school.

5.a.4) Offenses against Honor and Honesty
a) Defamation - any student guilty of violation, by any means maliciously, or who in any way publicly defiles, or discredits, or is suspected of having committed an illegal act or disputes the honesty, integrity, virtue or reputation of any person.
b) Engaging in misleading or deceptive activity to the detriment of the educational process - guilty of this violation is any student who voluntarily:
   (1) obtains grades, degrees and other official documents that are simulations using false, deceptive or fraudulent means or
   (2) steals or copies or plagiarizes answers or work of other students, or
   (3) impersonates another person through trickery or deceit, or
   (4) that induces another to take an examination (oral or written) on its behalf.
c) Observations of immoral behavior: Incurred in violation is the student who voluntarily engages in acts, gestures, symbols or practices that are hostile to the welfare of the general public and contrary to morality, harmony or order of the school; this is not limited to issues of sexual acts, it may include conduct that conflicts with what is right or indicative of corruption, indecency, depravity; lawless attitude or one that is deliberate, blatant and shameless, indicative of moral indifference towards the opinions of respected members of a community, or inconsiderate attitude regarding the order or public welfare.

Regulation Num. 8502, Article IV. Procedure.
10. Article 3.06 of the Law 22-2000, as amended, known as the "Vehicle and Traffic Law of Puerto Rico" provides that a person over sixteen (16) years but less than eighteen (18) years must meet the requirement of compulsory school attendance, as established by Law 149-1999. The Department of Transportation and Public Works may deny the issuance of the learner's permit or driving license to drive motor vehicles to the student who does not meet the requirement in this subsection.


**State-Sponsored, Publicly Available Websites or Other Resources on School Discipline**

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Puerto Rico provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tr>
<td>Website</td>
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<tr>
<td>Title</td>
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<tr>
<td>Memorandum 12-2012-2013</td>
<td>Public policy to establish the procedure for implementing the protocol of prevention, intervention and monitoring of bullying cases among students in public schools of Puerto Rico.</td>
<td><a href="http://intraedu.dde.pr/Cartas%20Circulares/12-2012-2013.pdf">http://intraedu.dde.pr/Cartas%20Circulares/12-2012-2013.pdf</a></td>
</tr>
<tr>
<td>Memorandum 05-2012-2013</td>
<td>Public policy for the prevention and prohibition against acts of harassment and intimidation amongst students (&quot;Bullying&quot;) in public schools of Puerto Rico.</td>
<td><a href="http://intraedu.dde.pr/Cartas%20Circulares/05-2012-2013.pdf">http://intraedu.dde.pr/Cartas%20Circulares/05-2012-2013.pdf</a></td>
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| Other Resources        |                                                                              |                                                                    |
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U.S. Virgin Islands
Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020
Introduction
This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers
To the best of the preparer’s knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the Discipline Laws and Regulations Compendium posted on the Center’s website.

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**Title 3. Executive**

**Chapter 15. U.S. Virgin Islands Police Department (V.I.P.D.)**

§ 262. Bureau of School Security

**Title 14. Crimes**

**Chapter 97. School Attendance**

§ 1941. Detaining children from school

**Chapter 113. Weapons**

§ 2253. Carrying of firearms; openly or concealed; evidence of intent to commit crime of violence; definitions

**Title 17. Education**

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§ 21. Powers and duties of Board

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U.S. Virgin Islands Regulations

**Government of the Virgin Islands of the United States**

**Virgin Islands Board of Education - Policies**

**K-12 Bullying Intervention, Prevention and Remediation Policy**

1.0. General information
2.0. Definitions
3.0. Activities prohibited for schools, school-sanctioned and related environments
4.0. Training and assessment
5.0. Virgin Islands Department of Education’s requirements and responsibilities
6.0. Consequences for violations
7.0. Virgin Islands Board of Education requirements and responsibilities
8.0. Immunity clause

**Virgin Islands Student Discipline Policy (CVIR 17-003-002)**

Section 1. Roles of parents, student, school, and school personnel
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General Provisions

Authority to develop and establish rules of conduct

LAWS

(a) The Virgin Islands Board of Education has authority and jurisdiction to-
   (1) Recommend the establishment of public schools; prescribe general regulations and orders; adopt curricula and courses of study; recommend laws and amendments; recommend appropriations required for the operation of the public schools and the Department of Education; and in general to do anything necessary for the proper establishment, maintenance, management, and operation of the public schools of the Virgin Islands;
   (9) Promulgate rules and regulations for the certification of all elementary, secondary and post secondary educational institutions; and

17 V.I.C. § 87. Punishment of pupils by school authorities.
All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 91. Expulsion of pupils; appeal.
(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

17 V.I.C. § 130. Authority to discipline children.
All principals and teachers in the public schools shall have the right to exercise the same authority, as to conduct, and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians or persons in parental relations to such pupils.

The Department of Education may adopt any rules necessary to implement the provisions of this chapter; provided that such rules must require the minimum amount of paperwork and reporting necessary to comply with this act.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
1.0 General information
   1.1 The school and its supportive programs should provide a place of safety, comfort and enlightenment for students, teachers, staff workers and other positive stakeholders.
1.2 The Virgin Islands Board of Education acknowledges that national and local research indicates an increase in negative behavior which fosters bias, hate, victimization, and use of electronic communication media to promote low self esteem, depression, ostracism, retaliation, suicide, and poor academic performance.

1.3 The Virgin Islands Board of Education provides the following policy to address the rise in negative behavior in several areas which may affect a person’s right to privacy and free speech. This document is designed to provide guidance to the Virgin Islands Department of Education for the development of procedures and programs for the prevention, intervention and remediation of harassment, intimidation, bullying, cyber bullying, “cultural” teasing/belittling and sextexting behaviors in Virgin Islands schools.

1.4 All sections of the policy shall be established in both districts and shall be enforced equally in both districts.

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

Each school is permitted and encouraged to develop rules, procedures, and expectations for student conduct. While these may not conflict with direction provided in this discipline policy, broad latitude in dealing with school problems shall be afforded to each school so that student discipline may be responsive to particular problems in each individual school.

**SECTION 1 Roles of Parents, Student, School, and School Personnel**

Schools are required to:

1. Promote a safe, drug free school environment
2. Provide a rigorous and challenging academic program
3. Develop and implement acceptable guidance procedures
4. Maintain an atmosphere conducive to acceptable behavior
5. Exhibit an attitude of respect for students
6. Plan a flexible curriculum to meet the needs of all students
7. Develop and maintain appropriate extracurricular activities
8. Promote effective training or discipline based upon fair and impartial treatment of all students
9. Develop an effective working relationship with staff and a caring relationship with students
10. Encourage the staff, parents or guardians, and students to utilize the services of the school and the community
11. Encourage parent participation in affairs of the school
12. Insist that parents keep in regular communication with the school
13. Involve the entire community in order to improve the quality of the school

**Scope**

**LAWS**

**17 V.I.C. § 91. Expulsion of pupils; appeal.**

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.
(1) “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) “School function” means any event or activity that is under the supervision and control of a public school.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.

3.0 Activities prohibited for schools, school-sanctioned and related environments

3.1 No student or adult functioning in a school-related activity shall be subjected to bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, or sextexting in any public educational institution.

3.2 These activities include: all education programs or activities; while in school or while using school equipment, property or school vehicles.

3.3 The use of data, telephone or computer software that is accessed through a computer, computer system or computer network of any public education institution shall not be utilized to bully, culturally tease or belittle, cyber bully, cyber stalk, harass, hate, intimidate, relationally aggress, or sextext any individual.

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

Jurisdiction of the Virgin Islands Board of Education

Virgin Islands Public School students are subject to the policies of the Virgin Islands Board of Education and the rules and regulations of the Department of Education during the school day and regular school activities, while being transported on school buses or at the public expense to and from school or other educational facilities and during the time they are otherwise in route to and from school or are presumed by law to be attending school, at such time and places including, but not necessarily limited to, school sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students. In addition to the foregoing, jurisdictional control over the student may be extended to the immediate vicinity of the school whenever the conduct of the student is deemed to have a detrimental effect on the health, safety, and welfare of other students and/or of the school.

Communication of policy

LAWS

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.

5.0 Virgin Islands Department of Education’s requirements and responsibilities
5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education.

5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

5.3 The Policy shall contain, at a minimum, the following components:

1. Notification - All stakeholders shall be notified about the bullying policy in writing and verbally; the policy should be included in each school’s student handbook.

2. Public display - The policy shall be placed in each school site in plain view of all stakeholders in age-appropriate language.

*De-identified - should not include information that can identify student(s)

3. Warnings must be posted throughout the school that the infractions in this policy will not be tolerated. These warnings should be included in student and employee handbooks.

4. Immediate notification - The DOE shall provide a procedure for immediate notification within 24 hours if any of the infractions occur in a school or department site to the appropriate persons and authorities. Staff identification - Each school shall provide the name and job title of the school official who is responsible to ensure that the policy is implemented. This individual is also responsible for all publicized notices regarding this policy.
In-School Discipline

Use of multi-tiered discipline approaches

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.
(d) Disciplinary Programs.
(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

REGULATIONS
No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.

Alternatives to suspension

LAWS
No relevant laws found.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
6.0 Consequences for violations
The Department of Education shall review and refer to the Board’s Disciplinary Policy in identifying the appropriate consequence(s) for violations of this policy. Each infraction should be evaluated carefully before a consequence is applied. Educational intervention should occur on every level of violation to deter further acts of aggression.
6.1 Sample consequences
1. Counseling within the school
2. Verbal or written reprimand
3. Parental conference
4. Loss of school privileges
5. Transfer to another school building, classroom or school bus
6. Exclusion from school-sponsored activities
7. Retribution for property damage
8. Detention
9. Suspension
10. Expulsion
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

**SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES**

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct  
   a. Repeated behavior which includes one or more of the above offenses  
14. Other  
   a. Other than offenses listed above  

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS  

First Offense: Level 1 Responses  
Subsequent Offenses: Level 1 and/or Level 11 Responses  
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment;  
Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention  
(parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of  
referral to Level 11.  

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES  
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also  
include repeated acts of misconduct and acts directed against persons or property but which do not  
seriously endanger the health or safety of others.  
This conduct must be reported to the school administrator/designee for disciplinary action.  
The school administrator/designee will follow the procedure designated for minor violations in the  
investigation of circumstances and the assignment of the appropriate disciplinary action.  

INFRACTIONS  
1. Fighting Threats  
   a. Minor physical conflict between two or more students; threat by word or act to do violence to  
      another student(s)  
2. Destruction of Property/Vandalism  
   a. The willful or malicious destruction of school property or the property of others  
3. Unauthorized Gambling  
   a. Any participation in games or activities of chance for money and/or other things of value  
4. Insubordination/Open Defiance  
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff  
5. Intimidation  
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of  
      another person; may include "stare downs, gestures, and stalking"  
6. Misconduct on School Bus or other School Approved Transportation  
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious  
      transportation of students or other authorized riders.  
7. Stealing (under $ 10.00)  
   a. The taking of property of another without permission of the person  
8. Unauthorized assembly, publications, etc.  
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized  
      publications which interfere with the orderly process of the school environment, a school function, or  
      extra/co-curricular activity.  
9. Repeated Misconduct of a less serious nature
a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 11

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth
7. Firecrackers/Fireworks  
a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance  
a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization  
a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products  
a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)  
a. The taking of property of another without the permission of the person

12. Trespassing  
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material  
a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature  
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew  
a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)  
a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses  
Subsequent Offenses: Level 111 and/or Level 1V Responses  
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V
LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
   a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
   a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Use of corporal punishment

LAWS

17 V.I.C. § 87. Punishment of pupils by school authorities.
All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 130. Authority to discipline children.
All principals and teachers in the public schools shall have the right to exercise the same authority, as to conduct, and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians or persons in parental relations to such pupils.
REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

CORPORAL PUNISHMENT

Virgin Islands Code, Title 17, Chapter 9, Section 87 states:

All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupil.

The ramifications of this procedure must be carefully analyzed before this procedure is utilized.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.
Grounds for possible suspension or expulsion

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.
(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity
4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons
5. Dress Code
   a. Non-conformity to established dress code
6. Failure to Report For Detention
   a. Failure to report for assigned discipline
7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel
8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders
10. Profane, Obscene, or Abusive Language/Materials
a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
   a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire
7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Grounds for mandatory suspension or expulsion

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.
(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.
(1) “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) “School function” means any event or activity that is under the supervision and control of a public school.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature
LEVEL 1 - INFRINGEMENTS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRINGEMENTS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity
8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear
9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or
      furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of
      another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
   a. The possession, use or control of any dangerous instrument which could be used to cause harm,
      injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other
      chemical weapons). Weapons shall be confiscated and will not be returned to the student.
      Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin
      Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or
    School Functions
   a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with
      the education process, or which can result in damage or destruction to public or private property, or
      cause personal injury to participants and others, or otherwise pose a threat to the health, safety,
      and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a
      probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school
      function, or extra/co-curricular program or activity. Recommendations for expulsion relative to
      repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a
recommendation for expulsion for grades 7-12, Suspension and probation for elementary school
students, Assignment to alternative program/school, Expulsion from School

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

PROCEDURES FOR SUSPENSIONS
Suspension of students from school should occur only if a careful study of all facts surrounding each
individual case indicates that no other disciplinary approach is feasible. Student suspension without
proper controls seems of little therapeutic value. Placing students out of the supervision of the school may
possibly serve to increase their antisocial activities.
Putting children out of classes or suspending students for trivial matters is not a solution to the behavioral
problem. It merely removes the problem or the offender from one locale to another.
Suspensions shall be of four (4) kinds:

1. Suspension requesting a parent conference with appropriate school personnel.
2. Suspension for a few days (one to five) within the school. In such a case, the student is denied the privilege of attending classes but must report daily to school. The student will be under the supervision of someone designated by the administrator. During this period, the student may be assigned special duties.
3. Suspension which requires the student to be away from the school premises from one day to five days.
4. Suspension for one to ten days

Administrators are encouraged to use more in-school suspensions in preference to out of school suspensions.

Suspensions should never result in a total of 5% of the school population being out of school.

The maximum suspension is ten (10) school days without requiring the Commissioner of Education’s approval.

Suspensions should never replace expulsion.

No parent should be asked to voluntarily withdraw a student for a discipline problem, as a substitute for suspension or expulsion.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**17 V.I.C. § 91. Expulsion of pupils; appeal.**

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) “School function” means any event or activity that is under the supervision and control of a public school.

(c) Notwithstanding subsection (b), the Commissioner of Education or the Virgin Islands Board of Education on appeal, may modify, in writing, the length of the expulsion on a case-by-case basis based on the specific circumstances surrounding each incident.

(d) Any parent or guardian aggrieved by such an expulsion may appeal to the Board of Education for review of such order within thirty (30) days after the date thereof.
REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

Step 1: The student must be told by the administrator/designee of the reasons for consideration of suspension.

Step 2: The student must be given an opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.

Step 3: The administrator/designee shall make a determination as to whether or not the student is guilty of the misconduct and, if so, what the terms of punishment will be. The student shall be informed of the determination. If the determination is to impose suspension, the notice of suspension shall be in writing.

Step 4: The administrator/designee shall report each suspension in writing to the student's parent or guardian and to the Superintendent or his/her designee. This report shall be mailed by certified mail or delivery initiated within twenty (24) hours of the start of the suspension or on the next regular work day. This report shall include the various incidents relating to the suspension or removal from classes and shall document specific facts with regard to times and dates of offenses and other undesirable behavior. Additionally, the report shall include all efforts to assist the student (letters to parents, referrals to counselors, pupil personnel services, Departments of Health and Human Services etc.)

Reasonable and documented efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the administrator or designee may determine that suspension will start without contact with the parent or guardian, but continued reasonable efforts to contact the parent or guardian shall be made.

Step 5: No later than seventy-two (72) hours after the suspension begins, the student and his/her parents shall have a right to a hearing with the administrator or designee. The administrator shall have the discretion to reduce or cancel the suspension if it is felt that it would be in the best interest of the student and the school to do so. The parent and student shall be informed of the administrator's decision and the reason therefor in writing within twenty-four (24) hours after the hearing.

Step 6: An educational planning conference shall be held each time any handicapped student has been suspended from school or transportation for a total of ten (10) school days during any school year. The purpose of the conference shall be to determine if the placement is appropriate and if any changes must be made in order to more effectively deal with the student's behavior problem.

Step 7: At the discretion of the administrator or designee, a written behavior contract may be required upon return of the suspended student.

Step 8: If the parents feel that due process was not provided, they may further appeal the procedural due process provided by contacting the superintendent. The superintendent or designee shall discuss the matter with the parent and, if appropriate, schedule a meeting with the administrator, and the parent to further discuss the matter and rectify any procedural errors.

DUE PROCESS PROCEDURE FOR SUSPENSION IN EXCESS OF TEN (10) DAYS OR EXPULSION

A student accused of a violation of the Virgin Islands Student Discipline Policy which, in the opinion of the administrator or his/her designated representative, may require expulsion from school or transportation shall be afforded the due process procedure described below. In emergency situations, these procedures may be modified if reasonable and documented efforts are made to provide substantially similar opportunities for due process.

Step 1: The student must be told by the administrator or designee of the reason(s) for consideration of suspension or expulsion.
Step 2: The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.

Step 3: The administrator or designee shall make a determination in writing as to whether or not the student is guilty of the misconduct and, if so, what the terms of punishment will be. The student shall be informed of the determination. If the administrator or designee determines that there are sufficient grounds for expulsion, then the administrator or designee shall inform the student that he/she is being suspended from school for ten (10) days and a recommendation for expulsion is being considered.

Step 4: The administrator or designee shall report in writing to the student's parent or guardian and the superintendent that the student has been suspended for ten (10) days and a recommendation for expulsion from school is being considered. The report shall be mailed by certified mail or delivery initiated within twenty four (24) hours of the start of the ten (10) day suspension or on the next regular work day. This report shall include the various incidents relating to the suspension and recommended expulsion and shall document specific facts relating to times and dates of offenses and other undesirable behavior. Additionally, the report shall include all efforts to assist the student (letters to parents, referrals to counselors, pupil personnel services, Departments of Health and Human Services etc.) Reasonable efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the administrator or designee may determine that the suspension will start without prior contact with the parent or guardian.

Step 5: The principal shall convene the Student Review Team comprising of the administrator or designee, counselor and a teacher as soon as possible but not later than the fifth day of the suspension period to determine:

1. if there is documentation or evidence that the student has a disability requiring exceptional education services;
2. if any modification or adaptations need to be made within the school as an alternative to expulsion;
3. if a recommendation for expulsion is appropriate.

Step 6: The recommendation for expulsion will be referred to the superintendent for disposition. The superintendent or designee shall review the information provided by the Student Review Team, and no later than the seventh school day of the suspension, shall conduct a hearing with the parent, and student to determine if expulsion should be imposed.

At the time the parents and student are given notice of the expulsion hearing, they should be advised that they have the right to have a lawyer present, to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident which led to the recommended expulsion.

During the hearing, the superintendent or designee has the right to limit witnesses at any time when there is a serious threat of disruption. The hearing shall be electronically recorded.

Step 7: If expulsion is determined to be the appropriate course of action, the superintendent shall submit the expulsion recommendation to the Commissioner of Education in writing within twenty-four hours or the next regular work day. The Superintendent shall include a detailed report by the administrator or designee on the incident, alternative measures, if applicable, taken prior to the recommendation of expulsion and a summary of the Student Review Team's findings.

Step 8: The Commissioner shall notify the parent or guardian in writing within forty-eight (48) hours that the student be expelled for a specific period of time. The written notification shall indicate the grounds for expulsion and the parent's right for appeal to the Board of Education within thirty (30) days of receipt of the expulsion notice.

Step 9: If the Board of education determines that any student should return to school after a specified period, a written behavior plan for the expelled student shall be developed by the school prior to the
return of the expelled student to the school program. The plan shall be developed in cooperation with all parties including the student and parent or guardian to assure that the conduct leading to the expulsion will not recur in the future. If the student, parent or guardian refuse to cooperate, then the principal shall fashion a plan and inform the student and parent or guardian of the same. Substantial violations of this plan shall be considered a violation of the Virgin Islands Student Discipline Policy and may subject the student to suspension or expulsion.

DUE PROCESS PROCEDURES FOR EXPULSION OF HANDICAPPED STUDENTS

Continuous suspensions by the administrator may be interpreted as expulsion. An educational planning conference shall be held each time any handicapped student has been suspended for a total ten (10) days during a school year. This conference is necessary to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior problem.

Specific policies and procedures applicable to handicapped students are part of the Procedures/Staffing Handbook for Exceptional Students. A copy of this document will be available at each school.

Handicapped students who commit serious acts of adverse behavior are subject to suspension for up to ten (10) days in keeping with the Virgin Islands Student Discipline Policy. If the administrator determines that the offense or offenses warrant consideration for expulsion, the procedures established below shall be followed.

Step 1: The administrator or designee shall follow the procedures established for all students in the Due Process Procedures for Expulsion.

Step 2: Upon determination that the recommendation for expulsion is appropriate, the administrator or designee shall promptly convene a staffing committee meeting. The meeting of the staffing committee must take place within the five (5) days of the suspension period. This committee may include such persons as the principal, staffing chairperson, counselor, teacher, psychologist, director of special education and the parent or guardian.

The student may be invited to attend. Persons empowered to make placement decisions must be included on the staffing committee.

A. The staffing committee will determine if the offense is caused by the handicap. When a staffing committee determines that the offense is caused by the handicap, the student cannot be expelled. The committee must find educational alternatives for resolving the problem other than expulsion.

B. The staffing committee will review and revise, when appropriate, the IEP to include objectives related to the elimination or reduction of the student's offending behavior.

C. The staffing committee will examine and recommend alternatives for continuing educational programs and services. These alternatives may include, but are not limited to:

1. continuation in the present program with some modifications;
2. a reduced day program;
3. transferal to a more restrictive environment;
4. attendance for special education classes only;
5. the student may come to the school campus at the end of the school day for the instructional program;
6. home instruction
7. other options, or some combination of the above.

D. The staffing committee shall inform the parent/guardian of the right to review by the superintendent and/or the due process rights for handicapped students.
The superintendent or designee shall assign any student so suspended to an individually designated program or other special placement.

The administrator or designee shall forward the written recommendation(s) along with the staffing committee findings and plan for continuing educational services and program(s) along with information generally accompanying a recommendation for expulsion of non-handicapped students to the superintendent.

The procedures described in the Due Process Procedures for Expulsion, will be followed.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

**SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES**

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRINGEMENTS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRINGEMENTS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity
11. Tardiness
   a. Repeated late arrival to school or class
12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses
14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)
2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others
3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value
4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff
5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”
6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.
7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person
8. Unauthorized assembly, publications, etc.
a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY REponses

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACtIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension
from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
PROCEDURES FOR REENTRY OF EXPELLED STUDENTS
Following the Commissioner of Education’s action to expel a student, the student shall have no right to attend public schools in the Virgin Islands unless the Board of Education hears the appeal and reverses the decision of the Commissioner.

The Board of Education in its sole discretion and acting upon the evidence presented at the appeal hearing may revoke the existing expulsion and order a reentry plan. Failure of the student to abide by a reentry plan may be grounds for recommending permanent expulsion.

It is intended that the procedure to be followed in developing reentry plans shall be flexible, but shall require a commitment on the part of the student and his/her parent or guardian to cooperate with school authorities in reasonably assuring that the behavior which led to the original expulsion will not recur.

Reentry plans are to be developed when appropriate, following the procedures outlined below. The decision to recommend a reentry shall be the prerogative of the Board of Education.

Step 1: After the appeal hearing, and if there is reason to believe that reentry would be in the best interest of the student and that reentry would not adversely impact the orderly conduct of the school, the Board may direct the Commissioner to develop a reentry plan for the student.

Step 2: The reentry plan shall be developed by a committee including appropriate school personnel and others including but not limited to the principal who originally recommended the expulsion or his designee; a representative of the superintendent; appropriate school based staff, the parent/guardian, the student and representatives of student services if necessary.

Step 3: Reentry plans must be reasonable and realistic in demands placed upon the student and the school and achievable by both parties. The reentry plan shall include:

A. Decisions of the student relative to his/her future conduct. Such a statement reflect the student’s commitment in his/her own words that he/she will follow the rules of conduct established by the school.

B. Requirements may include (but not limited to) evaluation by representative of Student Services, contact with a community agency (where appropriate), counseling, completion of special school work, and such requirements as may be deemed reasonable to assure that the misconduct leading to expulsion will not recur. The reentry requirements shall not include those which would cause negative feelings toward the instructional program but may include special classes or transfer of school assignments.

C. A listing of any adjustments to the student program of study or school day or special assignment.

D. A statement by the school citing the resources which will be utilized to assist the student in his/her reentry to school.

E. A statement relative to the procedures or actions to be taken in the event the agreement between the school and the student is broken.

F. An indication from the parents or guardians that they understand and accept the conditions set forth in the reentry plan.

Step 4: Following completion of the reentry plan which is acceptable to the school administrator who will be responsible for supervision of the student, the plan shall be sent to the Commissioner or designee for review and approval. When approved the Commissioner shall submit the reentry plan to the Board of Education.

**Use of restraint and seclusion**

**LAWS**

No relevant laws found.
Alternative placements

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.

All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(a) Educational Alternative Programs.

(1) Educational alternative programs are programs that differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting. These programs also employ alternative teaching methodologies, curricula, learning activities or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs must be voluntary. The minimum period of time during which the student participates in the program must be equivalent to three instructional periods per day of traditional school, unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

(2) The student will be identified as being a potential retention or dropout candidate based upon one of the following criteria:

   (A) The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels;

   (B) The student has a high rate of absenteeism;

   (C) The student appears to have a drug or substance abuse problem;

   (D) The student has been unsuccessful in school as determined by retention, failing grades, or low achievement test scores, and has needs and interests that cannot be met through government conducted educational programs or special education programs; or

   (E) The student has been identified as a potential retention or school dropout candidate by school or student services personnel.

(b) Teenage Parent Programs.

(1) Teenage parent programs provide young men, pregnant students or students who are already parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs. Students participating in the teenage parent programs are exempt from the minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to those absences.

(2) The curriculum must include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.

(3) Ancillary services such as: child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance Abuse Programs.

(1) Substance abuse programs provide basic educational instruction for students participating in non-school based residential or day substance abuse treatment programs. Such educational programs must provide curricula and related services which support the program goals and which are appropriate for the completion of a high school diploma or its equivalent.
(2) The program must provide school-based programs that serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary Programs.

(1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:

(A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or

(B) Severely threatens the general welfare of the student or others with whom the student comes into contact.

(2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

(3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

(e) Youth Services Programs.

(1) These programs are designed to serve the student who is participating in a detention, commitment, or a rehabilitation program that is sponsored by a community-based agency or is operated or contracted for by the Department of Human Services.

(2) A program must be provided that shall consist of appropriate basic academic, vocational, or exceptional curricula and related services that support the rehabilitation program goals and that leads to the completion of the requirements for a high school diploma or its equivalent.

(3) School age children are required to participate in the program.

(4) The insular superintendent shall make every effort to provide students in youth services programs with a wide range of educational programs.

(5) The Department of Education may contract with a private nonprofit entity to provide educational programs to clients of the Department of Human Services.

17 V.I.C. § 824. Program planning and implementation.

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, junior high school or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program shall develop a comprehensive dropout prevention program plan that describes all of the programs and services that the district will make available to the students pursuant to § 824 of this chapter. School districts that do not
implement all of the programs outlined in § 824 shall provide evidence that such programs are not needed within the district, or that the needs of the students are being provided through existing public or private agencies or entities, or that the district is unable to provide the program.

(1) In order to be approved, each plan must include the following components:

(A) Emphasis on parental, community, and business involvement;
(B) Interagency coordination in order to maximize existing human and fiscal resources;
(C) A method for early identification of potential dropouts;
(D) Dropout retrieval activities;
(E) Employment skills and other career awareness activities related to preparation for the work force;
(F) The commitment of the district in achieving the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

(2) For each program provided by the district under § 824, the following information must be provided in the program plan:

(A) Student eligibility criteria;
(B) Student admission procedures;
(C) Operating procedures;
(D) Program goals and outcome objectives;
(E) Qualifications of program personnel;
(F) The program budget, including identification of all federal, local, or other funds which will be used to support the program;
(G) A schedule for staff development activities; and
(H) Evaluation procedures which describe how objectives will be achieved and measured.

(c) Prior to the implementation of the program, the Insular Superintendents must submit the district comprehensive dropout prevention program plans to the Commissioner of Education for approval no later than 60 days subsequent to the passage of this legislation. In subsequent years, the insular superintendents shall submit supplemental plans to the initial dropout prevention plan.

(d) The insular superintendents may modify courses listed in the state curriculum for the purpose of providing dropout prevention programs pursuant to the provisions of this chapter. The Commissioner must approve the modifications that may include the lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating  
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption  
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

**INFRACTIONS**

1. **Fighting Threats**
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. **Destruction of Property/Vandalism**
   a. The willful or malicious destruction of school property or the property of others

3. **Unauthorized Gambling**
   a. Any participation in games or activities of chance for money and/or other things of value

4. **Insubordination/Open Defiance**
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. **Intimidation**
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. **Misconduct on School Bus or other School Approved Transportation**
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. **Stealing (under $10.00)**
   a. The taking of property of another without permission of the person

8. **Unauthorized assembly, publications, etc.**
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. **Repeated Misconduct of a less serious nature**
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. **Forgery**
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. **Other Serious Misconduct**
    a. Other than the offenses listed above

**DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS**

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS
   1. Alcohol
1. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

14 V.I.C. § 2253. Carrying of firearms; openly or concealed; evidence of intent to commit crime of violence; definitions.

(f) Whoever, unless authorized by law, has, possesses, bears, transports or carries, either openly or concealed, on or about his person, or under his control in any vehicle, of any description, any firearm as defined in title 23, section 451(d) of this code and any assault weapon as defined in subsection (d), or any weapon that can be converted along with a conversion kit, loaded or unloaded within one thousand feet of the real property comprising a public or private elementary, junior, secondary or vocational school or a public or private college, junior college, or university or a playground or a housing facility owned by a public housing authority or within one thousand feet of a public or private youth center, school bus stop or private youth center or public swimming pool or public beach, is subject to twice the maximum punishment prescribed in subsections (a) and (b) of this section and section 2256(a) and (b) of this chapter.

17 V.I.C. § 91. Expulsion of pupils; appeal.

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or
remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons.
   Contraband may be confiscated and not returned to the student. Possession of items that could in
danger the health and safety of others but there has been no threatening or intimidating display of the
item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school
function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a
school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs,
cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult
and/or incite another person and repeated dress code violations, or the activation of a fire alarm
without reasonable cause which, in the discretion of the administrator was not the result of a reckless
or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School,
Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension
from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion
from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-
curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of
referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be
sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of
a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may
result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental
contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In
severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting
this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior,
the intent of the student, and if the health, safety, and welfare of other students and/or staff have been
endangered. A violation of the probation during this period may cause the discipline response to be
advanced to consideration of expulsion from school.

INFRACTIONS
1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, extra/co-curricular activity

5. Drugs
a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Other weapons

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
   a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
   a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

**DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS**

*First Offense: Level 1 Responses*

Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

**LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES**

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

**INFRACTIONS**

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”
6. Misconduct on School Bus or other School Approved Transportation  
a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)  
a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.  
a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature  
a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery  
a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct  
a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS
First Offense: Level 11 Responses  
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.
Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRATIONS
1. Alcohol  
a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs  
a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.  
b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)  
a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s)
against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm
without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of
said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy.

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
Students with chronic disciplinary issues

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.
All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(d) Disciplinary Programs.

(1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:

   (A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or

   (B) Severely threatens the general welfare of the student or others with whom the student comes into contact.

(2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

(3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

REGULATIONS
No relevant regulations found.

Attendance and truancy

LAWS

14 V.I.C. § 1941. Detaining children from school.
Whoever (1) detains any child from attending school at the prescribed times and places, without authority of lawful regulation; or (2) performs or omits any act whereby any child under his control, directly or indirectly, is hindered from regular attendance at school shall be fined not more than $20 for each day's absence.
17 V.I.C. § 82. Compulsory school attendance; age of pupils; exceptions.
(a) All children shall commence their school education by attending an approved kindergarten from the beginning of the school year in the calendar year in which they reach their fifth birthday, and they shall continue to attend school regularly until the expiration of the school year nearest their eighteenth birthday, except as provided in section 287 of this title; provided, however, those who graduate from high school before the age of 18 are excepted and students attending the National Guard Youth Challenge Program or any other program approved by the Virgin Islands Board of Education which has the equivalency of a high school diploma are also excepted.
(b) The Commissioner of Education, in conjunction with the Virgin Islands Board of Education shall promulgate rules and regulations to carry out this section no later than 12 months after the enactment of this section.

17 V.I.C. § 87. Punishment of pupils by school authorities.
All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 88. Penalties affecting parents and employers.
(a) In case any parent, guardian, or other person in parental relation shall fail to comply with any provisions of this title he shall be deemed guilty of violation thereof and on conviction may be punished by a fine of not more than $100.
(b) Any person who employs a child of compulsory school age and who by such employment knowingly causes tardiness or absence of such child shall upon conviction therefor be liable to a fine of not more than $100 for the first offense and a fine of not more than $500 for each succeeding offense.

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.
(a) Any child of compulsory school age, who is found anywhere other than on the school's premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child's release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.
(b) Subsection (a) is not applicable to children:
   (1) Who are home-schooled;
   (2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;
   (3) who are on supervised school trips;
   (4) Who are on any school-to-work assignment; or
   (5) Who have graduated from high school before the age of 18.
(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers' professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.
(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who willfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth
7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V
LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
   a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
   a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Substance use

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.
Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses. Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action. The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRATIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 11
LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS
  1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Bullying, harassment, or hazing

LAWS

17 V.I.C. § 780. Purpose.
The purpose of this chapter is to provide for the creation of a bullying prevention, gang resistance education and training program.

17 V.I.C. § 781. Legislative findings; intent.
(a) The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior:
   (1) Sexual, discrimination due to sexual orientation; and
   (2) Harassment.
(b) Bullying behavior has been linked to other forms of antisocial behavior, such as: vandalism, shoplifting, truancy and non-completion of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.
(c) The Legislature further finds that the number of youth delinquent gangs continues to rise on a territory-wide basis. Given the higher rates of criminal offenses by gang members, as well as the availability of increasingly lethal weapons, the spiraling level of criminal activity by gang members has taken on greater importance for law enforcement agencies, schools, the community, and prevention efforts.

17 V.I.C. § 782 Definitions
As used in this chapter:
(a) "Board" means the Virgin Islands Board of Education;
(b) "Bullying prevention" includes but is not limited to instruction in the prevention and strategies for student-centered problem solving all of the following:
   (1) Intimidation;
   (2) Student victimization;
   (3) Sexual harassment;
   (4) Sexual violence;
(5) Sexual, discrimination due to sexual orientation; and 
(6) Harassment.
(c) “Gang resistance education and training” means instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:
(1) Conflict resolution; 
(2) Cultural sensitivity; 
(3) Personal goal setting; and 
(4) Resisting peer pressure.

17 V.I.C. § 783. Implementation 
(a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein. 
(b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42. 
(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence. 
(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 784. Effective date
Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
1.0 General information 
1.1 The school and its supportive programs should provide a place of safety, comfort and enlightenment for students, teachers, staff workers and other positive stakeholders. 
1.2 The Virgin Islands Board of Education acknowledges that national and local research indicates an increase in negative behavior which fosters bias, hate, victimization, and use of electronic communication media to promote low self esteem, depression, ostracism, retaliation, suicide, and poor academic performance. 
1.3 The Virgin Islands Board of Education provides the following policy to address the rise in negative behavior in several areas which may affect a person’s right to privacy and free speech. This document is designed to provide guidance to the Virgin Islands Department of Education for the development of procedures and programs for the prevention, intervention and remediation of harassment, intimidation, bullying, cyber bullying, “cultural” teasing/belittling and sexting behaviors in Virgin Islands schools.
1.4 All sections of the policy shall be established in both districts and shall be enforced equally in both districts.

2.0 Definitions

2.1 Bullying: a form of abuse which is comprised of acts that involve a real or perceived imbalance of power with the more powerful individual or group abusing those who are less powerful. The power imbalance may be social and/or physical. The victim of the bullying is sometimes referred to as the target. There are three types of bullying: emotional, verbal and physical. It also involves subtle methods of coercion, such as psychological manipulation. Bullying is also referred to as peer abuse. It also involves the creation of a threatening environment through: 1. an attempt to place the person in reasonable fear of bodily injury; 2. an intent to cause substantial emotional distress to the person; 3. use of hostile, offensive, or derogatory remarks; 4. intentional physical interference with another student’s movement.

2.2 “Cultural” teasing/belittling refers to the consistent teasing or belittling of an individual based on a perceived “weakness or abnormality” in the person’s physical or emotional makeup, that may result in the development of low self esteem and poorly developed social skills.

2.3 Cyber bullying: refers to the intentional use of the internet or other digital communication devices to bully peers. Such internet speech can be vulgar, cruel, threatening, and harassing to teachers, school administrators, or fellow students. Cyber bullying includes but is not limited to the phone, text messaging, internet, websites, email, blogs, chat rooms, and/or instant messaging.

2.3 Cyber stalking: to anonymously engage in a course of conduct to communicate -or to cause to be communicated - words, images or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

2.4 Harassment: the act of harassing or state of being harassed; worry, annoyance, anxiety; any overt act or combination of acts directed against a student by another student or groups of students which:

1. is repeated over time;
2. is intended to ridicule, humiliate, or intimidate the student; and
3. occurs before, during or after the school day, on school property, on a school bus, or at a school-sponsored activity.

2.5 Hate/hate crimes: refer to attacks on individuals or their property intentionally selected based on race, color, gender, disability, sexual orientation, religion.

2.6 Intimidation: (also called cowing) is intentional behavior “which would cause a person of ordinary sensibilities,” fear of injury or harm.

2.7 Relational aggression: refers to bullying, sextexting, or other forms of aggression mostly related to the female gender based on envy or jealousy which results in social ostracism of the victims.

2.8 Sextexting: is the transference of sexually explicit photos using cell phones or the internet; these explicit photos show students involved in sexual activity, child pornography, rape, lewd acts, and the promotion of prostitution.

3.0 Activities prohibited for schools, school-sanctioned and related environments

3.1 No student or adult functioning in a school-related activity shall be subjected to bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, or sextexting in any public educational institution.

3.2 These activities include: all education programs or activities; while in school or while using school equipment, property or school vehicles.
3.3 The use of data, telephone or computer software that is accessed through a computer, computer system or computer network of any public education institution shall not be utilized to bully, culturally tease or belittle, cyber bully, cyber stalk, harass, hate, intimidate, relationally aggress, or sextext any individual.

4.0 Training and assessment
The Department of Education shall provide the following educational programs in its effort to prevent harassment, intimidation, bullying, cyber bullying and sextexting.

4.1 Annual training for school administrators, school employees and volunteers who have contact with students in preventing, identifying, responding to and reporting incidents of harassment, intimidation, cyber bullying and sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling shall occur.

4.2 In the 1st quarter of the school year, an educational program for students, parents, and all other stakeholders in preventing, identifying, responding to and reporting incidents of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, and sextexting shall occur.

5.0 Virgin Islands Department of Education’s requirements and responsibilities
5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education.

5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

5.3 The Policy shall contain, at a minimum, the following components:

1. Notification - All stakeholders shall be notified about the bullying policy in writing and verbally; the policy should be included in each school’s student handbook.

2. Public display - The policy shall be placed in each school site in plain view of all stakeholders in age-appropriate language.

*De-identified - should not include information that can identify student(s)

3. Warnings must be posted throughout the school that the infractions in this policy will not be tolerated. These warnings should be included in student and employee handbooks.

4. Immediate notification - The DOE shall provide a procedure for immediate notification within 24 hours if any of the infractions occur in a school or department site to the appropriate persons and authorities. Staff identification - Each school shall provide the name and job title of the school official who is responsible to ensure that the policy is implemented. This individual is also responsible for all publicized notices regarding this policy.

5.4 Reporting and Investigations

1. The Department of Education shall develop a reporting form for acts of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, sextexting, and, including a provision that permits a person to report such act(s) anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report without a thorough investigation.
2. The DOE shall include a requirement that any individual who has information that would lead a reasonable person to suspect that a person is the target of any infraction should immediately report said information to the principal or his/her designee.

3. Each school shall document prohibited incidents that are reported. The Commissioner of Education shall send a de-identified semi-annual report to the Virgin Islands Board of Education. This report should include a listing of all incidents and all remedies implemented to curtail the behavior.

5.5 Remedies and Victim Assistance
1. The Department of Education shall devise strategies and programs for providing counseling or referral to appropriate services, including guidance intervention, academic intervention, and protection to students - both targets and perpetrators - and appropriate family members affected by bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sextexting.

These strategies should be listed in the Department's Bullying, Intervention, Prevention and Remediation Policy.

2. The Department of Education shall provide a listing of the consequences and appropriate remedial action for a person who commits an act of bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, and sextexting.

3. The Department of Education shall provide a listing of consequences and appropriate remedial action for a student found to have falsely accused another as a means of retaliation, reprisal, or as a means of bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking, hate crimes, harassment, intimidation, and sextexting.

6.0 Consequences for violations
The Department of Education shall review and refer to the Board’s Disciplinary Policy in identifying the appropriate consequence(s) for violations of this policy. Each infraction should be evaluated carefully before a consequence is applied. Educational intervention should occur on every level of violation to deter further acts of aggression.

6.1 Sample consequences
1. Counseling within the school
2. Verbal or written reprimand
3. Parental conference
4. Loss of school privileges
5. Transfer to another school building, classroom or school bus
6. Exclusion from school-sponsored activities
7. Retribution for property damage
8. Detention
9. Suspension
10. Expulsion
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral

7.0 Virgin Islands Board of Education requirements and responsibilities
7.1 The VIBE shall periodically review the Department of Education’s territorial and district procedures, programs, activities and services to determine whether the DOE is complying with the policy.
7.2 The VIBE shall establish a section on School Violence in the School Plants and Facilities Management Report, where collected data on this policy will be analyzed and summarized.

7.3 The VIBE will make annual recommendations for appropriate action to address identified problems.

8.0 Immunity clause

A school employee, school volunteer, student, parent or guardian who promptly reports in good faith, any violation of this policy to the appropriate personnel designated in the school policy and who makes the report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting of the incident or any failure to remedy the reported incident.

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning  
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRINGEMENTS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRINGEMENTS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRINGEMENTS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity
10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear
9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or
      furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of
      another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm,
       injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other
       chemical weapons). Weapons shall be confiscated and will not be returned to the student.
       Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin
       Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or
    School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with
       the education process, or which can result in damage or destruction to public or private property, or
       cause personal injury to participants and others, or otherwise pose a threat to the health, safety,
       and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a
       probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school
       function, or extra/co-curricular program or activity. Recommendations for expulsion relative to
       repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a
recommendation for expulsion for grades 7-12, Suspension and probation for elementary school
students, Assignment to alternative program/school, Expulsion from School

Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been
developed. Schools and teachers may develop individual rules and disciplinary practices which do not
conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin
Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents
progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS
First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses

- Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail;
- Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property,
- Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom
- Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
   a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
   a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry in to school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS
1. Alcohol
1. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

17 V.I.C. § 57. Alcohol education week-Designation.
The school week following the first Sunday in February of each year is hereby designated as Alcohol Education Week in the public schools of the Territory of the Virgin Islands.

17 V.I.C. § 58. Instructions concerning use of alcoholic beverages and narcotics.
During this week, each school principal or other designated person shall instruct each class from the seventh grade upward for at least 30 minutes on 3 days concerning the risks and dangers involved in the use of alcoholic beverages and narcotics. The principal, or such other designated person, shall also have at least one assembly session during the week of not less than 45 minutes, at which time the subject of the dangerous effect of alcohol shall be presented.

17 V.I.C. § 59. Duty of Commissioner of Education.
The Commissioner of Education shall each year call to the attention of each school principal Alcohol Education Week, and shall through the Division of Education Programs provide suitable printed materials and other aids for use in the observance of the week.

17 V.I.C. § 761. Legislative findings; intent.
The Legislature of the United States Virgin Islands hereby finds that school violence is a problem in the territory’s schools. The Legislature also finds that there needs to be a reshaping of the approach to combating school violence. The Legislature further finds that the imposition of penalties alone is an insufficient and ultimately unworkable device for curbing school violence. As such, the Legislature finds that there currently exist a need for the insertion of an in-school mechanism for assisting our youngsters with handling inter-personal and inter-group conflicts without resorting to violent behavior. The Legislature proposes to implement a school-based, conflict resolution education program. The intent of conflict resolution education and consequently this chapter is to reduce violence, vandalism, chronic absence, and suspension in Virgin Islands schools. The goals of conflict resolution education are as follows:

(1) Offer problem-solving processes that can improve the school climate;

(2) Offer Virgin Islands students an alternative to self-destructive violent behavior when faced with interpersonal and inter-group conflicts;

(3) Help students and teachers deepen their understanding of themselves and others, thus developing important life skills;

(4) Provide training in negotiation, mediation, and consensus decision making as a means of encouraging a high level of citizenship activity;

(5) Shift the responsibility for solving nonviolent conflicts to students so that adults can be free to concentrate more on teaching and less on discipline; and

(6) Create behavior management systems that are more effective than detention, suspension, or expulsion in order to deal with conflict in the school setting.
17 V.I.C. § 762. Definitions.
(1) "Conflict resolution" means the process of transforming individuals involved in interpersonal or intergroup confrontations from being adversaries to being partners in a side-by-side search for a fair agreement that is advantageous to both.
(2) "Consensus decision making" means a group problem-solving process in which all of the parties in the dispute or representatives of each party collaborate to resolve the dispute by crafting a plan of action that all parties can and will support. This process may or may not be facilitated by a neutral party.
(3) "Mediation" means a problem-solving process in which the two parties in the dispute or their representative meet face to face to work together to resolve the dispute assisted by a neutral third party called the "mediator."
(4) "Negotiation" means a problem-solving process in which either the two parties in the dispute or their representative meet face to face to work together unassisted to resolve the dispute between the parties.

The conflict resolution education approach that shall be utilized in schools throughout the Virgin Islands is the "Peaceable School" approach. The peaceable school approach is a comprehensive whole-school methodology that utilizes conflict resolution as a system of operation for managing the school as well as the classroom. Conflict resolution principles and processes are learned and utilized by every member of the school community—librarians, teachers, counselors, students, principals, and parents.

The peaceable school approach integrates conflict resolution into the operation of the school. Every member of the school community learns and uses conflict resolution concepts and skills. Peaceable school climates reflect caring, honesty, cooperation, and appreciation for diversity. Peaceable schools incorporate:

(1) Cooperative learning environments;
(2) Direct instruction and practice of conflict resolution skills and processes;
(3) Noncoercive school and classroom management systems; and
(4) Integration of conflict resolution concepts and skills into the curriculum.

Peaceable schools value and encourage diversity and promote peacemaking as the normative behavior of adults and students. Participants in the peaceable school apply conflict resolution skills to address interpersonal and inter-group problems and issues that confront students, faculty, administrators, and parents. Peaceable school programs offer all of the school community training in the problem-solving processes of conflict resolution. Consensus decision making characterizes each classroom. Negotiation is used by all members of the school community to resolve conflicts equitably. Peer mediation can be applied school-wide and as a service in the classroom to help disputing students settle their differences constructively. The goal of the peaceable school is to create a school wide discipline program focused on empowering students to regulate and control their own behavior. Educators are allowed to model an orderly, productive system through cooperation and persistent pursuit of constructive behavior.

17 V.I.C. § 765. Tasks required.
The tasks required for the establishment of peaceable schools throughout the Virgin Islands shall include but not be limited to:

(1) Instituting conflict resolution training for adults;
(2) Designing behavior expectations and management systems in concert with conflict resolution theory;
(3) Building cooperation by incorporating cooperative learning and interaction activities into the classroom;

(4) Developing the scope and sequence of conflict resolution skills taught to students;

(5) Providing opportunities for an age-appropriate understanding of conflict and of peace and peacemaking;

(6) Providing opportunities for an age-appropriate understanding of the principles of conflict resolution based on integrative negotiation theory;

(7) Providing opportunities for each student to learn and practice problem-solving strategies of negotiation and/or consensus decision making within the classroom;

(8) Providing opportunities for students to serve as mediators in their classrooms to help peers resolve issues that they choose not to resolve or cannot resolve through negotiation or consensus decision making;

(9) Providing mediation training for those who want to become mediators in the school-wide program; and

(10) Developing an evaluation process to reach the goal of becoming a peaceable school.

17 V.I.C. § 766. Fundamental skills.
The skills necessary for the effective development of a conflict resolution education program utilizing the peaceable school approach shall include but shall not be limited to the following:

(1) Building a peaceable climate: Responsibility and cooperation are the foundation for all other skills in the peaceable school. To manage student behavior without coercion, adults must take the attitude that effective behavior is the responsibility of the student and strive to develop a sense of responsibility in each.

(2) Understanding conflict: For students to engage in successful conflict resolution, they must have a shared understanding of the nature of conflict. The idea that psychological needs are the underlying cause of conflict is useful to students as they seek to resolve disputes through common interests.

(3) Understanding peace and peacemaking: Peacemaking activities help students understand and practice the concept of peace. Students shall be taught that specific behaviors are associated with peacemaking, namely appreciating diversity, understanding perceptions, empathizing, dealing with emotions, managing anger, countering bias, and communicating. Principles of conflict resolution shall also be taught as peacemaking behaviors.

(4) Mediation: Mediation involves assisted conflict resolution between disputants to be used in the classroom as a school wide vehicle for resolving conflicts. Training activities shall entail a mediation process that allows students to acquire the skills to act as impartial third parties when facilitating conflict resolution between disputants.

(5) Negotiation: Disputants shall be taught to resolve their conflicts unassisted by stating their individual needs, focusing on their interests rather than their positions, and in so doing generate options for mutual gain.

(6) Group Problem Solving: Group problem solving shall be taught as a creative strategy for dealing with conflicts involving a number of students within the class-room, within groups, and between groups in the school. The objective of the group shall be to achieve a consensus decision that, when implemented, will resolve the conflict.

17 V.I.C. § 767. Illinois Institute for Dispute Resolution as model.
(a) The fundamental skill areas are parts of the curriculum of the Creating a Peaceable School model of the Illinois Institute for Dispute Resolution (“IIDR”). It is the intent of this chapter to have the IIDR model
adopted throughout the territory’s schools to the extent applicable and appropriate. Each school in the Virgin Islands shall have the flexibility to decide whether or not to adopt the IIDR model given its level of intra-school conflict, needs, and level of violent behavior. If the IIDR model is adopted by a school, that school shall develop a peer mediation program.

(b) A broad-base coalition of administrators, classroom teachers, special educators, counselors, deans, social workers, and health educators interested in developing a conflict resolution program will be necessary for a successful program.

(c) The conflict resolution program team of any school utilizing the IIDR model may also include parents, students, and/or community members.

(d) A school in the Virgin Islands opting for the IIDR model shall include the following six phases of the peer mediation-based, conflict resolution program.

1. Develop the Program Team and Commitment
2. Design and Plan the Program
3. Select and Train the Mediators
4. Educate a Critical Mass
5. Develop and Execute a Promotional Campaign
6. Program Operation and Maintenance

(e) PHASE I shall include the following activities:

1. Creating the program team
2. Training the program team
3. Designating the program coordinators
4. Conducting a needs assessment
5. Building faculty consensus for program development

(f) Following phase I, the school is encouraged to establish an advisory committee of 10 to 12 members representing the diverse interests of the school and community, including parents, teachers, school and district administrators, students, support staff, community representatives and corporate sponsors. The advisory committee shall oversee the development of the program, including the role of mediation within the school’s discipline program: assist the program team in developing timelines for implementation; and identify and develop funding sources.

(g) PHASE III entail recruiting, selecting, and training student mediators. Nominations shall be broadly solicited from among staff and students, including self-nominations. Student mediation training shall involve 12 to 15 hours of basic training and 12 to 15 hours of additional advanced training. Basic training shall include understanding conflict, responses to conflict, sources of conflict, communication skills, the role of the mediator, and the mediation process. Advanced training includes bias awareness, social/cultural diversity, advanced communication, uncovering hidden interests, dealing with anger, caucusing, negotiation, group problem solving.

(h) PHASE IV focuses on educating a critical mass about conflict, conflict resolution, and the mediation process by using workshops for faculty, students, parents, and the community. An in service training program shall be established for the purpose of helping staff develop a common understanding of conflict, learn the principles of conflict resolution, develop an understanding of the mediation process, learn how to support the peer mediation program through curriculum integration and referral of conflicts to mediation, and prepare to conduct student workshops.

(i) Because peer mediation can be greeted with skepticism, promoting the program among the student population is crucial to its success.
PHASE VI encompasses requesting mediation, scheduling mediations and mediators, supervising mediators, recording mediation data, providing ongoing training and support, and evaluating programs.

**17 V.I.C. § 768. Effective date.**
The Conflict Resolution Education program shall be implemented by all schools in the Virgin Islands by no later than January 31, 1999.

**17 V.I.C. § 780. Purpose.**
The purpose of this chapter is to provide for the creation of a bullying prevention, gang resistance education and training program.

**17 V.I.C. § 782 Definitions**
As used in this chapter:

(a) "Board" means the Virgin Islands Board of Education;

(b) "Bullying prevention" includes but is not limited to instruction in the prevention and strategies for student-centered problem solving all of the following:
   1. Intimidation;
   2. Student victimization;
   3. Sexual harassment;
   4. Sexual violence;
   5. Sexual discrimination due to sexual orientation; and
   6. Harassment.

(c) "Gang resistance education and training" means instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:
   1. Conflict resolution;
   2. Cultural sensitivity;
   3. Personal goal setting; and
   4. Resisting peer pressure.

**17 V.I.C. § 783. Implementation**
(a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein.

(b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42.

(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.

(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.
REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.

4.0 Training and assessment

4.2 In the 1st quarter of the school year, an educational program for students, parents, and all other stakeholders in preventing, identifying, responding to and reporting incidents of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sexting shall occur.

Behavioral interventions and student support services

LAWS

17 V.I.C. § 821. Title.
This chapter may be cited as the "Dropout Prevention Act."

17 V.I.C. § 822. Definitions.
(a) "Community based dropout prevention program" means a program or service provided by a public or private non-profit agency designed to support and supplement the dropout prevention program of the school district.
(b) "Disciplinary program" means a program designed to provide intervention for students who are disruptive in the traditional school environment.
(c) "Dropout retrieval activities" means educational programs and activities that identify and motivate students who have dropped out of school to re-enter school in order to obtain a high school diploma or its equivalent.
(d) "Educational alternative program" means an educational program that is designed to offer variations from traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs will remain in school and obtain a high school diploma or its equivalent.
(e) "Retention activities" means educational programs and activities that identify students who are potential dropout candidates, remove those students from the traditional educational environment, motivate them and provide for their return to the educational mainstream and obtain high school diplomas.
(f) "Substance abuse program" means an agency-based or school-based educational program designed to meet the needs of students with drug or alcohol-related substance abuse problems.
(g) "Teenage parent program" means an educational program designed to provide specialized curriculum and other services to meet the needs of both pregnant students and students who are already parents.
(h) "Youth services program" means an educational program provided to students who participate in youth residential or day services programs conducted by the Department of Human Services or another agency.

17 V.I.C. § 823. Student eligibility and program criteria.
All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(a) Educational Alternative Programs.
(1) Educational alternative programs are programs that differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting. These programs also employ alternative teaching methodologies, curricula, learning activities or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs must be voluntary. The minimum period of time during which the student participates in the program must be equivalent to three instructional periods per day of traditional school, unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

(2) The student will be identified as being a potential retention or dropout candidate based upon one of the following criteria:

   (A) The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels;
   (B) The student has a high rate of absenteeism;
   (C) The student appears to have a drug or substance abuse problem;
   (D) The student has been unsuccessful in school as determined by retention, failing grades, or low achievement test scores, and has needs and interests that cannot be met through government conducted educational programs or special education programs; or
   (E) The student has been identified as a potential retention or school dropout candidate by school or student services personnel.

(b) Teenage Parent Programs.

(1) Teenage parent programs provide young men, pregnant students or students who are already parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs. Students participating in the teenage parent programs are exempt from the minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to those absences.

(2) The curriculum must include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.

(3) Ancillary services such as: child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance Abuse Programs.

(1) Substance abuse programs provide basic educational instruction for students participating in non-school based residential or day substance abuse treatment programs. Such educational programs must provide curricula and related services which support the program goals and which are appropriate for the completion of a high school diploma or its equivalent.

(2) The program must provide school-based programs that serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary Programs.

(1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:

   (A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or
(B) Severely threatens the general welfare of the student or others with whom the student comes into contact.

(2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

(3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

(e) Youth Services Programs.

(1) These programs are designed to serve the student who is participating in a detention, commitment, or a rehabilitation program that is sponsored by a community-based agency or is operated or contracted for by the Department of Human Services.

(2) A program must be provided that shall consist of appropriate basic academic, vocational, or exceptional curricula and related services that support the rehabilitation program goals and that leads to the completion of the requirements for a high school diploma or its equivalent.

(3) School age children are required to participate in the program.

(4) The insular superintendent shall make every effort to provide students in youth services programs with a wide range of educational programs.

(5) The Department of Education may contract with a private nonprofit entity to provide educational programs to clients of the Department of Human Services.

17 V.I.C. § 824. Program planning and implementation.

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, junior high school or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program shall develop a comprehensive dropout prevention program plan that describes all of the programs and services that the district will make available to the students pursuant to § 824 of this chapter. School districts that do not implement all of the programs outlined in § 824 shall provide evidence that such programs are not needed within the district, or that the needs of the students are being provided through existing public or private agencies or entities, or that the district is unable to provide the program.

(1) In order to be approved, each plan must include the following components:

   (A) Emphasis on parental, community, and business involvement;
   (B) Interagency coordination in order to maximize existing human and fiscal resources;
   (C) A method for early identification of potential dropouts;
   (D) Dropout retrieval activities;
   (E) Employment skills and other career awareness activities related to preparation for the work force;
(F) The commitment of the district in achieving the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

(2) For each program provided by the district under § 824, the following information must be provided in the program plan:

(A) Student eligibility criteria;
(B) Student admission procedures;
(C) Operating procedures;
(D) Program goals and outcome objectives;
(E) Qualifications of program personnel;
(F) The program budget, including identification of all federal, local, or other funds which will be used to support the program;
(G) A schedule for staff development activities; and
(H) Evaluation procedures which describe how objectives will be achieved and measured.

(c) Prior to the implementation of the program, the Insular Superintendents must submit the district comprehensive dropout prevention program plans to the Commissioner of Education for approval no later than 60 days subsequent to the passage of this legislation. In subsequent years, the insular superintendents shall submit supplemental plans to the initial dropout prevention plan.

(d) The insular superintendents may modify courses listed in the state curriculum for the purpose of providing dropout prevention programs pursuant to the provisions of this chapter. The Commissioner must approve the modifications that may include the lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

Beginning with the 2008-2009 school year, each school district receiving funding for the dropout prevention programs shall submit an annual report to the Department of Education documenting the extent to which each of the district's dropout prevention programs have been successful in meeting the objectives established for the district program. The Department shall compile all of the information into an annual report which shall be submitted to the Legislature not later than June 30th of each year.

17 V.I.C. § 826. Staff development.
Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities pursuant to the district's approved dropout prevention program plan and master in service plan.

Each district providing a program for dropout prevention under this chapter shall include maintain provisions of statistical and demographic data for each participating student for whom funding is generated, records documenting the student's eligibility, the length of participation in the program, the type of program to which the student was assigned, and an administrative review of any action by school personnel relating to such placement.

17 V.I.C. § 828. Coordination with other agencies.
School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange
information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

The Department of Education shall develop a manual for school districts which includes presentation of the intent and goals of this chapter, requirements for comprehensive dropout prevention programs plans, examples of successful practices, identification of resources available to supplement educational programs, and any other information that will assist in the successful implementation of this chapter. The manual must be made available to school districts at the beginning of the 2008-2009 school year.

The Department of Education may adopt any rules necessary to implement the provisions of this chapter; provided that such rules must require the minimum amount of paperwork and reporting necessary to comply with this act.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
5.5 Remedies and Victim Assistance

1. The Department of Education shall devise strategies and programs for providing counseling or referral to appropriate services, including guidance intervention, academic intervention, and protection to students - both targets and perpetrators - and appropriate family members affected by bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sextexting,

These strategies should be listed in the Department’s Bullying, Intervention, Prevention and Remediation Policy.

Professional development

LAWS

17 V.I.C. § 826. Staff development.
Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities pursuant to the district's approved dropout prevention program plan and master in service plan.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
4.0 Training and assessment
The Department of Education shall provide the following educational programs in its effort to prevent harassment, intimidation, bullying, cyber bullying and sextexting.

4.1 Annual training for school administrators, school employees and volunteers who have contact with students in preventing, identifying, responding to and reporting incidents of harassment, intimidation,
cyber bullying and sextexting, cyber stalking, hate crimes, relational aggression and "cultural" teasing/belittling shall occur.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.

5.4 Reporting and Investigations

1. The Department of Education shall develop a reporting form for acts of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, sextexting, and, including a provision that permits a person to report such act(s) anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report without a thorough investigation.

2. The DOE shall include a requirement that any individual who has information that would lead a reasonable person to suspect that a person is the target of any infraction should immediately report said information to the principal or his/her designee.

3. Each school shall document prohibited incidents that are reported. The Commissioner of Education shall send a de-identified semi-annual report to the Virgin Islands Board of Education. This report should include a listing of all incidents and all remedies implemented to curtail the behavior.

Parental notification

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.
Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation. The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity
4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons
5. Dress Code
   a. Non-conformity to established dress code
6. Failure to Report For Detention  
   a. Failure to report for assigned discipline
7. False and/or Misleading Information  
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel
8. Insubordination  
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus  
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders
10. Profane, Obscene, or Abusive Language/Materials  
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity
11. Tardiness  
    a. Repeated late arrival to school or class
12. Unauthorized Absence from School or Class  
    a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct  
    a. Repeated behavior which includes one or more of the above offenses
14. Other  
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats  
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)
2. Destruction of Property/Vandalism
a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom
Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a
school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Reporting and referrals between schools and law enforcement

LAWS

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.

(a) Any child of compulsory school age, who is found anywhere other than on the school’s premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child’s release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.

(b) Subsection (a) is not applicable to children:

(1) Who are home-schooled;

(2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;

(3) Who are on supervised school trips;

(4) Who are on any school-to-work assignment; or

(5) Who have graduated from high school before the age of 18.

(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers’ professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.

(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who wilfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

17 V.I.C. § 93. Information on pupils available to Police Department.

Parents, guardians, and managers of landed properties shall give to the Commissioner of Education, on demand, all school information in their possession regarding children under their control.
17 V.I.C. § 783. Implementation
(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 828. Coordination with other agencies.
School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
   a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses

Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRINGEMENTS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire
7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Disclosure of school records

LAWS

17 V.I.C. § 93. Information on pupils available to Police Department.
Parents, guardians, and managers of landed properties shall give to the Commissioner of Education, on demand, all school information in their possession regarding children under their control.
17 V.I.C. § 96. School information furnished to Department of Education.

The principal or other person or persons in charge of every public, private, denominational, parochial, or any other school at the opening of such school or schools each year and at such other time or times as the Commissioner of Education directs, shall furnish to the Department of Education, the name, age, and grade of every child who has enrolled at such school or schools and other information required by the Commissioner.

17 V.I.C. § 98. Confidentiality of student records.

The Commissioner of Education shall insure, through the promulgation and enforcement of appropriate rules and regulations, family educational and privacy rights as required by the Federal General Education Provisions (20 U.S.C. Sec. 1221 et seq.) and any amendments thereto, or any other applicable federal law which conditions the availability of federal funds on the local enforcement of such rights. Family educational and privacy rights shall include, but shall not be limited to, the following:

(a) Parents of students who are or have been in attendance at any Virgin Islands public school or institution shall have the right to inspect or review the education records of their children within 45 days of making a written request to make such inspection or review; provided, however, that if any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.

(b) Parents of students who are or have been in attendance at any Virgin Islands school or institution shall be provided an opportunity for a hearing by such school or institution to challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction and deletion of any proved inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(c) (1) For the purposes of this section, the term "education records" means, except as limited by paragraph (2) of this subsection, those records, files, documents, and other materials which contain information directly related to a student, and are maintained by a Virgin Islands school or institution or by a person acting for or on behalf of such school or institution.

(2) For the purposes of this section, the term "educational records" does not include:

(A) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(B) Records otherwise included in paragraph (1), but which are held by a law enforcement agency for a specific law enforcement purpose and are not made available to persons other than law enforcement officials of the same jurisdiction;

(C) Employment records of persons not in attendance, as students, of a school or institution; or

(D) Records on a student who is eighteen years of age or older which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to any one other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.
(d) Any educational school or institution making public directory information shall give public notice of categories of information which it has designated as "directory information" with respect to each student attending the school or institution and shall allow a reasonable period of time after such notice has been given for a parent to inform the school or institution that any or all of the information designated should not be released without the parent's prior consent. As used in this section, the term "directory information" includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized school activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational school or institution attended by the student.

(e) (1) No personally identifiable information in education records, other than directory information or as permitted under paragraph (2) of this subsection, shall be released, distributed, or made accessible to any person other than the parents of a student unless:

(A) There is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents; or

(B) Such information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the school or institution and given a reasonable time to file an appeal.

(2) Parental consent for the release of educational records of a student, as provided in paragraph (1) of this subsection (e), shall not be required in the case of any of the following:

(A) An emergency exists, as determined by the Commissioner, and the release of a student's records is necessary to protect the health or safety of the student or other persons directly affected by the information sought for release;

(B) The information is required by any authorized Federal or local official in conjunction with a lawful audit, to determine compliance with a federal program, or other similar purpose authorized by law;

(C) School officials of the Virgin Islands Department of Education, including teachers, with legitimate educational interests;

(D) Officials of other school systems in which the student seeks or intends to enroll, provided, however, that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(E) In connection with a student's application for, or receipt of, financial aid;

(F) Accrediting organizations in order to carry out their accrediting functions;

(G) Organizations or persons conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations or individuals who are enrolled in institutions of higher learning and are given permission by the Commissioner of Education and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(H) Parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954.

(f) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.
(g) The Commissioner shall inform the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(h) The Commissioner shall, whenever required by federal law as a condition precedent to the receipt of federal educational funds, modify and/or expand the rights accorded parents under this section to bring such rights, and the enforcement thereof, into compliance with the requirements for federal funding.

(i) Upon appeal by the parents or student, if the student is eighteen years of age or older, or is attending an institution of post-secondary education, the Board of Education shall review any decision by the Commissioner or Department of Education regarding the student's record.

17 V.I.C. § 828. Coordination with other agencies.

School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

Student Records

Philosophical Basis:

a. A well developed student record file contains information needed for making appropriate educational decisions for the student.

b. Student records are to be treated confidentially and must contain information that is relevant, accurate, and appropriate.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

17 V.I.C. § 765. Tasks required.

The tasks required for the establishment of peaceable schools throughout the Virgin Islands shall include but not be limited to:

(10) Developing an evaluation process to reach the goal of becoming a peaceable school.
Beginning with the 2008-2009 school year, each school district receiving funding for the dropout prevention programs shall submit an annual report to the Department of Education documenting the extent to which each of the district's dropout prevention programs have been successful in meeting the objectives established for the district program. The Department shall compile all of the information into an annual report which shall be submitted to the Legislature not later than June 30th of each year.

Each district providing a program for dropout prevention under this chapter shall include maintain provisions of statistical and demographic data for each participating student for whom funding is generated, records documenting the student's eligibility, the length of participation in the program, the type of program to which the student was assigned, and an administrative review of any action by school personnel relating to such placement.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
5.0 Virgin Islands Department of Education’s requirements and responsibilities
5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education
5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sexting, cyber stalking, hate crimes, relational aggression and "cultural" teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

7.0 Virgin Islands Board of Education requirements and responsibilities
7.1 The VIBE shall periodically review the Department of Education’s territorial and district procedures, programs, activities and services to determine whether the DOE is complying with the policy.
7.2 The VIBE shall establish a section on School Violence in the School Plants and Facilities Management Report, where collected data on this policy will be analyzed and summarized.
7.3 The VIBE will make annual recommendations for appropriate action to address identified problems.
School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.

(a) Any child of compulsory school age, who is found anywhere other than on the school's premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child's release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.

(b) Subsection (a) is not applicable to children:

   (1) Who are home-schooled;
   (2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;
   (3) Who are on supervised school trips;
   (4) Who are on any school-to-work assignment; or
   (5) Who have graduated from high school before the age of 18.

(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers' professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.

(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who wilfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

REGULATIONS
No relevant regulations found.

Certification or training

LAWS
No relevant laws found.
REGULATIONS
No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

3 V.I.C. § 262. Bureau of School Security
(a) There is established within the Department, Police Division, a Bureau of School Security, in the District of St. Thomas/St. John and in the District of St. Croix. The Bureau shall be headed by a Commander, who shall be a ranking police officer.
(b) The Commander shall perform such functions as may be prescribed by the Chief of Police. The Commander shall have the power and it shall be the duty of the Commander to implement, administer, supervise, and coordinate all programs and policies to ensure adequate protection of all public school buildings, property, students, personnel, and equipment. The Commander shall perform all duties in cooperation with the Commissioner of the Department of Education and shall establish a liaison within the Department of Education to carry out the provisions of this section.
(d) The Commander shall provide twenty-four hour security services for each public high school and each public junior high school in the Territory. The Commander shall provide such other appropriate security measures for the various other schools, property, personnel, and equipment in consultation with the Commissioner of Education.

17 V.I.C. § 95. Appointment of attendance officers.
The Governor may appoint persons to act as attendance officers. The persons appointed shall have the power to compel attendance in accordance with the provisions of sections 82 and 89 of this title.

REGULATIONS
No relevant regulations found.
State Education Agency Support

State model policies and implementation support

LAWS

17 V.I.C. § 783. Implementation
(a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein.
(b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42.
(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.
(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 784. Effective date
Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

The Department of Education shall develop a manual for school districts which includes presentation of the intent and goals of this chapter, requirements for comprehensive dropout prevention programs plans, examples of successful practices, identification of resources available to supplement educational programs, and any other information that will assist in the successful implementation of this chapter. The manual must be made available to school districts at the beginning of the 2008-2009 school year.

REGULATIONS
No relevant regulations found.

Funding appropriations

LAWS

17 V.I.C. § 830. Community-based dropout prevention program grants.
(a) Beginning with the 2008-2009 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education may award grants on a competitive basis to public or private nonprofit organizations wishing to implement dropout retrieval activities or community-based dropout prevention programs. The Department of Education shall award the grants annually no later than January 30th of each year.
(b) Organizations wishing to apply for a grant shall submit a grant proposal to the Department of Education. In order to be considered for funding, the grant proposal must include the following assurances:

(1) A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and an identification of all education, community agency, private sector or other personnel and resources involved in program development and implementation.

(2) Assurance that parents and guardians will be involved in the development and implementation of the program.

(3) A detailed program budget.

(4) Measures for the evaluation of the effectiveness of the program, including cost-effectiveness.

(c) The Department of Education shall consider the following factors in awarding grants as outlined in subsection (b):

(1) The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selections;

(2) The qualification of the personnel who will be responsible for program implementation and administration;

(3) The extent to which the programs will be coordinated with existing public educational programs and social and medical services; or

(4) The degree to which the programs' objectives and activities are consistent with the goals of this subsection.

(d) The Department shall make information on all criteria to be used in the selection of proposals for funding pursuant to the provisions of this subsection available to any organization wishing to apply for a community-based dropout prevention program grant.

(e) Organizations that are awarded grants pursuant to the provisions of this subsection shall submit an annual report to the Department of Education documenting the extent to which the program objectives are being met.

REGULATIONS

No relevant regulations found.
Other or Uncategorized

Professional immunity or liability

LAWS
No relevant laws found.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.
8.0 Immunity clause
A school employee, school volunteer, student, parent or guardian who promptly reports in good faith, any violation of this policy to the appropriate personnel designated in the school policy and who makes the report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting of the incident or any failure to remedy the reported incident.

Community input or involvement

LAWS

17 V.I.C. § 783. Implementation
(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.
(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

REGULATIONS
No relevant regulations found.

Other or Uncategorized

LAWS
No relevant laws found.

REGULATIONS
No relevant regulations found.
Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by the U.S. Virgin Islands provide additional context to policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
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<tbody>
<tr>
<td>Positive Behavioral Interventions and Supports, The Virgin Islands Department of Education</td>
<td>Provides an overview of PBIS and links to related topics such as bullying prevention and resources including toolkits, surveys, and forms.</td>
<td><a href="http://www.vide.vi/our-divisions/pbis.html#pbis-overview">http://www.vide.vi/our-divisions/pbis.html#pbis-overview</a></td>
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